

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Transport and Main Roads Operational Employees' Certified Agreement 2011 [2017] QIRC 052*

PARTIES: Department of Transport and Main Roads

and

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

and

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

and

The Australian Workers' Union of Employees, Queensland

and

The Electrical Trades Union of Employees Queensland

and

Together Queensland, Industrial Union of Employees

and

Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

CASE NO: CB/2017/12

PROCEEDING: Termination of certified agreement after nominal expiry date

DELIVERED ON: 2 June 2017

HEARING DATE: 19 May 2017

HEARD AT: Brisbane

- MEMBER: Deputy President Bloomfield
- ORDER: **The Application to terminate the *Transport and Main Roads Operational Employees' Certified Agreement 2011* is granted.**
- CATCHWORDS: Industrial Law – Application for termination after nominal expiry date – Requirements for termination.
- CASES: *Industrial Relations Act 2016*, s 228.
- APPEARANCES: Mr J. Eakin and Ms J. Rodgers of the Department of Transport and Main Roads.
- Mr D. Goldman of Together Queensland, Industrial Union of Employees.
- Ms N. Sivakumar for The Australian Workers' Union of Employees, Queensland.

### Decision

- [1] An Application to terminate the *Transport and Main Roads Operational Employees' Certified Agreement 2011* (the Agreement) has been made to the Commission by the Director-General, Department of Transport and Main Roads (TMR) pursuant to s 228(1)(a) of the *Industrial Relations Act 2016* (the Act).
- [2] The other parties to the Agreement, which nominally expired on 30 June 2014, consent to the Application for termination being granted.
- [3] On the basis that the Agreement does not include provisions recording that any particular conditions need to be met before it may be terminated (see s 228(3)(a) of the Act) and that the Commission is satisfied:
- The Director-General has given notice of his intention to apply to terminate the Agreement in accordance with s 228(2); and
  - that the other parties to the Agreement agree to it being terminated (see s 228(3)(b)(i)); and
  - that the termination of the Agreement is not contrary to the public interest (see s 228(3)(b)(ii)),
- the *Transport and Main Roads Operational Employees' Certified Agreement 2011* is terminated as from 19 May 2017, the date on which the Commission approved the Application to terminate the Agreement (see s 228(4)).
- [4] I decide accordingly.