

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Department of Education and Training (Education) Cleaners' Certified Agreement 2015 [2019] QIRC 092*

PARTIES: **State of Queensland (Department of Education)**
and
United Voice, Industrial Union of Employees, Queensland

CASE NO: CB/2019/37

PROCEEDING: Termination of agreement after nominal expiry date

DELIVERED ON: 11 June 2019

HEARING DATE: 11 June 2019

HEARD AT: Brisbane

MEMBER: Vice President O'Connor

ORDER: **1. *The Department of Education and Training (Education) Cleaners' Certified Agreement 2015 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for termination of agreement after nominal expiry date – Requirements for termination – agreement terminated

LEGISLATION: *Industrial Relations Act 2016, s 228*

APPEARANCES: Ms M Creighton from the Department of Education
Mr D Peverill from United Voice, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] The Department of Education has applied to terminate the *Department of Education and Training (Education) Cleaners' Certified Agreement 2015*, it does so pursuant to s 228(1) of the *Industrial Relations Act 2016*. The certified agreement had a nominal expiry date of 31 August 2018.
- [2] The application for termination contains an affidavit of Marie Creighton sworn 17 May 2019. Ms Creighton deposes that the Department executed a Form 50 Notice of intention to terminate a certified agreement on 16 May 2019; that the notice had been given to all persons to whom the agreement applies by special broadcast email from the Director-General of the Department of Education on 22 March 2019; and, that the termination is not contrary to the public interest.
- [3] On the basis that the agreement does not include any provisions recording that any particular conditions need to be met before it may be terminated;¹ that the Commission is satisfied that the Department has given notice of its intention to apply to terminate the agreement;² that the other parties to the agreement agree to it being terminated;³ and, that the termination of the determination is not contrary to the public interest;⁴ the *Department of Education and Training (Education) Cleaners' Certified Agreement 2015*, is terminated as from 11 June 2019.⁵
- [4] I make the following order:

1. The *Department of Education and Training (Education) Cleaners' Certified Agreement 2015* is terminated.

¹ *Industrial Relations Act 2016* s 228(3).

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

⁵ *Ibid* s 228(4).