

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 6) 2016 [2020] QIRC 125*

PARTIES: **State of Queensland (Queensland Health)**

and

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

and

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

and

Plumbers and Gasfitters Employees' Union Queensland, Union of Employees

and

The Electrical Trades Union of Employees, Queensland

CASE NO: CB/2020/52

PROCEEDING: Termination of Agreement

DELIVERED ON: 19 August 2020

HEARING DATE: On the Papers

HEARD AT: Brisbane

MEMBER: Power IC

ORDER: ***The Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 6) 2016 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*

Reasons for Decision

- [1] On 7 August 2020, the State of Queensland (Queensland Health), the Queensland Mental Health Commission and the Office of the Health Ombudsman (collectively, "the applicants"), pursuant to s 228(1) of the *Industrial Relations Act 2016* ("the Act"), applied to terminate the *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 6) 2016* ("the agreement").
- [2] The agreement has a nominal expiry date of 31 August 2019.
- [3] Section 228(3) of the Act provides:
- (3) The commission must approve the termination if, and must refuse to approve the termination unless, satisfied subsection (2) has been complied with and—
 - (a) for an agreement or determination that provides that it may be terminated if particular conditions are met—the conditions have been met; or
 - (b) for an agreement or determination that does not provide for the way it may be terminated—
 - (i) the other parties to the agreement or determination agree to it being terminated; and
 - (ii) termination of the agreement or determination is not contrary to the public interest.
- [4] I have had regard to the affidavit of Ms Theresa Hodges, Chief Human Resources Officer, Human Resources Branch, State of Queensland (Queensland Health), filed on 7 August 2020.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] I am satisfied that the applicants have given the requisite notice of their intention to apply to terminate the agreement.
- [7] I am also satisfied that:
- all parties to the certified agreement agree to it being terminated; and
 - the termination of the certified agreement is not contrary to the public interest.

[8] On 7 August 2020, an application was made by the following parties, pursuant to s 189 of the Act, to certify the *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 7) 2019*:

- State of Queensland (Queensland Health);
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- Plumbers and Gasfitters Employees' Union Queensland, Union of Employees; and
- The Electrical Trades Union of Employees, Queensland

[9] The abovementioned parties have agreed to the terms of the *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 7) 2019* which will replace the agreement.

[10] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.

[11] I approve the termination of the *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 6) 2016* with effect from 19 August 2020.

[12] I make the following order:

The Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 6) 2016 is terminated