

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the TAFE Queensland (TAFE Services Employees) Certified Agreement 2016 [2020] QIRC 127*

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

AND

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

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

The Electrical Trades Union of Employees Queensland

Queensland Nurses and Midwives' Union of Employees

Together Queensland, Industrial Union of Employees

United Voice, Industrial Union of Employees, Queensland

CASE NO: CB/2020/57

PROCEEDING: Termination of Agreement

DELIVERED ON: 21 August 2020

HEARING DATE: On the Papers

HEARD AT: Brisbane

MEMBER: Pidgeon IC

ORDER: ***The TAFE Queensland (TAFE Services Employees) Certified Agreement 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 13 August 2020, the State of Queensland (TAFE Queensland) ("the applicant"), pursuant to s 228(1) of the *Industrial Relations Act 2016* ("the Act"), applied to terminate the *TAFE Queensland (TAFE Services Employees) Certified Agreement 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 Mr Alan Chapman, Acting Chief Executive Officer, State of Queensland (TAFE Queensland), filed on 13 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 13 August 2020, an application was made by the following parties, pursuant to s 189 of the Act, to certify the *TAFE Queensland (TAFE Services Employees) Certified Agreement 2019*:
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
 - The Electrical Trades Union of Employees Queensland
 - Queensland Nurses and Midwives' Union of Employees
 - Together Queensland, Industrial Union of Employees
 - United Voice, Industrial Union of Employees, Queensland

[9] The abovementioned parties and the following employee organisations have agreed to the terms of the *TAFE Queensland (TAFE Services Employees) Certified Agreement 2019* which will replace the agreement:

- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
- The Electrical Trades Union of Employees Queensland
- Queensland Nurses and Midwives' Union of Employees
- Together Queensland, Industrial Union of Employees
- United Voice, Industrial Union of Employees, Queensland

[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 *TAFE Queensland (TAFE Services Employees) Certified Agreement 2016* with effect from 21 August 2020.

[12] I make the following order:

The *TAFE Queensland (TAFE Services Employees) Certified Agreement 2016* is terminated.