

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Parliamentary Service Certified Agreement 2009* [2020] QIRC 133

PARTIES: **State of Queensland (Queensland Parliamentary Service)**

AND

Queensland Services, Industrial Union of Employees

Together Queensland, Industrial Union of Employees

United Voice, Industrial Union of Employees, Queensland

CASE NO: CB/2020/63

PROCEEDING: Termination of an agreement

DELIVERED ON: 27 August 2020

HEARING DATE: 27 August 2020

HEARD AT: On the papers

MEMBER: Industrial Commissioner Dwyer

ORDER: **1. The *Parliamentary Service Certified Agreement 2009* 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

Reasons for Decision

- [1] On 21 August 2020, the Clerk of the Parliament of the State of Queensland (Queensland Parliamentary Service) applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Parliamentary Service Certified Agreement 2009* ('the Agreement').

- [2] The Agreement has a nominal expiry date of 31 July 2012.
- [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] The Agreement does not provide that particular conditions need to be met before it may be terminated.
- [5] Having regard to the affidavit of Neil John Laurie filed 21 August 2020, I am satisfied that the State of Queensland (Queensland Parliamentary Service) has given the requisite notice of its intention to apply to terminate the Agreement.
- [6] I have had regard to the affidavit of Neil John Laurie of the State of Queensland (Queensland Parliamentary Service) filed 21 August 2020.
- [7] On 21 August 2020, the Clerk of the Parliament of the State of Queensland (Queensland Parliamentary Service) applied, pursuant to s 189 of the Act, to certify the *Parliamentary Service Electorate Staff Certified Agreement 2020*.
- [8] The State of Queensland (Queensland Parliamentary Service) and the following employee organisations have agreed to the terms of the *Parliamentary Service Electorate Staff Certified Agreement 2020*, which will replace the Agreement:
- Queensland Services Union, Industrial Union of Employees;
 - Together Queensland, Industrial Union of Employees; and
 - United Voice, Industrial Union of Employees, Queensland.
- [9] I am satisfied that:
- all parties to the Agreement agree to it being terminated; and
 - the termination of the Agreement is not contrary to the public interest.
- [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 *Parliamentary Service Certified Agreement 2009* with effect from 27 August 2020.

[12] I make the following order:

1. **The *Parliamentary Service Certified Agreement 2009* is terminated.**