

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Transport and Main Roads Enterprise Bargaining Certified Agreement 2016 [2020] QIRC 155*

PARTIES: **State of Queensland (Department of Transport and Main Roads)**  
(Applicant)

v

**Together Queensland, Industrial Union of Employees**  
(First Respondent)

&

**The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees**  
(Second Respondent)

&

**Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District**  
(Third Respondent)

&

**United Voice, Industrial Union of Employees, Queensland**  
(Fourth Respondent)

CASE NO: CB/2020/65

PROCEEDING: Application for termination after expiry date

DELIVERED ON: 3 September 2020

MEMBER: Knight IC

HEARD AT: On the papers

ORDER: **1. The *Transport and Main Roads Enterprise Bargaining 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 27 August 2020, the State of Queensland (Department of Transport and Main Roads) ("the Applicant") applied, pursuant to s 228(1)(a) of the *Industrial Relations Act 2016* ("the Act"), to terminate the *Transport and Main Roads Enterprise Bargaining Certified Agreement 2016* ("the certified agreement").
- [2] The certified agreement has a nominal expiry date of 30 June 2019.
- [3] I have considered the affidavit of Mr Neil Scales, Director-General, Department of Transport and Main Roads, affirmed on 26 August 2020.
- [4] Having regard to the material relied upon in support of the application, I have concluded that the certified agreement does not include any provisions recording that any particular conditions need to be met before it may be terminated.<sup>1</sup>
- [5] I am satisfied that the Applicant has given notice of its intention to apply to terminate the certified agreement;<sup>2</sup> that the other parties to the certified agreement agree to its being terminated;<sup>3</sup> and that the termination of the certified agreement is not contrary to the public interest.<sup>4</sup>
- [6] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.

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<sup>1</sup> s 228(3) of the Act.

<sup>2</sup> *Ibid* s 228(2).

<sup>3</sup> *Ibid* ss 228(3)(b)(i) and 952ZB(2).

<sup>4</sup> *Ibid* s 228(3)(b)(ii).

[7] I approve the termination of the *Transport and Main Roads Enterprise Bargaining Certified Agreement 2016* with effect from 3 September 2020.

[8] I make the following order:

- 1. The *Transport and Main Roads Enterprise Bargaining Certified Agreement 2016* is terminated.**