

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Transport and Main Roads Operational Employees' Certified Agreement 2016 [2020] QIRC 157*

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

v

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees
(First Respondent)

&

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
(Second Respondent)

&

The Australian Workers' Union of Employees, Queensland
(Third Respondent)

&

The Electrical Trades Union of Employees Queensland
(Fourth Respondent)

&

Transport Workers' Union of Australia, Union of Employees (Queensland Branch)
(Fifth Respondent)

&

Together Queensland, Industrial Union of Employees

(Sixth Respondent)

CASE NO: CB/2020/67

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 Operational 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 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 Operational Employees' Certified Agreement 2016* ("the certified agreement").
- [2] The certified agreement has a nominal expiry date of 31 August 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.¹

¹ s 228(3) of the Act.

- [5] I am satisfied that the Applicant has given notice of its intention to apply to terminate the certified agreement;² that the other parties to the certified agreement agree to its being terminated;³ and that the termination of the certified agreement is not contrary to the public interest.⁴
- [6] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [7] I approve the termination of the *Transport and Main Roads Operational Employees' Certified Agreement 2016* with effect from 3 September 2020.
- [8] I make the following order:

- 1. The *Transport and Main Roads Operational Employees' Certified Agreement 2016* is terminated.**

² Ibid s 228(2).

³ Ibid ss 228(3)(b)(i) and 952ZB(2).

⁴ Ibid s 228(3)(b)(ii).