

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Building and Asset Services Office Staff Certified Agreement 2016*
[2020] QIRC 159

PARTIES: **State of Queensland (Department of Housing and Public Works)**
(Applicant)

v

Together Queensland, Industrial Union of Employees
(First Respondent)

and

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

CASE NO: CB/2020/69

PROCEEDING: Application for termination after expiry date

DELIVERED ON: 4 September 2020

MEMBER: Hartigan IC

HEARD AT: On the papers

ORDER: **1. *The Building and Asset Services Office Staff 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 (Qld)*, s 228,
s 952ZB

Reasons for Decision

- [1] On 28 August 2020, the State of Queensland (Department of Housing and Public Works) ("the Department") applied, pursuant to s 228(1)(a)¹ of the *Industrial Relations Act 2016* ("the Act"), to terminate the *Building and Asset Services Office Staff Certified Agreement 2016* ("the certified agreement").
- [2] The certified agreement has a nominal expiry date of 31 May 2019.
- [3] The application was filed in the Industrial Registry on 28 August 2020, together with an affidavit in support of Ms Liza Carroll, Director-General of the Department, and a notice of intention to terminate a certified agreement.
- [4] Having regard to the material relied upon in support of the application, I am satisfied that:
- (a) the certified agreement does not include any provisions recording that any particular conditions need to be met before it may be terminated;²
 - (b) the Department has given notice of its intention to apply to terminate the certified agreement;³
 - (c) the other parties to the certified agreement agree to it being terminated;⁴ and
 - (d) the termination of the certified agreement is not contrary to the public interest.⁵
- [5] I terminate the *Building and Asset Services Office Staff Certified Agreement 2016* from 4 September 2020.⁶
- [6] I make the following order:

1. The *Building and Asset Services Office Staff Certified Agreement 2016* is terminated.

¹ This application is made by the employer in accordance with recent amendments to the Act, introduced by Chapter 15A, specifically s 952ZB of the Act.

² *Industrial Relations Act 2016* (Qld) s 228(3).

³ *Ibid* s 228(2).

⁴ *Ibid* ss 228(3)(b)(i) and 952ZB(2).

⁵ *Ibid* s 228(3)(b)(ii).

⁶ *Ibid* s 228(4).