

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the CITEC Certified Agreement 2016* [2020] QIRC 165

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

v

Together Queensland, Industrial Union of Employees

The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

CASE NO: CB/2020/70

PROCEEDING: Termination of Agreement

DELIVERED ON: 11 September 2020

HEARING DATE: On the Papers

HEARD AT: Brisbane

MEMBER: Pidgeon IC

ORDER: **The *CITEC 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 28 August 2020, the State of Queensland (Department of Housing and Public Works - CITEC) ("the applicant"), pursuant to s 228(1) of the *Industrial Relations Act 2016* ("the Act"), applied to terminate the *CITEC Certified Agreement 2016* ("the agreement").
- [2] The agreement has a nominal expiry date of 31 October 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 Ms Liza Carroll, Director-General, State of Queensland (Department of Housing and Public Works), filed on 28 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 28 August 2020, an application was made by the State of Queensland (Department of Housing and Public Works), pursuant to s 189 of the Act, to certify the *CITEC Certified Agreement 2019*:
- [9] The abovementioned Department and the following employee organisations have agreed to the terms of the *CITEC Certified Agreement 2019* which will replace the agreement:
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees
 - Together Queensland, Industrial Union of Employees
- [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 *CITEC Certified Agreement 2016* with effect from 11 September 2020.
- [12] I make the following order:

The *CITEC Certified Agreement 2016* is terminated.