

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the State Government Entities Certified Agreement 2015* [2021] QIRC 182

PARTIES: **State of Queensland (Department of Children, Youth Justice and Multicultural Affairs)**

AND

**Together Queensland, Industrial Union of Employees**

AND

**The Australian Workers' Union of Employees, Queensland**

AND

**United Voice, Industrial Union of Employees, Queensland**

CASE NO: CB/2021/13

PROCEEDING: Termination of a Certified Agreement

DELIVERED ON: 28 May 2021

HEARING DATE: 28 May 2021

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The State Government Entities Certified Agreement 2015 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination

of a certified agreement before nominal expiry date – requirements for termination – agreement terminated

LEGISLATION: *Industrial Relations Act 2016* ch 4, pt 7, div 3

APPEARANCES: Ms C Toy of Crown Law for the State of Queensland (Department of Children, Youth Justice and Multicultural Affairs)

Mr M Thomas for Together Queensland, Industrial Union of Employees

Mr B Watson for The Australian Workers' Union of Employees, Queensland

### **Reasons for Decision**

[1] On 12 May 2021, the following parties applied to terminate the *State Government Entities Certified Agreement 2015* ('the certified agreement') pursuant to s 227(1) of the *Industrial Relations Act 2016* ('the Act'):

- State of Queensland (Department of Children, Youth Justice and Multicultural Affairs) ('the Department');
- Together Queensland, Industrial Union of Employees;
- The Australian Workers' Union of Employees, Queensland; and
- United Voice, Industrial Union of Employees, Queensland,

(Collectively, the 'Applicants').

[2] The certified agreement has a nominal expiry date of 31 August 2022.

[3] Section 227(2) of the Act provides:

- (2) The commission must approve the termination if, and must not approve the termination unless, satisfied a valid majority of the relevant employees at the time approve the termination.

[4] In making my decision I have had regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavit of Ms Deidre Mulkerin, Director-General of the Department, filed on 12 May 2021.

[5] I am satisfied the application is brought by the employer and all the organisations to which the certified agreement applies.

- [6] I am satisfied that a valid majority of the relevant employees approve the termination.
- [7] I note that, also on 12 May 2021, the Department made an application under s 189 of the Act to certify the *Child Safety and Youth Justice Certified Agreement 2021*.
- [8] The Applicants have agreed to the terms of the *Child Safety and Youth Justice Certified Agreement 2021* which will replace the certified agreement.
- [9] Section 227(3) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [10] I approve the termination of the certified agreement with effect from 28 May 2021.
- [11] I make the following order:

***The State Government Entities Certified Agreement 2015 is terminated.***