

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 7) 2019*
[2023] QIRC 178

PARTIES: **State of Queensland (Queensland Health)**

AND

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

The Electrical Trades Union of Employees Queensland

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

CASE NO: CB/2023/55

PROCEEDING: Termination of an agreement

DELIVERED ON: 15 June 2023

HEARING DATE: 15 June 2023

MEMBER: Hartigan DP

HEARD AT: Brisbane

ORDER: **The *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 7) 2019* 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

APPEARANCES: Ms A. North of the State of Queensland (Queensland Health)

Mr P. McGrath of the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

Reasons for Decision

- [1] On 26 May 2023, the State of Queensland (Queensland Health) ('the Department'), applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 7) 2019* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 31 August 2022.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Ms Theresa Hodges, Chief Human Resources Officer, Queensland Health, 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 be met before it may be terminated;¹
 - (b) the Department has given notice of its intention to apply to terminate the certified agreement;²
 - (c) all parties to the certified agreement agree to it being terminated;³ and
 - (d) the termination of the certified agreement is not contrary to the public interest.⁴

¹ *Industrial Relations Act 2016* (Qld) s 228(3).

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

- [5] I have also had regard to an application having been made by the Department, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland, the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees and The Electrical Trades Union of Employees Queensland to certify the *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 8) 2022*.⁵
- [6] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect. I approve the termination of the certified agreement with effect from 15 June 2023.
- [7] I make the following order:

The Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 7) 2019 is terminated.

⁵ Matter CB/2023/54 filed on 26 May 2023.