

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the CITEC Certified Agreement 2019 [2024] QIRC 008*

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

AND

Together Queensland, Industrial Union of Employees

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

CASE NO.: CB/2024/1

PROCEEDING: Termination of an agreement

DELIVERED ON: 19 January 2024

HEARING DATE: 19 January 2024

MEMBER: Power IC

HEARD AT: Brisbane

ORDER: **The *CITEC Certified Agreement 2019* is terminated.**

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for termination of agreement after nominal expiry date – requirements for termination – agreement terminated

LEGISLATION: *Industrial Relations Act 2016* (Qld), ss 189 and 228

APPEARANCES: Ms S. Wilkinson for the State of Queensland (Department of Transport and Main Roads).

Ms A. Winter for the State of Queensland (Department of Transport and Main Roads).

Mr M. Thomas for Together Queensland,
Industrial Union of Employees.

Ms E. Leach for Together Queensland, Industrial
Union of Employees.

Reasons for Decision

- [1] On 5 January 2024, the State of Queensland (Department of Transport and Main Roads) ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *CITEC Certified Agreement 2019* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 31 October 2023.
- [3] Section 228 of the Act provides:

228 Termination after nominal expiry date

- (1) After the nominal expiry date of a certified agreement or arbitration determination, the following persons may apply to the commission to terminate the agreement or determination—
 - (a) the employer;
 - (b) a valid majority of the relevant employees;
 - (c) an employee organisation to which the agreement or determination applies and that has at least 1 member who is a relevant employee.
 - (2) The person who intends to apply to terminate the agreement or determination must give all other persons to whom the agreement or determination applies notice of the intention.
 - (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) The termination takes effect when the commission's approval takes effect.
- [4] I have had regard to:
- (a) the submissions made by the parties who appeared today; and
 - (b) the affidavit of Ms Sally Standard, Director-General of the Applicant of the Applicant.
- [5] The certified agreement does not provide that particular conditions need to be met before it may be terminated.

- [6] I am satisfied that the Applicant has given the requisite notice of its intention to apply to terminate the certified agreement.
- [7] On 5 January 2024, the Applicant made an application, pursuant to s 189 of the Act, to certify the *CITEC Certified Agreement 2023*.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *CITEC Certified Agreement 2023* which will replace the certified agreement:
- (a) Together Queensland, Industrial Union of Employees; and
 - (b) The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees.
- [9] I am satisfied that:
- (a) all parties to the certified agreement agree to it being terminated; and
 - (b) the termination of the certified agreement is not contrary to the public interest.
- [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 2019* with effect from 19 January 2024.
- [12] I make the following order:
- 1. The *CITEC Certified Agreement 2019* is terminated.**