

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Building and Asset Services Field Staff Certified Agreement 2016*  
[2020] QIRC 161

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

v

**Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland**  
(First Respondent)

and

**Plumbers & Gasfitters Employees' Union Queensland, Union of Employees**  
(Second Respondent)

and

**The Australian Workers' Union of Employees, Queensland**  
(Third Respondent)

and

**The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland**  
(Fourth Respondent)

and

**The Electrical Trades Union of Employees Queensland**  
(Fifth Respondent)

and

**Together Queensland, Industrial Union of  
Employees**  
(Sixth Respondent)

CASE NO: CB/2020/73

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 Field 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)<sup>1</sup> of the *Industrial Relations Act 2016* ("the Act"), to terminate the *Building and Asset Services Field Staff Certified Agreement 2016* ("the certified agreement").
- [2] The certified agreement has a nominal expiry date of 31 August 2019.

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<sup>1</sup> 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.

- [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;<sup>2</sup>
  - (b) the Department has given notice of its intention to apply to terminate the certified agreement;<sup>3</sup>
  - (c) the other parties to the certified agreement agree to it being terminated;<sup>4</sup> and
  - (d) the termination of the certified agreement is not contrary to the public interest.<sup>5</sup>
- [5] I terminate the *Building and Asset Services Field Staff Certified Agreement 2016* from 4 September 2020.<sup>6</sup>
- [6] I make the following order:
- 1. The *Building and Asset Services Field Staff Certified Agreement 2016* is terminated.**

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<sup>2</sup> *Industrial Relations Act 2016* (Qld) s 228(3).

<sup>3</sup> *Ibid* s 228(2).

<sup>4</sup> *Ibid* ss 228(3)(b)(i) and 952ZB(2).

<sup>5</sup> *Ibid* s 228(3)(b)(ii).

<sup>6</sup> *Ibid* s 228(4).