

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the QBuild Field Staff Certified Agreement 2019 [2023] QIRC 220*

PARTIES: **State of Queensland (Department of Energy and Public Works – QBuild)**

AND

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

**Together Queensland, Industrial Union of Employees**

**The Australian Workers' 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/2023/71

PROCEEDING: Termination of an agreement

DELIVERED ON: 31 July 2023

HEARING DATE: 31 July 2023

MEMBER: Hartigan DP

HEARD AT: Brisbane

ORDER: ***The QBuild Field Staff Certified Agreement 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: Mr N. Garde for the Department of Energy and Public Works – QBuild.

Mr B. McCreddie for The Australian Workers' Union of Employees Queensland.

Mr K. McKay for Together Queensland, Industrial Union of Employees.

### Reasons for Decision

- [1] On 18 July 2023, the State of Queensland (Department of Energy and Public Works – QBuild) ('the Department') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *QBuild Field Staff Certified Agreement 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 Mr Paul Martyn, Director-General, Department of Energy and Public Works, 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;<sup>1</sup>
  - (b) the Department has given notice of its intention to apply to terminate the certified agreement;<sup>2</sup>
  - (c) all parties to the certified agreement agree to it being terminated;<sup>3</sup> and

<sup>1</sup> *Industrial Relations Act 2016* (Qld) s 228(3).

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

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

(d) the termination of the certified agreement is not contrary to the public interest.<sup>4</sup>

[5] I have also had regard to an application having been made by the Department, the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland, Together Queensland, Industrial Union of Employees, The Australian Workers' Union of Employees, Queensland, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, The Electrical Trades Union of Employees Queensland and the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees to certify the *QBuild Field Staff Certified Agreement 2022*.<sup>5</sup>

[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 31 July 2023.

[7] I make the following order:

***The QBuild Field Staff Certified Agreement 2019 is terminated.***

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<sup>4</sup> Ibid s 228(3)(b)(ii).

<sup>5</sup> Matter CB/2023/72 filed on 18 July 2023.