

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Transport and Main Roads Enterprise Bargaining Certified Agreement 2019 [2023] QIRC 267*

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

AND

Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District

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

Together Queensland, Industrial Union of Employees

United Workers' Union, Industrial Union of Employees, Queensland

CASE NO: CB/2023/99

PROCEEDING: Termination of an agreement

DELIVERED ON: 18 September 2023

HEARING DATE: 18 September 2023

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: ***The Transport and Main Roads Enterprise Bargaining 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: Ms T. Cowburn and Ms A. Winter for the State of Queensland (Department of Transport and Main Roads)

No appearances for the Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District

Ms A. Jack for The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

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

Ms L. Dooley for the United Workers' Union, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] On 7 September 2023, the State of Queensland (Department of Transport and Main Roads) ('the Applicant') applied to terminate the *Transport and Main Roads Enterprise Bargaining Certified Agreement 2019* ('the certified agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016 (Qld)* ('the Act').
- [2] The certified agreement had a nominal expiry date of 30 June 2022.
- [3] The application was filed in the Industrial Registry together with the affidavit of Ms Sally Stannard, Acting Director-General of the Applicant, and a Form 50 – Notice of intention to terminate certified agreement or arbitration determination.
- [4] After having regard to the material filed 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;¹
- b. the Applicant 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

[5] I have also had regard to an application made by the Applicant to certify the *Transport and Main Roads Enterprise Bargaining Certified Agreement 2022*.⁵

[6] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect. I approve the termination of the certified agreement with effect from 18 September 2023.

Order

[7] I make the following order:

The Transport and Main Roads Enterprise Bargaining Certified Agreement 2019 is terminated.

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 Matter CB/2023/100 filed 7 September 2023.