

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Office of the Information Commissioner – Certified Agreement 2018 [2023] QIRC 285*

PARTIES: **Office of the Information Commissioner**

AND

Together Queensland, Industrial Union of Employees

CASE NO.: CB/2023/102

PROCEEDING: Termination of an agreement

DELIVERED ON: 4 October 2023

HEARING DATE: 4 October 2023

MEMBER: Hartigan DP

HEARD AT: Brisbane

ORDER: ***The Office of the Information Commissioner – Certified Agreement 2018 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 K. Davies for the Office of the Information Commissioner

Mr D. Goldman for Together Queensland, Industrial Union of Employees

Reasons for Decision

- [1] On 14 September 2023, the Office of the Information Commissioner ('the OIC') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Office of the Information Commissioner – Certified Agreement 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 31 October 2022.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Ms Rachael Lisa Rangihaeata, Information Commissioner and Chief Executive Officer, Office of the Information Commissioner 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 OIC 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 having been made by the OIC and Together Queensland, Industrial Union of Employees to certify the *Office of the Information Commissioner – Certified Agreement 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 4 October 2023.
- [7] I make the following order:

The Office of the Information Commissioner – Certified Agreement 2018
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/2023/103 filed on 14 September 2023.