

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Maritime Safety Queensland Maritime Operations Certified Agreement 2015 [2019] QIRC 176*

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

AND

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

Australian Maritime Officers Union Queensland Union of Employees

The Australian Workers' Union of Employees, Queensland

The Electrical Trades Union of Employees, Queensland

Together Queensland, Industrial Union of Employees

CASE NO: CB/2019/109

PROCEEDING: Termination of an agreement

DELIVERED ON: 21 November 2019

HEARING DATE: 21 November 2019

HEARD AT: Brisbane

MEMBER: Dwyer IC

ORDER: **1. *Maritime Safety Queensland Maritime Operations Certified Agreement 2015 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, s 228*

APPEARANCES:

Mr J. Harding for The Australian Workers' Union of Employees, Queensland.

Ms T. Ellis for the Australian Maritime Officers Union Queensland Union of Employees.

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

Ms J. Grant-Vicig and Mr T. Smith of the State of Queensland (Department of Transport and Main Roads).

Reasons for Decision

- [1] On 5 November 2019, the Director-General of the Department of Transport and Main Roads applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Maritime Safety Queensland Maritime Operations Certified Agreement 2015* ('the Agreement').
- [2] The Agreement has a nominal expiry date of 30 September 2018.
- [3] Section 228(3) of the Act provides:
- (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 Agreement does not provide that particular conditions need to be met before it may be terminated.
- [5] Having regard to the affidavit of Mr Neil Scales filed 5 November 2019, I am satisfied that Department of Transport and Main Roads has given the requisite notice of its intention to apply to terminate the Agreement.
- [6] I have had regard to:
- the submissions made by the parties who appeared today; and

- the affidavit of Neil Scales, Director-General of the Department of Transport and Main Roads dated 5 November 2019.

[7] On 5 November 2019, the Director-General of the Department of Transport and Main Roads made an application, pursuant to s 189 of the Act, to certify the *Maritime Safety Queensland Maritime Operations Certified Agreement 2018*.

[8] The Department of Transport and Main Roads and the following employee organisations have agreed to the terms of the *Maritime Safety Queensland Maritime Operations Certified Agreement 2018* which will replace the Agreement:

- The Australian Maritime Officers Union Queensland Union of Employees;
- The Electrical Trades Union of Employees, Queensland;
- The Australian Workers' Union of Employees, Queensland;
- The Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District; and
- Together Queensland, Industrial Union of Employees

[9] I am satisfied that:

- all parties to the Agreement agree to it being terminated; and
- the termination of the 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 *Maritime Safety Queensland Maritime Operations Certified Agreement 2015* with effect from 21 November 2019.

[12] I make the following order:

1. **The *Maritime Safety Queensland Maritime Operations Certified Agreement 2015* is terminated.**