

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of Department of Education State School Teachers' Certified Agreement 2019 [2022] QIRC 486*

PARTIES: **State of Queensland (Department of Education)**
AND
Queensland Teachers Union of Employees
Together Queensland, Industrial Union of Employees

CASE NO: CB/2022/136

PROCEEDING: Application for termination of an Agreement

DELIVERED ON: 15 December 2022

HEARING DATE: 15 December 2022

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The Department of Education State School Teachers' Certified Agreement 2019 is terminated.***

CATCHWORDS: INDUSTRIAL LAW — QUEENSLAND — AGREEMENTS – application for termination of a certified agreement after nominal expiry date – requirements for termination – agreement terminated

LEGISLATION: *Industrial Relations Act 2016 (Qld) ss 189, 228*

APPEARANCES: Ms H. McAuliffe and Ms E. Rutherford for the State of Queensland (Department of Education)

Ms L. Mertens of the Queensland Teachers Union of Employees

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

Reasons for Decision

- [1] On 2 December 2022, the State of Queensland (Department of Education) ('the Department') applied to terminate the *Department of Education State School Teachers' Certified Agreement 2019* ('the agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement has a nominal expiry date of 30 June 2022.
- [3] Section 228(3) of the IR 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] In making my decision I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing and the affidavit of Ms Helen McAuliffe, Director Enterprise Bargaining of the Department, filed on 2 December 2022.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 1 December 2022, the Department notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
- Queensland Teacher's Union of Employees ('QTU'); and
 - Together Queensland, Industrial Union of Employees ('Together Queensland').
- [7] I am satisfied the Department has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] The QTU and Together Queensland appeared at the proceedings and consented to the present application. No other person appeared or sought to make submissions. 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.

- [9] On 2 December 2022, the Department made an application under s 189 of the IR Act to certify the *Department of Education State School Teachers' Certified Agreement 2022*.¹
- [10] The Department and the employee organisations listed at [6] above have agreed to the terms of the *Department of Education State School Teachers' Certified Agreement 2022* which will replace the agreement.
- [11] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.
- [12] I approve the termination of the *Department of Education State School Teachers' Certified Agreement 2019* with effect from today's date, being 15 December 2022.
- [13] I make the following order:

The *Department of Education State School Teachers' Certified Agreement 2019* is terminated.

¹ *In the making of the Department of Education State School Teachers' Certified Agreement 2022* [2022] QIRC 485.