

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Queensland Ambulance Service Certified Agreement 2017 [2023] QIRC 083*

PARTIES: **State of Queensland (Queensland Ambulance Service)**

AND

United Workers' Union, Industrial Union of Employees, Queensland

CASE NO: CB/2023/8

PROCEEDING: Termination of an agreement

DELIVERED ON: 14 March 2023

HEARING DATE: 14 March 2023

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Queensland Ambulance Service Certified Agreement 2017 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: C. Axelby for the State of Queensland (Queensland Ambulance Service)

M. Perry for United Workers' Union, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] On 24 February 2023, the State of Queensland (Queensland Ambulance Service) ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the

Act'), to terminate the *Queensland Ambulance Service Certified Agreement 2017* ('the certified agreement').

[2] The certified agreement has a nominal expiry date of 31 August 2022.

[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] I have had regard to:

- the submissions made by the parties who appeared today; and
- the affidavit of Mr Ray Clarke, Executive Director, Workforce, Queensland Ambulance Service, filed on 24 February 2023.

[5] The certified agreement does not provide that particular conditions need to be met before it may be terminated.

[6] I am satisfied that the Applicant has given the requisite notice of its intention to apply to terminate the certified agreement.

[7] On 27 February 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Queensland Ambulance Service Certified Agreement 2022*.

[8] The Applicant and the United Workers' Union, Industrial Union of Employees, Queensland, have agreed to the terms of the *Queensland Ambulance Service Certified Agreement 2022* which will replace the certified agreement.

[9] I am satisfied that:

- all parties to the certified agreement agree to it being terminated; and
- the termination of the certified 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 *Queensland Ambulance Service Certified Agreement 2017* with effect from 14 March 2023.

[12] I make the following order:

The *Queensland Ambulance Service Certified Agreement 2017* is terminated.