

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Department of Education Teacher Aides' Certified Agreement 2018 [2023] QIRC 159*

PARTIES: **State of Queensland (Department of Education)**

AND

**United Workers' Union, Industrial Union of Employees, Queensland**

CASE NO.: CB/2023/46

PROCEEDING: Application for termination of an agreement

DELIVERED ON: 31 May 2023

HEARING DATE: 31 May 2023

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER: ***The Department of Education Teacher Aides' Certified Agreement 2018 is terminated.***

CATCHWORDS: INDUSTRIAL LAW - QUEENSLAND - AGREEMENTS - application for termination of agreement after nominal expiry date - requirements for termination - agreement terminated

LEGISLATION: *Industrial Relations Act 2016*, s 189 and s 228

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

Mr M. de Rooy and Ms S. Caddie for the United Workers' Union, Industrial Union of Employees, Queensland.

## Reasons for Decision

- [1] On 15 May 2023, the State of Queensland (Department of Education) ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate

the *Department of Education Teacher Aides' Certified Agreement 2018* ('the certified agreement').

- [2] The certified agreement had 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 Ms Helen McAuliffe, Director, Enterprise Bargaining, of the Applicant.
- [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 15 May 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Department of Education Teacher Aides' Certified Agreement 2022*.
- [8] The Applicant and the United Workers' Union, Industrial Union of Employees, Queensland have agreed to the terms of the *Department of Education Teacher Aides' 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 *Department of Education Teacher Aides' Certified Agreement 2018* with effect from 31 May 2023.

[12] I make the following order:

**The *Department of Education Teacher Aides' Certified Agreement 2018* is terminated.**