

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of Department of Education Cleaners' Certified Agreement 2018* [2023] QIRC 157

PARTIES: **State of Queensland (Department of Education)**  
AND  
**United Workers' Union, Industrial Union of Employees, Queensland**

CASE NO: CB/2023/48

PROCEEDING: Application for termination of an Agreement

DELIVERED ON: 30 May 2023

HEARING DATE: 30 May 2023

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The Department of Education Cleaners' Certified Agreement 2018 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 E Rutherford and Ms H McAuliffe for the State of Queensland (Department of Education)  
  
Ms S Caddie and Mr M De Rooy for United Workers' Union, Industrial Union of Employees, Queensland

### Reasons for Decision

- [1] On 30 May 2023, the State of Queensland (Department of Education) ('the Department') applied to terminate the *Department of Education Cleaners' Certified Agreement 2018* ('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 31 August 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 today and the affidavit of Helen McAuliffe, Director, Enterprise Bargaining, filed on 15 May 2023.
- [5] On 15 May 2023, the Department notified the United Workers' Union, Industrial Union of Employees, Queensland ('UWU') of its intention to terminate the agreement.
- [6] I am satisfied the Department has provided the requisite notice of its intention to apply to terminate the agreement.
- [7] The Department and UWU appeared today 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.
- [8] On 15 May 2023, the Department made an application under s 189 of the IR Act to certify the *Department of Education Cleaners' Certified Agreement 2022*.<sup>1</sup>
- [9] The Department and the UWU have agreed to the terms of the *Department of Education Cleaners' Certified Agreement 2022* which will replace the agreement.
- [10] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.

---

<sup>1</sup> *In the making of the Department of Education Cleaners' Certified Agreement 2022* [2023] QIRC 158.

[11] I approve the termination of the *Department of Education Cleaners' Certified Agreement 2018* with effect from today's date, being 30 May 2023.

[12] I make the following order:

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