

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Office of the Queensland Ombudsman Certified Agreement 2019 [2023] QIRC 176*

PARTIES: **Office of the Queensland Ombudsman**
AND
Together Queensland, Industrial Union of Employees

CASE NO.: CB/2023/57

PROCEEDING: Application for termination of an agreement

DELIVERED ON: 14 June 2023

HEARING DATE: 14 June 2023

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER: ***The Office of the Queensland Ombudsman Certified Agreement 2019 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 L. Robertson and Mr D. Hitchens for the Office of the Queensland Ombudsman.
Mr M. Thomas for Together Queensland, Industrial Union of Employees.

Reasons for Decision

- [1] On 31 May 2023, the Office of the Queensland Ombudsman ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Office of the Queensland Ombudsman Certified Agreement 2019* ('the certified agreement').

[2] The certified agreement had a nominal expiry date of 31 October 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 Leanne Robertson, Executive Director, Corporate Strategy, 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 31 May 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Office of the Queensland Ombudsman Certified Agreement 2022*.

[8] The Applicant and Together Queensland, Industrial Union of Employees have agreed to the terms of the *Office of the Queensland Ombudsman 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 *Office of the Queensland Ombudsman Certified Agreement 2019* with effect from 14 June 2023.

[12] I make the following order:

The *Office of the Queensland Ombudsman Certified Agreement 2019* is terminated.