

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of TAFE Queensland Educators Certified Agreement 2019 [2023] QIRC 349*

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

CASE NO: CB/2023/130

PROCEEDING: Application for termination of an Agreement

DELIVERED ON: 4 December 2023

HEARING DATE: 4 December 2023

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The TAFE Queensland Educators 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 P Silvestri and Ms K Rattle for State of Queensland (TAFE Queensland)

Mr B Crotty, Mr D Terauds and Mr C Wood for the Queensland Teachers Union of Employees

Mr S Fanayan for Together Queensland, Industrial Union of Employees

Reasons for Decision

- [1] On 14 November 2023, State of Queensland (TAFE Queensland) ('TAFE Queensland') applied to terminate the *TAFE Queensland Educators 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 2023.
- [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 John Tucker, Chief Executive Officer, filed on 14 November 2023.
- [5] On 6 November 2023, TAFE Queensland notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
- Together Queensland, Industrial Union of Employees ('TQU'); and
 - Queensland Teachers Union of Employees ('QTU').
- [6] I am satisfied TAFE Queensland has provided the requisite notice of its intention to apply to terminate the agreement.
- [7] The QTU and TQU 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 14 November 2023, TAFE Queensland made an application under s 189 of the IR Act to certify the *TAFE Queensland Educators Certified Agreement 2023*.¹

¹ *In the making of the TAFE Queensland Educators Certified Agreement 2023* [2023] QIRC 350.

- [9] TAFE Queensland and the employee organisations listed at [5] above have agreed to the terms of the *TAFE Queensland Educators Certified Agreement 2023* 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.
- [11] I approve the termination of the *TAFE Queensland Educators Agreement 2019* with effect from today's date, being 4 December 2023.
- [12] I make the following order:

The *TAFE Queensland Educators Agreement 2019* is terminated.