

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of Queensland Fire and Emergency Services Certified Agreement 2019*  
[2023] QIRC 137

PARTIES: **State of Queensland**  
**(Queensland Fire and Emergency Services)**

AND

**United Firefighters' Union of Australia, Union of Employees, Queensland**

**Queensland Fire and Rescue – Senior Officers Union of Employees**

**Together Queensland, Industrial Union of Employees**

CASE NO: CB/2023/44

PROCEEDING: Application for termination of an Agreement

DELIVERED ON: 24 May 2023

HEARING DATE: 24 May 2023

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDERS: ***The Queensland Fire and Emergency Services 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 T Elliott, Ms F Bridges and Assistant Commissioner D Hermann for Queensland Fire and Emergency Services

Mr L Duncan for Queensland Fire and Rescue – Senior Officers Union of Employees

Mr A Cooke for United Firefighters’ Union of Australia, Union of Employees, Queensland

Mr M Thomas for Together Queensland, Industrial Union of Employees

### Reasons for Decision

- [1] On 12 May 2023, the Queensland Fire and Emergency Services ('the QFES') applied to terminate the *Queensland Fire and Emergency Services 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 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 Acting Commissioner Michael Wassing of the QFES affirmed on 5 May 2023.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 4 May 2023, the QFES notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:

- United Firefighters' Union of Australia, Union of Employees, Queensland ('UFU');
- Queensland Fire and Rescue – Senior Officers Union of Employees ('SOU'); and
- Together Queensland, Industrial Union of Employees ('TQ').

[7] I am satisfied the QFES has provided the requisite notice of its intention to apply to terminate the agreement.

[8] Along with the QFES, the UFU, SOU and TQ also appeared today and consented to the present application.

[9] No other person appeared or sought to make submissions. Having regard to the materials before me, 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.

[10] On 12 May 2023, the QFES made an application under s 189 of the IR Act to certify the *Queensland Fire and Emergency Services Certified Agreement 2022*.

[11] The QFES and the employee organisations listed below have agreed to the terms of the *Queensland Fire and Emergency Services Certified Agreement 2022* which will replace the agreement:

- United Firefighters' Union of Australia, Union of Employees, Queensland ('UFU');
- Queensland Fire and Rescue – Senior Officers Union of Employees ('SOU'); and
- Together Queensland, Industrial Union of Employees ('TQ').

[12] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.

[13] I approve the termination of the *Queensland Fire and Emergency Services Certified Agreement 2019* with effect from today's date, being 24 May 2023.

[14] I make the following order:

**The *Queensland Fire and Emergency Services Certified Agreement 2019* is terminated.**