

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the QFleet Certified Agreement 2018 [2023] QIRC 222*

PARTIES: **State of Queensland (Department of Energy and Public Works)**

AND

Together Queensland, Industrial Union of Employees

CASE NO.: CB/2023/73

PROCEEDING: Application for termination of an agreement

DELIVERED ON: 31 July 2023

HEARING DATE: 31 July 2023

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER: **The *QFleet 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 L. Volp and Ms R. Vos for the State of Queensland (Department of Energy and Public Works).

Mr K. McKay for Together Queensland, Industrial Union of Employees.

Reasons for Decision

- [1] On 19 July 2023, the State of Queensland (Department of Energy and Public Works) ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *QFleet 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 Mr Paul Martyn, Director-General 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 19 July 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *QFleet Certified Agreement 2022*.

[8] The Applicant and Together Queensland, Industrial Union of Employees have agreed to the terms of the *QFleet 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 *QFleet Certified Agreement 2018* with effect from 31 July 2023.

[12] I make the following order:

The *QFleet Certified Agreement 2018* is terminated.