

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Maritime Safety Queensland Maritime Operations Certified Agreement 2018 [2023] QIRC 239*

PARTIES: **State of Queensland (Department of Transport and Main Roads)**

AND

**Australian Maritime Officers Union
Queensland Union of Employees**

**The Electrical Trades Union of Employees
Queensland**

**The Australian Workers' Union of Employees,
Queensland**

**Australian Institute of Marine and Power
Engineers' Union of Employees, Queensland
District**

**Together Queensland, Industrial Union of
Employees**

CASE NO: CB/2023/79

PROCEEDING: Application for approval to terminate certified agreement after nominal expiry date

DELIVERED ON: 23 August 2023

HEARING DATE: 18 August 2023

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: ***The Maritime Safety Queensland Maritime Operations Certified Agreement 2018 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination after nominal expiry date – requirements for termination – agreement terminated

LEGISLATION: *Industrial Relations Act 2016 (Qld) ss 189, 228*

APPEARANCES:

Ms T Buhner, Mr G Wallace and Ms M Leutton
for the State of Queensland (Department of
Transport and Main Roads)

Mr C Claydon for Australian Maritime Officers
Union Queensland Union of Employees

Mr B McCreadie for The Australian Workers'
Union of Employees, Queensland

Ms J Butchers for Australian Institute of Marine
and Power Engineers' Union of Employees,
Queensland District

Mr K McKay for Together Queensland, Industrial
Union of Employees

Reasons for Decision

- [1] On 28 July 2023, the State of Queensland (Department of Transport and Main Roads) ('the Department') applied to terminate *Maritime Safety Queensland Maritime Operations 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 30 September 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 Ms Sally Stannard, A/Director-General of the Department filed on 28 July 2023.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 30 June 2023, the Department notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
- Australian Maritime Officers Union Queensland Union of Employees;

- The Electrical Trades Union of Employees Queensland;
 - The Australian Workers' Union of Employees, Queensland;
 - Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District; and
 - Together Queensland, Industrial Union of Employees.
- [7] I am satisfied that the Department has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] Along with the Department, the Australian Maritime Officers Union Queensland Union of Employees, The Australian Workers' Union of Employees, Queensland, the Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District, and Together Queensland, Industrial Union of Employees, also appeared today and consented to the present application. No other person appeared or sought to make submissions.
- [9] The Electrical Trades Union of Employees, Queensland, wrote to the Commission and advised that they agree to the termination of the *Maritime Safety Queensland Maritime Operations Certified Agreement 2018*, despite being unable to appear.¹
- [10] 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.
- [11] On 28 July 2023, the Department made an application under s 189 of the IR Act to certify the *Maritime Safety Queensland Maritime Operations Certified Agreement 2022*.
- [12] The Department and the employee organisations listed below have agreed to the terms of the *Maritime Safety Queensland Maritime Operations Certified Agreement 2022* which will replace the agreement:
- Australian Maritime Officers Union Queensland Union of Employees
 - The Electrical Trades Union of Employees Queensland
 - The Australian Workers' Union of Employees, Queensland
 - Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District
 - Together Queensland, Industrial Union of Employees
- [13] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.

¹ Correspondence received on 14 August 2023.

[14] I approve the termination of the *Maritime Safety Queensland Maritime Operations Certified Agreement 2018* with effect from 18 August 2023.

[15] I make the following order:

The *Maritime Safety Queensland Maritime Operations Certified Agreement 2018* is terminated.