

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the State Government Entities Certified Agreement 2019* [2024]  
QIRC 074

PARTIES: **State of Queensland (Queensland Police Service)**

**AND**

**Together Queensland, Industrial Union of Employees**

**The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees**

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

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

**Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland**

**Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland**

**The Electrical Trades Union of Employees Queensland**

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

**Plumbers and Gasfitters Employees' Union Queensland, Union of Employees**

**Queensland Nurses and Midwives' Union of Employees**

**Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees**

**Transport Workers' Union of Australia,  
Union of Employees (Queensland Branch)**

**United Workers' Union, Industrial Union of  
Employees, Queensland**

CASE NO: CB/2024/16

PROCEEDING: Termination of an agreement

DELIVERED ON: Order made on 22 March 2024; reasons delivered on 2 April 2024.

HEARING DATE: 22 March 2024

MEMBER: Butler IC

HEARD AT: Brisbane

ORDER: ***The State Government Entities Certified Agreement 2019 is terminated.***

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

LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 185, 228

APPEARANCES:

Mr G. Patterson and Ms K. Matley for State of Queensland (Queensland Police Service)

Mr S. Donovan of State of Queensland (Office of Industrial Relations)

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

Mr D. Lacey of Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

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

Ms T. Ellis of Australian Maritime Officers Union Queensland Union of Employees

Mr A. Nash of United Workers' Union, Industrial Union of Employees, Queensland

Mr D. Seage of Queensland Nurses and Midwives' Union of Employees

Ms C. Taylor of The Australian Workers' Union of Employees, Queensland

### **Reasons for Decision**

- [1] On 13 March 2024, the State of Queensland ('the Applicant'), acting through its entity Queensland Police Service, made an application to terminate the *State Government Entities Certified Agreement 2019* pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act').
- [2] The *State Government Entities Certified Agreement 2019* was also known as the Core agreement, in reference to its broad coverage of the public sector in Queensland. In these reasons I will refer to it as 'the 2019 Core agreement' or 'the agreement'.
- [3] At hearing on 22 March 2024, I decided to terminate the agreement and indicated I would publish reasons for my decision.
- [4] The agreement has a nominal expiry date of 31 August 2023.
- [5] The named parties to the agreement are State of Queensland and the following employee organisations:
  - (a) The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
  - (b) Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District;
  - (c) The Australian Workers' Union of Employees, Queensland;
  - (d) Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;

- (e) Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- (f) The Electrical Trades Union of Employees Queensland;
- (g) Australian Maritime Officers Union Queensland Union of Employees;
- (h) Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
- (i) Queensland Nurses and Midwives' Union of Employees;
- (j) Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees;
- (k) Together Queensland, Industrial Union of Employees;
- (l) Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
- (m) United Workers' Union, Industrial Union of Employees, Queensland, known, at the time of the agreement's certification, as United Voice, Industrial Union of Employees, Queensland.

[6] In addition to the Queensland Police Service, the Applicant's Office of Industrial Relations also appeared at the hearing in this matter.

[7] 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.

[8] In addition to the parties' submissions and the application, I have had regard to:

- (a) an affidavit of Ms Nicole Renee Stanton-Cook, Director, Industrial Relations, Public Sector, Office of Industrial Relations, of 8 March 2024; and
- (b) an affidavit of Mr Gary Patterson, Director, Employee Relations, Queensland Police Service, of 8 March 2024.

- [9] I also had the benefit of affidavit material and correspondence from some union parties that had been given leave not to attend the hearing, but which expressed support for the termination.
- [10] I am satisfied that the Applicant has given the requisite notice of its intention to apply to terminate the agreement.

### **The scope order**

- [11] The agreement applies to public sector employees for whom rates of pay, conditions of employment and entitlements are provided for within it.
- [12] On the application of Together Queensland, Industrial Union of Employees, a party to this agreement, a scope order was made on 6 July 2023 pursuant to section 185 of the Act in matter number CB/2023/21. The scope order had the effect that the employees to be covered by the agreement that is now the subject of these proceedings were 'scoped out of' bargaining for what is now the *State Government Entities Certified Agreement 2023* ('the 2023 Core agreement').
- [13] They would instead have a separate, new, agreement covering only Queensland Police Service staff members.

### **The 2023 Core agreement and the new standalone agreement**

- [14] The 2023 Core agreement was certified on 23 October 2023.
- [15] Having heard from the parties I am satisfied that the employees "scoped out" of bargaining for what is now the 2023 Core agreement, and into the bargaining for what is now the *Queensland Police Service Staff Members Certified Agreement 2023*, were, after the certification of the 2023 Core agreement, the only employees to whom the agreement still applied.
- [16] The *Queensland Police Service Staff Members Certified Agreement 2023* was certified on 22 March 2024.
- [17] The 2019 Core agreement has now been wholly replaced.

### **Further consideration**

- [18] The agreement provides that it may be terminated if particular conditions are met. Specifically, sub-cl 1.3(2) provides "For the purpose of section s228(3)(a) of the Industrial Relations Act 2016, this Agreement shall be terminated upon the certification of a replacement agreement or the making of a replacement arbitration determination in relation to the employees covered by this Agreement, unless otherwise agreed by the parties."
- [19] I am satisfied that on certification those conditions will have been met.

[20] If I am wrong about the application of section 228(3)(a), then for the purposes of section 228(3)(b) I am satisfied that the parties to the agreement agree to it being terminated and that the termination of the agreement is not contrary to the public interest.

### **Termination**

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

[22] I approved the termination the *State Government Entities Certified Agreement 2019* with effect from 22 March 2024.

### **Order**

[23] At hearing on 22 March 2024, I made the following order:

***The State Government Entities Certified Agreement 2019 is terminated.***