

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the TAFE Queensland Educators Certified Agreement 2016 [2020] QIRC 16*

PARTIES: **State of Queensland (TAFE Queensland)**

AND

Queensland Teachers Union of Employees

Together Queensland, Industrial Union of Employees

CASE NO: CB/2019/135

PROCEEDING: Termination of an agreement

DELIVERED ON: 31 January 2020

HEARING DATE: 31 January 2020

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER: ***The TAFE Queensland Educators Certified Agreement 2016 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, s 228*

APPEARANCES: Mr J. Butler-White and Mr S. Spina for the State of Queensland (TAFE Queensland)

Ms K. Rutterman and Mr K. Bates for Queensland Teachers Union of Employees

Ms N. Vigor for Together Queensland, Industrial Union of Employees

Reasons for Decision

- [1] On 20 December 2019, the State of Queensland (TAFE Queensland) ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *TAFE Queensland Educators Certified Agreement 2016* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2019.
- [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 Owen Heather, Director, Employee Relations of TAFE Queensland, filed on 20 December 2019.
- [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 20 December 2019, the Applicant made an application, pursuant to s 189 of the Act, to certify the *TAFE Queensland Educators Certified Agreement 2019*.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *TAFE Queensland Educators Certified Agreement 2019* which will replace the certified agreement:
- Queensland Teachers Union of Employees; and
 - Together Queensland, Industrial Union of Employees.
- [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 *TAFE Queensland Educators Certified Agreement 2016* with effect from 31 January 2020.

[12] I make the following order:

The *TAFE Queensland Educators Certified Agreement 2016* is terminated.