

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Queensland Police Service Certified Agreement 2019* [2022] QIRC 441

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

v

Queensland Police Union of Employees
(First Respondent)

&

The Queensland Police Commissioned Officers' Union of Employees
(Second Respondent)

CASE NO: CB/2022/126

PROCEEDING: Application for termination of agreement

DELIVERED ON: 15 November 2022

HEARING DATE: 15 November 2022

MEMBER: O'Connor VP

HEARD AT: Brisbane

ORDER: **1. *The Queensland Police Service Certified Agreement 2019 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 (Qld) s 169, s 228*

Industrial Relations (Tribunals) Rules 2011 r 178

CASES: *Re Queensland Police Service Certified Agreement 2019* [2019] QIRC 174

APPEARANCES: Mr G Patterson for the Applicant.

Mr L Hodge and Mr K Thomas for the First Respondent

No appearance for the Second Respondent.

Reasons for Decision

[1] The Queensland Police Service ('the Applicant') brings this application seeking termination of the existing agreement, being the *Queensland Police Service Certified Agreement 2019* ('the Agreement').

[2] The nominal expiry date for the Agreement is 30 June 2022,¹ however pursuant to s 228 of the *Industrial Relations Act 2016 (Qld)* it remains in effect until the Commission approves the termination.²

[3] Section 228 relevantly reads:

...

(2) The person who intends to apply to terminate the agreement or determination must give all other persons to whom the agreement or determination applies notice of the intention.

(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

¹ *Re Queensland Police Service Certified Agreement 2019* [2019] QIRC 174 at [6].

² *Industrial Relations Act 2016 (Qld) s 228(4)*.

- (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] The affidavit of Mr Robert Gillespie, authorised agent of the Commissioner, deposes that both Respondent Unions were notified of the Applicant's intention to terminate the 2019 agreement.
- [5] On 11 November 2022 the Applicant filed two Form 50 'Notice of intention to terminate certified agreement or arbitration determination', directed to each Respondent.
- [6] The filing of the two forms as well as the affidavit of Mr Gillespie satisfy me that the notification requirements under s 228 of the Act have been met.
- [7] Parallel with the Application to terminate the 2019 Agreement is an application filed on 11 November 2022 to certify the *Queensland Police Service Certified Agreement 2022* ('the 2022 Agreement').
- [8] The Applicant, the Queensland Police Union of Employees and the Queensland Police Commissioned Officers' Union of Employees have all agreed to the terms of the 2022 Agreement which will replace the 2019 Agreement.
- [9] I am satisfied that the Applicant and First and Second Respondents agree to the termination of 2019 Agreement.
- [10] Pursuant to s 228(3)(b)(ii), I am further satisfied that termination is not contrary to the public interest.
- [11] Pursuant to s 228(4) of the Act, termination takes effect upon the Commission's approval. On that basis, I approve the termination of the *Queensland Police Service Certified Agreement 2019* with effect from **15 November 2022**.

Orders

- 1. I approve the termination of the *Queensland Police Service Certified Agreement 2019*.**