

INDUSTRIAL COURT OF QUEENSLAND

Industrial Relations Act 2016

QUEENSLAND TEACHERS UNION OF EMPLOYEES

Appellant/Applicant

v

STATE OF QUEENSLAND (DEPARTMENT OF EDUCATION)

Respondent

Matter No. C/2020/22

APPLICATION TO STAY AN ORDER

ORDER

IT IS ORDERED:

1. Order (2) of the orders of Industrial Commissioner McLennan made on 8 December 2020 be dissolved at 4.00 pm on 21 January 2021.
2. By 4.00 pm on 8 January 2021, the appellant is to communicate to its members the content of the orders made by Industrial Commissioner McLennan on 8 December 2020 and the orders made today.
3. By 4.00 pm on 11 January 2021, the appellant is to file and serve an affidavit as to its compliance with order (2) of this order.
4. By 4.00 pm on 14 January 2021, the respondent is to file and serve any further written submissions on the appeal.
5. By 4.00 pm on 19 January 2021, the appellant is to file and serve any written submission in reply.
6. The appeal is listed for hearing at 10.00 am on 21 January 2021.
7. The show cause proceedings listed for hearing on 23 December 2020 before the full bench of the Queensland Industrial Relations Commission be stayed until further order.
8. There be liberty to apply.
9. Costs reserved.

Dated 22 December 2020

DAVIS J

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

STATE OF QUEENSLAND (DEPARTMENT OF EDUCATION)

Applicant

v

QUEENSLAND TEACHERS UNION OF EMPLOYEES

Respondent

CASE NO: D/2020/135

PROCEEDING: Industrial Dispute

DELIVERED ON: 8 December 2020

Orders:

1. These orders shall come into effect immediately, and shall remain in force until otherwise ordered by the Commission.
2. Pursuant to s 262(4)(a) of the Industrial Relations Act 2016 (Qld) I direct that the unprotected industrial action engaged in by the Queensland Teachers Union of Employees ('QTU'), namely the ban on engaging in NAPLAN contained in the QTU's Directive issued 7 October 2020, is to immediately cease and not recommence.
3. The QTU is to communicate that information, namely the content of Orders 1 and 2 above, to their members by 9am on 9 December 2020, by email or other similar communications.
4. If the State of Queensland (Department of Education) ('the Department') or the QTU elects to pursue the matter further at arbitration, they are to advise the Industrial Registry to that effect. The parties will then re-convene before the Commission for a further conference, at a time and date to be advised, to settle the question or questions to be decided at arbitration.
5. The QTU shall file an affidavit with the Industrial Registrar by 4pm on Thursday 10 December 2020, as to whether there has been compliance with these orders, and if there has been default of compliance, what steps (if any) have been taken by the QTU to comply with these orders.
6. The Department shall file an affidavit with the Industrial Registrar by 4pm on Thursday 10 December 2020, as to whether there has been compliance with these orders, and if there has been default of compliance, what steps (if any) have been taken by the Department to comply with these orders.

MEMBER: McLennan IC