

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: Variation of the Brisbane City Council Salaried Staff Award – State 2016* [2017] QIRC 024

PARTIES: Queensland Nurses' Union of Employees
Brisbane City Council
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
Queensland Services, Industrial Union of Employees

CASE NO: MA/2017/1

PROCEEDING: Variation of modern award to extend coverage

DELIVERED ON: 10 March 2017

HEARING DATE: 9 March 2017 (in Chambers)

HEARD AT: Brisbane

MEMBER: Deputy President Bloomfield

ORDERS: **1. The Brisbane City Council Salaried Staff Award - State 2016 be varied in the terms set out in the attached Determination; and**
2. The Determination operate on and from 28 February 2017.

CATCHWORDS: INDUSTRIAL LAW – VARIATION OF A MODERN AWARD – Application for Determination varying a modern award – Sections 140GA(3) and 140GC(2)(b)(ii) of the *Industrial Relations Act 1999 – Brisbane City Council Salaried Staff Award – State 2016* varied.

CASES: *Industrial Relations Act 1999*, Chapter 5A, Part 3, Division 2, ss 140GA(3), 140GC(2)(b)(ii).
Industrial Relations Act 2016, s 996.

APPEARANCES: L. Booth and K. Badke for the Queensland Nurses' Union of Employees.

D. Groessler for Brisbane City Council.

K. Allen for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland.

M. Robertson for the Queensland Services, Industrial Union of Employees.

Reasons for Decision

- [1] Queensland Nurses' Union of Employees (QNU) has made Application to be included in the coverage clause of the *Brisbane City Council Salaried Staff Award – State 2016* on the basis it is an organisation whose rules entitle it to represent the industrial interests of one (1) or more employees who will be covered by the Award.
- [2] Such employees are Registered Nurses who are engaged as "Nurse Immunisers" and who are required to hold current registration with the Australian Health Professional Agency/Nursing and Midwifery Board of Australia as well as to hold an authorisation to practice as an Immunisation Program Nurse under the provisions of the *Queensland Government Health (Drugs and Poisons) Regulation*.
- [3] At the direction of the Commission as presently constituted, the existing parties to the above Award have met to discuss the QNU Application and have agreed that the Award can be varied by consent to include QNU in its coverage.
- [4] Separately, the same parties informed a Full Bench of the Commission in proceedings on 1 March 2017, involving the same Award (in Matter no. MA/2017/4), that the Queensland Services, Industrial Union of Employees (QSU) had reached an Undertaking with QNU in relation to this matter, as follows:
- "The QNMU* is entitled to represent the industrial and professional interests of nurses (including assistants-in-nursing, enrolled nurses and registered nurses however described or titled) primarily employed to provide or assist in the provision of nursing care or nursing services or nurse unit management and engaged by the Brisbane City Council." [*QNU became the Queensland Nurses and Midwives' Union of Employees on 1 March 2017]*
- [5] On the basis that there is consent between all of the relevant parties to include QNU (QNMU) as a party to the above Award the Commission issues the following Orders:
1. the *Brisbane City Council Salaried Staff Award – State 2016* be varied in the terms set out in the attached Determination; and
 2. the Determination operate on and from 28 February 2017.