

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: Variation of the Nurses and Midwives (Queensland Health) Award - State 2015* [2017] QIRC 022

PARTIES: State of Queensland (Department of Health)

Queensland Nurses and Midwives' Union of Employees

The Australian Workers' Union of Employees, Queensland

CASE NO: MA/2016/30

PROCEEDING: Variation of a modern award

DELIVERED ON: 23 March 2017

HEARING DATE: 1 March 2017

HEARD AT: Brisbane

MEMBERS: Deputy President O'Connor  
Deputy President Swan  
Industrial Commissioner Thompson

ORDERS: **1. *The Nurses and Midwives (Queensland Health) Award - State 2015* be varied in the terms set out in the attached Determination; and**

**2. **The Determination operate on and from 1 March 2017.****

CATCHWORDS: INDUSTRIAL LAW - AWARD MODERNISATION - VARIATION OF A MODERN AWARD - Section 140GA(2) and 140GC(2) of the *Industrial Relations Act 1999 - Nurses and Midwives (Queensland Health) Award - State 2015* varied.

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

APPEARANCES: J. Gardner for the State of Queensland (Department of Health).

L. Booth for the Queensland Nurses and Midwives' Union of Employees.

B. Watson for The Australian Workers' Union of Employees, Queensland.

### **Reasons for Decision**

- [1] A referral to vary the *Nurses and Midwives (Queensland Health) Award - State 2015* (the Award) by the making of a Determination varying the Award in accordance with sections 140GA(2)(a) and 140GC(2)(b)(i) of the *Industrial Relations Act 1999* (the Act) was provided by Deputy President Bloomfield, as head of the Commission's Award Modernisation Project, for the following purposes:
- (i) to create a minimum safety net of employment conditions, in keeping with the modern award objectives at section 140D of the Act, that is fair and relevant in accordance with sections 140G(2)(a) and 140D of the Act; and
  - (ii) to remove ambiguity and uncertainty and/or correct an error, in accordance with section 140GC(1) of the Act.
- [2] The referral for the making of a Determination to vary the Modern Award is supported by the State of Queensland (Department of Health), the Queensland Nurses and Midwives' Union of Employees, and The Australian Workers' Union of Employees, Queensland.
- [3] The making of the Determination to vary the Award is also supported by all of the relevant parties.
- [4] In the circumstances, the Full Bench is satisfied that it is appropriate for the Determination to be approved.
- [5] The Determination varying the Award will operate on and from 1 March 2017.
- [6] The Commission issues the following Orders:
- 1. the *Nurses and Midwives (Queensland Health) Award - State 2015* be varied in the terms set out in the attached Determination; and
  - 2. the Determination operate on and from 1 March 2017.