

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Queensland Public Health Sector Certified Agreement (No. 9) 2016 [2017] QIRC 056*

PARTIES: Director-General, Queensland Health
and
Queensland Mental Health Commission
and
Office of the Health Ombudsman
and
Queensland Nurses' and Midwives' Union of Employees
and
Queensland Services, Industrial Union of Employees
and
The Australian Workers' Union of Employees, Queensland
and
Together Queensland, Industrial Union of Employees
and
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)
and
United Voice, Industrial Union of Employees, Queensland

CASE NO: CB/2017/17

PROCEEDING: Certification of an Agreement

DELIVERED ON: 7 June 2017

HEARING DATE: 7 June 2017

HEARD AT: Brisbane

MEMBER: Deputy President Bloomfield

ORDER: **The Application to certify the *Queensland Public Health Sector Certified Agreement (No. 9) 2016* is granted.**

CATCHWORDS: Industrial Law – Application for Certification of an Agreement – Requirements for Certification.

CASES: *Industrial Relations Act 2016*, s 189, s 193, s 195, s 196, s 197, s 198, s 199, s 200, s 201, s 204, s 205, s 206, s 207, s 208, s 209, s 216, s 227, s 228.

APPEARANCES:

Mr B. Fletcher-Wode for the State of Queensland (Queensland Health).

Mr M. Corne for the Queensland Mental Health Commission.

Mr A. Stewart for the Office of the Health Ombudsman.

Ms K. Badke for the Queensland Nurses' and Midwives' Union of Employees.

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

Mr D. Goldman for Together Queensland, Industrial Union of Employees.

Mr S. Ong for United Voice, Industrial Union of Employees, Queensland.

Decision

- [1] An Application to the Commission to certify an Agreement, pursuant to s 189 of the *Industrial Relations Act 2016* (the Act), has been made by the Director-General, Queensland Health. The Agreement is to apply to employees employed by Queensland Health, Hospital and Health Services and the Queensland Ambulance Service for whom classifications and rates of pay are prescribed in the Agreement. The Application has been made within 21 days of the date on which the Agreement was made (see s 189(3) of the Act).
- [2] The Agreement is between the Director-General, Queensland Health, the Queensland Mental Health Commission and the Office of the Health Ombudsman and the undermentioned employee organisations:

- Queensland Nurses' and Midwives' Union of Employees; and
- Queensland Services, Industrial Union of Employees; and
- The Australian Workers' Union of Employees, Queensland; and
- Together Queensland, Industrial Union of Employees; and
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
- United Voice, Industrial Union of Employees, Queensland,

and has been signed by, or for all of, the parties.

- [3] In proceedings on Wednesday 7 June 2017 the Commission as presently constituted certified the Agreement subject to the parties addressing a number of typographical and other wordsmithing changes – none of which affected the meaning and/or content of the Agreement.
- [4] In certifying the Agreement, the Commission recorded (see s 193(1)(a) and (b) of the Act):
- each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act is satisfied for the Application (see ss 195, 196, 197, 198, 199, 200(1)(b) and 201(b)); and
 - there is nothing in the Agreement which would require the Commission to refuse to grant the Application under subdivision 3 of Division 2 of Part 5 of the Act (see ss 204, 205, 206, 207, 208 and 209).
- [5] The Commission also noted that the wage increases recorded at clause 2.1.1 of the Agreement will be applied administratively by Queensland Health, Hospital and Health Services and the Queensland Ambulance Service from 1 September 2016.
- [6] In accordance with s 216(a) of the Act the Agreement starts operating on the day it is certified, viz 7 June 2017. Although the nominal expiry date of the Agreement is 31 August 2019, the Agreement will continue to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The Application to certify the *Queensland Public Health Sector Certified Agreement (No. 9) 2016* is granted.