

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Queensland Public Health Sector Certified Agreement (No. 8) 2011 [2017] QIRC 057*

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/2017/18

PROCEEDING: Termination of certified agreement after nominal expiry date

DELIVERED ON: 7 June 2017

HEARING DATE: 7 June 2017

HEARD AT: Brisbane

MEMBER: Deputy President Bloomfield

ORDER: **The Application to terminate the *Queensland Public Health Sector Certified Agreement (No. 8) 2011* is granted.**

CATCHWORDS: Industrial Law – Application for termination after nominal expiry date – Requirements for termination.

CASES: *Industrial Relations Act 2016, 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 terminate the *Queensland Public Health Sector Certified Agreement (No. 8) 2011* (the Agreement) has been made to the Commission by the Director-General, Queensland Health pursuant to s 228(1)(a) of the *Industrial Relations Act 2016* (the Act).
- [2] The other parties to the Agreement, which nominally expired on 31 August 2014, consent to the Application for termination being granted.

[3] On the basis that the Agreement does not include provisions recording that any particular conditions need to be met before it may be terminated (see s 228(3)(a) of the Act) and that the Commission is satisfied:

- The Director-General has given notice of his intention to apply to terminate the Agreement in accordance with s 228(2); and
- that the other parties to the Agreement agree to it being terminated (see s 228(3)(b)(i)); and
- that the termination of the Agreement is not contrary to the public interest (see s 228(3)(b)(ii)),

the *Queensland Public Health Sector Certified Agreement (No. 8) 2011* is terminated as from 7 June 2017, the date on which the Commission approved the Application to terminate the Agreement (see s 228(4)).

[4] I decide accordingly.