

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Nurses and Midwives (Queensland Health and Department of Education and Training) Certified Agreement (EB9) 2016 [2018] QIRC 123*

PARTIES: **State of Queensland (Department of Health)**
State of Queensland (Department of Education)
and
Queensland Nurses and Midwives' Union of Employees
The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2018/122

PROCEEDING: Termination of an agreement

DELIVERED ON: 25 September 2018

HEARING DATE: 25 September 2018

MEMBER: Thompson IC

HEARD AT: Brisbane

ORDER: **1. *The Nurses and Midwives (Queensland Health and Department of Education and Training) Certified Agreement (EB9) 2016 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for termination of agreement after nominal expiry date – Requirements for termination – Agreement terminated

LEGISLATION: *Industrial Relations Act 2016, s 228*

- APPEARANCES:
- Mr A. Stevens for the State of Queensland
(Department of Health)
- Ms L. Nugent for the State of Queensland
(Department of Education)
- Ms K. Badke and Ms V. Semple for the
Queensland Nurses' and Midwives' Union of
Employees
- Mr A. Santelises for The Australian Workers'
Union of Employees, Queensland

Reasons for Decision

- [1] The State of Queensland (Department of Health) and State of Queensland (Department of Education) have applied to terminate the *Nurses and Midwives (Queensland Health and Department of Education and Training) Certified Agreement (EB9) 2016*, it does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The certified agreement had a nominal expiry date of 31 March 2018.
- [3] On the basis that the agreement does not include any provisions recording that any particular conditions need to be met before it may be terminated;¹ that the Commission is satisfied that the State of Queensland (Department of Health) and State of Queensland (Department of Education) have given notice of its intention to apply to terminate the agreement;² that the other parties to the agreement agree to it being terminated;³ and, that the termination of the agreement is not contrary to the public interest;⁴ the *Nurses and Midwives (Queensland Health and Department of Education and Training) Certified Agreement (EB9) 2016* is terminated as and from 25 September 2018.⁵
- [4] I make the following order:
1. **The *Nurses and Midwives (Queensland Health and Department of Education and Training) Certified Agreement (EB9) 2016* is terminated.**

¹ *Industrial Relations Act 2016* s 228(3).

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

⁵ *Ibid* s 228(4).