

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018* [2018] QIRC 124

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/2018/124

PROCEEDING: Certification 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) Certified Agreement (EB10) 2018 is certified.***

CATCHWORDS: INDUSTRIAL LAW – Application for certification of an agreement – Requirements for certification – Agreement certified

LEGISLATION: *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

- 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 made an application to certify an agreement pursuant to s 189 of the *Industrial Relations Act 2016*. As required by s 189(3) of the Act, the application was made within 21 days of the date on which the agreement was made. The agreement is between the State of Queensland (Department of Health) and State of Queensland (Department of Education) and the following employee organisations:
- Queensland Nurses' and Midwives' Union of Employees; and
 - The Australian Workers' Union of Employees, Queensland.
- [2] The agreement has been signed by all parties to the agreement.¹
- [3] The agreement is to apply to State of Queensland (Department of Health) and State of Queensland (Department of Education) and all of its employees for whom classifications and rates of pay are prescribed in the agreement.
- [4] In proceedings on 25 September 2018 the Commission as presently constituted certified the agreement (as amended).
- [5] In certifying the agreement, the Commission recognises that:² each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;³ and, that there

¹ *Industrial Relations Act 2016*, s 196(1).

² *Ibid* s 193(1)(a)-(b).

³ *Ibid* ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

was 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.⁴

[6] The agreement operates from the day it was certified, namely 25 September 2018.⁵ Although the nominal expiry date of the agreement is 31 March 2021, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.

[7] The application to certify the *Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018* is granted.

[8] I make the following order:

- 1. The *Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018* is certified.**

⁴ Ibid ss 204, 205, 206, 207, 208, 209.

⁵ Ibid s 216(a).