

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Medical Officers' (Queensland Health) Certified Agreement (No. 4) 2015 [2019] QIRC 080*

PARTIES: **State of Queensland (Queensland Health)**

AND

**Together Queensland, Industrial Union of Employees**

**Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees**

CASE NO: CB/2019/33

PROCEEDING: Termination of an agreement

DELIVERED ON: 31 May 2019

HEARING DATE: 31 May 2019

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER: **1. The *Medical Officers' (Queensland Health) Certified Agreement (No.4) 2015* 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 G O'Gorman and Mr E Lynch on behalf of the State of Queensland (Queensland Health)

Mr M Thomas on behalf of Together Queensland, Industrial Union of Employees

Mr J Cosgrove on behalf of the Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees

### Reasons for Decision

- [1] On 15 May 2019, the State of Queensland (Queensland Health) applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (the Act), to terminate the *Medical Officers' (Queensland Health) Certified Agreement (No. 4) 2015* (the certified agreement).
- [2] The certified agreement has a nominal expiry date of 30 June 2018.
- [3] Section 228(3) of the Act provides:
- (3) The commission must approve the termination if, and must refuse to approve the termination unless, satisfied subsection (2) has been complied with and—
    - (a) for an agreement or determination that provides that it may be terminated if particular conditions are met—the conditions have been met; or
    - (b) for an agreement or determination that does not provide for the way it may be terminated—
      - (i) the other parties to the agreement or determination agree to it being terminated; and
      - (ii) termination of the agreement or determination is not contrary to the public interest.
- [4] The certified agreement does not provide that particular conditions need to be met before it may be terminated.
- [5] I am satisfied that the State of Queensland (Queensland Health) has given the requisite notice of its intention to apply to terminate the certified agreement.
- [6] On 15 May 2019, the State of Queensland (Queensland Health) made an application, pursuant to s 189 of the Act, to certify the *Medical Officers' (Queensland Health) Certified Agreement (No.5) 2018*.
- [7] The State of Queensland (Queensland Health) and Together Queensland, Industrial Union of Employees and the Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees have agreed to the terms of the *Medical Officers' (Queensland Health) Certified Agreement (No.5) 2018* which is expressed to replace the certified agreement.
- [8] I am satisfied that:
- Together Queensland, Industrial Union of Employees and the Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees, being the other parties to the certified agreement, agree to it being terminated; and
  - the termination of the certified agreement is not contrary to the public interest.
- [9] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.

[10] I approve the termination of the *Medical Officers' (Queensland Health) Certified Agreement (No. 4) 2015* with effect from 31 May 2019

[11] I make the following order:

1. **The *Medical Officers' (Queensland Health) Certified Agreement (No.4) 2015* is terminated.**