

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Queensland Public Health Sector Certified Agreement (No. 9) 2016*
[2020] QIRC 117

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

and

Queensland Mental Health Commission

and

Office of the Health Ombudsman

and

Queensland Services, Industrial Union of Employees

and

Queensland Nurses and Midwives' 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/2020/50

PROCEEDING: Termination of Agreement

DELIVERED ON: 13 August 2020

HEARING DATE: On the Papers

HEARD AT: Brisbane

MEMBER: Knight IC

ORDER: ***The Queensland Public Health Sector Certified Agreement (No. 9) 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*

Reasons for Decision

- [1] On 7 August 2020, the State of Queensland (Queensland Health), the Queensland Mental Health Commission and the Office of the Health Ombudsman (collectively, "the applicants"), pursuant to s 228(1) of the *Industrial Relations Act 2016* ("the Act"), applied to terminate the *Queensland Public Health Sector Certified Agreement (No. 9) 2016* ("the agreement").
- [2] The agreement has a nominal expiry date of 31 August 2019.
- [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] I have had regard to the affidavit of Ms Theresa Hodges, Chief Human Resources Officer, Human Resources Branch, State of Queensland (Queensland Health), filed on 7 August 2020.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.

- [6] I am satisfied that the applicants have given the requisite notice of their intention to apply to terminate the agreement.
- [7] I am also satisfied that:
- all parties to the certified agreement agree to it being terminated; and
 - the termination of the certified agreement is not contrary to the public interest.
- [8] On 7 August 2020, an application was made by the following parties, pursuant to s 189 of the Act, to certify the *Queensland Public Health Sector Certified Agreement (No. 10) 2019*:
- State of Queensland (Queensland Health);
 - the Office of the Health Ombudsman;
 - Health and Wellbeing Queensland; and
 - the Queensland Mental Health Commission.
- [9] The abovementioned parties and the following employee organisations have agreed to the terms of the *Queensland Public Health Sector Certified Agreement (No. 10) 2019* which will replace the agreement:
- Queensland Nurses and Midwives' Union of Employees;
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - The Australian Workers' Union of Employees, Queensland;
 - Together Queensland, Industrial Union of Employees;
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
 - United Voice, Industrial Union of Employees, Queensland.
- [10] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [11] I approve the termination of the *Queensland Public Health Sector Certified Agreement (No. 9) 2016* with effect from 13 August 2020.
- [12] I make the following order:
- The *Queensland Public Health Sector Certified Agreement (No. 9) 2016* is terminated.**