

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 2) 2016 [2020] QIRC 121*

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

and

**United Voice, Industrial Union of Employees, Queensland**

and

**Together Queensland, Industrial Union of Employees**

and

**The Australian Workers' Union of Employees, Queensland**

and

**Queensland Nurses and Midwives' Union of Employees**

CASE NO: CB/2020/54

PROCEEDING: Termination of Agreement

DELIVERED ON: 18 August 2020

HEARING DATE: On the Papers

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: ***The Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 2) 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* (Qld) s 189, s 228

### Reasons for Decision

- [1] On 7 August 2020, the State of Queensland (Queensland Health), ("the applicant"), pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ("the Act"), applied to terminate the *Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 2) 2016* ("the agreement").
- [2] The agreement has a nominal expiry date of 16 October 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 applicant has 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 *Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019*:

- State of Queensland (Queensland Health); and
- Health and Wellbeing Queensland.

[9] The abovementioned parties and the following employee organisations have agreed to the terms of the *Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019* which will replace the agreement:

- United Voice, Industrial Union of Employees, Queensland;
- Together Queensland, Industrial Union of Employees;
- The Australian Workers' Union of Employees, Queensland; and
- Queensland Nurses and Midwives' Union of Employees.

[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 *Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 2) 2016* with effect from 18 August 2020.

[12] I make the following order:

***The Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 2) 2016 is terminated.***