

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB11) 2022 [2022] QIRC 478*

PARTIES: **State of Queensland (Queensland Health and Department of Education)**

AND

Queensland Nurses and Midwives' Union of Employees

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2022/133

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 7 December 2022

HEARING DATE: 7 December 2022

HEARD AT: Brisbane

MEMBER: O'Connor VP

ORDER: ***The Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB11) 2022 is certified.***

CATCHWORDS: INDUSTRIAL LAW - COLLECTIVE BARGAINING - application for certification of an agreement - requirements for certification - agreement certified

LEGISLATION: *Industrial Relations Act 2016, s 189, s 227, s 228*

APPEARANCES:

Ms J. Gardner for the State of Queensland
(Queensland Health)

Ms H. McAuliffe for the State of Queensland
(Department of Education)

Ms V. Semple, Queensland Nurses and Midwives'
Union of Employees

Mr G. Taylor, The Australian Workers' Union of
Employees, Queensland.

Reasons for Decision

- [1] On 2 December 2022, the State of Queensland (Queensland Health) ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB11) 2022* ('the agreement').
- [2] 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.
- [3] An oral application was made by the Applicant (with the consent of the other parties) pursuant to rule 93 of the *Industrial Relations (Tribunals) Rules 2011* ('the IR Rules') to shorten the prescribed time limits for certifying agreements under s 191 of the IR Act. As the application was filed in the Industrial Registry on 2 December 2022 and listed for hearing on 7 December 2022, it was 2 days short of the required 7 day time limit. Having regard to the materials filed in support of the application and the unanimous support from all parties, I am of the view that circumstances exist for me to exercise my discretion under rule 93 of the IR Rules to allow the 7-day period to be waived and for the hearing to proceed today.
- [4] The named parties to the agreement are the Applicant, the Department of Education and the following employee organisations:
- Queensland Nurses and Midwives' Union of Employees; and
 - The Australian Workers' Union of Employees, Queensland.
- [5] The agreement is signed by all the above-mentioned parties.
- [6] The agreement applies to all nurses and midwives employed by the Chief Executive of Queensland Health who are engaged in a classification in Schedule 1 to the *Nurses and Midwives (Queensland Health) Award - State 2015*.

- [7] The agreement will apply to all nurses employed by the Department of Education to the extent provided for in Schedule 9 to this agreement.
- [8] Having regard to the submissions made by the parties who appeared today and to the affidavits of Mr Shaun Drummond, Director-General, Department of Health and Ms Theresa Hodges, Chief Human Resources Officer, Department of Health for the Applicant, filed on 2 December 2022:
- I am satisfied of each relevant requirement in ch 4, pt 5, div 2, sub-div 2 of the Act; and
 - there is nothing in the agreement which would require me to refuse to grant the application pursuant to ch 4, pt 5, div 2, sub-div 3 of the Act.
- [9] The application to certify the *Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB11) 2022*, as amended, is granted.
- [10] The *Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB11) 2022* operates from the day it is certified, namely 7 December 2022.
- [11] Although the nominal expiry date of the *Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB11) 2022* is 31 March 2025, it continues to operate until it is terminated under s 227 or s 228 of the Act.
- [12] I make the following order:

The *Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB11) 2022* is certified.