

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Queensland Public Health Sector Certified Agreement (No. 10) 2019*
[2023] QIRC 144

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

and

Office of the Health Ombudsman

and

Health and Wellbeing Queensland

and

Queensland Mental Health Commission

and

Queensland Nurses and Midwives' Union of Employees

and

The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, 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 Workers' Union, Industrial Union of Employees, Queensland

CASE NO: CB/2023/40

PROCEEDING: Termination of an agreement

DELIVERED ON: 26 May 2023

HEARING DATE: 26 May 2023

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: ***The Queensland Public Health Sector Certified Agreement (No. 10) 2019 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* ss 189, 228

APPEARANCES:

Ms L. Wilkinson and Ms A. North for the State of Queensland (Queensland Health)

Mr D Goldman for Together Queensland, Industrial Union of Employees

Ms S Schinnerl for The Australian Workers' Union of Employees, Queensland

Mr M de Rooy for United Workers' Australia, Industrial Union of Employees, Queensland

Reasons for Decision

[1] On 10 May 2023, the State of Queensland (Queensland Health) ('Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('Act'), to terminate the *Queensland Public Health Sector Certified Agreement (No. 10) 2019* ('Agreement').

[2] The parties to the Agreement are:

- State of Queensland (Queensland Health);
- Office of the Health Ombudsman;
- Health and Wellbeing Queensland;
- Queensland Mental Health Commission;
- 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 Workers' Union, Industrial Union of Employees, Queensland (formerly United Voice, Industrial Union of Employees, Queensland).

[3] The Agreement has a nominal expiry date of 31 August 2022.

[4] 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.

[5] I have had regard to:

- the submissions made by the parties who appeared today; and
- the affidavit of Ms Theresa Hodges, Chief Human Resources Officer of the Resources Branch, Corporate Services Division, Department of Health, filed on 10 May 2023.

[6] After considering the material relied upon in support of the application, I am satisfied that:

- the Agreement does not include any provisions recording that any particular conditions need to be met before it may be terminated;¹
- the Applicant has given notice of its intention to apply to terminate the Agreement;²
- all parties to the Agreement agree to it being terminated;³ and
- the termination of the Agreement is not contrary to the public interest.⁴

¹ *Industrial Relations Act 2016* (Qld) s 228(3).

² *Ibid* s 228(2).

³ *Ibid* s228(3)(b)(i).

⁴ *Ibid* s228(3)(b)(ii).

- [7] On 10 May 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Queensland Public Health Sector Certified Agreement (No. 11) 2022*.⁵
- [8] The parties have agreed to the terms of the *Queensland Public Health Sector Certified Agreement (No. 11) 2022* which will replace the Agreement.
- [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 Agreement with effect from 26 May 2023.
- [11] I make the following order:
1. **The *Queensland Public Health Sector Certified Agreement (No. 10) 2019* is terminated.**

⁵ Matter No. CB/2023/41. Filed on 10 May 2023.