

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Queensland Public Health Sector Certified Agreement (No. 11) 2022 [2023]*
QIRC 145

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 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/2023/41

PROCEEDING: Application for certification 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. 11) 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, ch 4, pt 5, div 2, sub-divs 2 and 3, s 227 and s 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'), pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('Act'), made an application to certify the *Queensland Public Health Sector Certified Agreement (No. 11) 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] The named 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 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.

[4] The Agreement is signed by all of the above-mentioned parties.¹

[5] The Agreement is to apply to the employer parties as defined in the Agreement and its employees for whom classifications and rates of pay are prescribed. This includes the State of Queensland (Queensland Health), the Office of the Health Ombudsman, Health and Wellbeing Queensland, and the Queensland Mental Health Commission. For the avoidance of doubt, this Agreement will not apply to 'service officers' employed under the *Ambulance Service Act 1991* (Qld).

[6] Having regard to the submissions made by the parties who appeared today, and to the three affidavits of Ms Theresa Hodges, Chief Human Resources Officer of the Human Resources Branch, Corporate Services Division, Department of Health, filed 10 May 2023 and 23 May 2023:

- 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.

[7] The application to certify the Agreement is granted.

[8] The Agreement operates from the day it is certified, namely 26 May 2023.

[9] Although the nominal expiry date of the Agreement is 31 August 2025, it continues to operate until it is terminated under s 227 or s 228 of the Act.

[10] I make the following order:

- 1. The *Queensland Public Health Sector Certified Agreement (No. 11) 2022* is certified.**

¹ I note that Mr Shaun Drummond, Director-General, Queensland Health has signed on behalf of the State of Queensland (Queensland Health), the Office of the Health Ombudsman, Health and Wellbeing Queensland, and the Queensland Mental Health Commission.