

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Medical Officers' (Queensland Health) Certified Agreement (No. 5) 2018 [2023] QIRC 161*

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

AND

Together Queensland, Industrial Union of Employees

AND

Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees

CASE NO: CB/2023/52

PROCEEDING: Termination of an agreement

DELIVERED ON: 2 June 2023

HEARING DATE: 2 June 2023

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Medical Officers' (Queensland Health) Certified Agreement (No. 5) 2018 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 s 228*

APPEARANCES: Mr G. O’Gorman and Mr M. McGlone, Queensland Health

Mr J. Cosgrove, Mr Fardon and Dr H. Tan, Australian Salaried Medical Officers’ Federation Queensland, Industrial Organisation of Employees

Mr M. Thomas, Together Queensland, Industrial
Union of Employees

Reasons for Decision

- [1] On 19 May 2023, State of Queensland (Queensland Health) applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Medical Officers' (Queensland Health) Certified Agreement (No. 5) 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2022.
- [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 submissions made by the parties who appeared today; and
 - the affidavit of Ms Theresa Hodges, Chief Human Resources Officer, Queensland Health, filed on 19 May 2023.
- [5] The certified 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 its intention to apply to terminate the certified agreement.
- [7] On 19 May 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Medical Officers' (Queensland Health) Certified Agreement (No. 6) 2022*.
- [8] The Applicant, Together Queensland, Industrial Union of Employees, and Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees have agreed to the terms of the *Medical Officers' (Queensland Health) Certified Agreement (No. 6) 2022* which will replace the certified agreement.
- [9] I am 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.

[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 *Medical Officers' (Queensland Health) Certified Agreement (No. 5) 2018* with effect from 2 June 2023.

[12] I make the following order:

The Medical Officers' (Queensland Health) Certified Agreement (No. 5) 2018 is terminated.