

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the Nurses and Midwives (Queensland Health) Award – State 2015*
[2019] QIRC 198

PARTIES: **Queensland Nurses and Midwives' Union of Employees**
(Applicant)

v

State of Queensland (Department of Health)
(First Respondent)

&

The Australian Workers' Union of Employees, Queensland
(Second Respondent)

CASE NO: MA/2019/7

PROCEEDING: Application to vary a modern award

DELIVERED ON: 19 December 2019

HEARING DATE: On the papers

MEMBER: O'CONNOR VP

HEARD AT: Brisbane

ORDER: **1. Application granted. Full Orders as per final page of decision.**

CATCHWORDS: INDUSTRIAL LAW – VARIATION OF A MODERN AWARD – application to vary a modern award

LEGISLATION: *Industrial Relations Act 2016 (Qld) s 147*

Reasons for Decision

- [1] The Queensland Nurses and Midwives' Union of Employees (QNMU) has filed an application pursuant to s 147 of the *Industrial Relations Act 2016* to vary the *Nurses and Midwives (Queensland Health) Award – State 2015* ("the Award"). The application is made with the consent of all parties.
- [2] The application seeks to vary clause 23 of the Award which relates to "Public Holidays". The application is made in light of the Queensland parliament passing the *Holidays and Other Legislation Amendment Act 2019* which made the 24th of December (Christmas Eve) a part-day public holiday between the hours of 6pm and midnight.
- [3] I grant the application and make the necessary orders to vary the Award.

Order

Pursuant to s 147 of the IR Act the *Nurses and Midwives (Queensland Health) Award – State 2015* is varied as follows:

- 1. By insertion of new clause 23(e) which provides:**
 - i. A public holiday is to be observed for the part of the day on 24 December (Christmas Eve) from 6.00pm to midnight.**
 - ii. All work performed between 6.00pm and midnight on 24 December (Christmas Eve) shall be paid at the rate of double time and one-half (250%).**
 - iii. An employee who would ordinarily be required to work between 6.00pm and midnight on 24 December (Christmas Eve), but does not work, will be paid for the hours they would have worked between 6pm and midnight at the ordinary rate (100%).**
- 2. The variation to the Award will operate on and from 19 December 2019.**