

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019 [2023] QIRC 146*

PARTIES: **State of Queensland (Queensland Health)**  
and  
**Health and Wellbeing Queensland**  
and  
**The Australian Workers' Union of Employees, Queensland**  
and  
**Together Queensland, Industrial Union of Employees**  
and  
**United Workers' Union, Industrial Union of Employees, Queensland**  
and  
**Queensland Nurses and Midwives' Union of Employees**

CASE NO: CB/2023/42

PROCEEDING: Termination of an agreement

DELIVERED ON: 26 May 2023

HEARING DATE: 26 May 2023

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: **1. *The Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019 is terminated.***

CATCHWORDS:	INDUSTRIAL LAW - COLLECTIVE BARGAINING - application for termination of agreement after nominal expiry date - requirements for termination - agreement terminated
LEGISLATION:	<i>Industrial Relations Act 2016</i> (Qld) 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(2) of the *Industrial Relations Act 2016* (Qld) ('Act'), to terminate the *Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019* ('Agreement').
- [2] The parties to the Agreement are:
- State of Queensland (Queensland Health);
  - Health and Wellbeing Queensland;
  - The Australian Workers' Union of Employees, Queensland;
  - Together Queensland, Industrial Union of Employees;
  - United Workers' Union, Industrial Union of Employees, Queensland (formerly United Voice, Industrial Union of Employees, Queensland); and
  - Queensland Nurses and Midwives' Union of Employees.
- [3] The Agreement has a nominal expiry date of 16 October 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] On 10 May 2023, the Applicant filed an affidavit in support of the application affirmed by Ms Theresa Hodges, Chief Human Resources Officer of the Resources Branch, Corporate Services Division, Department of Health.

[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;<sup>1</sup>
- the Applicant has given notice of its intention to apply to terminate the Agreement;<sup>2</sup>
- all parties to the Agreement agree to it being terminated;<sup>3</sup> and
- the termination of the Agreement is not contrary to the public interest.<sup>4</sup>

[7] Filed contemporaneously with this application was an application pursuant to s 189 of the Act to certify the *Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 4) 2022*.<sup>5</sup>

[8] Section 228(4) of the Act provides that termination of the Agreement takes effect when the Commission's approval takes effect.

[9] Accordingly, I approve the termination of the Agreement with effect from 26 May 2023.

[10] I make the following order:

- 1. The *Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019* is terminated.**

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<sup>1</sup> *Industrial Relations Act 2016* (Qld) s 228(3).

<sup>2</sup> *Ibid* s 228(2).

<sup>3</sup> *Ibid* s228(3)(b)(i).

<sup>4</sup> *Ibid* s228(3)(b)(ii).

<sup>5</sup> Matter No. CB/2023/43. Filed on 10 May 2023.