

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Medical Officers' (Queensland Health) Certified Agreement (No.5) 2018* [2019] QIRC 081

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

AND

Together Queensland, Industrial Union of Employees

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

CASE NO: CB/2019/34

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 31 May 2019

HEARING DATE: 31 May 2019

HEARD AT: Brisbane

MEMBER: Merrell DP

ORDER: **1. *The Medical Officers' (Queensland Health) Certified Agreement (No.5) 2018 is certified.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for certification of an agreement – Requirements for certification – Agreement certified

LEGISLATION: *Industrial Relations Act 2016*

APPEARANCES: Mr G O'Gorman and Mr E Lynch on behalf of the State of Queensland (Queensland Health)

Mr M Thomas on behalf of Together Queensland, Industrial Union of Employees

Mr J Cosgrove on behalf of the Australian Salaried Medical Officers' Federation Queensland, Industrial Union of Employees

Reasons for Decision

[1] On 15 May 2019, the State of Queensland (Queensland Health), pursuant to s 189 of the *Industrial Relations Act 2016* (the Act), made application to certify the *Medical Officers' (Queensland Health) Certified Agreement (No.5) 2018* (the agreement).

[2] Section 189 of the Act provides:

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- (1) An application for the commission to certify an agreement may be made by a party to the agreement.
- (2) For an agreement made between a single employer and 1 or more employee organisations, the application may be made even though the agreement has not been signed by or for all of the parties if—
 - (a) all the parties have agreed on the terms of the agreement; and
 - (b) the agreement has been approved by a valid majority of the relevant employees at the time in a properly conducted ballot.
- (3) If an agreement has been signed by or for all the parties, the application must be made within 21 days after the agreement is signed.

[3] The agreement is made between the State of Queensland (Queensland Health) and Together Queensland, Industrial Union of Employees and the Australian Salaried Medical Officers' Federation Queensland, Industrial Union of Employees. The agreement has been signed by all these parties.

[4] I am satisfied the application to certify the agreement was made within 21 days of the agreement being signed by all parties.

[5] The agreement is to apply to Medical Officers employed by Queensland Health who are employed pursuant to the awards listed in cl 1.6 of the agreement and to the Chief Executive of the Queensland Health and each Hospital and Health Service established in accordance with the *Hospital and Health Boards Act 2011*, as the employers in relation to such employees.

[6] Having regard to the submissions made by the parties who appeared today, to Exhibit 1, to the affidavit of Mr Michael Walsh, Director General of Queensland Health, filed on 15 May 2019, and to the affidavit of Ms Theresa Hodges, Chief Human Resources Officer, Human Resources Branch, Corporate Services Division of Queensland Health filed on 15 May 2019, as amended with leave today:

- 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 *Medical Officers' (Queensland Health) Certified Agreement (No.5) 2018* is granted.

- [8] The *Medical Officers' (Queensland Health) Certified Agreement (No.5) 2018* operates from the day it is certified, namely 31 May 2019.
- [9] Although the nominal expiry date of the *Medical Officers' (Queensland Health) Certified Agreement (No.5) 2018* is 30 June 2021, 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 *Medical Officers' (Queensland Health) Certified Agreement (No.5) 2018* is certified.**