

**To:**

**The Hon. Tim Nicholls MP**

Minister for Health and Ambulance Services

Parliament House

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**Dr. David Rosengren**

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**Date:** 9 June 2025

**Subject: Request for Clarification on Voting Rights and Coverage in EB12 Negotiations**

Dear Minister Nicholls and Dr. Rosengren,

I write to you on behalf of the Nurses' Professional Association of Queensland (NPAQ) and Queensland Nurses for Choice and Health (QNCH), which now represents nearly 20% of Queensland's nursing and midwifery workforce. NPAQ in partnership with QNCH has actively engaged in the development of a comprehensive 25-page Log of Claims (LOC), submitted 7 March to Queensland Health after extensive member consultation and survey feedback. This submission was made in good faith and reflects our members' genuine desire to bargain for their employment conditions. Reform that puts patients and frontline staff above bureaucratic inefficiency.

In support of these aims, NPAQ has facilitated the formation of the Queensland Nurses and Midwives for Choice and Health (QNCH) to challenge the structural barriers within Queensland's industrial relations framework that unfairly limits representation and participation in Enterprise Bargaining (EB) and Protected Industrial Action (PIA) processes.

It has come to our attention that, in several QHealth facilities, nurses and midwives, particularly NPAQ members, are being told by Queensland Nurses and Midwives' Union (QNMU) workplace representatives that unless they are members of the QNMU, they will not be allowed to vote in the EB12 ballot and will not be covered by the certified agreement, including entitlements such as backpay.

These claims are false. They are misleading, coercive, and appear designed to pressure employees into joining a specific union under false pretences. This conduct may constitute a breach of protections afforded to employees under both the *Fair Work Act 2009 (Cth)* (in relation to coercion and misrepresentation) and the *Industrial Relations Act 2016 (Qld)*, particularly with respect to rights to freedom of association and equal treatment in certified agreements.

**Request for Urgent Clarification**

We formally request immediate, documented clarification on the following points:

1. That all Queensland Health employees covered by the Nurses and Midwives (Queensland Health) Award – State 2015 will be entitled to vote on the proposed EB12 agreement, regardless of union membership.
  - This is consistent with Section 189(2)(b) of the *Industrial Relations Act 2016 (Qld)*, which requires genuine agreement by a majority of *relevant employees*.
  - *Relevant employee* is further defined in Section 168 for a bargaining instrument, means an employee who will be covered by the instrument - *not* just those represented by a particular union.
2. That if EB12 is certified by the Queensland Industrial Relations Commission (QIRC), all employees within the relevant classification, regardless of union affiliation, will be covered by its terms and entitled to the same benefits, including any negotiated backpay.
  - Certified agreements, once approved, apply to all employees they are expressed to cover, not selectively to specific union members. As stated in EB11: “This Agreement will apply to all nurses and midwives employed by the Chief Executive of Queensland Health who are engaged in a classification in Schedule 1 to the Award.”
3. That any statements to the contrary being made in workplaces are incorrect, misleading, and must be publicly corrected to protect employees from deceptive conduct and workplace alienation.

## Conclusion

On behalf of our membership, we urge the Queensland Government and Queensland Health to uphold the integrity of the industrial process and to ensure that every employee is fully informed of their lawful rights to vote and be covered under EB12, regardless of union affiliation.

We urgently request a clear, written memorandum from Queensland Health distributed to all Hospital and Health Senior Chief Executives, Executive Directors of Workforce, and Executive Director of Nursing and Midwifery within 7 days confirming these rights, to counteract the harmful misinformation circulating across the workforce.

We remain committed to collaborating constructively to ensure Queensland’s Health system is fair, efficient, and supportive of the nurses and midwives who are its backbone.

Yours sincerely,

*Kara Thomas*

**Kara Thomas**

President, Nurses' Professional Association of Queensland