

**Department of Health Queensland Government**  
**MEMORANDUM**

**To:** Hospital & Health Service Chief Executives  
**Copies to:** Executive Directors of Workforce  
Executive Directors of Nursing and Midwifery  
**From:** Chief Human Resources Officer Human Resources Branch Corporate Services  
Division  
**Subject:** Clarification of Voting Eligibility and Coverage under EB12  
**Date:**  
**Contact no:**  
**File Ref:**

This memorandum provides clarification regarding employee eligibility to participate in voting on the proposed *Nurses and Midwives (Queensland Health) Certified Agreement (EB12)* and who will be covered by the agreement if certified.

Concerns have been raised about incorrect statements made in some Queensland Health workplaces suggesting that only members of specific unions (e.g., QNMU) may vote on the agreement or receive the benefits of the finalised agreement, including backpay. This information is false.

**Key Points of Clarification:**

**1. Voting Rights**

All employees of Queensland Health who are covered by the *Nurses and Midwives (Queensland Health) Award – State 2015* are entitled to vote on the proposed EB12 agreement, irrespective of union membership status.

This is consistent with the *Industrial Relations Act 2016 (Qld)*:

- Section 168 defines a "relevant employee" as one who will be covered by the agreement.
- Section 189(2)(b) and Section 190 require the agreement to be genuinely agreed to by a majority of those relevant employees.

**2. Coverage under the Agreement**

Once EB12 is certified by the Queensland Industrial Relations Commission (QIRC), its terms will apply equally to all nurses and midwives employed by the Chief Executive of Queensland Health who are engaged in classifications listed in *Schedule*

1 of the Award. This includes non-union employees.

This is reaffirmed by Clause 5.1 of previous certified agreements (e.g., EB11), which states:

*“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. Misinformation and Conduct

Any claims made suggesting that only union members will be entitled to vote or benefit from the agreement are misleading and must be corrected. Dissemination of such misinformation could breach obligations under both the *Industrial Relations Act 2016 (Qld)* and workplace conduct policies.

#### **Action Required:**

Please ensure this information is disseminated across all teams and that all staff involved in enterprise bargaining communications:

- Accurately represent employee rights and entitlements; and
- Refrain from implying that voting rights or coverage under the agreement are conditional upon union membership.

For further information or clarification, please contact the Employment Relations Branch at [employmentrelations@health.qld.gov.au](mailto:employmentrelations@health.qld.gov.au) or (07) 3708 XXXX.