

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Youth Detention Centre Certified Agreement 2019 [2023] QIRC 355*

PARTIES: **State of Queensland (Department of Youth Justice, Employment, Small Business and Training)**

AND

**Together Queensland, Industrial Union of Employees**

**The Australian Workers' Union of Employees, Queensland**

**United Workers' Union, Industrial Union of Employees, Queensland**

CASE NO.: CB/2023/138

PROCEEDING: Termination of an agreement

DELIVERED ON: 7 December 2023

HEARING DATE 7 December 2023

MEMBER: Hartigan DP

HEARD AT: Brisbane

ORDER: ***The Youth Detention Centre Certified Agreement 2019 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination of agreement after nominal expiry date – requirements for termination – agreement terminated

LEGISLATION: *Industrial Relations Act 2016 (Qld) s 228*

APPEARANCES: Mr P. Hunter and Mr C. Bunkum for the Department of Youth Justice, Employment, Small Business and Training.

Ms S. Schinnerl for The Australian Workers' Union of Employees, Queensland.

### Reasons for Decision

- [1] On 21 November 2023, the State of Queensland (Department of Youth Justice, Employment, Small Business and Training) ('the Department') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Youth Detention Centre Certified Agreement 2019* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 31 August 2023.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Mr Michael James Drane, Senior Executive Director, Department of Youth Justice, Employment, Small Business and Training, and a Notice of intention to terminate a certified agreement.
- [4] Having regard to the material relied upon in support of the application, I am satisfied that:
- (a) the certified agreement does not include any provisions recording that any particular conditions need be met before it may be terminated;<sup>1</sup>
  - (b) the Department has given notice of its intention to apply to terminate the certified agreement;<sup>2</sup>
  - (c) all parties to the certified agreement agree to it being terminated;<sup>3</sup> and
  - (d) the termination of the certified agreement is not contrary to the public interest.<sup>4</sup>
- [5] I have also had regard to an application having been made by the Department, The Australian Workers' Union of Employees, Queensland, Together Queensland, Industrial Union of Employees and the United Workers' Union, Industrial Union of Employees, Queensland to certify the *Youth Detention Centre Certified Agreement 2023*.<sup>5</sup>

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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* s 228(3)(b)(i).

<sup>4</sup> *Ibid* s 228(3)(b)(ii).

<sup>5</sup> Matter CB/2023/139 filed on 21 November 2023.

[6] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect. I approve the termination of the certified agreement with effect from 7 December 2023.

[7] I make the following order:

***The Youth Detention Centre Certified Agreement 2019 is terminated.***