

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Youth Detention Centre Certified Agreement 2023* [2023] QIRC 356

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/2023/139

PROCEEDING: Application for certification 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 2023 is certified.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for certification of an agreement – requirements for certification – agreement certified

LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 189, 227 and 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') filed an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Youth Detention Centre Certified Agreement 2023* ('the agreement').
- [2] The named parties to the agreement are the Department and the following employee organisations:
- (a) Together Queensland, Industrial Union of Employees;
  - (b) The Australian Workers' Union of Employees, Queensland; and
  - (c) United Workers' Union, Industrial Union of Employees, Queensland.
- [3] As required by s 189(3) of the IR Act, the application was made within 21 days of the date on which the agreement was signed by the parties.
- [4] The parties bound by the agreement are:<sup>1</sup>
- (a) The State of Queensland;
  - (b) Employees employed by the State of Queensland in Youth Detention Centres in the Department of Youth Justice, Employment, Small Business and Training to whom the following Awards apply:
    - (i) *Youth Detention Centre Employees Award – State 2016*;
    - (ii) *General Employees (Queensland Government Departments) and other Employees Award – State 2015*; and

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<sup>1</sup> *Youth Detention Centre Certified Agreement 2023*, cl 1.2.

- (c) Together Queensland, Industrial Union of Employees; The Australian Workers' Union of Employees, Queensland; and United Workers' Union, Industrial Union of Employees, Queensland.
- [5] Having regard to the submissions made by the parties who appeared at the hearing of the matter on 7 December 2023, and the material filed, I am satisfied that:
- (a) each relevant requirement under Ch 4, Pt 5, Sub-Div.2 of the IR Act has been satisfied; and
- (b) there is nothing in the agreement which would require the Commission to refuse to grant the application under Ch 4, Pt 5, Sub-Div.3 of the IR Act.
- [6] Accordingly, the application to certify the *Youth Detention Centre Certified Agreement 2023* is granted.
- [7] The *Youth Detention Centre Certified Agreement 2023* operates from the date it was certified, namely 7 December 2023.
- [8] Although the nominal expiry date of the *Youth Detention Centre Certified Agreement 2023* is 31 July 2026 the agreement will continue to operate until it is terminated under ss 227 or 228 of the IR Act.
- [9] I make the following order:

**The *Youth Detention Centre Certified Agreement 2023* is certified.**