

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of Child Safety and Youth Justice Certified Agreement 2021 [2023] QIRC 364*

PARTIES: **State of Queensland (Department of Child Safety, Seniors and Disability Services and Department of Youth Justice)**

AND

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

**Together Queensland, Industrial Union of Employees**

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

CASE NO: CB/2023/142

PROCEEDING: Application for termination of an Agreement

DELIVERED ON: 21 December 2023

HEARING DATE: 20 December 2023

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The Child Safety and Youth Justice Certified Agreement 2021 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for termination of a certified agreement after nominal expiry date – requirements for termination – agreement terminated

LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 189, 228

APPEARANCES: Mr A. O'Brien of the State of Queensland (Department of Child Safety, Seniors and Disability Services).

Mr C. Bumkum of the State of Queensland  
(Department of Youth Justice).

Ms D. Spink of Together Queensland, Industrial  
Union of Employees.

Mr D. Marr of the Australian Workers' Union of  
Employees, Queensland.

### Reasons for Decision

- [1] On 11 December 2023, the State of Queensland (Department of Child Safety, Seniors and Disability Services and Department of Youth Justice) ('the Department') applied to terminate the *Child Safety and Youth Justice Certified Agreement 2021* ('the agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement has a nominal expiry date of 31 August 2023.
- [3] Section 228(3) of the IR Act provides:
- (3) The commission must approve the termination if, and must refuse to approve the termination unless, satisfied subsection (2) has been complied with and—
    - (a) for an agreement or determination that provides that it may be terminated if particular conditions are met—the conditions have been met; or
    - (b) for an agreement or determination that does not provide for the way it may be terminated—
      - (i) the other parties to the agreement or determination agree to it being terminated; and
      - (ii) termination of the agreement or determination is not contrary to the public interest.
- [4] In making my decision I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing and the affidavit of Mr Arthur Julian O'Brien, Deputy Director General/Chief Information Officer, Corporate services, Department Child Safety, Seniors and Disability Services, filed on 11 December 2023.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 11 December 2023, the Department notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
- The Australian Workers' Union of Employees, Queensland ('AWU');
  - Together Queensland, Industrial Union of Employees ('TQU'); and

- United Workers' Union, Industrial Union of Employees, Queensland ('UWUQ').

- [7] I am satisfied the Department has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] The AWU and TQU appeared and consented to the present application. On 19 December 2023, the UWUQ wrote to the Commission and sought leave to be excused from appearing which was granted on the basis the UWUQ consented to the present application and would submit to any order or certification made in its absence.<sup>1</sup> No other person appeared or sought to make submissions. I am satisfied that all parties to the agreement agree to it being terminated, and the termination of the agreement is not contrary to the public interest.
- [9] On 11 December 2023, the Department made an application under s 189 of the IR Act to certify the *Child Safety and Youth Justice Certified Agreement 2023*.<sup>2</sup>
- [10] The Department and the employee organisations listed at [6] above have agreed to the terms of the *Child Safety and Youth Justice Certified Agreement 2023* which will replace the agreement.
- [11] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.
- [12] I approve the termination of the *Child Safety and Youth Justice Certified Agreement 2021* with effect from 20 December 2023.
- [13] I make the following order:

***The Child Safety and Youth Justice Certified Agreement 2021 is terminated.***

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<sup>1</sup> Email sent by Mr Womersley on behalf of the UWUQ on 19 December 2023.

<sup>2</sup> *In the making of the Child Safety and Youth Justice Certified Agreement 2023* [2023] QIRC 365.