

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Child Safety and Youth Justice Certified Agreement 2023 [2023] QIRC 365*

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/2023/143

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

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for certification of a certified agreement – requirements for certification – agreement certified

LEGISLATION: *Industrial Relations Act 2016 (Qld) ch 4, s 171*

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') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Child Safety and Youth Justice Certified Agreement 2023* ('the agreement').
- [2] The named parties to the agreement are the Department and the following employee organisations:
- 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').
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The AWU and TQU appeared at the hearing and consented to the present application.
- [5] 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.¹
- [6] The agreement applies to all employees of the Department of Child Safety, Seniors and Disability Services and the Department of Youth Justice who are covered by the *Queensland Public Service Officers and Other Employees Award – State 2015* and the *General Employees (Queensland Government Departments) and Other Employees Award – State 2015*, excluding those covered by the *State Government Entities Certified Agreement 2023*, namely *Seniors and Disability Services employee, Multicultural Affairs employees*, and the *Youth Detention Certified Agreement 2023*.
- [7] Pursuant to s 171(8), Mr O'Brien sought several amendments to the proposed agreement to reflect recent machinery-of-government changes with the Queensland public sector that occurred after employees voted in support of the agreement.

¹ Email sent by UWUQ on 19 December 2023.

- [8] Section 171(8) provides that a proposed bargaining instrument does not need to be returned to employees for their consideration and approval² if the Commission is satisfied the proposed instrument was amended for a formal or clerical reason, or in another way that does not adversely affect a relevant employees' interests.³
- [9] I am satisfied, after considering the submissions of all parties, that the proposed amendments are administrative in nature and do not adversely affect a relevant employees' interests.⁴
- [10] Having regard to the submissions made by the parties who appeared at the hearing, as well as 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:
- I am satisfied of each relevant requirement in ch 4 pt 5 div 2 sub-div 2 of the IR Act; and
 - there is nothing in the agreement which would require me to refuse to grant the application pursuant to ch 4 pt 5 div 2 sub-div 3 of the IR Act.
- [11] The application to certify the agreement is granted. The agreement operates from the day it is certified, being 20 December 2023.
- [12] Although the nominal expiry date of the agreement is 31 July 2026, it continues to operate until it is terminated under either s 227 or s 228 of the IR Act.
- [13] I make the following order:

The Child Safety and Youth Justice Certified Agreement 2023 is certified.

² *Industrial Relations Act 2016* (Qld) s 171(6): 'If the proposed instrument is amended for any reason, the steps in subsection (2) and (3) must be taken again for the instrument as amended.'

³ *Industrial Relations Act 2016* (Qld) s 171.

⁴ *Ibid* s 171(8).