

**Memorandum of Agreement**  
**Youth Detention Centres**  
**between**  
**Department of Education**  
**and**  
**The Queensland Teachers' Union of Employees**

**Application and Purpose**

1. This MOA covers employees engaged under the *Teaching in State Education Award – State 2016 (Award)* who work in the following education units:
  - (a) the Brisbane Youth Education and Training Centre (BYETC) which is the education unit situated within the Brisbane Youth Detention Centre (BYDC);
  - (b) the Cleveland Education and Training Centre (CETC) which is the education unit situated within the Cleveland Youth Detention Centre (CYDC); and
  - (c) the West Moreton Education and Training Centre (WMETC) which is the educational unit situated within the West Moreton Youth Detention Centre (WMYDC).
2. The Parties acknowledge that BYETC, CETC and WMETC are not educational institutions (State Schools) established under the *Education (General Provisions) Act 2006 (Qld)* and that they are education units delivering education programs under the *Youth Justice Act 1992 (Qld)*.
3. The Parties acknowledge that the State of Queensland (Department of Children, Youth Justice and Multicultural Affairs) (DCYJMA) has decided to expand the educational calendar within BYETC, CETC and WMETC from 40-weeks to 48-weeks in response to recommendations within the *Independent Review of Youth Detention Report*.

**Objective**

4. The primary purpose of this MOA is to enable the employment arrangements that already exist within the *Department of Education State School Teachers' Certified Agreement*

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2019 (Agreement) and the Award to operate in BYETC, CETC and WMETC when they commence the delivery of an educational program that extends beyond 40 weeks of each year.

#### **Date and period of operation**

5. The operative date shall be 4th October 2021. The nominal expiry date shall be 30 November 2022. This MOA continues to operate after the nominal expiry date until the MOA is replaced or terminated.

#### **Termination of agreement**

6. After the nominal expiry date, a single party may terminate this MOA by providing at least 16 weeks' written notice to the other party.

#### **Dispute resolution**

7. In accordance with the Dispute Resolution provision (Part 3) of the Agreement, either party may seek the assistance of the Queensland Industrial Relations Commission (the Commission) in relation to a dispute arising from the application of this MOA.

#### **Arrangements**

8. Roster arrangements and shift patterns.
  - (a) DoE will publish a roster arrangement at BYETC, CETC and WMETC to illustrate how it will organise its workforce into shift patterns that can deliver the 48-week educational programs established by DCYJMA.
  - (b) DoE will consult with the QTU and the majority of affected employees (i.e. the Local Consultative Committee process) before establishing new roster arrangements at BYETC, CETC and WMETC.
  - (c) The on-shift, off-shift (including paid leave) and professional development elements of each annual shift pattern at BYETC, CETC and WMETC must be equal (in total quantum) to the annual shift pattern in State Schools.

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(d) DoE will allocate employees to shift patterns at BYETC, CETC and WMETC in a judicious way.

9. Shift exchange.

(a) To promote flexibility and work-life balance DoE may permit employees to exchange shifts on a week-for-week basis. An employee's application to exchange shifts must:

- be submitted to the Principal of the relevant educational unit;
- carry the consent of all employees named in the application;
- include sufficient detail for the Principal to understand the request;
- preserve each employee's annual quantum of on-shift / off-shift days; and
- be approved or declined by the Principal within a reasonable time.

(b) The Principal may assist employees to negotiate shift exchange agreements.

10. Pattern changes.

(a) DoE may reallocate employees from one shift pattern to another during the course of each year to ensure the adequate resourcing of its educational units and to enable the operation of the Teacher Transfer Process. The following principles apply to pattern changes:

- Mid-year pattern changes should be avoided wherever possible.
- Before making a final decision, DoE must explain the particulars of a proposed pattern change to each affected employee and give each of those employees an opportunity to respond to the proposal.
- DoE must give each affected employee at least ten weeks' notice of the pattern change before it is due to take effect; however this notice period may be shortened by mutual agreement.

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- If a pattern change occurs because of a transfer between an educational unit and a State School (e.g. the Teacher Transfer Process), DoE will offer the employee a support plan to assist them with their transfer. The support plan should clearly state the duration of the plan, the professional development to be undertaken during the plan period, and any other agreed arrangements enacted to support the employee during the plan period (e.g. supernumerary placement).
- (b) If an employee requests a pattern change, the request must be approved or declined by the Principal within a reasonable time.

#### 11. Pattern changes resulting in leave credits.

- (a) DoE will make a special payment under the *Financial Accountability Act 2016* (Qld) to any employee who takes less than their customary annual entitlement to paid leave (Special Payment), on the following basis:
- at the start/end of an annual roster cycle if the situation arose because of a transfer between an educational unit and a State School;
  - at the start/end of an annual roster cycle if the situation arose because of a pattern change within an educational unit; or
  - at the end of the employee's employment if the situation arose because of a pattern change within an educational unit.
- (b) The value of each Special Payment will be equivalent to the value of the time lost by the employee, using the employee's rate of pay at the time of the Special Payment.

#### 12. Pattern changes resulting in leave debits.

- (a) Under the *Financial Accountability Act 2016* (Qld), DoE will write off all losses arising as a result of an employee who took more than their customary annual entitlement to paid leave (Write Off), on the following basis:

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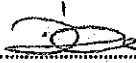
- at the start/end of an annual roster cycle if the situation arose because of a transfer between an educational unit and a State School;
- at the start/end of an annual roster cycle if the situation arose because of a pattern change within an educational unit; or
- at the end of the employee's employment if the situation arose because of a pattern change within an educational unit.

13. DoE will ensure that the delegated powers and duties of the chief executive can be discharged at all times, including during the planned absences of the Principals of BYETC, WMETC and CETC.

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**SIGNING**

Signed by the Parties on the dates set out below.



Signed for and on behalf of the State of  
Queensland represented by the  
Department of Education

by Michael De'Ath  
Director General

this 27 day of Jan 2022



Signed for and on behalf of the  
Queensland Teachers' Union of  
Employees by the person named  
below who warrants they are duly  
authorised to sign for and on behalf of  
the QTU

By Kate Ruttiman  
General Secretary

this 18 day of January 2022