



**INDUSTRIAL COURT OF QUEENSLAND
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

4 April 2016

The Hon. Grace Grace MP.
Minister for Employment and Industrial Relations,
Minister for Multicultural Affairs and
Minister for Racing
G.P.O Box 149,
BRISBANE, QLD 4000

Dear Minister,

Award Modernisation - Quarterly Report

I refer to the Consolidated Award Modernisation Request (the Consolidated Request), dated 17 July 2015, and the requirement placed on the Queensland Industrial Relations Commission (the Commission) to provide you with quarterly reports outlining certain matters as recorded at paragraph 19 of that Request.

In accordance with the terms of the Consolidated Request I provide the following report which is required to be delivered to you as the responsible Minister by 31 March 2016.

Industries and/or occupations which have undergone award modernisation

The Commission is endeavouring to complete the award modernisation process by 30 June 2016, or as soon as is practicable thereafter, as per the terms of the Request.

In terms of overall development, **Table 1** records progress towards meeting that objective.

Table 1 - Number of Modern Awards to be made

Modern awards made by the Commission as at 31 March 2016	16
Modern awards before a Full Bench for finalisation	3
Exposure drafts presently under consideration by the relevant industrial parties	6
Exposure drafts still to be released by the Commission	6
Total Awards to be made	31

The 31 awards to be made constitute a significant reduction in the number of active pre-modernisation awards which applied prior to commencing the process of award modernisation. At the commencement of the process, the Commission's Award Modernisation Team (AMOD Team) identified 69 awards which required modernisation and established a process to amalgamate and/or combine these awards, along industry or occupational lines, into the 31 awards finally settled on.

The sixteen awards made to date, which are listed in **Table 2** below, include all nine of the priority awards listed at paragraphs 6 and 7 of the Consolidated Request. However, the *Queensland Local Government Industry Award - State 2015*, made by a Full Bench of the Commission on 1 November 2015, was the subject of an appeal heard by the President of the Industrial Court of Queensland on 23 November 2015. In his decision delivered 14 March 2016, Justice Martin found:¹

- The appellants demonstrated the Full Bench erred in its determination of the requirements of the Consolidated Request and, as a result, fell into error in the manner in which it proceeded to make the new award; and
- The appeals are allowed. The decision of the Full Bench is set aside and the matter is remitted to the Commission to be heard and determined according to law.

In light of the outcome of the appeal it will be necessary for the Full Bench of the Commission to reconsider certain aspects of the award. Dates for such proceedings are still to be determined.

Table 2 - Modern Awards made by the Commission as at 31 March 2016

Modern Award Title	Priority Award	Date Made
<i>Correctional Employees Award - State 2015</i>		11/12/15
<i>General Employees (Queensland Government Departments) And Other Employees Award - State 2015</i>	◆	18/09/15
<i>Health Practitioners And Dental Officers (Queensland Health) Award - State 2015</i>	◆	1/11/15
<i>Hospital And Health Service General Employees (Queensland Health) Award - State 2015</i>	◆	30/11/15
<i>Legal Aid Queensland Employees Award - State 2015</i>		11/12/15
<i>Medical Officers (Queensland Health) Award - State 2015</i>	◆	14/09/15
<i>Nurses And Midwives (Queensland Health) Award - State 2015</i>	◆	30/11/15
<i>Queensland Agricultural Colleges Award - State 2015</i>		11/12/15
<i>Queensland Health Framework Award - State 2015</i>	◆	31/10/15
<i>Queensland Local Government Industry Award - State 2015</i>	◆	1/11/15
<i>Queensland Parliamentary Service Award - State 2015</i>		11/12/15
<i>Queensland Police Service Employees Award - State 2016</i>		26/02/16

¹ *In the Matter of a Proposed Queensland Local Government Industry Award – State 2015* [2016] ICQ 6.

<i>Queensland Public Service Officers And Other Employees Award - State 2015</i>	◆	31/10/15
<i>Teaching in State Education Award - State 2016</i>		26/02/16
<i>Tourism And Events Queensland Employees Award - State 2015</i>		11/12/15
<i>Workcover Queensland Employees Award - State 2015</i>	◆	19/11/15

Tables 3 and 4 (below) demonstrate approximately 91.4% of all award-covered employees within the Queensland jurisdiction (totalling approximately 284,500 employees) are covered by the sixteen Modern Awards which have been made to date.

Table 3 - Modern Award Coverage for Queensland Government Departments and Agencies

Department/Agency	Department /Agency Headcount	Award Covered Employees	Number Covered by Modern Award/s	Percentage of Award Covered Employees
Aboriginal and Torres Strait Islander Partnerships	273	250	250	100%
Agriculture and Fisheries	2,070	2009	2009	100%
Anti-Discrimination Commission of Queensland	36	34	34	100%
Communities, Child Safety and Disability Services	6,882	6,788	6,368 ¹	93.8%
Education and Training	84,992	84,644	84,644	100%
Electoral Commission Queensland	64	59	59	100%
Energy and Water Supply	216	191	191	100%
Environment and Heritage Protection	1,094	1,051	998 ²	94.9%
Housing and Public Works	3,021	2,858	2,625 ³	91.8%
Infrastructure, Local Government and Planning	443	384	384	100%
Justice and Attorney-General	8,045	7,678	7,567 ⁴	98.6%
Legal Aid Queensland	482	457	457	100%
National Parks, Sport and Racing	1,386	1,327	714 ²	53.8%
Natural Resources and Mines	2,449	2,308	2,308	100%
Office of Inspector-General of Emergency Management	23	18	18	100%
Office of the Health Ombudsman	114	104	104	100%
Premier and Cabinet	696	613	613	100%

Public Safety Business Agency	2,053	1,918	1,844 ³	96.1%
Public Service Commission	80	60	60	100%
Public Trust Office	556	546	546	100%
Queensland Art Gallery	370	364	364	100%
Queensland Audit Office	197	171	171	100%
Queensland Family and Child Commission	51	48	48	100%
Queensland Fire and Emergency Services	5,019	4,964	2,441	49.2%
Queensland Health (including Queensland Ambulance Service)	90,796	89,280	84,942 ^{3 5}	95.1%
Queensland Museum	314	304	304	100%
Queensland Police Service	14,578	14,258	14,258	100%
Queensland Treasury	1,871	1,718	1,718	100%
Science, Information Technology and Innovation	2,774	2,659	2,657 ⁶	99.9%
State Development	616	522	522	100%
State Library of Queensland	345	335	335	100%
Tourism, Major Events, Small Business and the Commonwealth Games	141	118	118	100%
Transport and Main Roads	8,738	8,509	7,753 ^{3 6}	91.1%
Totals	240,775	236,547	227,424	96.1%

Notes:

1. An award covering 430 employees engaged in the provision of Direct Client Care - Disability Services, is being prepared and is expected to be made by 31 May 2016.
2. An award covering 667 employees of these two agencies titled *Parks and Wildlife Employees Award - State 2016* is expected to be made *by consent* on 6 April 2016. This will lead to 100% Modern Award coverage within each of the two agencies concerned (i.e. Environment and Heritage Protection and National Parks, Sport and Racing).
3. An award covering approximately 840 Building, Engineering and Maintenance (BEMS) staff employed by these four departments is one of the six awards presently being finalised and is expected to be made before 30 April 2016.
4. An award covering the 111 employees in Youth Detention Centres is expected to be made *by consent* on 6 April 2016. This will lead to 100% Modern Award coverage within the Department of Justice and Attorney-General.
5. An award covering 3,900 employees of Queensland Ambulance Service is one of the six awards presently being finalised and is expected to be made before 30 April 2016. If this

award and the BEMS Award are both made by this date this will lead to 100% Modern Award coverage within Queensland Health.

6. An award covering 648 employees in the Civil Construction sector employed by these two agencies is one of the six awards presently being finalised and is expected to be made before 30 April 2016.

Assuming the five Awards referred to in Notes 2 - 6 above are made by 30 April 2016, as expected, this will lead to a situation where approximately 233,600 (or 98.8%) of Award covered employees in the Queensland public sector will be covered by Modern Awards as at that date.

The remaining employees (430 providing direct client care and approximately 2,500 employees of Queensland Fire and Emergency Services) are scheduled to be covered by Modern Awards by 31 May 2016.

Table 4 - Modern Award Coverage for Local Government, Statutory and other Bodies

Area	Estimated Headcount	Estimated Award Covered Employees	Number Covered by Modern Award/s	Percentage of Award Covered Employees
Brisbane City Council	7,200	7,100	-	-
Local Government (Other than BCC)	32,000	31,500	31,500	100%
City Parklands Services *	96	89	-	-
Parents and Citizens Associations	3,000	3,000	- ¹	-
Queensland Agricultural Colleges	165	155	155	100%
Queensland Competition Authority	53	5	- ²	-
Queensland Parliamentary Services	440	405	405	100%
Queensland Productivity Commission	22	5	- ²	-
Racing Queensland	250 [#]	40	- ²	-
Stadiums Queensland	850 [#]	830 [#]	- ³	-
TAFE Queensland	4,229	4,081	- ⁴	-
Tourism and Events Queensland	136	85	85	100%
Trade and Investment Queensland	108	93	- ²	-
WorkCover Queensland	690	543	543	100%
TOTAL	49,239	47,931	32,688	68.2%

Notes:

1. An Award covering employees of Parents and Citizens Associations is one of the six Awards presently being finalised and is expected to be made by the end of May 2016.
2. An Award covering clerical employees employed by these four bodies is one of the six Awards presently being finalised and is expected to be made by 30 April 2016.
3. An Award covering employees of Stadiums Queensland is one of the six Awards presently being finalised and is expected to be made by 30 April 2016.
4. An Award covering employees of TAFE Queensland has been referred to a Full Bench for Hearing. The Full Bench will be required to hear and determine five disputed aspects of this proposed Award, with dates of listing still to be advised.
- * Further consideration of the Award to cover employees of City Parklands Services has been deferred pending resolution of the content of the Award covering the local government industry in Queensland.
- # The majority of employees of Racing Queensland and Stadiums Queensland are "event based" casual employees.

Modern Awards before a Full Bench for finalisation

The three awards currently before a Full Bench of the Commission for finalisation include the two awards listed below which are expected to be approved *by consent* in proceedings scheduled for 6 April 2016:

- *Parks and Wildlife Employees Award - State 2016*
- *Youth Detention Centre Employees Award - State 2016*

The third Award, *TAFE Queensland Award - State 2016*, is proposed to cover all 4,081 of TAFE Queensland's award covered workforce and to replace the Awards which applied to its workforce prior to the enactment of the *TAFE Queensland Act 2013*, namely:

- *Building Trades Public Sector Award - State 2012*
- *Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2012*
- *Engineering Award - State 2012*
- *Queensland Public Service Award - State 2012*
- *Senior College Teachers' Award - State 2012*
- *TAFE Teachers' Award - State 2012*

The proposed coverage of this Award is disputed by (at least) Queensland Teacher's Union of Employees (QTU) which seeks the creation of two Awards - one to cover teaching staff with the second Award to cover all other employees. In addition, four other minor points of difference between the parties to the proposed Award/s will need to be resolved by the Full Bench which is to be assigned to determine the matter.

Barring unforeseen circumstances, modern Award coverage for TAFE Queensland and its employees should be established by no later than 31 May 2016.

Exposure Drafts presently under consideration by the relevant industrial parties

The six Awards presently being considered by the relevant parties are:

- *Ambulance Service Employees Award - State 2016, which will replace the Ambulance Service Employees Award - State 2012*
- *Building, Engineering and Maintenance Services Employees (Queensland Government Departments) Award - State 2016, which will replace the following:*
 - *Building Trades Public Sector Award - State 2012*
 - *Employees of Queensland Government Departments (Other than Public Servants) Award - State 2012 (insofar as it covers Forepersons in the building and engineering areas)*
 - *Engineering Award - State 2012*
- *Civil Construction, Operations and Maintenance General Award - State 2016, which will replace the Civil Construction, Operations and Maintenance General Award - State 2012.*
- *Miscellaneous Administrative Employees Award - State 2016, which will cover administrative employees of the undermentioned statutory bodies whose employees are either award free or covered by the Clerical Employees Award - State 2012:*
 - Queensland Competition Authority
 - Queensland Productivity Commission
 - Racing Queensland
 - Trade and Investment Queensland
- *Parents and Citizens Associations Award - State 2016 which will cover approximately 3,000 employees of Parents and Citizens Associations who are presently covered by the following awards:*
 - *Children's Services Award - State 2012*
 - *Clerical Employees' Award - State 2012*
 - *Health and Fitness Centres, Swim Schools and Indoor Sports Award - State 2012*
 - *Parents and Citizens Associations Retail Award - State 2012*
- *Stadiums Queensland Employees Award - State 2016 which will cover approximately 850 employees (mostly casuals) employed by Stadiums Queensland who are presently covered by the following awards:*
 - *Building Trades Public Sector Award - State 2012*
 - *Children's Services Award - State 2012*
 - *Clerical Employees' Award - State 2012*
 - *Engineering Award - State 2012*
 - *Greenkeeping Industry Award - State 2012*
 - *Health and Fitness Centres, Swim Schools and Indoor Sports Award - State 2012*
 - *Municipal Baths Attendants Award - State 2012*
 - *Sports Ground Employees' Award - Southern Division (Eastern District) 2012*

Development of the second and third of the above awards is well advanced, with the parties considering the content of a final draft of each of the respective awards issued by the AMOD Team

within the last week. Final feedback from the parties has been extended to 5 April 2016, after which the awards will be referred to a Full Bench for approval.

Each of the other four awards are well advanced and are scheduled to be made by a Full Bench of the Commission before 30 April 2016.

Exposure Drafts still to be issued by the Commission

The six exposure drafts of Modern Awards still to be released by the Commission's AMOD Team include an award to cover approximately 89 employees of City Parklands Services, an entity established by legislation to operate and administer Roma Street Parklands and various aspects of South Bank. Although a well-advanced draft of this award was circulated to the parties in the latter part of 2015, further refinement has been stalled pending determination of the appeal in the *Queensland Local Government Industry Award – State 2015* matter.

Once issues raised in the appeal proceedings are resolved, the proposed *City Parklands Services Award - State 2016* will be able to be finalised within a matter of weeks. It is expected that this award will be finalised by 30 June 2016.

The remaining five Modern Awards still to be released by the Commission are:

- an award to replace the *Award for Employees in Direct Client Services - Department of Communities, Child Safety and Disability Services 2012*, with the relevant parties having been invited to make submissions in respect of the content of the proposed award by 8 April 2016;
- an award to cover permanent firefighters and communications staff employed by Queensland Fire and Emergency Services, with the parties' draft of the relevant Modern Award expected in early April; and
- three awards to cover the operations of Brisbane City Council, which will replace seven existing pre-modernisation awards, with the parties' drafts of these awards due to be lodged with the Commission by 29 April 2016.

Other matters to be progressed over the next three months

A number of standard provisions have been developed, and improved upon, as the award modernisation process has progressed. The AMOD Team will review standard or common provisions to ensure consistency of language and formatting in all Modern Awards, and will make recommendations to the Commission to have any inconsistencies (or typographical errors) rectified.

As required at paragraph 17 of the Consolidated Request, the AMOD Team will also ensure each of the 31 Modern Awards, when read in conjunction with the Queensland Employment Standards, sufficiently deals with the contents of the following four awards to enable their repeal:

- *Family Leave Award - State 2012*
- *Family Leave (Queensland Public Sector) Award - State 2012*
- *Supported Wage Award - State 2012*
- *Training Wage Award - State 2012*

Finally, to remove reference to obsolete or repealed Queensland State Awards and any references to apprenticeships, traineeships and employers which no longer have relevance in any order covering the Queensland industrial relations jurisdiction, the AMOD Team will revise of the following orders:

- *Order - Apprentices' and Trainees' Wages and Conditions (Excluding Certain Queensland Government Entities) 2003*
- *Order - Apprentices' and Trainees' Wages and Conditions (Queensland Government Departments and Certain Government Entities)*

I trust that the information contained in this Report meets the requirements of paragraph 19 of the Consolidated Request.

Kind regards,

D. L. O'CONNOR
Deputy President