



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

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

I refer to the Award Modernisation Variation Notice, dated 17 July 2015, issued by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships, the Hon Curtis Pitt MP, pursuant to section 140CA(1) - Award Modernisation of the *Industrial Relations Act 1999* (the Act) and the requirement placed on the Queensland Industrial Relations Commission to provide him with quarterly reports outlining certain matters as recorded at paragraph 19 of his Consolidated Award Modernisation Request (the Request), also dated 17 July 2015.

In accordance with the terms of the Request I provide the following report, which is required to be delivered to you, as the responsible Minister, by 31 December 2015.

Industries and/or occupations which have undergone award modernisation

As a result of the Variation Notice issued by your predecessor on 17 July 2015 the Commission is endeavouring to complete the award modernisation process by 30 June 2016 or as soon as is practicable thereafter. By that date the Commission should have created a modern award or awards for each industry or occupational group still covered by the Queensland industrial relations system. In this respect I can report that the Commission is well on track to completing the task of modernising all remaining Queensland Awards by mid - 2016.

In terms of overall development, the following table records progress towards meeting that objective.

Modern awards made	14
Modern awards before Full Bench for finalisation	0
Exposure drafts presently under consideration by the parties	4
Exposure drafts still to be released	13*

* Five of these are to be released during January – early February 2016 (see below – on page 6).

The total of 31 modern Awards resulting from the overall award modernisation process is to be compared to the 83 Awards which the Commission believed were “active” at the time the task of modernising awards first began in early 2014. However, 14 of these awards were identified as either not being in use or being incorrectly applied and were rescinded. This left 69 Awards to be modernised, with these being amalgamated, along industry or occupational lines, into a fewer number of modern awards.

Modernisation/review and variation of priority awards

The nine (9) priority modern awards set out in the former Minister’s Variation Notice dated 17 July 2015 have now been made and are identified in the table below. These replace, either completely or partially, the pre modernised and previously modernised Awards shown:

Modern Award	Pre Modernised and previously Modernised Awards
General Employees (Queensland Government Departments) and Other Employees Award - State 2015	<ul style="list-style-type: none"> • <i>Cafe Restaurant, Catering Award - State (Excluding South-Eastern Queensland 2012)</i> • <i>Conservation, Parks and Wildlife Employees’ Award - State Government 2012</i> • <i>Employees of Queensland Government Departments (Other than Public Servants) Award - State 2012</i> • <i>Forestry Employees’ Award - Department of Agriculture, Fisheries and Forestry 2012</i> • <i>Hospitality Industry - Restaurant, Catering and Allied Establishments Award - South-Eastern Division 2012</i> • <i>Motoring Services Award - South - Eastern District 2012</i> • <i>Rabbit Board Employees Award - State 2012</i>
Medical Officers (Queensland Health) Award - State 2015	<ul style="list-style-type: none"> • <i>District Health Services - Senior Medical Officers’ and Resident Medical Officers’ Award - State 2012</i> • <i>Medical Superintendents with Right of Private Practice and Medical Officers with Right of Private Practice - Queensland Public Hospitals Award - State 2012</i> • <i>Resident Medical Officers (Queensland Health) Award - State 2014</i>
Queensland Public Service Officers and Other Employees Award - State 2015	<ul style="list-style-type: none"> • <i>Crime and Misconduct Commission Employees Award - State 2012</i> • <i>Queensland Building Services Authority Award - State 2012</i> • <i>Queensland Public Service Award - State 2012</i> • <i>QRAA Award - State 2012</i> • <i>Residential Tenancies Authority Employees Award - State 2012</i> • <i>Safe Food Production Queensland - Employees Award 2012</i> • <i>Queensland Public Service Officers’ Award - State 2014</i>
Queensland Health Framework Award - State 2015	<ul style="list-style-type: none"> • <i>Queensland Health Framework Award - State 2012</i>

Health Practitioners and Dental Officers (Queensland Health) Award - State 2015	<ul style="list-style-type: none"> • <i>District Health Services Employees' Award - State 2012</i> • <i>Queensland Health Framework Award - State 2012</i> • <i>Health Practitioners and Dental Officers (Queensland Health) Award - State 2014</i>
WorkCover Queensland Employees Award - State 2015	<ul style="list-style-type: none"> • <i>Workers' Compensation Queensland Award - State 2012</i> • <i>WorkCover Queensland Employees Award - State 2014</i>
Nurses and Midwives(Queensland Health) Award State - 2015	<ul style="list-style-type: none"> • <i>Queensland Health Nurses and Midwives Award - State 2012</i> • <i>Queensland Health Framework Award - State 2012</i>
Hospital and Health Service General Employees (Queensland Health) Award - State 2015	<ul style="list-style-type: none"> • <i>District Health Services Employees' Award - State 2012</i> • <i>Queensland Health Framework Award - State 2012</i>
Queensland Local Government Industry Award - State 2015	<ul style="list-style-type: none"> • <i>Aboriginal and Torres Strait Islander Health Services Officers Interim Award - State 2012</i> • <i>Award for Accommodation and Care Services Employees for Aged Persons - South Eastern Division 2012</i> • <i>Award for Accommodation and Care Services Employees for Aged Persons - State (Excluding South-East Queensland) 2012</i> • <i>Building Trades Public Sector Award - State 2012</i> • <i>Children's Services Award - State 2012</i> • <i>Clerical Employees Award - State 2012</i> • <i>Early Childhood Education Award - State 2012</i> • <i>Engineering Award - State 2012</i> • <i>Health and Fitness Centres, Swim Schools and Indoor Sports Award - State 2012</i> • <i>Hospitality Industry - Restaurant, Catering and Allied Establishments Award - South-Eastern Division 2012</i> • <i>Local Government Employees (Excluding Brisbane City Council) Award - State 2003</i> • <i>Municipal Officers Award (Aboriginal and Islander Community Councils) Award 2004</i> • <i>Nurses Aged Care Award - State 2005</i> • <i>Nurses Award - State 2005</i> • <i>Nurses Domiciliary Services Award - State 2003</i> • <i>Queensland Local Government Officers Award 1998</i> • <i>Theatrical Employees Award - State 2012</i> • <i>Tour Guides Award - State 2012</i> • <i>The Queensland Local Government Industry Award - State 2014</i>

Queensland Local Government Industry Award - State 2015

The Full Bench decision making the above Award was delivered on 31 October 2015. The nature and range of the matters dealt with in evidence and submissions, over 5 days of hearings, required detailed consideration by the Full Bench and the decision ran to 91 pages. Subsequently, on 5 November 2015 the former Minister lodged an Appeal with the Industrial Court of Queensland in which he challenged certain aspects of the decision of the Full Bench. At the same time the Minister lodged an Application for a Stay of the Full Bench's decision. This Stay was granted without opposition on 11 November 2015. Several Union participants also lodged Appeals in relation to various aspects of the Full Bench's decision.

The Minister's Appeal was heard by the President of the Industrial Court of Queensland on Monday 23 November 2015 and the decision was reserved.

Other Awards Reviewed and Varied

As you will appreciate, all participants in the process of modernising, or reviewing and varying, those Awards which remain in the State industrial relations system have been required to work very hard, frequently within very strict timeframes, to satisfy the requirements of the Act and your predecessor's Request. At the same time, Deputy President Bloomfield and the Award Modernisation (AMOD) Team have progressively refined the process of developing and issuing Exposure Drafts for the respective parties' consideration so as to continually improve the overall process.

Apart from the nine priority Awards referred to above, the following Awards were made by a Full Bench of the Commission, as consent Awards, on Friday 11 December 2015.

Modern Award	Pre – Modernised Awards
Correctional Employees Award - State 2015	<ul style="list-style-type: none"> • <i>Department of Community Safety - Queensland Corrective Services Correctional Employees' Award - State 2012</i>
Legal Aid Queensland Employees Award - State 2015	<ul style="list-style-type: none"> • <i>Legal Aid Queensland Employees Award - State 2012</i> • <i>Legal Aid Queensland Employees Award - State 2014</i>
Queensland Agricultural Colleges Award - State 2015	<ul style="list-style-type: none"> • <i>Agricultural Colleges (Domestic and General Staff) Award - State 2012 (Repealed Award)</i> • <i>Agricultural Colleges of Queensland (Excluding Domestic and General Staff) Award - State 2012 (Repealed Award)</i> • <i>Queensland Agricultural Colleges Award - State 2014</i>
Queensland Parliamentary Service Award - State 2015	<ul style="list-style-type: none"> • <i>Parliamentary Service Award - State 2012</i> • <i>Parliamentary Service Award - State 2014</i>
Tourism and Events Queensland Employees Award - State 2015	<ul style="list-style-type: none"> • <i>Tourism Queensland Employees Award - State 2012</i> • <i>Tourism and Events Queensland Employees Award - State 2014</i>

Industries and /or occupations presently under review

I would like to provide a brief update on the major industries/ occupations being dealt with by the Commission's AMOD Team currently, as follows:

City Parklands

The final Exposure Draft of a proposed *City Parklands Services Award – State 2015* was issued to all the relevant stakeholders for consideration on 24 November 2015. Given that the contents of this proposed Award were the subject of extensive discussions in late 2014, Deputy President Bloomfield anticipated that this Award would have been referred to a Full Bench at the end of November, when it was hoped it would be approved by consent of the parties or, if that was not the case, only a few minor matters would be left for a Full Bench of the Commission to decide.

However, the CFMEUQ, supported by several other unions, submitted a late request that the proposed City Parklands Services Award not be referred to a Full Bench until the following issues have been resolved:

1. whether City Parklands Services is covered by the State jurisdiction or not, given its proprietary limited status; and
2. a decision has been made in relation to the Appeal of the decision in the *Queensland Local Government Industry Award – State 2015* matter, given its likely impacts on the proposed Award.

Following consideration of the Unions' request, the Commission decided to defer further consideration of the contents of the proposed Award until the decision in the Queensland Local Government Appeal is handed down.

Education Award

In line with paragraph 14 of the 17 July 2015 Request, representatives of the Department of Education and Training, Queensland Teachers' Union and Together Queensland have been conferring with Deputy President Bloomfield about the contents of a proposed *Teaching in State Education Award – State 2016* which will replace three (3) existing Awards, namely:

- *Community Education Counsellors Award - State 2012*
- *Community Teachers, Assistant Teachers - Aboriginal & Torres Strait Islander Community Schools Award - State 2012*
- *Teachers' Award - State 2012*

These discussions are well advanced and have been very productive with the next conference programmed on 21 January 2016.

Deputy President Bloomfield is hopeful of being able to refer the proposed Award, as a consent document, to a Full Bench for finalisation in early February 2016.

Police Award

Discussions concerning the content of a proposed *Queensland Police Services Award – State 2016* have been held on 20 and 24 November and again on 8 December 2015. The proposed

Award will cover approximately 11,000 police officers and just over 300 other employees previously covered by the *Employees of Queensland Government Departments (Other than Public Servants) Award – State 2012*.

This latter group includes the Police Band, Watchhouse Officers, Police Liaison Officers and Torres Strait Island Police Support Officers who, it was felt, are more appropriately covered by an Award developed for the Police Service than a general award of the type previously covering them.

Discussions concerning the contents of this proposed Award are also well advanced and it is anticipated that it will be referred to a Full Bench for finalisation in late January 2016 after one more conference between the parties to the Award and Deputy President Bloomfield.

Developments scheduled over the next two months

In addition to the matters referred to immediately above, the AMOD Team will be working on the development and release of five (5) additional exposure drafts of new modernised awards early in the new year, namely:

- a Youth Detention Workers Award;
- a Building, Engineering and Maintenance Award applying to the Queensland Public; Sector (including Queensland Health);
- a Civil Construction Award;
- a Conservation, Parks and Wildlife Award; and
- an Award to cover TAFE Queensland.

Relationship with Certified Agreements

As mentioned in the report to the Minister dated 30 September 2015, Deputy President Bloomfield and other members of the AMOD Team have had regard to the nominal expiry dates of relevant certified agreements in developing their program for the modernisation of the relevant awards. In this respect, the modern Awards which have been made to date, or which are currently under development, are being progressed in a way which will ensure that the parties involved will not be delayed in proposed enterprise bargaining discussions in early to mid-2016.

Other matters

I would like to acknowledge the hard work and dedication to the task of modernising all of Queensland Awards exhibited by the members of the AMOD Team, as follows:

Deputy President Bloomfield	- Head of the Project
Kayla Sherlock	- Associate to Deputy President Bloomfield
Brian Bond	- Project Manager (22 January 2014 - current)
Kathleen Brophy	- Policy Officer (5 January 2015 - current)
Lily Erazo	- Policy Officer (3 August 2015 - current)
Sarah Tilby	- Policy Officer (3 August 2015 - current)
Sewar Mitanis	- Policy Officer (24 August 2015 - current)

Finally, I would like to acknowledge the considerable effort expended by staff of the Office of Industrial Relations, Queensland Health, various other government departments and agencies

and, especially, the staff of those trade unions involved to date, who have all greatly contributed to the creation of the 14 Modern Awards made since September 2015. Without their considerable input, and responsiveness within very tight timeframes, the task of creating and making the 14 Awards would have been so much more difficult.

I trust that the information contained in this report is sufficient for your present purposes. Please feel free to contact me should you require anything further.

I would also like to take this opportunity to wish you and your staff best wishes for Christmas and the New Year.

Kind regards,

DANIEL L O'CONNOR
Deputy President (Court)

22 December 2015