



INDUSTRIAL COURT OF QUEENSLAND
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CHAMBERS OF VICE PRESIDENT LINNANE

The Hon. Jarrod Bleijie MP,
Attorney-General and Minister for Justice,
G.P.O Box 149,
BRISBANE. 4000

Dear Attorney-General,

Award Modernisation

I refer to your Request under section 140C(1) of the *Industrial Relations Act 1999* in respect of Award Modernisation and the requirement placed on me to provide you with periodic reports outlining certain matters as recorded at paragraph 27 of your Request.

In accordance with the terms of the Request I provide the following report as at 31st December 2014.

Industries and/or occupations which have undergone award modernisation

As a result of the Variation Notice dated 27th August 2014 the Commission is now to complete the overall award modernisation process by 31st December 2015 and should have created a modern award or awards by that date for each industry or occupational group within the jurisdiction of the Queensland Industrial Relations Commission (Commission).

At the commencement of the award modernisation process the Commission understood that there were 83 awards operating in the Queensland public sector and the Queensland local government sector. As a result of work undertaken by the AMOD Team to identify awards actually in use, 14 such Awards have been identified as being obsolete and they have subsequently been declared obsolete. Theoretically this left 69 Awards to be modernised.

However, as a result of the work the AMOD Team has undertaken to consolidate and/or reduce the number of awards needed, the AMOD Team now believes that a maximum of 34 modern awards will be required to cover all award based employees within the Commission's jurisdiction. In terms of overall development, the following table records progress towards meeting that objective.

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| Modern awards made | 10 |
| Modern awards before Full Bench for finalisation | 1 |
| Exposure drafts presently under consideration by the parties | 5 |
| Exposure drafts still to be released | 18* |

* Nine of these are to be released during January - early February 2015 (see below).

The ten (10) modern awards which have now been made, identified in the table below, replace, either completely or partially, the pre-modernised Awards shown:

| Modern Award | Pre - Modernised Awards |
|--|---|
| <i>Queensland Rail Award - State 2014</i> | <ul style="list-style-type: none"> • Rail Industry Award 2010 |
| <i>Queensland Public Service Officers and Other Employees Award - State 2014</i> | <ul style="list-style-type: none"> • Queensland Public Service Award - State 2012 • Crime and Misconduct Commission Employees Award - State 2012 • Queensland Building Services Authority Award - State 2012 • QRAA Award - State 2012 • Residential Tenancies Authority Employees Award - State 2012 • Safe Food Production Queensland - Employees Award 2012 |
| <i>Queensland Parliamentary Service Award - State 2014</i> | <ul style="list-style-type: none"> • Parliamentary Service Award - State 2012 |
| <i>Tourism and Events Queensland Employees Award - State 2014</i> | <ul style="list-style-type: none"> • Tourism Queensland Employees Award - State 2012 |
| <i>Legal Aid Queensland Employees Award - State 2014</i> | <ul style="list-style-type: none"> • Legal Aid Queensland Employees Award - State 2012 |
| <i>WorkCover Queensland Employees Award - State 2014</i> | <ul style="list-style-type: none"> • Workers' Compensation Queensland Award - State 2012 |
| <i>Queensland Agricultural Colleges Award - State 2014</i> | <ul style="list-style-type: none"> • Agricultural Colleges (Domestic and General Staff) Award - State 2012 • Agricultural Colleges of Queensland (Excluding Domestic and General Staff) Award - State 2012 |
| <i>Resident Medical Officers (Queensland Health) Award - State 2014</i> | <ul style="list-style-type: none"> • District Health Services - Senior Medical Officers and Resident Medical Officers Award - State 2012 • Medical Superintendents with Right of Private Practice and Medical Officers with Right of Private Practice - Queensland Public Hospitals Award - State 2012 |
| <i>Queensland Local Government Industry Award - State 2014</i> | <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander Health Services Officers Interim Award - State 2012 • Award for Accommodation and Care Services Employees for Aged Persons - South Eastern Division 2012 • Award for Accommodation and Care Services Employees for Aged Persons - State (Excluding South-East Queensland) 2012 • Building Trades Public Sector Award - State 2012 • Children's Services Award - State 2012 • Clerical Employees Award - State 2012 • Early Childhood Education Award - State 2012 • Engineering Award - State 2012 |

| | |
|---|---|
| | <ul style="list-style-type: none"> • Health and Fitness Centres, Swim Schools and Indoor Sports Award - State 2012 • Hospitality Industry - Restaurant, Catering and Allied Establishments Award - South-Eastern Division 2012 • Local Government Employees (Excluding Brisbane City Council) Award - State 2003 • Municipal Officers Award (Aboriginal and Islander Community Councils) Award 2004 • Nurses Aged Care Award - State 2005 • Nurses Award - State 2005 • Nurses Domiciliary Services Award - State 2003 • Queensland Local Government Officers Award 1998 • Theatrical Employees Award - State 2012 • Tour Guides Award - State 2012 |
| <p><i>Health Practitioners and Dental Officers (Queensland Health) Award - State 2014</i></p> | <ul style="list-style-type: none"> • Health Practitioners and Dental Officers previously covered by the District Health Services Employees Award - State 2012 |

Industries and /or occupations presently under review

In accordance with the timetable set out in your Variation Notice dated 27th August 2014, the Commission, through the AMOD Team headed by Deputy President Bloomfield, is undertaking the modernisation of those Awards which are scheduled to be completed by 30th April 2015. As required, I provide a brief update on the industries/occupations being dealt with in this current stage.

General Employees and Other Employees Award: On 9th September 2014 the AMOD Team released a "blue collar" Award to replace four (4) existing Awards namely:

- *Employees of Queensland Government Departments (Other than Public Servants) Award - State 2012*
- *Conservation, Parks and Wildlife Employees' Award - State Government 2012*
- *Forestry Employees' Award - Department of Agriculture, Fisheries and Forestry 2012*
- *Rabbit Board Employees Award - State 2012*

After chairing four conferences of the parties to this proposed new Award during the September - November period, Deputy President Bloomfield referred an Exposure Draft award to me on 8th December 2014. I issued directions for the hearing and determination of this matter by the Full Bench (Deputy President O'Connor, Deputy President Kaufman and Commissioner Neate) late in February 2015.

Fire Industry Award: I have directed Deputy President Bloomfield and the AMOD Team to include the preparation of a modern award for the Queensland Fire and Emergency Services (QFES) sector, including Auxiliaries, in the group of Awards which the AMOD Team is to develop during the course of Stage 2 of the award modernisation process.

I have assigned this matter to Commissioner Knight and have requested her to provide me with an Exposure Draft of this award by 24th December 2014. At the time of writing this

report Commissioner Knight has chaired four conferences of the parties to progress the creation of a modern award.

Correctional Services Award: Similar to the approach adopted for the Fire Award, I have requested Commissioner Black to prepare a Correctional Services Award during Stage 2 to replace the current *Department of Community Safety Award - Queensland Services Correctional Employees' Award - State 2012*.

The first draft of the proposed modern award was circulated to the parties on 26th November 2014 for comment. To date, the parties have identified only minor objections to its terms and the Award is likely to be referred to me early in 2015.

Health: The AMOD Team has issued an Exposure Draft for a proposed Hospital and Health Service General Employees (other than Public Servants) Award - State 2015 (to replace the *District Health Services Employees Award - State 2012*), with the first conference to be held on 20th January 2015. It is anticipated that an Exposure Draft award will be referred to me in mid to late February 2015 with a Full Bench to determine any outstanding matters.

In conjunction with Queensland Health, the Queensland Nurses' Union of Employees (QNU) and The Australian Workers' Union of Employees, Queensland (AWU), the AMOD Team is also progressing the task of creating a new Nurses and Midwives (Queensland Health) Award - State 2015. The existing *Queensland Health Nurses and Midwives Award - State 2012* is a very complex Award and the AMOD Team has agreed to allow Queensland Health, the QNU and the AWU time to work collaboratively to develop a modern award which meets the needs of both the employers and the employees.

In this respect, Queensland Health, the QNU and the AWU are meeting fortnightly with report back conferences before Deputy President Bloomfield each 4 - 6 weeks. This is still a priority Award for both myself and Deputy President Bloomfield and we will continue to progress the matter hopefully towards a successful resolution.

City Parklands: The first Exposure Draft of the proposed City Parklands Transitional Services Award - State 2015 was issued to all the relevant stakeholders for consultation on 5th December 2014. The first conference was held on 12th December 2014 with the next conference to be held on 19th January 2015. Deputy President Bloomfield anticipates that this Award will be referred to me in mid-February. Deputy President Bloomfield is hopeful that this Award will be approved by consent of the parties or, if that is not the case, only a few minor matters will be left for a Full Bench of the Commission to decide.

Water Distribution Entities: The first Exposure Draft in this rather complex area has been forwarded to all the relevant parties for their consideration and written feedback prior to a conference to be chaired by Deputy President Bloomfield on 20th January 2015.

Given the nature of this proposed modern award, which will replace the present eight (8) Awards covering the employers and employees concerned, the AMOD Team is planning to conduct 3 - 4 conferences with the parties prior to referring any unresolved issues to me no later than 28th February 2015.

Developments scheduled for the next two months

In addition to the matters referred to immediately above, the AMOD Team is working on the development and release of nine (9) additional exposure drafts of new modernised awards early in 2015, namely:

- a Teachers Award covering the entire state public schools sector;
- a Building, Engineering and Maintenance Award applying to the Queensland Public Sector (including Queensland Health);
- a single "Cultural Centres" Award to apply to:
 - Gallery of Modern Art;
 - Queensland Art Gallery;
 - Queensland Museum;
 - State Library; and
 - Several provincial Art Galleries;
- a Stadiums Queensland Award;
- three Awards to cover the Brisbane City Council (in lieu of the 5 which presently apply);
- an Award to cover the employees of Parents and Citizens Associations; and
- an Award to cover the newly established TAFE Queensland

Other matters

As mentioned in my earlier reports to you, Deputy President Bloomfield and the AMOD Team continue to be fully focused on producing a "quality" product which will stand the test of time rather than just a "new" award. As such, the process of developing modern awards remains time consuming and intensive.

However, using past experience as a guide, Deputy President Bloomfield and the AMOD Team have progressively refined the process of issuing Exposure Drafts and inviting feedback so as to improve the turnaround time in considering feedback and the issuing of subsequent exposure drafts. Further, by requiring parties to provide written, rather than oral, feedback the nature of the communication between the AMOD Team and interested parties to a particular award has markedly improved. This is likely to lead to a reduction in the number of face-to-face conferences before each award is referred to me for finalisation.

In addition to the progress mentioned above which has been undertaken to reduce the number of industrial instruments in use in Queensland, I should also mention that approximately 20 Certified Agreements recorded on the Commission's website as "active" have been identified by the AMOD Team as having expired in accordance with the provisions of s. 164(3) of the *Industrial Relations Act 1999* (Act). As such, I have acted to remove them from the Commission's website. This will ensure that old, expired, Certified Agreements are not inadvertently referred to, or relied upon, by employers or employees.

I can also report that, as a result of the nature the provisions of s.824 of the Act, I have requested Deputy President Bloomfield and the AMOD Team to develop a Practice Note and procedure to be adopted within the Industrial Registry to facilitate the recording of the movement of employers and their employees between coverage under pre-modernised awards and modern awards as future Certified Agreements are made by the industrial parties and certified by the Commission. Such procedures and records when introduced, in the first

quarter of 2015, will enable interested employers and employees to establish their correct Award coverage and relevant wages and conditions of employment.

It will also enable the Commission to identify pre-modernised awards which are no longer being used, thus enabling me to declare them to be obsolete.

I wish to particularly thank Deputy President Bloomfield for his efforts in ensuring that the award modernisation project has progressed to the extent that it has in 2014. I also acknowledge the hard work and dedication to the task of modernising Queensland awards exhibited by those in the AMOD Team who have worked on the project in 2014:

| | |
|-------------------|--|
| Kayla Sherlock | Associate to Deputy President Bloomfield |
| Brian Bond | Project Manager (22 nd January 2014 - current) |
| Kate Langdon | Policy Officer (13 th March 2014 - current) |
| Caroline O'Brien | Policy Officer (13 th January 2014 - current) |
| Phoebe Everingham | Policy Officer (23 rd June 2014 - current) |
| Don Hamilton | Policy Officer (13 th January - 27 th June 2014) |
| Tim O'Toole | Policy Officer (5 th March - 9 th May 2014) |

I wish to also thank Deputy President O'Connor, Deputy President Kaufman and Commissioner Neate who have generally comprised the Full Bench which has heard and determined award modernisation referrals. The Full Bench has often had to hear and determine such referrals within relatively short periods of time and this has required them to work exceedingly long hours at various times. I appreciate their contribution towards the award modernisation process.

I would also acknowledge the efforts of the parties in many of the award modernisation Full Bench hearings. They also have been required to prepare and present their respective evidence and submissions on claims and counter-claims within those relatively short periods. This no doubt has stretched the resources of those organisations and has required officials also to work extended hours. I thank them for their contribution.

I trust that the information contained in this report meets the requirements of paragraph 27 of your Request. I will provide my next report to you by the due date of 31st May 2015.

Yours sincerely,

DIANNE LINNANE
Vice President

19th December 2014