

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1999* – ss. 140G and 140GC – Variation of modern award  
ss. 140G(3)(a) and 140GC(2)(a) – Commission acting on its own initiative

**BRISBANE CITY COUNCIL  
BUS TRANSPORT EMPLOYEES AWARD – STATE 2016**

**Matter No. MA/2017/2**

DEPUTY PRESIDENT O'CONNOR  
DEPUTY PRESIDENT SWAN  
INDUSTRIAL COMMISSIONER THOMPSON

1 March 2017

**DETERMINATION**

This matter coming on for hearing before the Commission at Brisbane on 1 March 2017 this Commission orders that the said Award be varied as follows as from 1 March 2017:

1. By deleting clause 2 and inserting the following in lieu thereof:

**2. Operation**

This Award operates from 7 October 2016.

2. In clause 3:

- (a) By deleting the definition of "Act" and inserting the following in lieu thereof:

**Act** means the *Industrial Relations Act 2016*

- (b) By deleting the definition of "medical practitioner" and inserting a new definition for "registered medical practitioner", reordered in alphabetical order, as follows:

**registered medical practitioner** means a medical practitioner registered with the Medical Board of Australia, but shall not include the services of osteopaths, chiropractors, acupuncturists, naturopaths, herbalists and homeopaths

- (c) By deleting the definition of "QES" and inserting the following in lieu thereof:

**QES** means the Queensland Employment Standards contained in Part 3 of Chapter 2 of the Act

3. By deleting clause 6.1(c) and inserting the following in lieu thereof:

- (c) Any proposed genuine agreement reached between the Council and employees in an enterprise is contingent upon the agreement being submitted to the Commission in accordance with Chapter 4 of the Act and is to have no force or effect until approval is given.

4. By deleting clause 8.1 and inserting the following in lieu thereof:

**8.1 Full-time employment**

A full-time employee is one who is engaged as such to work an average of 38 ordinary hours per week or as otherwise provided by clause 15.1.

5. By deleting clause 8.2(i) and inserting the following in lieu thereof:
- (i) All time worked in excess of the agreed rostered hours shall be paid as overtime. The maximum agreed ordinary rostered hours per day will be 8 hours. Overtime will be calculated on a daily basis and shall be paid as follows:
    - (i) for overtime worked on Monday to Friday, inclusive - at the rate of time and one-half for the first 3 hours and double time thereafter; and
    - (ii) for overtime worked on a Saturday or a Sunday - at the rate of double time.

6. By deleting clause 8.5(j)(iii) and inserting the following in lieu thereof:

- (iii) In all other cases a meal break shall be provided to casual employees in accordance with the provisions of clauses 16(c) and (d).

7. By deleting clause 9.1 and inserting the following in lieu thereof:

### **9.1 Notice of termination by the Council**

Notice of termination by the Council is provided for in Division 13 of the QES. Clauses 9.2 to 9.5 supplement the QES provisions.

8. By deleting clause 10.1 and inserting the following in lieu thereof:

### **10.1 Redundancy pay**

Redundancy pay is provided for in Division 13 of the QES. Clauses 10.2 to 10.9 supplement the QES provisions.

9. By deleting clause 12.2(b) and inserting the following in lieu thereof:

- (b) Any dispute that may arise as a result of clause 12.2 shall be handled in the first instance through the grievance and disputes procedure in clause 7.

10. By deleting clause 13.3 and inserting the following in lieu thereof:

### **13.3 Dirty work**

A bus assistant who is required to clean the interior or exterior of a bus which has become unsanitary due to misuse by some person or persons to an extent which, in the opinion of the Shift Coordinator, merits the payment of dirt money, shall be paid an additional \$2.45 for each such vehicle cleaned. In all such cases the cleaner shall draw the attention of the Shift Coordinator to the condition of the bus before it is cleaned.

11. By deleting clauses 13.5(a) and (b) and inserting the following in lieu thereof:

- (a) The monetary allowances specified in clauses 13.2 (dirty toilets) and 13.3 (dirty work), inclusive, shall be automatically adjusted from the same date and in the same manner as monetary allowances are adjusted in any State Wage Case decision or other decision of the Commission adjusting minimum wage rates in this Award.
- (b) At the time of any adjustment to the wage rates in this Award the overtime meal allowances at clauses 16(e) and (f), respectively, shall be automatically adjusted by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.

12. By deleting heading and introductory paragraph of clause 19 and inserting the following in lieu thereof:

**19. Annual leave**

Annual leave is provided for in Division 5 of the QES. Clauses 19.1 and 19.2 supplement the QES.

13. By deleting clause 19.2 and inserting the following in lieu thereof:

**19.2 Payment for annual leave**

- (a) Bus operators proceeding on annual leave shall be paid as follows:

- (i) an amount equal to the rate of wage being paid to the employee immediately before the employee takes the leave for the period of such leave; and
- (ii) a loading of 20% on 4 weeks' annual leave calculated on the rate of wage prescribed in clause 12.3 for their classification and paypoint.

- (b) Bus assistants required to work night shift proceeding on annual leave shall be paid:

- (i) an amount equal to the rate of wage being paid to the employee immediately before the employee takes the leave for the period of such leave calculated according to the employee's roster or projected roster, including Saturdays, Sundays, public holidays and shift penalties prescribed in clauses 15.6; or
- (ii) an amount equal to the rate of wage being paid to the employee immediately before the employee takes the leave for the period of such leave plus a loading of 17.5% on 5 weeks' annual leave calculated on the rate of wage prescribed by clause 12.3 for their classification and paypoint,

whichever is the higher.

- (c) Bus assistants not required to work night shift proceeding on annual leave shall be paid:

- (i) an amount equal to the rate of wage being paid to the employee immediately before the employee takes the leave for the period of such leave; and
- (ii) a loading of 17.5% on 4 weeks' annual leave calculated on the rate of wage prescribed by clause 12.3 for their classification and paypoint.

14. By deleting the heading and introductory paragraph of clause 20 and inserting the following in lieu thereof:

**20. Personal leave**

Personal leave is provided for in Division 6 of the QES. Clauses 20.1 to 20.3 supplement the QES.

15. By deleting clause 20.1(e)(i) and inserting the following in lieu thereof:

- (i) Who is unable to perform their duties on account of illness or injury (except for those covered by workers' compensation).

16. By deleting clause 21(a) and inserting the following in lieu thereof:

- (a) Bereavement leave is provided for in Division 6 of the QES. Clause 21(b) supplements the QES.

17. By deleting the heading and introductory paragraph of clause 22 and inserting the following in lieu thereof:

**22. Parental leave**

Parental leave is provided for in Division 8 of the QES. Clauses 22.1 and 22.2 supplement the QES.

18. By deleting clause 22.1(a) and inserting the following in lieu thereof:

- (a) Unless agreed otherwise between the Council and the employee, an employee may commence parental leave at any time within six weeks immediately prior to the expected date of the birth of their child. If recommended by a registered medical practitioner, an employee may commence unpaid parental leave at any time during the term of the pregnancy.

19. By deleting the heading and introductory paragraph of clause 23 and inserting the following in lieu thereof:

**23. Long service leave**

Long service leave, including for casual employees, is provided for in Division 9 of the QES. Clauses 23(a) to (f) supplement the QES.

20. By deleting the heading, introductory paragraph and clause (a) in clause 24 and inserting the following in lieu thereof:

**24. Public holidays**

Public holidays are provided for in Division 10 of the QES. Clauses 24(a) to (d) supplement the QES.

(a) All work done by any employee on:

- 1 January (New Year's Day)
- 26 January (Australia Day)
- Good Friday
- Easter Saturday (the day after Good Friday)
- Easter Monday
- 25 April (Anzac Day)
- Labour Day
- The Birthday of the Sovereign
- Show Holiday
- 25 December (Christmas Day)
- 26 December (Boxing Day), or
- any day appointed under the *Holidays Act 1983* to be kept in place of any such holiday,

shall be paid for at the rate of double time and one-half with a minimum as for 4 hours' work.

21. By deleting clause 25 and inserting the following in lieu thereof:

**25. Jury service**

Jury service leave is provided for in Division 12 of the QES.

22. By deleting clause 32(b)(i) and inserting the following in lieu thereof:

(b) Entry procedure

- (i) An authorised industrial officer may enter a workplace at which the Council carries on a calling of the officer's organisation, during the Council's business hours, to exercise a power under Chapter 9, Part 1, Division 5, Subdivision 2 of the Act as long as the authorised industrial officer:

- (A) has notified the Council or the Council's representative of the officer's presence; and
- (B) produces their authorisation, if required by the Council or the Council's representative.

23. By deleting clause 32(c)(i) and inserting the following in lieu thereof:

(c) Inspection of records

(i) An authorised industrial officer is entitled to inspect the time and wages record required to be kept under section 339 of the Act.

24. By deleting the Note under clause 32 and inserting the following in lieu thereof:

*Note: Clause 32 - Right of entry, deals with comparable provisions contained within the Act. In order to ensure the currency of existing legal requirements parties are advised to refer to Chapter 9, Part 1, Division 5 of the Act as amended from time to time.*

Dated: 1 March 2017

By the Commission,  
M. Shelley,  
Deputy Industrial Registrar.

Operative Date: 1 March 2017  
Determination - Correction of error

Released: 6 March 2017