

UPDATED as at 6.5.13

This Determination was amended by Correction of Error dated 1 May 2013, published on the QIRC Website on 6 May 2013. Changes have been made to Appendix 1 (2. OO Stream - Fortnightly Rates) for Classification OO2 (O4)

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 149 - determination by commission

**Department of Transport and Main Roads, and Together Queensland, Industrial Union of Employees and the Association of Professional Engineers, Scientists and Managers of Australia, Queensland Branch, Union of Employees
(No. CA/2011/28)**

DEPUTY PRESIDENT SWAN
DEPUTY PRESIDENT BLOOMFIELD
COMMISSIONER BROWN

10 December 2012

DETERMINATION

THIS matter coming on for hearing before the Commission at Brisbane on 7 November 2011, 15 December 2011, 19 March 2012, 30 and 31 July 2012, 1 August 2012 and 25 October 2012, this Commission determines as follows as from 1 July 2011:

TMR ENTERPRISE DETERMINATION 2011

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PART 1 - PRELIMINARY

1.1 Title

This Determination shall be known as the TMR Enterprise Determination 2011 (the Determination).

1.2 Parties Bound

The parties bound by this Determination are:

- TMR;
- Together Queensland, Industrial Union of Employees; and
- The Association of Professional Engineers, Scientists and Managers of Australia, Queensland Branch, Union of Employees.

1.3 Application and Scope

Coverage under this Determination is employees of TMR covered by awards listed in clause 1.5.
This Determination shall not apply to:

- (a) Chief Executives, Senior Executives and Senior Officers under the *Public Service Act 2008*; appointments made on a fixed term declared under s. 121 of the *Public Service Act 2008*; employees engaged under contractual arrangements (this does not refer to employees under ss. 147 and 148 of the *Public Service Act 2008* engaged for a fixed term); and "banded" officers;
- (b) Employees engaged under the *Transport and Main Roads Operational Employees Certified Agreement 2011*, and successor Agreements;
- (c) Employees engaged under the *MSQ Maritime Operations Certified Agreement 2009*, and successor Agreements;
- (d) Employees engaged under the *Maritime Safety Queensland Marine Pilots (Cairns Mackay and Townsville Regions) Agreement 2009 - 2012*, and successor Agreements;
- (e) Employees engaged under the *Maritime Safety Queensland Marine Pilots (Gladstone Region) Agreement 2009 - 2012*, and successor Agreements; and
- (f) Employees engaged under the *Maritime Safety Queensland (M.S.Q.) Gladstone Pilot Transfer Crew Certified Agreement 2009 - 2012*, and successor Agreements; and
- (g) Employees engaged under the *State Government Departments Certified Agreement 2009*, and successor Agreements.

1.4 Dates and Period of Operation

This Determination shall take effect from 1 July 2011 and shall have a nominal expiry date of 30 June 2014. Provided that the terms of the Determination for TMR employees who were formerly covered by the *State Government Departments Certified Agreement 2009* will be given operative effect on and from 14 December 2011, unless otherwise specified.

Provided further that the terms of this Determination for employees formerly employed by TransLink Transit Authority will be given operative effect on and from the date they are transferred to TMR.

The parties agree to commence negotiations 6 months prior to the expiry of this Determination, with a view to negotiating and settling a replacement Agreement.

1.5 Relationship with Parent Awards

This Determination shall be read and interpreted wholly in conjunction with existing Awards covering employees of TMR covered by this Determination: provided that, where there is an inconsistency, the terms of this Determination shall take precedence.

Relevant awards for employees covered by this Determination are:

- *Queensland Public Service Award - State 2012*;
- *Employees of Queensland Government Departments (Other than Public Servants) Award State 2012*;
- *Family Leave (Queensland Public Sector) Award - State 2012*;
- *Apprentices' and Trainees' Wages and Conditions (Queensland Government Departments and Certain Government Entities) Order*

Provisions of the relevant Awards as at 1 July 2011 shall apply for the duration of this Determination unless amended by agreement of the parties or provided for in clause 1.7 'No Further Claims' of this Determination.

1.6 Continuation of Provisions in Previous Certified Agreements

The provisions of the previously replaced certified agreements identified and outlined in Appendix 2, apply only to those employees covered by this Determination as specified. Such provisions will continue to apply unless specifically overridden or unless inconsistent with any of the provisions of this Determination.

The parties recognise that the incorporation process undertaken during negotiations for this Determination, which identified the relevant provisions agreed to be carried on and outlined in detail in Appendix 2 of this Determination, may inadvertently result in the exclusion of a whole or part of an arrangement or entitlement from the appendix. Where the Single Bargaining Unit (SBU) agree, such identified provisions will continue to administratively operate and will be considered for inclusion in the next certified agreement.

1.7 Closed Determination

This Determination is in full and final settlement of all matters within it, and all Union and employee claims relating to employee rights and entitlements for its duration. It is a term of this Determination that no party will pursue any extra claims relating to wages or conditions of employment whether dealt with in this Determination or not.

This Determination covers all matters or claims that could otherwise be subject to protected industrial action. The following changes may be made to employees' rights and entitlements during the life of this Determination:

- (a) General rulings and Statements of policy issued by the Queensland Industrial Relations Commission that provide conditions that are not less favourable than current conditions;
- (b) any improvements in conditions that are determined on a whole-of-government basis;
- (c) reclassifications; and
- (d) Directives made under the Public Service Act 2008 will be applied.

Unless inconsistent with the terms of this Determination, the entitlement of employees covered by this Determination as contained in Awards, Agreements, Ministerial Directives or determinations made under the *Public Service Act 2008* effective at the date this Determination was made, shall not be reduced for the life of this Determination.

1.8 Objectives of This Determination

TMR is a major employer in the State and provides a service that affects the daily lives of all Queenslanders. The parties are committed to ensuring the department remains an effective organisation delivering quality services to the community.

The parties are committed to improvements in service delivery, job security, improved efficiency and effectiveness of its operations and activities and promotion of best practice employment strategies amongst its employees.

The parties are committed to ensuring the working lives of employees of TMR are continuously improved, that there is a culture of genuine consultation between management and employees, and ensuring employees have the capacity to improve the balance between work and family life.

This Determination will achieve the principal objects in section 3(c), 3(d) and 3(n) of the *Industrial Relations Act 1999*. We will respect and value the diversity of our employees through helping to prevent and eliminate discrimination.

In addition, the effect of this Determination is not to allow any conduct or treatment, either direct or indirect that would contravene the *Anti-Discrimination Act 1991*.

1.9 Definitions and Abbreviations

"**ADO**" - means Accrued Day Off

"**AQF**" - means Australian Qualification Framework

"**CC**" - means Consultative Committee

"**Commission**" - means the Queensland Industrial Relations Commission

"**CDP**" - means Career Development Plan

"**CSC**" - means Customer Service Centre.

"**GTEP**" - means Graduate, Trainee Employment Program

"**GTO**" - means Guaranteed Transfer Out.

"**HRIS**" - means Human Resource Information System

"**Human resource delegate level 1**" - means Director-General

"**Human resource delegate level 2**" - means Deputy Director-General

"**Human resource delegate level 3**" - means General Manager (Human Resources and Governance)

"**Human resource delegate level 4**" - means General Manager

"**Human resource delegate level 5**" - means Executive Director and Directors

"**Human resource delegate level 6**" - means Managers

"**ITC**" - means Input Tax Credits

"**Ops Agreement**" - means *Transport and Main Roads Operational Employees Certified Agreement 2011*

"**PTS**" - means Patient Transit Scheme

"**QGAP**" - means Queensland Government Agent Program

"**RCC**" - means Recognition of Current Competencies

"RDO" - means Rostered Day Off
"RPEQ" - means Registered Professional Engineer of Queensland
"RPL" - means Recognition of Prior Learning
"RRAIS" - means *Rural and Remote Area Incentive Scheme*
"SARAS" - Study and Research Assistance Scheme
"SBQ" - means Surveyors Board of Queensland
"SBU" - means Single Bargaining Unit
"SRR" - means Subsidised Rental Rates
"SSA" - means Site Specific Arrangement
"TMR" - means the Department of Transport and Main Roads
"TOIL" - means Time off in Lieu
"WAP" - means Workforce Achievement Payment
"Zero Harm" - means the TMR workplace health and safety initiative that aims to improve safety in the workplace

PART 2 - FLEXIBILITY AND INITIATIVES

2.1 Flexible Working Arrangements

The parties agree to the continuation of the use of flexible working arrangements, subject to operational requirements and there being real net benefits to the department.

It is acknowledged by the parties that the SBU has a monitoring role in relation to the use of flexible working arrangements and therefore appropriate information will be made available to the parties.

In all cases relating to hours of work or workforce flexibility, the parties will continue to apply the uniform recording system used in previous Agreements for monitoring all aspects relating to application of the options of flexible working arrangements by the SBU. Such records shall be available for inspection by duly accredited representatives of industrial organisations of employees and/or employees directly affected.

2.2 Site-Specific Arrangements

2.2.1 Coverage of Site Specific Arrangements

Employees under this Determination may be covered under Site-Specific Arrangements (SSAs) as developed and implemented under the *Transport and Main Roads Operational Employees Certified Agreement 2011* (Ops Agreement).

The industrial organisations that are parties to this Determination may be parties to such SSAs that cover employees under this Determination and may represent their members' interests in the development of these SSAs.

The guidelines for SSAs that cover employees under this Determination will be as set out in the relevant provisions of the Ops Agreement.

2.2.2 Exceptions/Exclusions - Ballot Process

Employees remunerated at a salary level above PO3 (4) or its equivalent are not eligible to participate in the ballot process. All other employees that are to be covered by an SSA are encouraged to participate in the ballot process.

2.3 Time off in Lieu (TOIL)

An employee may elect to have overtime, night work, shiftwork, weekend and public holiday penalties acquitted as TOIL in lieu of cash. This is solely at the discretion of the employee. Conversion of overtime penalties to TOIL is only applicable to employees who are entitled to cash payment for working overtime. This does not alter current TOIL provisions under the *Directive 05/05 - Hours and Overtime* and *Directive 12/11 - Field Staff* issued and amended under section 54 of the *Public Service Act 2008*.

Employees who are entitled to receive payment for overtime; i.e. those under the overtime limit, are entitled to TOIL accrued at the applicable penalty rates.

TOIL entitlement shall be accrued at the applicable penalty rate, provided that an employee shall be paid in accordance with the ordinary hours of work for the work cycle.

Where due to work requirements, an employee is not able to take TOIL within 3 months of the end of the employee's work cycle during which such TOIL has accrued, the TOIL shall automatically be taken as leave or paid in cash to the employee at the relevant hourly rate at which it was accrued. An employee may request in writing to extend this period to 12 months and if approved, the employee will be advised in writing. Approval of such a request will not be unreasonably withheld.

TOIL will be taken as soon as possible at a mutually agreed time, consistent with operational requirements.

TOIL may be taken in whole days or part thereof.

2.4 Joint Ventures with Local Governments/Private Contractors

Where there are differences in allowances and working conditions or practices, other than base pay between TMRs' employees and employees of local governments or private contractors involved in a joint venture, management has the ability to rectify these differences for TMRs employees to avoid dissention. Refer to guidelines developed by the SBU (attached at Appendix 4 '*Guidelines on the Ability to Engage in Joint Ventures with Local Authorities and Private Contractors*' of this Determination).

2.5 Transfer of Employees between HRIS Pay Systems

When employees covered by the *Employees of Queensland Government Departments (Other than Public Servants) Award - State 2003* are permanently transferred from the department's F1 (time sheet driven - pay in arrears) pay system to the F2 (exception based - pay in advance) pay system, first aid and uniform allowances will be paid as weekly allowances.

2.6 Salary Overlap System for PO3 Level Professional Engineers

In recognition of the increased responsibility and accountabilities of PO3 professional engineering staff, a salary overlap system for such officers required to undertake roles directly related to road infrastructure projects will apply.

For PO3 professional engineering staff to be eligible to participate in the salary overlap system they must satisfy all of the following criteria:

- through a departmental performance appraisal process, be endorsed as performing in a satisfactory manner;
- have attained the competencies for Registered Professional Engineer of Queensland (RPEQ) registration, as assessed by the Engineer's Board and endorsed by the delegate manager;
- currently undertaking a PO3 role directly related to a road infrastructure project; and
- currently remunerated at PO3 level paypoint 4 for a minimum of 12 months.

The salary overlap system allows progression whilst undertaking the PO3 role from PO3 paypoint 4 to PO4 paypoint 1, with further incremental advancement after 12 months to PO4 paypoint 2. No further incremental advancement beyond PO4 paypoint 2 applies where the employee continues to occupy the PO3 role.

Failure to maintain the first three eligibility criteria will mean that the professional engineer will revert back to PO3 paypoint 4 from the next pay period following on from the employee's change in eligibility as determined by the delegate manager.

2.7 Progression Advancement for PO2 Level Professional Engineers

Professional engineers (holders of a degree in engineering or equivalent qualifications acceptable to the Director-General) classified at the PO2 level are eligible after application by the employee to be advanced to the first paypoint of level PO3 on attainment of the following:

- recommendation from an assessment panel established by the human resource delegate level 1 that the employee is worthy of movement to the PO3 level professional engineer's classification level within the department. (Merit of the employee is to be evaluated in relation to prescribed criteria for other PO3 level professional engineers' positions within the department);
- endorsement by the delegate manager that the employee has attained at least 60% of department approved required competencies that are set and assessed by Engineers Australia and that are used in relation to the determination of professional qualifications/professional standards such as Chartered Professional Engineer; Registered Professional Engineer of Queensland;
- endorsement by the delegate manager that the required competencies obtained by the employee are directly relevant to the role being undertaken by the employee; and

- endorsement by the delegate manager that the employee has satisfactorily served for at least 6 months, in the employee's substantive role, within the department.

An employee who satisfies all of the above criteria is entitled to be advanced to the first paypoint of the PO3 classification level.

An employee who has been advanced to the PO3 level, in accordance with this clause, shall receive his/her next increment within level PO3 on the due date the employee would have received an increment had they not advanced in accordance with this clause.

2.8 Salary Overlap System for PO3 Level Professional Surveyors

In recognition of the increased responsibility and accountabilities of PO3 professional surveying staff, a salary overlap system for such officers required to undertake roles directly related to road infrastructure projects will apply.

For PO3 professional surveying staff to be eligible to participate in the salary overlap system they must satisfy all of the following criteria:

- through a departmental performance appraisal process be endorsed as performing in a satisfactory manner;
- have been registered as a Surveyor by the Surveyors Board of Queensland (SBQ);
- currently undertaking a PO3 role directly related to a road infrastructure project as endorsed by the delegate manager; and
- currently remunerated at PO3 level paypoint 4 for a minimum of 12 months.

The salary overlap system allows progression whilst undertaking the PO3 role from PO3 paypoint 4 to PO4 paypoint 1, with further incremental advancement after 12 months to PO4 paypoint 2. No further incremental advancement beyond PO4 paypoint 2 applies where the employee continues to occupy the PO3 role.

Failure to maintain the first three eligibility criteria will mean that the professional surveyor will revert back to PO3 paypoint 4 from the next pay period following on from the employee's change in eligibility as determined by the delegate manager.

2.9 Progression Advancement for PO2 Level Professional Surveyors

Professional surveyors classified at the PO2 level are eligible after application by the employee to be advanced one paypoint on attainment of the following:

- endorsement by the delegate manager as having attained the required competencies to be accepted for registration as a surveying graduate by the Surveyors Board of Queensland plus Certified Practitioner status with the Spatial Sciences Institute;
- endorsement by the delegate manager that the required competencies obtained by the officer are directly relevant to the role being undertaken by the officer; and
- the officer has satisfactorily served for at least 6 months with TMR.

An officer who satisfies all of the above criteria and is not at the maximum paypoint of PO2 is to be advanced one paypoint.

An officer who satisfies the above criteria and is at the maximum paypoint of PO2 does not have to serve a qualifying period on the maximum paypoint of PO2 for the purposes of qualifying for movement between PO2 and PO3 pursuant to clause 5.11 of the *Queensland Public Service Award - State 2003*.

An officer who has been advanced by one paypoint in accordance with this clause shall receive the next increment within PO2 on the due date the employee would have received an increment had they not advanced in accordance with this clause.

2.10 Investigation of Progressional Arrangements for Certain Classifications

TMR will investigate the organisational advantages of progressional arrangements at various levels of the Operational stream for relevant employees engaged under the *Queensland Public Service Award - State 2003* and the *Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2003*. The following areas have been identified for the investigation:

- (a) OO2 to OO3; and
- (b) OO3 to OO4.

A key requirement for progression between the classifications will be on the basis of the employee possessing the TMR required skills to undertake the higher level roles.

In addition, TMR will also investigate all current technical and professional progressional arrangements within the department in relation to their relative organisational effectiveness comparing their current time based progression to competency based progression.

Provided that in relation to the discipline of designers, the investigation will be completed within 12 months of the date of the commencement of this Determination.

Should any of the above investigations reveal that it would be organisationally advantageous to introduce any of the abovementioned proposed progressional arrangements or the amendment of any existing progressional arrangements, such new/amended progressional arrangements will be subject to agreement with relevant industrial organisations at SBU, prior to submitting for government approval. It is intended that implementation of any proposed amended/new arrangements should occur within 24 months of the date of commencement of this Determination.

2.11 Transport Inspector Review

The parties agree to review the Shift Rostering Principles as outlined under s. 3.12.2 of the *Queensland Public Service Award - State 2012*.

The review will commence no earlier than 6 months from date of determination and will conclude no later than 12 months from the date of determination.

Any changes to these Principles, during the life of the Determination, will only take place by agreement of the parties. Such changes will be implemented by an agreed application by the parties to the Queensland Industrial Relations Commission (the Commission) to vary s. 3.10.2 (a) *Shift Rostering Principles* of the *Queensland Public Service Award - State 2012*.

The parties agree to review the roles and responsibilities of Transport Inspectors that are changed as a result of the National Heavy Vehicles Regulator for heavy vehicle compliance and enforcement.

The review is to occur no earlier than 12 months from the date of determination.

Implementation of any review recommendations shall be by agreement of the parties.

2.12 Site Rates and Site Allowance

Where TMR employees are engaged on projects for which wage rates and/or additional site allowances have been determined under other industrial instruments, TMR will negotiate a similar allowance in recognition of securing additional workplace flexibilities pursuant to a negotiated site specific arrangement.

2.13 Phone Fix and Dial In from Remote Location for Employees Engaged Under the *Employees of Queensland Government Departments (Other than Public Servants) Award State - 20012*

In the event of an employee (on call) being directed by an authorised manager to provide advice over the telephone or undertake duties associated with accessing departmental databases, or other like departmental systems/facilities, through home based computers with broadband connection or like technologies (without the need for the employee to leave their place of residence and return to the workplace), the employee will be paid at the relevant overtime rate for the actual time worked, with a minimum payment equivalent to 15 minutes.

Should the employee undertake more than one activity (for example, provide advice or undertake a computer based duty) within the 15 minute period, no further minimum payment shall apply to those additional activities. Provided that the employee will be responsible for recording such activities will require verification by the appropriate manager before payment can be made.

This provision does not apply to employees covered by the *Queensland Public Service Award - State 2003*.

2.14 Health and Well Being

The department has a long-standing commitment to improving workplace health and safety, and the continuing growth of a strong safety culture is an integral part of TMR future organisational focus.

To assist in further driving change to workforce behaviour in relation to workplace health and general wellbeing, TMR will reimburse expenses incurred of up to (see below) per employee per annum to support the following health-related activities:

- (a) Exercise physiology - exercise program development, personal training;
- (b) Influenza vaccination -immunisation against influenza;
- (c) Physiotherapy- neck and back education, osteo or musculoskeletal treatment and prevention;
- (d) Nutritionist/dietician - weight management, eating disorders, allergies/intolerances;
- (e) Gymnasium/ health club/ sporting club fees - joining and membership fees;
- (f) Dental hygiene - clean and scale, treatment options;
- (g) Quit smoking program - use of patches, gum, hypnotherapy and the prescription of CHAMPIX; and
- (h) Skin cancer screening - from an approved health professional.

As from 1 July 2011	As from 1 July 2012	As from 1 July 2013
\$76.90	\$78.80	\$80.80

2.15 Higher Duties Amendment

Notwithstanding the provisions of a *Directive 04/11 - Higher Duties* as issued and amended under section 54 of the *Public Service Act 2008*, higher duties is payable to public service employees who are directed to undertake the duties and responsibilities of another public service employee in situations where the current position holder is absent on accrued time leave and without it being contiguous with other approved forms of leave, for example recreation or long service leave. Provided that all other terms of the Directive are complied with including any required "minimum period" of relieving.

Provided further that where a Busway Safety Officer undertakes relieving in a Busway Shift Coordinator role, payment of higher duties shall occur after the completion of one shift, in lieu of the 'minimum period' of more than three consecutive working days prescribed by *Directive 04/11- Higher Duties*.

2.16 No Loss of Show Day

Where an employee is required to perform work duties (including training) at an alternative location to their usual place of work on a day where the show day holiday applies, such employee will be given a day off in lieu, to be taken by mutual agreement with the employee's supervisor.

Provided that an employee subject to this Determination, and whether engaged in different agencies or locations over a calendar year or not, is only entitled to leave on full pay for a show holiday once each calendar year.

2.17 Award Maintenance

Subject to clause 1.7 (a), (b), (c) and (d) of this Determination, the Queensland Industrial Relations Commission State Wage increases awarded during 2011 and the period up to and including the nominal expiry date of this Determination will be absorbed into the wage increases provided by this Determination.

It is a term of this Determination that no person covered by this Determination will receive a rate of pay, which is less than the corresponding rate of pay in the relevant parent award.

PART 3 - COMMUNICATION, CONSULTATION AND DISPUTE RESOLUTION

3.1 Single Bargaining Unit

The Single Bargaining Unit (SBU) for the purpose of this Determination comprises:

a) Management representatives:

- Human Resource Delegate Level 1 (or delegate);
- Human Resource Delegate Level 3 (or delegate); and
- Human Resource Delegate Level 5, of the area responsible for Industrial Relations in the department (or delegate).

b) Industrial organisation representatives from:

- Together Queensland, Industrial Union of Employees (TQ); and
- The Association of Professional Engineers, Scientists and Managers of Australia, Queensland Branch, Union of Employees (APESMA).

The parties acknowledge that this Determination was negotiated by the SBU. It is further agreed that the future role of the SBU shall be to actively progress, implement and monitor the Determination and to encourage achievement and take agreed action where necessary to deliver the agreed objectives.

The SBU shall also promote the agreed objectives and take action where necessary to ensure these objectives are met.

3.2 Consultative Committees

The parties agree that employees should be consulted about decisions which may affect their employment or welfare, and that meaningful consultation with affected employees leads to improved organisational outcomes.

TMR will have a joint industrial organisation/employer Consultative Committee (CC). The CC will be used to facilitate consultation on a broad range of issues, including but not limited to discussion of matters arising from this Determination such as:

- (a) workload management;
- (b) organisational change and restructuring;
- (c) climate change;
- (d) training;
- (e) industrial organisation encouragement;
- (f) balancing work/life and family; and
- (g) organisational matters such as the review of, changes to or introduction of new workforce management policies.

The CC may agree to establish standing committees, sub-committees, or other additional consultative structures; for example Local CCs, with agreed terms of reference/operating principles.

3.3 Disputes Avoidance and Settlement Procedures

The objective of this procedure is the avoidance and resolution of any disputes over matters covered by this Determination by measures based on the provision of information and explanation, consultation, co-operation and negotiation.

Subject to legislation, while the dispute procedure is being followed, normal work is to continue except in the case of a genuine safety issue. The *status quo* existing immediately before the change which gave rise to the dispute is to continue whilst the procedure is being followed. No party shall be prejudiced as to the final settlement by the continuation of work.

There is a requirement for management to provide relevant information and explanation and to consult with the appropriate employee representatives.

In the event of any disagreement between the parties as to the interpretation or implementation of this Determination, the following procedures shall apply:

- (a) the matter is to be discussed between the employee(s) nominated representative or the relevant industrial organisation of employees, and/or the employee(s) concerned, where appropriate, and the immediate supervisor in the first instance. The discussion shall take place within 24 hours and the procedure shall not extend beyond 7 days.
- (b) if the matter is not resolved as per provision (a) herein, it shall be referred by the employee representative or the industrial organisation of employees to the appropriate management representative who shall arrange a conference of the parties to discuss the matter. This process shall not extend beyond 7 days.
- (c) if the matter remains unresolved, it shall be referred to the employee and/or their nominee and the human resource delegate level 1 of TMR and/or their nominee for discussion and appropriate action. This process shall not exceed 14 days.
- (d) if the matter is not resolved, then it may be referred by either party to the Commission for conciliation, or if necessary, arbitration.

In terms of the *Industrial Relations Act 1999*, the Commission is empowered by this Determination to settle and determine any matters in dispute.

Nothing in this procedure shall prevent the SBU from taking any action considered conducive to resolving the matters in dispute.

3.4 Posting of Determination

A copy of this Determination must be displayed in a conspicuous place at the workplace, where it can be easily read by employees in the workplace. Electronic access to this Determination where available is sufficient to meet the requirements of this clause.

PART 4 - EMPLOYMENT RELATIONSHIP AND RELATED ARRANGEMENTS

4.1 Security of Employment Arrangements

4.1.1 Job Security

TMR, in line with government policy, is committed to improved job security for permanent employees. This commitment will be assisted where managers and employees are more flexible in terms of work, mobility, work practices and skills acquisition to meet changing business needs.

Consistent with government policy, where changes in work patterns affect job viability, deployment, redeployment and retraining will remain TMRs' priority.

It is TMR's intention that future organisational change and restructuring will be limited in scale. All organisational change will need to demonstrate clear benefits and enhanced service delivery to the community. The objective is to stabilise the department and to avoid unnecessary change that will not deliver demonstrable benefit to TMR or community.

TMR is committed to providing stability to the public sector by limiting organisational restructuring and contracting-out of services.

These commitments are effected through the Government's "*Employment Security Policy*" and the "*Policy on the Contracting-Out of Government Services*".

Further, the government and TMR undertakes that permanent public sector employees will not be forced into unemployment as a result of organisational change or changes in departmental priorities other than in exceptional circumstances. Where changes to employment arrangements are necessary, there will be active pursuit of retraining and deployment opportunities.

All provisions and entitlements relating to organisational change and restructuring can be found in *Directive 17/09 - Early retirement, redundancy and retrenchment* and *Directive 12/09 - Employment arrangements following workplace change* (as amended) which will apply for the life of this Determination.

TMR will advise the SBU of their intention to implement changes that may affect the employment security of their employees, prior to the commencement of any planned changes.

TMR will provide information to the industrial organisations of employees on their employment practices in relation to the use of temporary and casual employment.

TMR will involve industrial organisations in the review of consultants and contractors and will submit any issues to the SBU.

The SBU may make recommendations and provide advice to the department on any matters affecting the employment security of TMRs' employees.

4.1.2 Permanent Employment

The parties are committed to maximising permanent employment where possible. Casual or temporary forms of employment should only be utilised where permanent employment is not viable or appropriate. Parties are encouraged to utilise workforce planning and management strategies to assist in determining the appropriate workforce mix for current and future needs.

4.2 Contracting Work and Labour Hire

TMR will continue to comply with government policy in relation to contracting out and the job security provisions of this Determination and to maintain the practice of requiring employees of labour hire businesses to be paid as a minimum, the remuneration payable to equivalent TMRs' employees.

Information relating to the use of labour hire employees may be made available, on request, for discussion at SBU meetings.

PART 5 - REMUNERATION OUTCOMES

5.1 Wage Rate Increases

The following pay rates shall be available to employees covered by this Determination:

- 1 July 2011 New pay rates as per Column A of Appendix 1 of this Determination shall apply on 1 July 2011. This first increase amounts to an alignment with the pay rates of *State Government Department Certified Agreement 2009 (the Core Agreement 2009)*, applicable at 1 August 2011.
- 1 July 2012 New pay rates as per Column B of Appendix 1 of this Determination shall apply on 1 July 2012. This second increase amounts to 2.5% on the pay rates applicable at 30 June 2012.
- 1 July 2013 New pay rates as per Column C of Appendix 1 of this Determination shall apply on 1 July 2013. This third increase amounts to 2.5% on the pay rates applicable at 30 June 2013.

5.2 Lump Sum Payment

In addition to the wage increases already paid during 2011, an additional lump sum payment of \$750 (subject to tax) to be paid to employees (full-time, part-time and long term casual) who were covered by EDA7 as at 1 July 2011 and remained employed as at 30 June 2012.

Eligible employees may choose to salary package all or some of the lump sum payment to the employee's superannuation account.

5.3 Workforce Achievement Payments

TMR Workforce Achievement Payments (WAP) are linked to the commitment of employees to undertake certain workplace health and safety and enhancement of employee capability initiatives.

In particular, the WAP are linked to employees' active participation in the following TMR initiatives:

- a "Zero Harm" work environment; and
- the enhancement of employee capability.

The WAP will be as follows:

- \$250 per full-time equivalent employee, payable on and from 31 March 2012;
- \$150 per full-time equivalent employee, payable on and from 31 March 2013; and
- \$100 per full-time equivalent employee, payable on and from 31 March 2014.

The WAP is payable to permanent full-time employees, temporary employees engaged longer than 12 months and permanent part-time employees with payment for part-time employees to be on a pro-rata basis.

Employees may choose to salary package all or some of the WAP (e.g. 1 of the 3 OR 2 of the 3 payments may be salary packaged), to the employee's superannuation account.

The employee commitments are as follows:

- commitment by each employee to the department's strategies to reduce the number of injuries and in particular the number of lost time injury claims throughout TMR;
- commitment by each employee to positively participate with their delegate manager to develop and maintain a current work place health and safety element within their employee achievement plan over the life of the Determination; and
- commitment by each employee to positively participate with their delegate manager to develop and implement an individual capability enhancement target within their employee achievement plan over the life of the Determination.

Such target is to be based upon a key aspect of the employee's role and is to focus upon enhancing the employee's relevant workplace competencies/skills. (These competencies/skills may include, for example: project management; financial management; quality management, performance management; specialist technical/civil construction skills).

5.3.1 Implementation Arrangements

Employees currently the subject of formal department disciplinary or performance management procedures will not be eligible to receive the WAP until such processes have been satisfactorily concluded and the employee is considered to be performing in a satisfactory manner.

Parties to this Determination agree that these payments will not create a precedent for such arrangements beyond the scope and duration of this Determination.

5.4 Salary Packaging

Salary packaging is available for all employees (excluding short-term casuals) covered by this Determination in accordance with Queensland Government policy found in the Circular issued from time to time by the Public Sector Industrial and Employee Relations Division of the Public Service Commission.

The following principles for employees that avail themselves of salary packaging apply:

- the costs for administering the package, including fringe benefits tax, are met by the participating employee;
- there will be no additional increase in superannuation costs or to fringe benefits payments made by TMR;
- increases or variations in taxation are to be passed to employees as part of their salary package;
- where mandated by relevant government policy, employees must provide to the employer evidence of independent financial advice prior to taking up a salary package. Where no mandatory requirement exists, it is strongly recommended to all employees to seek independent financial advice when entering into a salary packaging arrangement for the first time, or adding new item/items to an already agreed packaging arrangement;
- TMR will pass on to the employee any Input Tax Credits (ITCs) it receives as part of salary packaging;
- there will be no significant additional administrative workload or other ongoing costs to TMR;
- any additional administrative and fringe benefit tax costs are to be met by the employee;
- any increases or variations to taxation, excluding payroll tax that result in additional costs are to be passed on to the employee as part of the salary package;
- the employee's salary for superannuation purposes and severance and termination payments will be the gross salary, which the employee would receive if not taking part in flexible remuneration packaging; and
- subject to federal legislation, employees may elect to adjust their current salary packaging arrangements to package up to 100% of salary to superannuation.

5.5 Electrical Contractors' Licence Allowance

An employee of TMR who holds qualifications eligible to be granted an Electrical Contractors' Licence and who is required by TMR to be its nominee by fulfilling the role of endorsee by signing the appropriate documentation on behalf of the organisation, shall be paid an allowance of (see below) per week.

As from 1 July 2011	As from 1 July 2012	As from 1 July 2013
\$61.60	\$63.10	\$64.70

5.6 Other Departmental Electrical and Engineering Supervisory General Employees required to be On-call

TMRs' electrical and engineering supervisory general employees, not employed under the *Engineering Award - State 2012*, and who are required to be on call and who are required to supervise/undertake electrical and engineering work when called out, will be compensated in accordance with the following arrangements-

- (a) Where the employee is required to be on call on any night, Monday to Friday - (see below) per night.
- (b) Where the employee is required to be on call through the whole of a Rostered Day Off (RDO), Saturday, Sunday or Public Holiday - (see below) in respect of such instances.

	As from 1 July 2011	As from 1 July 2012	As from 1 July 2013
Any night, Monday to Friday	\$16.20	\$16.60	\$17.00
RDO, Saturday, Sunday & Public Holidays	\$28.70	\$29.40	\$30.10

In addition, where the employee is recalled to work, the employee will be compensated, in respect of each call out, as provided for under clause 6.9 'Call Back' of the *Engineering Award - State 2002*.

5.7 On-Call Work Arrangements for Employees Engaged Under the *Queensland Public Service Award - State 2012*

The following clauses are to be read in conjunction with clause 5.13.4 'On call allowances' of the *Queensland Public Service Award - State 2012*:

- (a) Where an employee is instructed to be available on call outside ordinary or rostered working hours, the employee will be paid, in addition to their ordinary rate of pay an allowance based upon the hourly rate of the classification of Professional Officer level 3, paypoint 4 in accordance with the scale provided for in Appendix 1 of this Determination.
- (b) An employee, while on call, who is recalled to perform duties without the need to leave the employee's place of residence, will be paid for time worked with a minimum payment of one hour for each time the employee performs such duties. Provided that should such employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply. Provided further that the employee will be responsible for the recording of such requests which will require subsequent verification by the human resource delegate level 1.

5.8 On-Call Work Arrangements for Employees Engaged Under the *Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2012*

This clause shall not apply to electrical and engineering supervisory general employees required to be on call to undertake /supervise electrical or engineering work.

In addition the following clauses are to be read in conjunction with clauses 5.10.2 'On call allowances' and 5.10.3 'Recalled to work' of the *Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2012*:

	As from 1 July 2011	As from 1 July 2012	As from 1 July 2013
Where the employee is on call throughout the whole of a rostered day off or a statutory holiday	\$35.90	\$36.80	\$37.70
Where an employee is on call during the night only of a rostered day off, an accrued day off or statutory holiday	\$22.70	\$23.30	\$23.90
Where an employee is on call on any other night	\$17.90	\$18.30	\$18.80

An employee, while on call, who is recalled to perform duties without the need to leave the employee's place of residence, will be paid for time worked with a minimum payment of 1 hour for each time the employee performs such duties. Provided that should such employee be recalled again to perform duties separately within the minimum 1 hour period, no further payment shall apply.

In addition, an employee is responsible for the recording of such requests which require subsequent verification by the human resource delegate level 1.

5.9 Rural and Remote Area Incentive Scheme

Rural and Remote Area Incentive Scheme (RRAIS) is a management scheme which provides improved benefits in rural and remote areas has application in TMR.

5.9.1 Contribution to the Viability of Rural and Remote Communities

TMR is committed to maintaining its contribution to the viability of rural and remote communities in which TMR operates and the quality of its services to those communities. For the purpose of this Determination, the term 'rural and remote communities' are within the following regions: South west region, Central west region, North west region, Fitzroy region (Emerald only).

5.9.2 Utilisation of Local Businesses to Recruit Employees

Where practicable, TMR will utilise local businesses or recruit employees from the local area.

5.9.3 Family Education Assistance

TMR will continue to support mechanisms for the education of employee's families in rural and remote areas through appropriate policies.

5.9.4 Compensation and Incentive Package

TMR is maintaining a compensation and incentive package for all TMRs' employees working in the above-mentioned regions.

(a) The package for Public Service Officers is:

(i) Compensation:

The following amounts per fortnight will continue to be payable to public service officers with dependents for the duration of this Determination.

Region	As from 1 July 2011	As from 1 July 2012	As from 1 July 2013
Emerald	\$73.70	\$75.50	\$77.40
Cloncurry	\$136.50	\$139.90	\$143.40
Barcaldine	\$130.00	\$133.30	\$136.60
Roma	\$52.50	\$53.80	\$55.10

Officers without dependents receive 50% of the above rates.

(ii) Reimbursement of Medical Expenses:

Guidelines at Appendix 5 '*Specialist Medical or Dental Treatment*' of this Determination apply.

(iii) Incentives:

The ability exists to employ staff under section 122 '*Basis of Employment - tenure of contract*' of the *Public Service Act 2008* for periods of 3 and 5 years, to attract scarce skills to the remote area. A pool of temporary positions in the AO, TO and PO streams will be held by the human resource delegate level 2 and 4. These positions will only be available for use in the designated rural and remote areas. Guidelines are at Appendix 6 *TMRs' Guidelines for the Management of Temporary Positions as Part of the Rural and Remote Area Incentive Scheme*' of this Determination.

Subsidised housing is based on availability and need. Housing would be subsidised for the first 7 years and then would reduce by 1/3 over the next 3 years, to zero in the 10 year. The commencement of the 7 year period will be the start of EDA 5 (CA479 of 2002) (commenced 1 July 2002). Accordingly reductions in housing subsidy for affected employees will commence from 1/7/2009. Guidelines are at Appendix 8 '*Subsidised Housing*' of this Determination.

Guaranteed transfer to a major provincial or coastal centre, including Brisbane, to meet the department's business needs. Employees appointed, promoted or transferred to a rural and remote centre from a provincial or coastal centre, including Brisbane or another rural and remote centre have guaranteed transfer after 3 years.

Provided that promotion to another position within a rural and remote centre will restart the 3 year qualifying period. (Special consideration will be given to relocation where the occupied position is reclassified). Guidelines for transfer out after 3 years are contained at Appendix 7 '*Guaranteed Transfer Out*' of this Determination.

The ability exists to tailor salary packaging to provide specific and cost effective benefits for employees in rural and remote locations.

An amount up to \$10,000 per annum depending on location may be available for the employee for professional development. This is to be negotiated with the employee depending on relevance and timing of the training. Guidelines are at Appendix 9 '*Professional Development Incentives*' of this Determination. Relief opportunities outside the designated rural and remote region will be encouraged as part of the employee's development.

Pre-start familiarisation visits will be provided. Guidelines are at Appendix 10 '*Pre-Start Familiarisation Visits*' of this Determination.

Limited job search assistance will be provided for partners. Guidelines are at Appendix 11 '*Job Search Assistance*' of this Determination.

(b) The package for permanent field employees will be:

- (i) western allowance (this allowance will continue to be paid in addition to the divisional and district parity allowance currently received) payable to permanent field employees located permanently in any of the four rural and remote regions. See below for the rates per fortnight.

Region	Dependent Status	As from 1 July 2011	As from 1 July 2012	As from 1 July 2013
Central west and North west regions	Employee with dependents	\$18.30	\$18.80	\$19.30
	Employee without dependents	\$9.20	\$9.40	\$9.60
South west and Fitzroy (Emerald Only) regions	Employee with dependents	\$9.00	\$9.20	\$9.40
	Employee without dependents	\$4.50	\$4.60	\$4.70

- (ii) reimbursement of medical expenses (guidelines at Appendix 5 '*Specialist Medication and Dental Treatment*').
- (iii) subsidised housing based on availability and need housing would be subsidised for the first 7 years and then would reduce to zero in the 10th year.
- (iv) specific skilling and training strategies which focus on distance education and training.
- (v) the ability to tailor salary packaging to provide specific and cost effective benefits for employees in rural and remote locations.

PART 6 - HOURS OF WORK, ROSTERED DAYS OFF, OVERTIME, SHIFT WORK, WEEKEND WORK

6.1 Working on Rostered Days Off

Employees may be requested to work on their RDO for circumstances that require a full day, or as prescribed in a "Site Specific Arrangement".

If employees are requested to work an RDO, the employees at their discretion, can elect to be paid at Saturday overtime rates or to bank the day on a time for time basis. The employer cannot force the employee to bank an RDO.

The Determination shall allow for banking of up to 5 RDO or as varied by a Site Specific Agreement (SSA). The parties agree that appropriate consultation shall occur over any programming in regard to the scheduled working of rostered days off. Employees shall not unreasonably be required to work on rostered days off and employees shall not unreasonably withhold agreement to work on RDO.

Where a site specific agreement includes a requirement that RDOs be worked and TOILED, the RDOs will be TOILED at overtime rates.

6.2 Payout of Rostered Days Off

An accrued RDO shall be taken within 12 months of its accrual or if not taken shall be paid at overtime rates. However, written agreement may be reached between the employee and local management to extend this period to 2 years.

In the absence of an agreement with the employee, management will have the discretion to direct employees to take any accrued RDO's upon 5 working days notice.

6.3 Flexible Work Patterns by Mutual Agreement

The parties agree that existing 38 hour/week arrangements at the local level may be subject to review. The general principles to be applied are:

- (a) no reduction in client service delivery;
- (b) no increase in costs; and
- (c) the use of facilitative provisions (e.g. consultation requirements) as per the relevant Award.

6.4 Hours of Work - Accrued Time Arrangements for Employees Engaged Under the *Queensland Public Service Award -State 2012*

An employee is entitled to carry over up to 40 hours at the end of each settlement period. Accrued hours in excess of this amount are to be forfeited at the end of each settlement period.

Provided that employees who are engaged on high priority projects and major infrastructure projects can carry over between work cycles a maximum of 80 hours. Accrued hours in excess of this amount are to be forfeited at the end of each settlement period.

6.5 Hours of Work - Partial Payout of Accrued Time Arrangements for Employees Engaged Under the Queensland Public Service Award - State 2012

Notwithstanding the provisions of clause 6.4 of this Determination, the human resource delegate level 5 or 4 may approve an application for a business case submitted by a business unit on behalf of an employee engaged on a designated high priority departmental project/activity or road infrastructure project, operating for at least 6 months in duration.

Such approval will amend the accrued time arrangements for the employee as follows with respect to each work cycle over the period of the approved arrangement:

- (a) This arrangement does not apply to an employee who carries over a maximum of 80 hours between work cycles in accordance with clause 6.4 of this Determination;
- (b) all accrued time will contribute towards the employee taking at least 1 accrued day off each work cycle;
- (c) accrued time remaining (up to a maximum of 20 hours) after the taking of accrued time off shall be paid out at the employee's ordinary rate of pay at the end of each settlement period; and
- (d) any further accrued hours remaining not in excess of a 40 hour balance will carry over to the next work cycle, provided that accrued hours in excess of 40 hours shall be forfeited at the end of the settlement period.

Example: An employee working on a designated high priority departmental project /activity or road infrastructure project, lasting for 8 months, receives approval to amend Accrued Time Arrangements in accordance with the above. The employee, after taking at least one accrued day off, finishes the settlement cycle on 25 accrued hours. Under the approval arrangement the employee is paid out 20 hours and the remaining 5 hours carries forward to the next settlement period.

6.6 Spread of Ordinary Time Hours (All Employees)

The ordinary hours of work shall be between 6.00am and 6.00pm, Monday to Friday inclusive, except:

- (a) as set out herein for specified groups of employees; and
- (b) where the ability to work ordinary hours within alternative work patterns is provided for in this Determination or a relevant award.

Provided that by mutual agreement between management and the majority of employees affected and the local official or officials of the relevant industrial organisation of employees, employees may work in daylight hours (where such arrangements are invoked for general employees under the *Civil Construction Operations and Maintenance General Award 2012*) and in all circumstances where work in daylight hours is implemented, the existing spread of 12 hours in which ordinary daily hours are worked shall not be increased. Managers cannot extend the spread of hours to daylight hours unless agreement is reached.

6.6.1 Specified Groups of Employees

(a) Road Safety Consultants

The ordinary hours of work for Road Safety Consultants shall be between 6.00am and 10.00pm, Monday to Friday inclusive. Provided that the spread of ordinary hours may be extended by agreement with the human resource delegate level 1, the majority of employees affected and the relevant industrial organisation.

(b) Driving Examiners and Transport Inspectors

The ordinary hours of work for Driving Examiners and Transport Inspectors shall be worked in accordance with S3.10.1 and S3.10.2 respectively of the *Queensland Public Service Award - State 2012*, and such variations thereto.

(c) Brisbane Central Business District

These provisions shall apply only to employees engaged under the *Queensland Public Service Award - State - 2012* where the employee's place of work, at daily commencing and finishing times, is within the Australian Bureau of Statistics Statistical Local Areas of "City - Remainder" and "City - Inner" within the Statistical Subdivision of "0501 - Inner Brisbane".

In recognition of the problems associated with increased traffic congestion into the Central Business District of Brisbane and subject to a majority-approved ballot of Brisbane Central Business District employees, the parties agree to a wider ordinary spread of hours of 6.00 a.m. to 7.00 p.m. for full-time and part-time employees only. The purpose of such an arrangement is to allow employees and supervisors to mutually agree to changes to existing commencing and finishing times in order that the employees can commence and/or finish their working hours outside the recognised peak times of 7.00am to 9.00am and 4.00pm to 6.00pm.

For the purposes of application of the *Directive 16/05 - Excess Travel Time* as amended, which only applies to employees subject to the *Queensland Public Service Award - State 2012*, the ordinary spread of hours for the purposes of clause 1.1 of the Schedule to the Directive shall be 6.00am to 7.00pm.

The parties affirm that the capacity for an individual employee to have an ordinary spread of hours of 6.00am to 7.00pm by mutual agreement under these provisions will not be used as the rationale to alter customer service delivery arrangements of agencies affected by these provisions.

All other conditions contained in Awards and Ministerial Directives as amended relating to overtime, meal breaks and meal allowances shall continue to apply.

(d) Telecommuting

The spread of ordinary hours of work for employees who telecommute shall be between 6.00am and 10.00pm in accordance with the *Transport and Main Road Telecommuting Procedure* and such variations thereto.

6.7 Expansion of Ordinary Time Hours for General Employees

By agreement of the majority of employees affected, ordinary hours, including night work, may be worked up to 10 hours per day and starting and finishing times may be staggered. Provided that only in exceptional circumstances shall the employer require an employee to work overtime beyond 10 ordinary time hours per day. Where agreement with the majority of employees is not reached, management may implement after consultation with the local official or officials of the relevant industrial organisations of employees.

6.8 Night Work (Excluding Shift Work)

Where appropriate, and following agreement of the majority of employees affected, in the circumstances set out below, employees upon 7 days notice, may be required to work all or part of their ordinary hours between 6:00pm and 6.00am, Monday to Friday (including either the previous Sunday night or the following Saturday morning), for activities including:-

- (a) line marking;
- (b) road and bridge maintenance;
- (c) traffic system maintenance;
- (d) surveying;
- (e) concrete pours in extreme climatic conditions;
- (f) public road safety works; and
- (g) restriction of public access to business premises.

Provided that in relation to a response to an emergency or disaster, where urgent repair work is programmed for at least 2 consecutive nights, the 7 days' notification may be waived by agreement of the majority of employees affected and the local official or officials of the relevant industrial organisations of employees. Any extension to the above circumstances will be by agreement of the majority of employees affected, and with advice to the local official or officials of the relevant industrial organisations of employees.

All such ordinary time hours of work performed between 6.00pm and 6.00am shall incur a penalty of 50% for all hours so worked. Where employees are required to work ordinary hours prior to midnight on Sunday or after midnight on Friday, those ordinary hours worked shall be paid at a rate equivalent to the relevant overtime rate. These arrangements will apply to:

- (a) periods from 1 week and up to 4 weeks; and
- (b) periods beyond 4 weeks only with the agreement of the majority of employees affected and local official or officials of the relevant industrial organisations of employees.

The hours of duty shall be inclusive of a 30 minute paid meal break.

Where overtime is worked:

- either prior to following night work; and
- continuous with such night work; and
- between 6.00pm and 6.00am; and
- within the spread of hours.

It will be paid at double time for the first 3 hours and double time and a half thereafter.

Provided that overtime worked following and continuous with night work (and incorporating the 50% loading) continuing at 6.00am will be paid at the loaded rate until such overtime ceases.

Provided that only in exceptional circumstances shall the employer require and employee to work overtime beyond the agreed ordinary hours in any 1 night.

Where an emergency, urgent repair work is done at night, for less than 1 week, it will be regarded as ordinary daily hours and incur a penalty based on the overtime penalty.

Various scenarios for night work are provided at Appendix 12 '*Night Work Scenarios*' of this Determination.

6.9 Short Term Night Work - Public Service Officers Engaged under the *Queensland Public Service Award - State 2012*

A public service officer through consultation and mutual agreement with management and the relevant industrial organisation delegate/official, may work all or a substantial part of their ordinary hours at night for periods of less than 5 consecutive nights.

Short term night work may only occur where management has an operational requirement to meet road infrastructure needs.

Short term night work is limited to the following activities:

- (a) the management and safety of night work operations;
- (b) supervision or review of road infrastructure work procedures/arrangements;
- (c) supervision or review of new road infrastructure work or maintenance of existing road infrastructure work;
- (d) disaster relief activities/co-ordination;
- (e) information technology operations support;
- (f) traffic operations support;
- (g) roadwork inspections; and
- (h) other activities that are agreed to between management and a recognised industrial organisation representative.

In circumstances where ordinary hours of work are worked outside of the ordinary spread of hours (i.e. 6.00am to 6.00pm) for a period of less than 5 nights (of a rostered normal working week), but at least 1 night, all such ordinary hours of work (inclusive of a 30 minute paid meal break) between 6.00pm and 6.00am shall incur a 50% penalty and will be deemed to be part of the ordinary hours of work for the employees concerned.

Provided that where an employee is subject to the *TMRs' Hours of Work Arrangements - 36.25 Hour per Week Staff*, and works in excess of 7.25 ordinary hours, the additional ordinary hours will be accrued as per the *TMRs' Hours of Work Arrangements - 36.25 Hour per Week Staff* and the 50% penalty on such hours shall be paid.

Provided that officers are to be provided with at least 7 days notice of a request to perform Short term night work and be provided with a minimum 10 hour break without loss of pay during ordinary hours prior to resuming ordinary hours after completing Short term night work.

Any agreement made under these arrangements shall be recorded and signed by either the officer/s or their industrial organisation representative and the relevant supervisor. Such record shall be maintained at the work place to which it relates.

An employee shall not be subject to any undue pressure to provide agreement. This clause shall only be applied where genuine mutual agreement is reached. When any employee has a belief that undue pressure is applied by management to invoke this clause, the employee should either initiate the Disputes Avoidance and Settlement Procedure contained in this Determination, or contact the relevant local industrial organisation delegate.

6.10 Flexible Shift Arrangements for Combined Depots/Work Sites

Employees working at the same location or adjoining jobs may be required to work shift work in order to maximise the use of plant and to increase productivity. Provided that such work arrangements result in 2 or more rotating shifts being worked per day on a common roster. Prior to implementation, there is to be consultation with the local official or officials of the relevant industrial organisations of employees.

In such a case, all employees shall be deemed to be shift workers under their relevant award except that the shift times for day, afternoon and night shifts contained in the *Civil Construction, Operations and Maintenance General Award - State 2012*, shall apply to all employees so deemed and the shift penalty shall be 15% for all hours worked on afternoon or night shifts.

Where agreement is not reached, management may implement shiftwork arrangements after consultation with the local official or officials of the relevant industrial organisations of employees.

6.11 Working any 5 consecutive days out of 7 days, Monday to Sunday inclusive

In the circumstances set out below, by agreement with management, employees and officials of the relevant industrial organisations of employees, employees may work their ordinary hours any 5 consecutive days out of 7 days, Monday to Sunday inclusive.

This will apply:

(a) For road works, where undertaking work on Saturday and/or Sunday can provide:

- (i) improved productivity through better access to roads when traffic volumes are lower;
- (ii) significant reductions in traffic disruption/delay;
- (iii) reduced disruption of access to business or education premises;
- (iv) reduced exposure to safety hazards for workers and/or
- (v) less night time noise in urban residential areas (where work might otherwise be done at night).

(b) In workshops, where employees are required to maintain or repair plant and equipment on days when construction or maintenance crews are not working to minimise down-time on site; or workshops, laboratories or offices, where necessary, to support construction and maintenance needs in circumstances as outlined in (a) above.

Specifically, this provision applies primarily for "on-road" works which disrupt normal traffic flow and access to adjacent business premises (for example, payment works), rather than "off-road" activities which do not interfere with traffic movements (for example, signage and roadside drainage works). It is intended to apply on roads where large traffic volumes on week days (Monday to Friday) restrict the extent of lane closures possible and where lower traffic volumes on weekends would allow safer, more productive and/or less disruptive road works to be undertaken. This particularly applies to major urban roads that have significant commuter traffic on weekdays. All ordinary hours worked between midnight Friday and midnight Sunday shall incur a penalty based on the weekend overtime rate where an award does not prescribe weekend penalty rates. In all other cases, the appropriate Saturday and/or Sunday weekend penalty rate in the relevant award will apply.

6.12 Aggregated Hours

In isolated or remote circumstances, or where climatic factors would substantially disrupt work, by mutual agreement between a majority of employees affected and management, provided there is prior notification to the local official or officials of the relevant industrial organisation of employees, employees may work their total hours by varied weekly hours through a period of work cycles up to 12 months or less. Provided the maximum ordinary hours an employee may work is 10 hours per day, 5 days per week. Provided further that total ordinary hours must be worked within a period of not less than 9 months for a 12 month work cycle, or proportionately in respect to ordinary hours less than 12 months, e.g. 6 months work in a period of not less than 4.5 months.

Where hours in excess of the agreed hours are worked, overtime will accrue and be paid or taken as TOIL consistent with this Determination.

Provided that at the end of any 12 month period employees must have:

- worked their total ordinary annual hours;
- been paid for their total ordinary annual hours; and
- acquitted any excess hours by taking TOIL.

Before a particular work cycle commences, a roster that provides for the total ordinary weekly hours of work over the cycle, including time-off provisions shall be agreed between management and a majority of employees affected. Provided that overtime/penalty rates would apply to work in excess of the agreed ordinary hours of duty.

Any changes to an aggregated roster must be negotiated with all affected employees and a majority of 2/3 of those affected must be gained before any changes can be implemented.

A transparent and effective ballot process will be implemented and should include a minimum of 2 returning officers elected to conduct the ballot. Each returning officer shall initial all ballot papers before they are distributed to employees for voting purposes. When the ballot papers are returned they shall account for all of the ballot papers issued - including spares. They should also satisfy themselves that all ballot papers carry their initials.

The eligibility to partake in the vote will be determined by the SBU. It is further agreed that during the "time off" period established under this provision any requirement to provide labour to fulfil TMRs' requirements/work commitments current permanent employees on "time off" shall be given the opportunity to fulfil the requirement prior to any casuals/labour hire companies being engaged.

The SBU agrees to consider any cases other than those outlined, where it can be proven that productivity should be increased.

The SBU is to be informed of any application of this initiative and will monitor the use of aggregated hours to ensure employees are not disadvantaged.

6.13 Aggregated Hours of Work Arrangements - Cairns and Cape York

In respect to the aggregated hours of work arrangements of employees engaged at Cairns and Cape York and undertaking higher duties for at least 18 weeks (75%) of the 24 week period shall be entitled to 108 aggregated hours at the higher duties level.

Further in respect of Cairns and Cape York, the payment of aggregated hours during the period January to March will be at the rates of 1.2 times (120%) of the employees' salary.

PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS

7.1 Cultural Leave

Any employee who is legitimately required by Aboriginal or Torres Strait Islander tradition to be absent from work for Aboriginal ceremonial purposes or Torres Strait Islander ceremonial purposes shall be entitled to 5 days unpaid Cultural Leave per calendar year. This leave is not cumulative. These days may include, but will not be limited to: tombstone openings, smoking of houses, initiation ceremonies, National Aborigines and Torres Strait Islanders Observance Day, Coming of the Light, or to attend other such ceremonies deemed by the Elders to be significant.

These days may be accessed as leave without pay or accessed as any other leave entitlement e.g. RDO, Accrued Day Off (ADO), TOIL, or Recreation Leave.

7.2 Bone Marrow Donor Leave

A full-time or part-time employee who is absent during ordinary working hours for the purpose of donating bone marrow, or for the purpose of undertaking a blood test as part of the process of becoming a registered bone marrow donor, will not suffer any deduction of pay up to a maximum of:

- (a) 2 hours on not more than 2 occasions for the purpose of blood testing as part of the process of becoming a registered bone marrow donor; and
- (b) 3 days on any occasion that a bone marrow donation is given.

In relation to blood testing as part of the process of becoming a registered bone marrow donor, employees must arrange for the absence from work to be on a day suitable to their manager and the absence must be as close as possible to the beginning or ending of the employees' ordinary working hours.

The Australian Red Cross Blood Service guidelines include the following advice on *Hazardous Occupations and First Time Donors*:

- (a) There are various occupations/activities to which donors should not return for a specific period after donating because a delayed reaction may be hazardous. First time donors or donors with a previous history of fainting should be advised not to donate and perform a hazardous occupation / activity on the same day.
- (b) Drivers of heavy/public transport vehicles - recommended 8 hours before returning to work.

In relation to bone marrow donations, employees must provide their manager with as much notice as is possible of requested bone marrow donation.

So far as is possible employees must make arrangements for a bone marrow donation so as to minimise the absence from work.

Proof of attendance of the employees at either blood test or bone marrow donation and the duration of the blood test or the bone marrow donation must be provided to their manager.

7.3 Paid Parental Leave

The parties agree that the employer paid entitlements as prescribed in *Directive 26/10 - Paid Parental Leave* will be maintained for the life of this Determination notwithstanding the implementation of an Australian Government Paid Parental Leave Scheme.

PART 8 - TRANSFERS, TRAVELLING AND WORKING AWAY FROM USUAL PLACE OF WORK

8.1 Return Travel at Agreed Intervals

In situations where employees are required to work in remote locations such as Cape York Peninsula communities, Torres Strait Islands, projects where the programmed working of weekend overtime does not occur, or the project location is greater than 100kms from the employers work centre or depot, employees are to be accorded right of return from the project location to work centre or depot no less favourable than those accorded to operational employees as provided for in clause 9.1 of the *Transport and Main Roads Operational Employees Certified Agreement 2011* (Ops Agreement).

Employees will be eligible for travel from the employees' depot to the project and return in the employer's time and at the cost to the employer or on paid travel time as follows:

- (a) in the case of remote locations, that is isolated Cape York Peninsula communities and Torres Strait Islands or projects where the programmed working of weekend overtime does not occur, employees will be normally accorded 1 return trip back from the job to the depot once every 6 weeks.
- (b) excluding the cases of remote locations, employees should be accorded a minimum of one return trip from the project to the depot and return every 4 weeks where the project is outside a radius of 300 km of the employees' depot and fortnightly where the project is situated between 100 km and 300 km from the employees' depot.

8.2 Safe Storage of Employees' Vehicles

Where employees are required by management to leave their private vehicles unattended at a TMR location, other than the employees' principle town of residence, and the employees are then transported to a camp situation etc in departmental vehicles for a period in excess of 3 days, the following minimum storage standards will apply:

- secure compound area, e.g. fenced depot yard; and
- solid overhead cover, e.g. shed or carport type roof.

This provision does not apply to any vehicle available to the department on a hire basis.

8.3 Relocation Arrangements

Except where transfer expenses are payable in accordance with a *Directive 11/11 - Transfer and appointment expenses* and issued by the Minister responsible for Industrial Relations in accordance with section 54 of the *Public Service Act 2008*, relocation expenses shall be payable to employees who agree to transfer between depots, workshops, and laboratories or work sites.

Where there is a substantial reduction in the work available for employees based at a particular depot or work site, and where the employer agrees, an employee may elect to transfer to another depot or work site where the available work exceeds the capacity of the existing size of the workforce at that depot or work site. Where

practicable, a period of at least 1 month shall be available to the employee before the employee is required to make decisions.

Where an agreed transfer reasonably requires the employee to relocate their place of residence to a different town or city from where previously resided in, a relocation package will be provided as follows:

- (a) fares for employee, spouse and family or mileage at standard rates, and meals en route for employee, spouse and family at standard rates;
- (b) travelling time for the employee on full pay (based on 500 kilometres per day);
- (c) removal of personal effects on a case-by-case basis (i.e. according to the specific needs of individuals); and
- (d) temporary accommodation for employee, spouse and family at an approved hotel or motel for a maximum of 1 month.

(Note: These arrangements are in addition to the mandatory transfer provisions prescribed at clause 8.1 'Fares and Travelling Time' of the Civil Construction, Operations and Maintenance General Award - State 2012, and the payment of Real Estate Commission Reimbursement in accordance with Clause 8.9 of this Determination.)

8.4 Where Employees are Prevented, due to the Occurrence of Natural Disasters, from Returning Home from Working in Remote Areas

Where due to natural disasters, for example, severe weather conditions such as floods, employees are prevented from returning home while working in remote areas, special consideration may be given to the granting of paid leave in accordance with the *Directive 02/12 - Special Leave* issued by the Minister for Industrial Relations, as issued and amended under section 54 of the *Public Service Act 2008* in recognition of time spent delayed from returning home.

For example where employees must stay, over a weekend, in a TMR camp because of floods cutting roads, TMR may grant to such employees 2 days paid leave to be taken within 12 months of the granting of such leave.

8.5 Commence Work at Job Site (Depot-Based Employees)

Employees who are normally engaged or normally report for work at a depot, workshop or laboratory, may be required to report direct to an alternative work site.

Where employees are required to report directly to an alternative job site, any travel time in excess of the normal travel time between the employees' home and their usual depot, workshop or laboratory shall be paid for at ordinary rates.

Employees who are required to use their own motor vehicle or motor cycle to travel directly to an alternative job site shall be paid the appropriate kilometre allowance as prescribed in the applicable Award for that part of the trip that exceeds the distance between the employees' home and their usual depot, workshop or laboratory.

Guidelines on Commencing Work at an Alternative Work Site are attached at Appendix 3 of this Determination and address issues such as reimbursement of additional costs and any special site arrangements required (e.g. car parking).

Where agreement is not reached, management may implement after consultation with the local official or officials of the relevant industrial organisations of employees.

(Note: The relevant provisions of clause 8.1 'Fares and Travelling Time' of the Civil Construction, Operations and Maintenance General Award - State 2012 shall continue to apply to employees employed under such Award.)

8.6 Radial Allowance

The daily radial areas allowance as prescribed in clause 8.1.2 *'Radial Areas'* of the *Civil Construction, Operations and Maintenance General Award - State 2012* is to be increased to (see below). Provided that any increases in the daily radial areas allowance to the award will be absorbed by this amount.

This clause also applies to employees whose conditions of employment are prescribed in the *Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2012*.

A Radial Areas Allowance will be paid to the above employees who are required to report for duty at a site other than their home depot. The quantum and conditions as set out in clauses 8.1 *'Fares and Travelling Time'*, 8.1.2 *'Radial Areas'*, 8.1.3 *'Outside Radial Areas'*, 8.1.4 *'Travelling Between Radial Areas'*, 8.1.5 *'Provision of*

'Transport' and 8.1.9 'Daily Entitlement' contained in the *Civil Construction, Operations and Maintenance General Award - State 2012* shall continue to apply.

	As from 1 July 2011	As from 1 July 2012	As from 1 July 2013
Radial Allowance	\$20.50	\$21.00	\$21.50

8.7 Incidental Allowance

An Incidental Allowance of (see below) per night shall be paid to general employees who, as part of their work, are required to stay overnight away from their permanent place of residence. Provided that such employees are not in receipt of an Incidental Allowance by way of award entitlement.

	As from 1 July 2011	As from 1 July 2012	As from 1 July 2013
Incidental Allowance	\$16.30	\$16.70	\$17.10

8.8 Caravan Allowance

Caravan Allowance will be paid at the rate of (see below) per week or (see below) per day for periods of less than one week.

Caravan Allowance	As from 1 July 2011	As from 1 July 2012	As from 1 July 2013
Per weekly	\$48.70	\$49.90	\$51.10
Per day	\$9.70	\$9.90	\$10.10

8.9 Real Estate Commission Reimbursement

Real Estate Commission Reimbursement is a standard reimbursement available under *Directive 11/11 - Transfer and Appointment* under section 54 of the *Public Service Act 2008*, to those employees who are transferred/appointed from one centre to another.

An employee who sells a principal residence or land at a former centre and purchases at a new centre a residence to be occupied by the employee, or land for the specific purpose of erecting a principal residence shall be refunded actual real estate commission paid to an agent up to the following limits:

Real Estate Commission Reimbursement	As from 1 July 2011	As from 1 July 2012	As from 1 July 2013
Residence	\$4059.00	\$4160.50	\$4264.50
Land	\$2029.50	\$2080.20	\$2132.20

Payment of the above enhanced amounts are subject to the following conditions:

- the employee must have sold a principal residence or land at a former centre (centre is defined as a location to which an employee has been appointed), which need not be the centre where the employee was located immediately prior to the transfer to the new centre where expenses have been claimed.
- the principal residence or land owned at the former centre must be sold at any time subsequent to the transfer from that centre but must be sold within 2 years of arrival at the new centre where expenses have been claimed.
- the principal residence at the former centre may be tenanted whilst the officer occupies employee or rented accommodation at other centres as a result of subsequent transfers.
- the employee must purchase and occupy the residence at the new centre or, in the case of land, purchase at the new centre and sign a contract to erect a principal residence on that land within 2 years of arrival at the centre.
- the residence purchased or erected at the new centre must not be tenanted between purchase and occupancy.
- the transfer must not be one within the same city area.
- an employee transferred back to a former centre may be refunded expenses for the sale and purchase of a residence or land at that centre, provided that sale of the residence or land took place prior to the date of the current transfer.
- the application of the 2 year periods in this clause shall not take into account any time appointed to a rural and remote area, namely, the districts of: Cloncurry, Roma, Barcaldine and Emerald. This sub-clause is effective for transfers from rural and remote areas from the date of certification of this Determination.

Example: An employee may transfer from Brisbane to Cloncurry for 3 years and then transfer to Mackay. The residence in Brisbane is then sold. The employee keeps all the documentation and receipts of the transaction. The employee then serves 3 years at Cloncurry in departmental subsidised housing. Upon transfer to Mackay the employee buys a residence within 2 years and is entitled to the refund of actual fees up to the limits contained in this clause.

(NB. The human resource delegate level 1 has the discretion upon application by an employee to approve the refunding of commission fees paid on the sale of property, to the employee at the time of sale. Therefore the refund of fees paid by the employee is not withheld until the employee buys a property at the new centre.)

PART 9 - TRAINING AND RELATED MATTERS

9.1 Training

The parties to this Determination recognise an ongoing commitment to training and development through a variety of modes including on the job training, accredited courses and professional development programs.

It is acknowledged that employees should be encouraged to develop required skills and knowledge to support service delivery objectives in an environment where greater focus should be placed on strategies to attract, retain and develop employees with critical skills and abilities.

To achieve the desired levels of knowledge and skills there should be an emphasis upon building capability around key occupations through career development, job design, performance development, and workforce planning. The objective of this approach is to improve workforce capability and agencies' service delivery while enhancing job satisfaction and employees' professional growth.

Training and assessment of competencies will be provided in accordance with the Public Services Training Package or other accredited programs relevant to agency needs.

The parties recognise the importance of the provision of accredited training packages for front-line service delivery positions within the Queensland public sector in ensuring the provision of quality services to the Queensland community.

9.2 Recognition of Accredited Qualifications

9.2.1 Commitment

The parties are committed to the principle that suitable financial recompense will be provided for public sector employees in the specified classifications who meet the following requirements:

- an accredited qualification at the AQF level specified or higher achieved through training and assessment of competencies (including recognition of current competencies);
- reached the maximum paypoint of the specified classification level in the Administration Stream or the Operational Stream; and
- spent one calendar year on the maximum paypoint (or, in the case of permanent part-time employees, have spent one calendar year and worked 1200 hours at the maximum paypoint).

The parties acknowledge that applicable employees should receive recognition and credit for their knowledge and skills through the Recognition of Current Competencies (RCC) or the Recognition of Prior Learning (RPL). This assessment of competencies may include skills from:

- work experience (including both work that is paid and unpaid);
- life experience (for example leisure pursuits or voluntary work); and
- previous study (including training programs at work, courses at school or college, and through adult education classes).

9.2.2 Appropriate Remuneration

The following remuneration shall be paid for employees who meet the requirements set out in clause 9.2 herein of this Determination.

Qualification level	Class level	\$ per fortnight
Certificate III (AQF III)	OO2	\$20.00
Certificate IV (AQF IV)	AO2/OO3	\$41.50

Diploma (AQF V)	AO3/004/005	\$42.80
Advanced Diploma (AQF VI)	AO4/006	\$44.60

The parties agree that the SBU will continue to oversee the management and implementation of the agreed training agenda.

9.3 Graduate and Trainee Employment Program

TMR recognises the value of "growing our own" capability through the Graduate, Trainee Employment Program (GTEP) for the employment of graduates, cadetships, apprenticeships, trainees and external scholarship holders. Subject to business needs TMR will continue to expand this employment program with a targeted focus on those skills and key occupation groups necessary to build capability for delivery of the increased roads program.

PART 10 - OCCUPATIONAL HEALTH AND SAFETY AND AMENITIES

10.1 Purpose and Scope

Part 10 of this Determination prescribes guidelines on provision of amenities necessary to ensure a safe and healthy working environment for all employees in TMR workplaces. This is to be applied to all TMR workplaces including construction sites, maintenance work, depots, offices, workshops and laboratories.

10.1.1 Background

Workplace amenities are an important component of a safe and healthy workplace. Amenities, depending on the type of workplace and the work, may include:

- toilets
- hand washing facilities
- drinking water
- dining facilities
- dressing rooms
- showers
- first aid
- lighting
- ventilation
- work areas and airspace
- shade

10.1.2 Definition - Outdoor Workplaces

Includes all outdoor work areas such as road and bridge maintenance, survey work, soil testing, and line marking but does not include construction sites, which are detailed at clause 10.2 'Amenities Standards - Construction Sites' of this Determination.

10.1.3 Procedure

All workplaces must provide and maintain adequate amenities in a hygienic, safe and serviceable condition, and ensure that there is a system in place for inspecting and cleaning the amenity. The inspection of amenities should be included in regular workplace inspections. An amenity must be at a location reasonably convenient to the employee and the employee's use of the amenity must not be unreasonably restricted. All TMR workplaces will be provided with amenities as outlined at clauses 10.2, 10.3 and 10.4 of this Determination.

10.2 Amenities Standards - Construction Sites

10.2.1 Toilets

A toilet must be provided, within the site boundaries, prior to work commencing. There will be at least 1 toilet per 15 employees. If there is no sewerage or septic connection, it may be a portable toilet.

10.2.2 Room or Sheltered Area to Eat Meals

An area for eating meals will be provided with adequate seating and facilities for washing utensils, boiling water and food storage.

10.2.3 Washing Facilities and Drinking Water

Water will be provided for washing and potable, cool drinking water will be available. Supply of drinking water is important in minimising the risk of heat related illnesses. In this regard, refer to TMR procedure 'Working in Hot Environments'.

10.2.4 First Aid

First aid equipment must be provided that is accessible for all employees. To decide on the most appropriate equipment, a risk assessment should be conducted taking into account the type of work, location of work and number of employees.

10.2.5 Shade

Adequate shade shall be provided for rest breaks and also where possible for carrying out work. The preferred option should be 'Quikshade' or similar portable structure. Refer to TMR procedure 'Working in Hot Environments'.

10.2.6 Other

Additional amenities may be required depending on the type of work, for example, showers, dressing rooms where employees are exposed to contaminants such as lead. These will be provided on the basis of a site specific risk assessment.

10.3 Amenities Standards - Other Outdoor Workplaces

10.3.1 Toilets

For maintenance work a toilet must be reasonably available, and if outside the work site, transport must be provided to access the toilet.

10.3.2 Sheltered Area to Eat Meals

A sheltered area for eating meals or taking breaks will be provided within a reasonable distance and transport provided to access the area.

10.3.3 Washing Facilities and Drinking Water

Water and cleansing agent will be provided for washing hands. Potable cool drinking water will be available and provision made that employees do not have to share drinking containers. This may be the same water supply.

10.3.4 First Aid

First aid equipment must be provided that is accessible for all employees. To decide on the most appropriate equipment, a risk assessment should be conducted taking into account the type of work, location of work and number of employees.

10.3.5 Shade

Adequate shade shall be provided for rest breaks and also where possible for carrying out work. The preferred option should be 'Quikshade' or similar portable structure. Refer to TMR procedure 'Working in Hot Environments'.

10.3.6 Other

Additional amenities may be required depending on the type of work, for example, showers, dressing rooms where workers are exposed to contaminants. These will be provided on the basis of a site specific risk assessment.

10.4 Amenities Standards - Buildings Including Depots, Offices, Workshops and Laboratories

All buildings must provide the following amenities:

10.4.1 Amenity Standard Toilets

A toilet and wash basin must be provided in sufficient quantities for the number of employees.

10.4.2 Dining Facilities

Dining facilities will be provided that include a sink, hot and cold water, fridge and food storage cupboard. If employees cannot eat in their work area, tables will be provided.

10.4.3 Dressing Rooms

Where employees need to change their clothes at work because of the type of work they carry out, dressing rooms will be provided. Lockers should also be provided.

10.4.4 Washing Facilities and Drinking Water

Water will be provided for washing and potable, cool drinking water will be available.

10.4.5 Showers

Showers are required if the employees will be placed at a health and safety risk because of the work they do, if they do not shower at work.

10.4.6 Lighting

Adequate lighting from natural and/or artificial sources must be provided to ensure healthy working conditions appropriate to the nature of the work, the location of the work and the times at which the work is performed.

10.4.7 Ventilation

A space in the building used by a worker must be provided with means of ventilation.

10.4.8 Work areas and Air Space

Adequate work areas and air space must be made reasonably available to allow suitable standards of health and safety for the employees.

10.4.9 First Aid

First aid equipment must be provided that is accessible for all workers. To decide on the most appropriate equipment, a risk assessment should be conducted taking into account the type of work, location of work and number of employees.

PART 11 - DETERMINATION COMPLIANCE AND INDUSTRIAL ORGANISATION RELATED MATTERS

11.1 ILO Conventions

TMR as an employer recognises its obligations to give effect to international labour standards including freedom of association, employees' representatives, collective bargaining and equality of opportunity for all public sector employees.

11.2 Collective Industrial Relations

TMR acknowledges that structured, collective industrial relations will continue as a fundamental principle of the Determination. The principle recognises the important role of industrial organisations of employees and the traditional high levels of membership in industrial organisations of employees by employees of TMR. It supports constructive relations between management and industrial organisations of employees and recognises the need to work collaboratively with relevant industrial organisations of employees and employees in an open and accountable way.

TMR as an employer recognises that membership of industrial organisations of employees and coverage issues are determined by the provisions of the *Industrial Relations Act 1999* and any determinations of the Commission.

TMR is committed to collective agreements and will not support non-industrial organisation agreements, Queensland Workplace Agreements or Australian Workplace Agreements.

Consistent with principles established by a full bench of the Commission, TMR will agree to support the "rolling up" of certified agreement wage rates into the relevant awards.

11.3 Industrial Organisation Encouragement

TMR recognises the right of individual employees to join an industrial organisation of employees and will encourage that membership. This is consistent with the 'Statement of Policy on Union Encouragement' issued by the Full Bench of the *Queensland Industrial Relations Commission (2000) 165 QGIG 221* that encourages employees to join and maintain financial membership of industrial organisations of employees. However, it is also recognised that membership in industrial organisations of employees remains at the discretion of individual employees.

An application for membership in industrial organisations of employees and information on the relevant industrial organisations of employees will be provided to all employees at the point of engagement.

Information on the relevant industrial organisations of employees will be included in induction materials.

Representative(s) of industrial organisations of employees will be provided with the opportunity to discuss membership in industrial organisations of employees with new employees.

Where requested by the relevant industrial organisations of employees, the department will provide payroll deduction facilities for subscriptions to those organisations.

TMR will provide relevant industrial organisation with complete lists of new starters to the workplace on a quarterly basis, unless agreed between the TMR and industrial organisation to be on a more regular basis (consisting of name, job title and work location). This information is to be provided electronically.

TMR will also be required where requested in writing to provide relevant industrial organisation with a listing of current staff comprising name, job title and work location. This information shall be supplied on a 6 monthly basis, unless agreed between the TMR and industrial organisation to be on a more regular basis. The provision of all staff information to relevant industrial organisation shall be consistent with the principles outlined at s. 373(3) of the *Industrial Relations Act 1999*.

11.4 Workplace Consultation

The parties agree that genuine workplace consultation is an inherent feature of this Determination. It has been agreed that two compulsory workplace consultation meetings shall be held in each calendar year. Attendance at these meetings shall be mandatory for all employees. Wherever possible, the venue for the meetings shall be the designated depot in each regional area.

Representatives (officials or delegates) of industrial organisations of employees shall be invited to these consultative meetings and shall be invited to address employees on various issues including:

- (a) discuss membership in industrial organisations of employees with field staff employees;
- (b) discuss other relevant matters with field staff employees as a way of communicating issues affecting industrial organisations of employees.

A calendar of consultation meetings shall be developed in consultation with industrial organisations of employees for the following 12 month period.

The parties recognise that changes will occur in the workplace during the life of this Determination, and agree that work practices and arrangements may be varied subject to:

- (a) consultation with affected employees and the relevant industrial organisations of employees and agreement of the majority of affected employees before any significant workplace change is implemented;
- (b) information relating to workplace change will be given to employees;
- (c) parties are not to unreasonably withhold agreement, however, where agreement cannot be reached the parties may access the disputes process outlined in clause 3.2 'Disputes Avoidance and Settlement Procedures' of this Determination; and
- (d) if necessary arbitration by the Commission.

11.5 Industrial Organisation Delegates

TMR acknowledges the constructive role that democratically elected delegates of industrial organisations of employees undertake in the workplace in relation to the activities of those organisations and that support and assist members. That role will continue to be formally recognised, accepted and supported.

TMR employees will continue to be given full access to delegates/officials of industrial organisations of employees during working hours to discuss any employment matter or seek advice from those organisations, provided that service delivery is not disrupted and work requirements are not unduly affected.

Provided that service delivery and work requirements are not unduly affected, delegates will continue to be provided convenient access to facilities for the purpose of undertaking the activities of industrial organisations of employees. Such facilities include: telephones, computers, e-mail, photocopiers, facsimile machines, storage facilities, meeting rooms and notice boards. It is expected that management and delegates will take a reasonable approach to the responsible use of such facilities for information and communication purposes.

Subject to the relevant employee's written approval and any confidentiality provisions, delegates may request access to documents and policies related to a member's employment.

11.6 Industrial Relations Education Leave

Industrial relations education leave is paid time off to acquire knowledge and competencies in industrial relations. Such knowledge and competencies can allow employees to effectively participate in consultative structures, perform a representative role and further the effective operation of grievance and dispute settlement procedures.

Employees may be granted up to 5 working days (or the equivalent hours) paid time off (non-cumulative) per calendar year to attend industrial relations education sessions, approved by the human resource delegate level 1 (or delegate) of TMR.

Educational leave, over and above 5 working days non-cumulative (or the equivalent hours) in any 1 calendar year, may be granted where approved structured employees' training courses involve more than 5 working days (or the equivalent). Such leave will be subject to consultation between the human resource delegate level 1 (or delegate) of TMR, the relevant industrial organisation of employees and the employee.

Upon request and subject to approval by the human resource delegate level 1 (or delegated authority) of TMR, employees may be granted paid time off in special circumstances to attend management committee meetings, industrial organisation conferences and ACTU congress.

The granting of industrial relations education leave or any additional leave should not impact adversely on service delivery, work requirements or the effectiveness and efficiency of the agency/work unit concerned. At the same time such leave shall not be unreasonably refused.

At the discretion of the human resource delegate level 1 of TMR, employees may be granted special leave without pay to undertake work with their industrial organisations of employees. Such leave will be in accordance with *Directive 02/12 - Special Leave* issued and amended under section 54 of the *Public Service Act 2008*. Conditions outlined in *Directive 02/12 - Special Leave* that provide for the employees' return to work after unpaid leave will be met.

PART 12 - INITIATIVES ADOPTED FROM THE STATE GOVERNMENT DEPARTMENTS CERTIFIED AGREEMENT 2009

12.1 Workplace Bullying, Harassment and Client Aggression

The parties recognise that workplace bullying and harassment is a serious issue which is not acceptable and must be eliminated.

The parties recognise that client aggression is a workplace health and safety issue affecting some public sector workplaces and agree that violence and aggression by clients towards staff is not acceptable.

12.2 Climate Change

The parties acknowledge that responding to the risks of climate change is one of the most critical challenges presently facing employers and workers alike. TMR recognises that staff play an important and necessary role in implementing any sustainability measures in the workplace and as such, a holistic approach represents the best way to achieve the government's sustainability objectives.

12.3 Call Centres

TMR is committed to using the Workplace Health and Safety Guide for Call Centres and Code of Practice for Call Centres.

12.4 Balancing Work/Life and Family

TMR recognises the increasingly complex interplay between people's work and personal lives and the challenges involved in managing work, family and lifestyle responsibilities. It is committed to helping employers and employees establish workplace practices that improve work-life balance, and have introduced a variety of initiatives on work and family.

The parties recognise that implementing work-life balance initiatives will enable TMR to continue providing effective service delivery to the Queensland public.

TMR is committed to improving the uptake of existing work-life balance policies across the public sector in order to realise the potential of work-life balance as a tool to improve the attraction and retention of employees and subsequently productivity for employers.

TMR agrees to actively educate and provide practical tools to implement work-life balance policies and flexible work practices for individual organisations and their employees in order to develop organisational cultures that support work-life balance.

Workplace arrangements supported by TMR to assist employees in balancing work, family and lifestyle responsibilities include (but not limited to):

- leave arrangements - e.g. carer's leave, study/training leave, career breaks, cultural leave, flexible access to long service leave, purchased leave;
- policies relevant to parenting and pregnancy - e.g. paid/unpaid parental leave, pre-natal leave, spousal leave, breastfeeding facilities, lactation breaks;
- flexible working arrangements - e.g. telecommuting, job sharing, flexible hours of work or accrued day off (ADO) arrangements, transition to retirement arrangements, compressed working weeks, averaging ordinary hours; and
- additional work provisions - e.g. employee services, health programs, exercise facilities, relocation assistance.

TMR will monitor the implementation and uptake of work-life balance policies across the workforce in consultation through the CC.

The parties agree that requests by employees to access work-life balance policies must not be unreasonably refused.

12.5 Workload Management

TMR is committed to working with its employees and the public sector industrial organisations to address workload management issues. It is acknowledged that high workloads can in some circumstances lead to unsafe work practices, therefore TMR will ensure safe work environments are not compromised, and TMR's responsibilities under legislation including duty of care to all employees are complied with.

TMR recognises that unrealistic expectations should not be placed on employees by line management to consistently perform excessive working hours whereby no opportunities arise to utilise accrued time or TOIL.

TMR will consider the impacts on workloads when organisational change occurs, particularly those impacts arising from the introduction of new programs and from machinery-of-government changes. Management at the local level should undertake appropriate consultation with affected employees when implementing organisational initiatives including machinery of government changes that may have an impact on the workloads of affected employees.

TMR remains committed to the implementation of the workload management tool that was developed as part of the *State Government Departments Certified Agreement 2009*.

In addition, the parties agree that each CC will deal with the issue of workload management. The activities of the CC in the area of workload management should include, but not be limited to, the following:

- to undertake research on local workload management issues;
- to address specific workload issues referred by staff of work units, industrial organisation officials and/or management;
- to develop expedient processes for referral of workload issues to the CC;
- based on research, develop strategies to improve immediate and long term workload issues;

- to assess the implications of workloads from a workplace health and safety perspective and refer relevant matters to the workplace health and safety committee;
- to consider the impacts on workloads when organisational change occurs, particularly those impacts arising from the introduction of new programs and from machinery-of-government changes, and make recommendations to affected workgroups on the management of potential workload issues where appropriate; and
- to address issues associated with backfilling and absence of employees.

APPENDIX 1 - PAY RATES

Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2012, and Queensland Public Service Award - State 2012

1. AO Stream - Fortnightly Rates

Classification		Base Pay at 30/6/2011	Column A 1/7/2011 to 30/6/2012	to	Column B 1/7/2012 to 30/6/2013	to	Column C 1/7/2013 to 30/6/2014	Total Increase
AO1	01	\$1,254.60	\$1,281.90		\$1,313.90		\$1,346.70	\$64.80
	02	\$1,325.40	\$1,352.30		\$1,386.10		\$1,420.80	\$68.50
	03	\$1,395.90	\$1,422.50		\$1,458.10		\$1,494.60	\$72.10
AO2 Age 21	01	\$1,560.90	\$1,582.20		\$1,621.80		\$1,662.30	\$80.10
	02	\$1,598.70	\$1,618.70		\$1,659.20		\$1,700.70	\$82.00
	03	\$1,636.80	\$1,656.30		\$1,697.70		\$1,740.10	\$83.80
	04	\$1,674.80	\$1,694.00		\$1,736.40		\$1,779.80	\$85.80
	05	\$1,712.60	\$1,732.80		\$1,776.10		\$1,820.50	\$87.70
	06	\$1,752.90	\$1,773.50		\$1,817.80		\$1,863.20	\$89.70
	07	\$1,794.90	\$1,819.20		\$1,864.70		\$1,911.30	\$92.10
	08	\$1,842.70	\$1,869.70		\$1,916.40		\$1,964.30	\$94.60
AO3	01	\$1,965.90	\$1,998.20		\$2,048.20		\$2,099.40	\$101.20
	02	\$2,040.40	\$2,075.20		\$2,127.10		\$2,180.30	\$105.10
	03	\$2,115.40	\$2,152.10		\$2,205.90		\$2,261.00	\$108.90
	04	\$2,189.80	\$2,228.20		\$2,283.90		\$2,341.00	\$112.80
AO4	01	\$2,319.80	\$2,362.70		\$2,421.80		\$2,482.30	\$119.60
	02	\$2,396.10	\$2,440.90		\$2,501.90		\$2,564.40	\$123.50
	03	\$2,472.30	\$2,519.30		\$2,582.30		\$2,646.90	\$127.60
	04	\$2,548.00	\$2,598.00		\$2,663.00		\$2,729.60	\$131.60
AO5	01	\$2,684.30	\$2,738.10		\$2,806.60		\$2,876.80	\$138.70
	02	\$2,761.20	\$2,817.60		\$2,888.00		\$2,960.20	\$142.60
	03	\$2,838.20	\$2,896.70		\$2,969.10		\$3,043.30	\$146.60
	04	\$2,914.80	\$2,976.10		\$3,050.50		\$3,126.80	\$150.70
AO6	01	\$3,076.10	\$3,141.60		\$3,220.10		\$3,300.60	\$159.00
	02	\$3,147.10	\$3,215.00		\$3,295.40		\$3,377.80	\$162.80
	03	\$3,217.80	\$3,288.30		\$3,370.50		\$3,454.80	\$166.50
	04	\$3,289.20	\$3,361.20		\$3,445.20		\$3,531.30	\$170.10
AO7	01	\$3,438.90	\$3,515.30		\$3,603.20		\$3,693.30	\$178.00
	02	\$3,521.10	\$3,600.10		\$3,690.10		\$3,782.40	\$182.30
	03	\$3,603.20	\$3,684.90		\$3,777.00		\$3,871.40	\$186.50
	04	\$3,685.50	\$3,769.40		\$3,863.60		\$3,960.20	\$190.80
AO8	01	\$3,807.20	\$3,894.70		\$3,992.10		\$4,091.90	\$197.20
	02	\$3,879.70	\$3,970.00		\$4,069.30		\$4,171.00	\$201.00
	03	\$3,952.50	\$4,044.20		\$4,145.30		\$4,248.90	\$204.70
	04	\$4,024.80	\$4,119.20		\$4,222.20		\$4,327.80	\$208.60

Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2012, and Queensland Public Service Award - State 2012

2. OO Stream - Fortnightly Rates

Classification		Base Pay at 30/6/2011	Column A 1/7/2011 to 30/6/2012	Column B 1/7/2012 to 30/6/2013	Column C 1/7/2013 to 30/6/2014	Total Increase
OO1	01	\$1,119.40	\$1,146.70	\$1,175.40	\$1,204.80	\$58.10
OO1	02	\$1,201.60	\$1,229.00	\$1,259.70	\$1,291.20	\$62.20
OO1	03	\$1,284.60	\$1,311.80	\$1,344.60	\$1,378.20	\$66.40
OO1	04	\$1,367.50	\$1,394.20	\$1,429.10	\$1,464.80	\$70.60
OO1	05	\$1,451.60	\$1,476.80	\$1,513.70	\$1,551.50	\$74.70
OO1	06	\$1,537.10	\$1,559.50	\$1,598.50	\$1,638.50	\$79.00
OO2 Age 21	01	\$1,560.90	\$1,582.20	\$1,621.80	\$1,662.30	\$80.10
OO2	02	\$1,600.60	\$1,620.80	\$1,661.30	\$1,702.80	\$82.00
OO2	03	\$1,640.50	\$1,660.20	\$1,701.70	\$1,744.20	\$84.00
OO2	04	\$1,680.50	\$1,669.50	\$1,742.00	\$1,785.60	\$86.10
OO3	01	\$1,704.00	\$1,723.50	\$1,766.60	\$1,810.80	\$87.30
OO3	02	\$1,735.30	\$1,755.30	\$1,799.20	\$1,844.20	\$88.90
OO3	03	\$1,768.30	\$1,790.70	\$1,835.50	\$1,881.40	\$90.70
OO3	04	\$1,803.40	\$1,828.20	\$1,873.90	\$1,920.70	\$92.50
OO4	01	\$1,877.60	\$1,905.70	\$1,953.30	\$2,002.10	\$96.40
OO4	02	\$1,936.80	\$1,967.90	\$2,017.10	\$2,067.50	\$99.60
OO4	03	\$1,997.40	\$2,030.40	\$2,081.20	\$2,133.20	\$102.80
OO4	04	\$2,057.70	\$2,092.30	\$2,144.60	\$2,198.20	\$105.90
OO5	01	\$2,111.00	\$2,147.50	\$2,201.20	\$2,256.20	\$108.70
OO5	02	\$2,180.70	\$2,218.90	\$2,274.40	\$2,331.30	\$112.40
OO5	03	\$2,250.50	\$2,290.90	\$2,348.20	\$2,406.90	\$116.00
OO5	04	\$2,319.80	\$2,362.70	\$2,421.80	\$2,482.30	\$119.60
OO6	01	\$2,421.10	\$2,466.50	\$2,528.20	\$2,591.40	\$124.90
OO6	02	\$2,484.40	\$2,532.70	\$2,596.00	\$2,660.90	\$128.20
OO6	03	\$2,548.00	\$2,598.00	\$2,663.00	\$2,729.60	\$131.60
OO7	01	\$2,669.40	\$2,723.10	\$2,791.20	\$2,861.00	\$137.90
OO7	02	\$2,734.40	\$2,789.90	\$2,859.60	\$2,931.10	\$141.20
OO7	03	\$2,799.20	\$2,856.60	\$2,928.00	\$3,001.20	\$144.60

Queensland Public Service Award - State 2012

3. TO Stream - Fortnightly Rates

Classification		Base Pay at 30/6/2011	Column A 1/7/2011 to 30/6/2012	Column B 1/7/2012 to 30/6/2013	Column C 1/7/2013 to 30/6/2014	Total Increase
TO1	01	\$1,282.20	\$1,309.40	\$1,342.10	\$1,375.70	\$66.30
TO1	02	\$1,394.00	\$1,420.50	\$1,456.00	\$1,492.40	\$71.90
TO1	03	\$1,508.10	\$1,531.50	\$1,569.80	\$1,609.00	\$77.50
TO1 Age 21	04	\$1,623.00	\$1,642.50	\$1,683.60	\$1,725.70	\$83.20
TO1	05	\$1,685.50	\$1,704.60	\$1,747.20	\$1,790.90	\$86.30
TO1	06	\$1,749.20	\$1,769.50	\$1,813.70	\$1,859.00	\$89.50
TO1	07	\$1,820.80	\$1,846.60	\$1,892.80	\$1,940.10	\$93.50
TO2	01	\$1,850.40	\$1,877.60	\$1,924.50	\$1,972.60	\$95.00
TO2	02	\$1,916.10	\$1,947.10	\$1,995.80	\$2,045.70	\$98.60
TO2	03	\$1,984.70	\$2,017.20	\$2,067.60	\$2,119.30	\$102.10
TO2	04	\$2,053.00	\$2,087.70	\$2,139.90	\$2,193.40	\$105.70
TO2	05	\$2,121.40	\$2,158.10	\$2,212.10	\$2,267.40	\$109.30
TO2	06	\$2,189.80	\$2,228.20	\$2,283.90	\$2,341.00	\$112.80
TO3	01	\$2,319.80	\$2,362.70	\$2,421.80	\$2,482.30	\$119.60
TO3	02	\$2,382.20	\$2,427.00	\$2,487.70	\$2,549.90	\$122.90
TO3	03	\$2,444.30	\$2,490.80	\$2,553.10	\$2,616.90	\$126.10
TO3	04	\$2,506.20	\$2,554.70	\$2,618.60	\$2,684.10	\$129.40
TO4	01	\$2,631.70	\$2,683.60	\$2,750.70	\$2,819.50	\$135.90
TO4	02	\$2,715.90	\$2,770.40	\$2,839.70	\$2,910.70	\$140.30
TO4	03	\$2,799.20	\$2,856.60	\$2,928.00	\$3,001.20	\$144.60
TO5	01	\$2,914.80	\$2,976.10	\$3,050.50	\$3,126.80	\$150.70
TO5	02	\$3,001.10	\$3,064.00	\$3,140.60	\$3,219.10	\$155.10
TO5	03	\$3,086.40	\$3,152.40	\$3,231.20	\$3,312.00	\$159.60
TO5	04	\$3,172.30	\$3,240.60	\$3,321.60	\$3,404.60	\$164.00
TO6	01	\$3,274.50	\$3,346.00	\$3,429.70	\$3,515.40	\$169.40
TO6	02	\$3,356.80	\$3,430.80	\$3,516.60	\$3,604.50	\$173.70
TO6	03	\$3,438.90	\$3,515.30	\$3,603.20	\$3,693.30	\$178.00

Queensland Public Service Award - State 2012

4. PO Stream - Fortnightly Rates

Classification		Base Pay at 30/6/2011	Column A 1/7/2011 to 30/6/2012	Column B 1/7/2012 to 30/6/2013	Column C 1/7/2013 to 30/6/2014	Total Increase
PO1	01	\$1,282.20	\$1,309.40	\$1,342.10	\$1,375.70	\$66.30
PO1	02	\$1,394.00	\$1,420.50	\$1,456.00	\$1,492.40	\$71.90
PO1	03	\$1,508.10	\$1,531.50	\$1,569.80	\$1,609.00	\$77.50
PO1 Age 21	04	\$1,623.00	\$1,642.50	\$1,683.60	\$1,725.70	\$83.20
PO1	05	\$1,685.50	\$1,704.60	\$1,747.20	\$1,790.90	\$86.30
PO1	06	\$1,749.20	\$1,769.50	\$1,813.70	\$1,859.00	\$89.50
PO1	07	\$1,820.80	\$1,846.60	\$1,892.80	\$1,940.10	\$93.50
PO2	01	\$1,963.90	\$1,996.00	\$2,045.90	\$2,097.00	\$101.00
PO2	02	\$2,072.70	\$2,108.00	\$2,160.70	\$2,214.70	\$106.70
PO2	03	\$2,181.30	\$2,219.50	\$2,275.00	\$2,331.90	\$112.40
PO2	04	\$2,289.90	\$2,331.50	\$2,389.80	\$2,449.50	\$118.00
PO2	05	\$2,398.10	\$2,443.90	\$2,505.00	\$2,567.60	\$123.70
PO2	06	\$2,506.20	\$2,554.70	\$2,618.60	\$2,684.10	\$129.40
PO3	01	\$2,631.70	\$2,683.60	\$2,750.70	\$2,819.50	\$135.90
PO3	02	\$2,711.30	\$2,765.90	\$2,835.00	\$2,905.90	\$140.00
PO3	03	\$2,791.40	\$2,848.10	\$2,919.30	\$2,992.30	\$144.20
PO3	04	\$2,871.20	\$2,930.70	\$3,004.00	\$3,079.10	\$148.40
PO4	01	\$3,055.00	\$3,120.00	\$3,198.00	\$3,278.00	\$158.00
PO4	02	\$3,133.50	\$3,200.50	\$3,280.50	\$3,362.50	\$162.00
PO4	03	\$3,211.00	\$3,280.70	\$3,362.70	\$3,446.80	\$166.10
PO4	04	\$3,289.20	\$3,361.20	\$3,445.20	\$3,531.30	\$170.10
PO5	01	\$3,438.90	\$3,515.30	\$3,603.20	\$3,693.30	\$178.00
PO5	02	\$3,521.10	\$3,600.10	\$3,690.10	\$3,782.40	\$182.30
PO5	03	\$3,603.20	\$3,684.90	\$3,777.00	\$3,871.40	\$186.50
PO5	04	\$3,685.50	\$3,769.40	\$3,863.60	\$3,960.20	\$190.80
PO6	01	\$3,807.20	\$3,894.70	\$3,992.10	\$4,091.90	\$197.20
PO6	02	\$3,879.70	\$3,970.00	\$4,069.30	\$4,171.00	\$201.00
PO6	03	\$3,952.50	\$4,044.20	\$4,145.30	\$4,248.90	\$204.70
PO6	04	\$4,024.80	\$4,119.20	\$4,222.20	\$4,327.80	\$208.60

APPENDIX 2 - Continuation of Provisions in Previous Certified Agreements

1.1 The following Main Roads Enterprise Development Agreement initiative will continue to apply

- EDA1 clause 3.1(9) (a): "Payment for annual leave will be made through normal electronic funds transfer (EFT) pay arrangements."; and
- EDA2 clause 3.1 (7): "Former Core EBA and Roads EDA1 employees paid by HRMS (salaried staff) agree to payment of annual leave loading prior to Christmas each year."
- Special Leave without Salary - General Employees clause 2.8 (EDA6)
- PO Stream - 3 Year Degree clause 2.9 (EDA6)
- Shiftwork - Employees under the Queensland Public Service Award - State 2003 clause 6.8 (EDA6)
- Blood Donor Leave clause 7.2 (EDA6)
- Sick Leave Accrual - General Employees clause 7.4 (EDA6)

1.2 The following provisions of the Queensland Transport Customer Service Centre Certified Agreement 2001 will continue to apply

The parties agree to continue operation of the Customer Service Centre (CSC) Progression Scheme as follows:

1.2.2 The Progression Process

Promotion under this scheme is merit based. Successful applicants will need to demonstrate their competence against an established standard and satisfactory performance on the job. The scheme provides a structured process for progressing staff from AO2 Customer Service Officers to AO3 Principal Customer Service Officers under the following conditions:

- eligible staff undertake an assessment of competence and workplace performance which is compared against an established standard.
- if successful, the applicant is appointed to a vacant AO3 position.
- if unsuccessful, a development plan is implemented in consultation with the applicant to facilitate an opportunity for the required knowledge and behaviours to be attained in an appropriate timeframe. Unsuccessful applicants have the opportunity to resubmit their application for further consideration when appropriate competencies and consequent performance are achieved.

External recruitment will operate where there is a shortfall in staff complement in a centre. The CSC manager will decide at which level to recruit, taking into account the work value of the role, skills mix for the centre and the capacity to pay. The progression scheme will be available to customer service officers when they meet the eligibility criteria for the scheme.

1.2.3 Eligibility

This process applies to permanently appointed staff whose substantive position is attached to a CSC operated by the department or a Queensland Government Agent Program (QGAP) Agency (of which TMR is the lead agency) and who at the time of application are in an AO1/2 classification level position and have full-time equivalent of 3 or more years experience years in that role or relevant customer service centre role.

1.2.4 Assessment Process

The assessment process shall include clearly identified process for assessing competencies and performance of staff. Key steps in the assessment process include:

- (a) applicant completes application form and questionnaire.
- (b) supervisor reviews and compares the competence and performance against established standards.
- (c) supervisor and applicant discuss the responses on the questionnaire.
- (d) application and questionnaire forwarded to Validation Panel.
- (e) validation Panel reviews the assessment outcome and forwards recommendation to Regional Director.

1.2.5 Review Mechanism

A mechanism for review has been established for officers who feel they have not been treated fairly in their assessment. This is in addition to the current grievance policy operating in the department and the conditions

under *Directive 19/10 - Appeals* as amended pertaining to fair treatment. Officers who feel aggrieved must address their grievances through the new mechanism before recourse to the more established channels. The review mechanism shall consist of an independent review committee. The panel, to be appointed by the Regional Director, shall consist of a CSC Manager or Senior Advisor (Service Management), Principal Customer Service Officer and Staff Development Officer who were not involved in the original assessment or validation process. The committee is to review the process for assessment to ensure that fair treatment and due process have been observed. Where there is sufficient evidence to support the promotion of an appellant the committee can recommend appropriate action to the Regional Director.

1.3 The following provisions of the Core Queensland Government Departments Certified Agreement 1994 will continue to apply:

- 4.1(2) (a) Abolish the payment of wages in advance for annual leave, except in exceptional circumstances, including, but not limited to international or remote destinations and economic hardship.
- 4.1(2) (i) Payment of annual leave loading during December of each year. At the discretion of each agency, may not apply to non-continuous and/or continuous shift workers.
- Appendix 5 - Purchased Leave (previously referred to as Extra Leave for Proportionate Salary) - Where an employee can agree to work reduced months or part thereof in an agreed period and receives a proportionate salary over the full period. Agencies subject to this provision must through policy as a minimum allow at least of 6 weeks purchased leave in a notional 12 month cycle where sought by an employee and approved accordingly.
- Appendix 5 - Averaging Ordinary Hours of Work - Where employees can agree to average ordinary hours of work over a cycle with differential daily and weekly hours. The ordinary hours are established after agreement between the employee and management. Normal overtime/penalty rates apply to hours worked in excess of the agreed hours of duty. Can be implemented by agreement between management and the majority of employees affected in the workplace.

1.4 The following provisions of the Core Queensland Government Departments Certified Agreement 1997 will continue to apply:

- 8(5) Locality Allowances - As prescribed under Directive 19/99 - Locality Allowances issued by the Minister responsible for industrial relations under section 54 of the Public Service Act 2008 as amended, are increased by 5.5% from 1 January 1997 for all centres other than those in the coastal Local Government Areas as previously listed at Appendix 3 of the Core Queensland Government Departments Certified Agreement 1997.

APPENDIX 3 - Guidelines on Commencing work at Alternative Work Site

1.1 Application

Employees who work full-time at a depot, workshop or laboratory, or normally report for work at a depot, workshop or laboratory may be required to report direct to an alternative work site.

This provision does not apply to TMR employees who were formerly covered by the *State Government Departments Certified Agreement 2009*.

Travel time and motor vehicle allowances shall be payable in accordance with clause 8.5 of this Determination.

1.2 Consultation

The majority of employees affected and management should reach mutual agreement as to the use of the provision. However, management may require use of this provision where agreement is not reached, provided that prior consultation occurs with the local or state official(s) of the relevant industrial organisations of employees prior to implementation.

Matters that might require consideration when implementing this provision would include operational requirements, hardship to employees and the amount of additional costs incurred by employees who claim to be financially disadvantaged.

1.3 Exemption

Employees may seek exemption to this provision where they would suffer personal hardship other than additional costs as a result of having to travel from home to the work site, instead of home to their usual place of work. This should be discussed with the work team and supervisor but a final decision rests with management.

Work teams should explore mutually agreed options that will reduce or eliminate hardship to employees.

1.4 Compensation for financial disadvantage

TMR will compensate employees for:

- additional public passenger transport costs incurred; and
- additional private motor vehicle/cycle costs where evidence is provided that the cost of travel under this provision exceeds the usual cost of travel from home to the workplace to which the employees would usually report.

1.5 Resolution of Disputes

Disputes regarding the application of these guidelines will be resolved through this Determinations Disputes Settlement Procedure.

APPENDIX 4 - Guidelines on the ability to engage in Joint Ventures with Local Authorities and Private Contractors

1.1 Purpose

These guidelines provide the basis for rectifying the differences in allowances and differences in conditions of employment (other than base-pay) that do not disadvantage employees when TMR engages in joint ventures with local authorities and private contractors.

1.2 Joint Ventures

A joint venture is an arrangement where 2 or more parties share the work, the risks and the profit/loss in a pre-agreed way to complete a project.

A written agreement records the terms of the co-operation in a joint venture.

1.3 Reducing Differences in Employment Conditions

A detailed consultation process should be conducted by management representatives of the joint venture partners with employees who can be identified as being involved in the joint venture to identify areas where common conditions and practices will be needed and the process for implementation of any changes agreed.

As a minimum, the consultation process should cover:

- working hours - RDO, including meal/tea breaks;
- accommodation;
- allowances;
- occupational health and safety standards and facilities; and
- travel.

The local official or officials of the relevant industrial organisations of employees should be invited to participate in the consultation process.

This consultation process should be supported by an assessment of the relevant industrial agreements and custom and practice in the joint venture organisations to highlight obvious areas of difference (other than base-pay) which may impede workflows but do not disadvantage employees.

Where management and a majority of the employees affected in each joint venture organisation cannot reach agreement on suitable arrangements to alleviate the effects of differences in conditions (other than base-pay), TMR management may resolve the issue in consultation with the local official or officials of the relevant industrial organisations of employees and CC(s).

1.4 Documentation

Joint team rules and additional remuneration should be discussed, agreed and documented as part of the overall agreement for the joint venture project. A copy in confidence of the documentation should be provided to each employee and to the local official or officials of the relevant industrial organisations of employees and to CC(s).

The human resource delegate level 6 should record on the department's copy of the joint venture agreement the cost (actual or estimated) of the changes in conditions agreed for the joint venture. Cost is measured in comparison to arrangements that usually apply to the TMR employees participating in the joint venture.

A copy of the joint venture agreement, including cost impact details, should be held by the human resource delegate level 6.

APPENDIX 5 - Specialist Medical or Dental Treatment

1.1 Background

Clause 5.16 '*Rural and Remote Area Incentive Scheme*' of this Determination allows for assistance with medical expenses for employees employed under the *Rural and Remote Area Incentive Scheme*. This document outlines the provisions associated with this clause.

Rural and remote communities are defined as Central west region, North west region, South west region and Fitzroy region (Emerald only).

1.2 What are the principles for the use of this incentive?

Assistance may be provided to employees requiring specialist medical or dental treatment.

The treatment may be required for employees, their partners and/or dependent children under 21 years of age.

Assistance may include either special leave as per *Directive 02/12 - 'Special Leave'* as issued and amended under section 54 of the *Public Service Act 2008* or leave as part of the *Family Leave (Queensland Public Sector) Award - State 2012* with pay and travel expenses incurred.

The amount of assistance provided will be reduced by any reimbursement available through any health insurance fund and any other assistance provided by the State, e.g. Patient Transit Scheme (PTS).

The scheme recognises equal opportunity for choice of specialist and timing of treatment as that of employees in major centres.

Where possible, the department will encourage use of services within the local area.

The department respects the individual's right for continuity of treatment by a specialist and where possible, within the state of Queensland only, will support the individual's right to continue with a particular specialist.

1.3 How is treatment defined?

Treatment is defined as a specialist medical or dental service that has been referred by a doctor or dentist, including dental treatment without referral in circumstances where dental treatment is not available at an officer's centre.

1.4 Who is eligible to apply?

- (a) all permanent full-time and part-time public service officers and general employees, and temporary employees with a contract of 12 months or more.
- (b) temporary employees with a contract of less than 12 months duration but who have worked within the district continuously for greater than 12 months.
- (c) casuals are not eligible to apply.

The employee applying for assistance must be able to demonstrate that specialist medical or dental treatment is required for themselves, their partners and/or dependent children.

1.5 What assistance is available?

1.5.1 Leave

Special leave with pay is available in accordance with *Directive 02/12 - Special Leave* as issued and amended under section 54 of the *Public Service Act 2008*. A maximum of 2 days per trip may be claimed, irrespective of the destination. The remainder of the absence may be claimed as either sick or recreation leave.

For example, a 4 day trip to a specialist in Brisbane, an employee would be required to submit a leave application for 2 days "Special Leave (Full Pay) - Specialist Medical Attention" and 2 days of either Sick Leave or Recreation Leave.

1.5.2 Accommodation

Hotel/Motel: Actual costs of accommodation during travel/treatment but excluding hospital accommodation will be reimbursed up to the maximum prescribed under *Directive 09/11 - Domestic Travelling and Relieving Expenses* as issued and amended under section 54 of the *Public Service Act 2008*.

The original tax invoice (or copy where the original has been provided to Queensland Health) must be produced.

Consideration may be given to reimbursing accommodation costs for more than one member of the family, depending on the prevailing circumstances. Managers approving claims must assess the reasonableness of each claim.

For example, young children in the family may require both parents to travel or one partner may be incapacitated and require the assistance of the other partner.

Private Accommodation: Reimbursement in accordance with *Directive 09/11 - Domestic Travelling and Relieving Expense'* as issued and amended under section 54 of the *Public Service Act 2008*, will be made for a single-family member only for accommodation obtained with relatives or friends, irrespective of the number of family members attending.

1.5.3 Meals

Actual cost of meals obtained during travel/treatment but excluding those obtained whilst a hospital inpatient will be reimbursed up to the maximum prescribed under *Directive 09/11 - Domestic Travelling and Relieving Expense'* as issued and amended under section 54 of the *Public Service Act 2008*. The original tax invoices must be produced.

As per the guidelines for accommodation, consideration may be given to reimbursing costs for more than one member of the family.

1.5.4 Travel

Bus/Rail: Actual cost may be claimed. Original invoices must be produced.

Private Vehicle: The kilometre rate applicable where employees chose to use their own private motor vehicle is as detailed *Directive 14/10 - Motor Vehicle Allowance* as issued and amended under section 54 of the *Public Service Act 2008*. Total kilometres must not exceed the return trip total identified in the department's "Guide to Queensland Roads".

Air: Actual cost may be claimed. Prior approval must be obtained and supported by written advice from the patient's doctor that air travel is necessary for the patient and any escort. The original invoice must be presented.

It is an option for regions to book and pay for travel on behalf of the employee in order to take advantage of discounts available under Standing Offer Arrangements. This would be subject to prior approval from the delegate. Care should be exercised to ensure paying in advance in this way that the employee does not have another entitlement e.g. Patient Transit Scheme. If this is found to be the case the employee is responsible for reimbursement to the department.

** Costs of taxis or public transport at the beginning or end of the journey or whilst undergoing treatment will not be reimbursed **

1.6 What is not included?

1.6.1 Medical Expenses

Reimbursement will not be made for any medical costs incurred.

1.7 What is the link with the Patient Transit Scheme (PTS)?

It is recognised that assistance under the PTS is only forthcoming when the particular specialist service is not available in the patient's centre.

The assistance with expenses associated with visiting specialist medical or dental practitioners in another location is designed to provide employees in western centres with equal opportunity of choice of specialist and timing of treatment as that of employees in major centres. The assistance is not limited in application as is the PTS.

Employees must limit the department's expenses by reducing their claim by whatever refund is available from other sources. The following process will apply to ensure this occurs.

1.8 What is the process employees need to follow?

When obtaining a referral to a specialist from your general practitioner, in the case of dental treatment the employee must ascertain if assistance is available from PTS.

If assistance is available, employees must proceed with the PTS process and reduce their claim on the department by the refund received. The remittance advice from the PTS must be produced.

If assistance is not available, employees must include a declaration to this effect with their claim.

If assistance is available from any other source, employees must reduce their claim on the department by the refund received. The remittance advice from the health fund must be produced.

1.9 What documentation do employees need to provide?

Depending on the circumstances, all or any of the following documents may be required to support a claim:

- (a) form M600 (Expense Claim);
- (b) accommodation tax invoice;
- (c) meals tax invoice;
- (d) declaration form (assistance not available from another source);
- (e) copy of medical invoice;
- (f) bus/rail/air travel tax invoice;
- (g) PTS/health fund remittance advice.

1.10 Costs

All costs are to be charged to the cost centre of the claimant.

1.11 Who has the delegation to approve applications?

The human resource delegate level 6.

1.12 What are the related legislation and references?

Patient Transit Scheme

Minister for Industrial Relations Directives relating to:

- Motor Vehicle Allowance
- Domestic Travelling and Relieving Expenses
- Transfer and Appointment Expenses
- Special leave

Attachment A

Declaration

Specialist Medical or Dental Treatment

I,

do solemnly and sincerely declare that for the purpose of obtaining specialist medical or dental treatment on/...../....., the following circumstances apply:

- i am not eligible to receive assistance from the State Patient Transit Scheme;
- i am not eligible to receive assistance from any health insurance fund;
- applicable State Patient Transit Scheme payments have been deducted from the claim;
- applicable health insurance fund payments have been deducted from the claim; and
- i make this solemn declaration conscientiously believing the same to be true.

CLAIMANT'S SIGNATURE.....

Date:...../...../.....

APPENDIX 6 - TMR Guidelines for the Management of Temporary Positions as part of the RRAIS

1.1 Background

The retention of current skills is vital to the continuity of service to the local communities supported by TMR rural and remote regions. The department, as a result of an initiative under EDA 6, has implemented guidelines for the management of a pool of temporary positions. This pool will be controlled by the human resource delegate levels 2 and 4 as part of the RRAIS as a strategy to retain scarce skills wherever possible.

The following guidelines provide the human resource delegate level 5 of rural and remote centres, with the opportunity to retain scarce skills by offering existing employees increased classification levels.

These guidelines should be used in conjunction with the department's '*Guaranteed Transfer Out*' policy in an attempt to retain scarce skills as a first priority.

The establishment pools of positions, under this provision, are detailed in Attachment A '*Rural and Remote Area Incentive Scheme Pool of Positions*' to this Appendix 6 of this Determination and are additional to departmental establishment. Delegates will have the flexibility to either increase or reduce these pools at their discretion.

1.2 Application

This provision applies to permanent public service officers within rural and remote centres.

For the purpose of these guidelines, rural and remote centres include:

- (a) North west region - Cloncurry;
- (b) Central west region - Barcaldine;
- (c) South west region - Roma; and
- (d) Fitzroy region - (Emerald only).

The application of this provision will be at the discretion of the human resource delegate level 6 in consultation with the relevant human resource delegate level 5 respectively.

1.3 Guiding Principles

The following principles shall be applied in utilising this provision:

- the human resource delegate level 6 will ensure a fair and equitable approach in applying this provision;
- employees identified will be offered one classification level above their substantive classification level and remunerated at paypoint 1.
- employees appointed to a higher classification under this provision will be processed as per higher duties arrangements. Leave take during this period will be paid at the employees' substantive level.
- this provision is to be utilised for periods not exceeding 12 months unless an open merit process is conducted.

1.4 Operating Guidelines

1.4.1 Situation Identified to Apply Provision

The human resource delegate level 6 identifies the need to retain scarce skills and negotiates the application of this provision with the relevant employee in consultation with the human resource delegate level 5.

Backfilling of positions will be at the discretion of the human resource delegate level 6. However, where permanent backfilling is to occur, management must be certain that employees have no intention of returning to their substantive position and can fund the extra resource. This should be confirmed in writing with the employees and detailed in the submission to the delegate. During this period management must pursue Guaranteed Transfer Out where applicable.

1.4.2 Submission to Delegate

Upon endorsement by the human resource delegate level 5 and agreement from the employee, the human resource delegate level 6 prepare a submission to the human resource delegate level 2 (for corporate positions) and level 4 (for commercial positions).

This submission is to be forwarded to the delegate through the human resource delegate level 5.

1.4.3 Approved submissions processed by Queensland Shared Service

For submissions that are approved, human resources will transfer a position from the relevant establishment pool and process the relieving arrangements on HRIS and advise the affected employee accordingly.

Once the period of higher duties is complete, the position will be returned to the relevant establishment pool for reassignment.

1.5 Related Legislation and Policies

- *Public Service Act 2008 - Section 98. (1)(c) (ii) - 'Responsibilities'*
- *Directive 04/11 - Higher Duties*
- *Directive 01/10 - Recruitment and Selection*
- TMR 'Guaranteed Transfer Out' Policy

Attachment A
RRAIS POOL OF POSITIONS

CORPORATE (Human Resource Delegate Level 2)	COMMERCIAL (Human Resource Delegate Level 4)
5 x PO6	2 x PO6
8 x PO5	4 x PO5
8 x PO4	4 x PO4
8 x PO3	4 x PO3
5 x TO6	2 x TO6
8 x TO5	4 x TO5
8 x TO4	4 x TO4
2 x AO8	1 x AO8
4 x AO7	2 x AO7

APPENDIX 7 - Guaranteed Transfer Out

1.1 Background

TMR is committed to maintaining a skilled and capable workforce that delivers departmental objectives and government outcomes across Queensland, including rural and remote areas.

Clause 5.16 '*Rural and Remote Area Incentive Scheme*' of this Determination allows for improved benefits in rural and remote areas. TMRs' primary objective in relation to its rural and remote workforce focuses on the attraction and retention of capable staff. This Determination allows management to utilise a number of incentives to retain scarce skills as their first priority.

1.2 What is the Incentive

Guaranteed Transfer Out (GTO) is a component of the RRAIS. It provides public servants who have been appointed, promoted or transferred to an identified position within a rural and remote centre from a provincial or coastal centre, or another rural and remote centre, with a guaranteed transfer to a provincial or coastal centre, including Brisbane, to meet TMRs' business needs after 3 years service in that position.

Guaranteed transfer out is an incentive scheme and is to be used to attract and retain scarce skills within the community.

1.3 When Should the Incentive be Applied

The incentive should be applied when a skills shortage exists and there is a necessity to attract or retain scarce skills. Skills shortage is defined as:

"Skills shortages exist where a rural and remote regions can demonstrate that they experience difficulty in attracting and or retaining employees in specific occupation groups or roles and this has a significant impact on service delivery and TMR outcomes."

The human resource delegate level 5 (commercial) in collaboration with the human resource delegate level 5 (corporate) and the relevant occupation group leader have the responsibility for determining skills shortage based on business needs. Skills shortages are to be documented by the regional office and endorsed by the GTO panel. The human resource delegate level 5 (corporate) will maintain a record of identified positions.

The incentive provision is to be incorporated into any advertising and be listed under "Special Conditions" within the position description.

1.4 What are the Underpinning Values of the Scheme

- TMR is committed to maintaining its contribution to the viability of rural and remote communities in which the department operates and the quality of its services to these communities;
- the department recognises and values the unique opportunities for professional and personal development that service in remote centres provides. TMR is committed to ensuring service in a rural and remote centre positively enhances professional and personal development and has a positive impact on career prospects;
- the primary objective of the department's RRAIS is the attraction and retention of employees in rural and remote communities that enable delivery of TMR business outcomes. The GTO policy is specifically directed toward positions where a skill shortage exists; and
- retention of skills in rural and remote centres is to be explored as the first option before processing transfer out requests.

1.5 What are the Principles of the Scheme

The following principles shall be applied in managing GTO requests:

- management within rural and remote regions will utilise a range of retention strategies to retain staff where possible in accordance with provisions contained under the RRAIS;
- wherever possible transfers will be affected at the end of the school year or, alternatively, during the mid year break;
- officers requesting transfer under GTO arrangements will be considered suitable where they have any required qualification for the position and relevant experience;
- where more than one transferee is to be considered for a position, a closed merit selection process must be undertaken to determine the transferee with the most meritorious claim to the position;

- where only one applicant exists for consideration and that applicant is assessed as requiring professional/personal development to perform the duties of the position, the relevant occupation group leader will, in consultation with both respective human resource delegate level 5 and the officer develop an action plan to acquire the requisite skills and enable the transfer to proceed;
- surplus departmental employees will be considered for vacancies before considering GTO requests;
- in some instances employees requesting transfer on compassionate grounds may be considered for vacancies before considering GTO requests depending upon the nature of the compassionate request;
- transfers will be effected based on organisational business need. Every effort will be made to place transferees into one of their nominated preferences;
- officers will transfer out at their substantive classification level unless, by mutual agreement, transfer is arranged at a lower classification level. Salary maintenance provisions will be applied in such circumstances;
- the department will hold a vacancy for a period of up to 12 months where an officer entitled to a GTO has been assessed as suitable for the position and has given a commitment to accept the position on GTO;
- where an officer is entitled to a GTO and has a partner (married or de facto) who is also a TMR employee and who does not have an entitlement to a GTO, the department will endeavour to arrange a transfer for both parties as if both parties were entitled to a GTO;
- transfers will be affected in accordance with prescribed departmental entitlements.

1.6 How is the Incentive Scheme to be Applied

- the GTO provisions apply to permanent public service officers appointed, promoted or transferred to rural and remote regions from provincial or coastal regions or other rural and remote regions;
- these provisions apply to all officers appointed to a rural and region/district centre from a provincial or coastal centre before 1 September 2000;
- for appointments made on or after 1 September 2000, GTO provisions are applied at the delegates' discretion for the attraction and retention of scarce skills only;
- from 1 January 2005 the Professional Development Incentive (refer to Appendix 9) is offered in combination with the GTO to ensure the officer has access to career development opportunities above those available elsewhere in the department. Officers entitled to a GTO are expected to engage in career development during the period of their western service;
- preference for transfer to rural and remote regions will be given to officers who have registered on the department's Transfer-In Register;
- officers will only be eligible for GTO (at their substantive classification level or with their agreement at a lower level) once they have completed 3 years recognised service at the rural and remote region/district from their date of appointment or by mutual agreement between the officer, the delegate and the human resource delegate level 2. Officers are encouraged to spend longer than the minimum period in the rural & remote regions and there is no expiry date on the right to exercise a GTO;
- applications to exercise GTO are to be made on Departmental Transfer Application form (Form No.M4020);
- staff eligible for a GTO are to nominate their intention to exercise their eligibility at least 6 months before they intend to transfer;
- the department will place the officer at level, wherever possible in a location nominated by the officer, within 6 months of the date of application or the date the officer became eligible to exercise their GTO, whichever is the later;
- if placement has not occurred within 6 months of the date of application or the date the officer became eligible to exercise their GTO, whichever is the later, the officer will be appointed to any vacancy at level for which they apply and are competent;
- where an officer is promoted to another scarce skills position within a rural and remote region before 1 January 2005, the 3 year qualifying period recommences from their date of appointment. Special consideration will be given to officers who are promoted as a result of their existing position being reclassified;
- where an officer is promoted to another scarce skills position within a rural and remote regions on or after 1 January 2005, a GTO qualifying period is negotiated at the time of appointment. The qualifying period is not to exceed 3 years from the date of appointment. The requirement to plan the GTO remains;
- where an officer is promoted to a position that is not a scarce skills position, the GTO provisions cease to apply.

1.7 How are the GTO and Professional Development Incentives to be combined

Under the RRAIS Scheme an amount up to \$10,000 per annum may be made available for professional development for an employee (see Appendix 9). From 1 January 2005 when a GTO is offered as an incentive for the attraction and retention of staff with scarce skills it is to be combined with the Professional Development Incentive. The purpose is to ensure the officer has access to structured professional development opportunities over and above that normally available elsewhere in the department to ensure the officer's development is

targeted toward operational requirements in both the western regions and the officer's desired location(s) on GTO.

The following provisions apply:

- from 1 January 2005 guaranteed transfer's out are planned wherever possible before the officer is appointed to the rural and remote regions. The planning is to include:
 - (a) 3 desired transfer-out locations and positions/roles in order of preference;
 - (b) preparation of a Career Development Plan (CDP) that identifies the competencies and capabilities required for both the role in the rural and remote centre and the desired transfer-out location. An action plan to achieve the required competencies and capabilities is to form part of the CDP.
- for officers currently eligible for GTO planning for transfer-out is to begin immediately. A CDP is to be prepared for each officer;
- officers eligible for a GTO are to be given preference for development opportunities that align with their CDP;
- professional/personal development opportunities will be provided in blocks of 1 or 2 weeks, wherever possible in the officers desired transfer-out location, to provide regular opportunities for the officer and their family to travel together to attend to personal, medical or social commitments.

1.8 Who has the Delegation to approve applications

The human resource delegate level 2 approves GTO's on the recommendation of the GTO Panel (human resource delegate level 5).

1.9 Who is Accountable for the Implementation of the Scheme

The policy provides flexibility for business groups to effectively plan, coordinate and manage requests for transfers to meet business and employee needs. All business units are accountable for actively participating in CDP preparation and implementation for staff eligible for GTO and accommodating transfer requests in accordance with this policy.

Employees - are accountable for:

- participating in the process in accordance with prescribed guidelines and timeframes;
- driving the preparation of their CDP;
- driving the action plan to implement their CDP; and
- formally advising their human resource delegate level 5 and the Shared Service Agency, 6 months before the date they wish to transfer out of their intention to transfer. Transfer Application (Form No.M4020) is to be submitted.

APPENDIX 8 - Subsidised Housing

1.1 Background

Clause 5.16 *'Rural and Remote Area Incentive Scheme'* of this Determination allows for assistance with subsidised housing for staff employed under the RRAIS. This document outlines the provisions associated with this clause.

Rural and remote communities are defined as North west region, Central west region, South west region and Fitzroy region (Emerald only).

1.2 What are the Principles for the use of this Incentive

Housing assistance may be provided to employees based on availability and need in the regions outlined above.

Housing assistance will be provided in accordance with the provisions of the Queensland Government Employee Housing Scheme.

Subsidised Rental Rates (SRR) are those determined by the Government Employee Housing Branch, Queensland Department of Public Works, as varied from time to time.

Housing will be subsidised for the first 7 years, with the subsidy reduced by 1/3 over the next 3 years, to zero in the 10 year, at which time full market rental is applicable.

Housing assistance is an incentive to attract staff with scarce skills and qualifications to "difficult to recruit to positions" in rural and remote regions.

1.3 Who is Potentially Eligible

Employees, who are appointed, transferred and/or promoted permanently or on a fixed term to "difficult to recruit to positions" and/or who have "scarce skills" may be eligible to be considered by the delegate for subsidised housing. In addition, potentially eligible employees must also fall within 1 of the categories listed below:

- (a) permanent full-time and part-time public service officers and general employees;
- (b) temporary employees with a contract of 12 months or more;
- (c) temporary employees with a contract of less than 12 months duration but who have worked within the region continuously for greater than 12 months and, who meet the eligibility criteria specified above; or
- (d) employees, who have been appointed, transferred or promoted to a rural or remote location from another location to meet a government service.

1.4 Who is Ineligible

Casuals are not eligible for the subsidy.

Employees who own, either directly or indirectly, a private dwelling within a 45 kilometre radius of the location in question or whose spouse/partner owns, either directly or indirectly, a private dwelling within a 45 kilometre radius of the employee's work location.

Employees who are in an occupation which stipulates the provision of housing under award conditions or who have access to housing in the subject location through the entitlement of their spouse/partner or other family member with whom they permanently reside.

Employees who have ceased to become eligible for occupancy of government employee housing for other reasons.

1.5 Application of the Incentive

The principles outlined in these guidelines are potentially applicable to employees appointed after 1 July 2002 and who otherwise satisfy the specified eligibility criteria.

Where an employee is transferred at level to a different position in the same location, the delegate has the discretion to reassess the subsidy period within the spirit of the principles and the incentive based eligibility criteria.

Where an employee is promoted to a new role in the same location and, the delegate has determined that a legitimate housing need remains as an incentive to attract for a "scarce skills" or hard to recruit to position, the subsidy period recommences anew.

Where an employee is appointed or transferred at level to a new location within the region or to another region, and the delegate has determined that a legitimate housing need remains as an incentive to attract for a "scarce skills" or hard to recruit to position, the subsidy period recommences anew.

1.6 Application to Employees appointed before 1 July 2002

For all employees who have been in subsidised housing for 7 or more years as at 1 July 2002, the 3 year reducing subsidy will commence on 1 July 2009. (That is: 1 July 2009 the subsidy reduces by 1/3; 1 July 2010 the subsidy reduces by 2/3; 1 July 2011 full market rates are payable.)

Based on exceptional circumstances, and where it is determined to be in the best interests of the department to do so, the delegate will have discretion to defer the subsidy reduction commencement date. However, these instances are expected to be very rare and should not be seen to discriminate against other employees.

1.7 Housing Subsidy

The amount of subsidy will be calculated as the difference between the market rental rate of the allocated dwelling and the Subsidised Rental Rate paid by the employee.

Market rental rates will be determined from time to time by an independent valuer or real estate agent.

In the event of a disagreement on the value of the market rental rate, the human resource delegate level 6 will determine an appropriate market rental rate based on advice from the independent valuer/estate agent, the employee and the delegate. The manager's decision will be final and binding on all parties.

1.7.1 What process needs to be followed

Allocation of housing must be raised by the selection panel at the time of interview or soon after, in order to establish housing eligibility (if any) and standards appropriate to the potential employee's family composition.

Written approval for the allocation of housing must be obtained from the delegate at the earliest possible opportunity after this discussion, with "in-principle" confirmation of allocation confirmed as part of any written offer of employment.

1.7.2 What documentation needs to be provided

As soon as practical after the delegate has approved in-principle the allocation of subsidised housing, and the potential employee has indicated likely acceptance of an offer of employment, the onus is on that potential employee to provide evidence acceptable to the delegate confirming their dependents (if any) for housing purposes and other relevant home ownership or housing allocation details that may impact on their eligibility.

Relevant regional/district personnel are responsible for ensuring that all necessary documentation to secure an actual allocation through the Government Employee Housing Scheme or other appropriate housing source is actioned.

1.7.3 Who has the delegation to approve applications

Human resource delegate level 5.

1.8 What are the related legislation and references

Government Employee Housing Scheme 1999.

APPENDIX 9 - Professional Development Incentives

1.1 Background

Clause 5.16 'Rural and Remote Area Incentive Scheme' of this Determination outlines a number of incentives which may be utilised under the RRAIS. One of the incentives allows for professional development for an employee.

1.2 What is the incentive

Under the RRAIS provisions of this Determination an amount up to \$10,000 per annum may be made available for professional development for an employee.

The incentive may be used for attraction of staff and also the retention of existing staff in positions which have been identified as requiring scarce or key skills. The relevance and timing of the professional development is to be negotiated with the employee.

1.3 What are the principles for the use of this incentive

1.3.1 Attraction

The incentive may be used for the attraction of scarce skills or key skills within the district. These skills will have been identified and documented by management prior to offering this incentive. The incentive may be advertised during the recruitment process.

The incentive can only be used whilst the employee is appointed to a specific position within a rural and remote centre. This position must be identified as a scarce or key skills position. Eligibility is to be reconsidered if an employee is promoted or transferred within the region.

The incentive is to be used for employee development programs above and beyond normal development programs.

Eligibility for the continuation of the professional development incentive is subject to satisfactory performance and will be linked to the individual's achievement plan. An employee will be required to sign a learning

contract with the department (see Learning and Development Application Form). This contract will outline the responsibilities of all parties.

The maximum allowance per annum may include all costs associated with the professional development such as fringe benefits tax, travel, backfilling costs etc., at the discretion of the delegate.

1.3.2 Retention

The incentive may be used to retain an employee who possesses scarce or key skills utilised by the region.

The incentive must be used to fund professional development which promotes a whole-of-government direction. This development need not directly relate to the business of TMR.

Eligibility for the continuation of the professional development incentive is subject to satisfactory performance and will be linked to the individual's achievement plan. An employee will be required to sign a learning contract with the department (see Learning and Development Application Form). This contract will outline the responsibilities of all parties.

The maximum allowance per annum may include all costs associated with the professional development such as fringe benefits tax, travel, backfilling costs etc., at the discretion of the delegate.

The incentive may be used to supplement assistance received under the Study and Research Assistance Scheme (SARAS). That is, an employee may receive assistance which is classified as "desirable" but may receive full financial reimbursement for their course of development through this incentive. It must be noted on the SARAS application that this has occurred.

1.4 Who is potentially eligible to be considered

This provision is attached to designated positions in rural and remote areas at the discretion of the delegate. Occupants of the positions must fall within 1 of these categories.

- (a) permanent full-time and part-time public service officers; or
- (b) temporary public service officers with a contract of 12 months or more.

Casuals are not eligible to apply. It is anticipated that part-time positions would not normally be applicable to positions identified as having "scarce skills".

1.5 Who has the delegation to approve applications

Human resource delegate level 6.

1.6 What are the related legislation and references

SARAS and related learning and development provisions.

APPENDIX 10 - Pre-Start Familiarisation Visits

1.1 Background

Clause 5.16 *'Rural and Remote Area Incentive Scheme'* of this Determination outlines a number of incentives which may be utilised under the RRAIS. One of the incentives allows for pre start familiarisation visits for employees and/or their partners.

1.2 What is the incentive

This incentive is intended to enable potential employees and/or their partners to undertake a familiarisation visit to the specified rural and remote location before commencement of employment, to establish or confirm accommodation, relocation, educational, employment, recreational, religious and cultural opportunities and options before taking up residence.

1.3 What are the principles for the use of this incentive

This incentive may only be offered to approved appointees to designated "hard to recruit to" or "scarce skills" positions.

Application of the incentive is restricted to the prospective employees and/or their partners only, unless the delegate determines that there are exceptional grounds for the benefit to be extended to include another family member.

Subject to prior approval, pre-start familiarisation visits may be arranged for any time during the period from an appointment being recommended to the employees actually commencing duty at the new location.

Pre-start familiarisation visits are expected to entail no more than 2 days in the prospective employees' intended work location.

The recipients of this benefit are expected to take all reasonable steps to keep accommodation, meal and travel costs associated with a familiarisation visit to a minimum.

The delegate may decline to reimburse claimed travel, meals and accommodation costs, in full or in part, on the grounds that they are excessive.

1.4 Who is potentially eligible to be considered

- (a) all permanent full-time and part-time public service officers; or
- (b) temporary employees with a contract of 12 months or more.

Casuals are not eligible to apply.

1.5 What assistance is provided

Assistance is provided by the department to cover reasonable travel, accommodation, and meal costs for the prospective employees and their partners associated with a familiarisation visit.

Advice and support from regional office personnel will also be provided to assist the prospective employees and their partners to access the information they need to prepare for their relocation.

1.5.1 Accommodation

Hotel/Motel: Actual costs of accommodation during travel will be reimbursed up to the maximum prescribed in *Directive 09/11 - Domestic Travelling and Relieving Expenses* as issued and amended under section 54 of the *Public Service Act 2008*.

The original tax invoice must be produced.

Private Accommodation: Reimbursement in accordance with *Directive 09/11 - Domestic Travelling and Relieving Expenses* as issued and amended under section 54 of the *Public Service Act 2008* will be made for a single-family member for accommodation obtained with relatives or friends, irrespective of the number of family members attending.

1.5.2 Meals

Actual cost of meals obtained during travel will be reimbursed up to the maximum prescribed under *Directive 09/11 - Domestic Travelling and Relieving Expenses* as issued and amended under section 54 of the *Public Service Act 2008*. The original tax invoices must be produced.

1.5.3 Travel

Bus/Rail: Actual cost may be claimed. Original invoices must be produced.

Private Vehicle: A kilometre allowance equivalent to that prescribed for travel by private motor vehicle in *Directive 11/11 - Transfer and Appointment Expenses*, as issued and amended under section 54 of the *Public Service Act 2008*. Total kilometres must not exceed the return trip total identified in the department's "Guide to Queensland Roads".

Air: Prior approval to travel by air must be obtained. Actual cost may be claimed. The original invoice must be presented.

It is an option for region/districts to book and pay for travel on behalf of the employee in order to take advantage of discounts available under standing offer arrangements. This would be subject to prior approval from the delegate.

** Costs of taxis or public transport at the beginning or end of the journey will not be reimbursed **

1.6 What is not included

Apart from travel, accommodation and meal costs outlined above, no other cash benefits or costs are claimable by the prospective employees or their partners in association with a familiarisation visit.

1.7 Who has the delegation to approve applications

Human resource delegate level 6.

1.8 What are the related legislation and references

Minister for Industrial Relations Directives relating to:

- *Directive 09/11 - Domestic Travelling and Relieving Expenses;*
- *Directive 11/11 - Transfer and Appointment Expenses;* and
- Department's "Guide to Queensland Roads".

APPENDIX 11 - Job Search Assistance

1.1 Background

Clause 5.16 '*Rural and Remote Area Incentive Scheme*' of this Determination allows for improved benefits in rural and remote areas. TMRs' primary objective in relation to its rural and remote workforce focuses on attraction and retention of staff. This Determination allows management to utilise a number of incentives to retain scarce skills as their first priority.

Rural and remote communities are defined as North west region, Central west region, South west region and Fitzroy region (Emerald only).

1.2 What is the incentive

This incentive is intended to support the employees' partner in gaining employment in the new locality.

1.3 What are the principles for the use of this incentive

The partner of a newly appointed employee may be provided with assistance to locate employment in the new region. This assistance will be available for a period of 6 months from the employee's date of appointment to the centre located in 1 of the regions above.

The assistance provided does not extend to financial support of any kind.

1.4 What is the definition of partner

Partner shall include 'de facto partner' as defined in section 32DA 'Meaning of De Facto Partner' of the *Acts Interpretation Act 1954*. Under the provisions of this section, the gender of the person is not relevant.

1.5 Who is potentially eligible to apply

This provision is attached to employees who have been appointed to one of the rural and remote communities listed above. Partners should not have already secured employment within 45 kilometres of the centre. For partners to be eligible for the assistance, the employee appointed to the position must fall into one of these categories.

- (a) permanent full-time and part-time public service officers; or
- (b) temporary public service officers with a contract of 12 months or more.

Casuals are not eligible to apply.

1.6 What assistance is available

Assistance is only intended to be of an administrative nature (i.e. typing of resumes, typing of applications, photocopying applications etc.).

Access by the partner to necessary equipment on departmental premises.

Advice on recruitment practices etc.

Assistance will only be provided for a period of 6 months from the employee's appointment to the region.

1.7 What is not included

Financial assistance is not provided.

1.8 What is the process I need to follow

Departmental employee is to obtain written approval from the delegate.

Where exceptional circumstances warrant an extension of time, this may be negotiated with the delegate.

1.9 What documentation do I need to provide

Written approval is to be placed on the employees' departmental personal file.

If requesting an extension to the period of assistance, written justification is required to be provided to the delegate.

1.10 Costs

All indirect costs are to be absorbed by the cost centre of the departmental employee.

1.11 Who has the delegation to approve applications

Human resource delegate level 6.

APPENDIX 12 - Night Work Scenarios

These examples are provided to assist in the application of the night work rules. The standard shift for the example is in bold type and the actual times worked for that example are in italic type. Payments of crib and meals are to be manually interpreted by the operator.

Standard Shift i.e. 8.5 hours (6 p.m. - 2.30 a.m.)

Commences at 6 p.m. and finishes at 2.30 a.m.

8.5 hours @ normal (6p.m. - 2.30 a.m.)

Plus 8.5 hours at 50% penalty (6pm- 2.30 a.m.)

Standard Shift i.e. 8.5 hours (8 p.m. - 4.30 a.m.)

Commences at 5 p.m. and finishes at 4.30 a.m.

8.5 hours @ normal (8p.m. -4.30 a.m.)

Plus 8.5 hours at 50% penalty (8pm-4.30 a.m.)

Plus 1 hour at 1.5 (5p.m. - 6p.m.)

Plus 2 hour at 2.0(6p.m. - 8pm)

Standard Shift i.e. 8.5 hours (8 p.m. - 4.30 a.m.)

Commences at 7 p.m. and finishes at 6.00 a.m.

8.5 hours @ normal (8p.m. - 4.30 a.m.)

Plus 8.5 hours at 50% penalty (8p.m. - 4.30 a.m.)

Plus 1 hour at 2.0 (7p.m. - 8p.m.)

Plus 1.5 hour at 2.0(4.30a.m. - 6a.m.)

Sunday Shift i.e. 8.5 hours (6p.m. to 2.30 a.m.)

Commences at 6.30 p.m. and finishes at 2.30 a.m.

8.5 hours @ normal

Plus 8.5 hours @ 50% penalty Plus 6 hours @ 0.5 overtime (6 p.m. to 12 midnight)

Sunday Shift i.e. 8.5 hours (6 p.m. to 2.30 a.m.)

Commence at 5.00 p.m. and finishes at 6.30 a.m.

8.5 hours @ normal

Plus 8.5 hours @ 50% penalty
Plus 6 hours (6 p.m. to 12 midnight) @ 0.5 overtime
Plus 1 hour @ 2 overtime (5p.m. - 6p.m.)
Plus 2 hours @ 2 overtime (2.30am - 4.30am)
Plus 2.0 hours @ 2.5 overtime (4.30am - 6.30am)

Friday Shift i.e. 8.5 hours (8 p.m. to 4.30 a.m.)

Commence at 8.00 p.m. and finishes at 4.30 a.m.

8.5 hours @ normal

Plus 8.5 hours @ 50% penalty

Plus 1.5 hours @ 0.5 overtime

Saturday Shift i.e. 8.5 hours (8 p.m. to 4.30 a.m.)

Commences at 8.00 p.m. and finishes at 4.30 a.m.

8.5 hours @ normal

Plus 8.5 hours @ 50% penalty

Plus 1 hour @ 0.5 overtime (11 p.m. - 12 midnight)

Plus 4.5 hours @ 0.5 overtime (12 midnight - 4.30 a.m.)

Saturday Shift i.e. 8.5 hours (8 p.m. to 4.30 a.m.)

Commences at 8.00 p.m. and finishes at 6.30 a.m.

8.5 hours @ normal

Plus 8.5 hours @ 50% penalty

Plus 1 hour @ 0.5 overtime (11 p.m. - 12 midnight)

Plus 4.50 hours @ 0.5 overtime (12 midnight - 4.30 a.m.)

Plus 2 hours @ 2.0 overtime (4.30 a.m. - 6.30pm)

Public Holiday Shift i.e. 8.5 hours (8 p.m. to 4.30 a.m.)

Public Holiday sits at end of shift (12 midnight to 4.30 a.m.) (Tuesday)

Commence at 8 p.m. and finish at 6.30 a.m.

8.5 hours at normal

8.5 hours at 50% penalty

4.5 hours at 1.5 overtime (12 midnight - 4.30 a.m.) (public holiday ordinary hours +2.5 + 50%)

2 hours at 3.5 overtime (4.30 a.m. to 6.30 a.m.) (public holiday ordinary hours worked outside ordinary hours = 1.5 x 2 + 50%)

Public Holiday Shift i.e. 8.5 hours (8 p.m. to 4.30 a.m.)

Public Holiday sits at beginning of shift (8pm to 12 midnight) (Wednesday)

Commences at 8 p.m. and finish at 4.30 a.m.

8.5 hours at normal

8.5 hours at 50% penalty

4 hours @ 1.5 overtime (8 p.m. to 12 p.m.) (public holiday ordinary hours = 2.5 + 50%)

Dated 10 December 2012.

D.A. Swan, Deputy President

A.L. Bloomfield, Deputy President

D.K. Brown, Commissioner

Hearing Details:

7 November 2011

15 December 2011

19 March 2012

30 July 2012

31 July 2012

3 August 2012

25 October 2012

Appearances:

Mr K. McKay, of Together Queensland, Industrial Union of Employees (Together).

Mr M. Butler & Ms K. Scott, of The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees (APESMA).

Mr Murdoch, Senior Counsel, instructed by Crown Law for Department of Transport and Main Roads (TMR).

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