

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 125 - making, amending and repealing awards

**Local Government Association of Queensland Ltd AND The Australian Workers' Union of Employees,
Queensland and Another (A/2011/46)**

**COMMUNITY POLICE (ABORIGINAL AND ISLAND COMMUNITIES
AND LOCAL GOVERNMENTS) AWARD - STATE 2003**

DEPUTY PRESIDENT SWAN
COMMISSIONER BROWN
COMMISSIONER THOMPSON

8 June 2012

AMENDMENT

This matter coming on for hearing before the Commission at Brisbane on 13 February and 8 June 2012, this Commission orders that the said Award be amended as follows as from 13 February 2012:

1. By deleting clause 1.4 and inserting the following in lieu thereof:

1.4 Award coverage

This Award applies to Community Police employed by Local Governments established pursuant to the *Local Government Act 2009* or any other community body established pursuant to the *Community Services (Torres Strait) Act 1984* or the *Community Services (Aborigines) Act 1984* that is not otherwise a national system employer.

2. By deleting clause 1.5.3 and inserting the following in lieu thereof:

1.5.3 "Community Police Officer" means an employee who is appointed by a Local Government or another community body to carry out a function under the *Community Services (Aborigines) Act 1984* or the *Community Services (Torres Strait) Act 1984* and who is responsible for maintaining peace and good order in accordance with By-laws enacted pursuant to such legislation under the supervision of a member/s of the Queensland Police Department:

Provided that a Community Police Officer may be required to perform such other duties as determined from time to time by an employing Local Government or other community body.

3. By deleting clause 4.2.1(a) and inserting the following in lieu thereof:

(a) discrimination on the basis of sex, relationship status, family responsibilities, pregnancy, parental status, breastfeeding, age, race, impairment, religious belief or religious activity, political belief or activity, trade union activity, lawful sexual activity, gender identity, sexuality and association with, or relation to, a person identified on the basis of the above attributes;

4. By deleting clauses 4.5.12(a) and 4.5.12(b) and inserting the following in lieu thereof:

(a) Subject to an order of the Commission, in a particular redundancy case, clause 4.5 shall not apply to an employer that employs employees working a total of fewer than 550 hours on average per week, excluding overtime, Monday to Sunday. The 550 hours shall be averaged over the previous 12 months.

5. By deleting clause 5.6 and inserting the following in lieu thereof:

5.6 Superannuation

5.6.1 *Local Governments employees*

All Local Governments and Local Government Entities subject to this Award must comply with superannuation arrangements prescribed in the *Local Government Act 2009* and the *Local Government (Operations) Regulation 2010*.

Local Governments and their Entities employing persons defined as being "non-contributory members" of the LG Super Scheme pursuant to s. 223 of the *Local Government Act 2009*, shall on behalf of such employees, contribute an amount

to the LG Super Scheme that the Local Government or Entity must make to avoid being required to pay the superannuation guarantee charge under the *Superannuation Guarantee (Administration) Act 1992* in respect to such employees.

5.6.2 *Non Local Government employees*

(a) *Definitions*

- (i) "Employer" means and includes a Community Body, other than a Local Government party to this Award.
- (ii) "Employee" means an employee of a Community Body, other than a Local Government, who is employed under this Award.
- (iii) "Ordinary time earnings" means the actual ordinary rate of pay the employee receives for their ordinary hours of work including shift loadings and leading hand allowance where applicable. Ordinary time earnings shall not include overtime, disability allowances, service increment payments, locality allowances, penalty rates, fares and travelling time allowances or any other extraneous payments of a like nature.

(b) *Contributions*

Notwithstanding anything contained in any Award of the Commission in relation to superannuation, employers shall contribute on behalf of each employee an amount calculated at the percentage of 9% of the employee's ordinary time earnings into a complying superannuation fund of the employee's choosing. Alternatively where an employee fails to elect which superannuation fund to which employer contributions are directed, the employer will direct any contributions required to be paid under this Award in respect of such employee, to a complying fund as determined by the employer.

Provided that the employer shall not be required to pay the above superannuation contributions on behalf of any eligible employee in respect of any week during which such employee receives less than 10 hours pay in ordinary time earnings.

- (c) Clause 5.6.2 is full settlement of any existing claims or future claims made in terms of the principle entitled "Superannuation" as contained in the Principles enunciated by the Commission in its decision dated 31 August 1988 and published in the *Queensland Government Industrial Gazette* of 10 September 1988.

6. By deleting clause 7.3.1 and inserting the following in lieu thereof:

- 7.3.1 Full-time and part-time employees shall, on the death of a member of their immediate family or household be entitled to paid bereavement leave up to and including the day of the funeral of such person. Such leave shall be without deduction of pay for a period not exceeding the number of hours worked by the employee in 2 ordinary days of work. Proof of such death is to be furnished by the employee to the satisfaction of the employer.

7. By deleting clause 7.4 and inserting the following in lieu thereof:

7.4 Long service leave

All employees covered by this Award are entitled to long service leave on full pay under, subject to, and in accordance with, the provisions of Chapter 2, Part 3, sections 42-58 of the Act as amended from time to time.

Portability of long service leave entitlements for Local Government employees is provided pursuant to Division 4 Part 3, Chapter 5 - Administration, of the *Local Government (Operations) Regulation 2010*.

8. By deleting clause 7.5 and inserting the following in lieu thereof:

7.5 Family leave

The provisions of the *Family Leave Award 2003* apply to and are deemed to form part of this Award.

7.5.1 It is to be noted that:

- (a) part-time work can be performed by agreement in the circumstances specified in the *Family Leave Award 2003*;

(b) a copy of the *Family Leave Award 2003* is required to be displayed in accordance with section 697 of the Act.

7.5.2 The *Family Leave Award 2003* also provides for the terms and conditions of leave associated with:

- (a) Maternity leave;
- (b) Parental leave;
- (c) Adoption leave; and
- (d) Carers leave for the care and support of the employee's immediate family or household.

9. By deleting clauses 11.1.3 (b)(ii) and (iii) and inserting the following in lieu thereof:

(ii) has made a written request to the employer that they do not want their record inspected.

10. By deleting clause 11.2.4 and inserting the following in lieu thereof:

11.2.4 Such records shall be open to inspection during the employer's business hours by an inspector of the Department of Justice and Attorney-General, in accordance with section 371 of the Act, or an authorised industrial officer in accordance with sections 372 and 373 of the Act.

11. By deleting the Schedule to the Award.

Dated 8 June 2012.

By the Commission,
[L.S.] G.D. SAVILL,
Industrial Registrar.

Operative Date: 13 February 2012

Released: 11 July 2012