

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

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

CITY PARKLANDS SERVICES AWARD - STATE 2016

Matter No. MA/2016/37

DEPUTY PRESIDENT BLOOMFIELD

29 September 2016

DETERMINATION (Correction of error)

Whereas errors occurred in the publication of the wage rates and allowances of the above Award at the time of its making on 6 September 2016, this Commission orders that the said Award be corrected as follows on and from 6 September 2016:

1. By deleting clause 12.5 and inserting the following in lieu thereof:

12.5 Minimum wages

The minimum wages payable to employees covered by this Award are prescribed in the table below:

Classification	Level	Award Rate ¹ Per Fortnight \$ ²	Annual Wages ³ \$ ²
CP1 (not in use)	-	-	-
CP2	A	1,402	36,577
	B	1,492	38,925
CP3	A	1,606	41,899
	B	1,712	44,664
	C	1,859	48,499
CP4	A	1,919	50,065
	B	1,979	51,630
	C	2,108	54,996
CP5	A	2,225	58,048
	B	2,371	61,857
	C	2,525	65,875
CP6	A	2,621	68,379
	B	2,785	72,658
	C	2,968	77,432
CP7	A	3,321	86,642
	B	3,537	92,277
	C	3,765	98,225

Notes:

- ¹ Includes the arbitrated wage adjustment payable under the 1 September 2016 Declaration of General Ruling.
- ² Rounded to the nearest dollar.
- ³ Annual wages (fortnightly rate x 26.089) are for reference purposes only.

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

13. Allowances

13.1 Brick laying allowance

- (a) An employee laying other than standard bricks and/or building blocks (other than cindercrete blocks for plugging purposes) shall be paid as follows:
- (i) For bricks over 5.5kg - \$0.70 per hour
 - (ii) For bricks over 9kg - \$1.21 per hour
 - (iii) For bricks over 18kg - \$1.74 per hour
- (b) The above allowance is not payable if the employer provides a mechanical means for the handling, lifting, and placing of bricks over 5.5kg.
- (c) For the purpose of payment of this allowance, standard pavers are considered to be standard bricks.

13.2 Broken work allowance

All employees engaged on work where the ordinary hours of duty are subject to a break in continuity other than for the purposes of meal breaks to a maximum of one hour and for rest pauses shall be paid an additional \$7.78 per day for each day so worked.

13.3 Chainsaw allowance

An employee using a chainsaw in the performance of their work shall be paid an additional \$0.66 per hour whilst so engaged.

13.4 Confined space allowance

An employee shall be paid an additional \$0.84 per hour for the actual time employed in a compartment, space or place the dimensions of which necessitate such employee working in a stooped or otherwise cramped position, or without proper ventilation and subject thereto includes working in tunnels or ducts less than 1.2 metres in diameter.

13.5 Construction allowance

- (a) An employee undertaking **building and construction work** on a **construction site** for more than 1 week shall be paid an allowance at the rate of \$29.70 per week to compensate for the following disabilities:
- (i) climatic conditions when working in the open on all types of work;
 - (ii) the physical disadvantages of having to climb stairs or ladders;
 - (iii) dust blowing in the wind on building sites;
 - (iv) dirty conditions caused by the use of foam oil or from green timber;
 - (v) the disability of working on all types of scaffolds other than a single plank swing scaffold or a bosun's chair;

- (vi) the lack of the usual amenities associated with factory work (e.g. recreational facilities, sanitary convenience, etc.); and
 - (vii) drippings from newly poured concrete.
- (b) The construction allowance will form part of the weekly wage in the calculation of overtime payments, annual leave pay, public holiday pay, sick pay and long service leave pay.
- (c) For the purpose of clause 13.5:
- (i) **construction site** means a site declared as such by the employer at its sole discretion
 - (ii) **building and construction work** means the construction of new buildings, the construction of additions to existing buildings and necessary alteration of existing buildings to make them conform to any new additions and the demolition of buildings and includes all electrical work carried out during such work.

13.6 Dirty work allowance

An employee engaged on dirty work shall receive an additional \$0.70 per hour for actual time worked. Such conditions may be found in dismantling machinery, sintering works, converting, all work done in lift shafts, all electrically driven vehicles that have been in use, all work performed between ceilings and rooves in buildings that have been in use, in using tar or bitumen, or where tar or bitumen has been used and is not dry.

13.7 First-aid allowance

- (a) An employee holding a certificate in first-aid issued by the Queensland Ambulance Service or equivalent qualification, who is appointed in writing by the employer as a first-aid attendant shall be paid an additional \$30.70 per fortnight.
- (b) This allowance shall be treated as part of the ordinary rate of pay for the purposes of annual leave (but not loading on leave), sick leave, long service leave and all other paid leave.

13.8 Hammer and drill allowance

- (a) A labourer employed at hammer and drill work shall be entitled to an additional daily allowance, when engaged on such duties, as follows:
 - (i) jumper worker on gads and moils, or in the pole lifting gang - \$4.20;
 - (ii) powder monkey - \$7.99; and
 - (iii) tool dresser - \$6.35.
- (b) Labourers employed as jack hammer workers shall be paid an additional \$4.20 per day. For the purposes of payment of this allowance, general hand tools are not considered jack hammers.

13.9 Lime and cement allowance

An employee loading or unloading not less than six bags of lime and/or cement using a forklift, or similar, shall be paid an additional \$0.66 per hour whilst so engaged.

13.10 Motor vehicle allowance

- (a) Where the employer requires an employee to use their own vehicle in or in connection with the performance of their duties, the employee shall be paid an allowance for each kilometre of authorised travel as follows:
 - (i) motor vehicle - \$0.77 per kilometre; and
 - (ii) motorcycle - \$0.26 per kilometre.
- (b) The employer may require an employee to record full details of all such official travel requirements in a log book.

13.11 Overtime meal allowances and meal breaks

- (a) An employee working day work required to work overtime for:
 - (i) more than 1.5 hours after ordinary ceasing time or for more than one hour continuing beyond 1800 on any normal working day; or
 - (ii) more than 4 hours on a Saturday, Sunday, accrued day off or rostered day off,shall be provided with an adequate meal at the employer's expense or paid a meal allowance of \$12.85 in lieu of the provision of such meal.
- (b) A shift worker required to work overtime for:
 - (i) more than 1.5 hours after ordinary ceasing time on any normal working day; or
 - (ii) more than 4 hours on a Saturday, Sunday, public holiday, accrued day off or rostered day off,shall be provided with an adequate meal at the employer's expense or paid a meal allowance of \$12.85 in lieu of the provision of such meal.
- (c) Before commencing the overtime mentioned in clauses 13.11(a)(i) and 13.11(b)(i) the employee shall be entitled to take a 30 minute unpaid meal break.
- (d) Where the employer requires the employee to continue working for a further 4 hours of continuous overtime work in either of the situations mentioned in clauses 13.11(a) or (b), the employee will be entitled to a 20 minute paid crib break and either provided with an adequate meal at the employer's expense or paid an additional meal allowance of \$12.85.
- (e) Where an employee has been given notice to work overtime on the previous working day or prior thereto, and has brought to work a prepared meal and such overtime is cancelled, the employee shall be paid a meal allowance of \$12.85 for such prepared meal.

13.12 Roof repairs allowance

An employee engaged on repairs to existing rooves shall be paid an additional \$0.84 per hour whilst so engaged.

13.13 Sulphuric acid allowance

An employee exposed to the effect of sulphuric acid shall be paid an additional \$0.24 per hour whilst so exposed with a minimum payment as for 4 hours per day.

13.14 Toilet cleaning allowance

An employee who is required to clean toilets shall be paid an additional \$1.84 per day.

13.15 Tool allowance

- (a) The following tool allowances shall be paid to the tradespersons listed who supply and use their own tools:

	Per Week \$
Carpenter and/or Joiner	26.75
Plumber and Gasfitter	26.75
Electrical Tradesperson	22.05
Bricklayer	18.90
Licensed Drainer	6.35
Painter	6.35

- (b) These allowances shall not be paid while the employee is absent on annual leave.

13.16 Toxic substance allowance

- (a) Whilst using toxic substances, an employee shall be paid an additional \$0.84 per hour for the actual time so employed.
- (b) For the purpose of this clause **toxic substances** will be restricted to include epoxy based materials and material which include or require the addition of a catalyst hardener and reactive additives or two pack catalyst systems.
- (c) This allowance is not payable to an employee using "do it yourself" off-the-shelf type substances (e.g. araldyte).

13.17 Trailer allowance

- (a) An employee driving a motor vehicle to which a light trailer is attached (i.e. where the loaded mass of the trailer does not require the vehicle and trailer to be considered as a Gross Combination Mass - GCM) shall be paid an additional \$2.71 per day.
- (b) The term trailer does not include caravans, compressors, concrete mixers, welding plant and road brooms.

13.18 Work in the rain

Where an employee is required to perform work in the rain and by so doing gets clothing wet the employee shall be paid double rates for all work so performed. Such payment shall continue until the employee finishes work or until the clothing dries or is able to be changed, whichever is earlier.

13.19 Adjustment of monetary allowances

- (a) Other than the expense related allowances at clauses 13.10 (motor vehicle allowance), 13.11 (overtime meal allowances and meal breaks) and 13.15 (tool allowance), respectively, all other monetary allowances specified in clause 13, shall be automatically adjusted from the same date and in the same manner as monetary allowances are adjusted in any State Wage Case decision or other decision of the Commission adjusting minimum wage rates in this Award.

- (b) The additional payments prescribed in clause 18.7(a) (on call allowances) shall be automatically adjusted from the same date and in the same manner as is prescribed for the adjustment of monetary allowances in accordance with clause 13.19(a).
- (c) At the time of any adjustment to the wage rates in this Award the expense related allowances at clauses 13.10 (motor vehicle allowance), 13.11 (overtime meal allowances and meal breaks) and 13.15 (tool allowance), respectively, shall be automatically adjusted by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
- (d) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index, as follows:

<u>Allowance</u>	<u>Eight Capitals Consumer Price Index</u> <u>(ABS Cat No. 6401.0 - Table 7)</u>
Motor vehicle allowance <i>(last adjusted 1 September 2014)</i>	Private motoring sub-group
Overtime meal allowance <i>(last adjusted 1 September 2016)</i>	Take-away and fast foods sub-group
Tool allowance <i>(last adjusted 1 September 2016)</i>	Tools and equipment for house and garden component of the household appliances, utensils and tools sub-group

3. By deleting clause 18.7 and inserting the following in lieu thereof:

18.7 On call - additional payment

- (a) Where an employee is instructed to be available on call outside ordinary or rostered working hours the employee shall be paid an allowance in accordance with the following:
 - (i) where the employee is on call during any day or night outside their ordinary working hours, Monday to Friday: \$20.99, for each day and/or night during which the employee remains on call; and
 - (ii) where the employee is on call during any day or night outside their ordinary working hours on a Saturday: \$31.49, for each day and/or night during which the employee remains on call; and
 - (iii) where the employee is on call during any day or night outside their ordinary working hours on a Sunday: \$41.98, for each day and/or night during which the employee remains on call; and
 - (iv) where the employee is on call during any day or night outside their ordinary working hours on a public holiday: \$41.98, for each day and/or night during which the employee remains on call.
- (b) Employees required to remain on call must be able to be contacted and be able to respond within a reasonable period of time.
- (c) An employee shall not be considered to be on call due solely to a customary arrangement whereby the employee returns to the employer's premises outside ordinary hours to perform a specific job or task.

4. By deleting the Note under the table in Schedule 3 (Supported Wage System) and inserting the following in lieu thereof:

*Note: The minimum amount payable to an employee receiving a supported wage must not be less than \$82 per week.

Dated: 29 September 2016

By the Commission,
B. Paris,
Deputy Industrial Registrar.

Operative Date: 6 September 2016
Determination - Correction of error

Released: 29 September 2016