

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/2016/35

DEPUTY PRESIDENT O'CONNOR
DEPUTY PRESIDENT SWAN
INDUSTRIAL COMMISSIONER THOMPSON

1 March 2017

DETERMINATION

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

1. By deleting clause 2(a) and inserting the following in lieu thereof:
 - (a) This Award operates from 6 September 2016.
2. In clause 3:
 - (a) By deleting the definition of "Act" and inserting the following in lieu thereof:

Act means the *Industrial Relations Act 2016*
 - (b) By deleting the definition of "QES" and inserting the following in lieu thereof:

QES means the Queensland Employment Standards contained in Part 3 of Chapter 2 of the Act
3. By deleting clause 6.1(c) and inserting the following in lieu thereof:
 - (c) Any proposed genuine agreement reached between the employer and employees in an enterprise is contingent upon the agreement being submitted to the Commission in accordance with Chapter 4 of the Act and is to have no force or effect until approval is given.
4. By deleting clause 9.1 and inserting the following in lieu thereof:

9.1 Notice of termination by the employer

Notice of termination by the employer is provided for in Division 13 of the QES. Clauses 9.2 to 9.6 supplement the QES provisions.
5. By deleting clause 9.2(a) and inserting the following in lieu thereof:
 - (a) Unless otherwise agreed between the employer and an employee the notice of termination required by an employee, other than a casual employee or an employee employed for less than 12 months, will be two weeks or two weeks' wages forfeited in lieu. In the case of an employee employed for less than 12 months, the period of notice will be one week or one week's wages forfeited in lieu.

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

10.1 Redundancy pay

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

7. By deleting clause 12.6(b) and inserting the following in lieu thereof:

- (b) The employer may stipulate the completion day for each pay cycle and payment to employees shall be made not later than three working days after the completion of this stipulated pay cycle.

8. By deleting clause 12.7 and inserting the following in lieu thereof:

12.7 Junior rates

- (a) The minimum wage rates payable to junior employees classified in a position in one of the classifications prescribed in Schedule 1 shall be as follows:

Age of employee	% of relevant minimum adult rate
under 18 years of age	65
18 and under 19 years of age	75
19 and under 20 years of age	85
20 years of age and over	100

- (b) The fortnightly wage rates for junior employees shall be rounded to the nearest \$0.10.

9. By deleting clause 13.5(a) and inserting the following in lieu thereof:

- (a) An employee undertaking **building and construction work** on a **construction site** for more than one 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 conveniences, etc.); and
- (vii) drippings from newly poured concrete.

10. By deleting clauses 13.19(a) to (c) and inserting the following in lieu thereof:

- (a) Other than the expense related allowances at clauses 13.10 (motor vehicle allowance), 13.11 (overtime meal allowances) 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 payments) 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 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.
11. By deleting clause 15.1(g) and inserting the following in lieu thereof:
- (g) (i) Where the arrangement of ordinary hours of work provides for an accrued day off, the employer and an individual employee and/or the majority of employees concerned may agree to accrue up to a maximum of five accrued days off. Consent to accrue days off shall not be unreasonably withheld by either party.
 - (ii) Where such agreement has been reached, the accrued days off shall be taken within 12 calendar months of the date on which each day off was accrued.
12. By deleting clause 15.2(f)(i) and inserting the following in lieu thereof:
- (i) the employer and the employees concerned being guided by occupational health and safety considerations;
13. By deleting clause 15.3(b) and inserting the following in lieu thereof:
- (b) The employer may stagger the ordinary starting and finishing times of various groups of employees or individual employees.
14. By deleting clauses 15.4(a) and (b) and inserting the following in lieu thereof:
- (a) Subject to clause 15.4(b) and (c), all ordinary hours of duty performed by an employee, other than an employee providing electrical services, within the spread of ordinary hours prescribed in clause 15.3 shall be paid for as follows:
 - (i) Monday to Friday - ordinary time;
 - (ii) between 0000 and 2400 on a Saturday - time and one-half;
 - (iii) between 0000 and 2400 on a Sunday - double time;
 - (iv) between 0000 and 2400 on a public holiday - at the rate prescribed in clause 23.1.
 - (b) All ordinary hours of duty performed by an employee providing electrical services between 0000 and 2400 on a Saturday shall be paid for at the applicable overtime rates specified in clause 18.2(b).
15. By deleting clauses 15.5(b) and (c) and inserting the following in lieu thereof:
- (b) Subject to clause 15.5(c) and (d) all ordinary hours of duty worked by a shift worker, other than an employee providing electrical services, on a weekend or a public holiday shall be paid for as follows:

- (i) between 0000 and 2400 on a Saturday - time and one-half;
 - (ii) between 0000 and 2400 on a Sunday - double time; and
 - (iii) between 0000 and 2400 on a public holiday - at the rate prescribed in clause 23.1.
- (c) All ordinary hours of duty performed by an employee providing electrical services between 0000 and 2400 on a Saturday shall be paid for at the applicable overtime rates specified in clause 18.2(b).

16. By deleting clause 17(c) and inserting the following in lieu thereof:

- (c) A part-time or casual employee who is engaged to work more than 6.5 hours in any one engagement shall be entitled to rest pauses as for a full-time employee.

17. By deleting clause 18.2(d) and inserting the following in lieu thereof:

- (d) All authorised overtime worked by an employee on a public holiday shall be paid at the rate prescribed in clause 23.1.

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

19. Annual leave

Annual leave is provided for in Division 5 of the QES. Clause 19.1 supplements the QES.

19. By deleting clauses 20(a) to (c) and inserting the following in lieu thereof:

- (a) Personal leave is provided for in Division 6 of the QES and covers:
 - (i) sick leave;
 - (ii) carer's leave;
 - (iii) bereavement leave; and
 - (iv) cultural leave.
- (b) An application for sick leave of more than 2 days is to be supported by a medical certificate or other evidence that is acceptable to the employer.
- (c) In addition to the provisions of Subdivision 2 of Division 6 of the QES an employee is entitled to use any sick leave to which they have an entitlement for carer's leave purposes.

20. By deleting clauses 21(a) to (d) and inserting the following in lieu thereof:

- (a) Parental leave is provided for in Division 8 of the QES and covers:
 - (i) birth-related leave for an employee who is pregnant or whose spouse gives birth;
 - (ii) adoption leave; and
 - (iii) surrogacy leave.

- (b) An employee who is pregnant, during the term of her pregnancy until 6 weeks before the expected date of birth of her child or lesser period as approved by the employer, may request to work part-time or other flexible work arrangements.
- (c) An employee who has taken leave to attend compulsory interviews or examinations as part of an adoption process or who has taken leave to attend compulsory interviews or court hearings associated with a surrogacy arrangement may request that such leave be taken as paid annual leave.
- (d) In addition to the provisions of Subdivision 6 of Division 8 of the QES an employee who has returned to work on a part-time basis may seek to return to the position they held prior to commencing parental leave.

21. By deleting clause 22 and inserting the following in lieu thereof:

22. Long service leave

- (a) Long service leave, including for casual employees, is provided for in Division 9 of the QES. Clause 22(b) supplements the QES.
- (b) In lieu of the provisions of sections 95(2)(a) and (b) of the Act, all employees who complete 10 years' continuous service are entitled to long service leave at the rate of 1.3 weeks on full pay for each year of continuous service and a proportionate amount for an incomplete year of service.

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

23. Public holidays

Public holidays are provided for in Division 10 of the QES. Clauses 23.1 to 23.5 supplement the QES provisions.

23. By deleting clause 23.1(e) and inserting the following in lieu thereof:

- (e) For shift workers, the payments described in clause 23.1 shall be calculated on a majority of shift basis (see the examples at clause 15.5(d)).

24. By deleting clause 23.4(a)(ii) and inserting the following in lieu thereof:

- (ii) where a public holiday would have fallen on a Saturday or a Sunday (e.g. Australia Day) but is substituted for another day, an employee who would ordinarily have worked on such Saturday or Sunday but who is not rostered to work on such day is entitled to payment for the public holiday or a substituted day's leave.

25. By deleting clause 24 and inserting the following in lieu thereof:

24. Jury service

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

26. By deleting clause 29(b)(i) and inserting the following in lieu thereof:

(b) Entry procedure

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

authorised industrial officer:

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

27. By deleting clause 29(c)(i) and inserting the following in lieu thereof:

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

28. By deleting the Note which appears at the foot of clause 29 and inserting the following in lieu thereof:

Note: Clause 29 - Right of entry, deals with comparable provisions contained within the Act. In order to ensure the currency of existing legal requirements parties are advised to refer to Chapter 9, Part 1, Division 5 of the Act as amended from time to time.

29. In Schedule 1:

- (a) By deleting the first dot point under "City Parklands (CP) 6" and inserting the following in lieu thereof:
 - have achieved a level of organisation or industry specific knowledge sufficient for them to give independent advice and/or information to the organisation and clients in relation to specific areas of their responsibility;
- (b) By deleting the third dot point under "City Parklands (CP) 7" and inserting the following in lieu thereof:
 - they are responsible and accountable for their own work and may have delegated responsibility for the work under their control or supervision, in terms of, *inter alia*: scheduling workloads, resolving operations problems, monitoring the quality of work produced, counselling staff for performance as well as work related matters;

Dated: 1 March 2017

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

Operative Date: 1 March 2017
Determination - Correction of error

Released: 6 March 2017