

CITATION: *Employees of Queensland Government Departments
(Other Than Public Servants) Award State - 2003
Reprint of Award - 1 November 2010*
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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 698 - reprint of award

**EMPLOYEES OF QUEENSLAND GOVERNMENT DEPARTMENTS
(OTHER THAN PUBLIC SERVANTS) AWARD - STATE 2003**

Following the Declaration of the General Ruling in the 2010 State Wage Case (matter numbers B/2010/20 and B/2010/21), the Employees of Queensland Government Departments (Other Than Public Servants) Award State - 2003 is hereby reprinted, pursuant to s. 698 of the *Industrial Relations Act 1999*.

I hereby certify that the Award contained herein is a true and correct copy of the Employees of Queensland Government Departments (Other Than Public Servants) Award State - 2003 as at 1 September 2010.

Dated 1 November 2010.

[L.S.] G.D. Savill
Industrial Registrar

**EMPLOYEES OF QUEENSLAND GOVERNMENT DEPARTMENTS
(OTHER THAN PUBLIC SERVANTS) AWARD - STATE 2003**

PART 1 - APPLICATION AND OPERATION

1.1 Title

This Award is known as the Employees of Queensland Government Departments (Other Than Public Servants) Award State - 2003.

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1.3 Award coverage

1.3.1 This Award applies to employees of Queensland Government Departments and public service offices who are engaged pursuant to section 147 of the *Public Service Act 2008* and whose callings are contained in Schedule 1.

1.3.2 *Special conditions*

- (a) Employees, whose callings are contained in Schedule 1 and who were previously award-free employees, are employed subject to the conditions contained in Schedule 5.
- (b) Employees, whose callings as defined by the previous awards and industrial agreements listed in clause 1.3.3 are contained in Schedule 1, are employed subject to the conditions contained in Schedules 2, 3 and 4."

1.3.3 *Award/Agreement*

- (a) Employees Employed on Motor Vessels Owned and Operated by the Fisheries Research Branch, Department of Primary Industries - Industrial Agreement (see Schedule 2 and Section 1 of Schedule 3):

- | | |
|--------------------|---------------------|
| * Master "Warrego" | * Master "Lumaigul" |
| * Master "Pelates" | |

- (b) Public Service Award - State (Part VI only, clauses - 55; 61(1); 61(2) (Drivers of Motor Vehicles only); 61(3); 61(4); 61(5); 61(6); and 61(7)) (see Sections 4 and 5 of Schedule 3):

- | | |
|--|--|
| * Head gardeners | * Gardeners |
| * Gardener's labourers | * Senior storeperson |
| * Chief storeperson | * Storeperson in charge |
| * Storeperson in charge, Bulk store | * Storeperson Grade 1 |
| * Storeperson Grade 2 | * Forklift driver |
| * Drivers of motor vehicles of a carrying capacity of up to and including 1.27t | * Drivers of motor vehicles of a carrying capacity exceeding 1.27t and not exceeding 3.04t |
| * Drivers of motor vehicles of a carrying capacity exceeding 3.04t and not exceeding 6.09t | * Storeperson first year |
| | * Storeperson second year |
| | * Storeperson third year and subsequent years |

- (c) Cost Clerks and Timekeepers' Award - State Government (see Section 2 of Schedule 3)

- | | |
|---------------------------------------|---|
| * Senior inspecting cost clerks | * Senior cost clerks |
| * Inspecting cost clerks Grades A & B | * Cost clerks Grades A to D |
| * Timekeepers - Grades A to D | * Senior trainee cost clerks or timekeepers |
| * Juniors - Age 18 to 20 years | |

- (d) Award for Employees in the Intellectual Handicap Service - Department of Health (Part B Only) (see Section 3 of Schedule 3):

- | | |
|-----------------------|-------------------|
| * Gardner | * Laundry Person |
| * Domestic | * Sewer |
| * Assistant gardener | * General hand |
| * Head laundry person | * Sewer in charge |
| * Housekeeper | |

- (e) Domestic and General Staff Award - Halls of Residence - State Government (see Schedule 2):

- | | |
|--------------------|---------------|
| * Chief cook | * Second cook |
| * Qualified cook | * Cook |
| * Single hand cook | * Kitchenhand |

- * Waiter
- * House attendant
- * House attendant/Waiter
- * All other employees

(f) Security Employees' Award - State Government:

- * Security officer

(g) Award for Certain Employees of the Department of Primary Industries Employed at Regional Experimental Stations, Research Stations, and Animal Health Stations (see Section 7 of Schedule 3):

- * Foreperson (other than Foreperson Animal Health station, Yeerongpilly)
- * Senior farmhand
- * Experienced farmhand
- * Farmhand

(h) Farm Supervisors (Department of Primary Industries) Award (see Section 8 of Schedule 3):

- * Farm supervisor

(i) Graded Foremen (Department of Works) Award - State (see Section 6 of Schedule 3):

- * Graded foreman (job)
- * Graded foreman (office) grades I to IV

(j) Miscellaneous Workers' Award - State Government (see Schedule 2 and Section 10 of Schedule 3):

- * Caretaker
- * Lift attendant
- * Cleaner

(k) Teacher Aides, Department of Education Award - State (see Schedule 2):

- * Teacher aide

(l) Theatrical Employees' Award - State - 2003 (see Section 9 of Schedule 3):

- * Technician (Audio/Video/Maintenance)
- * Ticket seller
- * Other Employees (Front of House Staff)
- * Lightperson
- * Technical manager

(m) Motoring Services Award - South-Eastern District 2003 (see Schedule 2 and Section 11 of Schedule 3):

- * Car park officer
- * Tyre fitter

(n) Retail Industry Award - State 2004 (see Schedule 2 and Section 12 of Schedule 3):

- * Clerk
- * Shop assistant
- * Store supervisor

1.3.4 This Award does not apply to employees in callings classifications covered by the following Awards:

Accommodation Industry (Other than Hotels) Award - South-Eastern Division 2003;
Boarding House Employees Award - State (excluding South-East Queensland) 2003;
Building Trades Public Sector Award - State 2002;
Civil Construction, Operations and Maintenance General Award - State 2003;
Conservation, Parks and Wildlife Employees' Award - State Government 2003;
District Health Services Employees' Award - State 2003;
Engineering Award - State 2002;
Forestry Employees' Award - Department of Primary Industries 2003;
Furniture and Allied Trades Award - State 2006;
General Stores, Warehousing and Distribution Award - State 2002.

1.4 Date of operation

This Award takes effect from 1 December 2003.

1.5 Definitions

- 1.5.1 The "Act" means the *Industrial Relations Act 1999* as amended or replaced from time to time.
- 1.5.2 "Broken Work" means where the ordinary hours of duty of a day worker are subject to a break in continuity other than for the purposes of meal breaks to a maximum of one hour and rest pauses.
- 1.5.3 "Classification Level" comprises a minimum salary rate plus a range of salary Increments through which employees will be eligible to progress.
- 1.5.4 "Commission" means the Queensland Industrial Relations Commission.
- 1.5.5 "Court Attendance (Fees and Allowances) - (excluding casuals)" means the provisions as prescribed in a Directive relating to Court Attendance and Jury Service, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.
- 1.5.6 "Leave and Travel Concessions - Isolated Centres" means the provisions as prescribed in a Directive relating to Leave and Travel Concessions in Isolated Centres, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.
- 1.5.7 "Increment" means the specific level of remuneration payable to employees above the minimum rate within a Classification Level.
- 1.5.8 "Leave for Study and Examination Purposes (excluding casuals)" means the provisions as prescribed in a Directive relating to Study and Examination Leave, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.
- 1.5.9 "Locality Allowance" means the conditions and entitlements paid to employees who are appointed to work at named centres as prescribed in a Directive relating to Locality Allowance, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.
- 1.5.10 "Motor Vehicle Allowance" means the conditions and entitlements as prescribed in a Directive relating to Motor Vehicle Allowances, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.
- 1.5.11 "Overtime Meal Allowance" means the conditions and entitlements as prescribed in a Directive relating to Overtime Meal Allowances, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.
- 1.5.12 "Paypoint" means the specific rate of remuneration payable to employees within a Classification Level.
- 1.5.13 "Recreation Leave (excluding casuals)" means the conditions and entitlements as prescribed in a Directive relating to Recreation Leave, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.
- 1.5.14 "Transfer and Appointment Expenses" means the conditions and entitlements as prescribed in a Directive relating to Transfer and Appointment Expenses, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.
- 1.5.15 "Travelling Allowance" means the conditions and entitlements as prescribed in Directive/s relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.
- 1.5.16 "Union" means:

Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District;
Australian Maritime Officers Union Queensland, Union of Employees;
Australian Municipal, Administrative, Clerical and Services Union, Central and Southern Queensland Clerical and Administrative Branch, Union of Employees;
The Australian Workers' Union of Employees, Queensland;
The Electrical Trades Union of Employees Queensland;
Federated Clerks' Union of Australia, North Queensland Branch, Union of Employees;
Liquor Hospitality and Miscellaneous Union, Queensland Branch, Union of Employees;
Queensland Police Union of Employees;
Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees;
The Queensland Public Sector Union of Employees;
Transport Workers' Union of Australia, Union of Employees (Queensland Branch);

and such other Union/s with respect to callings for which the Union/s are registered, in accordance with Schedule 1.

1.6 Parties bound

This Award is legally binding on the Unions listed in clause 1.5.15 and their members and Chief executive officers of Queensland government departments.

PART 2 - FLEXIBILITY

2.1 Enterprise flexibility

- 2.1.1 As part of a process of improvement in productivity and efficiency, discussion should take place at each enterprise to provide more flexible working arrangements, improvement in the quality of working life, enhancement of skills, training and job satisfaction and to encourage consultative mechanisms across the workplace.
- 2.1.2 The consultative processes established in an enterprise in accordance with clause 2.1 may provide an appropriate mechanism for consideration of matters relevant to clause 2.1.1. Union delegates at the place of work may be involved in such discussions.
- 2.1.3 Any proposed genuine agreement reached between an employer and employees in any enterprise is contingent upon the agreement being submitted to the Commission in accordance with Chapter 6 of the Act and is to have no force or effect until approval is given.

2.2 Procedures to implement facilitative Award provisions

Wherever facilitative provisions appear in this Award which allow for determination of the conditions of employment by agreement between the chief executive and the Union or the employer and the majority of employees affected, the following procedures shall apply:

- 2.2.1 Facilitative Award provisions can be negotiated between management and employees who are directly affected by such proposals or between management and the Union depending upon the particular Award provisions.
- 2.2.2 Employees may be represented by their local Union delegate/s and shall have the right to be represented by their local union official/s.
- 2.2.3 Facilitative Award provisions can only be implemented by agreement.
- 2.2.4 In determining the outcome from facilitative provisions, neither party should unreasonably withhold agreement.
- 2.2.5 Agreement is defined as obtaining consent of greater than 50% of employees directly affected or of the Union depending upon the particular Award provisions.
- 2.2.6 Where a provision refers to agreement by the majority of employees affected, all employees directly affected shall be consulted as a group. Should the consultation process identify employees in specific concerns which relate to either equity or occupational health and safety issues such concerns may be catered for on an individual basis subject to operational requirements.
- 2.2.7 Any agreement reached must be documented, and shall incorporate a review period.
- 2.2.8 Where the agreement relates to either the working of ordinary hours on other than a Monday to Friday basis, the introduction of shift work or change to the shift roster the relevant Union/s are to be notified in writing at least one week in advance of agreement being sought.

PART 3 - COMMUNICATION, CONSULTATION AND DISPUTE RESOLUTION

3.1 Prevention and settlement of disputes

- 3.1.1 The objectives of this procedure are the avoidance and resolution of any disputes over matters covered by this Award, by measures based on the provision of information and explanation, consultation, co-operation and negotiation.
- 3.1.2 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 before the emergence of a 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.
- 3.1.3 There is a requirement for management to provide relevant information and explanation and consult with the appropriate employee representatives.

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

- (a) the matter is to be discussed by the employee's Union representative and/or the employees concerned (where appropriate) and the immediate supervisor in the first instance. The discussion should take place within 24 hours and the procedure should not extend beyond 7 days;
- (b) if the matter is not resolved as per clause 3.1.4(a), it shall be referred by the union representative and/or the employees to the appropriate management representative who shall arrange a conference of the parties to discuss the matter. This process should not extend beyond 7 days;
- (c) if the matter remains unresolved it may be referred to the chief executive officer or nominee for discussion and appropriate action. This process should not exceed 14 days;
- (d) if the matter is not resolved then it may be referred by either party to the Commission for conciliation.

3.1.5 Nothing contained in this procedure shall prevent Unions or the Queensland Government from intervening in respect of matters in dispute, should such action be considered conducive to achieving resolution.

3.2 Employee grievance procedures

3.2.1 The objectives of the procedure are to promote the prompt resolution of grievances by consultation, co-operation and discussion; to reduce the level of disputation; and to promote efficiency, effectiveness and equity in the workplace.

3.2.2 This procedure applies to all industrial matters within the meaning of the Act.

3.2.3 Stage 1: In the first instance the employee shall inform such employee's immediate supervisor of the existence of the grievance and they shall attempt to solve the grievance. It is recognised that an employee may exercise the right to consult such employee's Union representative during the course of Stage 1.

3.2.4 Stage 2: If the grievance remains unresolved, the employee shall refer the grievance to the next in line management ("the manager"). The manager will consult with the parties. The employee may exercise the right to consult or be represented by such employee's Union representative during the course of Stage 2.

3.2.5 Stage 3: If the grievance is still unresolved, the manager will advise the chief executive and the aggrieved employee may submit the matter in writing to the chief executive of the organisation if such employee wishes to pursue the matter further. If desired by either party, the matter shall also be notified to the employee's Union.

The chief executive shall ensure that:

- (a) the aggrieved employee or such employee's Union representative has the opportunity to present all aspects of the grievance;
- (b) the grievance shall be investigated in a thorough, fair and impartial manner.

The chief executive may appoint another person to investigate the grievance. The chief executive may consult with the Union in appointing an investigating employee. The appointed person shall be other than the employee's supervisor or manager.

If the matter is notified to the Union, the investigating employee shall consult with the Union during the course of the investigation. The chief executive shall advise the employee initiating the grievance, such employee's Union representative and any other employee directly concerned of the determinations made as a result of the investigation of the grievance.

The chief executive may delegate such chief executive's grievance resolution powers under clause 3.2 to a nominated representative.

3.2.6 The procedure is to be completed in accordance with the following time frames unless the parties agree otherwise:

- Stage 1 Discussions should take place between the employee and such employee's supervisor within 24 hours and the procedure shall not extend beyond 7 days.
- Stage 2 Not to exceed 7 days.
- Stage 3 Not to exceed 14 days.

- 3.2.7 If the grievance is not settled the matter shall be referred to the chief executive of the Public Service Commission or the Commission by the employee or the Union, as appropriate, in accordance with their respective jurisdictions.
- 3.2.8 Subject to legislation, while the grievance procedure is being followed, normal work is to continue, except in the case of a genuine safety issue. The *status quo* existing before the emergence of a grievance or dispute is to continue while the procedure is being followed. No party shall be prejudiced as to the final settlement by the continuation of work.
- 3.2.9 Where the grievance involves allegations of sexual harassment, an employee may commence the procedure at Stage 3.

PART 4 - EMPLOYER AND EMPLOYEES' DUTIES, EMPLOYMENT RELATIONSHIP AND RELATED ARRANGEMENTS

4.1 Employment categories

- 4.1.1 Employees covered by this Award shall be advised in writing of their employment category upon appointment.

Employment categories are:

- (a) full-time;
- (b) part-time (as prescribed in clause 4.2);
- (c) casual (as prescribed in clause 4.3); and
- (d) specified term (as prescribed in clause 4.4).

- 4.1.2 Employees covered by Sections 4 and 5 of Schedule 3 shall be engaged on probation in accordance with the relevant provisions of the *Public Service Act 2008*.

4.2 Part-time employees

- 4.2.1 "Part-Time Employee" means an employee other than a "casual employee" as defined in clause 4.3, who is engaged to work regular hours each week and whose ordinary daily working hours are worked continuously inclusive or exclusive of meal times according to operational requirement.

The following conditions shall be applicable to part-time employees:

- 4.2.2 The spread of ordinary working hours shall be the same as those prescribed for a full-time employee under this Award.
- 4.2.3 A part-time employee shall be employed for no more than 32 ordinary hours per week with a minimum payment as for 2 hours on any one day when work is performed:
- (a) Provided that by agreement between the employer and the relevant Union a part-time employee may work more than 32 but less than 38 ordinary hours per week.
 - (b) Provided also that cleaners in small educational facilities which required the engagement of only one cleaner may be employed for a minimum engagement of one hour where circumstances necessitate such an arrangement.
 - (c) Provided further that teacher aides may be employed in educational facilities for a minimum one hour engagement to support students with disabilities in activities such as toileting, lunch time program, etc.
- 4.2.4 Notwithstanding the provisions of clause 4.2.3 the minimum weekly engagement of teacher aides shall be 5 hours:
- (a) The allocation of ordinary weekly hours and the days upon which such hours are to be worked for teacher aides (other than casuals) shall be made by the principal at the commencement of each school year.
 - (b) Provided that such ordinary hours and days shall only be altered by the principal giving at least one week's notice to the employee.
 - (c) Provided further that no employee can have their hours compulsorily reduced to below 2 hours per day and 5 hours per week.

4.2.5 A part-time employee shall be paid at the same hourly rate as a full-time employee would be paid for performing duty in the same Classification Level. A part-time employee shall also be entitled to any applicable allowances:

Provided that part-time employees in receipt of higher duties and or Locality Allowance pursuant to Schedule 3 shall receive such allowance based *pro rata* on the number of hours worked in relation to the ordinary full-time hours applicable to the Award classification.

4.2.6 The public holiday provisions of this Award shall apply, provided that payment shall only be made for hours actually worked:

Provided further that a part-time employee who usually works on a day of the week on which a public holiday falls and who is not required to work on that day, shall be paid for the hours which would otherwise have been worked on that day.

4.2.7 Wage Increments shall be payable to part-time employees in accordance with the provisions of clause 5.9 (Wages rates) of this Award.

4.2.8 Subject to the provisions contained in clause 4.2 and clauses 6.7 and 6.8, all leave provisions of this Award applicable to a full-time employee shall apply *pro rata* to a part-time employee.

4.3 Casual employees

4.3.1 A casual employee shall be paid 23% in addition to the ordinary hourly Award rate of pay for the class of work upon which such employee is engaged. Each daily engagement shall stand alone, with a minimum payment as for 2 hours' work made in respect to each engagement:

Provided that such minimum payment shall not apply to employees covered by Sections 1 and 9 of Schedule 5.

4.3.2 Where applicable, a casual employee shall be further entitled to the provisions of overtime, week-end penalty rates, payment for work performed on public holidays, meal break and rest pauses:

Provided that in addition to the provisions of clause 4.3.1, a casual employee shall be further entitled to payment of any applicable Award allowances, including shift work allowance.

4.3.3 Except in accordance with clauses 4.3.1 and 4.3.2, a casual employee shall not be entitled to any other Award payment except where provided in the Act.

4.3.4 The provisions of clause 4.3 shall not apply to employees covered by Section 1 of Schedule 3.

4.3.5 A casual employee is entitled to Increments in accordance with clause 5.6.

4.4 Specified Term Employees

4.4.1 "Specified Term Employee" means an employee either full-time or part-time (other than a casual) employed for a specified period of time or for a specified task or tasks.

4.4.2 Specified Term Employees shall be entitled to the same provisions as a full-time employee excluding the provisions of clauses 4.6.

4.5 Trainees

Trainees are engaged under this Award, except as amended from time to time by the *Order For Apprentices' and Trainees' Wages and Conditions (Excluding Certain Queensland Government Entities)* and *Apprentices' and Trainees' Wages and Conditions (Queensland Government Departments and Certain Entities)*.

4.6 Termination of employment

4.6.1 Statement of employment

An employer shall, in the event of termination of employment, provide upon request to the employee who has been terminated a written statement specifying the period of employment and the classification or type of work performed by the employee.

4.6.2 Termination by employer

(a) An employer may dismiss an employee only if the employee has been given the following notice:

Period of Continuous Service

Period of Notice

Not more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

- (b) In addition to the notice in (a) above, employees 45 years old or over and who have completed at least 2 years' continuous service with the employer shall be entitled to an additional week's notice.
- (c) Payment in lieu of notice shall be made if the appropriate notice is not given:
- Provided that employment may be terminated by part of the period of notice specified and part payment in lieu thereof.
- (d) In calculating any payment in lieu of notice the minimum compensation payable to an employee will be at least the total of the amounts the employer would have been liable to pay the employee if the employee's employment had continued until the end of the required notice period. The total must be worked out on the basis of:
- (i) the ordinary working hours to be worked by the employee; and
 - (ii) the amounts payable to the employee for the hours including for example allowances, loadings and penalties; and
 - (iii) any other amounts payable under the employee's employment contract.
- (e) The period of notice in this clause shall not apply in the case of dismissal for misconduct or other grounds that justify instant dismissal, or in the case of a casual employee, or an employee engaged by the hour or day, or an employee engaged for a specific period or tasks.

4.6.3 *Notice of termination by employee*

The notice of termination required to be given by an employee shall be 2 weeks. If an employee fails to give notice, the employer shall have the right to withhold monies due to the employee with a maximum amount equal to the amount the employee would have received under clause 4.6.2(d) for a period of notice of 2 weeks.

4.6.4 *Time off during notice period*

During the period of notice of termination given by the employer, an employee shall be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. This time off shall be taken at times that are convenient to the employee after consultation with the employer.

4.7 Introduction of changes

4.7.1 *Employer's duty to notify*

- (a) Where an employer decides to introduce changes in production, program, organisation, structure or technology, that are likely to have significant effects on employees, the employer shall notify the employees who may be affected by the proposed changes and, where relevant, their Union or Unions.
- (b) 'Significant effects' includes termination of employment, major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations and the restructuring of jobs:

Provided that where the Award makes provision for alteration of any of the matters referred to herein an alteration shall be deemed not to have significant effect.

4.7.2 *Employer's duty to consult over change*

- (a) The employer shall consult the employees affected and, where relevant, their Union or Unions about the introduction of the changes, the effects the changes are likely to have on employees (including the number and categories of employees likely to be dismissed, and the time when, or the period over which, the employer intends to carry out the dismissals), and the ways to avoid or minimise the effects of the changes (e.g. by finding alternative employment).
- (b) The consultation must occur as soon as practicable after making the decision referred to in clause 4.7.1.
- (c) For the purpose of such consultation the employer shall provide in writing to the employees concerned and, where relevant, their Union or Unions, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees, and any other matters

likely to affect employees, provided that any employer shall not be required to disclose confidential information, the disclosure of which would be adverse to the employer's interests.

4.8 Redundancy

4.8.1 Consultation before terminations

- (a) Where an employer decides that the employer no longer wishes the job the employee has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour, and that decision may lead to termination of employment, the employer shall consult the employee directly affected and where relevant, their Union or Unions.
- (b) The consultation shall take place as soon as it is practicable after the employer has made a decision, which will invoke the provisions of clause 4.8.1(a) and shall cover the reasons for the proposed terminations, measures to avoid or minimise the terminations and/or their adverse effects on the employees concerned.
- (c) For the purpose of the consultation the employer shall, as soon as practicable, provide in writing to the employees concerned and, where relevant, their Union or Unions, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected, the number of workers normally employed and the period over which the terminations are likely to be carried out:

Provided that any employer shall not be required to disclose confidential information, the disclosure of which would be adverse to the employer's interests.

4.8.2 Transfer to lower paid duties

- (a) Where an employee is transferred to lower paid duties for reasons set out clause 4.8.1 the employee shall be entitled to the same period of notice of transfer as the employee would have been entitled to if the employee's employment had been terminated under clause 4.6.
- (b) The employer may, at the employer's option, make payment in lieu thereof of an amount equal to the difference between the former amounts the employer would have been liable to pay and the new lower amount the employer is liable to pay the employee for the number of weeks of notice still owing.
- (c) The amounts must be worked out on the basis of:
 - (i) the ordinary working hours to be worked by the employee; and
 - (ii) the amounts payable to the employee for the hours including for example, allowances, loadings and penalties; and
 - (iii) any other amounts payable under the employee's employment contract.

4.8.3 Transmission of business

- (a) Where a business is, whether before or after the date of insertion of this clause in the Award transmitted from an employer (transmittor) to another employer (transmittee), and an employee who at the time of such transmission was an employee of the transmittor of the business, becomes an employee of the transmittee:
 - (i) the continuity of the employment of the employee shall be deemed not to have been broken by reason of such transmission; and
 - (ii) the period of employment which the employee has had with the transmittor or any prior transmittor shall be deemed to be service of the employee with the transmittee.
- (b) In clause 4.8.3, 'business' includes trade, process, business or occupation and includes a part or subsidiary (which means a corporation that would be taken to be a subsidiary under the Corporations Law, whether or not the Corporations Law applies in the particular case) of any such business and 'transmission' includes transfer, conveyance, assignment or succession whether by agreement or by operation of law and 'transmitted' has a corresponding meaning.

4.8.4 Time off during notice period

- (a) Where a decision has been made to terminate an employee in the circumstances outlined in clause 4.8.1, the employee shall be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.
- (b) If the employee has been allowed paid leave for more than one day during the notice period for the

purpose of seeking other employment, the employee shall, at the request of the employer, be required to produce proof of attendance at an interview or the employee shall not receive payment for the time absent. For this purpose a statutory declaration will be sufficient.

4.8.5 *Notice to Centrelink*

Where a decision has been made to terminate employees in the circumstances outlined in clause 4.8.1, the employer shall notify Centrelink as soon as possible giving all relevant information about the proposed terminations, including a written statement of the reasons for the terminations, the number and categories of the employees likely to be affected, the number of workers normally employed and the period over which the terminations are intended to be carried out.

4.8.6 *Severance pay*

- (a) In addition to the period of notice prescribed for ordinary termination in clause 4.8.2(a), and subject to further order of the Commission, an employee whose employment is terminated for reasons set out in clause 4.8.1(a), shall be entitled to the following amounts of severance pay:

Period of Continuous Service	Severance Pay (weeks' pay)
Less than 1 year	nil
1 year but not more than 2 years	4
More than 2 years but not more than 3 years	6
More than 3 years but not more than 4 years	7
More than 4 years but not more than 5 years	8
More than 5 years but not more than 6 years	9
More than 6 years but not more than 7 years	10
More than 7 years but not more than 8 years	11
More than 8 years but not more than 9 years	12
More than 9 years but not more than 10 years	13
More than 10 years but not more than 11 years	14
More than 11 years but not more than 12 years	15
More than 12 years	16

- (b) 'Weeks' Pay' means the ordinary time rate of pay for the employee concerned:

Provided that the following amounts are excluded from the calculation of the ordinary time rate of pay: overtime, penalty rates, disability allowances, shift allowances, special rates, fares and travelling time allowances, bonuses and any other ancillary payments.

4.8.7 *Superannuation benefits*

An employer may make an application to the Commission for relief from the obligation to make severance payments in circumstances where:

- (a) the employer has contributed to a superannuation scheme which provides a particular benefit to an employee in a redundancy situation; and
- (b) the particular benefit to the employee is over and above any benefit the employee might obtain from any legislative scheme providing for superannuation benefits (currently the federal Superannuation Guarantee levy) or an award based superannuation scheme.

4.8.8 *Employee leaving during notice*

An employee whose employment is terminated for reasons set out in clause 4.8.1(a), may terminate such employment during the period of notice, and, if so, shall be entitled to the same benefits and payments under this clause had such employee remained with the employer until the expiry of such notice:

Provided that in such circumstances the employee shall not be entitled to payment in lieu of notice.

4.8.9 *Alternative employment*

An employer, in a particular case, may make application to the Commission to have the general severance pay prescription amended if the employer obtains acceptable alternative employment for an employee.

4.8.10 *Employees with less than one year's service*

Clause 4.8 shall not apply to employees with less than one year's continuous service and the general obligation on employers should be no more than to give relevant employees an indication of the impending redundancy at the first

reasonable opportunity, and to take such steps as may be reasonable to facilitate the obtaining by the employees of suitable alternative employment.

4.8.11 *Employees exempted*

Clause 4.8 shall not apply:

- (a) where employment is terminated as a consequence of misconduct on the part of the employee; or
- (b) to employees engaged for a specific period or task(s); or
- (c) to casual employees.

4.8.12 *Employers exempted*

- (a) Subject to an order of the Commission, in a particular redundancy case, clause 4.8 shall not apply to an employer including a company or companies that employ 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.
- (b) A 'company' shall be defined as:
 - (i) a company and the entities it controls; or
 - (ii) a company and its related company or related companies; or
 - (iii) a company where the company or companies has a common Director or common Directors or a common shareholder or common shareholders with another company or companies.

4.8.13 *Exemption where transmission of business*

- (a) The provisions of clause 4.8.6 are not applicable where a business is before or after the date of the insertion of this clause into the Award, transmitted from an employer (transmittor) to another employer (transmittee), in any of the following circumstances:
 - (i) where the employee accepts employment with the transmittee which recognises the period of continuous service which the employee had with the transmittor, and any prior transmittor, to be continuous service of the employee with the transmittee; or
 - (ii) where the employee rejects an offer of employment with the transmittee:
 - (A) in which the terms and conditions are substantially similar and no less favourable, considered on an overall basis, than the terms and conditions applicable to the employee at the time of ceasing employment with the transmittor; and
 - (B) which recognises the period of continuous service which the employee had with the transmittor and any prior transmittor to be continuous service of the employee with the transmittee.
- (b) The Commission may amend clause 4.8.13(a)(ii) if it is satisfied that it would operate unfairly in a particular case, or in the instance of contrived arrangements.

4.8.14 *Incapacity to pay*

An employer in a particular redundancy case may make application to the Commission to have the general severance pay prescription amended on the basis of the employer's incapacity to pay.

4.8.15 *Employees of Queensland Government Departments and Agencies*

The provisions of clause 4.8 will not apply to employees of Queensland Government Departments and Agencies to the extent that the provisions of the redundancy arrangements are contained in a Directive issued by the chief executive of the Public Service Commission or the industrial relations Minister under sections 53 and 54 of the *Public Service Act 2008*, where the Directive provides for entitlements that are superior to clause 4.8.

4.9 Anti-discrimination

4.9.1 It is the intention of the parties to this Award to prevent and eliminate discrimination as defined by the *Anti-Discrimination Act 1991* and the *Industrial Relations Act 1999* as amended from time to time, which includes:

- (a) discrimination on the basis of sex, marital status, family responsibilities, pregnancy, parental status, age, race, impairment, religion, political belief or activity, trade union activity, lawful sexual activity and association with, or relation to, a person identified on the basis of the above attributes.

(b) sexual harassment; and,

(c) racial and religious vilification.

4.9.2 Accordingly in fulfilling their obligations under the prevention and settlement of disputes clause 3.1, the parties to the Award must take reasonable steps to ensure that neither the Award provisions nor their operation are directly or indirectly discriminatory in their effects.

4.9.3 Under the *Anti-Discrimination Act 1991* it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.

4.9.4 Nothing in clause 4.7 is to be taken to affect:

(a) any different treatment (or treatment having different outcomes) which is specifically exempted under the *Anti-Discrimination Act 1991*;

(b) an employee, employer or registered organisation, pursuing matters of discrimination, including by application to the Human Rights and Equal Opportunity Commission/Anti-Discrimination Commission Queensland.

4.10 Recognition of Previous Service

The conditions prescribed in a Directive relating to Recognition of Previous Service and Employment, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*, apply to employees covered by this Award.

PART 5 - WAGES AND WAGE RELATED MATTERS

Generic Level Statements - Generic Level Statements for all Classification Levels

These statements reflect the degree of complexity and responsibility of duties, skills and knowledge proceeding from the lowest to the highest Classification Levels. Their purpose is to provide an indication as to the Classification Level appropriate to any packaging of duties.

5.1 Administrative Stream

5.1.1 Definition

The Administrative Stream comprises those employees, the duties of which apply to the functional areas identified herein, the incumbents of which are required to possess a range of skills appropriate to the stream.

Such functional areas include agency administration, human resource management, finance, customer service, development and implementation of policy, information and advisory services.

5.1.2 Qualifications

(a) An employee appointed to the Administrative Stream who has satisfied assessment requirements for an AQF3, AQF4, AQF5 or AQF6 qualification acceptable to the Chief Executive shall be paid not less than Classification Level 2, Paypoint (1).

(b) An employee appointed to the Administrative Stream who has satisfied examination requirements for a degree or other post-secondary qualification acceptable to the Chief Executive shall be paid not less than Classification Level 2, Paypoint (7).

5.1.3 Administrative officer Level 1

Entry to this level is either by commencement of a traineeship or through selection based on standardised vocational testing.

(a) Work level description (AO1) - Work at this level usually involves a combination of keyboard, clerical and other duties requiring the application of basic office skills and routines.

(b) Characteristics of the work - Performed under close direction using established routines, methods and procedures with little scope for deviating from these.

Problems can usually be solved by reference to procedures, well documented methods and instructions. Initially direct guidance is given when problems arise. Ready access to advice and assistance is available.

The work may involve giving technical and procedural advice to other staff (for example relating to the operation of office equipment used in the work area). It may require the acquisition of knowledge and specific procedures, instructions, regulations or other requirements relating to general administration (e.g. personnel or finance operations) and/or specific departmental programs and activities.

Work at this level does not include supervisory responsibilities although more experienced staff may assist new staff by providing guidance and advice.

As individual employees develop more experience and knowledge they will be required to exercise greater judgement and make decisions in their allocated duties, although these will be confined by instructions, established practices and procedures of written guidelines.

- (c) Duties and skills - Work at this level may progressively involve an employee in a range of activities requiring the use of written and numeric skills, clerical skills, written and verbal communication, equipment skills (e.g. keyboard) and other work skills appropriate to the discipline. These skills should be readily transferable between organisations.

5.1.4 *Administrative officer Level 2*

The minimum skills required for entry to this level are as defined in the traineeship curriculum or through standardised vocational testing.

- (a) Work level description (AO2) - Work at this level usually encompasses a range or combination of administrative activities and operations which require the application of skills and experience in administrative/clerical work and a general knowledge of the work to be performed.

The work will involve achieving clearly defined and established outcomes and/or basic problem solving within guidelines and contributing knowledge or skills or information specific to the work of the agency.

- (b) Characteristics of the work - Work is usually performed under close supervision and may involve undertaking a range of duties requiring judgement, liaison and communication within an agency and with other interested parties.

The solution of problems may require the exercising of basic judgement, although knowledge required to perform work is usually related to precedents, guidelines, procedures, regulations and instructions and from senior staff. It may require some knowledge and application of specific procedures, instructions, regulations or other requirements relating to general administration and activities.

Work at this level does not include supervisory responsibilities although more experienced staff may assist new staff by providing guidance and advice.

- (c) Duties and skills - Knowledge required to perform work is usually related to guidelines, instructions and procedures relevant to the function of the level.

Familiarity with the functions of related work areas and of relationships between organisational elements may be required.

At this level, basic resolution of problems by reference to established procedures may be required.

Work at this level may involve an employee in a range of activities requiring the use of written and numeric skills, clerical skills, written and verbal communication, equipment skills (e.g. keyboard) and other work skills appropriate to the discipline. These skills should be readily transferable between organisations.

5.1.5 *Administrative officer Level 3*

- (a) Work level description (AO3) - Work at this level usually requires relevant experience combined with a broad knowledge of the agency's functions and activities and a sound knowledge of the major activity performed within the work area. The work may include preparing preliminary reports, papers and correspondence which usually relate to a specific organisational function or discipline, providing or interpreting information for clients or other interested parties and general administrative support to senior officers.

Supervisory responsibilities may involve some complex operational work and may involve assisting with, or reviewing the work undertaken by, subordinates or team members.

Scope exists for exercising initiative in the application of established work practices and procedures although this level may require expertise to resolve issues within a day-to-day environment for which there may not be clearly established procedures.

Effective judgement and work organisation skills are required which have been acquired through previous experience, demonstrated capacity or post secondary education or partial completion of same.

- (b) Characteristics of the work - Work is usually performed under general direction and may involve preparing papers, briefing notes, correspondence or other written material.

Decisions made or delegations exercised at this level may have an impact on the relevant agency's operations, but are normally of limited procedural or administrative importance.

Work at this level may include responsibility for training, involvement in working with staff to develop work performance, planning and co-ordinating tasks and work flow.

- (c) Duties and skills - Work at this level requires a sound knowledge of the activities usually performed within the work area and their impact upon the activities of other organisations.

Supervisory responsibilities include on-the-job training and staff assessment and performance counselling in relation to the work area. This level usually requires the application of personnel-related functions such as orientation of staff, staff attendance and recommendation of leave arrangements, written and verbal communication, interpretation and liaison skills to solve basic problems together with interpersonal skills to deal with non-routine matters and analytical abilities appropriate to the work area.

5.1.6 *Administrative officer Level 4*

- (a) Work level description (AO4) - Work at this level is usually performed in relation to established priorities, task methodology and work practices to achieve results in line with the corporate goals of the agency.

The work may include preparing papers and reports, drafting complex correspondence for senior officers, undertaking activities of a specialist or detailed nature, assisting in the preparation of procedural guidelines, providing, interpreting and analysing information for clients or other interested parties, exercising specific process responsibilities, and overseeing and co-ordinating the work of subordinate staff.

Work at this level includes supervision of a work group, small work area or office within the total organisational structure and co-ordination of a range of agency functions.

- (b) Characteristics of the work - Work is performed under general direction as to work priorities and may be of a technical or professional, project, procedural or processing nature, or a combination of these.

Direction exercised over work performed at this level may be less direct than at lower levels and is usually related to task methodologies and work practices. Staff would be expected to set priorities and to monitor work flow in the area of responsibility.

The work at this level requires the application of knowledge usually gained through previous experience in the discipline or from post secondary or tertiary study. The work may require the co-ordination of a range of agency functions and the exercising of judgement and/or delegated authority in areas where precedents or procedures are not clearly defined.

Independent action may be exercised at this level, particularly in local office situations, for example, developing local procedures, management strategies and guidelines.

Any decisions taken or delegations exercised would be limited by the application of rules, regulations, guidelines or procedures.

The extent of supervisory responsibility would depend on the operational work of the area and factors such as work priorities, complexity of the work and the number of subordinate staff.

- (c) Duties and skills - Work performed at this level will require the ability to supervise staff, set priorities, monitor work flow and develop local strategies or work practices.

This may include responsibility for the development of appropriate training programmes related to group development, application of equal employment opportunity, industrial relations principles and an awareness of occupational health and safety guidelines and principles. Staff assessment and counselling may involve providing advice in relation to personal and career development relating to work requirements.

Liaison and communication skills and the capacity to negotiate may be required, particularly for activities involving liaison or communication with clients or other interested groups.

Work at this level requires general knowledge of the agency's operations, combined with a specialist

knowledge of major activities within the work area.

In program, activity or service delivery areas staff should have the knowledge to interpret and apply standard policies, specific procedures and regulations or other guideline material to specific situations. They should be able to disseminate information about an agency's operations particularly in relation to policy aspects or program, activity or service delivery to clients.

Work at this level may require the ability to investigate, interpret or evaluate information where legislation, regulations, instructions or procedural guidelines do not give adequate or specific answers.

5.1.7 *Administrative officer Level 5*

- (a) Work level description (AO5) - Work at this level may include a variety of functions as follows:

managing the operations of a discrete organisational element, program or activity; or

the operations of an organisational element which is part of a larger office within the total organisational structure; or

under limited direction in relation to priorities and work practices, providing administrative support to a particular program, activity or administrative function and consultancy service to external organisations; or

providing subject matter expertise or policy advice across a range of programs or activities undertaken by the agency.

Work at this level may include the preparation of documentation for complex correspondence purposes and for decision by senior officers.

Responsibilities may include liaison and co-ordination within and across functions including agency representation and overseeing and co-ordinating the work of other staff assisting in this area.

Work at this level may include operation within a number of specialist or multi-disciplinary teams or independently.

- (b) Characteristics of the work - Work is usually performed under limited direction as to work priorities and the detailed conduct of the task.

Direction exercised over work performance at this level includes, depending on the functional role required, the provision of advice, guidance and/or direction in relation to a project, detailed processing, and other work practices.

Independent action may be exercised within constraints set by senior management.

Any decision taken or delegation exercised tends to be governed by the application of rules, regulations or agency operating instructions or procedures. While such decisions may impact on agency operations and resources, they are usually limited to the specific work area involved.

Managerial responsibilities would usually depend on the specific activities undertaken. Staff at this level would be expected to set and achieve priorities, monitor work flow and/or manage staffing resources to meet objectives.

- (c) Duties and skills - Work at this level requires a knowledge of agency operations and the ability to interpret legislation, regulations and other guideline material relating to the operations and functions of the work area.

Work at this level may require:

the ability to investigate, analyse, interpret or evaluate information for the guidance of staff or clients, or undertake research in relation to technical matters;

well developed liaison and communication skills and the ability to negotiate with clients or other interested parties, within parameters decided by senior management;

significant managerial ability, including the ability to supervise staff, set priorities, monitor work flow, develop local strategies, procedures and work practices, and allocate resources.

This includes demonstrated personnel management skills, the ability to apply equal employment opportunity principles and procedures and industrial relations principles and occupational health and safety guidelines. Responsibility for the identification of training needs and the development of appropriate training

programmes for the work unit may be undertaken at this level.

5.1.8 *Administrative officer Level 6*

- (a) Work level description (AO6) - Work at this level may involve providing advice including policy, administrative, or specialist; undertaking work related to the management or administration of a program or activity; service delivery or corporate support functions, including project work and work policy development; preparation or co-ordination of research papers, submissions on policy, technical, professional or program issues, or administrative matters.

Liaison with other elements of the organisation, other government agencies, local authorities or community organisations is usually a feature.

Work also includes the preparation, or overseeing the preparation, of correspondence and replies to Parliamentary Questions, Ministerial representations and other briefing material; and representing the agency at meetings, conferences or seminars. Management of diverse occupational groups may be required of this level.

- (b) Characteristics of the work - Work is undertaken at this level with limited direction as to work priorities and the detailed conduct of the task. The tasks undertaken may be of a complex or specific nature encompassing a major area of agency operations.

Direction exercised over work performed at this level may, depending on the function role required, be by way of providing general guidance and advice.

Work at this level may involve control and/or co-ordination of projects or programs within an agency in accordance with corporate goals, and requires the development, implementation and evaluation of agency activities.

Work at this level may involve independence of action including the use and allocation of resources within the constraints laid down by senior management.

Decisions taken or delegations exercised at this level may have major impact on the day-to-day operations of the work area. The impact of such decisions on agency operations is likely to be limited to a specific work area or function. Delegations exercised may, depending on the nature of the work required, involve making determinations, instigating another course of action, or reviewing previous decisions.

Managerial responsibilities may be an important function of the work at this level, but this can vary widely depending on factors such as work area, location, priorities, work load, operational deadlines and the availability of staff resources to assist.

Guidelines, rules, instructions or procedures for use by other staff and interested parties may be developed at this level.

- (c) Duties and skills - Management skills and abilities necessary to undertake the allocation and monitoring of resources, the review of operations to determine their effectiveness and contribute to the development of policy initiatives or corporate strategies are usually required at this level. A knowledge of financial program management techniques related to the activity or corporate goal of the work area is usually required at this level, together with demonstrated personnel management skills and the ability to apply equal employment procedures and implement training and staff development.

Well developed liaison and communication skills and the ability to negotiate or communicate, under limited direction, on behalf of the agency with clients or other interested parties may be needed.

Work at this level requires a knowledge and awareness of agency operations, as related to government initiatives or policies.

The ability to apply or interpret legislation, regulations, instructions or other guideline material relating to the operations, policies or functions of the work area; and the capacity to undertake high level research, reviews or investigations including the preparation of reports and associated papers may also be required.

5.1.9 *Administrative officer Level 7*

- (a) Work level description (AO7) - Work at this level may involve control of an organisational element involved in the administration or co-ordination of a specific program, activity or corporate support function at either the section or branch head level, to achieve a result in line with the corporate goals of the agency.

The work may include developing policy and/or providing policy, financial, specific subject matter or

administrative advice, including specialist advice or undertaking high level project work; developing, implementing and reviewing policy instructions and administrative or specialist procedures for the guidance of functional elements of the agency; initiating and formulating recommendations for agency programs; processing representations to the Minister, preparing replies to Parliamentary Questions, preparing briefing notes for senior level managers, assisting in the preparation of Cabinet Submissions and correspondence; liaising with other government bodies and community organisations including the preparation of public information on programs, activities or services; and representing the agency at meetings, conferences or seminars.

Work undertaken at this level may also be required to deal with a complex and diverse operating environment.

- (b) Characteristics of the work - Work is undertaken at this level with broad direction usually from a senior level manager or comparable officer in relation to priorities and the detailed conduct of the task. The activities undertaken would be of a complex or specific nature encompassing a significant element of total agency operations.

Work at this level may involve, depending on the functional role, significant independence of action including the use or allocation of resources within the constraints or guidelines laid down by senior management.

Decisions taken at this level may, depending on the degree of autonomy of function and the degree of delegated authority, have significant impact on the day-to-day operations of a specific work area and may also have significant effects elsewhere within the agency.

Management responsibilities are usually a significant function at this level. The percentage of the total work taken up in management functions and the character of the direction given to subordinates would depend on the nature of the work area, location, workload factors, priorities and staff resources allocated.

The development of guidelines, rules, regulations, procedures or instructions for either staff or other interested parties may be co-ordinated at this level.

- (c) Duties and skills - Management skills and the abilities necessary to monitor resource allocations, evaluate program effectiveness, manage staff and resources, formulate policy initiatives and develop corporate strategy proposals are usually required at this level. A knowledge of financial program management practices appropriate to the program or activity or corporate goal of the organisational element in which a position is located, are usually required at this level.

Work at this level requires the application of a high level of discipline, knowledge, a detailed knowledge of both government policies and procedures and an appreciation of their application in relation to agency operations. Staff at this level would be expected to have the ability to undertake personnel management functions and to plan, develop and implement programmes associated with equal employment opportunity, occupational health and safety, and staff development and counselling within the functional area of responsibility.

Work may require the ability to interpret and provide advice on legislation, regulations, instructions or other guideline material relating to the policies, operations or functions of the work area; and the capacity to undertake specific or major research, investigations or reviews and prepare associated papers or reports.

Liaison and communication skills of a high order, including the capacity and ability to negotiate or communicate on behalf of the agency with clients or other interested groups, perhaps to finality, may be needed.

5.1.10 *Administrative officer Level 8*

- (a) Work level description (AO8) - Work at this level may involve responsibility for a major program or programs at statewide level and of critical importance to the agency, operating within broad policy guidelines, or be responsible for a service-wide function.

High levels of discipline, expertise and experience are required combining elements of planning, organising, directing and evaluating to determine goals and priorities within the framework of the corporate objectives of the agency or of other Agencies.

This level will require a capacity for original thinking, creativity, the exercise of significant levels of independent judgement, and the exercise of delegated authority as required.

The work may include providing specialist consultancy advice within or across agencies, developing policy and interpreting, reviewing and implementing policy instructions, setting objectives in the work area, processing representations to the Minister, overseeing responses to Parliamentary Questions, preparation of

reports to government, preparing ministerial briefing notes and correspondence, liaising with other government bodies and community organisations, including the provision of public information on programs, activities or services; and representing the agency at meetings, conferences or seminars.

- (b) Characteristics of the Work - Work is undertaken at this level, usually under the broad direction of a senior executive, with significant levels of independent judgement in keeping with the complex nature of work undertaken and the allocation of resources within the constraints or guidelines laid down by senior executives. Delegations exercised at this level may, depending on the functional role, involve being the final authority in the process of approving the expenditure of funds, undertaking specific action in line with the policy of the agency, or reviewing any previous action or decisions in the work area.

Management responsibilities are usually a significant function at this level, with management of a number of significant projects being involved both within and outside the agency.

The development of guidelines, rules, regulations, procedures or instructions for staff or other interested parties may be instigated at this level.

Work at this level may include analysis of organisational design and the formulation of strategic plans for staff and organisational development.

- (c) Duties and skills - Management skills and the abilities necessary to determine resource allocations, manage staff and resources, formulate policy initiatives and develop corporate strategies are usually required at this level. A knowledge of financial program management practices and the evaluation of the results of program activities against stated objectives are normally required at this level.

Work at this level requires the application of a high level of discipline and knowledge including detailed knowledge of both government policies and procedures and their application in relation to agency operations. Staff at this level with managerial responsibilities would be required to oversee the implementation of personnel management functions and to plan, develop and implement programmes associated with equal employment opportunity, occupational health and safety, and formulate policies and plans for staff and organisational development.

Liaison and communication skills to enable the effective resolution of complex organisational issues, including the capacity and ability to negotiate or communicate on behalf of the agency with clients or other interested groups, often to finality, may be required.

5.2 Operational Services Stream

5.2.1 Definition

The Operational Services Stream comprises those employees, the duties of which apply to various functional areas, the incumbents of which are required to possess a range of skills appropriate to this stream.

5.2.2 Operational officer Level 1

- (a) Work level description (OO1)

Training, both on and off-the-job, is a dominant feature of this level.

- (b) Characteristics of the work - Work at this level is performed under close supervision and direction following standard routines, methods and procedures with little scope for deviation or the exercise of initiative or judgement in the selection of appropriate means to complete the work assignment. Limited responsibility exists for the final outcome.

The routines, methods and procedures to be followed are at a level consistent with skills acquired. Direct guidance is given when problems arise.

Positions at this level have no supervisory responsibility.

- (c) Duties and skills - Employees at this level usually perform repetitive tasks which are fully prescribed and are usually performed in response to standardised instructions or requests. There is only limited scope for interpretation.

5.2.3 Operational officer Level 2

- (a) Work level description (OO2) - Positions at this level involve the delivery of operational services whose work routines, methods, and procedures are clearly established and there is limited scope for deviation.

Training, both on and off the job, is often a dominant feature of this level.

- (b) *Characteristics of the work* - Work may initially be performed under close supervision by a more experienced officer, however, this supervision is expected to reduce as experience increases. Employees at this level may operate individually or as a member of a project team within a work group.

Limited discretion is available for the selection of the appropriate means of completing duties or tasks. Guidance is always available and work outcomes may be closely monitored.

Positions at this level may have limited supervisory responsibilities with more experienced staff assisting new staff by providing guidance and advice.

- (c) *Duties and skills* - Positions at this level may involve an employee in a range of activities including the performance of non-repetitive tasks governed by established procedures, specific guidelines and standardised instructions.

Duties may include field support or regulatory inspection activities and data collection and recording.

Appointees to this level undertake a range of functions requiring the practical application of acquired skills and knowledge.

Technical skills not requiring trade or equivalent qualifications are required in order to safely and effectively operate basic machinery to perform routine and standard functions, and organise duties across a working day to meet regular work load requirements.

5.2.4 *Operational officer Level 3*

- (a) *Work level description (OO3)* - Appointment to this level requires proven expertise in the particular discipline with demonstrated proficiency in applying established techniques.

An understanding of the agency's functions coupled with detailed knowledge of the work units' operations, practices and procedures is necessary for competent performance.

- (b) *Characteristics of the work* - Employees at this level work under general direction and undertake a range of functions which may require the application of trade based skills and experience or the practical application of a high level of skills.

Employees at this level may operate individually or as a member of a project team within a work group.

Supervision of subordinate employees within a small discrete work group or function may be a feature of this level.

Assistance is usually available if required when problems occur, although problems are usually resolvable by reference to procedures, documented methods and instructions.

Whilst there is some scope for the exercising of initiative in the application of established work practices and procedures, problems can generally be solved by reference to documented methods and instructions.

- (c) *Duties and skills* - Work at this level requires a sound knowledge of the agency's functions and the requirements of the discipline.

A sound knowledge of the operating procedures is required.

Supervisory responsibilities may include co-ordination of work-flow processes, training of subordinate staff, responsibility of quality of output of the workgroup, staff assessment and performance counselling in relation to subordinates.

Knowledge and compliance with regulations, codes and specifications may be required.

Duties at this level may include application of trade based skills or equivalent involving field work, design/modification of equipment, research projects, support services and the collating and analysis of specimens or data.

5.2.5 *Operational officer Level 4*

- (a) *Work level description (OO4)* - Work at this level requires specialised knowledge within the discipline.

Work is undertaken under limited direction as to work priorities and the detailed conduct of the task.

Employees may be responsible for larger work groups or functions, field groups or district operations.

High levels of initiative in accomplishing objectives may be required to be exercised either on an individual basis or in a multi-disciplinary unit.

- (b) Characteristics of the work - Work is performed either independently with guidance from superiors only received for those aspects of work which involve new or sophisticated techniques or relate to areas outside the positions normal span of activity.

There is scope for the exercise of initiative in the application of established work practices and procedures.

- (c) Duties and skills - Duties include the supervision of a work group or function, field group or regional operation, with responsibility for the standard of workmanship, completion of work assignments and allocation of resources.

Interpretation of guideline material and documented precedents and the application of judgment may be required in the determining of solutions to problems.

5.2.6 *Operational officer Level 5*

- (a) Work level description (OO5) - Work at this level requires specialised knowledge of complex though conventional methods and techniques.

High levels of autonomy and initiative may be required to be exhibited in accomplishing objectives and undertaking projects.

Management of large work groups may be a factor.

- (b) Characteristics of the work - Employees at this level are subject to limited direction and may exercise managerial responsibility for a large and complex work program.

Usually only broad guidance and advice is provided as to operational requirements and deadlines to achieve end results in line with operating goals.

- (c) Duties and skills - Duties may involve detailed planning, directing, co-ordinating or financial control within budget, material and workforce limitations established by management and the implementation of overall agency policies.

Managerial responsibility includes training of subordinate staff, co-ordination of workflow processes, responsibility for quality of output of the work unit, performance assessment and review, staff counselling, career planning and development, application of equal employment opportunity principles as well as implementing occupational health and safety guidelines and principles.

5.2.7 *Operational officers Levels 6 & 7*

- (a) Work level description (OO6 & OO7) - Work at these levels require specialised knowledge and may be undertaken autonomously.

These are managerial levels and may include responsibility for large and complex work groups.

- (b) Characteristics of the work - Responsibilities at these levels will reflect the size and complexity of agency operations and will normally entail significant independence of action in the allocation of resources within constraints imposed by management.

Work is performed under limited direction with a significant degree of discretion permitted within the boundaries of broad guidelines to achieve organizational goals.

- (c) Duties and skills - Duties at these levels reflect the independent operation of the employee and may involve significant allocation of resources.

Management of work units may include prioritising work, training staff, monitoring of work flow and setting of local strategic plans. Assessment and review of the standard of work of subordinate staff is also a requirement of these levels.

Work at these levels require a knowledge and awareness of agency operations as well as detailed knowledge of major activities of the work unit.

The requirement to interpret legislation, regulations and other guidance material relating to the operations

and functions of the work area is necessary for adequate performance at these levels.

5.3 Stream allocation

Allocations to the Administrative and Operational Services Streams shall consist of the occupational groupings as prescribed in Schedule 1.

5.4 Work allocation

An employee having either been appointed or relieving in a position within a Classification Level may be allocated and subsequently reallocated to any position within that particular Classification Level.

5.5 Movement between classification levels

5.5.1 Movement between Classification Levels will be based on appointment on merit to advertised vacancies:

Provided, that clause 5.5.1 shall not apply to movement between Levels 1 and 2 of the Administrative Stream where annual Increments will continue to apply in accordance with the relevant provisions of clause 5.6:

Provided further that:

- (a) Every employee upon attaining the age of 21 years shall be paid except on promotion or otherwise prescribed the specific age 21 wage as indicated within the various streams.
- (b) Subject to clause 5.12, an employee promoted to a position at a higher Classification Level within the same stream shall be appointed to Paypoint (1) of that higher Classification Level.
- (c) Agricultural assistants employed by the Department of Education will be eligible for progression to Level 3 of the Operational Stream upon satisfying criteria specified by the Director-General of Education at the date the agricultural assistants are included in the Award.
- (d) Farmhands and gardeners employed by the Department of Primary Industries will be eligible to apply for progression to Level 3 of the operational stream upon satisfying the following criteria –
 - (i) A farm hand/gardener must have performed duties at a satisfactory standard at Level OO2 Paypoint (4) for a minimum of 12 months before becoming eligible for progression to Level OO3.
 - (ii) Mandatory criteria relating to qualifications and certificates relevant to the operations of the local work or industry area must be held by the employee.
 - (iii) Core competencies specific to the local work or industry area and other specific criteria, e.g. workplace health and safety, computer literacy, etc, as determined by the Department.
- (e) An external applicant (that is an applicant who is not an employee subject to this Award) who is appointed to a position may be appointed to any paypoint within a Level, based on recognition of skills, knowledge and abilities.
- (f) Provided that an employee re-employed by a department within 12 months and whose previous employment as a public service officer or employee was terminated other than by way of disciplinary action, shall have their previous service as an officer/employee counted for the purpose of determining their commencing paypoint and calculation of their salary increment.

5.6 Movement within classification levels

Movement within Classification Levels is based on meeting the following requirements:

5.6.1 Except in the case of an employee who is paid the prescribed basic wage or in the case of attaining the age of 21 years or in the case of a promotion, or transfer and promotion from one Classification Level to another, an increase is not to be made to the wage of an employee until –

- (a) in the case of a full-time employee, the employee has received such wage for a period of 12 months.
- (b) in the case of a part-time employee at Classification Level AO1 or AO2 of the Administrative Stream or Classification Level OO1, OO2 or OO3 of the Operational Stream, such employee has received such wage on a *pro rata* basis, for a period of 12 months.
- (c) in the case of all other part-time employees at Classification Levels other than those in clause 5.6.1(b) –

- (i) the employee has received a wage at a particular classification and Paypoint for a period of at least 12 months; and
 - (ii) the employee has worked 1,200 ordinary hours in such classification.
- (d) in the case of a casual employee with 12 months' continuous service with the same employer –
- (i) the employee has received a salary at a particular classification and Paypoint for a period of at least 12 months; and
 - (ii) the employee has worked 1,200 ordinary hours in such classification.

For the purpose of clause 5.6, continuous service for a casual employee ends if the employment is broken by more than 3 months between the end of one employment contract and the start of the next employment contract. Absences from work on public holidays do not break, or contribute to a break, in the continuity of service.

5.6.2 Notwithstanding anything contained elsewhere in this Award, an employee is not entitled to receive salary Increments by virtue of the Award unless -

- (a) in the case of employees in Levels 1 and 2 of the Administrative Stream and Levels 1, 2 and 3 of the Operational Stream, the conduct, diligence and efficiency of the employee has been certified by the employer to have been and to be satisfactory;
- (b) in the case of employees in all other Classification Levels, performance objectives have been achieved as certified by the employer.

5.6.3 The criteria in clause 5.6.1 and 5.6.2 are to be applied as follows for part-time and casual employees in the transition period commencing on 1 March 2001.

A permanent part-time or part-time temporary employee under clause 5.6.1(c):

- (a) who has received a wage Increment in the 12 months prior to 1 March 2001 is entitled to receive a further Increment on the next anniversary of the last Increment date.

The Increment is payable on this date if (and only if) -

- (i) 1,200 ordinary hours has been worked since the employee's last Increment; and
 - (ii) the conditions in clause 5.6.2 have been met.
- (b) who has not received a wage Increment in the 12 months ending on 1 March 2001 (or who has never received a wage Increment) and has worked for more than 12 months as at 1 March 2001 is entitled to receive an Increment on the next anniversary of their commencement date or the next anniversary of their previous Increment or 1 September 2001, whichever occurs earlier.

The Increment is payable on this date if (and only if) -

- (i) 1,200 ordinary hours has been worked since commencement of employment or since the last Increment date; and
 - (ii) the conditions in clause 5.6.2 have been met.
- (c) who has not received a wage Increment in the 12 months ending on 1 March 2001 and has worked less than 12 months as at 1 March 2001 is entitled to receive an Increment on the next anniversary of their commencement date.

The Increment is payable on this date if (and only if) -

- (i) 1,200 ordinary hours has been worked since commencement of employment; and
- (ii) the conditions in clause 5.6.2 have been met.

5.6.4 If clause 5.6.2 has not been satisfied payment of the Increment will be deferred until its provisions have been met.

The date on which the part-time employee becomes entitled to the Increment is the date on which they will become entitled to receive an Increment in the following year.

5.6.5 A casual employee

- (a) is entitled to receive an Increment on the anniversary date of their commencement after 12 months' continuous service (as defined) with the same employer.
- (b) The Increment is payable on the first anniversary of the casual employee's date of commencement following 1 March 2001 if (and only if) -
 - (i) the casual employee has worked in excess of 1,200 ordinary hours since their employment commenced; and
 - (ii) the conditions in clause 5.6.2 have been met.

If the conditions above are not satisfied payment of the Increment will be deferred until they have been met.

The date on which the casual employee becomes entitled to the Increment is the date on which they will become entitled to receive an Increment in the following year.

5.6.6 If any Increment prescribed by this Award is temporarily withheld from an employee or there is a refusal to grant an Increment the employee may make an appeal to the chief executive of the Public Service Commission pursuant to the *Public Service Act 2008*.

5.7 Translation arrangements

The translation of existing classifications to the classification and remuneration system prescribed in clause 5.9 is set out in Schedule 1.

5.8 Review of classification and remuneration arrangements

Clause 5.9 (Wage rates) shall operate as an interim provision and be subject to review after 2 years' operation:

Provided, that clause 5.9 (Wages rates) may be amended within this period, to reflect any further development to classification and remuneration arrangements.

5.9 Wage rates

The rates of wages to be paid to are as follows

Level	Paypoint	Total wage rate per fortnight \$
<i>Administrative Stream</i>		
AO8	4	2,699.40
	3	2,659.30
	2	2,619.20
	1	2,579.00
AO7	4	2,511.70
	3	2,466.30
	2	2,420.80
	1	2,375.30
AO6	4	2,292.50
	3	2,253.20
	2	2,213.90
	1	2,174.50
AO5	4	2,085.50
	3	2,043.00
	2	2,000.50
	1	1,957.90
AO4	4	1,882.70
	3	1,844.50
	2	1,802.30
	1	1,764.20
AO3	4	1,692.30

Level	Paypoint	Total wage rate per fortnight \$
	3	1,651.10
	2	1,609.80
	1	1,568.60
AO2	8	1,498.70
	7	1,468.80
	6	1,443.10
	5	1,413.40
	4	1,383.60
	3	1,349.90
	2	1,320.20
Age 21	1	1,290.50
AO1	3	1,161.20
	2	1,104.30
	1	1,047.30
<i>Operational Stream</i>		
OO7	3	2,021.50
	2	1,985.60
	1	1,949.70
OO6	3	1,882.70
	2	1,851.40
	1	1,816.20
OO5	4	1,764.20
	3	1,725.80
	2	1,687.20
	1	1,648.70
OO4	4	1,619.10
	3	1,585.80
	2	1,552.30
	1	1,518.90
OO3	4	1,474.30
	3	1,450.40
	2	1,430.40
	1	1,406.40
OO2	4	1,388.10
	3	1,353.00
	2	1,321.70
Age 21	1	1,290.20
OO1	6	1,272.10
	5	1,205.10
	4	1,138.20
	3	1,071.40
	2	1,004.60
	1	937.80

The rates of pay in this Award are intended to include the arbitrated wage adjustment payable under the 1 September 2010 Declaration of General Ruling and earlier Safety Net Adjustments and arbitrated wage adjustments. This arbitrated wage adjustment may be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employment are regulated by this Award which are above the wage rates prescribed in the Award. Such payments include wages payable pursuant to certified agreements, currently operating enterprise flexibility agreements, Queensland workplace agreements, award amendments to give effect to enterprise agreements and overaward arrangements. Absorption which is contrary to the terms of an agreement is not required.

Increases made under previous State Wage Cases or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated wage adjustments.

5.10 Allowances

5.10.1 Divisional and district parities

(a) Divisions:

- (i) Northern Division - That portion of the State along or north of a line commencing at the junction of the sea coast with the 21st parallel of south latitude; then from that latitude due west to 147 degrees of east longitude; then from that longitude due south to 22 degrees 30 minutes of south latitude; then from that latitude due west to the western border of the State.
- (ii) Mackay Division - That portion of the State within the following boundaries: Commencing at the junction of the sea-coast with the 21st parallel of south latitude; then from that latitude due west to 147 degrees of east longitude; then from that longitude due south to 22 degrees of south latitude; then from that latitude due east to the sea coast; then from the sea-coast northerly to the point of commencement.
- (iii) Southern Division - That portion of the State not included in the Northern or Mackay Divisions.

(b) Districts

(i) Northern Division:

Eastern District - That portion of the Northern Division along or east of 144 degrees 30 minutes of east longitude.

Western District - The remainder of the Northern Division.

(ii) Southern Division:

Eastern District - That portion of the Southern Division along or east of a line commencing at the junction of the southern border of the State with 150 degrees of east longitude; then from that longitude due north to 25 degrees of south latitude; then from that latitude due west to 147 degrees of east longitude; then from that longitude due north to the southern boundary of the Mackay Division.

Western District - The remainder of the Southern Division.

In addition to the rates of wages set out in this Award the following amounts shall be paid to employees to whom this Award applies employed in the Divisions and Districts referred to hereunder:

	Per day
	\$
Northern Division, Eastern District	0.21
Northern Division, Western District	0.65
Mackay Division	0.18
Southern Division, Western District	0.21

Provided that the provisions of clause 5.10.1 shall not apply to employees covered by Sections 1, 3, 4 and 5 of Schedule 3 and Section 6 (Assistant Operations Officer, Senior Operations Officer and Project Officer - Barrier Fences only) and Section 10 (Store Managers and Storepersons only) of Schedule 5 who are entitled to Locality Allowance.

5.10.2 On call allowances

An employee instructed by the employer or a duly appointed employee to be available on call outside the ordinary working hours for duty, shall be paid, in addition to the ordinary rate of pay, an allowance in accordance with the following scale:

- (a) where the employee is on call through the whole of a rostered day off, accrued day off, Saturday, Sunday or a public holiday - \$20.07 in respect of such instances;
- (b) where the employee is on call during the night only of a rostered day off, accrued day off, Saturday, Sunday or a public holiday - \$13.03 per night; and
- (c) where the employee is on call on any other night - \$10.25 per night.

For the purposes of clause 5.10.2 "night" shall be deemed to consist of those hours falling between 7.00 p.m. and 6.00 a.m. or mainly between such hours.

5.10.3 Recalled to work

- (a) Monday to Friday - In the event of an employee on call being recalled to perform duty, such employee shall be paid for the time worked, such time to be calculated as from home and back to home with a minimum payment of 2 hours at the prescribed overtime rate.
- (b) Saturday and Sunday and public holidays - An employee performing overtime work on recall on Saturday, Sunday or a public holiday shall be paid for such overtime at the appropriate overtime rate with a minimum of 2 hours on a Saturday or Sunday and 4 hours on a public holiday. All payments are to be calculated as from home and back to home.
- (c) In the event of an employee on call being requested by the employer or the employer's authorised delegate, to provide advice (without the need to return to the workplace), the employee shall be paid at the prescribed overtime rate for the actual time worked up to a maximum of 2 hours on any one day:

Provided that the employee will be responsible for the recording of such requests which will require subsequent verification by the employer.

- (d) Any overtime payable shall be in addition to the on call allowance.
- (e) Where an employee is recalled to perform work during an off duty period such employee shall be provided with transport to and from the employee's home, or be refunded the cost of such transport.
- (f) Clause 6.4.9 applies when an employee has actually worked in excess of 2 hours on one or more call outs:

Provided the provisions of clause 5.10.3 shall not apply to employees covered by Sections 1, 4 and 6 of schedule 3.

5.10.4 *Uniforms allowance*

Where uniforms are required to be worn by an employee, the employee shall be supplied suitable uniforms of good quality as approved by the employer. Uniforms shall be replaced by the employer on a fair wear and tear basis:

Provided that where an employee is required to wear uniforms the employer shall launder the uniform without charge to the employee or pay the employee an allowance of \$0.42 per day.

5.10.5 *Camp allowance/travelling arrangement*

All employees required to work on a civil construction project and directed by their employer to reside in a camp shall be entitled to "Camp allowance/accommodation" and "Travelling arrangements where camp provided" as prescribed in clauses 8.3 and 6.8 respectively of the Civil Construction, Operations and Maintenance General Award - State 2003.

5.10.6 *First-aid allowance*

An employee holding a current 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 allowance of \$2.80 per day in addition to the ordinary rate of pay. This allowance shall be treated as part of the ordinary fortnightly wage for the purposes of annual leave (but not loading on leave), sick leave, long service leave and all other paid leave.

5.10.7 *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 the maximum of one hour and rest pauses shall be paid in addition to the ordinary rate of pay prescribed, an allowance at the rate of \$6.56 per day for each day so worked:

Provided that employees who immediately prior to the granting of this Award (i.e. 12 November 1993) were engaged pursuant to the Miscellaneous Workers Award - State Government, shall be paid Broken Work allowance for all purposes of the Award in accordance with the provisions of Schedule 6.

Clause 5.10.7 will not be utilised to extend broken work allowance in circumstances where it is not occurring at the date of operation of this Award unless by agreement between the employer and the majority of employees concerned:

Provided that the provisions of clause 5.10.7 shall not apply to employees covered by Section 1 of Schedule 5.

5.10.8 *Toilet cleaning allowance*

All employees, other than those employed as cleaners by the Department of Education and the Arts in schools, school support centres on a school campus, environmental education centres and outdoor education centres, who are required to clean toilets connected with septic tanks or sewerage shall be paid an allowance of \$1.52 per day in addition to their ordinary rates of pay.

5.10.9 Laundry allowance

All employees who are required to launder at their own expense departmental items shall be paid the following allowances in addition to the ordinary rate of pay:

Lab coat or overall	60 cents per item
Pillow cases, tea towels or bath mats	25 cents per item
Quilt or bBlanket	40 cents per item
Bed sheet	30 cents per item
Towels	25 cents per item

5.10.10 Motor vehicle allowance

The conditions and entitlements of motor vehicle allowances paid to employees are prescribed in a Directive relating to Motor Vehicle Allowances, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.

5.10.11 Court Attendance and Jury Service

The conditions and entitlements for employees required to attend court as a witness or to undertake service as a juror are prescribed in a Directive relating to Court Attendance and Jury Service, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.

5.11 Payment of wages

Wages shall be paid either weekly or fortnightly and may at the discretion of the employer be paid by electronic funds transfer.

5.12 Performance of higher duties

5.12.1 Extra remuneration prescribed in a Directive relating to Higher Duties, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008* shall apply to employees covered by this Award:

Provided that subject the Directive on Higher Duties referred to above, an employee who temporarily fills a position at a higher Classification Level within the same stream as determined by this Award shall be paid extra remuneration at the first Paypoint of the Classification Level of the position being temporarily filled:

Provided further that an employee who temporarily fills a position at a Classification Level within a different stream as determined by this Award shall be paid extra remuneration either:

- (a) at the first Paypoint of the Classification Level of the position being temporarily filled; or
- (b) at the next highest Paypoint above their existing Paypoint, within the Classification Level of the position being temporarily filled;

whichever is higher.

5.12.2 Where the requirement arises for an employee to temporarily fill a position at a higher Classification Level on a long term basis, such arrangement shall only occur in compliance with the provisions a Directive relating to Recruitment and Selection, issued by the chief executive of the Public Service Commission under section 53 of the *Public Service Act 2008*:

Provided that where the provisions of the Directive on Recruitment and Selection referred to above have been complied with, and an employee will be temporarily filling a position for over 12 months, performance objectives under the Directive relating to Performance Management issued by the chief executive of the Public Service Commission under section 53 of the *Public Service Act 2008* are to be set at the higher level until the period of temporary relief ceases:

Provided further that where an employee meets the objectives, the employee shall move to the next Increment within the higher level until either the period of temporary relief ceases when reversion to the employee's normal Paypoint will occur, or another 12 months performance planning and review cycle has been completed in which case the employee will continue to move within the higher level until the period of temporary relief ceases.

PART 6 - HOURS OF WORK, BREAKS, OVERTIME, SHIFT WORK, WEEKEND WORK

6.1 Hours of work

6.1.1 Subject to clause 6.2 (Implementation of the 38 hour week), and subject to the exceptions provided in clause 6.1,

the ordinary hours of work shall be an average of 38 per week, to be worked on one of the following bases:

- (a) 38 hours within a work cycle not exceeding 7 consecutive days; or
- (b) 76 hours within a work cycle not exceeding 14 consecutive days; or
- (c) 114 hours within a work cycle not exceeding 21 consecutive days; or
- (d) 152 hours within a work cycle not exceeding 28 consecutive days.

6.1.2 The ordinary hours of work exclusive of meal times shall not exceed 10 hours per day Monday to Sunday inclusive:

Provided that where the ordinary working hours are to exceed 8 on any day, the arrangement of hours shall be subject to the agreement of the employer and the majority of employees concerned:

Provided further that where as at the date of operation of this Award provision exists for and ordinary hours are worked over any period other than Monday to Friday the working of such hours shall continue to apply. After the date of operation of this Award any extension to the working of ordinary hours over any period other than Monday to Friday shall be subject to agreement between the employer and the majority of employees concerned.

6.1.3 The daily spread of hours for employees other than those identified in Schedule 2 or Sections 3, 9, 11, 16 and 17 of Schedule 5 shall be worked between 6.00 a.m. and 6.00 p.m.

6.1.4 Notwithstanding clause 6.1.2, a shift worker shall not perform more than 2 consecutive shifts.

6.1.5 The ordinary starting and finishing times of various groups of employees or individual employees may be staggered provided that there is agreement between the employer and the majority of employees concerned.

6.1.6 Starting and finishing times may be altered to suit geographic, safety, climatic or traffic conditions by the employer with the agreement of the majority of employees concerned. Any such altered starting and finishing time will not invoke any penalty payment that would be payable if the Award spread of hours were observed.

6.1.7 Employees are required to observe the nominated starting and finishing times for the work day, including designated breaks to maximise available working time. Preparation for starting and finishing work, including personal clean up, shall be in the employee's time.

6.1.8 Each employee shall be allowed 2 whole consecutive days off in each week:

Provided that in lieu of 2 whole days off in each week, an employee may be allowed in each fortnightly period either one day off in one week and 3 consecutive days off in the other week or 4 consecutive days off.

Provided further that 2 consecutive days off, one at the end of one week and one at the beginning of the following week may be counted as meeting the requirements of clause 6.1.8.

6.1.9 Notwithstanding the provisions of clauses 6.1.8 and 6.2.2, upon mutual agreement between the employer and the Union, work in isolated localities may be performed over 152 hours, 4 week cycle to provide for rest days off to be taken at a time suitable to the employer, subject to appropriate conditions within clause 6.1.

6.1.10 Employees of the Department of Education and Training employed in schools may be required to accumulate additional hours at ordinary rates with deferred payment according to arrangements agreed to between the employer and the industrial organisation/s concerned. Such accumulated additional hours (referred to as accumulated days off) shall be taken off during school vacations or at other times according to the agreed arrangements.

6.2 Implementation of the 38 hour week

The 38 hour week shall be implemented on one of the following bases, most suitable to each location, after consultation with, and giving reasonable consideration to the wishes of the employees concerned:

The employer is to allow access to at least one rostered day off in any work cycle, except where the employer and employee otherwise agree.

- (a) by employees working less than 8 ordinary hours each day; or
- (b) by employees working less than 8 ordinary hours one or more days each work cycle; or
- (c) by fixing one or more work days on which all employees will be off during a particular work cycle; or

(d) by rostering employees off on various days of the week during a particular work cycle, so that each employee has one work day off during that cycle.

6.2.1 Subject to the provisions of clause 6.1.2 the employer and the employees may agree that the ordinary hours of work are to exceed eight on any day, thus enabling more than one work day to be taken off during a particular work cycle.

6.2.2 Notwithstanding any other provision in clause 6.2, where the arrangement of ordinary hours of work provides for a rostered day off, the employer and the majority of employees concerned, may agree to accrue up to a maximum of 5 rostered days off. Where such agreement has been reached, the accrued rostered days off shall be taken within 12 calendar months of the date on which the first rostered day off was accrued. Consent to accrue rostered days off shall not be unreasonably withheld by either party.

6.2.3 Different methods of implementation of the 38 hour week may apply to individual employees, groups or sections of employees in each location concerned.

6.2.4 The provisions of clause 6.2 shall not apply to employees covered by Section 1 of Schedule 3.

6.3 38 hour week - procedures for discussions

6.3.1 (a) The employer and all employees concerned in each establishment shall consult over the most appropriate means of implementing and working a 38 hour week.

(b) The objective of such consultation shall be to reach agreement on the method of implementing and working the 38 hour week in accordance with clause 6.3.

(c) The outcome of such consultation shall be recorded in writing.

(d) Notwithstanding the consultative procedures outlined above, and notwithstanding any lack of agreement by employees, the employer shall have the right to make the final determination as to the method by which the 38 hour week is implemented or worked from time to time.

(e) After implementation of the 38 hour week, upon giving 7 days' notice or such shorter period as may be mutually agreed upon, the method of working the 38 hour week may be altered, from time to time, following negotiations between the employer and employees concerned, utilising the foregoing provisions of clause 6.3, including clause 6.3.1(d).

(f) The provisions of clause 6.3 shall not apply to employees covered by Sections 1, 9 and 11 of Schedule 3.

6.4 Overtime

6.4.1 The provisions below of clause 6.4 shall not apply to employees covered by Section 1 of Schedule 3, Section 14 (Monday to Friday overtime only) of Schedule 5, and Section 17 (Retail Storekeepers only) of Schedule 5.

6.4.2 Except as provided in clause 6.4 all authorised overtime worked in excess of ordinary hours on any day, shall be deemed to be overtime and shall be paid for at the rate of time and a-half for the first 3 hours and double time thereafter:

Provided that shift workers, whose hours of work are regularly rotated in accordance with a shift roster covering 2 or more shifts per day shall be paid for all overtime at the rate of double time.

6.4.3 All overtime worked on a Sunday shall be paid for at the rate of double time.

6.4.4 A minimum payment of 2 hours work shall apply to all overtime worked on a Saturday or a Sunday:

Provided that such minimum payment shall not apply where such overtime is performed immediately preceding and/or following ordinary hours of work.

6.4.5 Rostered day/s off

(a) An employee (other than a shift worker) directed to work overtime on the first and/or third day of such employee's rostered days off during a work cycle shall be paid at the rate of time and a-half for the first 3 hours and double time thereafter with a minimum of 2 hours' work or payment thereof.

(b) An employee (other than a shift worker) directed to work overtime on the second and/or fourth day of such employee's rostered days off during a work cycle shall be paid at the rate of double time, with a minimum of 2 hours' work or payment thereof.

(c) Clauses 6.4.5(a) and 6.5.5(b) do not apply to work performed on an employee's accrued day off as a result of such employee working ordinary hours over less than 5 days in any week.

(d) An employee directed to work on such employee's accrued day off shall be paid for such work at the rate of time and a-half for the first 3 hours and double time thereafter with a minimum of 2 hours' work or payment thereof.

6.4.6 Employees shall work reasonable overtime whenever necessary in the opinion of the employer, but 24 hours' notice shall be given, where practicable, to an employee required to work overtime.

6.4.7 Overtime shall be calculated to the nearest quarter of an hour in the total amount of time in respect to which overtime is claimed by an employee.

6.4.8 An employee not on-call who is recalled to perform work after completing ordinary duty shall be paid at overtime rates with a minimum payment of 2 hours, provided that such minimum payment shall not apply where the overtime is performed immediately preceding and is continuous with ordinary hours of duty.

6.4.9 An employee who works so much overtime between the termination of ordinary work on one day and the commencement of ordinary work on the next day, that 10 consecutive hours off duty between those hours has not occurred shall be released after completion of such overtime until 10 consecutive hours off duty occur without loss of pay for ordinary working time occurring during such absence. If on the instructions of the employer, such an employee resumes or continues work without having had 10 consecutive hours off duty, the employee shall be paid double rates for such period until released from duty and shall then be entitled to be absent until 10 consecutive hours off duty has occurred without loss of pay for ordinary working time occurred during such absence.

Clause 6.4.9 shall only apply to non-shift workers where the overtime is continuous (subject to the prescribed meal breaks) with the completion or commencement of ordinary working hours.

The provisions of clause 6.4.9 shall apply to shift workers who rotate from one shift to another as if 8 hours were substituted for 10 hours when overtime is worked -

(a) for the purposes of changing shift rosters; or

(b) where a shift worker does not report for duty; or

(c) where a shift is worked by arrangement between the employees themselves.

Clause 6.4.9 shall not apply to employees who reside or remain on or about their place of work and are required to perform duties on an intermittent basis.

6.4.10 Employees covered by Sections 6, 8, 10 and 11 of Schedule 3 of this Award are covered by the provisions of such sections in addition to the provisions of clause 6.4.

6.5 Extra payment for week-end work

6.5.1 The provisions below of clause 6.5 do not apply to employees covered by Sections 1 of Schedule 3 or Sections 6, 7, 8, 9 and 11 of Schedule 5.

6.5.2 Unless as prescribed in Schedule 4 all ordinary hours of duty worked between midnight on Friday and midnight on Saturday shall be paid for at 1.5 times the ordinary rate and between midnight Saturday and midnight Sunday shall be paid for at the rate of double time:

Provided that such Sunday penalty shall include the casual loading paid to casual employees:

Provided also that such extra payments prescribed in clause 6.5.2 and in Schedule 4 shall not apply where employees work on their consecutive days off in accordance with the provisions of clause 6.1.9:

6.6 Shift work

6.6.1 The provisions of clause 6.6 do not apply to employees covered by Section 1 of Schedule 3.

6.6.2 Definitions

(a) "Afternoon shift" means any shift commencing after 10.00 a.m. and before 6.00 p.m. and finishing subsequent to 6.00 p.m. and at or before midnight.

- (b) "Continuous shift work" means work done by separate relays of employees where the hours of work are regularly rotated in accordance with a shift roster covering a 24 hour per day operation over a 7 day week.
- (c) "Day shift" means any shift commencing at 6.00 a.m. or at or before 10.00 a.m.
- (d) "Night shift" means any shift commencing at or after 6.00 p.m. and before 6.00 a.m. the following day.
- (e) "Shift work" means work done by separate relays of employees working recognised hours, preceding, during or following the normal working hours for day workers.

6.6.3 Subject to the provisions of clause 6.6 shift workers ordinary hours shall be worked in accordance with a roster mutually agreed between the employer and the majority of employees concerned.

6.6.4 Employees shall be notified one week in advance of the roster provided that notification by 1.00 p.m. on Monday shall be sufficient notification for the week commencing the following Monday.

6.6.5 Changes within a roster shall be by agreement between the employer and employee concerned, but failing agreement, 24 hours' notice of a change of roster shall be given or double time shall be paid for the next shift:

Provided that this payment shall not be applicable where rosters are changed due to emergent circumstances.

6.6.6 Except where otherwise provided in Schedule 3 or Schedule 5, employees working afternoon or night shift work shall be paid an amount of 15% per shift in addition to their normal weekly wage whilst so engaged:

Provided that this extra shift rate shall not apply to shift work performed on a Saturday and Sunday where extra payment in terms of clause 6.5 or Schedule 4 is made.

6.6.7 Shift work shall be worked where required by the employer, having regard to the various provisions of this Award concerning working hours arrangements and meal breaks, provided that such arrangements meet the definitions of day, afternoon and night shift that appear in clause 6.6.2

6.7 Meal break

6.7.1 Meal breaks

(a) All employees (including part-time and casual employees) whether day workers or shift workers who work for more than 5 continuous ordinary hours on any day shall be allowed a minimum of 30 minutes for a meal break to be taken between the third and sixth hour from commencement of duty.

(b) Provided where Broken Work in a day may be required, such hours for the taking of a meal break shall be mutually agreed upon between the employer and the majority of employees concerned.

6.7.2 Meal allowance during overtime

(a) An employee required to work overtime for more than 2 hours after ordinary ceasing time or for more than one hour continuing beyond 6.00 p.m. in the case of a day worker on any normal working day, shall be provided with an adequate meal at the employer's expense or paid a meal allowance of \$9.60 in lieu of the provision of such meal.

(b) Provided that where an employee has been given notice to work overtime as aforesaid, on the previous working day, or prior thereto, and has brought to work a prepared meal and such overtime is cancelled, such employee shall be paid a meal allowance of \$9.60 for such prepared meal:

Provided further that the provisions of clauses 6.7.2(a) and 6.7.2(b) do not apply to employees covered by Sections 1 and 9 of Schedule 3 and Section 17 (Retail Storekeepers only) of Schedule 5:

Provided further that clause 6.7.2 does not apply to those employees covered by Section 5 of Schedule 3 who are entitled to receive the conditions and entitlements for overtime meal allowances as prescribed in a Directive relating to Overtime Meal Allowances, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.

6.7.3 Shift workers -ordinary hours

The hours of duty of shift workers shall be inclusive of meal times, to be taken so as not to interfere with operational requirements and no deduction shall be made from the employee's wages.

6.7.4 Paid crib break, shift worker, during overtime

A shift worker who is required to continue working for more than 2 hours after ordinary ceasing time shall be allowed 30 minutes for crib after the first 2 hours worked.

No deduction of pay shall be made in respect of any such crib break.

6.8 Rest pauses

Where practicable, all employees (including part-time and casual) who work at least 6 continuous ordinary hours shall be entitled to a pause(s) totalling 20 minutes per day to be taken at times to suit operational requirements as determined by the employer:

Provided that where at least 4 continuous ordinary hours are worked the entitlement shall be 10 minutes.

For the purpose of clause 6.8 the taking of a meal break does not interrupt the continuity of ordinary hours worked.

PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS

7.1 Annual leave

7.1.1 The provisions below of clause 7.1 do not apply to employees covered by Sections 1, 4 and 5 of Schedule 3 and *Assistant Operations Officer, Senior Operations Officer and Project Officer - Barrier Fences* covered by section 6 of Schedule 5 who are entitled to annual leave in accordance with a Directive relating to Recreation Leave, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.

7.1.2 All full-time employees (other than continuous shift workers) shall accumulate 12.667 hours annual leave for each completed month of employment. Continuous shift workers shall accumulate 15.834 hours annual leave for each completed month of employment. The taking of accumulated annual leave shall be on a basis mutually agreed to between the employer and the employee:

- (a) Provided that employees shall have their annual leave entitlement debited by the number of ordinary working hours between Christmas Day and New Year's Day inclusive when not required to work due to a compulsory closure of government establishments over the Christmas/New Year period:
- (b) Provided that nothing in clause 7.1 shall prevent an employee using any accrued rostered day off in lieu of annual leave debits:
- (c) Provided that employees of the Department of Education and Training may be required to take annual leave during the school holidays with the exception of:
 - (i) Agricultural assistants;
 - (ii) Unit support officers; and
 - (iii) Support officers (environmental education centres)

who may not take annual leave during school holidays unless directed to by the employer and provided such direction is reasonable in the circumstances.

7.1.3 Calculation of annual leave pay

In respect to annual leave entitlements annual leave pay (including any proportionate payments) shall be calculated as follows:

- (a) Shift workers (other than continuous shift workers) - Subject to clauses 7.1.3(c) and (d) the rate of wage to be paid to a shift worker (other than a continuous shift worker) shall be the rate payable for work in ordinary time according to the employee's roster or projected roster, including Saturday, Sunday or public holiday shifts.
- (b) Continuous shift workers - Subject to clauses 7.1.3 (c) and (d) the rate of wage to be paid to a continuous shift worker shall be the rate payable for work in ordinary time according to the employee's roster or projected roster, including Saturday, Sunday or public holiday shifts, or the ordinary time rate (excluding the projected roster) plus 27½ % leave loading, whichever is the higher.

Clause 7.1.3(b) has been inserted as a result of an application to amend this Award arising from the decision of the Full Bench of the Commission on 30 June 2004 (and published at (2004) 176 QGIG 509) to move to declare Industrial Agreements obsolete. Given the origin of clause 7.1.3 (b) the provisions contained within it are not to be used as a precedent for any other matter whatsoever.

- (c) All employees - Subject to clauses 7.1.3(d), in no case shall the payment by an employer to an employee be less than the sum of the following amounts:
 - (i) The employee's ordinary wage rate as prescribed by the Award for the period of the annual leave (excluding shift premiums and week-end penalty rates);
 - (ii) A further amount calculated at the rate of 17.5% of the amounts referred to in clause 7.1.3(c)(i).
- (d) Clause 7.1.3(c) shall not apply to any period or periods of annual leave exceeding:
 - (i) 190 hours in the case of employees employed on continuous shift work; or
 - (ii) 152 hours in any other case.

7.1.4 Notwithstanding the provisions contained in clause 7.1, teacher aides (other than casuals) employed by the Department of Education and Training shall be entitled to 4 weeks' annual leave on the following basis:

- (a) Annual leave will be taken by all employees during the student summer vacation with the annual leave to commence from the beginning of the first week of the 6 week period or the beginning of the second week of the 7 week period of the summer vacation whichever is allotted to the particular school in accordance with Regulations of the *Education (General Provisions) Regulation 2006*.
- (b) Annual leave shall be exclusive of any public holiday which occurs during the period.
- (c) Annual leave shall be paid by the employer in advance.
- (d) Annual leave pay shall be calculated as follows:
 - (i) The employee's ordinary wage rate as prescribed by clause 5.9 for the period of annual leave calculated in accordance with the following formula:

$$T1 \text{ divided by } 20 \times 2.54$$

[Where T1 is the total of hours worked by the employee (including leave granted on pay and paid public holidays but excluding the annual leave and the 3 public holidays which occur during the period of the annual leave) since the date of the operation of this Award or since the commencement of employment or since the time of the previous annual leave whichever is the latter and rounded up to the nearest half hour.]
 - (ii) A further amount calculated at the rate of 17.5 % of the amount resulting from clause 7.1.4(d)(i).
 - (iii) Where an employee is employed for a full year an additional amount calculated at the rate of 15% of the amount resulting from clause 7.1.4(d)(i), representing the payment of the 3 public holidays which occur during the period of the annual leave:

Provided that where an employee is not employed for a full year, the employee shall receive payment for the ordinary hours that the employee was rostered to work on the days on which the 3 public holidays occur.
- (e) If the services of the employee are concluded for any reason prior to the period determined for the annual leave by clause 7.1.4(a), such employee shall be paid, in addition to all other amounts due, an amount calculated in accordance with clause 7.1.4(d). The ordinary hourly wage rate shall be that applicable at the time of the conclusion of the employee's services and the additional amount arising from clause 7.1.4(d)(iii) will not be paid.

7.2 Sick leave

7.2.1 The entitlements for sick leave are prescribed in a Directive relating to Sick Leave, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.

7.2.2 Sick leave (leave of absence on account of illness) on full salary will accumulate at the rate of 10 working days for each completed year of service and a proportionate amount for an incomplete year of service.

- (a) Leave may be taken for part of a day;
- (b) Entitlement to sick leave is conditional on the employee promptly notifying the employer of the employee's absence and of its expected duration; and

- (c) An application for sick leave of more than 3 days is to be supported by a medical certificate or any other evidence that is acceptable to the employer.

7.2.3 In addition to and notwithstanding the provisions contained in clause 7.2, the following provisions shall apply only to teacher aides (other than casuals) employed by the Department of Education and Training:

- (a) Leave entitlements shall be calculated in accordance with the following formula:

$T2 \text{ divided by } 30 \times 1.27$

[Where T2 is the total of hours worked by the employee (including leave granted on pay and paid public holidays but excluding the annual leave and the 3 public holidays which occur during the period of the annual leave) since the date of operation of this Award or since the date of commencement of employment or since the day of the last annual balance, whichever is the latter and rounded up to the nearest half hour.]

- (b) Sick leave shall be paid based upon the number of hours that the employee would otherwise have worked on the day or days when sick leave is taken, rounded up to the nearest half hour.

7.3 Family leave

The provisions of the *Family Leave (Queensland Public Sector) Award - State 2004* (including carer's leave) apply.

The entitlements to family leave include:

- (a) maternity leave;
- (b) spousal leave;
- (c) pre-natal leave;
- (d) pre-adoption leave; and
- (e) adoption leave,

and those conditions are found in a Directive relating to Paid Parental Leave, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.

7.4 Long service leave

7.4.1 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.

7.4.2 After 7 years' continuous service employees are entitled to a proportionate payment (calculated on a *pro rata* basis for 7 years' continuous service) in specified circumstances relating to the termination of employment and parental leave.

7.4.3 The entitlements to long service leave are prescribed in a Directive relating to Long Service Leave, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.

7.5 Bereavement leave

7.5.1 Employees are granted bereavement leave on full salary on the death of a member of the employee's immediate family or household:

- (a) "Immediate family" includes:
 - (i) The employee's spouse;
 - (ii) A child, ex-nuptial child, step-child, adopted-child, foster child and ex-foster child of the employee;
 - (iii) Parent, grandparent, grandchild, sister or brother of the employee and of the employee's spouse;
 - (iv) Step-father, step-mother, half-brother, half-sister, step-brother and step-sister of the employee.
- (b) "Spouse" of an employee includes:
 - (i) A former spouse; and

(ii) A defacto spouse, including a spouse of the same sex as the employee.

7.5.2 The entitlements for bereavement leave are prescribed in a Directive relating to Bereavement Leave, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.

7.6 Special leave

All employees (other than casuals) shall be entitled to the following provisions as prescribed in a Directive relating to Special Leave, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*:

- Floods, cyclones, bushfires, etc;
- Emergency management courses;
- Attendance at emergencies;
- Platelet etc donors;
- Blood donors;
- Pre-retirement seminars;
- Special leave without salary;
- Purchased leave;
- Election leave;
- Local government leave;
- Declared emergency situation or state of disaster;
- Defence reserve forces leave.

7.7 Court attendance and jury service

All employees (other than casuals) shall be entitled to special leave on full salary for the purpose of undertaking service as a juror in accordance with the Directive as defined in clause 1.5.5.

7.8 Leave debits

Leave debits will be equivalent to the ordinary hours employees would have worked had they not been on paid leave. Such leave will therefore be paid and debited on the basis of hours actually taken.

7.9 Public holidays

7.9.1 The provisions of clause 7.9, except clause 7.9.3, shall not apply to employees covered by Section 1 of Schedule 3.

7.9.2 *Minimum payment for work on public holidays*

(a) All work done by any employee on the following public holidays is paid for at the rate of double time and a-half with a minimum of 4 hours:

- the 1st January;
- the 26th January;
- Good Friday;
- Easter Saturday (the day after Good Friday);
- Easter Monday;
- the 25th April (Anzac Day);
- The Birthday of the Sovereign;
- Christmas Day;
- Boxing Day; or
- or any day appointed under the *Holidays Act 1983* to be kept in place of any such holiday.

(b) Provided that employees may at their option receive time off equivalent to the number of hours worked with a minimum of half a working day in lieu of monetary compensation together with payment at half the ordinary rate for the time so worked with a minimum of 4 hours:

(c) Provided further that such time off in lieu shall be taken with annual leave or be taken within 28 days of the day on which the employee worked.

7.9.3 *Labour Day*

(a) All employees covered by this Award shall be entitled to be paid a full day's wage for Labour Day (the first Monday in May or other day appointed under the *Holidays Act 1983*, to be kept in place of that holiday) irrespective of the fact that no work may be performed on such day, and if any employee concerned actually works on Labour Day, such employee shall be paid a full day's wage for that day and in addition a payment

for the time actually worked by him at one and a-half times the ordinary rate prescribed for such work with a minimum of 4 hours.

- (b) Work performed on Labour Day outside the ordinary starting and finishing times shall be paid for at double the overtime rate prescribed for an ordinary working day.

7.9.4 *Annual show*

All work done by employees in a district specified from time to time by the Minister by notification published in the *Gazette* on the day appointed under the *Holidays Act 1983*, to be kept as a holiday in relation to the annual agricultural, horticultural or industrial show held at the principal city or town, as specified in such notification, of such district shall be paid for at the rate of double time and a-half with a minimum of 4 hours:

- (a) Provided that employees may at their option receive time off equivalent to the number of hours worked with a minimum of half a working day in lieu of monetary compensation together with payment at half the ordinary rate for the time so worked with a minimum of 4 hours:
- (b) Provided further that such time off in lieu shall be taken with annual leave or be taken within 28 days of the day on which the employee worked.
- (c) In a district in which a holiday is not appointed for an annual agricultural, horticultural or industrial show, the employee and employer must agree on an ordinary working day that is to be treated as a show holiday for all purposes.
- (d) No employee shall be entitled to receive payment in accordance with clause 7.9.4 for work performed on such a day on more than one occasion in each calendar year.

7.9.5 *Double time and a-half*

For the purposes of clause 7.9, where the rate of wage is a weekly rate, "double time and a-half" means one and one-half day's wages in addition to the prescribed weekly rate, or *pro rata* if there is more or less than a day.

7.9.6 *Stand down*

Any employee, other than a casual employee with 2 weeks' or more of continuous service, whose employment has been terminated by the employer or who has been stood down by the employer during the month of December, and who is re-employed in January of the following year, shall be entitled to payment at the ordinary rate payable to that employee when they were dismissed or stood down, for any one or more of the following holidays, namely, Christmas Day, Boxing Day and the 1st January (New Year's Day).

7.9.7 *Substitution*

Where mutual agreement exists between the employer and the employee, and subject to statutory limitations, other ordinary working days may be substituted for public holidays:

Provided that, where an employee is subsequently required to work on such substituted day, the employee shall be paid the rate applicable for the holiday that has been substituted.

7.9.8 All employees (other than a casual) if rostered off on any public holiday shall be paid an additional day's wage or by agreement between the employer and employee shall be granted another day off in lieu, at a time to be mutually arranged between the employer and the employee concerned or an extra day to be taken with annual leave, for each such day on which the employee is rostered off:

Provided for the purpose of clause 7.9.8 "rostered off" means rostered off on a day of the week which normally forms part of the employee's ordinary hours:

Provided further that the terms "additional day's wage", "another day off" or "extra day" mean:

- (a) for full-time employees, 7.6 hours at ordinary rates;
- (b) for part-time employees, the number of ordinary hours normally worked on the same day of the week on which the holiday falls.

7.9.9 All employees shall be entitled to payment at ordinary rates for rostered ordinary hours to be worked on a public holiday referred to in clauses 7.9.2 and 7.9.4 notwithstanding that work may not be required to be performed on such holiday.

7.9.10 *Employees who do not work Monday to Friday of each week*

Employees who do not ordinarily work Monday to Friday of each week are entitled to public holidays as follows:

- (a) A full-time employee is entitled to either payment for each public holiday or a substituted day's leave.
- (b) A part-time employee is entitled to either payment for each public holiday or a substituted day's leave provided that the part-time employee would have been ordinarily rostered to work on that day had it not been a public holiday.
- (c) Where a public holiday would have fallen on a Saturday or a Sunday but is substituted for another day all employees who would ordinarily have worked on such Saturday or Sunday but who are not rostered to work on such day are entitled to payment for the public holiday or a substituted day's leave.
- (d) Where Christmas Day falls on a Saturday or a Sunday and the public holiday is observed on another day an employee required to work on Christmas Day (i.e. 25 December) is to be paid at the usual rate for work performed on a Saturday or Sunday, as the case may be, plus a loading of 50% of the ordinary hourly rate.
- (e) Nothing in clause 7.9.10 confers a right to any employee to payment for a public holiday as well as a substituted day in lieu.

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

8.1 Work away from headquarters

Employees required to work away from their usual headquarters shall be provided where necessary as determined by the employer with reasonable transport, accommodation and paid reasonable compensation for fares, accommodation and meals:

Provided that the provisions of clause 8.1 shall not apply to employees covered by Sections 1 and 2 of Schedule 3 and Sections 10 (Operations Officers, Store Managers and Storepersons only) and 17 (Storekeepers only) of Schedule 5 who are entitled to Travelling Allowance as prescribed in Directive/s relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*, and to employees covered by section 6 of Schedule 3.

PART 9 - TRAINING AND RELATED MATTERS

9.1 Training, learning and development

- 9.1.1 The parties to this Award recognise that in order to increase efficiency and productivity a greater commitment to learning and development is required.
- 9.1.2 Accordingly, the parties commit themselves to developing a more highly skilled and flexible workforce and providing employees with career opportunities through appropriate training to acquire additional skills and knowledge for performance of their duties.
- 9.1.3 Within each agency a consultative mechanism and procedures involving representatives of management, employees and public sector unions shall be established as determined by the chief executive having regard to the size, structure and needs of that agency.
- 9.1.4 Following consultation the chief executive shall develop a learning and development strategy consistent with:
 - (a) the current and future needs of the agency;
 - (b) the size, structure and nature of the operations of the agency;
 - (c) the need to develop vocational skills relevant to the agency through courses conducted wherever possible by accredited educational institutions and providers.
- 9.1.5 Learning and development may be both on-the-job or off-the-job and either internal or external to the organisation.
- 9.1.6 Learning and development provided should assist employees in obtaining accredited competencies, knowledge and skills.
- 9.1.7 All such learning and development should be directed at enabling employees to enhance skills relevant to duties to be performed. Employees will be expected to attend scheduled learning and development activities.

PART 10 - OCCUPATIONAL HEALTH AND SAFETY MATTERS, EQUIPMENT, TOOLS AND

AMENITIES

No provisions inserted in this Award relevant to this Part.

PART 11 - AWARD COMPLIANCE AND UNION RELATED MATTERS

Clauses 11.1 and 11.2 replicate legislative provisions contained within Act. In order to ensure the currency of existing legal requirements parties are advised to refer to Sections 366, 372 and 373 of that Act as amended from time to time.

11.1 Right of entry

11.1.1 *Authorised industrial officer*

- (a) An "authorised industrial officer" is any relevant Union official holding a current authority issued by the Industrial Registrar.
- (b) Right of entry is limited to workplaces where the work performed falls within the registered coverage of the relevant Union.

11.1.2 *Entry procedure*

- (a) The authorised industrial officer is entitled to enter the workplace during normal business hours as long as:
 - (i) the authorised industrial officer alerts the employer or other person in charge of the workplace to their presence; and
 - (ii) shows their authorisation upon request.
- (b) Clause 11.1.2(a)(i) does not apply if the authorised industrial officer establishes that the employer or other person in charge is absent.
- (c) A person must not obstruct or hinder any authorised industrial officer exercising their right of entry.
- (d) If the authorised industrial officer intentionally disregards a condition of clause 11.1.2 the authorised industrial officer may be treated as a trespasser.

11.1.3 *Inspection of records*

- (a) An authorised industrial officer is entitled to inspect the time and wages record required to be kept under section 366 of the Act.
- (b) An authorised industrial officer is entitled to inspect such time and wages records of any former or current employee except if the employee:
 - (i) is ineligible to become a member of the relevant Union; or
 - (ii) is a party to a QWA or ancillary document, unless the employee has given written consent for the records to be inspected; or
 - (iii) has made a written request to the employer that the employee does not want that employee's record inspected.
- (c) The authorised industrial officer may make a copy of the record, but cannot require any help from the employer.
- (d) A person must not coerce an employee or prospective employee into consenting, or refusing to consent, to the inspection of their records by an authorised industrial officer.

11.1.4 *Discussions with employees*

An authorised industrial officer is entitled to discuss with the employer, or a member or employee eligible to become a member of the relevant Union.

- (a) matters under the Act during working or non-working time; and
- (b) any other matter with a member or employee eligible to become a member of the relevant Union during non-working time.

11.1.5 *Conduct*

An authorised industrial officer must not unreasonably interfere with the performance of work in exercising a right of entry.

11.2 Time and wages record

11.2.1 An employer must keep, at the place of work in Queensland, a time and wages record that contains the following particulars for each pay period for each employee, including apprentices and trainees:

- (a) the employee's award classification;
- (b) the employer's full name;
- (c) the name of the award under which the employee is working; and
- (d) the number of hours worked by the employee during each day and week, the times at which the employee started and stopped work, and details of work breaks including meal breaks; and
- (e) Specific to award either:
 - (i) a weekly, daily or hourly wage rate – details of the wage rate for each week, day, or hour at which the employee is paid; or
 - (ii) piecework rates – details of the piecework performed and the rate at which payment is made to the employee;
- (f) the gross and net wages paid to the employee;
- (g) details of any deductions made from the wages; and
- (h) contributions made by the employer to a superannuation fund.

11.2.2 The time and wages record must also contain:

- (a) the employee's full name and address;
- (b) the employee's date of birth;
- (c) details of sick leave credited or approved, and sick leave payments to the employee;
- (d) the date when the employee became an employee of the employer;
- (e) if appropriate, the date when the employee ceased employment with the employer;
- (f) a casual employees entitlement to long service leave (if any) worked by the employee since the start of the period to which the entitlement relates, worked out to and including 30 June in each year.

11.2.3 The employer must keep the record for 6 years.

11.2.4 Such records shall be open to inspection during the employer's business hours by:

- (a) an inspector of the Department of Industrial Relations, in accordance with section 371 of the Act; or
- (b) an authorised industrial officer in accordance with sections 372 and 373 of the Act.

11.2.5 Consistent with a Directive relating to Attendance - Recording and Reporting Requirements (Including Public Holidays), issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*, a chief executive may specifically exempt employee/s or a class of employees from a system for recording starting and finishing times, meal breaks and absences from duty.

11.3 Award posting

A true copy of this Award shall be exhibited in a conspicuous and convenient place on the premises of the employer so as to be easily read by employees.

11.4 Union encouragement

- 11.4.1 The parties recognise the right of individuals to join a Union and will encourage that membership. However, it is also recognised that Union membership remains at the discretion of individuals.
- 11.4.2 An application for Union membership and information on the relevant union/s will be provided to all employees at the point of engagement.
- 11.4.3 Information on the relevant Union(s) will be included in induction materials.
- 11.4.4 Union representative(s) will be provided with the opportunity to discuss union membership with new employees.
- 10.4.5 Where requested by public sector Unions, agencies and public sector units will provide payroll deduction facilities for Union subscriptions.
- 10.4.6 The relevant Union for particular callings are detailed in Schedule 1

11.5 Union delegates

- 11.5.1 The parties acknowledge the constructive role democratically elected union delegates undertake in the workplace in relation to Union activities that support and assist members. That role will be formally recognised, accepted and supported.
- 11.5.2 Public sector employees will be given full access to Union delegates/officials during working hours to discuss any employment matter or seek union advice, provided that service delivery is not disrupted and work requirements are not unduly affected.
- 11.5.3 Provided that service delivery and work requirements are not unduly affected, delegates will be provided convenient access to facilities for the purpose of undertaking union activities. 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.
- 11.5.4 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

- 11.6.1 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, approved by the Chief Executive (or delegated authority) of the agency, to attend industrial relations education sessions.

Additional leave, over and above 5 working days non-cumulative (or the equivalent hours) in any one 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 Chief Executive (or delegated authority) of the agency, the relevant Union and the employee.

Upon request and subject to approval by the Chief Executive (or delegated authority) of the agency, Employees may be granted paid time off in special circumstances to attend Management Committee Meetings, Union Conferences, and ACTU Congress.

- 11.6.2 The granting of industrial relations education leave or any additional special 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.
- 11.6.3 At the discretion of the Chief Executive of the agency/public sector unit concerned, public sector Employees may be granted special leave without pay to undertake work with their Union.

SCHEDULE 1 - STREAM ALLOCATION AND INDUSTRIAL ORGANISATION COVERAGE

The position titles allocated to the Administrative and Operational Streams and listed hereunder may be re-designated/re-named at the departmental level. Award coverage continues to apply where the principal role of the original position is to be performed.

Administrative Stream - Allocation to this stream consists of -

<i>Stream allocations</i>		<i>Relevant Union</i>
Covered by Previous Awards/Agreements Subsumed by this Award		
<i>Department of Communities</i>		
See clause 1.3.3 (n)		
Clerk		AMACSU/FCUNQ
<i>Department of Transport and Main Roads</i>		
See clause 1.3.3 (c)		
Senior Inspecting Cost Clerks)	
Inspecting Cost Clerks A)	
Inspecting Cost Clerks B)	
Senior Cost Clerks)	
Cost Clerk Grade A)	
Cost Clerk Grade B)	
Cost Clerk Grade C)	
Cost Clerk Grade D	)	QPSU
Time Keepers A)	
Time Keepers B)	
Time Keepers C)	
Time Keepers D)	
Senior Trainee Cost Clerk or Timekeepers)	
Junior Trainee Cost Clerk or Timekeepers)	
Previously award-free		
<i>Department of Communities</i>		
Resource Worker)	
Assistant Store Manager	)	QPSU
Store Manager)	
<i>Department of Education and Training</i>		
School Liaison Officer)	
Youth Counsellor)	
Priority Country Area Program Liaison Officer)	
Assistant Community Liaison Officer	)	QPSU
Vocational Projects Officer)	
Community Adviser)	
Youth Worker (Schools))	
<i>Department of Community Safety - Emergency Services</i>		
Building Coordinator		LHMU
<i>Department of Transport and Main Roads</i>		
Store Manager		QPSU
Operations Support Clerk		QPSU

Operational Stream - Allocation to this stream consists of -

<i>Stream allocations</i>		<i>Relevant Union</i>
Covered by Previous Awards/Agreements Subsumed by this Award		
<i>Department of Communities</i>		
See clause 1.3.3 (d)		
Gardener)	
Head Gardener)	
Laundryperson)	
Domestic)	
Sewer	)	AWU
Assistant Gardener)	
General Hand)	
Head Laundryperson)	

<i>Stream allocations</i>		<i>Relevant Union</i>
Sewer in charge)	
Housekeeper)	
See clause 1.3.3(n)		
Shop Assistant		SDA
<i>Department of Education and Training</i>		
See clause 1.3.3 (e)		
Chief Cook)	
Second Cook)	
Qualified Cook	)	LHMU
Cook	)	(AWU North of
Singlehand Cook	)	24-30 latitude)
Kitchenhand)	
Waiter)	
House Attendant/Waiter)	
House Attendant	)	LHMU
Steward)	
Assistant Steward)	
See clause 1.3.3 (k)		
Teacher Aide		LHMU
<i>Department of Employment, Economic Development and Innovation - Queensland Primary Industries and Fisheries</i>		
See clause 1.3.3 (g)		
Foreperson (other than Foreperson, Animal Health Station, Yeerongpilly)	
Senior Farmhand	)	AWU
Experienced Farmhand)	
Farmhand)	
See clause 1.3.3 (h)		
Farm Supervisor		QPSU
See clause 1.3.3 (a)		
Master)	
Mate	)	AMOU
Deckhand)	
Cook		AWU/LHMU

<i>Department of Police</i>		
See Clause 1.3.3 (m)		
Tyre Fitter		LHMU
<i>Department of the Premier and Cabinet</i>		
See clause 1.3.3 (l)		
Technician (Audio/Video/Maintenance))	
Theatre Technician)	
Technical Assistant	)	AWU
Other Employee (Front of House Staff))	
Ticket Seller)	
Technical Manager)	
Lightperson		ETU
See Clause 1.3.3 (m)		
Car Park Officer		LHMU
See clause 1.3.3 (n)		
Shop Assistant		SDA
Store Supervisor		SDA

<i>Department of Public Works - QBuild</i>		
See clause 1.3.3 (i)		
Foreperson		QPSU
<i>Various Departments</i>		
See clause 1.3.3 (b)		
Driver)	
Fleet Officer (Driver))	
Fleet Officer (Senior Driver))	
Forklift Driver)	
Gardener)	
General Service Officer)	
Groundsperson)	
Head Gardener)	
Head Industrial Estate Attendant)	
Horticultural Assistant	)	QPSU
Horticultural Officer)	
Horticultural Supervisor)	
Industrial Estate Attendant)	
Inventory Officer)	
Logistics Officer (QAS))	
Senior Groundsperson)	
Senior Store Worker)	
Senior Storeperson)	
Storeperson)	
Storeworker)	
See clause 1.3.3 (j)		
Caretaker)	
Cleaner)	
Cleaning Supervisor	)	LHMU
Janitor)	
Lift Attendant)	
See clause 1.3.3 (f)		
Security Officer		LHMU
Security Coordinator		LHMU
Previously award-free		
<i>Department of Communities</i>		
Chief Cook)	
Cook	)	AWU/LHMU
Kitchenhand)	
Maintenance Officer)	
Maintenance and Grounds Officer)	
Support Officer)	
Centre Manager	)	QPSU
Relief Centre Manager)	
Program Assistant)	
Program Officer)	
Laundry Supervisor		LHMU
Stable Attendant		LHMU
Support Worker		AWU
Team Leader		AWU
<i>Department of Education and Training</i>		
Agricultural Assistant Division I)	
Agricultural Assistant Division II)	
Unit Support Officer)	
Computer Assistant)	
Senior Computer Assistant)	
Disability Support Worker)	

Disability Coach)	
Community Jobs Program Supervisor)	
Asset Services Officer)	
Boat Officer)	
General Hand)	
General Worker	)	QPSU
Horticulture Assistant)	
Maintenance Coordinator)	
Marine Program Officer)	
Nursery Manager)	
Operations and Maintenance Officer)	
Operations Assistant)	
Print Assistant)	
Printing Officer)	
Retail Outlet Coordinator)	
Shop Assistant)	
Travelling School Operations Officer)	
Kitchenhand)	
Canteen Worker)	
Food and Beverage Attendant)	
General School Worker (Torres Strait))	
Butcher)	
Canteen Assistant	)	LHMU
Canteen Supervisor)	
Head Chef)	
Kitchen Assistant)	
Kitchen Attendant)	
Laundry Attendant)	
<i>Department of Employment, Economic Development and Innovation</i>		
Livestock Supervisor)	
Pollinator)	
Field Assistant)	
Team Leader)	
Assistant Team Leader)	
Weed Control Supervisor)	
Weed Control Operator	)	AWU
Dingo Fence Patrolperson)	
Assistant Control Operator)	
Control Operator)	
Field Worker)	
Air Quality Assessor)	
Operations Officer)	
Operations Supervisor)	
Assistant Operations Officer - barrier fences	)	QPSU
Senior Operations Officer - barrier fences)	
Project Officer - barrier fences)	
Operations Assistant)	
Weighbridge Test Unit Operator)	
<i>Department of Environment and Resource Management</i>		
Building Services Officer)	
Information Support Officer)	
Maintenance Officer	)	QPSU
Operations Officer)	
Customer Service Officer		LHMU
Field Worker		AWU
<i>Department of Justice and Attorney-General</i>		
Bindery Operations Officer		QPSU

<i>Department of Police</i>		
Assistant Watchhouse Officer)	
Bandsperson)	
Coordinator (Police Liaison Officer))	
Drum Sergeant	)	QPU
Pipe Major)	
Police Liaison Officer)	
Senior Police Liaison Officer)	
Queensland Aboriginal and Torres Strait Islander Police)	
Bus Driver		TWU
Car Cleaner)	
Kennel Hand)	
Stablehand	)	LHMU
Vehicle Maintenance Officer)	
Communication Room Operator)	
Police Dog Development Officer)	
Police Dog Instructor	)	QPSU
Utility Officer)	
Tracker		AWU
<i>Department of Public Works</i>		
Detailer		LHMU
<i>Department of Transport and Main Roads</i>		
School Crossing Supervisor		LHMU/AWU
Operations Officer)	
Operations Assistant	)	QPSU
Operations Supervisor)	
<i>TransLink Transit Authority Employing Office</i>		
Busway Safety Officer		QPSU/LHMU
Busway Shift Co-ordinator		QPSU/LHMU
<i>Various Departments</i>		
Workshop Foreperson		QPSU
Workshop Supervisor		QPSU

LHMU - Liquor, Hospitality and Miscellaneous Union, Queensland Branch, Union of Employees

AMACSU - Australian Municipal, Administrative, Clerical and Services Union, Central and Southern Queensland Clerical and Administrative Branch, Union of Employees

AMOU - Australian Maritime Officers Union Queensland, Union of Employees

AWU - The Australian Workers' Union of Employees, Queensland

ETU - The Electrical Trades Union of Employees Queensland

FCUNQ - Federated Clerks' Union of Australia, North Queensland Branch, Union of Employees

QPSU - The Queensland Public Sector Union of Employees

QPU - Queensland Police Union of Employees

SDA - Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees

TWU - Transport Workers' Union of Australia, Union of Employees (Queensland Branch).

SCHEDULE 2 - DAILY SPREAD OF HOURS

Previous Award and Agreement Coverage	Calling	Daily Spread Of Hours
Boarding House, Etc., Employees Award - South Eastern Division	Porter/Yard Worker	6.00 a.m. - 7.00 p.m.
Domestic and General Staff Award - Halls of Residence - State Government	Chief Cook Second Cook Qualified Cook Cook Single Hand Cook Kitchenhand Waiter House Attendant/Waiter House Attendant All other employees	5.00 a.m. to 9.00 p.m.
Employees Employed on Motor Vessels Owned and Operated by the Fisheries Research Branch, Department of Primary Industries - Industrial Agreement	Master "Gwendoline May" Mate "Gwendoline May" Master "Bar- Ea-Mul" Master "Lumaigul" Master "Sunbird/ Netuma" Master "Pelates" Boatperson	12 midnight to 12 midnight
Miscellaneous Workers' Award - State Government	Cleaner attending work twice daily - for not more than 38 hours per week) Cleaner attending work twice daily - for not more than 30 hours per Week)	6.00 a.m. to 9.00 p.m.
Motoring Services Award - South-Eastern District 2003	Car Park Officer	7.00 a.m. to 9.00 p.m.
Nurserymen's Award - State	Nurseryhand	5.00 a.m. - 7.00 p.m.
Teacher Aides, Department of Education Award - State	Teacher Aides	12 midnight to 12 midnight
Theatrical Employees' Award - State 2003	Technician (Audio/Video/Maintenance) Theatre Technician Technical Manager Technical Assistant Other Employee (Front of House Staff) Ticket Seller Lightperson	8.00 am to 11.30 pm.

SCHEDULE 3 - ADDITIONAL CONDITIONS APPLICABLE TO EMPLOYEES PREVIOUSLY COVERED BY THE FORMER AWARDS AND INDUSTRIAL AGREEMENTS

All employees (including casuals unless specifically excluded) in callings under the relevant awards and industrial agreements as set out in clause 1.3.3 shall be entitled to the conditions as set out hereunder in accordance with their respective former award or industrial agreement:

Section 1 - Employees Employed on Motor Vessels Owned and Operated by the Fisheries Research Branch, Department of Primary Industries - Industrial Agreement

(1) *Hours of duty (excluding casuals) -*

- (a) Working hours shall be those that are necessary to effectively carry out the duties associated with the provision of services by the Department, but shall be an average of 38 hours per week, averaged over the work cycle (228 hours).
- (b) Hours worked in excess of 228 ordinary hours over the work cycle shall be paid at the rate of time and a-half, provided that in lieu of payment and subject to mutual agreement, employees may elect to accrue equivalent time off in lieu.
- (c) Each employee shall be required to work no more than 30 days in each 6 week (42 days) work cycle.
- (d) The 12 days off each work cycle shall be allowed at a minimum of 2 consecutive days off in each instance, except in emergent circumstances or where there is mutual agreement between the employee and the employer.
- (e) When an employee is required to perform duty on any of the 12 days off in each work cycle, that employee shall be paid at the rate of double time for the actual time worked with a minimum of 4 hours:

Provided that in lieu of payment and subject to mutual agreement, another ordinary working day may be substituted for the day off specified in clause (1)(d) above:

Provided further that, where an employee is subsequently required to work on such substituted day, the employee shall be paid the penalties provided for in clause (1)(e) above.

(2) *Casual employees -*

- (a) A casual employee shall be paid a daily rate in accordance with the following formula:

$$\text{DAILY RATE} = \frac{(\text{ORDINARY FORTNIGHTLY RATE})}{(10)} \times 1.23$$

- (b) Each daily engagement shall stand alone.
- (c) The daily casual rate shall be payable irrespective of the number of hours worked in the day, and shall also compensate for all ordinary overtime, week-end work and work performed on public holidays.

(3) *Locality allowance (excluding casuals)*

(4) *Travelling allowance*

(5) *Annual leave (excluding casuals)*

(6) *Leave for Study and Examination Purposes (excluding casuals)*

(7) No additional payments shall be made for ordinary hours performed on weekends and public holidays, as compensation is included in the salary rates payable under clause 5.9.

(8) *Victualling and accommodation* - Whilst at sea or when away from the home base overnight employees shall also be provided with proper meals and accommodation. Further, employees shall be provided with bedding, soap, clean bed linen weekly and clean towels twice weekly. The employer shall be responsible for laundering of linen and towels.

Section 2 - Cost Clerks and Timekeepers' Award - State Government

(1) *Travelling Allowance*

(2) *Transfer Expenses*

Section 3 - Award for Employees in the Intellectual Handicap Service - Department of Health (Part B Employees Only)

(1) *Leave for Study and Examination Purposes (excluding casuals)*

- (2) Locality Allowance (excluding casuals)

Section 4 - clause 55 - (Gardeners, Administrative Services Department and Queensland Department of Primary Industries) Part VI, Public Service Award - State

- (1) Recreation Leave (excluding casuals)
- (2) Leave for Study and Examination Purposes (excluding casuals)
- (3) Locality Allowance (excluding casuals)

Section 5 - clause 61 - (Storepersons, etc., Administrative Services Department, TAFE-TEQ, Department of Lands, Department of Primary Industries, Department of Transport) Part VI, Public Service Award - State

- (1) Locality Allowance (excluding casuals)
- (2) Recreation Leave (excluding casuals)
- (3) Leave for Study and Examination Purposes (excluding casuals)
- (4) Overtime Meal Allowance, provided that in lieu of the qualifying period therein for work performed before or after ordinary starting and ceasing time, the following shall apply:
 - (a) after 2 hours where such overtime commences before 6.00 p.m.;
 - (b) after one hour where such overtime commences at or after 6.00 p.m.

Section 6 - Graded Foremen (Department of Works) Award - State

- (1) Fare and travelling allowance and country allowance - as per the Building Trades Public Sector Award - State 2003 or the Engineering Award - State 2002 depending on the type of trade work performed or supervised.
- (2) Tool allowance - as per the Building Trades Public Sector Award - State 2003 or the Engineering Award - State 2002 depending on the type of trade work performed and when using their own tools.
- (3) Emergency employees - Employees engaged as emergency workers who are regularly rostered by the Department to hold themselves in readiness to perform overtime work at all hours shall be allowed one extra week's leave exclusive of statutory holidays.
- (4) Emergency work - Employees called out on emergency work shall be entitled to payment for such work from the time of leaving home to commence that work until they return home from such work, but they must return home within a reasonable time.
- (5) Work during meal period - All work done during the recognised meal period shall be paid for at the rate of double time, such payment to continue until a meal period has commenced. Such meal period to be of the prescribed duration.

Section 7 - Award for Certain Employees of the Department of Primary Industries Employed at Regional Experimental Stations, Research Stations and Animal Health Stations

- (1) *Risk Allowance* - Employees required to handle materials or animals infected with disease pathogenic to humans shall be paid an allowance of \$17.80 per fortnight.
- (2) *Wet conditions* -
 - (a) All time lost through wet conditions shall be paid for, provided the employees turn up for work and hold themselves in readiness. The supervising employee or employee who acts in the absence of that employee and under whose direction the employees are working, shall decide whether it is too wet to work:

Provided that, when employees are prevented by wet weather from following their usual vocation, unless the employees are willing to perform any work the employer may direct them to do during such wet weather, they shall not be entitled to payment for such time lost.
 - (b) *Work in the rain* - Where practicable suitable waterproof clothing shall be supplied by the employer to the employees who are required to work in the rain.

Notwithstanding the foregoing, in the performance of work the employee gets their clothes wet, the employee shall be paid double time for all work performed and such payment shall continue until the employee is able to change into dry clothing or until that person ceases work, whichever is the earlier.

Section 8 - Farm Supervisors (Department of Primary Industries)

- (1) Overtime - In addition to clause 6.4 (Overtime) the following shall apply:

An employee may elect and at the discretion of the employer, to take equivalent time off in lieu of overtime in accordance with the Directive relating to Field Staff, issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.

- (2) *Wet conditions* -

- (a) All time lost through wet conditions shall be paid for, provided the employees turn up for work and hold themselves in readiness. The supervising employee or employee who acts in the absence of that employee and under whose direction the employees are working, shall decide whether it is too wet to work:

Provided that, when employees are prevented by wet weather from following their usual vocation, unless the employees are willing to perform any work the employer may direct them to do during such wet weather, they shall not be entitled to payment for such time lost.

- (b) *Work in the rain* - Where practicable suitable waterproof clothing shall be supplied by the employer to the employees who are required to work in the rain.

Notwithstanding the foregoing, in the performance of work the employee gets their clothes wet, the employee shall be paid double time for all work performed and such payment shall continue until the employee is able to change into dry clothing or until that person ceases work, whichever is the earlier.

Section 9 - Theatrical Employees' Award - State 2003

- (1) The ordinary working hours shall not exceed 7 hours and 36 minutes in any one day on 5 days in each week.
- (2) *Meal allowance* - Where, because of unforeseen circumstances, an employee is required to continue working beyond their usual finishing time for more than one hour and beyond specified meal periods, the employee shall be paid a meal allowance of \$9.60, provided that such allowance shall not be payable where notice of intention to work overtime was given on the previous period of duty or earlier.

Section 10 - Miscellaneous Workers' Award - State Government

- (1) Caretakers may be required to perform unlock and lock up duties prior to and after ordinary working hours without extra remuneration. However, where premises are required to be kept open after 10.00 pm, the time occupied in closing and locking after 10.15 pm shall be paid for at the relevant overtime rates.
- (2) Where caretakers reside on-site, they shall not be deemed to be working on Saturdays or Sundays merely because of a requirement to open and close premises on such days.

Section 11 - Motoring Services Award - South-Eastern District 2003 (Car Park Officers only)

- (1) The ordinary hours of work will be worked Monday to Sunday in accordance with a roster mutually agreed upon by the employer and the majority of employees, or with the union.
- (2) The ordinary hours of work will not exceed 10 hours per day, except where agreed between the employer and the majority of the Car Park Officers concerned.

Section 12 - Retail Industry Award - State 2004

- (1) Daily spread of hours - the daily spread of hours shall be between 6.00 am and 8.00 pm Monday to Sunday.

SCHEDULE 4 - OTHER PAYMENTS FOR WEEK-END WORK

Employees in callings under the relevant awards and industrial agreements as set out in clause 1.3.3 shall be paid for all ordinary hours worked between midnight on Friday and midnight on Sunday as set out hereunder in accordance with their respective former award or industrial agreement:

- (1) *Miscellaneous Workers' Award - State Government*

* Between midnight Friday and midnight Saturday at one and a-half times the ordinary rate.

- * Between midnight Saturday and midnight Sunday at one and three-quarters times the ordinary rate.
- (2) *Cost Clerks and Timekeepers' Award - State Government*
- * Between midnight Friday and midnight Saturday at one and a-half times the ordinary rate.
 - * Between midnight Saturday and midnight Sunday at one and three-quarters times the ordinary rate.
- (3) *Theatrical Employees' Award - State 2003*
- * Between midnight Friday and midnight Saturday at ordinary time.
 - * Between midnight Saturday and midnight Sunday at the rate of double time.
- (4) *Motoring Services Award - South-Eastern District 2003 (Car Park Officers only)*
- (a) Continuous Shift Workers (excludes casuals)
- * Between midnight Friday and midnight Sunday at the rate of time and-a half.
- (b) Casual Employees
- * Between midnight Friday and midnight Saturday at the rate of time and-a quarter for ordinary hours in excess of 4 hours.
 - * Between midnight Saturday and midnight Sunday at the rate of double time.
- (5) *Retail Industry Award - State 2004*
- (a) Full-time and Part-time Employees employed in Exempt or Independent retail shops:
- * Between midnight Friday and midnight Saturday at the rate of time and a-quarter.
 - * Between midnight Saturday and midnight Sunday at the rate of time and a-half.
- (b) Casual Employees employed in Exempt or Independent retail shops:
- * Between midnight Friday and midnight Saturday at ordinary time.
 - * Between midnight Saturday and midnight Sunday at the rate of time and a-half.
- (c) Full-time and Part-time Employees employed in non-Exempt retail shops:
- * Between midnight Friday and midnight Saturday at the rate of time and a-quarter.
 - * Between midnight Saturday and midnight Sunday at the rate of double time.
- (d) Casual Employees employed in non-Exempt retail shops:
- * Between midnight Friday and midnight Saturday at ordinary time.
 - * Between midnight Saturday and midnight Sunday at the rate of double time.

SCHEDULE 5 - SPECIAL CONDITIONS AFFECTING PREVIOUSLY AWARD FREE EMPLOYEES

Section 1 - School Crossing Supervisors - Department of Transport and Main Roads

- (1) Casual employment - A casual employee shall be engaged with a minimum payment as for one-half hours work.

Section 2 - Unit Support Officers - Department of Education and Training

- (1) Employees of the Department of Education who are required to perform maintenance duties on Clivus Mulstrum composting toilet systems shall be paid in addition to the ordinary rate of pay prescribed an allowance at the rate of \$12.261 per hour.

Section 3 - Assistant Community Liaison Officers, Vocational Projects Officers, Community Advisers and Youth Workers (Schools) - Department of Education and Training

- (1) Daily spread of hours - The daily spread of hours shall be between 6.00 a.m. and 9.00 p.m. Monday to Sunday.

Section 4 - Agricultural Assistants and Support Officers (Environmental Education Centres) - Department of Education and Training

- (1) Suitable waterproof clothing shall be provided by the employer to employees who are required to work in the rain.

Section 5 - Stablehands - Department of Police

- (1) Stablehands required to cut grass shall be paid 103 cents per day in addition to their ordinary rates of pay.

Section 6 - Dingo Barrier Fence Personnel - Department of Employment, Economic Development and Innovation

All staff

(1) *Weekend work*

(a) Where ordinary rosters incorporating weekend ordinary hours are agreed upon between the employer and the majority of employees affected, such ordinary hours between midnight Friday and midnight Sunday shall be payable at ordinary time.

(b) Where ordinary rosters incorporating weekend ordinary hours are determined by the employer where agreement with the majority of employees affected is not reached, such ordinary hours worked between midnight Friday and midnight Saturday shall be paid for at one and a half times the ordinary rate and between midnight Saturday and midnight Sunday at one and three quarter times the ordinary rate.

- (2) Wet weather & waterproof clothing/travelling expenses/camp provisions - conditions as prescribed in the relevant provisions *Civil Construction, Operations and Maintenance General Award - State 2003* shall apply.
- (3) Where an employee's services are terminated while working away on site, such employee shall be transported by the employer as soon as practicable to the nearest means of public transport.
- (4) Elective time off in lieu - Where an employee is instructed to work overtime, such employee may, in lieu of payment for the overtime worked, elect to accrue equivalent time off in lieu. Such time off in lieu should be utilised by mutual agreement within 12 months, and where agreement is not reached, to be taken as directed by the employer. Where time off in lieu is not utilised within 12 months of the date of accrual, it shall be paid out at the relevant overtime penalties.

Assistant Operations Officer, Senior Operations Officer and Project Officer - Barrier Fences

- (1) Locality Allowance (excluding casuals)
- (2) Recreation Leave (excluding casuals)

Section 7 - Information Support Officers - Department of Environment and Resource Management

- (1) Weekend work - all ordinary hours worked between midnight Friday and Midnight Sunday shall be payable at ordinary time.

Section 8 - Operations Assistants (Lands Research Stations) - Biosecurity - Department of Employment, Economic Development and Innovation

- (1) Weekend work - all ordinary hours worked between midnight Friday and midnight Sunday shall be payable at ordinary time.

Section 9 - Field Assistants, Eradication Team Members, Team Leaders and Assistant Supervisors (Eradication) - Biosecurity Incursion management and Control - Biosecurity - Department of Employment, Economic Development and Innovation

- (1) Weekend work - all ordinary hours worked between midnight Friday and midnight Sunday shall be payable at ordinary time.
- (2) Daily spread of hours - the daily spread of hours shall be between 5.00 a.m. and 8.00 p.m. Monday to Sunday.
- (3) Casual employment - a casual employee will be engaged with a minimum payment as for one hour's work.

Section 10 - Department of Transport and Main Roads

Operations Support Clerks

- (1) Transfer Expense
- (2) Overtime Meal Allowance

Operations Officers

- (1) Travelling Allowance
- (2) Overtime Meal Allowance

Store Managers and Storepersons

- (1) Travelling Allowance
- (2) Locality Allowance (excluding casuals)

Section 11 - Weed Control Personnel - Land Protection - Biosecurity - Department of Employment, Economic Development and Innovation

- (1) Weekend work - All ordinary hours worked between midnight Friday and midnight Sunday shall be payable at ordinary time.
- (2) Daily spread of hours - A daily spread of hours of 5.00 a.m. to 8.00 p.m. will apply Monday to Sunday.

Section 12 - Workshop Forepersons and Operations Supervisors - Department of Transport and Main Roads, Department of Employment, Economic Development and Innovation, Department of Environment and Resource Management, Forestry Plantations Queensland Office

- (1) Dirty work allowance - Workshop forepersons engaged on dirty work as defined in the relevant clause of the *Engineering Award - State 2002* shall be entitled to the dirty work allowance as prescribed in that Award.
- (2) Tool allowance - Workshop forepersons required to use their own tools as defined in the relevant clause of the *Engineering Award - State 2002* shall be entitled to tool allowance as prescribed in that Award.
- (3) Construction allowance - Workshop forepersons engaged on construction work as defined in the relevant clause of the *Engineering Award - State 2002* shall be entitled to construction allowance as prescribed in that Award.
- (4) Forestry allowance - Workshop forepersons working on forestry operations as defined in the relevant clause of the *Engineering Award - State 2002* shall be entitled to forestry allowance as prescribed in that Award.

Section 13 - Agricultural Assistants Division 1 - Arrangements for translating from award free status - Department of Education and Training

- (1) Agricultural assistants Division 1 shall translate to the Operational Stream, Level 2 Paypoint 4. Upon translation such employees shall also be entitled to a non-absorbable and non-adjustable fortnightly allowance of \$6.30.

(The non-absorbable allowance shall be payable for all purposes of the Award. Provided that the allowance shall cease upon appointment to a new position or in the event of progressional arrangements being introduced.)

Section 14 - Centre Managers and Relief Centre Managers - Sport and Recreation Services - Department of Communities

- (1) General Overtime/On-Call Allowance

A general overtime/on-call allowance at fortnightly rates based on the formula prescribed below as a percentage of the fortnightly enterprise bargaining salary rate applicable to the operational stream classification level OO3 paypoint 4 as prescribed in the State Government Departments Certified Agreement 2003 or its replacement is payable to Centre Managers and Relief Centre Managers employed at the camps as prescribed below and payable to them in addition to their ordinary rate of pay and any other allowances in consideration for being on-call and for work performed outside the ordinary hours of work Monday to Friday inclusive:

- | | |
|---|--|
| (a) Lake Perseverance | 19.96% of the fortnightly salary of OO3 paypoint 4 |
| (b) Christmas Creek, Leslie Dam,
Magnetic Island, Seaforth and Yeppoon | 19.56% of the fortnightly salary of OO3 paypoint 4 |

- (2) Overtime

All overtime performed on a Saturday or Sunday shall be paid in accordance with the overtime provisions contained in clause 6.4.

(3) Extra payment for weekend work

All ordinary time performed on a Saturday or Sunday shall be paid in accordance with the extra payment for weekend work provisions contained in clause 6.4.

(4) Public holidays

All work performed on a public holiday shall be paid in accordance with the public holiday provisions contained in clause 7.9.

(5) Recreation Leave (excluding casuals)

(6) Casual Centre Managers and Relief Centre Managers

(a) A person employed as a casual recreation camp manager shall be paid a daily rate in accordance with the following formula -

$$\text{Daily rate} = \frac{\text{fortnightly rate}}{10} \times 1.23$$

(b) Each daily engagement shall stand alone.

(c) The daily casual rate shall be payable irrespective of the number of hours worked in the day, and shall also compensate for all ordinary overtime and weekend work.

(d) Work performed on public holidays shall be paid in accordance with the public holiday provisions contained in clause 7.9 of this Award.

(7) Allowances

A Centre Manager or Relief Centre Manager who is required to treat raw sewerage at any sewerage treatment plant on a campsite, shall in addition to the normal award rate of pay and any allowance, be paid an allowance of \$3.02 per day.

Section 15 - Busway Safety Officers and Busway Shift Co-ordinators - TransLink Transit Authority Employing Office

(1) Leading hand allowance - Where Busway Safety Officers are appointed to be in charge of other Busway Safety Officers the following allowances shall be paid:

When in charge of 1 or 2 other Busway Safety Officers 35.65cents per hour

When in charge of more than 2 other Busway Safety Officers 41.55cents per hour

Such leading hand allowances shall be taken into consideration for all purposes of this Award.

Section 16 - Air Quality Assessors - Department of Employment, Economic Development and Innovation

(1) Daily spread of hours - the daily spread of hours shall be between 6.00 a.m. and 10.00 p.m. Monday to Sunday.

Section 17 - Retail Stores - Indigenous Communities, Department of Communities

Assistant Store Managers and Store Managers

(1) Daily spread of hours - the daily spread of hours shall be between 6.00 am and 8.00 pm Monday to Sunday.

(2) Leave and Travel Concessions - Isolated Centres

Store Managers only

(1) Recreation Leave (excluding casuals)

(2) Transfer and Appointment Expenses

(3) Travelling Allowance

- (4) Overtime/On Call Allowance - Storekeepers shall receive the following overtime/on call allowance in lieu of overtime payment, on call allowance and meal allowance during overtime:
- (a) Where free quarters are provided, a fortnightly allowance equivalent to 26.31% of the fortnightly salary of AO6 paypoint 1 inclusive of certified agreement increases; or
 - (b) Where free quarters are not provided, a fortnightly allowance equivalent to 34.72% of the fortnightly salary of AO6 paypoint 1 inclusive of certified agreement increases.

Such overtime/on call allowance shall not be payable on paid or unpaid leave.

SCHEDULE 6 - MISCELLANEOUS WORKERS AWARD - STATE GOVERNMENT - CLEANERS

Certain identified categories of cleaners who transferred to this Award on 12 November 1993 have additional entitlements to Broken Work Allowance and Non-Absorbable, Non-Adjustable Allowance (NANA) as identified in the "Arrangements" below. These conditions of employment will continue while working on a continuous basis as a cleaner.

Circumstances in which the cleaner would lose these conditions, i.e. entitlement to appropriate level of NANA and Broken Work on an all purposes basis are:

- should they cease employment with the State of Queensland;
- stop working on a permanent basis as a cleaner; and
- the payment of Broken Work allowance to at all times require the cleaner to be reporting to work twice daily.

Movement between categories

Cleaners that translated to the Award as at the 12 November 1993 will be able to move between the various categories of cleaner as detailed in the "Arrangements" and receive the payment applicable to the particular category of cleaner.

Example:

If a 38 hour cleaner 3rd SIP twice a day cleaner moved to a less than 30 hour twice per day position e.g. 20 hour they would receive Broken Work on an all purpose basis and a NANA calculated as follows:

20/38 multiplied by \$51.76 = \$27.24

Non Absorbable Non Adjustable Allowance (NANA)

Cleaners that translated to the Award will have an entitlement to this allowance, at the level appropriate to the category of cleaners that the cleaner is working in at any point in time, until they cease employment with the State of Queensland or stop working on a permanent basis as a cleaner.

Broken Work Allowance

Any payment of Broken Work Allowance to at all times require the cleaner to be reporting to work twice daily.

The "Arrangements"

To assist in following the arrangements below the following guidance is provided.

Each category of cleaner is **bolded and underlined**; and

All alterations for each category are in chronological order.

- * **38 hour a week cleaners attending work once and twice daily** shall translate to the Operational Stream, Level 2 Paypoint 1. Upon translation employees attending work twice daily shall be further entitled to Broken Work Allowance as provided for in clause 5.10.7:

Provided that as from the 17 March 1997 the following will apply:

- * **38 hour a week cleaners attending work once and twice daily** immediately prior to the creation of this Award shall translate to the Operational Stream, Level 2 Paypoint 4. Upon translation employees attending work twice daily shall be further entitled to Broken Work Allowance as provided for in clause 5.10.7 and such allowance shall be payable for all purposes of the Award. Such employees shall also be entitled to a non-adjustable, non-absorbable fortnightly allowance in accordance with the following table:

Service Increment Payment (SIP)

Non-Adjustable, Non-Absorbable

level as at 11 November 1993

Allowance

No Entitlement	}\$31.24 per fortnight
SIP 1 (After 1st year of service)	}\$31.24 per fortnight
SIP 2 (After 2nd year of service)	}\$41.37 per fortnight
SIP 3 (After 3rd year of service)	}\$51.76 per fortnight

(Note: The Non-Adjustable, Non-Absorbable Allowance shall be for all purposes of this Award including shift penalty and annual leave loading)

- * **30 hours per week cleaners attending work twice daily who were paid in accordance with the then existing clause 7(1) of the Miscellaneous Workers' Award - State Government** shall translate to the Operational Stream, Level 2, Pay Point 4. Upon translation such employees shall be further entitled to Broken Work Allowance as provided for in clause 5.10.7 and such allowance shall be payable for all purposes of the Award. Such employees shall also be entitled to a non-adjustable, non-absorbable fortnightly allowance which will be the difference between their total remuneration immediately prior to translation (including service Incremental payments and supervisory allowances) and their new remuneration immediately upon translation (including Broken Work Allowance).

(Note: The Non-Adjustable Non-Absorbable Allowance shall be for all purposes of this Award including shift penalty and annual leave loading.)

- * **Cleaners attending work twice daily, who were remunerated as casuals in terms of the then existing clause 7(2) of the Miscellaneous Workers' Award - State Government** shall translate to the Operational Stream, Level 2, Paypoint 1:

Provided that any male cleaner working twice daily, 30 hours per week in a secondary school immediately prior to the creation of this Award shall translate to Level 2, Paypoint 3 of the Operational Stream.

Provided further that as from the 17 March 1997 the following will apply:

- * **Cleaners attending work twice daily, who were remunerated as casuals in terms of the then existing clause 7(2) of the Miscellaneous Workers' Award - State Government** shall translate to the Operational Stream, Level 2 Paypoint 4. Upon translation employees attending work twice daily shall be further entitled to Broken Work Allowance as provided for in clause 5.10.7 and such allowance shall be payable for all purposes of the Award. Such employees shall also be entitled on a *pro rata* basis to a non-adjustable, non-absorbable fortnightly allowance as detailed below. The nominated Non-Adjustable Non-Absorbable Allowance shall be adjusted in direct proportion as the cleaners nominated weekly hours of work bears to 38 eg the allowance for a 25 hour twice per day cleaner without any SIP entitlement shall be calculated as follows: $25/38$ multiplied by \$31.24 = \$20.55

Service Increment Payment (SIP)
level as at 11 November 1993
(refer Note 1)

*Non-Adjustable, Non-Absorbable
Allowance*

No Entitlement	}\$31.24 per fortnight
SIP 1 (After 1st year of service)	}\$31.24 per fortnight
SIP 2 (After 2nd year of service)	}\$41.37 per fortnight
SIP 3 (After 3rd year of service)	}\$51.76 per fortnight

- * **Male cleaners working twice daily, 30 hours per week in a secondary school** shall translate to Level 2, Paypoint 4 of the Operational Stream. Upon translation employees attending work twice daily shall be further entitled to Broken Work Allowance as provided for in clause 5.10.7 and such allowance shall be payable for all purposes of the Award. Such employees shall also be entitled to a non-adjustable, non-absorbable fortnightly allowance in accordance with the following table:

Service Increment Payment (SIP)
level as at 11 November 1993

*Non-Adjustable, Non-Absorbable
Allowance*

Entitlement	}\$16.24 per fortnight
SIP 1 (After 1st year of service)	}\$16.24 per fortnight
SIP 2 (After 2nd year of service)	}\$24.24 per fortnight
SIP 3 (After 3rd year of service)	}\$32.44 per fortnight

- * **Cleaners attending work once daily, who were remunerated as casuals in terms of clause 7(2) of the Miscellaneous Workers' Award - State Government** shall translate to the Operational Stream, Level 2, Paypoint 1. Upon translation such employees who become part-time employees as defined in clause 4.2 shall also be entitled to a 69c per hour allowance which shall be absorbed by any future wage increases:

Provided that as from the 17 March 1997 the following will apply:

- * **Cleaners attending work once daily, who were remunerated as casuals in terms of the then existing clause 7(2) of the Miscellaneous Workers' Award - State Government** shall translate to the Operational Stream, Level 2 Paypoint 4. Such employees shall also be entitled on a *pro rata* basis to a non-adjustable, non-absorbable fortnightly allowance based on the Non-Adjustable Non Absorbable Allowance, as detailed below. The nominated Non-Adjustable Non Absorbable Allowance shall be adjusted in direct proportion as the cleaners nominated weekly hours of work bears to 38 eg the allowance for a 25 hour once per day cleaner without any SIP entitlement shall be calculated as follows: $25/38$ multiplied by $\$31.24 = \20.55 .

*Service Increment Payment (SIP)
level as at 11 November 1993
(refer Note 1)*

*Non-Adjustable, Non-Absorbable
Allowance*

No Entitlement	}\$31.24 per fortnight
SIP 1 (After 1st year of service)	}\$31.24 per fortnight
SIP 2 (After 2nd year of service)	}\$41.37 per fortnight
SIP 3 (After 3rd year of service)	}\$51.76 per fortnight

Note: The Non-Adjustable, Non-Absorbable Allowance shall be for all purposes of this Award including shift penalty and annual leave loading.)

- * **Cleaners employed in primary schools attending work once daily for 30 or less hours per week and remunerated at \$11.67 per hour (paid administratively)** shall translate to the Operational Stream, Level 2, Paypoint 4. Upon translation such employees shall be paid a Non-Adjustable Non-Absorbable Allowance of 37c per hour:

Provided that as from 5 July 1999 the following will apply:

- * **Cleaners employed in Primary Schools attending work for 30 or less hours per week and remunerated at \$11.67 per hour (paid administratively)** shall translate to the Operational Stream Level 2 Paypoint 4. Such employees shall also be entitled on a *pro rata* basis to a non-adjustable, non-absorbable fortnightly allowance based on the Non-Adjustable Non-Absorbable Allowance, as detailed below. The nominated Non-Adjustable Non-Absorbable Allowance shall be adjusted in direct proportion as the cleaners nominated weekly hours of work bears to 38, e.g. the allowance for a 25 hour once per day cleaner without any SIP entitlement shall be calculated as follows: $25/38$ multiplied by $\$31.24 = \20.55 .

*Service Increment Payment (SIP)
level as at 11 November 1993
(refer Note 1)*

*Non-Adjustable, Non-Absorbable
Allowance*

No Entitlement	}\$31.24 per fortnight
SIP 1 (After 1st year of service)	}\$31.24 per fortnight
SIP 2 (After 2nd year of service)	}\$41.37 per fortnight
SIP 3 (After 3rd year of service)	}\$51.76 per fortnight

(Note: The Non-Adjustable Non-Absorbable Allowance shall be paid for all purposes of this Award including shift penalty and annual leave loading)

- * **Cleaners (other than casuals) attending work twice daily and remunerated in terms of the then existing clause 7(2) of the Miscellaneous Workers' Award - State Government** shall translate to the Operational Stream, Level 2, Paypoint 4:

Provided that as from the 5 July 1999 the following will apply:

- * **Cleaners (other than casuals) attending work twice daily and remunerated in terms of the then existing clause 7(2) of the Miscellaneous Workers' Award - State Government** shall translate to the Operational Stream Paypoint 2 Level 4. Upon translation employees attending work twice daily shall be further entitled to Broken Work Allowance as provided for in clause 5.10.8 herein and such allowance shall also be payable for all purposes of the Award. Such employees shall also be entitled on a *pro rata* basis to a non-adjustable, non-absorbable fortnightly allowance as detailed below. The nominated Non-adjustable Non-Absorbable Allowance shall be adjusted in direct proportion as the cleaners nominated weekly hours of work bears to 38, e.g. the allowance for a 25 hour once per day cleaner without any SIP entitlement shall be calculated as follows: $25/38$ multiplied by $\$31.24 = \20.55 .

*Service Increment Payment (SIP)
level as at 11 November 1993
(refer Note 1)*

*Non-Adjustable, Non-Absorbable
Allowance*

No Entitlement	}\$31.24 per fortnight
SIP 1 (After 1st year of service)	}\$31.24 per fortnight
SIP 2 (After 2nd year of service)	}\$41.37 per fortnight
SIP 3 (After 3rd year of service)	}\$51.76 per fortnight

(Note: The Non-Adjustable Non-Absorbable Allowance shall be paid for all purposes of this Award including shift penalty and annual leave loading.)

- * **Cleaners employed by the Administrative Services Department who attend work once daily for 30 hours per week and who as at the day immediately before the creation of this Award were remunerated at the base rate of \$672.60 per fortnight (paid administratively)** shall translate to the Operational Stream, Level 2, Paypoint 4. Upon translation such employees shall also be entitled to a non-adjustable, non-absorbable fortnightly allowance which will be the difference between their total remuneration immediately prior to translation (excluding shift penalty payments, but including service incremental payments and supervisory allowances) and their new remuneration immediately upon translation (excluding shift penalty payments).

(Note: The Non-Adjustable Non-Absorbable Allowance shall be for all purposes of the award including shift penalty and annual leave loading.)

- * Employees of Administrative Services Department who as at the date of creation of this Award are in receipt of supervisory allowances will have such allowances incorporated into their non-adjustable non-absorbable excess payment.
- * In accordance with the State Wage Case Wage Fixation Principles the parties agree that with translation to the public sector classification and remuneration system no employee employed immediately prior to the creation of this Award whose hours of work and working arrangements remain unchanged at translation shall receive a reduction in ordinary time earnings.
- * **Note 1** - It should be noted that cleaners attending work either once or twice daily and who were remunerated as casuals in accordance with the then existing clause 7(2) of the Miscellaneous Workers Award - State Government were not entitled to service Increment payments while working under that Award. A notional service Increment is attributed to these cleaners as at 12 November 1993 for the purposes of implementing revised remuneration arrangements applicable from the 17 March, 1997.)

Dated 7 October 2003.

By the Commission,
[L.S.] E. EWALD,
Industrial Registrar.

Operative Date: 1 December 2003