

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

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

LEGAL AID QUEENSLAND EMPLOYEES' AWARD - STATE 2012

Following the Declaration of the General Ruling in the 2015 State Wage Case (matter numbers B/2015/15 and B/2015/16), the Legal Aid Queensland Employees' Award - State 2012 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 Legal Aid Queensland Employees' Award - State 2012 as at 1 September 2015.

Dated 1 September 2015.

[L.S.] J. Steel
Industrial Registrar

LEGAL AID QUEENSLAND EMPLOYEES' AWARD - STATE 2012

PART 1 - APPLICATION AND OPERATION

1.1 Title

This Award is known as the Legal Aid Queensland Employees' Award - State 2012.

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1.3 Definitions

1.3.1 The "Act" means the *Industrial Relations Act 1999* as amended or replaced from time to time.

- 1.3.2 "Casual Employee" means an Employee other than a "Part-time Employee" as defined in this Award, who is engaged as such and is paid on an hourly basis to work for less than the ordinary weekly working hours of a full-time Employee.
- 1.3.3 "Chief Executive Officer" means the Chief Executive Officer of Legal Aid Queensland appointed under section 64 of the *Legal Aid Queensland Act 1997*.
- 1.3.4 "Classification Level" comprises a number of Paypoints through which Employees will be eligible to progress.
- 1.3.5 "Commission" means the Queensland Industrial Relations Commission.
- 1.3.6 "Employee" means a person employed pursuant to sections 70 and 100 of the *Legal Aid Queensland Act 1997*.
- 1.3.7 "Generic Level Statement" means a broad, concise statement of the duties, skills and responsibilities indicative of a given Classification Level.
- 1.3.8 "Increment" means for all Employees an increase in salary from one Paypoint to the next highest Paypoint.
- 1.3.9 "Legal Aid" means Legal Aid Queensland established under section 41 of the *Legal Aid Queensland Act 1997*.
- 1.3.10 "Part-time Employee" means an Employee other than a "Casual Employee" as defined in this Award, 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 requirements. The weekly total of such hours for a permanent Part-time Employee are always less than the ordinary weekly working hours of a full-time Employee.
- 1.3.11 "Paypoint" means the specific rate of remuneration payable to Employees within a Classification Level.
- 1.3.12 "Temporary Employee" means an Employee appointed for a specified period or specified task.
- 1.3.13 "Union" means the Together Queensland, Industrial Union of Employees and the Queensland Services, Industrial Union of Employees.

1.4 Date of operation

This Award takes effect from 10 May 2012.

1.5 Award coverage

- 1.5.1 This Award applies to Employees of Legal Aid Queensland (as defined) whose salaries or rates of pay are fixed by this Award and who are deemed to be Employees for the purposes of Chapter 15 of the *Industrial Relations Act 1999* and to Legal Aid Queensland as the employer in relation to such Employees.
- 1.5.2 This Award does not apply to Employees covered by any other award or industrial agreement.

1.6 Parties bound

This Award is legally binding upon the Employees as prescribed by clause 1.5, and Legal Aid Queensland, and Together Queensland, Industrial Union of Employees and the Queensland Services, Industrial Union of Employees and their members.

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 Employee/s in an 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

- 2.2.1 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 and the majority of Employees affected, the following procedures shall apply:
- (a) 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;
 - (b) Employees may be represented by their local Union delegate/s and shall have the right to be represented by their local Union official/s;
 - (c) Facilitative award provisions can only be implemented by agreement;
 - (d) In determining the outcome from facilitative provisions, neither party should unreasonably withhold agreement;
 - (e) Agreement is defined as obtaining consent of greater than 50% of Employees directly affected or of the Union depending upon the particular award provisions.
- 2.2.2 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.
- 2.2.3 Any agreement reached must be documented, and shall incorporate a review period.
- 2.2.4 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 is 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 agreement, 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 Employee(s) 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 relevant Union representative and/or the Employee(s) 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; 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 relevant 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 relevant 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 3.2.5 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 the respective jurisdictions of the tribunals.

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 Anti-discrimination

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

(c) racial and religious vilification.

4.1.2 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.

4.1.3 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.

4.1.4 Nothing in clause 4.1 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 Australian Human Rights Commission/Anti-Discrimination Commission Queensland.

4.2 Contract of employment

4.2.1 Except as provided in the *Legal Aid Queensland Act 1997*, Employees are subject to the provisions of Chapter 3 of the Act and any future amendments.

4.2.2 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 defined); or

(c) casual (as defined).

4.3 Conditions of appointment on probationary service

The conditions of appointment on probationary service of every Employee are those prescribed in Section 126 of the *Public Service Act 2008* and section 19 of *Public Service Regulation 2008*.

4.4 Recognition of previous service

The entitlements for recognition of previous service and employment when a person is appointed to work in Legal Aid Queensland are prescribed under the relating to Recognition of Previous Service and Employment, as issued and amended by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.

4.5 Part-time employees

4.5.1 The following conditions apply to part-time Employees:

(a) The spread of ordinary working hours are the same as those prescribed for a full-time Employee under this Award.

(b) A part-time Employee must be employed to work regular hours each week with a minimum payment as for 4 hours on any one day when work is performed.

(c) Where it is essential for a part-time Employee to work beyond the daily or weekly approved part-time hours, such additional hours, up to 7 1/4 hours per day or less than the ordinary weekly hours of a full-time Employee, must be paid at ordinary time rates plus a loading of 1/12th in lieu of recreation leave for time worked in excess of the approved hours.

(d) A part-time Employee is entitled to a rate of pay and any applicable allowances based *pro rata* on the number of hours worked in relation to the ordinary full-time hours applicable to the Classification Level.

4.5.2 The following allowances apply in full:

Travelling or relieving allowance	Part 8
On call allowance	clause 5.10.3
Meal allowance	clause 5.10.4

- 4.5.3 The public holiday provisions of clause 7.8 apply. Payment must only be made for hours actually worked.
- 4.5.4 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, must be paid for the hours which would otherwise have been worked on that day.
- 4.5.5 Salary Increments are payable to part-time Employees after the equivalent of 12 months' full-time service has been worked and subject to the provisions of clause 5.8.
- 4.5.6 All other provisions of the Award applicable to a full-time Employee apply *pro rata* to a part-time Employee.

4.6 Casual employees

- 4.6.1 A Casual Employee must be paid an additional 23% of the ordinary Award rates of pay applying to the class of work for which such Employee is engaged. Each engagement stands alone, with a minimum payment as for 2 hours in respect to each engagement.
- 4.6.2 In respect to work performed on a Sunday and a public holiday by a Casual Employee, such Sunday and public holiday penalty is deemed to include the 23% loading.
- 4.6.3 Where applicable, a Casual Employee is further entitled to the provisions of overtime, weekend penalty rates and payment of work performed on public holidays.
- 4.6.4 In addition to the provisions of clause 4.6.1, a Casual Employee is further entitled to payment of any applicable Award allowances (excluding locality allowances) based *pro rata* on the number of hours worked in relation to the ordinary hours of the Award classification.
- 4.6.5 Subject to the provisions of Division 3 of Part 3 of the Act, a Casual Employee is not entitled to any other Award provision.

4.7 Preservation of existing conditions

- 4.7.1 Nothing contained in this Award will be deemed or construed to withdraw any benefits, received by the Employee as at 31 May 1995, by mutual agreement with the Legal Aid Commission of Queensland (and its successor Legal Aid Queensland) and which are inconsistent with this Award.
- 4.7.2 Employees specified in Schedule A are entitled to the provisions of the *Commonwealth Superannuation Act 1976*, as amended.
- 4.7.3 Employees specified in Schedule B will move by annual Increment to the salary horizon provided in such schedule, for that Employee. Movement beyond such nominated Classification Level must not occur unless the Employee applies for, and is appointed, on merit, to an advertised vacancy.
- 4.7.4 Employees covered by section 3.3 and section 3.4 of the *Legal Aid Act Amendment and Public Defence Act Repeal Act 1991* (since repealed) are deemed to retain their public service status pursuant to section 100 of the *Legal Aid Queensland Act 1997* until, by agreement, they are appointed as Employees of the Board of Legal Aid Queensland pursuant to section 70 of the Act.

4.8 Termination of employment

4.8.1 Statement of employment

The 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.

4.8.2 Termination by employer

- (a) The 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 clause 4.8.2(a), 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 clause 4.8 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.

4.8.3 *Termination by employee*

The notice of termination required to be given by an employee shall be 2 weeks.

4.8.4 *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.

4.9 Introduction of changes

4.9.1 *Employer's duty to notify*

- (a) Where the 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.

4.9.2 *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 alternate employment).
- (b) The consultation must occur as soon as practicable after making the decision referred to in clause 4.9.1.
- (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 an employer shall not be required to disclose confidential information, the disclosure of which would be adverse to the employer's interests.

4.10 Redundancy

The provisions of clause 4.10 will not apply to the extent that the provisions of the redundancy arrangements are contained in a Directive issued by the Minister responsible for industrial relations pursuant to section 54 of the *Public Service Act 2008*, where the Directive provides for entitlements that are superior to clause 4.10.

4.10.1 *Consultation before terminations*

- (a) Where the 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 4.10.1(a) and shall cover the reasons for the proposed terminations, measures to avoid or minimise the terminations and/or their adverse affects 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 an employer shall not be required to disclose confidential information, the disclosure of which would be adverse to the employer's interests.

4.10.2 *Transfer to lower paid duties*

- (a) Where an employee is transferred to lower paid duties for reasons set out clause 4.10.1 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 4.8 (Termination of employment).
- (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.

4.10.3 *Transmission of business*

- (a) Where a business is, whether before or after the date of insertion of this clause in the Award transmitted from the 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 4.10.3, '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.

4.10.4 *Time off during notice period*

- (a) Where a decision has been made to terminate an employee in the circumstances outlined in clause 4.10.1, 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.

4.10.5 Notice to Centrelink

Where a decision has been made to terminate employees in the circumstances outlined in clause 4.10.1, 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.

4.10.6 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 4.10.1(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.

4.10.7 Superannuation benefits

The 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.

4.10.8 Employee leaving during notice

An employee whose employment is terminated for reasons set out in clause 4.10.1(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.

4.10.9 Alternative employment

The 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.

4.10.10 Employees with less than one year's service

Clause 4.10 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.

4.10.11 *Employees exempted*

Clause 4.10 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.

4.10.12 *Employers exempted*

Subject to an order of the Commission, in a particular redundancy case, clause 4.10 shall not apply to an employer that employs employees working a total of fewer than 550 hours on average per week, excluding overtime, Monday to Sunday. The 550 hours shall be averaged over the previous 12 months.

4.10.13 *Exemption where transmission of business*

- (a) The provisions of clause 4.10.6 are not applicable where a business is before or after the date of the insertion of this clause into the Award, transmitted from the 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 4.10.13(a)(ii) if it is satisfied that it would operate unfairly in a particular case, or in the instance of contrived arrangements.

4.10.14 *Incapacity to pay*

The 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.

PART 5 - WAGES AND WAGE RELATED MATTERS

5.1 Salaries

5.1.1 Salaries are to be paid fortnightly and may, at the discretion of the employer, be paid by electronic funds transfer.

5.1.2 The salaries payable to employees in the following classifications will be as follows:

Administrative stream

Classification level	Pay point	Per Fortnight \$
Level 1	1	1,214.00
	2	1,284.00
	3	1,355.00
Level 2 Age 21	1	1,672.00
	2	1,714.00
	3	1,757.00
	4	1,801.00
	5	1,845.00
	6	1,889.00
	7	1,938.00

Classification level	Pay point	Per Fortnight \$
	8	1,990.00
Level 3	1	2,121.00
	2	2,200.00
	3	2,278.00
	4	2,355.00
Level 4	1	2,492.00
	2	2,572.00
	3	2,652.00
	4	2,733.00
Level 5	1	2,875.00
	2	2,956.00
	3	3,037.00
	4	3,118.00
Level 6	1	3,287.00
	2	3,362.00
	3	3,436.00
	4	3,511.00
Level 7	1	3,668.00
	2	3,754.00
	3	3,841.00
	4	3,927.00
Level 8	1	4,055.00
	2	4,132.00
	3	4,207.00
	4	4,284.00
<i>Professional Stream</i>		
Level 1	1	1,241.00
	2	1,353.00
	3	1,464.00
	4	1,741.00
	5	1,813.00
	6	1,885.00
	7	1,966.00
Level 2	1	2,119.00
	2	2,233.00
	3	2,347.00
	4	2,461.00
	5	2,575.00
	6	2,688.00
Level 3	1	2,820.00
	2	2,904.00
	3	2,988.00
	4	3,072.00
Level 4	1	3,265.00
	2	3,347.00
	3	3,429.00
	4	3,511.00
Level 5	1	3,668.00
	2	3,754.00
	3	3,841.00
	4	3,927.00
Level 6	1	4,055.00
	2	4,132.00

Classification level		Pay point	Per Fortnight \$
		3	4,207.00
		4	4,284.00
<i>Technical Stream</i>			
Level 1		1	1,241.00
		2	1,353.00
		3	1,464.00
	Age 21	4	1,741.00
		5	1,813.00
		6	1,885.00
		7	1,967.00
Level 2		1	1,998.00
		2	2,069.00
		3	2,140.00
		4	2,212.00
		5	2,284.00
		6	2,355.00
Level 3		1	2,492.00
		2	2,558.00
		3	2,623.00
		4	2,688.00
Level 4		1	2,820.00
		2	2,908.00
		3	2,996.00
Level 5		1	3,118.00
		2	3,208.00
		3	3,298.00
		4	3,388.00
Level 6		1	3,495.00
		2	3,582.00
		3	3,668.00
<i>Operational Stream</i>			
Level 1		1	1,079.00
		2	1,161.00
		3	1,244.00
		4	1,326.00
		5	1,409.00
		6	1,492.00
Level 2	Age 21	1	1,672.00
		2	1,716.00
		3	1,762.00
		4	1,807.00
Level 3		1	1,834.00
		2	1,869.00
		3	1,907.00
		4	1,947.00
Level 4		1	2,027.00
		2	2,090.00
		3	2,154.00
		4	2,217.00
Level 5		1	2,273.00
		2	2,346.00
		3	2,420.00

Classification level	Pay point	Per Fortnight \$
	4	2,492.00
Level 6	1	2,598.00
	2	2,666.00
	3	2,733.00
Level 7	1	2,860.00
	2	2,928.00
	3	2,996.00

The above rates incorporate adjustments based upon the State Government Departments Certified Agreement 2006 (CA/2006/308).

5.2 Classification definitions

5.2.1 Administrative stream

Definition

The administrative stream comprises those offices, 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.

5.2.2 Professional stream

Definition

The professional stream comprises a number of offices:

- (a) To which are attached a mandatory degree qualification or agreed equivalent as decided by the Chief Executive Officer; and
- (b) The duties of which reflect:
 - (i) A combination of practitioner and/or specialist responsibilities; or
 - (ii) An identifiable specialisation/management in a profession.

5.2.3 Technical stream

Definition

The technical stream comprises a number of offices-

- (a) To which are attached a mandatory diploma, associate diploma or agreed equivalent as decided by the Chief Executive Officer; and
- (b) The duties of which reflect a combination of practitioner and/or specialist responsibilities providing direct assistance to, but on occasion acting in isolation from, other offices; and/or supervision of offices in other streams.

5.2.4 Operational stream

Definition

The operational services stream comprises those offices, 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.

5.3 Stream allocation

Allocations to the administrative, professional, technical and operational streams include the occupational groupings as prescribed below.

5.3.1 Administrative stream - allocations to this stream includes:

Accountant
Administrative Officer
Administrative Officer (assignments)
Administrative Officer (crime)
Administrative Officer (client Debtors)
Administrative Officer (executive)
Administrative Officer (family)
Administrative Officer (HRM)
Administrative Officer (legal creditors)
Administrative Officer (office services)
Administrative Officer (purchasing)
Administrative Officer (reception)
Administrative Officer (social work)
Administrative Officer (telephonist)
Administrative Officer (trade creditors)
Assignments Manager
Assistant Education & Liaison Officer
Assistant Manager Assignments
Advice & Information Co-ordinator
Budget Officer
Community Education Officer
Computer Support Officer
Conference Co-ordinator
Duty Lawyer Clerk
Financial Resources Manager
Help Desk Officer
Human Resource Manager
Internal Auditor
Law Clerk
Legal Services Development Manager
Listing & Briefing Officer
Office Services Manager
Officer in Charge - Appeals & Mental Health
Organisational Development Co-ordinator
Personnel Officer
Policy & Equity Officer
Recoveries Officer
Senior Recoveries Officer
Support Services Manager
Telephone Information Officer
Training & Development Co-ordinator

5.3.2 *Professional stream* - allocations to this stream includes:

Advice Solicitors
Computer Systems Officer
Counsel
Executive Legal Officer
Librarian
Manager Applications
Manager Computer Services
Manager Conferencing
Section Manager (Crime)
Senior Social Worker
Senior Solicitor (Crime)
Senior Solicitor (Family)
Solicitor in Charge - Child Support
Solicitor in Charge - Regionals
Social Worker
Solicitors (Child Support)
Solicitors (Criminal)
Solicitors (Family)
Solicitors (General/Civil)
Solicitors (Regional)

5.3.3 *Technical stream* - allocations to this stream includes:

Library Technician

5.3.4 *Operational stream* - allocations to this stream includes:

Maintenance Co-ordinator

5.4 **Generic level statements**

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.

5.4.1 *Administrative stream*

(a) Administrative officer Level 1

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.

Characteristics of the work

Performed under close direction using established routines, methods and procedures with little scope for deviating from these.

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 (eg. personnel or finance operations) and/or specific office programs and activities.

Work at this level does not include supervisory responsibilities although more experienced staff may assist new staff in 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.

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 (eg. keyboard) and other work skills appropriate to the discipline. These skills should be readily transferable between organisations.

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

(b) Administrative officer Level 2

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.

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 providing guidance and advice.

Duties and skills

Knowledge required to perform work is usually related to guidelines, instructions and procedures relevant to the function to 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 (eg. keyboard) and other work skills appropriate to the discipline. These skills should be readily transferable between organisations.

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

(c) Administrative officer Level 3

Work level description (AO3)

Work at this level usually requires relevant experience combined with a broad knowledge of the office'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.

Effectiveness 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.

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.

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.

(d) Administrative officer Level 4

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 office.

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 work.

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 office functions.

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 office functions and the exercising of judgement and/or delegated authority in area 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.

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 office's operations, combined with 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 the office'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.

(e) Administrative officer Level 5

Work level description (AO5)

Work at this level may include a variety of functions as follows:

- (a) managing the operations of a discrete organisational element, program or activity; or
- (b) the operations of an organisational element which is part of a larger office within the total organisational structure; or
- (c) 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
- (d) 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 office 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.

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 the constraints set by senior management.

Any decision taken or delegation exercised tends to be governed by the application of rules, regulations or office operating instructions or procedures. While such decisions may impact on office 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.

Duties and skills

Work at this level requires a knowledge of office 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.

(f) Administrative officer Level 6

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 office at meetings, conferences or seminars. Management of diverse occupational groups may be required of this level.

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 a complex or specific nature encompassing a major area of office 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 the office in accordance with corporate goals, and requires the development, implementation and evaluation of office 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 office 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.

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 office 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.

(g) Administrative officer Level 7

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 Branch or Department 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 office; initiating and formulating recommendations for office 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 office at meetings, conferences or seminars.

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

Characteristics of the work

Work is undertaken at this level with a broad direction usually from a senior level manager or comparable Employee 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 office 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 office.

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.

Duties and skills

Management skills and the abilities necessary to monitor resources 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 office 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, staff and 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.

(h) Administrative officer Level 8

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 office 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.

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 office, 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 projects of significance within and outside the office being involved.

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.

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 office 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 office with clients or other interested groups, often to finality, may be required.

5.4.2 Professional stream

(a) Professional officer Level 1

Work level description (PO1)

Work at this level is restricted to those Employees who have met the minimum entry requirements under the relevant legislation e.g. *Public Service Act 2008* plus the educational requirements for acceptance into an appropriate tertiary institution.

Appointment to this level is solely for the purpose of fulfilling prerequisite education and/or training prior to appointment to the substantive grade (UG-1 - Degree) in the professional stream.

A requirement at this level is the successful completion of the educational or training requirements of the particular professional group.

Appointees to this level may be enrolled as full-time or part-time students, and if part-time, may be required to do work associated with the relevant profession, but at a level and under a degree of supervision appropriate to the skills held. This may include some work normally which would be carried out by Level 2 (i.e. Practising) Professionals, provided such work is verified or validated by a qualified and experienced professional Employee.

Characteristics of the work

Work within this level is performed under close supervision following standard routines, methods and procedures with little scope for deviation, or the exercise of initiative or judgement.

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

Skills and knowledge will be acquired and demonstrated on a progressive basis consistent with the formal and informal training undertaken.

Positions at this level have no supervisory responsibility, although more experienced staff may be expected to assist new staff by providing basic advice and guidance.

Duties and skills

This level recognises that duties and skills will increase in complexity as the Employee moves through the education and training phase.

Employees at this level usually perform repetitive tasks which are fully prescribed and are usually performed in response to standardised instructions or requests.

Employees at this level may undertake a combination of routine clerical, analysis, preparatory and operative duties requiring the application of basic skills and routines.

(b) Professional officer Level 2

Work level description (PO2)

Positions at this level consist of Employees with a minimum of UG1 (Degree) qualification or agreed equivalent and who are identified as belonging to the generic groupings listed in the definition statement.

Mandatory qualifications exist for entry to this level with an expectation of the application of professional knowledge gained through formal studies.

Positions at this level involve the delivery of basic professional services which are in support of agency objectives.

Characteristics of the work

Work is initially performed under close supervision by a more experienced professional, however, this supervision is expected to reduce as experience increases. Guidance is always close at hand.

The solution of problems may require the exercise of professional judgement through the selection and application of procedures, methods and standards, however guidance from senior staff is readily available.

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

Positions at this level generally have no supervisory responsibilities although more experienced Employees may assist new Employees by providing guidance and advice.

Possession of the mandatory tertiary qualification and experience is required for positions within this level.

Additionally, knowledge of basic practices and procedures relevant to the discipline is required. Professional judgement may be exercised within prescribed areas, however the provision of results are subject to verification and validation.

Duties and skills

Positions at this level may involve an Employee in a range of activities including the analysis and interpretation of findings as they relate to the elements of the work. They could also include the preparation of reports incorporating recommendations on basic operations.

Employees at this level perform non-repetitive tasks, governed by established procedures, specific guidelines and standardised instructions.

Employees must have obtained professional knowledge as indicated by successful completion of the appropriate 3 year undergraduate degree or diploma and be able to apply theoretical aspects of the relevant discipline to basic problems or minor phases of broader assignments.

(c) Professional officer Level 3

Work level description (PO3)

This level usually requires professional expertise in one or more areas of a discipline. Detailed knowledge of standard professional tasks are required with scope existing for exercising initiative in the application of established work practices and procedures.

At this level some supervisory responsibility of subordinate staff may be required. The degree of supervision is variable depending on the assignment or project.

Employees will be required to progressively obtain greater specialised knowledge through postgraduate qualifications or postgraduate developmental experience through attendance at specialist seminars and achieve a higher level of outcomes under reducing professional direction.

Characteristics of the work

Work is usually performed under general guidance with the general quality of output monitored by superiors. However, the technical content of the work is not normally subject to direct supervision. Guidance may be given in reviewing work programmes or on unusual features of an assignment.

Employees are expected to exercise initiative in the application of professional practices either as a member (in some situations as leader) or a specialist professional in multi-disciplinary teams or independently and may deputise for the professional head of a small work unit.

Employees at this level may have supervisory responsibilities for technical staff, if required, together with responsibilities for training and development of subordinate professional staff within the discipline.

Duties and skills

Work at this level requires the undertaking of more complex activities and the selection and application based on professional judgement of new and existing techniques and methodologies.

Employees may carry out research under professional supervision and may be expected to contribute to the advances of the techniques used.

Supervisory responsibilities include on-the-job training, staff assessment and performance counselling in relation to subordinates within the discipline or para-professionals, as well as authority for the verification and validation of work results of supervised staff.

Duties also include the responsibility for amended professional assignments, requiring knowledge of either a broad or specialised field. Problems would be addressed by the use of combinations of standard procedures and/or modifications of standard procedures.

(d) Professional officer Level 4

Work level description (PO4)

Work at this level usually requires the exercise of professional independence combined with competence derived from extensive experience and/or additional study.

High levels of initiative are required to be exhibited in accomplishing objectives and undertaking complex projects, which may be either on an individual basis as a recognised specialist, a professional practitioner with responsibilities for complex duties or as a senior specialist or leader in a multi-disciplinary team and may deputise for a professional head of a work unit.

The management of work groups may be a function of this level.

Characteristics of the work

Work is performed with limited or no professional supervision. Professional guidance from superiors is only received for those aspects of work which involve new or sophisticated techniques or relate to areas outside the normal span of activity.

Any standard professional task within the discipline, (including problem definition, planning, execution, analysis and reporting) is expected to be performed by an officer of this level.

Work at this level requires the development and provision of professional advice and consultancy services to other agencies, industry representatives and the public. The level of information provided and recommendations made influence the decisions of others, including superiors and peers, especially in the monitoring, development and delivery of programs.

The general quality of advice given is monitored by superiors and is subject to professional standards.

The application of knowledge obtained through postgraduate specialist qualifications or extensive recognised expertise is required for appointment to this level.

Professional specialists at this level would undertake work with significant scope and/or complexity and/or undertake professional duties of an innovative, novel and/or critical nature without professional direction.

Duties and skills

The duties undertaken at this level are of a complex and amended nature. They require detailed knowledge of the office's operations combined with a specialist or very high level of practitioner knowledge of major activities in the work unit.

Managerial responsibility may cover a small number of professional and related technical staff, and 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.

Work at this level requires the ability to interpret legislation, regulations and other guideline material relating to the operations and functions of the work area.

(e) Professional officer Level 5

Work level description (PO5)

Appointees to this level are recognised as authorities within a particular specialised field of expertise or they may have extensive knowledge within the professional discipline and broad experience spanning more than one professional discipline.

Positions at this level may have professional responsibility for a large work group.

Characteristics of the work

Work at this level may involve the exercise of substantial professional judgement based on knowledge of national initiatives and involvement in the development/application of discipline principles and new technology and/or knowledge of critical work which can involve a number of personnel from the disciplines or a variety of disciplines.

Work is usually performed without professional direction with a discretion permitted within the boundaries of broad guidelines to achieve organisational goals.

This level requires that appointees be recognised by their peers as expert professionals in their field either as practitioners or as professional specialists. This recognition is acknowledged by higher qualifications or by publications in refereed scientific journals.

The development and application of discipline principles and new technology may be a feature of this level, requiring the exercise of substantial professional judgement.

Management, initiation and formulation of research programs, major project or management of a scientific service or enterprise involving both a service and research work are features of this level.

Management of large work units, including prioritising work, training of staff, monitoring of work flow and setting of local strategic plans is often a feature of this level. Assessment and review of the standard of work of subordinate professional staff may also be required.

Positions within this level will generally have a very high profile within the discipline and will operate within broad guidelines to achieve specific objectives with professional independence.

Duties and skills

Work at this level requires a detailed knowledge of both governmental policies and procedures and an appreciation of their application in relation to office operations. The ability to interpret and provide advice on legislation, regulations and other guideline material relating to the operations and functions of the work area is required.

Duties may span a range of activities in a complex, specialised environment and may include contributing to the formulation of corporate policy and the implementation of policy directives.

The provision of expert advice on a consultancy basis to outside bodies, agencies and the public as well as participation on inter-agency committees to develop policy, planning and other initiatives is required.

Significant managerial skills and the abilities necessary to monitor resource allocations, evaluate professional, technical and economic impacts of programs, formulate policy and corporate strategy proposals are a requirement of positions within this level.

The management of very complex projects involving a number of personnel from either the discipline or a variety of professional disciplines may be required.

(f) Professional officer Level 6

Work level description (PO6)

Work at this level is usually under the broad direction of a senior executive and includes a requirement for high

levels of expertise and experience to determine professional objectives and priorities within the frameworks of the office's corporate goals and in the absence of general professional guidance.

Appointees to this level are recognised as national or international authorities within their discipline and have generally made a significant contribution to the development of professional understanding on a national or international basis.

High levels of expertise and experience are required with a comprehensive knowledge of a recognised professional discipline.

This level may require the management of programs of critical importance to the State, to satisfy the government's objectives or the office's corporate goals.

Characteristics of the work

Work is undertaken in a highly complex or specialised field to establish and/or modify standards, guidelines, concepts, theories, techniques or principles, both by adapting precedents and by making significant departures from traditional approaches.

In the absence of other evidence, higher qualifications or national/international professional recognition of expertise is considered essential to undertake duties at this level.

The provision of expert specialist consultancy skills with critical impacts to the industry, to the State and at times the nation must be combined with the exercise of total professional independence.

Duties and skills

The lack of precedent is a significant feature of the majority of duties and actions undertaken.

Development and overseeing the implementation of new and high level programs and major investigations is a significant feature of this level, as is an emphasis on strategic management.

5.4.3 *Technical stream*

(a) Technical officer Level 1

Work level description (TO1)

Work at this level is restricted to those Employees who have met the minimum entry requirements under the relevant legislation e.g. *Public Service Act 2008* plus the educational requirements for acceptance into the appropriate tertiary institution.

Appointment to this level is solely for the purpose of fulfilling prerequisite education and/or training prior to appointment to the substantive grade in the Technical Stream.

A requirement of this level is the successful completion of the educational or training requirements of the particular technical group.

Appointees to this level may be enrolled as full-time or part-time students, and if part-time, may be required to do work associated with the relevant occupation, but at a level and under a degree of supervision appropriate to the skills held. This may include some work which normally would be carried out by Level 2 (i.e. Practising) Technical Officers, provided such work is verified or validated by a qualified and experienced technical Employee.

Characteristics of the work

Work within this level is performed under close supervision following standard routines, methods and procedures with little scope for deviation, or the exercise of initiative or judgement.

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

Skills and knowledge will be acquired and demonstrated on a progressive basis consistent with the formal and informal training undertaken.

Positions at this level have no supervisory responsibility, although more experienced staff may be expected to assist new staff by providing basic advice and guidance.

Duties and skills

This level recognises that duties and skills will increase in complexity as the Employee moves through the education and training phase.

Employees at this level usually perform repetitive tasks which are fully prescribed and are usually performed in response to standardised instructions or requests.

Employees at this level may undertake a combination of routine clerical, analysis, preparatory and operative duties requiring the application of basic skills and routines.

(b) Technical officer Level 2

Work level description (TO2)

Positions at this level consist of Employees with a minimum of a UG2/UG3 tertiary qualification or agreed equivalent and who are identified as belonging to the generic groupings listed in the definition statement.

Positions at this level involve the delivery of basic technical services which are in support of office objectives.

Characteristics of the work

Work is initially performed under close supervision by a more experienced professional or technical officer, however, this supervision is expected to reduce as experience increases. Guidance is always close at hand and work outcomes are closely monitored.

The solution of problems may require the exercise of basic technical judgement through the application of standard procedures, methods and standards, however guidance from senior staff is readily available.

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

Positions at this level generally have no supervisory responsibilities although more experienced staff may assist new staff by providing guidance and advice.

Knowledge of basic practices and procedures relevant to the discipline is required with the possibility of specialisation in work application.

Duties and skills

Positions at this level may involve an Employee in a range of activities including the analysis of findings as they relate to the elements of the work. They could also include the preparation of reports incorporating recommendations on basic technical investigations, tests or measurements.

Employees at this level perform non-repetitive tasks, governed by established procedures, specific guidelines and standardised instructions. Work is generally undertaken under technical guidance of senior staff.

Skills are generally transferable within particular disciplines.

Employees must have technical knowledge as indicated by successful completion of the appropriate UG/2 or UG/3 tertiary qualification and able to apply theoretical aspects of the relevant discipline to basic problems or minor phases of broader assignments.

(c) Technical officer Level 3

Work level description (TO3)

Work at this level requires detailed technical knowledge and experience with demonstrated high levels of accuracy and precision. An understanding of the office's functions, coupled with detailed knowledge of the unit's operations, practices and procedures is necessary for competent performance.

An Employee may be required to undertake a range of moderately complex tasks and functions. Specialisation in a particular discipline may be a feature of work at this level.

Characteristics of the work

Work at this level is undertaken autonomously with limited guidance. Guidance is available for complex or unusual problems, research or moderately complex experimental work. However, the contribution of experience to resolve issues on a day-to-day basis for which there may be no established procedure is a

requirement of this level.

Supervision of small work groups and responsibility for quality of output by the group may be a feature of this level.

Duties and skills

The determination, conduct and evaluation of standard technical practices and procedures is required at this level. Significant technical responsibility exists for the application of new techniques to moderately complex problems and may be combined with limited specialist research.

Supervisory responsibilities would be limited and would include on-the-job training, staff assessment and performance counselling in relation to subordinates within the discipline.

(d) Technical officer Level 4

Work level description (TO4)

Appointment to this level requires proven technical expertise and competence with demonstrated proficiency in applying established technical disciplines over several years either on an individual basis or as a member of a multi-disciplinary unit as either a technical practitioner or a technical specialist.

High levels of initiative in accomplishing technical objectives which may be either on an individual basis as a recognised technical specialist or as a senior technical specialist in a multi-disciplinary unit are required.

Characteristics of the work

Work is performed either independently, with limited guidance from superiors only received for those aspects of work which involve new or sophisticated techniques or relate to areas outside the position's normal span of activity, or as a member of a specialist or multi-disciplinary team.

Specialist technical consultancy either in the particular area of expertise or in a specialist area of expertise is required as is a high level of technical assistance to the work group.

The general quality of advice given is monitored by superiors and is subject to professional standards.

Management of work groups may be a feature of this level.

Duties and skills

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.

Work at this level requires the ability to interpret legislation, regulations and other guideline material relating to the operations and functions of the work area.

The investigation of a range of operating and design issues is a key duty of this level.

(e) Technical officer Level 5

Work level description (TO5)

This level requires a high level of knowledge of complex though conventional methods and techniques of a particular discipline resulting from many years experience and/or advanced technical training.

High levels of autonomy and initiative are required to be exhibited in accomplishing objectives and undertaking complex research projects, which may be either on an individual basis as a recognised technical specialist or as a senior technical specialist in a multi-disciplinary team. Employees would be expected to work with only broad guidelines in accomplishing objectives and undertaking complex projects.

The management of large technical work units which may be located across several work sites or involved in several programs may be a function of this level.

Characteristics of the work

Higher qualifications or further study or research experience is usually a characteristic of this level.

Management of large technical work units, including prioritising work, training of staff, monitoring of work flow and setting of local strategic plans is often a feature of this level. Assessment and review of the standard of work of subordinate technical staff may also be required.

Work at this level requires the development and provision of specialist technical advice and consultancy services to other agencies, industry representatives and the public. The level of information provided and recommendations made influence the decisions of others, including superiors and peers, especially in the monitoring, development and delivery of programs.

Duties and skills

The duties undertaken at this level are of a complex and amended nature. They require detailed knowledge of the office's operations combined with a specialist knowledge of major activities within the work unit. Key duties and skills include the development of innovative methodologies, the application of proven techniques to specialised technical services and the undertaking of significant projects requiring the use of analytical skills.

The development and implementation of research studies, the preparation of reports and the formulation of recommendations and strategic plans in relation to the operation of the unit are key duties at this level.

(f) Technical officer Level 6

Work level description (TO6)

Appointees at this level are recognised as authorities within a particular specialised technical field of expertise. This expertise is exhibited through extensive knowledge and experience within the area of specialisation possibly gained through either research or further qualifications.

Positions at this level may have managerial responsibility for major work units.

High levels of initiative are required to be exhibited in accomplishing objectives and undertaking complex projects, which may be either on an individual basis as a recognised technical specialist or as a senior technical specialist in a multi-disciplinary team.

Characteristics of the work

Work is usually performed without technical direction with a degree of individual discretion permitted within broad guidelines to achieve organisational goals.

The development and application of discipline principles and new technology may be a feature of this level, requiring the exercise of substantial technical judgement.

Positions within this level will generally have a very high profile within the discipline and will operate within broad guidelines to achieve specific objectives with technical independence.

Duties and skills

Work at this level requires a detailed knowledge of both governmental policies and procedures and an appreciation of their application in relation to office operations.

The ability to interpret and provide advice on legislation, regulations and other guideline material relating to the operations and functions of the work area is required.

Duties may span a range of activities in a complex, specialised environment and may include contributing to the formulation of corporate policy and the implementation of policy directives.

The development of appropriate techniques in providing specialised technical services and the formulation of complex programs within the framework of objectives and priorities of major work units are key duties of this level.

The provision of expert advice on a consultancy basis to outside bodies, agencies and the public as well as participation on inter-office committees to develop policy, planning and other initiatives is required.

Significant managerial skills and the abilities necessary to monitor resource allocations, evaluate program effectiveness, formulate policy and corporate strategy proposals are a requirement of positions within this level.

(a) Operational officer Level 1

Work level description (OO1)

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

Characteristics of the level

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.

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.

(b) Operational officer Level 2

Work level characteristics (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.

Characteristics of the level

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.

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.

(c) Operational officer Level 3

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

Characteristics of the level

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 to be resolved usually 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.

Duties and skills

Work at this level requires a sound knowledge of the office'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 work group, 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.

(d) Operational officer Level 4

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.

Characteristics of the level

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.

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 judgement may be required in determining solutions to problems.

(e) Operational officer Level 5

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.

Characteristics of the level

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.

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 office policies.

Managerial responsibility includes training of subordinate staff, co-ordination of work flow 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.

(f) Operational officers Levels 6 And 7

Work level description (OO6 & OO7)

Work at this level requires specialised knowledge and may be undertaken autonomously.

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

Characteristics of the level

Responsibilities at these levels will reflect the size and complexity of office 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 organisational goals.

Duties and skills

Duties at this level 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 this level.

Work at this level requires 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 this level.

5.5 Work allocation

An Employee, having been appointed to or relieving in an office within a Classification Level, may be allocated and subsequently reallocated to any office within that particular Classification Level.

5.6 Qualifications

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 Officer must be paid not less than Classification Level 2, Paypoint (7).

5.7 Movement between classification levels

5.7.1 Movement between Classification Levels will be based on appointment on merit to advertised vacancies. This provision does not apply to movement between Levels 1 and 2 of the administrative and operational services streams and between Levels 2 and 3 of the professional and technical services streams where annual Increments will continue to apply in accordance with the relevant provisions of clause 5.8.

- (a) Every Employee upon attaining the age of 21 years must be paid except on promotion or otherwise prescribed the specific age 21 salary as indicated within the various streams.

- (b) Employees appointed to Level 1 of the technical stream, having obtained the prerequisite qualifications, are to be appointed to the minimum rate prescribed in Level 2 of such stream.
- (c) Employees appointed to Level 2 of the professional stream, who possess qualifications higher than the minimum prerequisite qualifications eg. Honours, Masters and Doctorates and who do not possess any relevant work experience, will begin at the Paypoints as set out hereunder:

4 year qualification	Paypoint (2)
5 year qualification	Paypoint (3)
6 year qualification	Paypoint (4)
7 year qualification	Paypoint (5)
8 year qualification	Paypoint (6)

Where such Employees possess relevant work experience, such experience may be taken into account in accordance with clause 4.4 in addition to the above in determining starting salary to a maximum of Paypoint (6).

- (d) Positions at Level 3 within the Professional and Technical Streams will be created by the Chief Executive Officer as necessary upon the value of the work undertaken.
- (e) Movement of Employees from Level 2 to Level 3 within the Professional and Technical Streams is subject to:
 - (i) the Employee concerned having served at least 12 months on the maximum salary prescribed for a Level 2 Employee;
 - (ii) a recommendation from a selection panel established in accordance with Directive 5/97, that the applicant is worthy of promotion. The merit of the applicant is to be evaluated in relation to the prescribed criteria through:
 - (A) an assessment of a written application from the applicant; and
 - (B) an interview of the applicant; and
 - (C) a certificate from the head of the division in which the Employee is working or a senior Employee knowledgeable in the Employee's capabilities that the Employee is worthy of promotion based on assessment of the Employee addressing the prescribed criteria.
- (f) An Employee promoted to a position at a higher Classification Level within the same Stream is to be appointed to Paypoint One of that higher Classification Level.
- (g) A person, not previously an Employee, who is appointed to a position may be appointed to any Paypoint within a level, based on recognition of skills, knowledge and abilities.

5.7.2 Prescribed criteria for movement: professional stream

Applicants for movement within the professional stream from Level 2 to Level 3 must be assessed by the selection panel on the following criteria:

- (a) Demonstrated professional expertise in one or more areas of a discipline as shown by -
 - (i) detailed knowledge of standard professional tasks;
 - (ii) examples of modifications to standard procedures and practices and contributions to the development of new techniques and methodologies; and/or
 - (iii) professional contribution relevant to the discipline at a local level.
- (b) Possession of postgraduate qualifications or postgraduate developmental experience through attendance at specialist seminars or in-service presentations relevant to the discipline.
- (c) Evidence of recognition by peers, the profession, or other client groups as shown by one or more of the following (the activities used as evidence will vary with the discipline of the applicant):
 - original in-service presentations;
 - published papers;
 - active involvement in conferences and seminars;
 - consultancies;

- recognition as a resource person who collects, collates and imparts knowledge in a particular area;
- preparation of significant internal reports.

(d) Demonstrated levels of performance and innovation through:

- a history of satisfactory performance;
- demonstrated high levels of efficiency and effectiveness;
- demonstrated high level of responsibility and initiative.

5.7.3 Prescribed criteria for movement: technical stream

Applicants for movement within the technical stream from Level 2 to Level 3 must be assessed by the selection panel on the following criteria:

(a) Demonstrated technical expertise in one or more areas of a discipline as shown by -

- detailed technical knowledge and experience;
- high levels of accuracy and precision in undertaking procedures;
- technical contribution at a local level.

(b) Possession of higher technical qualifications or developmental experience through attendance at specialist seminars or in-service presentations relevant to the discipline.

(c) Evidence of recognition by peers, industry or other client groups as shown by one or more of the following (the activities used as evidence will vary with the discipline of the applicant):

- original in-service presentations;
- published papers;
- active involvement in conferences and seminars;
- consultancies;
- recognition as a resource person who collects, collates and imparts technical knowledge in a particular area;
- preparation of significant internal reports.

(d) Demonstrated levels of performance and innovation through:

- a history of satisfactory performance;
- demonstrated high levels of efficiency and effectiveness;
- demonstrated high level of responsibility and initiative.

5.8 Movement within classification levels

5.8.1 Except in the case of an Employee who is paid the prescribed basic salary on 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 will not be made to the salary of any Employee until:

- (a) In the case of a full-time Employee such Employee has received such salary for a period of 12 months.
- (b) In the case of a part-time Employee such Employee has received such salary for the equivalent of 12 months' full time service.

5.8.2 No Employee is entitled to receive annual salary Increments by virtue of this Award unless:

- (a) In the case of Employees in Levels 1 and 2 of the Administrative, Professional and Technical Streams and Levels 1, 2, and 3 of the Operational Stream, the conduct, diligence and general efficiency of such Employee has been certified by the Chief Executive Officer 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 Chief Executive Officer.

5.8.3 If any Increment prescribed by this Award is withheld from or refused to be granted to any Employee, an appeal by such Employee may be made subject to the grievance handling procedures prescribed by this Award.

5.9 Performance of higher duties

5.9.1 An Employee who temporarily fills a position performing all of the duties of that position for more than 3 days at a higher Classification Level within the same Stream as determined by this Award is to be paid extra remuneration at Paypoint 1 of such Classification Levels.

5.9.2 An Employee who temporarily fills a position performing all of the duties of that position for more than 3 days at a higher Classification within a different stream as determined by this Award is to 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.

5.9.3 Where a requirement arises for an Employee to temporarily fill a position at a higher Classification Level on a long term basis, such arrangement must only occur in compliance with the Recruitment and Selection Directive issued by the Chief Executive of the Public Service Commission.

5.9.4 Where the Recruitment and Selection Directive has been complied with, and an Employee will be temporarily filling a position for over 12 months, performance objectives under the Performance Management Directive issued by the Chief Executive of the Public Service Commission are to be set at the higher level and not at the Employee's nominal level:

5.9.5 Where an Employee meets the objectives, the Employee moves to the next Increment within the higher level until either the period of temporary relief ends when reversion to the Employee's normal substantive 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.

5.9.6 The substantive Paypoint is that Paypoint to which the Employee would have progressed if the Employee had remained in their substantive position and had achieved satisfactory performance objectives under the performance planning and review process.

5.9.7 An Employee is not entitled to be paid the higher duties allowance whilst on leave unless that Employee has been directed to perform and has actually performed higher duties for a continuous 12 month period immediately preceding such leave.

5.9.8 Only leave which may be credited as service forms part of the 12 month period.

5.9.9 Leave taken after the beginning of higher duties counts as forming part of the period on which higher duties are performed if the Employee resumes duty at the higher level immediately upon returning from leave.

5.9.10 The relieving period is recognised as service for the purpose of determining the Paypoint and Increment date of an Employee who is subsequently appointed to a higher Classification Level, where the following conditions are satisfied:

(a) The period of relieving has been continuous for a period exceeding 12 months;

(b) The Employee was selected for the relieving position based on the principles of the Recruitment and Selection Directive; and

(c) Performance objectives were decided for the relieving position and the Employee achieved those objectives.

5.10 Allowances

5.10.1 Locality allowance

The conditions and entitlements of locality allowances paid to Employees who are appointed to work at named centres are prescribed under a Directive relating to Locality Allowances, as issued and amended by the Minister responsible for

industrial relations under section 54 of the *Public Service Act 2008*.

5.10.2 Motor vehicle allowance

The motor vehicle allowances payable to Employees when they are required to use a private motor vehicle for official purposes are prescribed under a Directive relating to Motor Vehicle Allowances, as issued and amended by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.

5.10.3 On-call allowances

(a) Where an Employee is instructed by the Chief Executive Officer or a duly authorised Employee to be available on call outside the ordinary or rostered working hours for duty, the Employee must be paid, in addition to the ordinary rate of pay, an allowance in accordance with the following scale -

- (i) Where the Employee is on call through the whole of a Saturday, Sunday or a public holiday - \$18.00 in respect of such instances;
- (ii) Where the Employee is on-call during the night only of a Saturday, Sunday or a public holiday - \$11.60 per night;
- (iii) Where the Employee is on-call on any other night - \$9.20 per night.

For the purposes of this provision "night" is deemed to consist of those hours falling between 7.00 p.m. and 6.00 a.m. or mainly between such hours.

(b) Monday to Friday - An Employee on-call being recalled to perform duty must be paid for the time worked at the prescribed overtime rate, such time to be calculated as from home and back to home with a minimum payment of 2 hours.

(c) Saturday and Sunday and Public Holidays - An Employee on call performing overtime work on recall on Saturday, Sunday or a public holiday may be paid for such overtime at the appropriate overtime rate with a minimum of 2 hours inclusive of travelling time, in respect of overtime worked on a Saturday or Sunday and 4 hours in respect of overtime worked on a public holiday, or at the Employee's option be allowed equivalent time off. Such time to be calculated as from home and back to home.

(d) An Employee on-call requested by the Chief Executive Officer, to provide advice (without the need to return to the facility), must be paid at the prescribed overtime rate for the actual time worked up to a maximum of 2 hours on any one day. The Employee will be responsible for the recording of such requests which will require subsequent verification by the Chief Executive Officer.

(e) Any overtime payable is in addition to the on-call allowance.

(f) Where an Employee on-call is recalled to perform work during an off duty period such Employee must be provided with transport to and from the Employee's home, or be refunded the cost of such transport.

(g) Where practicable, the Chief Executive Officer will not require an Employee to be continuously available on-call for a period in excess of 6 weeks.

5.10.4 Meal Allowance

Employees called upon to work for more than one hour after their usual ceasing time, are to be supplied with a reasonable meal at the employer's expense or be paid in accordance with the Overtime Meal Allowances Directive issued and amended by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.

5.10.5 First aid allowance

An Employee holding a certificate in first aid issued by the St. John's Ambulance Brigade, or equivalent qualifications as decided by the employer, who is appointed in writing by the Chief Executive Officer as a first aid attendant must be paid an allowance of \$30.00 per fortnight in addition to the ordinary rate of pay. The continued payment of this allowance to an Employee will be reviewed annually by the Chief Executive Officer.

5.11 Superannuation

Subject to federal legislation, and subject to clause 4.7.2, the employer must comply with superannuation arrangements prescribed in the *Superannuation (State Public Sector) Act 1990* (and associated Deed, Notice and Regulation).

Where federal legislation provides for choice of fund rights to an employee subject to this Award, and that employee fails to elect which superannuation fund to which employer contributions are directed, the employer will direct contributions to such fund as prescribed by the abovementioned Queensland legislation.

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

6.1 Hours of work - Day work

The ordinary hours of duty of all Employees are not to exceed 36.25 hours per week, to be worked between the hours of 8.00 a.m. and 6.00 p.m. Monday to Friday inclusive. The ordinary hours of work, excluding meal breaks, are not to exceed 7.25 hours per day:

6.2 Variable working hours

6.2.2 Definitions:

For the purposes of variable working hours, the under mentioned terms have the following meanings:

- (a) "Bandwidth" is the time span between the earliest commencing time and the latest ceasing time permissible for ordinary work.
- (b) "Carryover" is the amount of accumulated Credit Time or Debit Time which, an Employee carries over between consecutive Settlement Periods.
- (c) "Core Time Leave" is an approved absence during prescribed Core Times, excluding leave as set out in Part 7 of this Award.
- (d) "Core Times" are the periods during the day when all Employees perform ordinary duty (unless absent upon approved leave).
- (e) "Credit Time" is the amount of time that an Employee performs ordinary work and/or gets credit for periods of approved leave during the Bandwidth on an ordinary working day in excess of a Standard Day.
- (f) "Debit Time" is the amount of time less than a Standard Day that an Employee performs ordinary work and/or gets credit for periods of approved leave during the Bandwidth on an ordinary working day.
- (g) "Settlement Period" is the prescribed period of time during which Employees accumulate the equivalent of Standard Hours by way of approved leave, credit for public holidays falling upon normal working days and ordinary work during the Bandwidth. Subject to the conditions prescribed hereunder, Employees are entitled to carry over certain Credit Time or Debit Time between Settlement Periods.
- (h) "Standard Day" is the total daily working hours occurring during Standard Hours.
- (i) "Standard Hours" are the ordinary hours of duty as prescribed by this Award.
- (j) "Variable Periods" are the time spans within the Bandwidth and outside of Core Times when, subject to the requirements of the particular position, and the agreement of the Supervisor concerned an Employee may amend commencing and ceasing times for ordinary work.

6.2.3 Working arrangements:

- (a) Employees must at all times obey directions given by their supervisors regarding hours of work during the Bandwidth. If an Employee feels that there may be ground for complaint arising out of such directions, the Employee may appeal through their supervisor to the Chief Executive Officer. The Employee concerned must nevertheless carry out the supervisor's directions until same are countermanded by the Chief Executive Officer.
- (b) (i) All staff must give first priority to the maintenance of acceptable work flows. There is to be co-operation between Employees and their supervisors in planning Employees' working times in order that resources are available to service the needs of the public and other organisations, and to enable the continuance of inter-office and intra-office communication and services:

The supervisor, or Chief Executive Officer must ensure that at all times no more than 25% of staff available for duty in any particular section, or office, or district office are absent on Core Time Leave at any one time.

- (ii) An Employee may not get credit for time during Variable Periods unless work is available for the Employee to perform and is performed during such period. Work must be made available for at least 72.5 hours during the Settlement Period.

- (c) As far as practicable, disputes between Employees regarding Employees' working times will be settled by mutual co-operation between the Employees concerned. However, where such agreement cannot be reached the supervisor's decision will be final.
- (d) An Employee who fails to comply with the abovementioned procedures or the conditions prescribed in clause 6.2.4 to the satisfaction of the Chief Executive Officer will, upon instruction from the Chief Executive Officer work Standard Hours. Thereafter, time worked outside Standard Hours is not to be credited as working time for the purposes of these arrangements.
- (e) It is the responsibility of each supervisor in respect of their section to ensure that, in the implementation of these arrangements, the needs of Legal Aid Queensland and the public are met and that proper supervision is available at all times.
- (f) If it has been proven that an Employee has violated the terms of these arrangements the relevant Union will take no action on behalf of the Employee except where the penalty imposed on the Employee is considered to be unduly excessive.

6.2.4 *Conditions of employment:*

This applies to Employees whose Standard Hours are 36.25 per week between 9.00 a.m. and 5.00 p.m. Mondays to Fridays inclusive and not in receipt of overtime allowances.

- (a) Bandwidths are between 8.00 a.m. and 6.00 p.m. Mondays to Fridays inclusive. Work performed outside this Bandwidth (other than authorised overtime) does not gain any advantage to the Employee concerned:
- (b) The Chief Executive Officer may extend the Bandwidth for an Employee or groups of Employees between 7.00 a.m. and 6.00 p.m. Mondays to Fridays inclusive when in the opinion of the Chief Executive Officer such extended times suit the exigencies of Legal Aid Queensland. In such instances the supervisor may direct the starting and ceasing times of Employees within the extended Bandwidth provided that the supervisor must grant a lunch break of not less than 30 minutes between the 3rd and 6th hours of duty.
- (c) Core Times are between the hours of 9.30 a.m. to 12 noon and 2.00 p.m. to 4.00 p.m. Mondays to Fridays inclusive.
- (d) Variable Periods are between the hours of 8.00 a.m. to 9.30 a.m., 12 noon to 2.00 p.m. and 4.00 p.m. to 6.00 p.m. Mondays to Fridays inclusive.

The starting and ceasing times of Employees are deemed to begin on the hour or at least 15 minute intervals thereafter. Where an Employee begins duty prior to such time, or completes duty after such time, no credit is to be allowed for such periods.

- (e) Standard Hours are 9.00 a.m. to 5.00 p.m. Mondays to Fridays inclusive with a lunch break of 45 minutes between 12 noon and 2.00 p.m. A Standard Day is 7 hours 15 minutes.
- (f) Maximum Hours - Subject to clause 6.2.4(a), an Employee must not work more than 9 hours during the Bandwidth on any one day or more than 5 hours between 12.30 p.m. and 6.00 p.m. on any one day.

Any time worked in excess of 9 hours during the Bandwidth on any one day or in excess of 5 hours between 12.30 p.m. and 6.00 p.m. on any one day will not be counted as working time and such additional time worked will not gain any advantage for the Employee concerned:

In respect of clause 6.2.4(a) above, an Employee or group of Employees directed to begin duty prior to 8.00 a.m. may accrue Credit Time beyond 9 hours.

- (g) Lunch Break - Subject to clause 6.2.4(a), all Employees are to take a lunch break of not less than 30 minutes' duration between the hours of 12 noon and 2.00 p.m. An Employee is to begin such lunch break not later than 5 hours subsequent to the time duty was begun on the day concerned:

The Chief Executive Officer may extend the Variable Period for the lunch break for an Employee or group of Employees where in the opinion of the Chief Executive Officer such extension is to suit the exigencies of Legal Aid Queensland:

Such lunch break is to be not less than 30 minutes and is to be granted to the Employee between the 3rd and 6th hours of duty.

Employees are to avoid taking their lunch break at their normal work place if other Employees are continuing to work in the vicinity. If this is impracticable, Employees are to ensure that the needs of those who are working

are respected.

- (h) Rest Pauses - A rest pause of 10 minutes' duration in the employer's time is to be allowed to each Employee during each Core Time at a time to suit the convenience of the employer and so as not to interfere with the continuity of work where continuity in the opinion of the employer is necessary.
- (i) Settlement Periods of one fortnight's duration start from Mondays which begin fortnightly pay periods. During each Settlement Period an Employee must accumulate 72 hours 30 minutes by way of time actually worked and/or approved leave during the prescribed Bandwidth and credit for public holidays which occur upon Mondays to Fridays inclusive: An Employee's Carryover Credit Time or Debit Time existing at the beginning of a Settlement Period is to be counted when calculating such hours:

An Employee is entitled to carry over prescribed Credit Time or Debit Time to the next Settlement Period.

- (j) Credit Time and Debit Time accumulate from one working day to the next and subject to the provisions of clause (k) hereunder, between Settlement Periods.

There is no limit to the amount of Credit Time that an Employee may accumulate at any time during a Settlement Period.

Employees must not accumulate Debit Time in excess of 4 hours at any time during a Settlement Period.

An Employee who resigns or retires or otherwise ceases duty is to ensure that such Employee possesses no Credit Time or Debit Time at the time of ceasing duty with Legal Aid Queensland. Any such Employee will not receive compensation for Credit Time existing at the time of such cessation of duty: An Employee possessing a Debit Time at the time of ceasing duty will have a corresponding deduction made from the salary of such Employee.

- (k) Carryover - Credit Time and Debit Time which an Employee has accrued at the end of a Settlement Period is to, subject to the following conditions, be carried over to the beginning of the next Settlement Period and subsequently be added to Credit Time or Debit Time which accumulate during such period. The maximum Carryover which an Employee is allowed is 7 hours 15 minutes Credit Time and 4 hours' Debit Time.

If at the end of a Settlement Period an Employee's Carryover Credit Time is in excess of 7 hours 15 minutes, no payment will be made for such excess period, i.e. the time will be forfeited. Where an Employee certifies that the Employee had planned to reduce Credit Time to within the abovementioned maximum limit by the end of a Settlement Period and either a specific direction by such Employee's supervisor on short notice to work certain hours or an unforeseen absence on sick leave or other approved leave upon days immediately preceding the end of a Settlement Period prevented the Employee from complying with such maximum limit, the Chief Executive Officer may approve a Carryover in excess of the prescribed maximum limit for such Employee.

Any such time in excess of 7 hours 15 minutes as approved must be taken during the next Settlement Period.

If at the end of a Settlement Period an Employee's Carryover Debit is in excess of 4 hours such excess period is to be taken without pay (to be deducted during a subsequent fortnightly pay period) unless such Employee furnishes an explanation satisfactory to the Chief Executive Officer. An Employee who accumulates a Carryover Debit in excess of 4 hours may be instructed by the Chief Executive Officer to work prescribed Standard Hours in accordance with the provisions of clause 6.2.3(d).

- (l) An Employee may be granted Core Time Leave if:
 - (i) The Employee has accumulated an equivalent amount of credit at the beginning of the day upon which the period of Core Time Leave is required; and
 - (ii) Prior approval of the Supervisor has been obtained:

Core Time Leave must not be taken in periods of less than 2 1/2 hours' duration during morning Core Times and 2 hours' duration during afternoon Core Times and must not exceed a total of 4 1/2 hours' during any Settlement Period. No more than one period of Core Time Leave is to be taken on the same or consecutive working days in consecutive Settlement Periods.

- (m) Saturdays, Sundays and public holidays:

- (i) The provisions of clause 6.3 of this Award continue to apply: Any equivalent time off allowed to an Employee is not be counted in such Employee's Credit Time, Debit Time or Carryover prior to the time such equivalent time off is actually allowed.

When equivalent time off is taken during prescribed Core Times, such absences are not deemed to be Core Time Leave for the purposes of clause (l) above;

- (ii) All Employees are to be credited with a Standard Day for public holidays which occur from Mondays to Fridays inclusive. When such public holidays are of one-half days' duration, Employees are to be credited with 3 hours 38 minutes.

(n) Overtime:

- (i) Compensation for overtime at the rates prescribed in clause 6.3 is only to be made in respect of time worked outside the prescribed Bandwidth;
- (ii) Unless the convenience of Legal Aid Queensland otherwise requires, Employees authorised to perform overtime from Mondays to Fridays inclusive (other than Public Holidays) are to actually work not more than a total of 7 1/2 hours during the Bandwidth on the day concerned;
- (iii) Equivalent time off allowed to an Employee in terms of clause 6.3 of this Award is not to be counted in such Employees' Credit Time, Debit Time or Carryover prior to the time such equivalent time off is actually allowed.

When equivalent time off is allowed during the prescribed Core Times, such absences are not deemed to be Core Time Leave for the purposes of clause 6.2.4(l).

- (o) Meal allowance - an Employee who performs authorised overtime for more than one hour after 6.00 p.m. Mondays to Fridays inclusive (other than public holidays) must, in addition to any payment for overtime to which the Employee is entitled, be paid meal money in accordance with clause 5.10.4 and any amendments thereto:

An Employee who performs authorised overtime after 6.00 p.m. Mondays to Fridays inclusive (other than public holidays) and who cannot reasonably be expected to go home or their lodgings for a meal and who has a continuous meal break of at least 45 minutes between 4.00 p.m. and the completion of such overtime for which no payment is made, must, in addition to any payment for overtime to which the Employee is entitled, be paid meal money in accordance with clause 5.10.4 and any amendments thereto:

A meal of reasonable quality and adequate quantity may be supplied by the employer in lieu of the abovementioned meal monies.

- (p) Performance of higher duties - payment of extra remuneration in accordance with the provisions of clause 5.9 of this Award continue to apply:

- (i) Payment of extra remuneration is only to be made in respect of hours actually worked during the Bandwidth and credit for public holidays falling from Mondays to Fridays inclusive between the beginning and cessation of the period which the higher position is temporarily filled, calculated to the nearest quarter of an hour: Payment of extra remuneration is not to be made in respect of time during the Bandwidth and credit for public holidays worked falling from Mondays to Fridays inclusive between the beginning and cessation of such period in excess of the equivalent of total Standard Hours for the period concerned;
- (ii) An Employee is not to be paid extra remuneration for temporarily filling a position during another Employee's absence upon Core Time Leave. Any such periods are not counted in assessing the prescribed minimum qualifying period for the payment of extra remuneration;
- (iii) An Employee who actually performs the whole of the duties and accepts all of the responsibilities of a position temporarily filled for more than 3 working days is not to be paid extra remuneration unless the Employee has worked during the Bandwidth and/or obtained Credit Time for public holidays falling from Mondays to Fridays inclusive for a total of more than 21.75 hours during the continuous period involved;
- (iv) An Employee who actually performs less than the whole of the duties and/or accepts less than all of the responsibilities of a position temporarily filled for at least 3 weeks is not to be paid extra remuneration unless the Employee has worked during the Bandwidth and/or obtained Credit Time for Public Holidays falling from Mondays to Fridays inclusive for a total of 108.75 hours during the continuous period involved;
- (v) Where an Employee who is temporarily filling a position is absent upon Core Time Leave, such Core Time Leave is not deemed to interrupt that period of performance of such duties if such Employee goes back to the same duties on the Employee's return from Core Time Leave.

(q) Leave:

- (i) The provisions of Part 7 continue to apply: Such leave must only be granted during prescribed Standard Hours:

An Employee who is granted one-half day of such leave is to, be credited with 3 hours 38 minutes' leave;

- (ii) Where practicable, Employees are to attend to private business, doctors/dentists appointments, etc., outside prescribed Core Times: Should Legal Aid Queensland approve that an Employee may be absent for such purposes during prescribed Core Times, such approved periods of absence are not counted as working time or Core Time Leave.
- (iii) Travelling time - Travel upon authorised duty away from an Employee's headquarters during prescribed Standard Hours is to be counted as time worked for the purposes of clause 6.2. Time spent travelling outside Standard Hours is not to be credited as working hours.

6.3 Overtime

6.3.1 Employees are entitled to overtime as follows:

- (a) (i) Employees in receipt of salary not exceeding the equivalent of Paypoint (2) of Level 4 of the administrative stream are to be paid for overtime worked at the Employee's present salary level:
- (ii) Employees remunerated above Paypoint (3) of Level 5 of the administrative stream, Paypoint (3) of Level 3 of the professional stream and Paypoint (3) of Level 4 of the technical stream are not entitled to the payment of overtime, but are to be granted equivalent time off in lieu. Such time is to be taken within 12 months' of the day on which the overtime was worked at a time mutually convenient to the employer and the Employee:

Subject to agreement with the Chief Executive Officer, such Employee may add such time off in lieu of overtime to that Employee's annual leave account, but such accrued time off in lieu of overtime is not to exceed 10 working days in any one year:

Any time off in lieu of overtime will lapse if not taken within 12 months from the day on which the overtime was worked.

- (iii) Employees remunerated above the equivalent of Paypoint (2) of Level 4 of the administrative stream and up to and including the Paypoints provided in clause 6.3.1(a)(ii) , are to be paid overtime at the rate equivalent to Paypoint (2) of Level 4 of the administrative stream;

Except:

- (b) Employees working variable working hours where the overtime provisions are prescribed by such arrangements.

6.3.2 Employees subject to the provisions of clauses 6.3.1(a)(i) and (iii) are entitled to the following:

- (a) Overtime, that is authorised time worked outside the ordinary starting and ceasing times or in excess of the ordinary hours of duty, is to be paid for at the rate of time and a-half for the first 3 hours and double time thereafter.

All overtime worked on:

- Saturday is to be paid for at the rate time and a-half for the first 3 hours and double time thereafter.
- Sunday is to be paid for at double the ordinary rate.

- (b) A minimum payment of 2 hours' work is to apply to all overtime worked on a Saturday or a Sunday.

- (c) An Employee recalled after completing ordinary duty, or recalled at least 2 hours prior to commencing duty, is to be paid at overtime rates with a minimum payment of 2 hours:

Such minimum payments do not apply where such overtime is performed immediately preceding and/or following ordinary hours:

Should an Employee be called out again within that 2 hour period, no further minimum payment applies to that work which is to be separately paid for at the prescribed overtime rates.

- (d) Subject to clause 5.9 an Employee temporarily filling and discharging the duties of a position at a higher

Classification Level for which overtime payments are applicable is to, subject to the provisions of clause 6.3.1(a), be paid for authorised overtime at the minimum rate applicable to that higher Classification Level.

- (e) Subject to agreement with the Chief Executive Officer, an Employee may elect to take time off in lieu of overtime worked. Such Employee is to be allowed equivalent time off which is to be taken within 12 months of the day on which the overtime was worked:

Subject to agreement with the Chief Executive Officer, an Employee may add such time off in lieu of overtime to that Employee's annual leave account, but such accrued time off in lieu of overtime is not to exceed 10 working days in any one year:

Any time off in lieu of overtime will lapse if not taken within 12 months of the day on which the overtime was worked.

- 6.3.3 Overtime is calculated to the nearest quarter of an hour on the total amount of overtime claimed by the Employee.
- 6.3.4 Employees must work reasonable overtime whenever necessary in the opinion of the Chief Executive Officer. 24 hours' notice is to be given, where practicable, to an Employee required to work overtime.
- 6.3.5 Fatigue leave - An Employee who works so much overtime between the completion of ordinary work on one day and the beginning of ordinary work on the next day, so that 10 consecutive hours off duty has not occurred, is to be released after completion of such overtime until 10 consecutive hours off duty occurs without loss of pay for ordinary working time occurring during such absence.
- 6.3.6 If, on the instructions of the Chief Executive Officer, an Employee resumes or continues work without having had 10 consecutive hours off duty, the Employee is to be paid double rates until released from duty for such period, and then entitled to be absent until 10 consecutive hours off duty has occurred without loss of pay for ordinary working time occurring during such absence.

6.4 Meal breaks

All Employees are allowed an unpaid meal break of not less than 30 minutes between the 3rd and 6th hours, with such break being taken at a time which maintains the continuity of work when necessary.

6.5 Rest pauses

Employees are entitled to rest pauses subject to the following:

- (a) A total of 10 minutes for an Employee who works more than 3 hours but less than 6 ordinary hours in any one day; or
- (b) A total of 20 minutes for an Employee who works at least 6 ordinary hours in any day.

PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS

7.1 Annual leave

- 7.1.1 Every Employee (other than a Casual Employee) covered by this Award is, at the end of each year of employment, entitled to annual leave on full pay of not less than 4 weeks.
- 7.1.2 Part-time Employees are entitled to annual leave on a *pro rata* basis.
- 7.1.3 Annual leave is to be exclusive of any public holiday which may occur during the period of that annual leave and (subject to clause 7.1.6) is to be paid for by the employer in advance:
- (a) In the case of every Employee in receipt, immediately prior to such leave, of a rate in excess of the ordinary rate payable under this Award, at that excess rate; and
- (b) In every other case, at the ordinary rate payable to the Employee concerned immediately prior to that leave under this Award.
- 7.1.4 Reasonable notice of the beginning of annual leave is to be given to the Employee.
- 7.1.5 Except as provided above, it is not lawful for Legal Aid Queensland to give or for any Employee to receive payment in lieu of annual leave.
- 7.1.6 Calculation of annual leave pay - in respect to annual leave entitlement to which clause 7.1 applies, annual leave pay (including any proportionate payments) is calculated as follows:

(a) All Employees - subject to the provisions of clause 7.1.6(b), in no case is the payment by Legal Aid Queensland to an Employee to 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 weekend penalty rates);
- (ii) A further amount calculated at the rate of 17 1/2% of the amount referred to in clause 7.1.6(a)(i).

(b) The provisions of clause 7.1.6(a) do not apply to any period of annual leave exceeding 4 weeks.

7.2 Sick leave

7.2.1 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.

7.2.2 Leave may be taken for part of a day.

7.2.3 Entitlement to sick leave is conditional on the Employee promptly notifying the employer of the Employee's absence and of its expected duration.

7.2.4 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.

7.2.5 The entitlements for sick leave are prescribed under the Sick Leave Directive, as issued and amended by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.

7.3 Bereavement leave

7.3.1 If the death occurs of a person who bears to an officer one of the relationships set out below and provided that satisfactory proof is furnished, the officer is to be granted bereavement leave on full salary for the purpose of attending the funeral of the deceased person for the whole or part of the 2 day period constituted by the following:

(a) the day of the funeral; and

(b) either:

- (i) the day before the funeral; or
- (ii) where necessary because of travel arrangements, the day after the funeral.

RELATIONSHIPS

wife or husband (including a former spouse, a *de facto* spouse and a former *de facto* spouse, spouse of the same sex)

father	step-brother
mother	step-sister
father-in-law	brother-in-law
Mother-in-law	sister-in-law
brother	son-in-law
sister	daughter-in-law
child or step-child	grandfather
step-father	grandmother
step-mother	grandson
half-brother	granddaughter
half-sister	

7.3.2 A long-term Casual Employee is entitled to at least 2 days' unpaid bereavement leave on the death of a person who bears to that Employee one of the relationships set out in clause 7.3.1.

7.3.3 A "long-term Casual Employee" is a Casual Employee engaged by a particular employer, on a regular and systematic basis, for several periods of employment during a period of at least one year immediately before the Employee seeks to access an entitlement under clause 7.3.2

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 under the Long Service Leave Directive, as issued and amended by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.

7.5 Family leave

7.5.1 The provisions of the *Family Leave (Queensland Public Sector) Award - 2012* (including carer's leave) apply.

7.5.2 The entitlements to family leave include:

- (a) Maternity leave;
- (b) Spousal leave;
- (c) Adoption leave;
- (d) Surrogacy leave;
- (e) Part-time work;
- (f) Carer's leave;
- (g) Bereavement leave; and
- (h) Cultural leave.

7.5.3 The entitlements for paid family leave are found in the Paid Parental Leave Directive, as issued and amended by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.

7.6 Industrial relations education leave

7.6.1 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.

7.6.2 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,.

7.6.3 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.

7.6.4 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.

7.6.5 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. 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.

7.7 Special leave

The entitlements for special leave are prescribed under the Special Leave Directive, as issued and amended by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.

7.8 Public holidays

7.8.1 All work done by any Employee on:

- 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
- any day appointed under the *Holidays Act 1983*, to be kept in place of any such holiday,

is to be paid for at the rate of double time and a-half with a minimum of 4 hours.

7.8.2 *Labour day*

All Employees covered by this Award (other than Casual Employees) are 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 is to be paid a full day's wage for that day and in addition, a payment for the time actually worked by the Employee at one and a-half times the ordinary rates prescribed for such work with a minimum of 4 hours.

7.8.3 *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, is to be paid for at the rate of double time and a-half with a minimum of 4 hours. No Employee is entitled to receive payment in accordance with clause 7.8.3 for work performed on such a day on more than one occasion in each calendar year.

7.8.4 *Double time and a-half*

For the purposes of clause 7.8, where the rate of wages is a fortnightly rate, "double time and a-half" means one and one half day's wages in addition to the prescribed fortnightly rate, or *pro rata* if there is more or less than a day.

7.8.5 An Employee who performs work on any public holiday or any day appointed under the *Holidays Act 1983*, to be kept in place of any such holiday, may at the Employee's option receive time off equivalent to the number of hours worked, with a minimum of half a working day in lieu of monetary compensation. Such Employee, who is granted equivalent time off, is to be paid at half the ordinary rate for the time so worked with a minimum of 4 hours.

7.8.6 Where an Employee is entitled to time off in lieu for working on a public holiday, such time off, at the option of the Employee, may be added to annual leave or taken within 28 days of the day on which the Employee worked. Where, time off is to be added to the annual leave of any Employee, the time off to be allowed must not exceed 10 working days in any one year, or 20 working days in the case of an Employee who has permitted annual leave to accumulate for 2 years.

7.8.7 Where mutual agreement exists between the Chief Executive Officer and the Employee concerned and subject to statutory limitations, other ordinary working days may be substituted for the public holidays specified in clause 7.8. Where an Employee is subsequently required to work on such substituted day, the Employee is to be paid the rate applicable for the holiday that has been substituted.

7.9 **Jury service**

- (a) An employee, other than a casual employee, required to attend for jury service during their ordinary working hours shall be reimbursed by the employer an amount equal to the difference between the amount paid in respect of their attendance for such jury service and the ordinary pay the employee would have been paid if the employee was not absent on jury service.
- (b) Alternatively, by agreement, fees (other than meal allowance) received by the employee to attend jury service will be paid to the employer and the employer will continue to pay the employee their ordinary pay for the time the employee was absent on jury service.
- (c) Employees shall notify their employer as soon as practicable of the date upon which they are required to attend for jury service and shall provide their employer with proof of such attendance, the duration of such attendance and the amount received in respect thereof.
- (d) If the employee is not required to serve on a jury for a day or part of a day after attending for jury service and the employee would ordinarily be working for all or part of the remaining day, the employee must, if practicable, present for work at the earliest reasonable opportunity.
- (e) "Ordinary pay" means the rate of pay that an employee would normally expect to receive for working ordinary hours on an ordinary day of the week, including any over-award payment. "Ordinary pay" excludes overtime, penalty rates of all types - including those attaching to working ordinary hours (for example) on a Saturday, disability allowances, shift allowances, special rates, fares and travelling time allowances, bonuses and other ancillary payments of a like nature.

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

8.1 Work away from headquarters

8.1.1 An eligible Employee who is required to:

- (a) Travel on official duty; or
- (b) To take up duty away from the Employee's usual place of work to relieve another Employee or to perform special duty,

is allowed actual and reasonable expenses or allowances for accommodation, meals and incidental expenses necessarily incurred by the Employee.

8.1.2 These are prescribed under the Travelling and Relieving Expenses Directive, as issued and amended by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.

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 consistent with the Australian Qualifications Framework.

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

Preamble

Clauses 11.1 and 11.2 replicate legislative provisions contained within the Act. In order to ensure the currency of existing legal requirements parties are advised to refer to sections 366, 372 and 373 of the 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 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*

An authorised industrial officer is entitled to inspect the time and wages record required to be kept under section 366 of the Act.

An authorised industrial officer is entitled to inspect such time and wages records of any former or current Employee except if the Employee:

- (a) Is ineligible to become a member of the officer's Union; or
- (b) Has made a written request to the employer that the Employee does not want that Employee's record inspected.

The authorised industrial officer may make a copy of the record, but cannot require any help from the employer.

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 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;
- (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;
- (e) A weekly, daily or hourly wage rate - details of the wage rate for each week, day, or hour at which the Employee is paid;

- (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; and
- (f) If a Casual Employee's entitlement to long service leave is worked out under section 47 of the Act - the total hours, other than overtime, 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 an inspector of the Department of Justice and Attorney-General, in accordance with section 371 of the Act or an authorised industrial officer in accordance with sections 372 and 373 of the Act.

11.2.5 Consistent with the Attendance - Recording and Reporting Requirements (including Public holidays) Directive, as issued and amended by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*, a chief executive may specifically exempt those Employees who have been, or who are a class of office from a system for recording starting and finishing times, meal breaks and absences from duty.

11.3 Union encouragement

11.3.1 The parties recognise the right of individuals to join a relevant Union and will encourage that membership. However, it is also recognised that Union membership remains at the discretion of individuals.

11.3.2 An application for Union membership and information on the relevant Union will be provided to all Employees at the point of engagement.

11.3.3 Information on the relevant Union will be included in induction materials.

11.3.4 Union representative(s) will be provided with the opportunity to discuss Union membership with new Employees.

11.3.5 Where requested by public sector Unions, agencies and public sector units will provide payroll deduction facilities for Union subscriptions.

11.4 Union delegates

11.4.1 The parties acknowledges 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.

11.4.2 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.

11.4.3 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.

11.4.4 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.

11.5 Award posting

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

SCHEDULE A

Eligible Employees for the purposes of *Commonwealth Superannuation Act 1976*, as amended.

PAYROLL NUMBER

1407284 (formerly 1284213)
1407743 (formerly 1284242)

SCHEDULE B

Salary horizons

PAYROLL NO	DATE APPOINTED POSITION	CLASSIFICATION	SALARY HORIZON	Date Salary Achieved
1407632 (formerly) 1234794	10.9.90	PO4(01)	PO5(01)	1.7.1998
1407316 (formerly) 1284240	29.3.93	PO5(02)	PO5(04)	29.3.1996

By the Commission,
[L.S.] J. STEEL,
Industrial Registrar.