

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

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

LEGAL AID QUEENSLAND EMPLOYEES AWARD – STATE 2014

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 2014 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 2014 as at 1 September 2015.

Dated 1 September 2015.

[L.S.] J. Steel
Industrial Registrar

**LEGAL AID QUEENSLAND
EMPLOYEES AWARD – STATE 2014**

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PART 1—Title and Operation

1. Title

This award is known as the *Legal Aid Queensland Employees Award – State 2014*.

2. Operation

Subject to section 824 of the Act, this award operates from 31 August 2014.

3. Definitions and interpretation

Unless the context otherwise requires, in this award:

Act means the *Industrial Relations Act 1999*

chief executive officer means the Chief Executive Officer of Legal Aid Queensland appointed under section 64 of the *Legal Aid Queensland Act 1997*

classification level comprises a minimum salary rate plus a number of increments in a particular stream through which employees will be eligible to progress

commission means the Queensland Industrial Relations Commission

employee means a person employed pursuant to section 70 of the *Legal Aid Queensland Act 1997*, or continued in employment pursuant to section 100 of that Act

generic level statement means a broad, concise statement of the duties, skills and responsibilities indicative of a given classification level

increment means for all employees an increase in salary from one paypoint to the next highest paypoint within a classification level

Legal Aid means Legal Aid Queensland established under section 41 of the *Legal Aid Queensland Act 1997*

paypoint means the specific rate of remuneration payable to employees within a classification level

public holiday has the same meaning as that provided in Schedule 5 of the Act

QES means the Queensland Employment Standards contained in Part 2 of Chapter 2A of the Act

4. Coverage

This award applies to:

- (a) Employees of Legal Aid whose salaries or rates of pay are fixed by this award and who are appointed pursuant to section 70 of the *Legal Aid Queensland Act 1997* or continued in employment pursuant to section 100, of that Act; and
- (b) The chief executive officer of Legal Aid in their capacity as the employer of employees covered by this award; and

- (c) The following industrial organisations:
 - (i) Together Queensland, Industrial Union of Employees; and
 - (ii) Queensland Services, Industrial Union of Employees,

to the exclusion of any other award.

5. The Queensland Employment Standards and this award

The QES and this award contain the minimum conditions of employment for employees covered by this award.

6. Individual flexibility arrangements and facilitative award provisions

6.1 Individual flexibility arrangements

- (a) (i) The employer and an employee covered by this award may agree to make an individual flexibility arrangement to vary the effect of the terms of this award in relation to one or more of the following matters:
 - (A) arrangements about when work is performed;
 - (B) overtime rates;
 - (C) penalty rates;
 - (D) allowances;
 - (E) leave loading; and
- (ii) the arrangement meets the genuine needs of the employer and employee in relation to one or more of the matters mentioned in clause 6.1(a)(i); and
- (iii) the arrangement is genuinely agreed to by the employer and employee.
- (b) The employer must ensure the terms of the individual flexibility arrangement—
 - (i) are only about matters required or permitted to be in this award; and
 - (ii) are not non-allowable provisions; and
 - (iii) must not result, on balance, in an overall reduction in the entitlements or protections the employee has under this award.
- (c) The employer must ensure the individual flexibility arrangement—
 - (i) is in writing and signed by the employer and employee; and
 - (ii) states—
 - (A) the names of the employer and employee; and
 - (B) the terms of this award that will be varied by the arrangement; and

- (C) how the arrangement will vary the effect of the terms; and
 - (D) how the arrangement will not result, on balance, in an overall reduction in the entitlements or protections the employee has under this award; and
 - (E) the day on which the arrangement commences; and
- (iii) if the employee is under 18 years of age— is signed by a parent or guardian of the employee.
- (d) The employer must give the employee a copy of the individual flexibility arrangement within 14 days after it is agreed to.
- (e) An individual flexibility arrangement may be terminated—
- (i) by either the employee or employer giving written notice of—
 - (A) a period agreed between the parties of up to 12 months; or
 - (B) if no period has been agreed— 28 days; or
 - (ii) by the employer and employee at any time if they agree in writing to the termination.

6.2 Procedures to implement facilitative award provisions

Wherever facilitative provisions appear in this award which allow for determination of the conditions of employment by agreement between the employer 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.
- (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) In determining the outcome from facilitative provisions, neither party should unreasonably withhold agreement.
- (d) Agreement is defined as obtaining consent of greater than 50% of employees directly affected.
- (e) Any agreement reached must be documented, and shall incorporate a review period.

PART 2—Consultation and Dispute Resolution

7. Consultation

- (a) This clause applies if—
 - (i) the employer has made a definite decision to introduce a major change to production, program, organisation, structure, or technology in relation to its enterprise; and
 - (ii) the change is likely to have a significant effect on some or all employees (relevant employees) of the enterprise.

- (b) The employer must notify the relevant employees of the decision to introduce the major change.
- (c) The employer is not required to—
 - (i) notify the relevant employees or a representative of the decision until the time the employer considers appropriate; or
 - (ii) consult with the relevant employees or a representative about the decision until the employer notifies the relevant employees or the representative of the decision; or
 - (iii) consult with the relevant employees or a representative about the decision other than in relation to implementation of the decision; or
 - (iv) disclose confidential or commercially sensitive information to the relevant employees or a representative.
- (d) The relevant employees may appoint a representative for the purposes of the procedures in this clause if the representative is a union entitled to represent the employees' industrial interests.
- (e) If—
 - (i) the relevant employees appoint a representative under clause 7(d) for the purposes of consultation; and
 - (ii) the relevant employees advise the employer of the identity of the representative;the employer must recognise the representative.
- (f) As soon as practicable after notifying the relevant employees of the decision under clause 7(b) the employer must—
 - (i) discuss with the relevant employees—
 - (A) the implementation of the change; and
 - (B) the effect the implementation of the change is likely to have on the relevant employees; and
 - (C) measures the employer is taking to avert or mitigate the adverse effect of the implementation of the change on the relevant employees; and
 - (ii) for the purposes of the discussion—provide, in writing, to the relevant employees—
 - (A) information about the implementation of the change including the nature of the change proposed; and
 - (B) information about the expected effects of the implementation of the change on the relevant employees; and
 - (C) any other matters regarding the implementation of the change likely to affect the relevant employees.
- (g) The employer must give prompt and genuine consideration to matters raised about the implementation of the major change by the relevant employees.

- (h) In this clause, a major change is likely to have a significant effect on employees if it is likely to result in—
 - (i) the termination of the employment of employees; or
 - (ii) a major change to the composition, operation or size of the employer's workforce or the skills required of employees; or
 - (iii) the elimination or diminution of job opportunities (including opportunities for promotion or tenure); or
 - (iv) an alteration of hours of work; or
 - (v) the need to retrain employees; or
 - (vi) the need to relocate employees to another workplace; or
 - (vii) the restructuring of jobs.

8. Dispute resolution

8.1 Procedure for resolution of disputes arising under this award or the QES

- (a) This clause applies to a dispute regarding—
 - (i) a matter arising under this award; or
 - (ii) the QES.
- (b) An employee who is a party to the dispute may appoint a representative for the purposes of the procedures in this clause if the representative is a union entitled to represent the employee's industrial interests.
- (c) In the first instance, the parties to the dispute must try to resolve the dispute at the workplace level, by discussions between the employee and relevant supervisors or management, or both.
- (d) If discussions at the workplace level do not resolve the dispute, a party to the dispute may refer the matter to the commission.
- (e) The commission may deal with the dispute as follows—
 - (i) the commission may first attempt to resolve the dispute as it considers appropriate, including by mediation, conciliation, expressing an opinion or making a recommendation;
 - (ii) if the commission does not resolve the dispute under clause 8.1(e)(i), the commission may then deal with the dispute in accordance with its jurisdiction under the Act.

Note—

1. If the commission arbitrates the dispute, it may also use the powers that are available to it under the Act.
2. Chapter 9 of the Act provides for appeals against particular decisions made by the commission.

- (f) While the dispute resolution procedure is being conducted, work must continue in accordance with this award and the Act.
- (g) Subject to applicable work health and safety legislation, an employee must not unreasonably fail to comply with a direction by the employer to perform work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.
- (h) The parties to the dispute agree to be bound by a decision made by the commission in accordance with this clause.

8.2 Procedure for resolution of individual disputes

- (a) The matters to be dealt with under this procedure include all grievances or disputes between an employee and the employer in respect to any industrial matter **other than** a dispute regarding a matter arising under this award or the QES, which are to be dealt with in accordance with clause 8.1. The procedure applies to a grievance or dispute involving a single employee or any number of employees.
- (b) The objective of this dispute resolution procedure shall be to avoid disputes by the resolution of issues through measures based on consultation, co-operation and discussion and to avoid interruption to the performance of work and consequential loss of production and salaries.
- (c) In the event of an employee/s having a grievance or dispute the employee/s shall in the first instance attempt to resolve the matter with the immediate supervisor, who shall respond to such request as soon as reasonably practicable under the circumstances. Where the grievance or dispute concerns alleged actions of the immediate supervisor or allegations of sexual harassment the employee/s may bypass this level in the procedure.
- (d) If the grievance or dispute is not resolved, the employee/s or their representative may refer the matter to the next higher level of management for discussion. Such discussion should take place as soon as possible after the request by the employee/s or their representative.
- (e) If the dispute remains unresolved after the parties have genuinely attempted to achieve a settlement thereof, then notification of the existence of the dispute is to be given to the commission in accordance with the provisions of the Act.
- (f) Whilst all of the above procedure is being followed, normal work shall continue except in the case of a genuine safety issue. Further, the *status quo* existing before the emergence of the grievance or dispute is to continue whilst the disputes procedure is being followed.
- (g) All parties to the dispute shall give due consideration to matters raised or any suggestion or recommendation made by the commission with a view to the prompt settlement of the dispute.
- (h) Any Order or Decision of the commission (subject to the parties' right of appeal under the Act) will be final and binding on all parties to the dispute.
- (i) Discussions at any stage of the procedure shall not be unreasonably delayed by any party, subject to acceptance that some matters may be of such complexity or importance that it may take a reasonable period of time for the appropriate response to be made. If genuine discussions are unreasonably delayed or hindered, it shall be open to any party to give notification of the dispute in accordance with the provisions of the Act.

PART 3—Types of Employment and Termination of Employment

9. Types of employment

An employee may be employed on a full-time, part-time or casual basis.

9.1 Full-time employment

A full-time employee is one that is engaged to work an average of 36.25 hours per week.

9.2 Part-time employment

- (a) A part-time employee is an employee who:
 - (i) is engaged to work a regular pattern of ordinary hours each fortnight which are less than the ordinary hours worked by an equivalent full-time employee; and
 - (ii) receives, on a *pro rata* basis, the same salary and conditions of employment to those of an equivalent full-time employee who performs the same kind of work.
- (b) For each ordinary hour worked, a part-time employee will be paid no less than 1/36.25th of the minimum weekly rate of pay for their classification.
- (c) The minimum payment on any day when work is performed shall be for 4 hours' work.
- (d) Subject to clause 15.5, where a part-time employee, by mutual agreement with the employer, elects to work additional ordinary hours above their regular hours - to a maximum of 9.5 hours on any one day and up to and including full-time equivalent hours per fortnight - the additional ordinary hours are to be paid at the ordinary time rate of salary plus a loading of 1/12th in lieu of recreation leave.
- (e) Part-time employees are eligible for payment of salary increments in accordance with the provisions of clause 12.9.

9.3 Casual employment

- (a)
 - (i) A casual employee is an employee who is engaged and paid as such.
 - (ii) A casual employee can not be employed to work more ordinary hours than are worked by an equivalent full-time employee each week or fortnight, as the case might be.
- (b) A casual employee is entitled to receive, on a *pro rata* basis, the same pay and conditions of employment, other than leave entitlements, to those of an equivalent full-time employee who performs the same kind of work.
- (c) For each hour worked, a casual employee will be paid no less than 1/36.25th of the minimum weekly rate of pay for their classification plus a casual loading of 23%.
- (d) Each engagement stands alone with a minimum payment as for 2 hours' work.
- (e) The casual loading of 23% is paid instead of annual leave, paid personal/carer's leave, notice of termination, redundancy benefits and the other attributes of full-time or part-time employment. The loading constitutes part of the casual employee's all purpose rate of salary except for work performed on a Sunday or a public holiday, which is deemed to include the 23% loading.

- (f) The long service leave entitlement of casual employees is recorded in clause 22.

9.4 Probationary employment

- (a) Except where the employer and an employee agree to a different period or no period of probation prior to commencement of employment, the engagement of a full-time or part-time employee will in the first instance be subject to a probationary period of 3 months' duration. If a period of probation of longer than 3 months is agreed, it must:
- (i) be agreed in writing; and
 - (ii) be a reasonable period having regard to the nature and circumstances of the employment.
- (b) The employer may terminate the employment of an employee who is on probation at any time during the probationary period.
- (c) Where an employee's service is considered satisfactory or where an employee's service exceeds the designated probationary period or agreed extension the employee's appointment will be deemed to be confirmed.

9.5 Anti-discrimination

- (a) In fulfilling their obligations under this award, the parties must take reasonable steps to ensure that neither the award provisions nor their operation are directly or indirectly discriminatory in their effects. Discrimination includes:
- (i) 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 any of the above attributes;
 - (ii) sexual harassment; and
 - (iii) racial and religious vilification.
- (b) Nothing in clause 9.5 is to be taken to affect:
- (i) any different treatment (or treatment having different outcomes) which is specifically exempted under the *Anti-Discrimination Act 1991*;
 - (ii) an employee, employer or registered organisation, pursuing matters of discrimination, including by application to the Australian Human Rights Commission/Anti-Discrimination Commission Queensland.

9.6 Preservation of existing conditions

- (a) Employees covered by sections 3.3 and 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 pursuant to section 70 of the Act.
- (b) 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.

10. Termination of employment

10.1 Notice by the employer

Notice of termination by the employer is provided for in Division 9 of the QES. Clauses 10.2 to 10.5 supplement the QES provisions.

10.2 Notice of termination by an employee

Unless otherwise agreed between the employer and an employee, the notice of termination required by an employee, other than a casual employee, will be 2 weeks. If an employee fails to give the required notice the employer will have the right to withhold monies due to the employee with a maximum amount equal to the ordinary time rate for the period of notice.

10.3 Notice cannot be offset

In the absence of mutual agreement between the employer and the employee, annual leave or any part thereof cannot be considered as or nominated as notice for the purpose of giving notice of termination of employment.

10.4 Job search entitlement

Where the employer has given notice of termination to an employee, for reasons other than redundancy, the employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.

10.5 Statement of employment

The employer will, 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.

11. Redundancy

11.1 Redundancy pay

Redundancy pay is provided for in Division 9 of the QES. Clauses 11.2 to 11.4 supplement the QES provisions.

11.2 Transfer to lower paid duties

- (a) Where an employee is transferred to lower paid duties by reason of redundancy 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 the redundancy pay provisions of the QES.
- (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;

- (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.

11.3 Employee leaving during notice

An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received under this clause had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.

11.4 Job search entitlement

- (a) An employee given notice of termination in circumstances of redundancy must 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 must, at the request of the employer, produce proof of attendance at an interview or the employee will not receive payment for the time absent. For this purpose a statutory declaration will be sufficient.
- (c) Clause 11.4 applies instead of clause 10.4 in cases of redundancy.

PART 4—Minimum Salary Levels and Related Matters

12. Classifications and minimum salary levels

12.1 Classification structure

Employees covered by this award are to be classified into one of four streams as follows:

(a) **Administrative stream**

- (i) the administrative stream comprises those roles, 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.
- (ii) the functional areas include agency administration, human resource management, finance, customer service, development and implementation of policy, information and advisory services.

(b) **Professional stream**

The professional stream comprises a number of roles:

- (i) to which are attached a mandatory degree qualification or agreed equivalent as decided by the chief executive officer; and
- (ii) the duties of which reflect:
 - (A) a combination of practitioner and/or specialist responsibilities; or

(B) an identifiable specialisation/management in a profession.

(c) **Technical stream**

The technical stream comprises a number of roles:

(i) to which are attached a mandatory diploma, associate diploma or agreed equivalent as decided by the chief executive officer; and

(ii) the duties of which reflect:

(A) a combination of practitioner and/or specialist responsibilities providing direct assistance to, but on occasion acting in isolation from, other employees; and/or

(B) supervision of employees in this or other streams.

(d) **Operational stream**

The operational stream comprises those roles, 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.

12.2 Allocation to stream and classification levels

Allocation of employees to the administrative, professional, technical and operational streams and to classification levels within those streams shall be in accordance with the stream allocation lists and generic level statements contained in Schedule 1. 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.

12.3 Minimum salary rates

(a) The minimum salaries payable to employees covered by this award, including employees under 21 years of age, are prescribed in the table below:

<u>Administrative stream</u>			<u>Professional stream</u>				
Classification Level	Award Rate ¹ Per Fortnight ² \$	Annual Salary ⁴ \$	Classification Level	Award Rate ¹ Per Fortnight ² \$	Annual Salary ⁴ \$		
Level 1	1	1,213	31,646	Level 1	1	1,241	32,376
	2	1,284	33,498		2	1,353	35,298
	3	1,355	35,351		3	1,466	38,246
			4³		1,740	45,395	
			5		1,813	47,299	
			6		1,885	49,178	
			7		1,967	51,317	
Level 2	1³	1,673	43,647	Level 2			55,283
	2	1,714	44,717		1	2,119	58,231
	3	1,757	45,838		2	2,232	61,231
	4	1,801	46,986		3	2,347	64,205
	5	1,844	48,108		4	2,461	67,179
	6	1,889	49,282		5	2,575	70,127

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<u>Administrative stream</u>			<u>Professional stream</u>		
Classification Level	Award Rate ¹ Per Fortnight ² \$	Annual Salary ⁴ \$	Classification Level	Award Rate ¹ Per Fortnight ² \$	Annual Salary ⁴ \$
	7	1,937		6	2,688
	8	1,991			
Level 3	1	2,121	Level 3	1	2,820
	2	2,199		2	2,905
	3	2,279		3	2,988
	4	2,355		4	3,072
Level 4	1	2,493	Level 4	1	3,265
	2	2,572		2	3,347
	3	2,652		3	3,429
	4	2,733		4	3,511
Level 5	1	2,876	Level 5		
	2	2,956		1	3,667
	3	3,037		2	3,755
	4	3,118		3	3,841
Level 6	1	3,286	Level 6	4	3,928
	2	3,362		1	4,055
	3	3,437		2	4,131
	4	3,511		3	4,208
Level 7	1	3,667		4	4,285
	2	3,755			
	3	3,841			
	4	3,928			
Level 8	1	4,055			
	2	4,131			
	3	4,208			
	4	4,285			

<u>Technical stream</u>			<u>Operational stream</u>		
Classification Level	Award Rate ¹ Per Fortnight ² \$	Annual Salary ⁴ \$	Classification Level	Award Rate ¹ Per Fortnight ² \$	Annual Salary ⁴ \$
Level 1	1	1,244	Level 1	1	1,076
	2	1,353		2	1,159
	3	1,466		3	1,243
	4 ³	1,740		4	1,326
	5	1,813		5	1,410
	6	1,885		6	1,494
	7	1,967			
Level 2	1	1,999	Level 2	1 ³	1,673

Technical stream			Operational stream				
Classification Level	Award Rate¹ Per Fortnight² \$	Annual Salary⁴ \$	Classification Level	Award Rate¹ Per Fortnight² \$	Annual Salary⁴ \$		
2	2,069	53,978	2	1,717	44,795		
3	2,140	55,830	3	1,762	45,969		
4	2,213	57,735	4	1,807	47,143		
5	2,284	59,587					
6	2,355	61,440					
Level 3	1	2,493	65,040	Level 3	1	1,834	47,847
	2	2,558	66,736		2	1,870	48,786
	3	2,624	68,458		3	1,908	49,778
	4	2,688	70,127		4	1,946	50,769
Level 4	1	2,820	73,571	Level 4	1	2,027	52,882
	2	2,909	75,893		2	2,090	54,526
	3	2,996	78,163		3	2,154	56,196
					4	2,217	57,839
Level 5	1	3,118	81,346	Level 5	1	2,273	59,300
	2	3,207	83,667		2	2,346	61,205
	3	3,298	86,042		3	2,420	63,135
	4	3,388	88,390		4	2,493	65,040
Level 6	1	3,495	91,181	Level 6	1	2,598	67,779
	2	3,582	93,451		2	2,666	69,553
	3	3,667	95,668		3	2,733	71,301
				Level 7	1	2,860	74,615
					2	2,928	76,389
					3	2,996	78,163

NOTES:

- ¹ Includes the arbitrated wage adjustment payable under the 1 September 2015 Declaration of General Ruling.
- ² All salaries are rounded to the nearest dollar.
- ³ Identifies the minimum salary payable to an employee aged 21 years and over classified in that particular stream.
- ⁴ Annual salaries (fortnightly rate x 26.089) are for reference purposes only.

- (b) Salaries shall be paid fortnightly and may at the discretion of the chief executive officer be paid by electronic funds transfer.

12.4 Work allocation

An employee appointed to or relieving in a role within a classification level may be allocated and subsequently reallocated to any role within that particular classification level.

12.5 Incidental and peripheral tasks

The employer may direct an employee to carry out duties that are within the particular employee's skill, competence and training provided:

- (a) The direction does not affect the employee's entitlement to the higher duties allowances prescribed in clause 12.10; and
- (b) All such directions are consistent with the employer's responsibilities to provide a safe and healthy working environment.

12.6 Recognition of qualifications and previous experience on appointment

- (a) 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 not be paid less than classification level 2, paypoint (7).
- (b) An employee appointed to level 1 of the **technical stream** having obtained the prerequisite qualification is to be appointed to the minimum rate prescribed in level 2 of that stream.
- (c) An employee appointed to level 2 of the **professional stream** who possesses qualifications higher than the minimum prerequisite qualifications (e.g. Honours, Masters and Doctorates) and who does not possess any relevant work experience will commence at the appropriate paypoint 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 employee possesses relevant work experience, such experience may be taken into account in addition to the above in determining starting salary to a maximum of paypoint (6).

- (d) 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.

12.7 Movement between classification levels - general

- (a) Except as provided below, movement between classification levels will be based on appointment on merit to advertised vacancies.
- (b) Annual increments will continue to apply in accordance with the relevant provisions of clause 12.9 to employees moving between classification level 1 and classification level 2 of the **administrative** and **operational** stream.
- (c) 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.
- (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 will be subject to:
 - (i) the employee concerned having served at least 12 months on the maximum salary prescribed for a level 2 employee; and
 - (ii) a recommendation from a selection panel that the applicant is worthy of promotion. The merit of the applicant is to be evaluated in relation to the prescribed criteria (see clause 12.8) 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 shall be appointed to a position at that higher classification level.

12.8 Prescribed criteria for movement between classification levels

(a) Professional stream

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

- (i) demonstrated professional expertise in one or more areas of a discipline as shown by:
 - (A) detailed knowledge of standard professional tasks;
 - (B) examples of modifications to standard procedures and practices and contributions to the development of new techniques and methodologies;
 - (C) professional contribution relevant to the discipline at a local level.
- (ii) possession of postgraduate qualifications or postgraduate developmental experience through attendance at specialist seminars or in-service presentations relevant to the discipline.
- (iii) 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):
 - (A) original in-service presentations;
 - (B) published papers;
 - (C) active involvement in conferences and seminars;
 - (D) consultancies;
 - (E) recognition as a resource person who collects, collates and imparts knowledge in a particular area;
 - (F) preparation of significant internal reports.
- (iv) demonstrated levels of performance and innovation through:
 - (A) a history of satisfactory performance;
 - (B) demonstrated high levels of efficiency and effectiveness;

- (C) demonstrated high level of responsibility and initiative.

(b) **Technical stream**

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

- (i) demonstrated technical expertise in one or more areas of a discipline as shown by:
 - (A) detailed technical knowledge and experience;
 - (B) high levels of accuracy and precision in undertaking procedures;
 - (C) technical contribution at a local level.
- (ii) possession of higher technical qualifications or developmental experience through attendance at specialist seminars or in-service presentations relevant to the discipline.
- (iii) 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):
 - (A) original in-service presentations;
 - (B) published papers;
 - (C) active involvement in conferences and seminars;
 - (D) consultancies;
 - (E) recognition as a resource person who collects, collates and imparts technical knowledge in a particular area;
 - (F) preparation of significant internal reports.
- (iv) demonstrated levels of performance and innovation through:
 - (A) a history of satisfactory performance;
 - (B) demonstrated high levels of efficiency and effectiveness;
 - (C) demonstrated high level of responsibility and initiative.

12.9 Movement within classification levels - increments

Movement within classification levels is based on meeting the following requirements:

- (a) 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 from one classification level to another, an increase is not to be made to the salary of any employee until:
 - (i) in the case of a full-time employee, the employee has received a salary at a particular classification and paypoint for a period of 12 months.

- (ii) in the case of a part-time employee the employee has received a salary at a particular classification and paypoint for the equivalent of 12 months' full time service.
 - (b) Notwithstanding anything contained elsewhere in this award, an employee is not entitled to move to the next salary increment level by virtue of the award unless:
 - (i) in the case of employees:
 - (A) in levels 1 and 2 of the **administrative, professional and technical** streams; and
 - (B) in levels 1, 2 and 3 of the **operational** stream,
- the conduct, diligence and general efficiency of the employee has been certified by the chief executive officer to have been and to be satisfactory;
- (ii) in the case of employees in all other classification levels, performance objectives have been achieved as certified by the chief executive officer.

12.10 Performance of higher duties

- (a) An employee directed to temporarily fill a position for more than 3 consecutive working days at a higher classification level within the same stream shall be paid extra remuneration at the first paypoint of the classification level of the position being temporarily filled.
- (b) An employee who temporarily fills a position for more than 3 consecutive working days at a classification level within a different stream as determined by this award shall be paid extra remuneration either:
 - (i) at the first paypoint of the classification level of the position being temporarily filled; or
 - (ii) at the next highest paypoint above their existing salary level within the classification level of the position being temporarily filled;

whichever is higher.

13. Allowances

- (a) 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.

- (b) Motor vehicle allowance

- (i) where the employer requires an employee to use their own vehicle in or in connection with the performance of their duties, such employee will be paid an allowance for each kilometre of authorised travel as follows:

- (A) motor vehicle—\$0.77 per kilometre; and
- (B) motorcycle—\$0.26 per kilometre.

- (ii) the employer may require an employee to record full details of all such official travel requirements in a log book.
- (c) Overtime meal allowances and meal breaks
 - (i) an employee required to work overtime for:
 - (A) more than 2 hours after ordinary ceasing time or for more than one hour continuing beyond 1800 in the case of a day worker on any normal working day; or
 - (B) more than 4 hours on a Saturday or Sunday;
 - (C) shall be provided with an adequate meal at the employer's expense or paid a meal allowance of \$12.60 in lieu of the provision of such meal.
 - (ii) where the employer requires the employee to continue working for a further 4 hours of continuous overtime work in either of the situations mentioned in clause 13(c)(i), the employee will be entitled to a 30 minute meal break and either provided with an adequate meal at the employer's expense or paid an additional meal allowance of \$12.60.
 - (iii) where an employee has been given notice to work overtime on the previous working day or prior thereto, and has brought to work a prepared meal and such overtime is cancelled, the employee shall be paid a meal allowance of \$12.60 for such prepared meal.
- (d) Adjustment of allowances
 - (i) the first aid allowance prescribed at clause 13(a) will be automatically increased from the same date and in the same manner as such monetary allowances are adjusted in any State Wage Case decision or other decision of the commission adjusting minimum wage rates in this award.
 - (ii) also at the time of any adjustment to the wage rates in this award, expense related allowances at clauses 13(b) and (c), respectively will be automatically increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
 - (iii) the applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

<u>Allowance</u>	<u>Applicable Consumer Price Index figure</u>
Overtime meal allowance	Take-away and fast foods sub-group
Motor vehicle allowance	Private motoring sub-group

14. Superannuation

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

- (c) Notwithstanding clause 14(a), the following employees are entitled to the provisions of the *Commonwealth Superannuation Act 1976*, as amended:

1407284 (formerly 1284213)

1407743 (formerly 1284242)

PART 5—Hours of Work, Breaks, On Call, Overtime, Shift Work, Weekend Work

15. Hours of work

15.1 Ordinary hours of duty

Subject to clause 15.5, the ordinary hours of duty for all employees covered by this award, exclusive of meal breaks, shall be an average of 36.25 hours per week and 7.25 hours per day, with a maximum of 9.5 hours per day.

15.2 Spread of ordinary hours of duty

The spread of ordinary hours of duty for all employees shall be 0700 to 1900 Monday to Friday, inclusive.

15.3 Definitions of terms used in Part 5

accrued time means the time worked in excess of 7.25 hours per day and up to 9.5 hours per day and not outside the **spread of ordinary hours of duty**

accrued time off means an approved absence during which an employee is able to access previously **accrued time**

carry over means any **accrued time** not taken as paid time off in one **work cycle** and which, subject to a specified limit, is carried over to the next **work cycle**

carry over limit is the hours up to a maximum of 36.25 that can be carried over from one **work cycle** to the next

core times are the periods during the day when all employees are expected to be available to perform ordinary duty (unless absent upon approved leave). **Core times** are between the hours of 0930 to 1200 and 1400 to 1600 Monday to Friday, inclusive

debit time means the amount of paid time off taken prior to the accrual of time in excess of the **ordinary hours of duty**

normal operating hours are the hours of operation of a **work unit** on any one day within the **spread of ordinary hours of duty** within which employees will be authorised to commence and cease duty

ordinary hours of duty is defined at clause 15.1

overtime cut-off level is the classification level above which overtime payments do not apply (i.e. classification level AO5, paypoint 4 or equivalent)

standard hours are 0900 to 1700 Mondays to Fridays, inclusive, with a lunch break of 45 minutes between 1200 and 1400

spread of ordinary hours of duty is defined at clause 15.2

supervisor means a person responsible for the daily supervision and operation of a **work unit**

variable working hours are the hours that an employee may work, with the agreement of the **supervisor**, that are in excess of **ordinary hours of duty** where the employee is entitled to **accrued time off** or time off in lieu

work cycle means a period of 28 consecutive days, beginning on a Monday of alternate pay periods, during which **accrued time** and approved leave will be accounted

work unit means an identifiable group of employees within Legal Aid

15.4 Working arrangements

- (a) Hours of work arrangements (including **normal operating hours**) in a **work unit** within the **spread of ordinary hours of duty** will be determined by the chief executive officer after consultation with the affected employees.
- (b) 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.
- (c) Employees are to work during **core times**, unless absent on **accrued time off** or other authorised absence from duty.
- (d) Employees who are required to travel for authorised duty away from their normal headquarters outside the **spread of ordinary hours of duty** are to be compensated by the provision of time off in lieu.

15.5 Variable working hours

- (a) **Variable working hours** provide a framework within which Legal Aid may arrange organisational hours of work and related conditions of employment to enhance flexibility. Hours of work arrangements are to be recorded in writing and advised to affected employees.
- (b) Work performed in excess of **ordinary hours of duty** and within the **spread of ordinary hours of duty** shall be recognised as **accrued time**.
- (c) The hours of work arrangements in a **work unit** may permit an employee to **accrue time**. An employee is entitled to carry over 36.25 hours of **accrued time** from one **work cycle** to the next **work cycle**.
- (d) An employee may not accrue time unless work is allocated for the employee to perform and is performed.
- (e) **Accrued time off** may only be taken with the prior approval of the relevant **supervisor**.
- (f) Employees must at all times obey directions given by their **supervisors** regarding hours of work during the **spread of ordinary hours of duty**. If an employee considers 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 they are countermanded by the chief executive officer.

- (g) Before seeking to access **accrued time off** all employees will be expected to give first priority to the maintenance of acceptable work flows and negotiate with their **supervisor** in planning office working times to ensure resources are available to service the needs of the **work unit** and clients.
- (h) It shall be the responsibility of each **supervisor** in respect to their **work unit** to ensure that the needs of the organisation and clients are met and appropriate supervision is available at all times. **Supervisors** are also responsible for ensuring that employees' workloads are properly managed and that employees are provided, subject to operational requirements, with the ability to take **accrued time off** in order to avoid forfeiting of **accrued time** in excess of any prescribed maximum **carry over** balance.
- (i) Subject to clauses 15.5(j) and (k), if at the end of a **work cycle** an employee's **carry over** is in excess of 36.25 hours the time will be forfeited.
- (j) The **supervisor** may approve a **carry over** of the **accrued time** in excess of the **carry over limit** where:
 - (i) an employee certifies that they had planned to reduce **accrued time** to within the **carry over limit** by the end of a **work cycle** and;
 - (ii) the employee was prevented from complying with the **carry over** limit by:
 - (A) a specific direction by their **supervisor** to work certain hours; **or**
 - (B) an unforeseen absence on sick leave or other approved leave upon days immediately preceding the end of a **work cycle**.
- (k) The chief executive officer may, at their discretion, approve the transfer of **accrued time** that is in excess of the **carry over limit** to time off in lieu in whole days. Such transferred excess time shall be dealt with in accordance with clause 18.3.
- (l) The chief executive officer may permit an employee to avail of **debit time**, subject to the following conditions:
 - (i) an employee who resigns or retires or otherwise ceases duty is to ensure that they possess no **accrued time** or **debit time** at the time of ceasing duty with Legal Aid. Any such employee will not receive compensation for **accrued time** existing at the time of cessation of employment.
 - (ii) an employee possessing a **debit time** at the time of ceasing employment will have a corresponding deduction made from their salary.
- (m) The chief executive officer may direct an employee to work **standard hours**. Thereafter, time worked outside **standard hours** is not **accrued time**.

16. Meal breaks

- (a) All employees shall be allowed an unpaid meal break of not less than 30 minutes each day between the 3rd and 6th hours of duty (the variable period), with such break being taken at a time which maintains the continuity of work where continuity is necessary.
- (b) 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 required to suit the exigencies of the employer.

17. Rest pauses

- (a) All employees are entitled to a paid rest pause of 10 minutes' duration in the employer's time during each **core time** subject to the following:
 - (i) a total of 10 minutes for an employee who works for more than 3 hours but less than 6 ordinary hours in any one day; or
 - (ii) a total of 20 minutes for an employee who works for at least 6 ordinary hours in any day.
- (b) Such rest pauses are to be taken 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 chief executive officer, is necessary.

18. Overtime

18.1 Overtime - general

- (a) Employees appointed to or relieving in positions which attract a salary level above that prescribed for an employee in classification level AO5, paypoint 4 or equivalent (the **overtime cut-off level**), are not entitled to remuneration for overtime, except:
 - (i) employees undertaking Saturday duty lawyer services that are classified above the **overtime cut-off level** are to be paid overtime at classification level PO3, paypoint 4.
 - (ii) employees that are classified above the **overtime cut-off level** and who are undertaking scheduled out of hours maintenance of information technology facilities or major information technology projects, where it is the opinion of the chief executive officer that it can not be undertaken during the **spread of ordinary hours of duty** without considerable disruption to the organisation, are to be paid for such out of hours' duty at classification level AO5, paypoint 4 or equivalent.
- (b) Nothing in clause 18.1(a) is to be taken to prevent the chief executive officer from exercising their discretion to make overtime payments to an employee who would otherwise be exempted from being entitled to remuneration for overtime.
- (c) Subject to clause 18.1(a) employees receiving a salary level above the **overtime cut-off level** shall be entitled to time off in lieu, equivalent to the amount of additional time worked, on a time for time basis.
- (d) Subject to clause 18.1(a) an employee receiving higher duties payments in accordance with clause 12.10 is entitled to be paid for all authorised overtime at the rate applicable to the classification level and paypoint of the position being temporarily filled.
- (e) Employees shall work reasonable overtime whenever necessary in the opinion of the chief executive officer, but 24 hours' notice shall be given, where practicable, to an employee required to work overtime.
- (f) Overtime is to be calculated to the nearest quarter of an hour.

18.2 Payment for overtime

Subject to clause 18.1(c) the following provisions apply to all employees:

- (a) All authorised overtime worked by an employee in excess of 9.5 hours on any one day or outside the spread of ordinary hours of duty on a Monday to Friday, inclusive, shall be paid at the rate of time and one half for the first 3 hours and double time thereafter.
- (b) All authorised overtime worked by an employee on a Saturday shall be paid at the rate of time and one half for the first 3 hours and double time thereafter with a minimum payment as for 2 hours' work.
- (c) All authorised overtime worked by an employee on a Sunday shall be paid at the rate of double time with a minimum payment as for 2 hours' work.
- (d) All authorised overtime worked by an employee on a public holiday shall be paid at the rate prescribed in clause 23.1.
- (e) The minimum payments provided in clauses 18.2(b) and (c) shall not apply where such overtime is performed immediately preceding and/or following ordinary hours.
- (f) Subject to agreement with the chief executive officer, an employee may elect to take overtime as time off in lieu of overtime. Such time off in lieu will be taken on a time for time basis.

18.3 Time Off In Lieu (TOIL)

- (a) Time off in lieu 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.
- (b) Any time off in lieu of overtime will lapse if not taken within 12 months from the day on which the overtime was worked.
- (c) Time off in lieu, to a maximum of 10 days, will be paid to an employee who ceases employment if it was worked within the previous 12 months.
- (d) By agreement with the chief executive officer, an employee may add a maximum of 10 working days time off in lieu of overtime to their annual leave account in any one year.

18.4 Recall to duty – other than from on call

- (a) An employee (other than an employee on call) recalled to duty after completing ordinary duty, or recalled at least 2 hours prior to commencing duty, is to be paid at the prescribed overtime rate with a minimum payment as for 2 hours' work.
- (b) 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 rate.
- (c) The minimum payment as prescribed by clause 18.4(a) does not apply where such overtime is performed immediately preceding and/or following ordinary hours.

18.5 On call – additional payments

- (a) Where an employee is instructed by the chief executive officer or a duly authorised employee to be available on call outside their ordinary or rostered working hours for duty, the employee is to 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 throughout the whole of a Saturday, Sunday or a public holiday: \$17.02 in respect of such instances;

- (ii) where an employee is on call during the night only of a Saturday, Sunday or a public holiday: \$11.03 per night; and
 - (iii) where an employee is on call on any other night: \$8.71 per night.
- (b) For the purpose of clause 18.5, a **night** is deemed to consist of those hours falling between 1900 and 0600 or mainly between such hours.

18.6 Recall to duty – from on call

- (a) **Monday to Friday** - an employee on call being recalled to perform duty shall be paid for the time worked at the overtime rate prescribed in clause 18.2, such time to be calculated as from home and return with a minimum payment as for 2 hours' work.
- (b) **Saturday or a Sunday** - an employee on call being recalled to perform duty on a Saturday or a Sunday is to be paid for such overtime at the appropriate overtime rate prescribed in clause 18.2 with a minimum payment as for 2 hours' work inclusive of travelling time from home and return **or**, at the employee's option, be granted time off in lieu at a mutually convenient time on a time for time basis.
- (c) **Public holiday** - an employee on call being recalled to perform duty on a public holiday is to be paid for such overtime at the appropriate overtime rate prescribed in clause 23.1 with a minimum payment as for 4 hours' work inclusive of travelling time from home and return **or**, at the employee's option, be granted time off in lieu at a mutually convenient time on a time for time basis.
- (d) An employee on-call who is requested by the chief executive officer to provide advice (without the need to return to the facility) is to be paid at the appropriate overtime rate prescribed in clause 18.2 for the actual time worked up to a maximum of 2 hours on any one day.
- (e) The employee will be responsible for the recording of the nature and the times of contact in respect of the types of matters mentioned in clause 18.6(d) for subsequent verification by the chief executive officer.
- (f) Any overtime payable pursuant to clause 18.6 shall be in addition to the on call allowances prescribed in clause 18.5.
- (g) 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.

18.7 Fatigue leave/rest period after overtime

- (a) 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.
- (b) 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 and then is entitled to be absent until 10 consecutive hours off duty has occurred without loss of pay for ordinary working time occurring during such absence.

18.8 Restrictions regarding on call arrangements

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.

18.9 Meal breaks on overtime

All employees covered by this award who work overtime are entitled to meal breaks and, where relevant, meal allowances as prescribed in clause 13(c).

PART 6—Leave of Absence and Public Holidays

19. Annual leave

- (a) Annual leave is provided for in Division 3 of the QES. Clause 19(b) supplements the QES provisions.
- (b) An employee proceeding on annual leave is entitled to receive the following payments:
 - (i) an amount equal to the salary level being paid to the employee immediately before the employee takes the leave for the period of such leave; and
 - (ii) a further amount equal to 17.5% of the salary payable for ordinary time in relation to the employee's substantive position for the period of such leave.

20. Personal leave

- (a) Personal leave is provided for in Division 4 of the QES and covers:
 - (i) sick leave;
 - (ii) carer's leave;
 - (iii) bereavement leave; and
 - (iv) cultural leave.
- (b) In addition to the provisions of Subdivision 2 of Division 4 of the QES an employee is entitled to use any sick leave to which they have an entitlement for carer's leave purposes.
- (c) An employee may also elect, with the consent of the employer, to take annual leave for carer's leave purposes.
- (d) 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.

21. Parental leave

- (a) Parental leave is provided for in Division 5 of the QES and covers:
 - (i) birth-related leave for an employee who is pregnant or whose spouse gives birth;
 - (ii) adoption leave; and

- (iii) surrogacy leave.
- (b) Notwithstanding the provisions of Subdivision 2 of Division 5 of the QES, all full-time and part-time employees are entitled to parental leave upon commencement of employment.
- (c) An employee who is pregnant, during the term of her pregnancy until 6 weeks before the expected date of birth of her child, or lesser period as approved by the employer, may request to work part-time or other flexible work arrangements.
- (d) An employee who has taken leave to attend compulsory interviews or examinations as part of an adoption process or who has taken leave to attend compulsory interviews or court hearings associated with a surrogacy arrangement may request that such leave be taken as paid annual leave.
- (e) In addition to the provisions of Subdivision 6 of Division 5 of the QES an employee who has returned to work on a part-time basis may seek to return to the position they held prior to commencing parental leave.
- (f) If the position mentioned in clause 21(e) no longer exists but there are other positions available that the employee is qualified for and is capable of performing, the employee is entitled to be employed in a position that is, as nearly as possible, comparable in status and remuneration to that of the employee's former position.
- (g) The employer must make a position to which the employee is entitled available to the employee.

22. Long service leave

- (a) Long service leave, including for casual employees, is provided for in Division 6 of the QES. Clause 22(b) supplements the QES.
- (b) In lieu of the provisions of section 71HB(2)(a) and (b) of the Act, 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.

23. Public holidays

Public holidays are provided for in Division 7 of the QES. Clauses 23.1 to 23.3 supplement the QES provisions.

23.1 Payment for public holidays and for work on a public holiday

- (a) An employee (other than a casual employee) who would normally work on a day on which a public holiday falls and who:
 - (i) is not required to work on that day, will be paid for the ordinary hours the employee would normally have worked if that day had not been a public holiday;
 - (ii) is required to work on the public holiday will, in addition to the payment prescribed in clause 23.1(a)(i), be paid at the rate of time and one half for any hours worked, with a minimum payment as for 4 hours' work for the day.
- (b) An employee (including a casual employee) who would normally work on a day on which a public holiday falls and who performs authorised overtime outside the employee's ordinary working hours for that day will be paid for such time at double the overtime rate prescribed in clause 18.2.

- (c) An employee (including a casual employee) who would not normally be required to work on a public holiday but who is required to work on that day will be paid at the rate of double time and one-half for any hours worked, with a minimum payment as for 4 hours' work for the day.
- (d) The minimum payment provided in clauses 23.1(a) or (c) shall not apply where the work performed on the public holiday is immediately preceding and/or following ordinary hours.

23.2 Equivalent time off

- (a) 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, shall at the employee's option receive time off equivalent to the number of hours worked, with a minimum of 4 hours in lieu of monetary compensation.
- (b) Where an employee elects to take equivalent time off such employee shall in addition be paid at half the ordinary rate with a minimum as for 4 hours' work.
- (c) Where an employee elects to take equivalent time off, 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.
- (d) 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.

23.3 Substitution

- (a) Subject to statutory limitations (such as the time(s) work may not be performed on Anzac Day) where there is agreement between the chief executive officer and an employee or employees, another ordinary working day may be substituted for a public holiday(s).
- (b) Where an employee is subsequently required to work on the substituted day they shall be paid at the rate prescribed in clause 23.1.

24. Jury service

Jury service is provided for in Division 8 of the QES.

PART 7—Working Away from Usual Place of Work

25. Work away from headquarters

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

Schedule 1—Stream allocation and generic level statements

S1.1 Stream allocation

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

S1.1.1 Administrative stream - allocations to this stream include:

- 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

S1.1.2 Professional stream - allocations to this stream include:

- 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)

S1.1.3 Technical stream - allocations to this stream include:

Library Technician

S1.1.4 Operational stream - allocations to this stream include:

Maintenance Co-ordinator

S1.2 Generic level statements

S1.2.1 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.

S1.2.2 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.

S1.2.3 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.

S1.2.4 Operational stream

(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 description (OO2)

Positions at this level involve the delivery of operational services whose work routines, methods, and procedures are clearly established and there is limited scope for deviation. Training, both on and off the job, is often a dominant feature of this level.

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.

Schedule 2—Supported wage system

S2.1 This Schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the supported wage system.

S2.2 In this Schedule:

approved assessor means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

assessment instrument means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

disability support pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991* (Cth), or any successor to that scheme

relevant minimum wage means the minimum wage prescribed in this award for the class of work for which an employee is engaged

supported wage system (sws) means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: www.jobaccess.gov.au

sws wage assessment agreement means the document in the form required by the Department of Education, Employment and Workplace Relations that records the employee's productive capacity and agreed wage rate

S2.3 Eligibility criteria

- (a) Employees covered by this Schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity, and who meet the impairment criteria for receipt of a disability support pension.
- (b) This Schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of the *Workers' Compensation and Rehabilitation Act 2003*.

S2.4 Supported wage rates

- (a) Employees to whom this Schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following Schedule:

Assessed capacity (see clause S2.5)	Relevant minimum wage
%	%
10	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

- (b) Provided that the minimum amount payable must be not less than \$80 per week.
- (c) Where an employee's assessed capacity is 10%, the employee must receive a high degree of assistance and support.

S2.5 Assessment of capacity

- (a) For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the sws by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.
- (b) All assessments made under this Schedule must be documented in a sws wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

S2.6 Review of assessment

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the sws.

S2.7 Other terms and conditions of employment

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this Schedule will be entitled to the same terms and conditions of employment as other workers covered by this award on a *pro rata* basis.

S2.8 Workplace adjustment

If the employer wishes to employ a person under the provisions of this Schedule it must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation.

S2.9 Trial period

- (a) In order for an adequate assessment of the employee's capacity to be made, the employer may employ a person under the provisions of this Schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (b) During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.
- (c) The minimum amount payable to the employee during the trial period must be no less than the amount prescribed in clause S2.4(b).
- (d) Work trials should include induction or training as appropriate to the job being trialled.
- (e) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under clause S2.5.

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