

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 2016* - s. 149 - Variation of modern awards to correct minor errors etc.  
s. 149(1) - Registrar acting on own initiative

**MISCELLANEOUS ADMINISTRATIVE EMPLOYEES AWARD – STATE 2016**

**Matter No. MA/2017/13**

INDUSTRIAL REGISTRAR

1 March 2017

**VARIATION**

Pursuant to s 149 of the *Industrial Relations Act 2016* this Award is varied as follows as from 1 March 2017:

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

**2. Operation**

This Award operates from 26 April 2016.

2. In clause 3:

- (a) By deleting the definition of "Act" and inserting the following in lieu thereof:

**Act** means the *Industrial Relations Act 2016*

- (b) By deleting the definition of "QES" and inserting the following in lieu thereof:

**QES** means the Queensland Employment Standards contained in Part 3 of Chapter 2 of the Act

3. By deleting clause 6.1(c) and inserting the following in lieu thereof:

- (c) Any proposed genuine agreement reached between an employer and employee/s in an enterprise is contingent upon the agreement being submitted to the Commission in accordance with Chapter 4 of the Act and is to have no force or effect until approval is given.

4. By deleting clause 9.1 and inserting the following in lieu thereof:

**9.1 Notice of termination by the employer**

Notice of termination by the employer is provided for in Division 13 of the QES. Clauses 9.2 to 9.5 supplement the QES provisions.

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

**10.1 Redundancy pay**

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

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

**19. Annual leave**

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

7. By deleting clause 20 and inserting the following in lieu thereof:

**20. Personal leave**

- (a) Personal leave is provided for in Division 6 of the QES and covers:

- (i) sick leave;
- (ii) carer's leave;
- (iii) bereavement leave; and
- (iv) cultural leave.

8. By deleting clauses 21(a), (b) and (e) and inserting the following in lieu thereof:

- (a) Parental leave is provided for in Division 8 of the QES and covers:

- (i) birth-related leave for an employee who is pregnant or whose spouse gives birth;
- (ii) adoption leave; and
- (iii) surrogacy leave.

- (b) Notwithstanding the provisions of Subdivision 2 of Division 8 of the QES, all full-time and part-time employees are entitled to parental leave upon commencement of employment.

- (e) In addition to the provisions of Subdivision 6 of Division 8 of the QES an employee who has returned to work on a part-time basis may seek to return to the position they held prior to commencing parental leave.

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

**22. Long service leave**

Long service leave, including for casual employees, is provided for in Division 9 of the QES.

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

**23. Public holidays**

Public holidays are provided for in Division 10 of the QES. Clauses 23.1 and 23.2 supplement the QES provisions.

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

**24. Jury service**

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

12. By deleting clause 30(b)(i) and inserting the following in lieu thereof:

- (i) An authorised industrial officer may enter a workplace at which the employer carries on a calling of the officer's organisation, during the employer's business hours, to exercise a power under Chapter 9, Part 1, Division 5, Subdivision 2 of the Act as long as the authorised industrial officer:
  - (A) has notified the employer or the employer's representative of the officer's presence; and
  - (B) produces their authorisation, if required by the employer or the employer's representative.

13. By deleting clause 30(c)(i) and inserting the following in lieu thereof:

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

14. By deleting the Note which appears at the foot of clause 30 and inserting the following in lieu thereof:

*Note: Clause 30 - Right of entry, deals with comparable provisions contained within the Act. In order to ensure the currency of existing legal requirements parties are advised to refer to Chapter 9, Part 1, Division 5 of the Act as amended from time to time.*

Dated: 1 March 2017

M. Shelley,  
Deputy Industrial Registrar.

Variation approved, pursuant to s 149(2) of the Act:

D.L. O'Connor,  
Deputy President.

Released: 1 March 2017

Operative Date: 1 March 2017  
Variation