

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the Parents and Citizens Associations Award - State 2016 [2020] QIRC 223*

PARTIES: **United Voice, Industrial Union of Employees, Queensland**  
(Applicant)

v

**Queensland Council of Parents and Citizens' Associations**  
(Respondent)

CASE NO: MA/2020/24

PROCEEDING: Application to vary a modern award

DELIVERED ON: 18 December 2020

HEARING DATE: On the papers

MEMBER: Power IC

ORDER: **1. Application granted.**

**2. Orders are made in the terms of the final page of these reasons**

CATCHWORDS: INDUSTRIAL LAW – VARIATION OF A MODERN AWARD – application to vary a modern award.

LEGISLATION: *Industrial Relations Act 2016 (Qld), s 147*

*Industrial Relations (Tribunals) Rules 2011 (Qld), r 95*

### Reasons for Decision

- [1] United Voice, Industrial Union of Employees, Queensland ("UVQ") has filed an application pursuant to s 147 of the *Industrial Relations Act 2016* ("the Act"), to vary the *Parents and Citizens Associations Award - State 2016* ("the Award").
- [2] The Award applies to employees who are employed, *inter alia*, in an activity conducted by a Parents and Citizens Association within Queensland and whose rates of pay are fixed by the Award.
- [3] The Respondent, the Queensland Council of Parents and Citizens Association, consents to the variations sought by the Applicant.

#### The variations sought

- [4] The amendments sought to vary the Award in order to address a matter which was overlooked when the award classification structure was varied as at 20 April 2020, in accordance with the Decision in *Re: Variation of the Parents and Citizens Association Award - State 2016*.<sup>1</sup>
- [5] This application seeks to vary clause 12.9(e) of the Award in accordance with other variations to the classification structure.
- [6] The variations sought were provided to the Commission by the parties, by consent, in the following terms:

Pursuant to s 147 of the *Industrial Relations Act 2016* application is made for the *Parents and Citizens Association Award - State 2016* to be varied as follows from the date it is to be ordered.

- 1. By deleting clause 12.9(e) and inserting the following in lieu thereof:
  - (e) (i) An employee employed as a Level 4A, or Level 5 employee in the OSHC and vacation care stream will only be paid at the Level 5A or Level 6 rate if the absence of the Level 5A or Level 6 employee is for more than two consecutive working days.
  - (ii) Unless otherwise agreed no employee shall be required to perform the duties of a Level 5A or Level 6 employee for more than a maximum period of six weeks.

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<sup>1</sup> [2020] QIRC 022.

## Consideration

- [7] Section 147 of the Act provides that the Commission may make or vary a modern award on its own initiative or by application to provide for "fair and just employment conditions".
- [8] In her affidavit of 1 December 2020, Sharron Caddie, President of UVQ, deposed that the variation in the Award on 6 February 2020 overlooked clause 12.9 which should have been varied in accordance with the other variations to the classification structure. This application seeks an Order varying clause 12.9(e) to ensure consistency with the Decision in *Variation of the Parents and Citizens Associations Award – State 2016* [2020] QIRC 022.
- [9] I am satisfied that the variations sought by the UVQ are merely a correction, pursuant to r 95 of the *Industrial Relations (Tribunals) Rules 2011* (Qld), ensuring the Award continues to provide "fair and just employment conditions".
- [10] Having given consideration to the proposed variation, and the consent position of the parties to the said variation, I grant the application and make the necessary orders to vary the Award.

## Orders

**Pursuant to s 147 of the *Industrial Relations Act 2016* application is made for the *Parents and Citizens Association Award - State 2016* to be varied as follows from the date it is to be ordered.**

- 1. By deleting clause 12.9(e) and inserting the following in lieu thereof:**
  - (e) (i) An employee employed as a Level 4A, or Level 5 employee in the OSHC and vacation care stream will only be paid at the Level 5A or Level 6 rate if the absence of the Level 5A or Level 6 employee is for more than two consecutive working days.**
  - (ii) Unless otherwise agreed no employee shall be required to perform the duties of a Level 5A or Level 6 employee for more than a maximum period of six weeks.**
- 2. The variation of the Award will operate on and from 18 December 2020.**