

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the Parks and Wildlife Employees Award – State 2016*
[2020] QIRC 153

PARTIES: **State of Queensland (Office of Industrial Relations)**
(Applicant)

v

The Australian Workers' Union of Employees, Queensland
(First Respondent)

&

Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District
(Second Respondent)

CASE NO: MA/2020/18

PROCEEDING: Application

DELIVERED ON: 2 September 2020

HEARING DATE: On the Papers

MEMBER: Knight IC

HEARD AT: Brisbane

ORDER: **1. Application granted. Full Orders as per final pages of decision.**

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

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

Reasons for Decision

- [1] The State of Queensland (Office of Industrial Relations) has filed an application pursuant to s 147 of the *Industrial Relations Act 2016* ("the Act") to vary the *Parks and Wildlife Employees Award – State 2016* ("the Award").
- [2] The unions parties have raised no objection to the proposed variation.
- [3] The proposed variation is purposed to remove hours-based barriers to increment progression in relation to part-time employees to whom the Award applies.
- [4] Clause 12.7 of the Award applies a requirement for a part-time employee at level four, five, six or seven in the rangers and wildlife officers' occupations to work 1200 hours prior to moving to the next increment within a classification level.
- [5] The Award covers approximately 23 part-time employees (as at June 2019) who are subject to the provision applying an hours-based barrier to increment progression.
- [6] In her affidavit of 12 August 2020, Ms Tara Armstrong, Director of Industrial Relations (Public Sector), deposes that female employees are disproportionately engaged on a part-time basis across the public service generally. This, she says, is a factor contributing to the gender pay gap – something the proposed variation is intended and projected to ameliorate.
- [7] I grant the application and make the necessary orders to vary the Award.

Orders

Pursuant to s 147 of the Act, the *Parks and Wildlife Employees Award – State 2016* is varied as follows:

1. **By deleting clause 12.7(a) and inserting the following in lieu thereof:**
 - (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, or transfer and 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 or a part-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 casual employee with 12 months continuous service with the same employer:**

- (A) the employee has received a salary at a particular classification and paypoint for a period of at least 12 months; and**
- (B) the employee has worked 1,200 ordinary hours in such classification.**

For the purpose of clause 12.7(a)(ii), continuous service for a casual employee is considered to be broken if more than 3 months, excluding any public holidays, has elapsed between the end of one employment contract and the start of the next employment contract.

- 2. The variation of the Award will operate on and from 2 September 2020.**