

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 125 - making, amending and repealing awards

Department of Transport and Main Roads AND Together Queensland, Industrial Union of Employees and Others (A/2012/6)

QUEENSLAND PUBLIC SERVICE AWARD - STATE 2003

DEPUTY PRESIDENT SWAN

3 April 2012

AMENDMENT

This matter coming on for hearing before the Commission at Brisbane on 3 April 2012 this Commission orders that the said Award be amended as follows as from 3 April 2012:

1. By deleting clause S3.10.3(a) from Schedule 3 and inserting the following in lieu thereof:

(a) Extra payment for weekend work

- (i) Except as provided for in clause S3.10.3(a)(ii), (iii) and (iv), all ordinary time duty performed between midnight on Friday and midnight on Saturday will be paid for at the rate of time and a-half and all ordinary duty performed between midnight on Saturday and midnight on Sunday shall be paid for at the rate of double time.
- (ii) (A) An officer will be paid ordinary time and in addition will accrue time off in lieu of penalty rates equivalent to the actual ordinary hours worked for the first 4 rostered and worked Sunday shifts per financial year (representing 8 hours per shift, 32 hours in total).

(B) Where the duration of ordinary shifts is either greater than or lesser than the average daily ordinary hours, the total ordinary hours worked will contribute on a *pro rata* basis towards the relevant Sunday shifts where payment of ordinary weekend penalties does not apply.

(C) An employee may elect to combine or convert the relevant Sunday shifts with Saturdays and/or Sundays or alternatively with Saturdays and/or Sundays and public holidays. Should this option be chosen a Saturday shift of 8 hours will equate to 4 hours and a public holiday shift of 8 hours will equate to 12 hours.

(iii) For the purposes of clause S3.10.3:

"Sunday shift" means a shift of 8 hours worked on a Sunday.

"Relevant Sunday shifts" means the total stipulated hours in each relevant financial year which an employee is required to work as ordinary hours and in addition accrued time off in lieu of penalty rates before being paid weekend penalties in accordance with clause S3.10.3(a)(i). This will mean the first relevant rostered Sundays of each financial year.

- (iv) An employee entitled to receive extra payment for weekend work, or work on public holidays, may elect to be compensated by time off in lieu as follows:
 - (A) for ordinary hours worked on a Saturday, paid at ordinary time and in addition accrue time off in lieu equal to 50% of hours worked;
 - (B) for ordinary hours worked on a Sunday, paid at ordinary time and in addition accrue time off in lieu equal to 100% of hours worked;
 - (C) for ordinary hours worked on a Public Holiday, paid at ordinary time and in addition accrue time off in lieu equal to 150% of hours worked.
- (v) Time off in lieu not utilised within 12 months of accrual will expire.

2. By deleting S3.10.3(c) from Schedule 3 and inserting the following in lieu thereof:

(c) Offshore Surveillance Duty

- (i) An employee who undertakes at sea surveillance duties on vessels greater than 10 metres carried out on behalf of the Department, from time to time shall be paid an "Off Shore Surveillance" allowance in respect of continuous periods spent at sea, anchoring out whilst on offshore surveillance and or travelling on a vessel at sea away from the port of departure as follows:
- For each day consisting of 24 hours, \$1.00 per hour with a minimum payment of \$10.00 for any part of a day less than 10 hours;
 - Provided that an officer must first complete 2 full days (48 hrs) at sea to qualify for the Off Shore Surveillance allowance.
- (ii) Employees will accrue one day's leave for each completed week (7 days, consisting of 24 hour periods) that such employees are away from the vessel's port of departure. Where the period is greater than 1 week, any further period of less than a completed week is to be calculated on a *pro rata* basis of 1 hour for each day spent away in excess of 7 days (e.g. 10 day patrol = 1 day 3 hours leave):

Provided that such leave shall be given and taken by mutual consent within 12 months of the date of completion of the period of offshore surveillance duty wherein such leave was accumulated.

It is the intention that this leave allowance commences immediately the vessel departs a port and ceases:

- when the vessel returns to the port of departure; or
- an officer departs the vessel at another Port after completing a voyage; or
- at the conclusion of a "security watch" immediately following and in conjunction with a voyage.

A "security watch" means the event where an Officer or Officers are required to maintain duties on board a vessel to maintain the vessels, security, safety and integrity whilst away from its Home Port.

3. By inserting a new clause S3.10.3(d)(vii) in Schedule 3 as follows:

(vii) For the purposes of clause 3.10.3(d):

"District Officer" will mean the District Officer, District Manager, District Operations Officer, Senior Field Officer or Senior Response Officer.

4. By deleting clauses S3.10.3(e)(iii) and S3.10.3(e)(iv) from Schedule 3.

5. By deleting clause S3.10.3(f)(i) from Schedule 3 and inserting the following in lieu thereof:

- (i) Except as hereinafter provided, all authorised work performed by employees remunerated at classification level TO5 paypoint (1) and below, in excess of the rostered hours each day will be paid for at overtime rates.

All authorised work performed by employees remunerated above classification level TO5 paypoint (1) will be subject to the Directive relating to Hours and Overtime as issued from time to time by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*.

Dated 3 April 2012.

By the Commission,
[L.S.] G.D. SAVILL,
Industrial Registrar.

Operative Date: 3 April 2012
Amendment - Schedule 3
Released: 3 April 2012