

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 2016* – s 147 Commission’s power to make or vary modern awards

**QUEENSLAND PUBLIC SERVICE OFFICERS AND  
OTHER EMPLOYEES AWARD – STATE 2015**

**Matter No. MA/2018/4**

DEPUTY PRESIDENT BLOOMFIELD

10 September 2018

**VARIATION**

This matter coming on for hearing before the Commission at Brisbane on 31 August 2018, the Commission orders that the said Award be varied, by consent, as follows as from 31 August 2018:

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

**2. Operation**

This Award, made on 31 October 2015, operates from:

- 12 January 2016 – for employees covered by the *Office of the Information Commissioner – Certified Agreement 2015*;
- 10 March 2016 – for employees covered by the *Maritime Safety Queensland Maritime Operations Certified Agreement 2015*;
- 16 May 2016 – for employees covered by the *QFleet Certified Agreement 2016*;
- 1 June 2016 – for employees covered by the *State Government Entities Certified Agreement 2015*;
- 30 September 2016 – for employees covered by the *State Government Security Certified Agreement 2016*;
- 5 October 2016 – for Nurses employed by the Department of Education covered by the *Nurses and Midwives (Queensland Health and Department of Education and Training) Certified Agreement (EB9) 2016*;
- 9 February 2017 – for employees covered by the *Transport and Main Roads Enterprise Bargaining Certified Agreement 2016*;
- 15 January 2018 – for employees of National Injury Insurance Agency (Queensland); and
- 31 August 2018 – for employees of Trade and Investment Queensland.

2. In clause 3:

(a) By deleting the definition of “QRAA” and inserting the following in lieu thereof:

**QRIDA** is the abbreviation of the name of the agency created by the *Rural and Regional Adjustment Act 1994* (viz: Queensland Rural and Industry Development Authority)

(b) By inserting after the definition of “spread of ordinary hours” a new definition:

**Trade and Investment Queensland** is the name of the agency created by the *Trade and Investment Queensland Act 2013*

3. By deleting clause 4.1(a)(i)(G) and inserting the following in lieu thereof:

(G) appointed pursuant to section 63 of the *National Injury Insurance Scheme (Queensland) Act 2016*; or

(H) appointed pursuant to section 11 of the *Trade and Investment Queensland Act 2013*; and

4. By deleting the table at clause 8.3(d) and inserting the following in lieu thereof:

<b>Department, classification, group or area</b>	<b>Minimum engagement per day</b>
(i) <b>Department of Agriculture and Fisheries:</b> ○ casual Plant Health Inspectors	1 hour, for actual work performed on inspections
(ii) <b>Department of Child Safety, Youth and Women</b> ○ Convenors - Youth Justice Conferencing	Where the work performed relates to telephone calls and administrative work associated with ongoing conferences with clients, such work will be remunerated at the appropriate rate based on the actual time worked.
(iii) <b>Department of Justice and Attorney-General:</b> ○ Supreme and District Court Bailiffs	4 hours

5. By deleting clause 12.3(h) and inserting the following in lieu thereof:

(h) **Savings provision**

Employees of the undermentioned agencies who are in receipt of a higher rate of salary, as at the date of commencement of this Award, than prescribed for the equivalent classification in clauses 12.1(a) to (d), inclusive, and (f) shall not suffer a reduction in salary because of their transfer to coverage under this Award:

- (i) Crime and Corruption Commission;
- (ii) Queensland Building and Construction Commission;
- (iii) Queensland Rural and Industry Development Authority (QRIDA);
- (iv) Residential Tenancies Authority; and
- (v) Safe Food Queensland.

6. By deleting clauses 12.6(d) and (e), and inserting the following in lieu thereof:

(d) A new employee or employee appointed to level 1 of the Professional stream having obtained the prerequisite qualifications shall be appointed to level 2 of that stream and commence at the appropriate paypoint as set out hereunder:

3 year qualification	paypoint 1
4 year qualification	paypoint 2

5 year qualification                      paypoint 3

- (e) A new employee or employee appointed to level 2 of the Professional stream who acquires or possesses qualifications higher than the minimum prerequisite qualifications (e.g. Honours, Masters and Doctorates) will commence at or progress to 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

7. By deleting clause 13.5(a), and inserting the following in lieu thereof:

- (a) Explosive inspectors and gas & petroleum inspectors employed by the Department of Natural Resources, Mines and Energy shall be paid an out-of-hours allowance of \$6,680 per annum to compensate for being on call for 7 days/nights per week and for overtime performed on Mondays to Fridays (excluding public holidays) outside ordinary hours.

8. By deleting the table at clause 15.1(a) and inserting the following in lieu thereof:

Department, classification, group or area	Ordinary hours of work per week (fortnight)	Maximum ordinary hours of work per day
(i) <b>Crime and Corruption Commission:</b> <ul style="list-style-type: none"> <li>• employees working shift work in the electronic collections unit</li> </ul>	36.25	10.35
(ii) <b>Department of Agriculture and Fisheries:</b> <ul style="list-style-type: none"> <li>• Queensland Boating and Fisheries Patrol                             <ul style="list-style-type: none"> <li>o all employees up to and including district managers (but excluding administrative officers, regional managers and the superintendent)</li> </ul> </li> </ul>	38	12
(iii) <b>Department of Education:</b> <ul style="list-style-type: none"> <li>• Schools officer (facilities)</li> <li>• Schools officer (grounds)</li> <li>• Schools officer (grounds and facilities)</li> </ul>	38 38 38	10 10 10
(iv) <b>Department of Environment and Science:</b> <ul style="list-style-type: none"> <li>• Gallery services officer, Queensland Art Gallery                              (*Subject to agreement between the employer and the employee or employees concerned).</li> </ul>	38	10*
(v) <b>Department of Housing and Public Works:</b> <ul style="list-style-type: none"> <li>• Computer operators, CITEC</li> <li>• Telephonists ("concierges") employed at Smart Service Queensland (SSQ)</li> </ul>	36.25  32.5	12  7.25
(vi) <b>Department of Natural Resources, Mines and Energy:</b> <ul style="list-style-type: none"> <li>• Senior magazine keeper</li> <li>• Assistant magazine keeper</li> </ul>	38 38	10 10

Department, classification, group or area	Ordinary hours of work per week (fortnight)	Maximum ordinary hours of work per day
<ul style="list-style-type: none"> <li>Explosives reserve keeper</li> </ul>	38	10
<p>(vii) <b>Department of Transport and Main Roads:</b></p> <ul style="list-style-type: none"> <li>Driver examiners</li> <li>Transport inspectors</li> </ul>	72.5 hours per fortnight over a 9 day fortnight or a 19 day month	76 hours per fortnight
<p>(viii) <b>Public Safety Business Agency:</b></p> <ul style="list-style-type: none"> <li>Technical officers (TO2, TO3 and TO4) and Technical assistants (TO1), who were previously employed in the former Department of Community Safety, engaged in Emergency Response Systems, Frontline Communications and Response, Frontline and Digital Services</li> </ul> <p>(*Where a team of employees is required to perform duties in the field on emergency deployment, such deployment shall be a maximum of 4 days duration with a daily maximum of 12 hours' work)</p> <ul style="list-style-type: none"> <li>Nurses</li> </ul>	72.5 hours over a 9 day fortnight*	38 hours with a maximum of 10 hours per day
<p>(ix) <b>Queensland Building Construction Commission:</b></p> <ul style="list-style-type: none"> <li>all employees</li> </ul>	145 hours over a 28 day cycle	
<p>(x) <b>Queensland Fire and Emergency Services:</b></p> <ul style="list-style-type: none"> <li>State emergency services staff</li> </ul>	72.5 per fortnight	9.5
<p>(xi) <b>Safe Food Queensland:</b></p> <ul style="list-style-type: none"> <li>all employees</li> </ul> <p>(*by agreement with employees in a section or work unit)</p>	36.25 or 72.5 per fortnight	9 hours 6 minutes*

9. By deleting the note at the end of clause 15.1.

10. By deleting the table at clause 15.3(a) and inserting the following in lieu thereof:

Department, classification, group or area	Spread of ordinary hours
<p>(i) <b>Crime and Corruption Commission:</b></p> <ul style="list-style-type: none"> <li>all employees</li> </ul>	0700 to 1800, Monday to Friday
<p>(ii) <b>Department of Agriculture and Fisheries:</b></p> <ul style="list-style-type: none"> <li>Queensland Boating and Fisheries Patrol <ul style="list-style-type: none"> <li>all employees up to and including district</li> </ul> </li> </ul>	0000 to 2400, Monday to Sunday

Department, classification, group or area	Spread of ordinary hours
<p>managers (but excluding administrative officers, regional managers and the superintendent)</p> <ul style="list-style-type: none"> <li>○ casual plant health inspectors</li> </ul>	<p>0000 to 2400, Monday to Sunday</p>
<p>(iii) <b>Department of Child Safety, Youth and Women:</b></p> <ul style="list-style-type: none"> <li>• Convenors - Youth Justice Conferencing</li> </ul>	<p>0600 to 1800, Monday to Sunday</p>
<p>(iv) <b>Department of Education:</b></p> <ul style="list-style-type: none"> <li>• Community participation officers</li> <li>• Runaway Bay Sports and Leadership Excellence Centre: <ul style="list-style-type: none"> <li>○ Reception staff</li> </ul> </li> <li>○ Massage therapists</li> </ul>	<p>0600 to 2100, Monday to Friday</p> <p>0500 to 2100, Monday to Friday 0600 to 2100, Saturday and Sunday</p> <p>0500 to 2100, Monday to Friday 0600 to 1730 Saturday 0600 to 1230 Sunday</p>
<p>(v) <b>Department of Environment and Science</b></p> <ul style="list-style-type: none"> <li>• Protection and services staff, Queensland Art Gallery</li> <li>• Gallery services officer, Queensland Art Gallery</li> <li>• Visitor services officers, information officers and education assistants, Queensland Museum</li> <li>• Learning Officer, Sciencentre, Queensland Museum</li> </ul>	<p>0600 to 1800, Monday to Sunday</p> <p>0600 to 1800, Monday to Sunday</p> <p>0600 to 1800, Monday to Sunday</p> <p>0600 to 1800, Monday to Sunday</p>
<p>(vi) <b>Department of Natural Resources, Mines and Energy:</b></p> <ul style="list-style-type: none"> <li>• Senior magazine keeper</li> <li>• Assistant magazine keeper</li> <li>• Explosives reserve keeper</li> </ul>	<p>0600 to 1800, Monday to Sunday</p> <p>0600 to 1800, Monday to Sunday</p> <p>0600 to 1800, Monday to Sunday</p>
<p>(vii) <b>Department of Justice and Attorney-General:</b></p> <ul style="list-style-type: none"> <li>• Supreme and District Court bailiffs</li> </ul>	<p>0830 to 1730, Monday to Friday</p>
<p>(viii) <b>Department of State Development, Manufacturing, Infrastructure and Planning:</b></p> <ul style="list-style-type: none"> <li>• Sales information officers, Economic Development Queensland</li> </ul>	<p>0600 to 1800, Monday to Sunday</p>
<p>(ix) <b>Public Safety Business Agency:</b></p> <ul style="list-style-type: none"> <li>• Technical officers (TO2, TO3 and TO4) and Technical assistants (TO1), who were previously employed in the former Department of Community Safety, engaged in Emergency Response Systems, Frontline Communications</li> </ul>	<p>0730 to 1605, Monday to Friday</p>

<b>Department, classification, group or area</b>	<b>Spread of ordinary hours</b>
and Response, Frontline and Digital Services	
(x) <b>Queensland Building and Construction Commission:</b> <ul style="list-style-type: none"> <li>all employees</li> </ul>	0700 to 1830, Monday to Friday or other spread of hours or days (i.e. Saturday and/or Sunday) agreed in writing with the majority of employees concerned
(xi) <b>Queensland Corrective Services</b> <ul style="list-style-type: none"> <li>Visits processing officers (Corrective Services)</li> </ul>	0600 to 1800, Monday to Sunday
(xii) <b>Queensland Fire and Emergency Services:</b> <ul style="list-style-type: none"> <li>State emergency services staff</li> </ul>	0600 to 2200, Monday to Sunday

11. By deleting clause 18.2(g) and inserting the following in lieu thereof:

- (g) A part-time employee of QRIDA who works overtime is to be paid at the appropriate overtime rate plus a loading of 1/12th (or 8.33%) in lieu of annual leave.

12. By deleting the table at clause 18.4(a) and inserting the following in lieu thereof:

<b>Department, classification, group or area</b>	<b>TOIL arrangements</b>
(i) <b>Crime and Corruption Commission:</b> <ul style="list-style-type: none"> <li>all employees</li> </ul>	<ul style="list-style-type: none"> <li>At the election of the employee - overtime may be compensated by time off in lieu.</li> </ul>
(ii) <b>Department of Agriculture and Fisheries:</b> <ul style="list-style-type: none"> <li>Queensland Boating and Fisheries Patrol <ul style="list-style-type: none"> <li>all employees up to and including district managers (but excluding administrative officers, regional managers and the superintendent)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>At the election of the employee - overtime may be compensated by time off in lieu.</li> </ul>
(iii) <b>Department of Education:</b> <ul style="list-style-type: none"> <li>Community participation officers</li>   <li>School support staff</li> </ul>	<ul style="list-style-type: none"> <li>Overtime worked on a Saturday or Sunday may, by mutual agreement, be taken as time off in lieu on a time for time basis.</li> <li>In accordance with Section 3 of Schedule 3.</li> </ul>

<p>(iv) <b>Nursing staff:</b></p> <ul style="list-style-type: none"> <li>• all departments</li> </ul>	<ul style="list-style-type: none"> <li>• By mutual agreement time off in lieu, to a maximum of 24 hours, may be granted on a time for time basis</li> <li>• Any accrued time outstanding at the time of cessation of an employee's employment is to be paid for at the appropriate overtime rate.</li> </ul>
<p>(v) <b>Public Safety Business Agency:</b></p> <ul style="list-style-type: none"> <li>• Technical officers (TO2, TO3 and TO4) and Technical assistants (TO1), who were previously employed in the former Department of Community Safety, engaged in Emergency Response Systems, Frontline Communications and Response, Frontline and Digital Services</li> </ul>	<ul style="list-style-type: none"> <li>• At the election of the employee - time off in lieu on a time for time basis.</li> <li>• TOIL to be taken within 12 months of the day on which the overtime was worked, with any TOIL not taken within that time to lapse.</li> </ul>
<p>(v) <b>Queensland Building and Construction Commission:</b></p> <ul style="list-style-type: none"> <li>• all employees</li> </ul>	<ul style="list-style-type: none"> <li>• By mutual agreement overtime may be compensated by time off in lieu.</li> </ul>
<p>(vi) <b>QRIDA:</b></p> <ul style="list-style-type: none"> <li>• all employees (whether entitled to remuneration for overtime pursuant to clause 18.1(a) or not)</li> </ul>	<ul style="list-style-type: none"> <li>• By mutual agreement - time off in lieu on a time for time basis.</li> <li>• TOIL to be taken within 12 months of the day on which the overtime was worked, with any TOIL not taken within that time to lapse.</li> </ul>
<p>(vii) <b>Residential Tenancies Authority:</b></p> <ul style="list-style-type: none"> <li>• all employees</li> </ul>	<ul style="list-style-type: none"> <li>• An employee on call who is recalled to work on a Saturday or Sunday may, by mutual agreement, take time off in lieu on a time for time basis.</li> <li>• TOIL to be taken within 12 months of the day on which the overtime was worked, with any TOIL not taken within that time to lapse.</li> <li>• In addition to being able to elect to take TOIL, on a time for time basis, an employee on call who is recalled to work on a public holiday is to be paid at half the</li> </ul>

	ordinary rate of pay for the time worked with a minimum payment as for 4 hours.
<p>(viii) <b>Safe Food Queensland:</b></p> <ul style="list-style-type: none"> <li>• all employees</li> </ul>	<ul style="list-style-type: none"> <li>• At the election of the employee and with the agreement of the employer - overtime may be compensated (where available) by time off in lieu on a time for time basis.</li> <li>• TOIL must be taken ahead of annual leave and long service leave, or by mutual agreement, taken in conjunction with such leave.</li> <li>• TOIL must be taken within 4 months of the day on which the overtime was worked, with any TOIL not taken within that time to be paid out.</li> <li>• A maximum of 5 days of TOIL, at the employee's normal working hours, may be accrued at any one time.</li> </ul>

13. By deleting clause 19.2(a) and inserting the following in lieu thereof:

- (a) A magazine employee or magazine manager employed by the Department of Natural Resources, Mines and Energy based at the centres of Helidon, Bajool, Queerah and Brookhill who is required to reside on site shall be entitled to 10 days' leave per annum in addition to their annual leave entitlement as compensation for being on call and confined to site. An employee acting in the capacity of a magazine employee or magazine manager and required to reside on site shall be entitled to *pro rata* entitlement of the 10 days' additional leave during the period that the employee relieves or acts in that capacity. The additional 10 days' leave is not annual leave and does **not** attract annual leave loading.

14. By deleting clause 23.1(b) and inserting the following in lieu thereof:

- (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 shall be paid for such time at double the overtime rate prescribed in clauses 18.2 or 18.3(a), as the case may be.

15. In Schedule 3, by deleting the provision immediately between the heading 'Schedule 3 – Organisational Hours of Work Arrangements' and 'Section 1 – Provisions of general application' and inserting the following in lieu thereof:

Except for:

- (a) Employees of QRIDA - see Section 2 of this Schedule; and
- (b) School support staff employed by the Department of Education - see Section 3 of this Schedule,

the provisions of Section 1 of Schedule 3 apply to all eligible employees covered by this Award, where eligible employees has the meaning ascribed to it in clause 15.6.



16. In clause S3.1.3, by deleting the definition of “hours of work arrangements” and inserting the following in lieu thereof:

**hours of work arrangements** means those working arrangements introduced in accordance with Section 1 of Schedule 3 which are designed to give effect to the provisions of clause 15.6 and the purpose of Section 1 of Schedule 3, as recorded in clause S3.1.1

17. By deleting clause S3.1.4(a)(iii) and inserting in lieu thereof:

(iii) Hours of work arrangements for each department or work unit are to be recorded in writing, advised to affected employees and written notification provided to the relevant union/s.

18. By deleting clause S3.1.4(i)(viii) and inserting in lieu thereof:

(viii) Clause S3.1.4(i) does not apply to employees in receipt of ordinary salary that exceeds the equivalent of the AO5(4) salary, to whom the directive about overtime applies and who are compensated for overtime in accordance with clauses 18.1(b) or (c).

19. By deleting the heading at Schedule 3, Section 2 and the sentence immediately thereafter, and inserting in lieu thereof:

### **Schedule 3 - Section 2 – QRIDA**

The following flexible working arrangements apply to all employees of QRIDA.

20. By deleting clause S3.2.1(a) and inserting in lieu thereof:

(a) The following flexible arrangements are designed to increase the efficiency and productivity of QRIDA by providing the most suitable working arrangements for performing a particular task or operation without unreasonably disadvantaging employees.

21. By deleting the heading at Schedule 3, Section 3 and inserting in lieu thereof:

Schedule 3 - Section 3 - Department of Education (DoE)

22. In clause S3.3.4, by deleting the definition of “employer ” and inserting the following in lieu thereof:

**employer** means the Director-General of DoE or the principal of a school or a school support centre coordinator acting as the delegate of the Director-General in facilitating the implementation of these arrangements where the context so demands

23. By deleting Schedule 10 and inserting in lieu thereof:

### **Schedule 10 - List of Cultural Centres**

- Queensland Art Gallery (including the Gallery of Modern Art)
- Queensland Museum
- State Library of Queensland
- The following business units of the Arts Queensland Division of the Department of Environment and Science -
  - Judith Wright Centre of Contemporary Arts
  - The Centre of Contemporary Arts Cairns

24. By updating the Table of Contents to reflect the above variations.

Dated: 10 September 2018

A. L. Bloomfield,  
Deputy President.

Operative Date: 31 August 2018  
Order – Variation of a modern award

Released: 10 September 2018