

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 698 - reprint of award

RESIDENTIAL TENANCIES AUTHORITY EMPLOYEES' AWARD - STATE 2002

Following the Declaration of the General Ruling in the 2010 State Wage Case (matter numbers B/2010/20 and B/2010/21), the Residential Tenancies Authority Employees' Award - State 2002 is hereby reprinted, pursuant to s. 698 of the *Industrial Relations Act 1999*.

I hereby certify that the Award contained herein is a true and correct copy of the Residential Tenancies Authority Employees' Award - State 2002 as at 1 September 2010.

Dated 1 November 2010.

[L.S.] G.D. Savill
Industrial Registrar

RESIDENTIAL TENANCIES AUTHORITY EMPLOYEES' AWARD - STATE 2002

PART 1 - APPLICATION AND OPERATION

1.1 Title

This Award is called the Residential Tenancies Authority Employees' Award - State 2002.

1.2 Arrangement

Subject Matter	Clause No.
PART 1 - APPLICATION AND OPERATION	
Title	1.1
Arrangement	1.2
Definitions	1.3
Date of operation	1.4
Coverage	1.5
Parties bound	1.6
PART 2 - FLEXIBILITY	
Enterprise flexibility	2.1
Procedures to implement facilitative award provisions	2.2
PART 3 - COMMUNICATION, CONSULTATION AND DISPUTE RESOLUTION	
Employee grievance procedures	3.1
Prevention and settlement of disputes	3.2
PART 4 - EMPLOYER AND EMPLOYEES' DUTIES, EMPLOYMENT RELATIONSHIP AND RELATED ARRANGEMENTS	
Contract of employment	4.1
Employer duties	4.2
Recognition of previous service	4.3
Employee duties	4.4
Application of Act	4.5
Employment categories	4.6
Probationary employment	4.7
Full-time employment	4.8
Part-time employment	4.9

Subject Matter	Clause No.
Casual employment	4.10
Temporary employment	4.11
Anti-discrimination	4.12
Termination of employment	4.13
Introduction of changes	4.14
Redundancy	4.15
 PART 5 - WAGES AND WAGE RELATED MATTERS	
Generic level statements	5.1
Job evaluation	5.2
Work allocation	5.3
Qualifications	5.4
Movement between classification levels	5.5
Movement within classification levels	5.6
Performance of higher duties	5.7
Wage rates	5.8
Payment of wages	5.9
Allowances	5.10
 PART 6 - HOURS OF WORK, BREAKS, OVERTIME, SHIFT WORK, WEEKEND WORK	
Hours of work	6.1
Spread of hours	6.2
Meal break during ordinary hours	6.3
Overtime	6.4
Payment for working overtime	6.5
Requirement to work reasonable overtime	6.6
Overtime meal breaks	6.7
Rest pauses	6.8
 PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS	
Annual leave	7.1
Annual leave entitlement	7.2
Payment for annual leave	7.3
Annual leave loading	7.4
Annual leave exclusive of public holidays	7.5
Annual leave to be taken	7.6
Broken annual leave	7.7
Proportionate annual leave on termination	7.8
Public holidays	7.9
Sick leave entitlement	7.10
Bereavement leave	7.11
Long service leave	7.12
Family leave	7.13
Study leave	7.14
Leave in special cases	7.15
Jury service	7.16
 PART 8 - TRANSFERS, TRAVELLING AND WORKING AWAY FROM USUAL PLACE OF WORK	
Travel on official business	8.1
 PART 9 - TRAINING AND RELATED MATTERS	
Training, learning and development	9.1
 PART 10 - OCCUPATIONAL HEALTH AND SAFETY MATTERS, EQUIPMENT, TOOLS AND AMENITIES	
Occupational health	10.1
 PART 11 - AWARD COMPLIANCE AND UNION RELATED MATTERS	
Right of entry	11.1
Time and wages records	11.2

Subject Matter	Clause No.
Posting of award	11.3
Union delegates	11.4
Industrial relations education leave	11.5
Union encouragement	11.6
Salary Rates	Schedule 1
Generic Level Statements	Schedule 2

1.3 Definitions

- 1.3.1 The "Act" means the *Industrial Relations Act 1999* as amended or replaced from time to time.
- 1.3.2 "Administrative Stream" comprises those positions, the duties of which apply to the functional areas identified herein, the incumbents of which are required to possess a range of skills appropriate to the stream.
- Functional areas relevant to the Administrative Stream may include Authority administration, customer service, development and implementation of policy, information and advisory services.
- 1.3.3 "Authority" means the Residential Tenancies Authority as constituted under the *Residential Tenancies Act 1994* or as amended.
- 1.3.4 "Casual Employee" means an employee appointed as such, other than a "Part-time Employee", as defined in clause 1.3.8, who is engaged and paid on an hourly basis to work for less than the ordinary weekly working hours of a full-time employee.
- 1.3.5 "Commission" means the Queensland Industrial Relations Commission.
- 1.3.6 "General Manager" means the person appointed under the *Residential Tenancies Act 1994* as Chief Executive Officer and whose primary responsibility is the administration of the Authority's functions and activities.
- 1.3.7 "Generic Level Statement" means a broad, concise statement of the duties, skills and responsibilities indicative of a given Classification Level.
- 1.3.8 "Part-time Employee" means an employee other than a "Casual Employee" as defined in clause 1.3.4, who is engaged to work regular hours each week and whose ordinary daily working hours are worked continuously inclusive or exclusive of meal times according to operational requirements. The weekly total of such hours for a permanent Part-time Employee are always less than the ordinary weekly working hours of a full-time employee.
- 1.3.9 "Increment" means an increase in salary from one Paypoint to the next highest Paypoint.
- 1.3.10 "Paypoint" means the specific rate of remuneration payable to an employee within a Classification Level.
- 1.3.11 "Temporary Employee" means an employee engaged either on a part-time or full-time basis for a specified period or tasks in accordance with clauses 4.8 and 4.9 respectively.
- 1.3.12 "Union" means the Queensland Public Sector Union of Employees.

1.4 Date of operation

This Award takes effect from 6 January 2003.

1.5 Coverage

This Award applies to full-time, part-time, temporary and Casual Employees engaged by the Authority whose rates of salaries are fixed by this Award.

1.6 Parties bound

This Award is legally binding upon the employees as prescribed by clause 1.5, and the Residential Tenancies Authority, and the Queensland Public Sector Union of Employees and its members.

PART 2 - FLEXIBILITY

2.1 Enterprise flexibility

- 2.1.1 As part of a process of improvement in productivity and efficiency, discussion should take place at the Authority to provide more flexible working arrangements, improvement in the quality of working life, enhancement of skills, training and job satisfaction and to encourage consultative mechanisms across the workplace.
- 2.1.2 The consultative processes established at the Authority in accordance with clause 2.1 may provide an appropriate mechanism for consideration of matters relevant to clause 2.1.1. Union delegates at the Authority may be involved in such discussions.
- 2.1.3 Any proposed genuine agreement reached between the Authority and employee/s is contingent upon the agreement being submitted to the Commission in accordance with Chapter 6 of the Act and is to have no force or effect until approval is given.

2.2 Procedures to implement facilitative Award provisions

Wherever facilitative provisions appear in this Award which allow for determination of the conditions of employment by agreement between the General Manager and the Union or the General Manager and the majority of employees affected, the following procedures shall apply:

- (a) Facilitative Award provisions can be negotiated between management and employees who are directly affected by such proposals or between management and the Union depending upon the particular Award provisions.
- (b) Employees may be represented by their local Union delegate/s and shall have the right to be represented by their local Union official/s.
- (c) Facilitative Award provisions only can be implemented by agreement.
- (d) In determining the outcome from facilitative provisions, neither party shall unreasonably withhold agreement.
- (e) Agreement is defined as obtaining consent of greater than 50% of employees directly affected or of the Union depending upon the particular Award provisions.
- (f) Where a provision refers to agreement by the majority of employees affected, all employees directly affected shall be consulted as a group.
- (g) Any agreement reached shall be documented, and shall incorporate a review period.

PART 3 - COMMUNICATION, CONSULTATION AND DISPUTE RESOLUTION

3.1 Employee grievance procedures

- 3.1.1 The objectives of this procedure are to promote the prompt resolution of grievances by consultation, co-operation and discussion; to reduce the level of conflict; and to promote efficiency, effectiveness and equity in the workplace.
- 3.1.2 This procedure applies to all industrial matters within the meaning of the Act.
- 3.1.3 Stage 1: In the first instance the employee shall inform their immediate supervisor of the existence of the grievance and the supervisor shall attempt to solve the grievance. It is recognised that an employee may exercise the right to consult their Union representative during the course of Stage 1.
- 3.1.4 Stage 2: If the grievance remains unresolved, the employee may refer the grievance to the next in line management ("the manager"). The manager shall consult with the parties. The employee may exercise the right to consult or be represented by their Union representative during the course of Stage 2.
- 3.1.5 Stage 3: If the grievance is still unresolved, the manager shall advise the General Manager and the aggrieved employee may submit the matter in writing to the Authority if they wish to pursue the matter further. If desired by either party, the matter may also be notified to the Union.

The Authority shall ensure that:

- (a) the aggrieved employee or their Union representative has the opportunity to present all aspects of the grievance;
- (b) the grievance shall be investigated in a thorough, fair and impartial manner.

The Authority may appoint another person to investigate the grievance. The Authority may consult with the

Union in appointing an investigating officer. The appointed person shall be other than the employee's supervisor or manager.

If the matter is notified to the Union, the investigating officer shall consult with the Union during the course of the investigation. The Authority shall advise the employee initiating the grievance, their Union representative and any other employee directly concerned of the determinations made as a result of the investigation of the grievance.

The Authority may delegate such grievance resolution powers under clause 3.1 to a nominated representative.

3.1.6 The procedure is to be completed in accordance with the following timeframes unless the parties agree otherwise:

Stage 1 Discussions are to take place between the employee and their supervisor within 24 hours and the procedure should not extend beyond 7 calendar days.

Stage 2 Not to exceed 7 calendar days.

Stage 3 Not to exceed 14 calendar days.

3.1.7 If the grievance is not settled the matter may be referred to the Commissioner for Public Service Merit and Equity or to the Commission by the employee or the Union, as appropriate, in accordance with the respective jurisdiction of the tribunals.

3.1.8 Subject to legislation, while the grievance procedure is being followed, normal work is to continue, except in the case of a genuine safety issue. The *status quo* existing before the emergence of a grievance or dispute is to continue while the procedure is being followed. No party shall be prejudiced as to the final settlement by the continuation of work.

3.1.9 Where the grievance involves allegations of sexual harassment, an employee may commence the procedure at Stage 3.

3.2 Prevention and settlement of disputes

3.2.1 The objectives of this procedure are the avoidance and resolution of any disputes over matters covered by this Award, by measures based on the provision of information and explanation, consultation, co-operation and negotiation.

3.2.2 Subject to legislation, while the dispute procedure is being followed, normal work is to continue except in the case of a genuine safety issue. The *status quo* existing before the emergence of a dispute is to continue whilst the procedure is being followed. No party shall be prejudiced as to the final settlement by the continuation of work.

3.2.3 There is a requirement for management to provide relevant information and explanation and consult with the appropriate employee representatives.

3.2.4 In the event of any disagreement between the parties as to the interpretation or implementation of this Award, the following procedures shall apply:

(a) the matter is to be discussed by the employee's Union representative and/or the employee/s concerned (where appropriate) and the immediate supervisor in the first instance. This discussion is to take place within 24 hours and the procedure should not extend beyond 7 calendar days;

(b) if the matter is not resolved as per clause 3.2.4(a) above, it may be referred by the Union representative and/or the employee/s to the appropriate management representative who shall arrange a conference of the parties to discuss the matter. This process should not extend beyond 7 calendar days;

(c) if the matter remains unresolved it may be referred to the General Manager or nominee for discussion and appropriate action. This process should not exceed 14 calendar days;

(d) if the matter is not resolved then it may be referred by either party to the Commission for conciliation.

3.2.5 Nothing contained in this procedure shall prevent the Union or the Queensland Government from intervening in respect of matters in dispute, where such action is considered conducive to achieving resolution.

PART 4 - EMPLOYER AND EMPLOYEES' DUTIES, EMPLOYMENT RELATIONSHIP AND RELATED ARRANGEMENTS

4.1 Contract of employment

At the point of engagement of each employee, the Authority is to specify whether the engagement is full-time, part-time, temporary or casual and whether any other conditions such as probation apply.

4.2 Employer duties

4.2.1 An employee shall be appointed to a position within the appropriate classification level for such position and may be transferred to any other position within the same classification level.

4.2.2 The Authority shall, upon appointment, as required from time to time, inform an employee in writing of their Classification Level and Paypoint pursuant to this Award.

4.3 Recognition of previous service

The Authority shall, on appointment of an employee, recognise the employee's previous service on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

4.4 Employee duties

An employee is required to furnish information to the Authority as to their full name, full address and evidence as to their date of birth.

4.5 Application of Act

4.5.1 The provisions of the *Residential Tenancies Act 1994* and Regulations made thereunder and any amendments shall apply to all employees to which this Award applies to the extent that the *Residential Tenancies Act 1994* and Regulations are applicable.

4.5.2 The *Residential Tenancies Act 1994* and the Regulations shall not apply where the conditions of employment and the remuneration of employees are prescribed by the provisions of this Award.

4.6 Employment categories

4.6.1 The Authority shall give preference to the appointment of permanent employees wherever practicable.

4.6.2 The Authority may appoint full-time, part-time, temporary and Casual Employees as defined as it considers sufficient to properly perform its functions prescribed by the *Residential Tenancies Act 1994*.

4.7 Probationary employment

4.7.1 The appointment of a full-time or Part-time Employee shall be subject to the completion of a 3 month probationary period with an initial review occurring after the completion of a period of 2 months' employment.

4.7.2 The Authority shall ensure that a regular system of appraisal is established which shall provide an employee with information on their performance during the period of probation and on appropriate remedial steps to improve performance where the performance is considered unsatisfactory.

4.7.3 The Authority may confirm the employee's appointment or terminate the employment prior to the completion of the probationary period provided that clauses 4.7.1 and 4.7.2 are adhered to.

4.7.4 The Authority may terminate the employment of an employee who is on probation at any time during the probationary period.

4.8 Full-time employment

The ordinary hours of duty of all employees are not to exceed 36 1/4 hours per week, to be worked between the hours of 7:30am and 6:00pm Monday to Friday inclusive. The ordinary hours of work, excluding meal breaks, are not to exceed 7 1/4 hours per day.

4.9 Part-time employment

4.9.1 The spread of ordinary working hours for a Part-time Employee is the same as that prescribed for a full-time employee.

4.9.2 A Part-time Employee shall be employed for no more than 0.8 of the total ordinary working hours of a full-time employee.

- 4.9.3 A minimum payment of 4 hours shall be made to any Part-time Employee when work is performed on any one day.
- 4.9.4 A Part-time Employee shall be paid the same hourly rate as a full-time employee would be paid for performing duties in the appropriate Classification Level.
- 4.9.5 A Part-time Employee also shall be entitled to any allowances applicable based *pro rata* on the number of hours worked in relation to the ordinary full-time hours applicable to the Award Classification. For the purposes of clause 4.9 all allowances referred to in clause 5.10.1 to 5.10.5 inclusive, are not divisible.
- 4.9.6 The public holiday provisions of clause 7.9 apply to a Part-time Employee. A Part-time Employee who usually works on a day of the week on which a public holiday falls, and who is not required to work on that day, shall be paid for the hours which would otherwise have been worked on that day.
- 4.9.7 When a Part-time Employee is authorised to work additional hours outside of their ordinary rostered hours, the Part-time Employee is eligible for payment of overtime in accordance with the provisions of this Award.
- 4.9.8 A Part-time Employee shall be entitled to the payment of a salary Increment in accordance with clause 5.6.1(b).
- 4.9.9 A Part-time Employee shall be entitled *pro rata* to all other provisions applicable to a full-time employee.
- 4.9.10 Where an employee and the employer agree, part-time employment may be converted to full-time, and *vice-versa* on a permanent basis or for a specified period of time. If such an employee transfers from full-time to part-time (or *vice-versa*), all accrued Award and legislative entitlements must be maintained. Following transfer to part-time employment accrual will occur in accordance with the provisions relevant to part-time employment.

4.10 Casual employment

- 4.10.1 The hourly rate of pay for Casual Employees shall be calculated by dividing the fortnightly rate of wages applicable to the year of service by 72 ½ and adding 23% thereto.
- 4.10.2 A Casual Employee shall be paid 23% in addition to the ordinary hourly rate of pay for the class of work upon which the employee is engaged.
- 4.10.3 Each engagement shall stand alone with an entitlement to a minimum payment of 2 hours in respect to each engagement.
- 4.10.4 A Casual Employee shall, where applicable, be further entitled to the payment of overtime, week-end penalty rates, and payment for work performed on public holidays.
- 4.10.5 A Casual Employee shall, in addition to the hourly rate prescribed by clause 4.10.1, be further entitled to payment of any applicable Award allowances, based *pro rata* on the number of hours worked in relation to the ordinary hours of the Award classification.
- 4.10.6 A Casual Employee shall be entitled to long service leave on full pay in terms of the provisions of Chapter 2, Part 3, Division 3 - Casual Employees of the Act as amended from time to time.
- 4.10.7 A Casual Employee has no entitlement to any other leave provisions prescribed by this Award.
- 4.10.8 The Authority shall not engage a Casual Employee on a regular or systematic basis for a period in excess of 12 months.

4.11 Temporary employment

A Temporary Employee as defined in clause 1.3.11 means an employee engaged for a specified period or tasks.

4.12 Anti-discrimination

- 4.12.1 It is the intention of the parties to this Award to prevent and eliminate discrimination, as defined by the *Anti-Discrimination Act 1991* and the *Industrial Relations Act 1999* as amended from time to time which includes-
- (a) discrimination on the basis of sex, marital status, family responsibilities, pregnancy, parental status, age, race, impairment, religion, political belief or activity, trade Union activity, lawful sexual activity and association with, or relation to, a person identified on the basis of the above attributes.
 - (b) sexual harassment; and,
 - (c) racial and religious vilification.

4.12.2 Accordingly in fulfilling their obligations under either clauses 3.1 or 3.2, the parties to the Award must take reasonable steps to ensure that neither the Award provisions nor their operation are directly or indirectly discriminatory in their effects.

4.12.3 Under the *Anti-Discrimination Act 1991* it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.

4.12.4 Nothing in clause 4.12 is to be taken to affect:

- (a) any different treatment (or treatment having different outcomes) which is specifically exempted under the *Anti-Discrimination Act 1991*;
- (b) an employee, employer or registered organisation, pursuing matters of discrimination, including by application to the Human Rights and Equal Opportunity Commission/Anti-Discrimination Commission Queensland.

4.13 Termination of employment

4.13.1 Statement of employment

The Authority shall, in the event of termination of employment, provide upon request to the employee who has been terminated a written statement specifying the period of employment and the classification or type of work performed by the employee.

4.13.2 *Termination by employer*

- (a) The employer may dismiss an employee only if the employee has been given the following notice:

Period of Continuous Service	Period of Notice
Not more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

- (b) In addition to the notice in clause 4.13.2(a), employees 45 years old or over and who have completed at least 2 years' continuous service with the employer shall be entitled to an additional week's notice.
- (c) Payment in lieu of notice shall be made if the appropriate notice is not given provided that employment may be terminated by part of the period of notice specified and part payment in lieu thereof.
- (d) In calculating any payment in lieu of notice the minimum compensation payable to an employee will be at least the total of the amounts the employer would have been liable to pay the employee if the employee's employment had continued until the end of the required notice period. The total must be worked out on the basis of:
 - (i) the ordinary working hours to be worked by the employee; and
 - (ii) the amounts payable to the employee for the hours including for example allowances, loadings and penalties; and
 - (iii) any other amounts payable under the employee's employment contract.
- (e) The period of notice in this clause shall not apply in the case of dismissal for misconduct or other grounds that justify instant dismissal, or in the case of a casual employee, or an employee engaged by the hour or day, or an employee engaged for a specific period or tasks.

4.13.3 *Notice of termination by employee*

The notice of termination required to be given by an employee shall be 2 weeks or 2 weeks' salary forfeited in lieu. If an employee fails to give notice the Authority shall have the right to withhold monies due to the employee with a maximum amount equal to the ordinary time rate for the period of notice. The notice period cannot be counted as annual leave or part thereof.

4.13.4 *Time off during notice period*

During the period of notice of termination given by the employer, an employee shall be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. This time off may be taken at times that are convenient to the employee after consultation with the General Manager.

4.14 Introduction of changes

4.14.1 Employer's duty to notify

- (a) Where the employer decides to introduce changes in production, program, organisation, structure or technology, that are likely to have significant effects on employees, the employer shall notify the employees who may be affected by the proposed changes and, where relevant, their Union or Unions.
- (b) 'Significant effects' includes termination of employment, major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations and the restructuring of jobs:

Provided that where the Award makes provision for alteration of any of the matters referred to herein an alteration shall be deemed not to have significant effect.

4.14.2 Employer's duty to consult over change

- (a) The employer shall consult the employees affected and, where relevant, their Union or Unions about the introduction of the changes, the effects the changes are likely to have on employees (including the number and categories of employees likely to be dismissed, and the time when, or the period over which, the employer intends to carry out the dismissals), and the ways to avoid or minimise the effects of the changes (e.g. by finding alternate employment).
- (b) The consultation must occur as soon as practicable after making the decision referred to in clause 4.14.1.
- (c) For the purpose of such consultation the employer shall provide in writing to the employees concerned and, where relevant, their Union or Unions, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees, and any other matters likely to affect employees:

Provided that an employer shall not be required to disclose confidential information, the disclosure of which would be adverse to the employer's interests."

4.15 Redundancy

4.15.1 Consultation before terminations

- (a) Where the employer decides that the employer no longer wishes the job the employee has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour, and that decision may lead to termination of employment, the employer shall consult the employee directly affected and where relevant, their Union or Unions.
- (b) The consultation shall take place as soon as it is practicable after the employer has made a decision, which will invoke the provisions of clause 4.15.1(a) and shall cover the reasons for the proposed terminations, measures to avoid or minimise the terminations and/or their adverse affects on the employees concerned.
- (c) For the purpose of the consultation the employer shall, as soon as practicable, provide in writing to the employees concerned and, where relevant, their Union or Unions, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected, the number of workers normally employed and the period over which the terminations are likely to be carried out:

Provided that an employer shall not be required to disclose confidential information, the disclosure of which would be adverse to the employer's interests.

4.15.2 Transfer to lower paid duties

- (a) Where an employee is transferred to lower paid duties for reasons set out clause 4.15.1 the employee shall be entitled to the same period of notice of transfer as the employee would have been entitled to if the employee's employment had been terminated under clause 4.13.

- (b) The employer may, at the employer's option, make payment in lieu thereof of an amount equal to the difference between the former amounts the employer would have been liable to pay and the new lower amount the employer is liable to pay the employee for the number of weeks of notice still owing.
- (c) The amounts must be worked out on the basis of:
 - (i) the ordinary working hours to be worked by the employee; and
 - (ii) the amounts payable to the employee for the hours including for example, allowances, loadings and penalties; and
 - (iii) any other amounts payable under the employee's employment contract.

4.15.3 *Transmission of business*

- (a) Where a business is, whether before or after the date of insertion of this clause in the Award transmitted from the employer (transmittor) to another employer (transmittee), and an employee who at the time of such transmission was an employee of the transmittor of the business, becomes an employee of the transmittee:
 - (i) the continuity of the employment of the employee shall be deemed not to have been broken by reason of such transmission; and
 - (ii) the period of employment which the employee has had with the transmittor or any prior transmittor shall be deemed to be service of the employee with the transmittee.
- (b) In clause 4.15.3, 'business' includes trade, process, business or occupation and includes a part or subsidiary (which means a corporation that would be taken to be a subsidiary under the Corporations Law, whether or not the Corporations Law applies in the particular case) of any such business and 'transmission' includes transfer, conveyance, assignment or succession whether by agreement or by operation of law and 'transmitted' has a corresponding meaning.

4.15.4 *Time off during notice period*

- (a) Where a decision has been made to terminate an employee in the circumstances outlined in clause 4.15.1, the employee shall be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.
- (b) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee shall, at the request of the employer, be required to produce proof of attendance at an interview or the employee shall not receive payment for the time absent. For this purpose a statutory declaration will be sufficient.

4.15.5 *Notice to Centrelink*

Where a decision has been made to terminate employees in the circumstances outlined in clause 4.15.1, the employer shall notify Centrelink as soon as possible giving all relevant information about the proposed terminations, including a written statement of the reasons for the terminations, the number and categories of the employees likely to be affected, the number of workers normally employed and the period over which the terminations are intended to be carried out.

4.15.6 *Severance pay*

- (a) In addition to the period of notice prescribed for ordinary termination in clause 4.13.2(a), and subject to further order of the Commission, an employee whose employment is terminated for reasons set out in clause 4.15.1(a), shall be entitled to the following amounts of severance pay:

Period of Continuous Service	Severance Pay (weeks' pay)
Less than 1 year	nil
1 year but not more than 2 years	4
More than 2 years but not more than 3 years	6
More than 3 years but not more than 4 years	7
More than 4 years but not more than 5 years	8
More than 5 years but not more than 6 years	9
More than 6 years but not more than 7 years	10
More than 7 years but not more than 8 years	11
More than 8 years but not more than 9 years	12
More than 9 years but not more than 10 years	13

More than 10 years but not more than 11 years	14
More than 11 years but not more than 12 years	15
More than 12 years	16

- (b) 'Weeks' Pay' means the ordinary time rate of pay for the employee concerned:

Provided that the following amounts are excluded from the calculation of the ordinary time rate of pay: overtime, penalty rates, disability allowances, shift allowances, special rates, fares and travelling time allowances, bonuses and any other ancillary payments.

4.15.7 *Superannuation benefits*

The employer may make an application to the Commission for relief from the obligation to make severance payments in circumstances where:

- (a) the employer has contributed to a superannuation scheme which provides a particular benefit to an employee in a redundancy situation; and
- (b) the particular benefit to the employee is over and above any benefit the employee might obtain from any legislative scheme providing for superannuation benefits (currently the federal Superannuation Guarantee levy) or an award based superannuation scheme.

4.15.8 *Employee leaving during notice*

An employee whose employment is terminated for reasons set out in clause 4.15.1(a), may terminate such employment during the period of notice, and, if so, shall be entitled to the same benefits and payments under this clause had such employee remained with the employer until the expiry of such notice:

Provided that in such circumstances the employee shall not be entitled to payment in lieu of notice.

4.15.9 *Alternative employment*

The employer, in a particular case, may make application to the Commission to have the general severance pay prescription amended if the employer obtains acceptable alternative employment for an employee.

4.15.10 *Employees with less than one year's service*

Clause 4.15 shall not apply to employees with less than one year's continuous service and the general obligation on employers should be no more than to give relevant employees an indication of the impending redundancy at the first reasonable opportunity, and to take such steps as may be reasonable to facilitate the obtaining by the employees of suitable alternative employment.

4.15.11 *Employees exempted*

Clause 4.15 shall not apply:

- (a) where employment is terminated as a consequence of misconduct on the part of the employee; or
- (b) to employees engaged for a specific period or task(s); or
- (c) to casual employees.

4.15.12 *Employers exempted*

- (a) Subject to an order of the Commission, in a particular redundancy case, clause 4.15 shall not apply to an employer including a company or companies that employ employees working a total of fewer than 550 hours on average per week, excluding overtime, Monday to Sunday. The 550 hours shall be averaged over the previous 12 months.
- (b) A 'company' shall be defined as:
 - (i) a company and the entities it controls; or
 - (ii) a company and its related company or related companies; or
 - (iii) a company where the company or companies has a common Director or common Directors or common shareholders with another company or companies.

4.15.13 Exemption where transmission of business

- (a) The provisions of clause 4.15.6 are not applicable where a business is before or after the date of the insertion of this clause into the Award, transmitted from the employer (transmittor) to another employer (transmittee), in any of the following circumstances:
 - (i) where the employee accepts employment with the transmittee which recognises the period of continuous service which the employee had with the transmittor, and any prior transmittor, to be continuous service of the employee with the transmittee; or
 - (ii) where the employee rejects an offer of employment with the transmittee:
 - (A) in which the terms and conditions are substantially similar and no less favourable, considered on an overall basis, than the terms and conditions applicable to the employee at the time of ceasing employment with the transmittor; and
 - (B) which recognises the period of continuous service which the employee had with the transmittor and any prior transmittor to be continuous service of the employee with the transmittee.
- (b) The Commission may amend clause 4.15.13(a)(ii) if it is satisfied that it would operate unfairly in a particular case, or in the instance of *contrived arrangements*.

4.15.14 Incapacity to pay

The employer in a particular redundancy case may make application to the Commission to have the general severance pay prescription amended on the basis of the employer's incapacity to pay.

4.15.15 Provisions applying to employees of Queensland Government Departments and Agencies

The provisions of clause 4.15 will not apply to the extent that the provisions of the redundancy arrangements are contained in a Directive issued by the Public Service Commissioner or the Minister for Industrial Relations pursuant to section 34 of the *Public Service Act 1996*, where the Directive provides for entitlements that are superior to clause 4.15.

PART 5 - WAGES AND WAGE RELATED MATTERS

5.1 Generic level statements

Generic Level Statements for each of the Classification Levels of the Administrative Stream are prescribed in Schedule 2 of this Award. These statements reflect the degree of complexity and responsibility of duties, skills and knowledge proceeding from the lowest to the highest Classification Levels. Their purpose is to provide an indication as to the Classification Level appropriate to any packaging of duties.

5.2 Job evaluation

The Authority shall use the same Job Evaluation Methodology as is prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

5.3 Work allocation

An employee appointed to or relieving in an office within a Classification Level may be allocated and subsequently reallocated to any office within that particular Classification Level.

5.4 Qualifications

An employee appointed to the Administrative Stream who has satisfied examination requirements for a degree or other post-secondary qualification acceptable to the Authority shall be paid not less than Classification Level AO2, Paypoint (7).

5.5 Movement between classification levels

5.5.1 Movement between Classification Levels shall be by promotion based on merit to a position which is either new or vacant. This arrangement shall not apply to movement between Levels 1 and 2 of the Administrative Stream where annual Increments shall continue to apply in accordance with the relevant provisions of clause 5.6.

5.5.2 The Classification Level of a position may be changed by the Authority as a result of a work value assessment where the position warrants reclassification to meet the applicable work level description as described in Schedule 2 of this Award.

- 5.5.3 Subject to clause 5.7 an employee promoted to a position at a higher classification level within the same stream shall be appointed to Paypoint (1) of that higher classification level.
- 5.5.4 An external applicant (that is an applicant who is not an employee) who is appointed to a position may be appointed to any Paypoint within a level, based on recognition of skills, knowledge and abilities. The Authority shall, on appointment of an employee, approve the commencing Paypoint within the applicable Classification Level for the position.
- 5.5.5 Every employee on attaining the age of 21 years shall be paid, except on promotion or as otherwise prescribed, the specific age 21 salary as indicated within the various streams.

5.6 Movement within classification levels

5.6.1 An increase to the salary of an employee shall not be made until:

- (a) in the case of a full-time employee, the employee has received such salary for a period of 12 months;
- (b) in the case of a Part-time Employee, the employee has received such salary for the equivalent of 12 months' full-time service.

Clause 5.6.1 shall not apply in the case of an employee who is paid the prescribed basic salary on attaining the age of 21 years or in the case where an employee is promoted from one Classification Level to another.

5.6.2 An employee shall not be entitled to receive annual salary Increments provided by this Award unless:

- (a) in the case of an employee in Levels 1 and 2 of the Administrative Stream, the conduct, diligence and general efficiency of the employee has been certified by the Authority to have been and is satisfactory;
- (b) in the case of an employee in any other Classification Level, performance objectives have been achieved as certified by the Authority.

5.6.3 Where an Increment prescribed by this Award is withheld from or refused to be granted to an employee, an appeal by the employee may be made to the Commissioner for Public Service Merit and Equity.

5.7 Performance of higher duties

An employee appointed to a specified Classification Level and who performs work at a higher Classification Level as prescribed by this Award shall be entitled to the payment for the higher duties on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

The Authority may, after considering all relevant factors, approve the payment of the higher duties to an employee who is directed to perform temporarily all of the duties of a position at a higher Classification Level, if the duties are performed for a period of not less than one working day.

5.8 Wage rates

The salaries and allowances prescribed by this Award are expressed as fortnightly rates. The rates of salary payable to employees engaged under this Award are those prescribed in Schedule 1.

5.9 Payment of wages

Salaries shall be paid fortnightly and may, at the discretion of the Authority, be paid by electronic funds transfer.

5.10 Allowances

5.10.1 Travelling and relieving

Employees engaged under this Award shall be entitled to the payment of expenses for travelling or relieving on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

5.10.2 Overtime meal allowance

Employees engaged under this Award shall be entitled to the payment of overtime meal allowances on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

5.10.3 Motor vehicle allowance

Employees engaged under this Award shall be entitled to the payment of motor vehicle allowances on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

5.10.4 *Transfer and appointment expenses*

Employees engaged under this Award shall be entitled to the payment of transfer and appointment expenses on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

5.10.5 *On call allowance*

(a) Where an employee is instructed to be available on call outside the span of ordinary working hours, the employee shall be paid, in addition to their ordinary rate of pay an allowance based upon the hourly rate of the classification of Professional Officer Level 2, Paypoint (1) in accordance with the following scale:

(i) Where the employee is on call throughout the whole of a Saturday, Sunday or a public holiday - 95% of the hourly rate in respect of such instances;

(ii) Where an employee is on call during the night only of a Saturday, Sunday or a public holiday - 60% of the hourly rate per night; and

(iii) Where an employee is on call on any other night - 47.5% of the hourly rate per night.

For the purpose of calculating the hourly rate, the divisor shall be based upon a 38 hour week and calculated to the nearest 5c.

(b) For the purpose of clause 5.10.5, a "night" is deemed to consist of those hours falling between 6.00pm and 7.30am or mainly between such hours.

(c) Monday to Friday:

In the event of an employee on call being recalled to perform duty, the employee shall be paid for the time worked at the prescribed overtime rate, with time to be calculated as from home and back to home with a minimum payment of 2 hours.

(d) Saturday, Sunday and public holidays:

An employee performing overtime work on recall on Saturday, Sunday or a Public Holiday may be paid for such overtime at the appropriate overtime rate with a minimum of 2 hours inclusive of travelling time, in respect of overtime worked on a Saturday or Sunday and 4 hours in respect of overtime worked on a public holiday. Alternatively, at the employee's option, the employee may be granted time off at a mutually convenient time, equivalent to the number of hours worked. This time is to be calculated as from home and back to home.

(e) Where an employee works overtime on a public holiday and is granted equivalent time off, the employee also shall be paid at half the ordinary rate for the time worked with a minimum of 4 hours.

(f) Time off in lieu accrued outside the span of ordinary working hours shall be taken in periods mutually agreed between the Authority and the employee.

(g) In the event of an employee on call being requested by the General Manager or the authorised delegate, to provide advice (without the need to return to the office), the employee shall be paid at the prescribed overtime rate for the actual time worked up to a maximum of 2 hours on any one day.

The employee shall be responsible for the recording of such requests which shall require subsequent verification by the General Manager or authorised delegate.

(h) Any overtime payable shall be in addition to the on call allowance.

(i) Where an employee is recalled to perform work during an off duty period the employee shall be provided with transport to and from the employee's home, or be refunded the cost of such transport.

(j) The General Manager shall not where practicable require an employee to be continuously available on call for a period in excess of 6 weeks.

5.10.6 *First aid allowance*

An employee holding a certificate in first aid issued by the St John's Ambulance Brigade, or equivalent qualifications, who is appointed in writing by the General Manager as a first aid attendant, shall be paid an allowance of \$24.80 per

fortnight in addition to the ordinary rate of pay.

PART 6 - HOURS OF WORK, BREAKS, OVERTIME, SHIFT WORK, WEEKEND WORK

6.1 Hours of work

The ordinary working hours for all employees covered by this Award (excluding casual and part-time employees), are 36 1/4 hours per week or 7 1/4 hours per day to be worked Monday to Friday inclusive. The ordinary working hours are exclusive of meal times.

The Authority may stagger the ordinary starting and finishing times of an employee or a group of employees. This may only occur where there is prior agreement between the Authority and the employee concerned or the majority of employees of the group, as the case may be.

6.2 Spread of hours

The daily span of hours within which the above hours are to be worked is between the hours of 7.30 a.m. and 6.00 p.m., Monday to Friday inclusive.

6.3 Meal break during ordinary hours

All employees shall be entitled to an unpaid meal break of not less than 30 minutes between the fourth and sixth hours of duty.

6.4 Overtime

6.4.1 The working of overtime by any employee covered by this Award requires prior approval of the Authority before the overtime is worked.

6.4.2 No claim for payment for overtime shall be allowed unless the overtime was authorised before being worked.

6.4.3 Where an employee is entitled to be paid for authorised overtime worked, the overtime shall be calculated to the nearest quarter of an hour in the total amount of time claimed by the employee.

6.4.4 Employees paid remuneration above Classification Level AO5 Paypoint (4) as prescribed by this Award shall not be entitled to payment for authorised overtime worked but shall be compensated for all time worked outside normal hours of duty by the granting of equivalent time off in lieu.

6.4.5 An employee temporarily filling and discharging the full duties of a position where the maximum salary of the position is greater than the maximum salary of the position ordinarily held by the employee, shall be compensated for authorised overtime worked on the conditions applicable to the higher position.

6.5 Payment for working overtime

6.5.1 All authorised overtime worked by a full-time employee in excess of 36 1/4 hours per week or 7 1/4 hours per day shall be paid at overtime rates. Authorised overtime worked by an employee on an ordinary working day Monday to Friday inclusive shall be paid for at one and a-half times the employee's normal rate of pay for the first 3 hours and twice the normal rate of pay for the rest of the overtime.

6.5.2 All authorised overtime worked by an employee on a Saturday shall be paid for at one and a-half times the employee's normal rate of pay for the first 3 hours and twice the normal rate of pay for the rest of the overtime.

6.5.3 All authorised overtime worked by an employee on a Sunday shall be paid at twice the employee's normal rate of pay with a minimum payment of 2 hours.

6.5.4 All authorised time worked by an employee on a public holiday shall be paid at two and a-half times the employee's normal rate of pay with a minimum payment of 4 hours.

6.6 Requirement to work reasonable overtime

Whenever the Authority considers necessary, an employee shall work reasonable overtime. The Authority shall, where practicable, provide 24 hours' notice to an employee of the requirement whenever necessary in the opinion of the Authority to work overtime.

6.7 Overtime meal breaks

6.7.1 An employee required to work for more than one hour after 6.00 p.m. shall be entitled to a meal allowance as prescribed by clause 5.10.2.

6.7.2 The Authority may choose to provide a meal of reasonable quality and adequate quantity in lieu of the meal allowance prescribed by clause 6.7.1.

6.8 Rest pauses

6.8.1 All employees covered by this Award shall be allowed a rest pause of 10 minutes' duration in the morning and the afternoon. This rest pause shall be in the employer's time.

6.8.2 All rest pauses shall be taken at times to suit the Authority's convenience and at times that shall not interfere with the continuity of work.

6.8.3 By agreement between the Authority and employees, the period of the 2 rest pauses prescribed by clause 6.8.1 may be combined to provide one 20 minute rest pause in each 7 ¼ hour day to be taken at times to suit operational requirements.

PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS

7.1 Annual leave

Employees (other than a Casual Employee) will be required to take their accrued annual leave at a time convenient to the Authority.

The Authority may authorise an employee to take accrued annual leave and long service leave together.

7.2 Annual leave entitlement

Employees (other than a Casual Employee) shall be entitled to 20 working days annual leave on full pay for each completed year of service and a proportionate amount for an incomplete year of service.

7.3 Payment for annual leave

An employee shall be entitled to their ordinary wage rate as prescribed by the Award for the period of annual leave.

7.4 Annual leave loading

In addition to payment as prescribed by clause 7.3 above, an employee also shall be entitled to payment of an annual leave loading of 17 1/2% of their ordinary wage rate for the period of annual leave.

7.5 Annual leave exclusive of public holidays

All periods of annual leave shall be exclusive of public holidays that occur during an employee's annual leave.

7.6 Annual leave to be taken

7.6.1 An employee is required to apply in the appropriate form for annual leave and give adequate notice of the date from which the employee desires to commence their leave.

The Authority shall give the employee adequate notice whether or not the annual leave has been granted.

If the work of the Authority does not permit the granting of the annual leave from the date the employee asked to commence their leave, the employee shall be advised of the approximate date from which the annual leave shall be granted.

7.6.2 The Authority may direct an employee to take accrued annual leave at any time.

7.7 Broken annual leave

Where an employee is eligible for annual leave, the Authority may, at its convenience, grant annual leave in broken periods of not less than one working day.

During any year of service, including the first year of service of an employee, the Authority may, subject to sufficient cause being shown, grant an employee annual leave of not less than one working day up to the amount which has been accrued.

7.8 Proportionate annual leave on termination

7.8.1 Where an employee resigns or an employee's services are terminated after the employee has become eligible for annual leave, the employee shall be granted in lieu of their entitlement to annual leave, a sum equal to their

ordinary wage rate for the period of their accrued leave at the date of resignation or termination plus loading of 17 1/2% on the employee's ordinary salary.

7.8.2 Where an employee's resignation or termination occurs in the first year of employment, the employee shall be paid in lieu of annual leave, a *pro rata* amount proportionate to their length of service.

7.9 Public holidays

7.9.1 All work done by any employee on:

- the 1st January;
- the 26th January;
- Good Friday;
- Easter Saturday (the day after Good Friday);
- Easter Monday;
- the 25th April (Anzac Day);
- The Birthday of the Sovereign;
- Christmas Day;
- Boxing Day; or
- any day appointed under the *Holidays Act 1983*, to be kept in place of any such holiday

will be paid for at the rate of two and a-half times the employee's ordinary rate with a minimum of 4 hours.

7.9.2 Labour Day

All employees (other than Casual Employees) covered by this Award shall be entitled to be paid a full day's wage for Labour Day (the first Monday in May or other day appointed under the *Holidays Act 1983*, to be kept in place of that holiday), irrespective of the fact that no work may be performed on that day.

Where an employee actually works on Labour Day, the employee shall be paid in addition, a payment for the time actually worked between the normal starting and finishing times at one and a-half times the ordinary rate prescribed for the work with a minimum of 4 hours.

If an employee is subsequently required to work on the substituted day, the employee shall be paid the rate applicable for the holiday that has been substituted.

7.9.3 Annual show

All work done by employees in a district specified from time to time by the Minister by notification published in the Gazette on the day appointed under the *Holidays Act 1983*, to be kept as a holiday in relation to the annual agricultural, horticultural or industrial show held at the principal city or town, shall be paid for at two and a-half times the employee's ordinary rate with a minimum payment of 4 hours. No employee shall be entitled to receive payment in accordance with this provision for work performed on such a day on more than one occasion in each calendar year.

7.9.4 Two and a-half times

For the purposes of clause 7.9, where the rate of wages is a weekly rate, "two and a-half times" means one and one-half day's wages in addition to the prescribed weekly rate, or *pro rata* if there is more or less than a day.

7.10 Sick leave entitlement

Employees engaged under this Award shall be entitled to sick leave on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

7.11 Bereavement leave

Employees engaged under this Award shall be entitled to bereavement leave on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

7.12 Long service leave

Employees engaged under this Award shall be entitled to long service leave on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

7.13 Family leave

7.13.1 The provisions of the Family Leave Award - Queensland Public Sector (including special responsibility leave) apply to employees covered by this Award.

A copy of the Family Leave Award - Queensland Public Sector is to be displayed in a conspicuous place at the workplace where employees in the workplace may easily read it.

7.13.2 Employees' entitlements to family leave include:

- (a) Maternity leave;
- (b) Spousal leave;
- (c) Pre-natal leave;
- (d) Pre-adoption leave; and
- (e) Adoption leave;

and their provisions shall be applied on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

7.14 Study leave

Employees engaged under this Award shall be entitled to study leave on the same conditions as are prescribed by the relevant Directive issued under section 34 of the *Public Service Act 1996*.

7.15 Leave in special cases

The Authority may in cases of compassionate circumstances, other than illness, or for any other good cause, grant leave of absence to an employee for such period and on the terms the Authority deems appropriate.

7.16 Jury service

- (a) An employee, other than a casual employee, required to attend for jury service during their ordinary working hours shall be reimbursed by the employer an amount equal to the difference between the amount paid in respect of their attendance for such jury service and the ordinary pay the employee would have been paid if the employee was not absent on jury service.
- (b) Alternatively, by agreement, fees (other than meal allowance) received by the employee to attend jury service will be paid to the employer and the employer will continue to pay the employee their ordinary pay for the time the employee was absent on jury service.
- (c) Employees shall notify their employer as soon as practicable of the date upon which they are required to attend for jury service and shall provide their employer with proof of such attendance, the duration of such attendance and the amount received in respect thereof.
- (d) If the employee is not required to serve on a jury for a day or part of a day after attending for jury service and the employee would ordinarily be working for all or part of the remaining day, the employee must, if practicable, present for work at the earliest reasonable opportunity.
- (e) "Ordinary pay" means the rate of pay that an employee would normally expect to receive for working ordinary hours on an ordinary day of the week, including any over-award payment. "Ordinary pay" excludes overtime, penalty rates of all types - including those attaching to working ordinary hours (for example) on a Saturday, disability allowances, shift allowances, special rates, fares and travelling time allowances, bonuses and other ancillary payments of a like nature.

PART 8 - TRANSFERS, TRAVELLING AND WORKING AWAY FROM USUAL PLACE OF WORK

8.1 Travel on official business

An employee required by the Authority to travel on official business away from their appointed centre, shall be entitled to compensation as prescribed by clause 5.10.1.

PART 9 - TRAINING AND RELATED MATTERS

9.1 Training, learning and development

The parties to this Award recognise that in order to increase efficiency and productivity a greater commitment to learning and development is required.

The parties are committed to developing a more highly skilled and flexible workforce and providing employees with career opportunities through appropriate training to acquire additional skills and knowledge for the performance of their duties.

The Authority shall establish a consultative mechanism and procedures involving representatives of management,

employees and the Union party to this Award.

Following consultation the Authority shall develop a learning and development strategy consistent with:

- the current and future needs of the Authority;
- the size, structure and nature of the Authority's operations;
- the need to develop vocational skills relevant to the Authority through courses conducted wherever possible by accredited educational institutions and providers.

Learning and development may be both on-the-job or off-the-job and either internal or external to the Authority.

Learning and development provided should assist employees in obtaining knowledge and skills recognised by the Australian National Training Authority (ANTA).

All learning and development should, where practicable, be directed at enabling employees to enhance skills relevant to duties to be performed. Employees shall be expected to attend scheduled learning and development activities.

PART 10 - OCCUPATIONAL HEALTH AND SAFETY MATTERS, EQUIPMENT, TOOLS AND AMENITIES

10.1 The parties to this Award are committed to promoting and securing the health, safety and rehabilitation of employees and are bound by the relevant workplace health and safety legislation and regulations.

PART 11 - AWARD COMPLIANCE AND UNION RELATED MATTERS

Preamble

Clauses 11.1 and 11.2 replicate legislative provisions contained within the Act. In order to ensure the currency of existing legal requirements parties are advised to refer to sections 366, 372 and 373 of the Act as amended from time to time.

11.1 Right of entry

11.1.1 Authorised industrial officer

- (a) An "Authorised industrial officer" is any Union official holding a current authority issued by the Industrial Registrar.
- (b) Right of entry is limited to workplaces where the work performed falls within the registered coverage of the Union.

11.1.2 Entry procedure

- (a) The authorised industrial officer is entitled to enter the workplace during normal business hours as long as:
 - (i) the authorised industrial officer alerts the employer or other person in charge of the workplace to their presence; and
 - (ii) shows their authorisation upon request.
- (b) Clause 11.1.2(a)(i) does not apply if the authorised industrial officer establishes that the employer or other person in charge is absent.
- (c) A person must not obstruct or hinder any authorised industrial officer exercising their right of entry.
- (d) If the authorised industrial officer intentionally disregards a condition of clause 11.1.2 the authorised industrial officer may be treated as a trespasser.

11.1.3 Inspection of records

- (a) An authorised industrial officer is entitled to inspect the time and wages record required to be kept under section 366 of the Act.
- (b) An authorised industrial officer is entitled to inspect such time and wages records of any former or current employee except if the employee:
 - (i) is ineligible to become a member of the Union; or

- (ii) is a party to a QWA or ancillary document, unless the employee has given written consent for the records to be inspected; or
 - (iii) has made a written request to the employer that they do not want their record inspected.
- (c) The authorised industrial officer may make a copy of the record, but cannot require any help from the employer.
- (d) A person must not coerce an employee or prospective employee into consenting, or refusing to consent, to the inspection of their records by an authorised industrial officer.

11.1.4 *Discussions with employees*

An authorised industrial officer is entitled to discuss with the employer, or a member or employee eligible to become a member of the Union:

- (a) matters under the Act during working or non-working time; and
- (b) any other matter with a member or employee eligible to become a member of the Union, during non-working time.

11.1.5 *Conduct*

An authorised industrial officer must not unreasonably interfere with the performance of work in exercising a right of entry.

11.2 Time and wages record

11.2.1 An employer must keep, at the place of work in Queensland, a time and wages record that contains the following particulars for each pay period for each employee, including apprentices and trainees:

- (a) the employee's award classification;
- (b) the employer's full name;
- (c) the name of the award under which the employee is working;
- (d) the number of hours worked by the employee during each day and week, the times at which the employee started and stopped work, and details of work breaks including meal breaks;
- (e) a weekly, daily or hourly wage rate - details of the wage rate for each week, day, or hour at which the employee is paid;
- (f) the gross and net wages paid to the employee;
- (g) details of any deductions made from the wages; and
- (h) contributions made by the Authority to a superannuation fund.

11.2.2 The time and wages record must also contain:

- (a) the employee's full name and address;
- (b) the employee's date of birth;
- (c) details of sick leave credited or approved, and sick leave payments to the employee;
- (d) the date when the employee became an employee of the Authority;
- (e) if appropriate, the date when the employee ceased employment with the Authority; and
- (f) if a Casual Employee's entitlement to long service leave is worked out under section 47 of the Act - the total hours, other than overtime, worked by the employee since the start of the period to which the entitlement relates, worked out to and including 30 June in each year.

11.2.3 The Authority must keep the record for 6 years.

11.2.4 Such records shall be open to inspection during the employer's business hours by an inspector of the Department of Industrial Relations, in accordance with section 371 of the Act or an authorised industrial officer in accordance with sections 372 and 373 of the Act.

11.2.5 The General Manager may specifically exempt employees who have been, or who are a class of office from a system for recording starting and finishing times, meal breaks and absences from duty.

11.3 Posting of award

A true copy of this Award is to be exhibited in a conspicuous and convenient place on the premises of the Authority so as to be easily read by employees.

11.4 Union delegates

11.4.1 The parties to this Award acknowledge the constructive role democratically elected Union delegates undertake in the workplace in relation to Union activities that support and assist members. That role shall be formally recognised, accepted and supported.

11.4.2 The Authority's employees shall be given full access to Union delegates/officials during working hours to discuss any employment matter or seek Union advice, on the understanding that service delivery is not disrupted and work requirements are not unduly affected.

11.4.3 Provided that service delivery and work requirements are not unduly affected, delegates shall be provided convenient access to facilities for the purpose of undertaking Union activities. Facilities shall include: telephones, computers, e-mail, photocopiers, facsimile machines, storage facilities, meeting rooms and notice boards. It is expected that management and delegates shall take a reasonable approach to the responsible use of such facilities for information and communication purposes.

11.4.4 Subject to the relevant employee's written approval and any confidentiality provisions, delegates may request access to documents and policies related to a member's employment.

11.5 Industrial relations education leave

11.5.1 Industrial relations education leave is paid time off to acquire knowledge and competencies in industrial relations. Such knowledge and competencies can allow employees to effectively participate in consultative structures, perform a representative role and further the effective operation of grievance and dispute settlement procedures.

11.5.2 Employees may be granted up to 5 working days (or the equivalent hours) paid time off (non-cumulative) per calendar year to attend industrial relations education sessions, approved by the General Manager (or delegated authority).

11.5.3 Additional leave, over and above 5 working days non-cumulative (or the equivalent hours) in any one calendar year may be granted where approved structured employees' training courses involve more than 5 working days (or the equivalent). This leave shall be subject to consultation between the General Manager (or delegated authority), the Union and the employee.

11.5.4 Upon request and subject to approval by the General Manager (or delegated authority), employees may be granted paid time off in special circumstances to attend Management Committee Meetings, Union Conferences, and ACTU Congress.

11.5.5 The granting of industrial relations education leave or any additional special leave should not impact adversely on service delivery, work requirements or the effectiveness and efficiency of the Authority or the work unit concerned. At the same time this leave shall not be unreasonably refused.

11.5.6 At the discretion of the General Manager, employees may be granted special leave without pay to undertake work with their Union.

11.6 Union encouragement

11.6.1 The parties to this Award recognise the right of individuals to join a Union and shall encourage that membership. However, it is also recognised that Union membership remains at the discretion of individuals.

11.6.2 An application for Union membership and information about the Union shall be provided to all employees at the point of engagement.

11.6.3 Information about the Union shall be included in induction materials.

11.6.4 A Union representative shall be provided with the opportunity to discuss Union membership with new employees.

11.6.5 Where requested by the Union, the Authority shall provide payroll deduction facilities for Union subscriptions.

SCHEDULE 1

S1 Salary rates

<i>Administrative Stream</i>	Award Rate Per Fortnight
	\$
Level 1 - 1	860.50
2	917.50
3	974.40
Level 2 Age 21 - 1	1,290.50
2	1,320.20
3	1,349.90
4	1,383.60
5	1,413.40
6	1,443.10
7	1,468.80
8	1,498.70
Level 3 - 1	1,568.60
2	1,609.80
3	1,651.10
4	1,692.30
Level 4 - 1	1,764.20
2	1,802.30
3	1,844.50
4	1,882.70
Level 5 - 1	1,957.90
2	2,000.50
3	2,043.00
4	2,085.50
Level 6 - 1	2,204.50
2	2,213.90
3	2,253.20
4	2,292.50
Level 7 - 1	2,375.30
2	2,420.80
3	2,466.30
4	2,511.70
Level 8 - 1	2,579.00
2	2,619.20
3	2,659.30
4	2,699.40

The rates of pay in this Award are intended to include the arbitrated wage adjustment payable under the 1 September 2010 Declaration of General Ruling and earlier Safety Net Adjustments and arbitrated wage adjustments. This arbitrated wage adjustment may be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employment are regulated by this Award which are above the wage rates prescribed in the Award. Such payments include wages payable pursuant to certified agreements, currently operating enterprise flexibility agreements, Queensland workplace agreements, award amendments to give effect to enterprise agreements and overaward arrangements. Absorption which is contrary to the terms of an agreement is not required.

Increases made under previous State Wage Cases or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated wage adjustments.

SCHEDULE 2 - Generic Level Statements - ADMINISTRATIVE STREAM

S2.1 Administrative officer level 1

Work Level Description (AO1)

Work at this level usually involves a combination of keyboard, clerical and other duties requiring the application of basic office skills and routines.

Characteristics of the Work

Performed under close direction using established routines, methods and procedures with little scope for deviating from these.

Problems can usually be solved by reference to procedures, well documented methods and instructions. Initially direct guidance is given when problems arise. Ready access to advice and assistance is available.

The work may involve giving technical and procedural advice to other staff (for example relating to the operation of office equipment used in the work area). It may require the acquisition of knowledge and specific procedures, instructions, regulations or other requirements relating to general administration (e.g. personnel or finance operations) and/or specific departmental programs and activities.

Work at this level does not include supervisory responsibilities although more experienced staff may assist new staff by providing guidance and advice.

As individual employees develop more experience and knowledge they shall be required to exercise greater judgement and make decisions in their allocated duties, although these shall be confined by instructions, established practices and procedures of written guidelines.

Duties and Skills

Work at this level may progressively involve an employee in a range of activities requiring the use of written and numeric skills, clerical skills, written and verbal communication, equipment skills (e.g. keyboard) and other work skills appropriate to the discipline. These skills should be readily transferable between organisations.

Entry to this level is either by commencement of a traineeship or through selection based on standardised vocational testing.

S2.2 Administrative officer level 2

Work Level Description (AO2)

Work at this level usually encompasses a range or combination of administrative activities and operations which require the application of skills and experience in administrative/clerical work and a general knowledge of the work to be performed.

The work shall involve achieving clearly defined and established outcomes and/or basic problem solving within guidelines and contributing knowledge or skills or information specific to the work of the agency.

Characteristics of the Work

Work is usually performed under close supervision and may involve undertaking a range of duties requiring judgement, liaison and communication within an agency and with other interested parties.

The solution of problems may require the exercising of basic judgement, although knowledge required to perform work is usually related to precedents, guidelines, procedures, regulations and instructions and from senior staff. It may require some knowledge and application of specific procedures, instructions, regulations or other requirements relating to general administration and activities.

Work at this level does not include supervisory responsibilities although more experienced staff may assist new staff by providing guidance and advice.

Duties and Skills

Knowledge required to perform work is usually related to guidelines, instructions and procedures relevant to the function of the level.

Familiarity with the functions of related work areas and of relationships between organisational elements may be required.

At this level, basic resolution of problems by reference to established procedures may be required.

Work at this level may involve an employee in a range of activities requiring the use of written and numeric skills, clerical skills, written and verbal communication, equipment skills (e.g. keyboard) and other work skills appropriate to the discipline. These skills should be readily transferable between organisations.

The minimum skills required for entry to this level are as defined in the traineeship curriculum or through standardised vocational testing.

S2.3 Administrative officer level 3

Work Level Description (AO3)

Work at this level usually requires relevant experience combined with a broad knowledge of the agency's functions and activities and a sound knowledge of the major activity performed within the work area. The work may include preparing preliminary reports, papers and correspondence which usually relate to a specific organisational function or discipline, providing or interpreting information for clients or other interested parties and general administrative support to senior officers.

Supervisory responsibilities may involve some complex operational work and may involve assisting with, or reviewing the work undertaken by, subordinates or team members.

Scope exists for exercising initiative in the application of established work practices and procedures although this level may require expertise to resolve issues within a day-to-day environment for which there may not be clearly established procedures.

Effective judgement and work organisation skills are required which have been acquired through previous experience, demonstrated capacity or post secondary education or partial completion of same.

Characteristics of the Work

Work is usually performed under general direction and may involve preparing papers, briefing notes, correspondence or other written material.

Decisions made or delegations exercised at this level may have an impact on the relevant agency's operations, but are normally of limited procedural or administrative importance.

Work at this level may include responsibility for training, involvement in working with staff to develop work performance, planning and co-ordinating tasks and work flow.

Duties and Skills

Work at this level requires a sound knowledge of the activities usually performed within the work area and their impact upon the activities of other organisations.

Supervisory responsibilities include on-the-job training and staff assessment and performance counselling in relation to the work area. This level usually requires the application of personnel-related functions such as orientation of staff, staff attendance and recommendation of leave arrangements, written and verbal communication, interpretation and liaison skills to solve basic problems together with interpersonal skills to deal with non-routine matters and analytical abilities appropriate to the work area.

S2.4 Administrative officer level 4

Work Level Description (AO4)

Work at this level is usually performed in relation to established priorities, task methodology and work practices to achieve results in line with the corporate goals of the agency.

The work may include preparing papers and reports, drafting complex correspondence for senior officers, undertaking activities of a specialist or detailed nature, assisting in the preparation of procedural guidelines, providing, interpreting and analysing information for clients or other interested parties, exercising specific process responsibilities, and overseeing and co-ordinating the work of subordinate staff.

Work at this level includes supervision of a work group, small work area or office within the total organisational structure and co-ordination of a range of agency functions.

Characteristics of the Work

Work is performed under general direction as to work priorities and may be of a technical or professional, project, procedural or processing nature, or a combination of these.

Direction exercised over work performed at this level may be less direct than at lower levels and is usually related to task methodologies and work practices. Staff would be expected to set priorities and to monitor work flow in the area of responsibility.

The work at this level requires the application of knowledge usually gained through previous experience in the discipline or from post secondary or tertiary study. The work may require the co-ordination of a range of agency functions and the exercising of judgement and/or delegated authority in areas where precedents or procedures are not clearly defined.

Independent action may be exercised at this level, particularly in Local Office situations, for example, developing local procedures, management strategies and guidelines.

Any decisions taken or delegations exercised would be limited by the application of rules, regulations, guidelines or procedures.

The extent of supervisory responsibility would depend on the operational work of the area and factors such as work priorities, complexity of the work and the number of subordinate staff.

Duties and Skills

Work performed at this level shall require the ability to supervise staff, set priorities, monitor work flow and develop local strategies or work practices.

This may include responsibility for the development of appropriate training programmes related to group development, application of equal employment opportunity, industrial relations principles and an awareness of occupational health and safety guidelines and principles. Staff assessment and counselling may involve providing advice in relation to personal and career development relating to work requirements.

Liaison and communication skills and the capacity to negotiate may be required, particularly for activities involving liaison or communication with clients or other interested groups.

Work at this level requires general knowledge of the agency's operations, combined with a specialist knowledge of major activities within the work area.

In program, activity or service delivery areas staff should have the knowledge to interpret and apply standard policies, specific procedures and regulations or other guideline material to specific situations. They should be able to disseminate information about an agency's operations particularly in relation to policy aspects or program, activity or service delivery to clients.

Work at this level may require the ability to investigate, interpret or evaluate information where legislation, regulations, instructions or procedural guidelines do not give adequate or specific answers.

S2.5 Administrative officer level 5

Work Level Description (AO5)

Work at this level may include a variety of functions as follows:

- (a) managing the operations of a discrete organisational element, program or activity; or
- (b) the operations of an organisational element which is part of a larger office within the total organisational structure;
or
- (c) under limited direction in relation to priorities and work practices, providing administrative support to a particular program, activity or administrative function and consultancy service to external organisations; or
- (d) providing subject matter expertise or policy advice across a range of programs or activities undertaken by the agency.

Work at this level may include the preparation of documentation for complex correspondence purposes and for decision by senior officers.

Responsibilities may include liaison and co-ordination within and across functions including agency representation and overseeing and co-ordinating the work of other staff assisting in this area.

Work at this level may include operation within a number of specialist or multi-disciplinary teams or independently.

Characteristics of the Work

Work is usually performed under limited direction as to work priorities and the detailed conduct of the task.

Direction exercised over work performance at this level includes, depending on the functional role required, the provision of advice, guidance and/or direction in relation to a project, detailed processing, and other work practices.

Independent action may be exercised within constraints set by senior management.

Any decision taken or delegation exercised tends to be governed by the application of rules, regulations or agency operating instructions or procedures. While such decisions may impact on agency operations and resources, they are usually limited to the specific work area involved.

Managerial responsibilities would usually depend on the specific activities undertaken. Staff at this level would be expected to set and achieve priorities, monitor work flow and/or manage staffing resources to meet objectives.

Duties and Skills

Work at this level requires a knowledge of agency operations and the ability to interpret legislation, regulations and other guideline material relating to the operations and functions of the work area.

Work at this level may require:

- the ability to investigate, analyse, interpret or evaluate information for the guidance of staff or clients, or undertake research in relation to technical matters.
- well developed liaison and communication skills and the ability to negotiate with clients or other interested parties, within parameters decided by senior management.
- significant managerial ability, including the ability to supervise staff, set priorities, monitor work flow, develop local strategies, procedures and work practices, and allocate resources.

This includes demonstrated personnel management skills, the ability to apply equal employment opportunity principles and procedures and industrial relations principles and occupational health and safety guidelines. Responsibility for the identification of training needs and the development of appropriate training programmes for the work unit may be undertaken at this level.

S2.6 Administrative officer level 6

Work Level Description (AO6)

Work at this level may involve providing advice including policy, administrative, or specialist; undertaking work related to the management or administration of a program or activity; service delivery or corporate support functions, including project work and work policy development; preparation or co-ordination of research papers, submissions on policy, technical, professional or program issues, or administrative matters.

Liaison with other elements of the organisation, other Government Agencies, local authorities or community organisations is usually a feature.

Work also includes the preparation, or overseeing the preparation, of correspondence and replies to Parliamentary Questions, Ministerial representations and other briefing material, and representing the agency at meetings, conferences or seminars. Management of diverse occupational groups may be required of this level.

Characteristics of the Work

Work is undertaken at this level with limited direction as to work priorities and the detailed conduct of the task. The tasks undertaken may be of a complex or specific nature encompassing a major area of agency operations.

Direction exercised over work performed at this level may, depending on the function role required, be by way of providing general guidance and advice.

Work at this level may involve control and/or co-ordination of projects or programs within an agency in accordance with corporate goals, and requires the development, implementation and evaluation of agency activities.

Work at this level may involve independence of action including the use and allocation of resources within the constraints laid down by senior management.

Decisions taken or delegations exercised at this level may have major impact on the day-to-day operations of the work area. The impact of such decisions on agency operations is likely to be limited to a specific work area or function.

Delegations exercised may, depending on the nature of the work required, involve making determinations, instigating another course of action, or reviewing previous decisions.

Managerial responsibilities may be an important function of the work at this level, but this can vary widely depending on factors such as work area, location, priorities, work load, operational deadlines and the availability of staff resources to assist.

Guidelines, rules, instructions or procedures for use by other staff and interested parties may be developed at this level.

Duties and Skills

Management skills and abilities necessary to undertake the allocation and monitoring of resources, the review of operations to determine their effectiveness and contribute to the development of policy initiatives or corporate strategies are usually required at this level. A knowledge of financial program management techniques related to the activity or corporate goal of the work area is usually required at this level, together with demonstrated personnel management skills and the ability to apply equal employment procedures and implement training and staff development.

Well developed liaison and communication skills and the ability to negotiate or communicate, under limited direction, on behalf of the agency with clients or other interested parties may be needed.

Work at this level requires a knowledge and awareness of agency operations, as related to Government initiatives or policies.

The ability to apply or interpret legislation, regulations, instructions or other guideline material relating to the operations, policies or functions of the work area, and the capacity to undertake high level research, reviews or investigations including the preparation of reports and associated papers may also be required.

S2.7 Administrative officer level 7

Work Level Description (AO7)

Work at this level may involve control of an organisational element involved in the administration or co-ordination of a specific program, activity or corporate support function at either the Section or Branch Head level, to achieve a result in line with the corporate goals of the agency.

The work may include developing policy and/or providing policy, financial, specific subject matter or administrative advice, including specialist advice or undertaking high level project work; developing, implementing and reviewing policy instructions and administrative or specialist procedures for the guidance of functional elements of the agency; initiating and formulating recommendations for agency programs; processing representations to the Minister, preparing replies to Parliamentary Questions, preparing Briefing Notes for senior level Managers, assisting in the preparation of Cabinet Submissions and correspondence; liaising with other Government bodies and community organisations including the preparation of public information on programs, activities or services; and representing the agency at meetings, conferences or seminars.

Work undertaken at this level may also be required to deal with a complex and diverse operating environment.

Characteristics of the Work

Work is undertaken at this level with broad direction usually from a senior level Manager or comparable officer in relation to priorities and the detailed conduct of the task. The activities undertaken would be of a complex or specific nature encompassing a significant element of total agency operations.

Work at this level may involve, depending on the functional role, significant independence of action including the use or allocation of resources within the constraints or guidelines laid down by senior management.

Decisions taken at this level may, depending on the degree of autonomy of function and the degree of delegated authority, have significant impact on the day-to-day operations of a specific work area and may also have significant effects elsewhere within the agency.

Management responsibilities are usually a significant function at this level. The percentage of the total work taken up in management functions and the character of the direction given to subordinates would depend on the nature of the work area, location, workload factors, priorities and staff resources allocated.

The development of guidelines, rules, regulations, procedures or instructions for either staff or other interested parties may be co-ordinated at this level.

Duties and Skills

Management skills and the abilities necessary to monitor resource allocations, evaluate program effectiveness, manage

staff and resources, formulate policy initiatives and develop corporate strategy proposals are usually required at this level. A knowledge of financial program management practices appropriate to the program or activity or corporate goal of the organisational element in which a position is located, are usually required at this level.

Work at this level requires the application of a high level of discipline, knowledge, a detailed knowledge of both Government policies and procedures and an appreciation of their application in relation to agency operations. Staff at this level would be expected to have the ability to undertake personnel management functions and to plan, develop and implement programmes associated with equal employment opportunity, occupational health and safety, and staff development and counselling within the functional area of responsibility.

Work may require the ability to interpret and provide advice on legislation, regulations, instructions or other guideline material relating to the policies, operations or functions of the work area, and the capacity to undertake specific or major research, investigations or reviews and prepare associated papers or reports.

Liaison and communication skills of a high order, including the capacity and ability to negotiate or communicate on behalf of the agency with clients or other interested groups, perhaps to finality, may be needed.

S2.8 Administrative officer level 8

Work Level Description (AO8)

Work at this level may involve responsibility for a major program or programs at state wide level and of critical importance to the agency, operating within broad policy guidelines, or be responsible for a service-wide function.

High levels of discipline, expertise and experience are required combining elements of planning, organising, directing and evaluating to determine goals and priorities within the framework of the corporate objectives of the agency or of other agencies.

This level shall require a capacity for original thinking, creativity, the exercise of significant levels of independent judgement, and the exercise of delegated authority as required.

The work may include providing specialist consultancy advice within or across agencies, developing policy and interpreting, reviewing and implementing policy instructions, setting objectives in the work area, processing representations to the Minister, overseeing responses to Parliamentary Questions, preparation of reports to Government, preparing ministerial briefing notes and correspondence, liaising with other Government bodies and community organisations, including the provision of public information on programs, activities or services, and representing the agency at meetings, conferences or seminars.

Characteristics of the Work

Work is undertaken at this level, usually under the broad direction of a Senior Executive, with significant levels of independent judgement in keeping with the complex nature of work undertaken and the allocation of resources within the constraints or guidelines laid down by senior executives. Delegations exercised at this level may, depending on the functional role, involve being the final authority in the process of approving the expenditure of funds, undertaking specific action in line with the policy of the agency, or reviewing any previous action or decisions in the work area.

Management responsibilities are usually a significant function at this level, with management of a number of projects of significance within and outside the agency being involved.

The development of guidelines, rules, regulations, procedures or instructions for staff or other interested parties may be instigated at this level.

Work at this level may include analysis of organisational design and the formulation of strategic plans for staff and organisational development.

Duties and Skills

Management skills and the abilities necessary to determine resource allocations, manage staff and resources, formulate policy initiatives and develop corporate strategies are usually required at this level. A knowledge of financial program management practices and the evaluation of the results of program activities against stated objectives are normally required at this level.

Work at this level requires the application of a high level of discipline and knowledge including detailed knowledge of both Government policies and procedures and their application in relation to agency operations. Staff at this level with managerial responsibilities would be required to oversee the implementation of personnel management functions and to plan, develop and implement programmes associated with equal employment opportunity, occupational health and safety, and formulate policies and plans for staff and organisational development.

Liaison and communication skills to enable the effective resolution of complex organisational issues, including the

capacity and ability to negotiate or communicate on behalf of the agency with clients or other interested groups, often to finality, may be required.

Dated 20 November 2002.

By the Commission,
[L.S.] E. EWALD,
Industrial Registrar.

Operative Date: 6 January 2003