

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 2016* - s. 149 - Variation of modern awards to correct minor errors etc.  
s. 149(1) - Registrar acting on own initiative

**TAFE QUEENSLAND AWARD – STATE 2016**

**Matter No. MA/2017/19**

INDUSTRIAL REGISTRAR

1 March 2017

**VARIATION**

Pursuant to s 149 of the *Industrial Relations Act 2016* this Award is varied as follows as from 1 March 2017:

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

**2. Operation**

This Award operates from 9 June 2016.

2. In clause 3:

(a) By deleting the definition of "Act" and inserting the following in lieu thereof:

**Act** means the *Industrial Relations Act 2016*

(b) By deleting the definition of "QES" and inserting the following in lieu thereof:

**QES** means the Queensland Employment Standards contained in Part 3 of Chapter 2 of the Act

3. By deleting clause 4.1(d)(iv) and inserting the following in lieu thereof:

(iv) Queensland Nurses and Midwives' Union of Employees;

4. By deleting clause 6.1(c) and inserting the following in lieu thereof:

(c) Any proposed genuine agreement reached between TAFE Queensland and employees in an enterprise is contingent upon the agreement being submitted to the Commission in accordance with Chapter 4 of the Act and is to have no force or effect until approval is given.

5. By deleting clause 9.1 and inserting the following in lieu thereof:

**9.1 Notice of termination by TAFE Queensland**

Notice of termination by TAFE Queensland is provided for in Division 13 of the QES. Clauses 9.2 to 9.5 supplement the QES provisions.

6. By deleting clause 10.1(a) and inserting the following in lieu thereof:

(a) Redundancy pay is provided for in Division 13 of the QES. Clauses 10.1(b) to (f) and 10.2 to 10.9 supplement the QES provisions.

7. By deleting the heading and first paragraph of clause 21 and inserting the following in lieu thereof:

**21. Annual leave**

Annual leave is provided for in Division 5 of the QES. Clauses 21.1 to 21.7 supplement the QES.

8. By deleting clause 21.1 and inserting the following in lieu thereof:

**21.1 Period of annual leave**

In lieu of the requirements prescribed at sections 31(1)(b) and (6) of the Act, a shift worker covered by this Award shall be entitled to 5 weeks annual leave.

9. By deleting clauses 22(a) and (b) and inserting the following in lieu thereof:

(a) Personal leave is provided for in Division 6 of the QES and covers:

- (i) sick leave;
- (ii) carer's leave;
- (iii) bereavement leave; and
- (iv) cultural leave.

(b) In addition to the provisions of Subdivision 2 of Division 6 of the QES an employee is entitled to use any sick leave to which they have an entitlement for carer's leave purposes.

10. By deleting clause 23(a) and inserting the following in lieu thereof:

(a) Parental leave is provided for in Division 8 of the QES and covers:

- (i) birth-related leave for an employee who is pregnant or whose spouse gives birth;
- (ii) adoption leave; and
- (iii) surrogacy leave.

11. By deleting clause 23.1(a) and inserting the following in lieu thereof:

(a) Notwithstanding the provisions of Subdivision 2 of Division 8 of the QES, all full-time and part-time employees are entitled to parental leave upon commencement of employment.

12. By deleting clause 23.2(a) and inserting the following in lieu thereof:

(a) In addition to the provisions of Subdivision 6 of Division 8 of the QES an employee who has returned to work on a part-time basis may seek to return to the position they held prior to commencing parental leave.

13. By deleting clause 24 and inserting the following in lieu thereof:

**24. Long service leave**

(a) Long service leave, including for casuals, is provided for in Division 9 of the QES. Clause 24(b) supplements the QES.

- (b) In lieu of the provisions of sections 95(2)(a) and (b) of the Act, all employees who complete 10 years' continuous service are entitled to long service leave at the rate of 1.3 weeks on full pay for each year of continuous service and a proportionate amount for an incomplete year of service.

14. By deleting the heading and first paragraph of clause 27 and inserting the following in lieu thereof:

**27. Public holidays**

Public holidays are provided for in Division 10 of the QES. Clauses 27.1 to 27.5 supplement the QES provisions.

15. By deleting clause 28(a) and inserting the following in lieu thereof:

- (a) Jury service is provided for in Division 12 of the QES. Clause 28(b) supplements the QES.

16. By deleting clause 42(b)(i) and inserting the following in lieu thereof:

- (i) An authorised industrial officer may enter a workplace at which TAFE Queensland carries on a calling of the officer's organisation, during TAFE Queensland's business hours, to exercise a power under Chapter 9, Part 1, Division 5, Subdivision 2 of the Act as long as the authorised industrial officer:
  - (A) has notified TAFE Queensland or TAFE Queensland's representative of the officer's presence; and
  - (B) produces their authorisation, if required by TAFE Queensland or TAFE Queensland's representative.

17. By deleting clause 42(c)(i) and inserting the following in lieu thereof:

- (i) An authorised industrial officer is entitled to inspect the time and wages records required to be kept under section 339 of the Act.

18. By deleting the Note which appears at the foot of clause 42 and inserting the following in lieu thereof:

*Note: Clause 42 - Right of entry, deals with comparable provisions contained within the Act. In order to ensure the currency of existing legal requirements parties are advised to refer to Chapter 9, Part 1, Division 5 of the Act as amended from time to time.*

Dated: 1 March 2017

M. Shelley,  
Deputy Industrial Registrar.

Variation approved, pursuant to s 149(2) of the Act:

D.L. O'Connor,  
Deputy President.

Released: 1 March 2017

Operative Date: 1 March 2017  
Variation