

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - ss. 140G and 140GC - Variation of modern award
ss. 140G(3)(a) and 140GC(2)(a) - Commission acting on its own initiative

TOURISM AND EVENTS QUEENSLAND EMPLOYEES AWARD - STATE 2015

Matter No. MA/2016/18

DEPUTY PRESIDENT O'CONNOR
DEPUTY PRESIDENT SWAN
INDUSTRIAL COMMISSIONER THOMPSON

5 December 2016

DETERMINATION

This matter coming on for hearing before the Commission at Brisbane on 5 December 2016 this Commission orders that the said Award be varied as follows as from 5 December 2016:

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

1. Title

This Award is known as the *Tourism and Events Queensland Employees Award - State 2015*.

2. In clause 3.1:

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

Commission means the Queensland Industrial Relations Commission

- (b) By inserting a definition of "union" as follows:

union means Together Queensland, Industrial Union of Employees

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

5. The Queensland Employment Standards and this Award

This Award together with the QES provide for a minimum safety net of enforceable conditions of employment for employees covered by this Award.

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

- (c) Any proposed genuine agreement reached between the employer and employees in an enterprise 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.

5. By deleting clauses 6.2(d) and (f) and inserting the following in lieu thereof:

- (d) In determining the outcome from facilitative provisions neither party should unreasonably withhold agreement.

Determination

- (e) ...
- (f) Where a provision refers to agreement by the majority of employees affected, all employees directly affected shall be consulted. This consultation shall be undertaken where practicable as a group, or in groups. Should the consultation process identify employees with specific concerns which relate to either equity or occupational health and safety issues, such concerns may be catered for on an individual basis subject to operational requirements.

6. By deleting the heading of clause 7.1 and inserting the following in lieu thereof:

7.1 Prevention and settlement of disputes - Award matters

7. By deleting clauses 7.1(d) and (e) and inserting the following in lieu thereof:

- (d) In the event of any disagreement between the parties as to the interpretation or implementation of this Award, the following procedures shall apply:
 - (i) 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. The discussion should take place within 24 hours and the procedure should not extend beyond 7 days;
 - (ii) if the matter is not resolved as per clause 7.1(d)(i), it shall be referred by the union representative and/or the employee/s to the appropriate management representative who shall arrange a conference of the relevant parties to discuss the matter. This process should not extend beyond 7 days;
 - (iii) if the matter remains unresolved it may be referred to the executive officer or nominee for discussion and appropriate action. This process should not exceed 14 days;
 - (iv) if the matter is not resolved then it may be referred by either party to the Commission.
- (e) Nothing contained in this procedure shall prevent the union or the employer from intervening in respect of matters in dispute should such action be considered conducive to achieving resolution.

8. By deleting clause 7.2 and inserting the following in lieu thereof:

7.2 Employee grievance procedures - other than Award matters

- (a) The objectives of the procedure are to promote the prompt resolution of grievances by consultation, co-operation and discussion to reduce the level of disputation and to promote efficiency, effectiveness and equity in the workplace.
- (b) The following procedure applies to all industrial matters within the meaning of the Act:
 - Stage 1: In the first instance the employee shall inform such employee's immediate supervisor of the existence of the grievance and they shall attempt to solve the grievance. It is recognised that an employee may exercise the right to consult such employee's union representative during the course of Stage 1.
 - Stage 2: If the grievance remains unresolved, the employee shall refer the grievance to the next in line management ("the manager"). The manager will consult with the relevant parties. The employee may exercise the right to consult or be represented by such employee's union representative during the course of Stage 2.
 - Stage 3: If the grievance is still unresolved, the manager will advise the executive officer and the aggrieved employee may submit the matter in writing to the

Determination

executive officer if such employee wishes to pursue the matter further. If desired by either party the matter shall also be notified to the union.

- (c) The executive officer shall ensure that:
 - (i) the aggrieved employee or such employee's union representative has the opportunity to present all aspects of the grievance; and
 - (ii) the grievance shall be investigated in a thorough, fair and impartial manner.
- (d) The executive officer may appoint another person to investigate the grievance. The executive officer may consult with the union in appointing an investigator. The appointed person shall be other than the employee's supervisor or manager.
- (e) If the matter is notified to the union, the investigator shall consult with the union during the course of the investigation. The executive officer shall advise the employee initiating the grievance, such employee's union representative and any other employee directly concerned of the determinations made as a result of the investigation of the grievance.
- (f) The executive officer may delegate such grievance resolution powers under clause 7.2(e) to a nominated representative.
- (g) The procedure is to be completed in accordance with the following time frames unless the parties agree otherwise:
 - Stage 1: Discussions should take place between the employee and such employee's supervisor within 24 hours and the procedure shall not extend beyond 7 days.
 - Stage 2: Not to exceed 7 days.
 - Stage 3: Not to exceed 14 days.
- (h) If the grievance is not settled the matter may be referred to the Commission by the employee or the union.
- (i) 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.
- (j) Where the grievance involves allegations of sexual harassment an employee should commence the procedure at Stage 3.

9. By deleting clause 8.1 and inserting the following in lieu thereof:

8.1 Full-time employment

A full-time employee is one who is engaged to work a total of 145 ordinary hours per 28 day cycle.

10. By deleting clause 8.2(c) and inserting the following in lieu thereof:

- (c) For each ordinary hour worked a part-time employee shall be paid no less than 1/72.5th of the minimum fortnightly rate of pay for their classification.

11. By deleting clause 8.3(c) and inserting the following in lieu thereof:

- (c) For each ordinary hour worked a casual employee shall be paid no less than 1/72.5th of the minimum fortnightly rate of pay for their classification plus a casual loading of 23%.

Determination

12. By deleting clause 9 and inserting the following in lieu thereof:

9. Termination of employment

9.1 Notice of termination by the employer

Notice of termination by the employer is provided for in Division 9 of the QES. Clauses 9.2 to 9.5 supplement the QES provisions.

9.2 Notice of termination by an employee

Unless otherwise agreed between the employer and an employee the notice of termination required by an employee, other than a casual employee, will be one week or one week's salary forfeited in lieu. If an employee fails to give the required notice the employer will have the right to withhold monies due to the employee with a maximum amount equal to the ordinary time rate of salary for the period of notice not provided.

9.3 Notice cannot be offset

In the absence of mutual agreement between the employer and the employee, annual leave or any part thereof cannot be considered as or nominated as notice for the purpose of giving notice of termination of employment.

9.4 Job search entitlement

Where the employer has given notice of termination to an employee for reasons other than redundancy, the employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.

9.5 Statement of employment

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

13. By deleting clauses 10.2(a) and (b) and inserting the following in lieu thereof:

- (a) Where the employer decides that the employer no longer wishes the job an employee/s 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/s directly affected and, where relevant, their union.
- (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 10.2(a) and shall cover the reasons for the proposed terminations and measures to avoid or minimise the terminations and/or their adverse effects on the employee/s concerned.

14. By deleting clause 10.7(a) and inserting the following in lieu thereof:

- (a) 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

15. By deleting clause 10.8 and inserting the following in lieu thereof:

Determination

10.8 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.

16. By deleting clause 10.9 and inserting the following in lieu thereof:

10.9 Employees exempted

Clauses 10.1 to 10.8 shall not apply:

- (a) where employment is terminated as a consequence of misconduct on the part of the employee; or
 - (b) to an employee engaged for a specific period or task/s; or
 - (c) to a casual employee; or
 - (d) to an employee with less than one year's continuous service, in which case the general obligation on the employer should be no more than to give the relevant employee 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 employee of suitable alternative employment.
17. By deleting clause 11.2(a) and inserting the following in lieu thereof:
- (a) The employer shall consult the employees affected and, where relevant, their union, 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 ways to avoid or minimise the effects of the changes (e.g. by finding alternate employment).

18. By inserting a Note immediately below the heading for Part 4 as follows:

(Note: The wage rates and salary levels prescribed in this Award do not apply to employees to whom the provisions of Schedule 2 (Supported Wage System) apply.)

19. By deleting clause 12.2(b) and inserting the following in lieu thereof:

- (b) The salaries are prescribed as annual rates.

20. By deleting the introductory paragraph in clause 12.6 and inserting the following in lieu thereof:

Where an employee is directed to fill a position at a higher level and undertakes the full duties and responsibilities of that position for more than five days the employee shall be paid an additional amount subject to the following:

21. By deleting clause 13.2(a) and inserting the following in lieu thereof:

- (a) Where the employer requires an employee to use their own vehicle in or in connection with the performance of their duties, the employee shall be paid an allowance for each kilometre of authorised travel as follows:

- (i) motor vehicle - \$0.77 per kilometre; and

- (ii) motorcycle - \$0.26 per kilometre.

22. By deleting clause 13.3 and inserting the following in lieu thereof:

Determination

13.3 Adjustment of monetary allowances

- (a) At the time of any adjustment to the wage rates in this Award the expense related allowances at clauses 13.1 (meal allowance) and 13.2 (motor vehicle allowance), respectively, shall be automatically adjusted by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
- (b) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index, as follows:

<u>Allowance</u>	<u>Eight Capitals Consumer Price Index</u> <u>(ABS Cat No. 6401.0 - Table 7)</u>
Motor vehicle allowance <i>(last adjusted 1 September 2014)</i>	Private motoring sub-group
Overtime meal allowance <i>(last adjusted 1 September 2016)</i>	Take-away and fast foods sub-group

23. By deleting clause 14 and inserting the following in lieu thereof:

14. Superannuation

- (a) Subject to Commonwealth legislation and clause 14(b), the employer must comply with superannuation arrangements prescribed in the *Superannuation (State Public Sector) Act 1990* (and associated Deed, Notice and Regulation).
- (b) Where Commonwealth legislation provides for choice of fund rights to an employee subject to this Award, and that employee fails to elect which superannuation fund to which employer contributions are directed, the employer will direct contributions to the appropriate fund prescribed in the abovementioned Queensland legislation.

24. By deleting the heading of Part 5 in both the Table of Contents and the Award itself and inserting in lieu thereof:

PART 5 - Hours of Work and Related Matters

- 25. By deleting the word "work" in both the heading of clause 15 and in the Table of Contents and inserting the word "duty".
- 26. By deleting clause 16 and inserting the following in lieu thereof:

16. Meal breaks

All employees working a minimum of 6 hours within any one day are entitled to an unpaid meal break of 30 minutes duration. Such meal break will occur between the third and sixth hours of duty subject to the employer's convenience.

- 27. By deleting clause 17(c) and inserting the following in lieu thereof:
 - (c) Where an employee is engaged to work 6 hours or less on any one day the employee will be entitled to one paid rest break only.
- 28. By deleting clause 18.5 and inserting the following in lieu thereof:

Determination

18.5 Meal breaks on overtime

- (a) The duration of meal breaks taken by an employee prior to or during overtime shall be at the discretion of the employer but shall not be less than 30 minutes.
- (b) Meal breaks taken by an employee prior to commencing overtime or during overtime periods shall not attract any payment. However, meal allowances, where relevant, shall be payable as prescribed in clause 13.1.

29. By deleting clause 19.2 and inserting the following in lieu thereof:

19.2 Accumulation of annual leave

Annual leave may accumulate for no more than two years after it falls due.

30. By deleting clause 22(b) and inserting the following in lieu thereof:

- (b) In lieu of the provisions of section 71HB(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.

31. By deleting clause 23.1 and inserting the following in lieu thereof:

23.1 Payment for public holidays and for work on a public holiday

- (a) An employee (other than a casual employee) who would normally work on a day on which a public holiday falls and who:
 - (i) is not required to work on that day, shall be paid for the ordinary hours the employee would normally have worked if that day had not been a public holiday;
 - (ii) is required to work on the public holiday shall, in addition to the payment prescribed in clause 23.1(a)(i), be paid at the rate of time and one-half for any hours worked, with a minimum payment as for 4 hours' work for the day.
- (b) An employee (including a casual employee) who would normally work on a day on which a public holiday falls and who performs authorised overtime outside the employee's ordinary working hours for that day shall be paid for such time at double the overtime rate prescribed in clause 18.2.
- (c) An employee (including a casual employee) who would not normally be required to work on a public holiday but who is required to work on that day shall be paid at the rate of double time and one-half for any hours worked, with a minimum payment as for 4 hours' work for the day.
- (d) The minimum payment provided in clauses 23.1(a) or (c) shall not apply where the work performed on the public holiday is immediately preceding or following ordinary hours.

32. By deleting clauses 25(b) and (c) and inserting the following in lieu thereof:

- (b) An employee is entitled to a maximum of five days' examination leave per year provided that:
 - (i) the employee shall produce satisfactory evidence of the requirement to attend such examinations to the employer; and
 - (ii) the proportion of leave utilised for examinations in accordance with clause 25(a) shall be greater than or equal to that utilised for study.

Determination

- (c) An employee who is on annual leave at the time of sitting for an examination may be allowed leave without charge for the number of hours for which the examination is held.
33. By deleting clauses 26(a) and (d) and inserting the following in lieu thereof:
- (a) Full-time employees may be granted leave of absence for annual attendance at naval, military and air force training. Such attendance shall be for one period of continuous training of up to two weeks in each financial year.
- ...
- (d) The employee will be paid the difference between the Services' pay received and the employee's normal salary. At the conclusion of the camp the employee will submit evidence of the Services' pay received by them to the employer.
34. By deleting clause 28(a) and inserting the following in lieu thereof:
- (a) in the case of annual leave, the period of incapacity is in excess of three working days;
35. By deleting clause 29(a) and inserting the following in lieu thereof:
- (a) An employee required by the corporation to travel to a centre or centres other than their normal place of duty shall be reimbursed for actual expenses incurred during the performance of their duty provided that such expenses are considered reasonable by the employer.
36. By deleting clauses 30.4(a) and (b) and inserting the following in lieu thereof:
- (a) The executive officer may grant an employee, where necessary, up to two working days on full pay within a week prior to the employee's departure on transfer, and where necessary, up to one working day on full pay within a month of arrival at the new centre, for the specific purpose of completing arrangements directly related to the employee's transfer including the supervision of packing and unpacking the employee's furniture and effects.
- (b) The executive officer may extend the period of entitlement for the taking of a day's leave on arrival to complete arrangements relating to the employee's transfer. The employee shall take such leave within two weeks of occupying the employee's intended permanent place of residence at the new centre.
37. By deleting Schedule 1, Generic Level Statements, and inserting the following in lieu thereof:

Schedule 1 - Generic Level Statements

Corporation positions are categorised into 7 work level groupings, as follows:

Level 1

Role

An employee will work under close direction and undertake routine activities which require the practical application of basic skills and techniques.

General features

An employee will perform clearly defined activities with outcomes being readily attainable and clearly defined. An employee's duties will be closely monitored with instruction and assistance being readily available.

Determination

Freedom to act is limited by standards and procedures. However, with experience, employees may have sufficient freedom to exercise judgement in the planning of their own work within those confines.

Work roles initially may involve employees in on-the-job training including familiarisation with goals and objectives of the work area. Work may be amended to provide employees with an appropriate breadth of experience within the area.

Employees will be responsible for the timeliness and quality of their own work and required to use basic numeracy, written and verbal communication skills.

Within this level supervision of other staff is not a feature.

Knowledge, skills, qualifications

On-the-job training includes developing knowledge of the section/department or division operation, basic knowledge of administrative practice and procedures, and a developing knowledge of work practices and policies.

While basic numeracy, keyboard, written and verbal communication skills relevant to the work area are assumed, these may be developed as the employee progresses.

Responsibilities

To contribute to the operational objectives of a work area, work roles within this level may include some of the following:

- routine activities of an administrative and/or selling nature;
- accurately processing and maintaining detailed financial and administrative records;
- straightforward operation of keyboard equipment, including data input and basic word processing;
- provision of routine information including email responses, general reception and telephonist services; and
- assisting with the provision of information to the public and industry.

Level 2

Role

Employees work under regular direction within clearly defined guidelines and undertake a range of administrative activities requiring the application and continuing development of acquired skills and knowledge.

General features

Employees perform functions which are defined by established routines, methods, standards and procedures with limited scope to exercise initiative in applying work practices and procedures. Assistance will be readily available. Employees may be responsible for a minor function and/or may contribute specific knowledge and/or specific skills to the work of the corporation.

Determination

Employees will be expected to have an understanding of work procedures relevant to their work area and may provide assistance to lower classified employees concerning established practices and procedures.

In addition, employees may be required to assist in establishing procedures to meet the objectives of a minor function.

Employees will be responsible for managing their own time and planning and organising their own work. They may be required to guide the work of less experienced employees, although direct supervision of such employees is not a feature of this level.

Employees could be required to resolve minor work procedural issues in the relevant work area within established constraints.

Knowledge, skills, qualifications

Entry to this level would assume the prior completion of appropriate certificate qualifications, or equivalent level of competence obtained through structured training or equivalent demonstrated competence gained through experience.

Other skill requirements relevant to this level include:

- basic skills in oral and written communication;
- knowledge of established work practices and procedures relevant to the corporation;
- knowledge of policies and regulations relating to the work area;
- understanding of clear but complex rules;
- understanding of basic computing concepts, including the ability to rapidly acquire skills in using the corporation's word processing and office automation system;
- application of techniques relevant to the work area; and
- attainment of appropriate standard of proficiency as outlined in the relevant position description.

Responsibilities

To contribute to the operational objectives of the work area, a work role within this level may include some of the following:

- undertake a range of activities requiring the application of established work procedures which may require the exercise of limited initiative and/or judgement within clearly established procedures and/or guidelines;
- achieve outcomes which are clearly defined;
- operate a computer and/or programs and peripheral equipment;
- understand data entry operating procedures and initiate corrective action at an elementary level;

Determination

- operate a basic word processor and/or other basic business software and be conversant with and utilise the functions of such systems and reach an appropriate level of proficiency in their use;
- provide administrative support requiring the exercise of sound judgement, initiative, confidentiality and sensitivity in the performance of work, e.g. shorthand, meeting preparation and minutes;
- accurately processing and maintaining detailed financial records, including accounting for petty cash, generating invoices, monitoring payments received; and
- provide more than routine information to clients.

Level 3

Role

Employees work under more routine direction in the application and further development of skills and knowledge appropriate to the work. Procedures, methods and guidelines are well established.

General features

Employees perform tasks or activities of increasing complexity using knowledge, judgement and work organisational skills. Assistance is available from more senior employees. Employees may receive guidance on the broader aspects of their work. In addition, employees may assist other employees.

Work roles within this level allow employees the scope to exercise initiative in the application of established work procedures, and may involve employees in internal and external liaison and communication activities.

Employees may be required to undertake some complex operational work and may undertake planning and co-ordination of activities within the work area.

Employees will be responsible for organising and planning their own work.

Knowledge, skills, qualifications

Entry to this level would assume continuing progress beyond advanced certificate level, or obtaining equivalent levels of structured training, or can demonstrate an equivalent level of competence level on previous experience.

Other skill requirements relevant to this band include:

- thorough knowledge of work activities performed within the work area;
- sound knowledge of procedural/operational methods of the work area;
- some specialised knowledge including databases and corporate information systems;
- an ability to apply computing concepts; and
- a working knowledge of statutory requirements relevant to the work area.

Responsibilities

Determination

To contribute to the operational objectives of the work area, a work role within this level may include some of the following:

- responsibility for various activities in a specialised area;
- responsibility for a limited function within the work area;
- assisting in a range of functions and/or contributing to interpretation of matters for which there are no clearly established practices and procedures although such activity would not be the sole responsibility of the employee;
- the provision of administrative support requiring judgement, initiative, confidentiality and sensitivity in the performance of work;
- proficiency in the operation of general computer systems including the use of software packages and the identification of operational problems;
- under guidance, applying basic programming knowledge and skills; and
- cash handling, acceptance of account payments and balancing of monies received.

Level 4

Role

Employees work under general direction in functions that require the application and further development of skills and knowledge appropriate to the work. Guidelines and work procedures are generally established.

General features

Under broad instruction employees apply knowledge and skills gained through qualifications and/or previous experience. Employees will be expected to contribute knowledge in establishing procedures in the appropriate work - related field.

Work roles may involve a range of functions which could contain a component of supervision or require officers to provide specialist advice.

Work roles could require sound knowledge of program, activity, operational policy or service aspects of the work performed within a function or a number of work areas.

Employees require skills in managing time, setting priorities, planning and organising their own work and that of staff working under their guidance, to achieve specific objectives.

Employees should have a basic knowledge of the principles of human resource management and be able to assist with on-the-job training, as required.

Knowledge, skills, qualifications

Entry to this level assumes qualifications to associate diploma level, or equivalent skill standard obtained through structured training, or demonstrated competency.

Other skill requirements relevant to this band include:

- knowledge of statutory requirements relevant to work area;

Determination

- knowledge of section procedures, policies and activities;
- sound discipline knowledge gained through previous experience, training or education;
- knowledge of the role of departments and divisions within the corporation and/or service functions; and
- an understanding of the underlying principles in the relevant disciplines.

Responsibilities

To contribute to the operational objectives of the work area, a work role within this level may include some of the following:

- activities which may require the employee to exercise judgement in a limited field and/or contribute knowledge and skills where procedures are not fully defined;
- responsibility for various functions within a work area including compliance with regulations, codes, procedures, etc;
- duties of a specialised nature requiring the development of knowledge over time;
- the identification of specific or desired performance outcomes;
- the provision of administrative support of a complex nature to senior employees;
- a wide range of activities associated with program, activity or service delivery;
- computer - based work requiring system and/or programming knowledge and experience;
- under guidance, applying programming knowledge and skills in systems development, maintenance and implementation;
- assisting with user training, as required; and
- application of established procedures, practices, standards, etc.

Level 5

Role

Employees undertake a range of functions requiring the application and continuing development of knowledge and skills to achieve results in line with departmental and/or corporation goals.

Employees are subject to general direction from more senior employees.

Employees adhere to established work practices. However, they may be required to exercise initiative and judgement where practices and direction are not clearly defined.

General features

Employees are involved in establishing sectional/departmental programs and procedures. Work roles will include a range of functions and may involve the supervision of a small group or section. Work may span more than one discipline. In addition, employees may be required to assist in the preparation of, or prepare budgets. Employees will be required to provide advice and assistance to other employees.

Determination

Work roles demand the application of knowledge which is gained through qualifications and/or previous experience. In addition, employees will be required to set priorities and monitor workflows in their area of responsibility.

Employees are required to set project priorities, plan and organise their own work and that of staff under their guidance and establish the most appropriate operational methods. In addition, interpersonal skills are required to gain the co-operation of clients and staff.

Employees responsible for projects and/or functions will be required to establish outcomes to achieve branch or section goals. Specialists may be required to provide multi - disciplinary advice.

Knowledge, skills, qualifications

Entry to this level would assume continuing progress towards diploma or degree qualifications, or appropriate equivalent skill standard gained through structured training, or demonstrated competency.

Other skill requirements relevant to this band include:

- knowledge of departmental programs, policies and activities;
- sound discipline knowledge gained through experience; and
- knowledge of the role of the corporation's structure and service.

Responsibilities

To contribute to the operational objectives of the work area. A work role within this level may include some of the following:

- responsibility for a range of functions within a group or small section;
- responsibility for a moderately complex project;
- undertaking a minor phase of a broader or more complex professional assignment;
- assisting in the budget preparation and review process, including the identification and provision of required information;
- setting priorities and monitoring workflow in areas of responsibility;
- exercising judgement and initiative where procedures are not clearly defined;
- understanding computer - based systems and operations to enable the provision of training, advice and support; and
- providing project and development support and undertaking analysis/design of systems and/or undertake programming in specialist areas.

Determination

Level 6

Role

Employees operate under limited direction from senior employees and undertake a range of functions for which operational policies, practices and guidelines may need to be developed. Increasing emphasis is placed upon the acquisition and application of key supervisory skills and competencies.

General features

Employees have the scope to influence the operational activities of the relevant organisational unit. Employees will be expected to contribute to its management, assist/prepare budgets, establish procedures and work practices etc. In addition, employees will be required to provide expert advice.

Work duties will include responsibilities for decision - making in a particular work area and the provision of expert advice. Employees will be required to provide consultation and assistance relevant to the area and set outcomes for the work area for which they are responsible.

Employees may exercise limited supervisory responsibility for a work area or work independently as specialists. An employee at this level may be a senior member of a single discipline project team or provide specialist support to a range of programs/activities.

Managing time is essential so that outcomes may be achieved. A high level of interpersonal skills is required to resolve organisational issues, negotiate contracts, develop and motivate staff under guidance. Employees are required to understand and implement effective human resource management practices.

Knowledge, skills, qualifications

Entry to this band would assume substantial progress towards diploma or degree qualifications, or appropriate equivalent skill standard gained through structured training, or demonstrated competency.

Other skill requirements could include:

- discipline knowledge gained through experience, training or education;
- an appreciation of the long term goals of the organisation;
- detailed knowledge of program activities and work practices relevant to the work area;
- a knowledge of organisational structures and functions; and
- a comprehensive knowledge of statutory requirements relevant to the discipline.

In particular, employees are expected to enhance their supervisory skills and competencies.

Responsibilities

To contribute to the operational objectives of the work area, a work role within this band may include:

- undertaking significant and complex projects and/or functions involving use of analytical skills;

Determination

- the provision of advice on complex matters within the work area and/or discipline;
- undertaking a range of duties within the work area, including problem definition, planning and the exercise of judgement;
- the provision of advice on policy matters and contribute to their development;
- negotiation on matters of significance within the section and/or department or division, with other bodies and/or members of the public;
- controlling and co-ordinating a work area within budgetary constraints;
- exercising a degree of autonomy, within budgetary constraints, in establishing the operation of the work area;
- undertaking duties which involve more than one discipline; and
- the provision of a consultancy service for a range of activities.

Level 7

Role

Employees operate under broad direction. They may exercise responsibilities for various functions within a department or division or operate independently or as a member of a specialist team.

Significant emphasis is placed upon the acquisition and application of key specialist skills and competencies.

General features

Employees are involved in establishing operational procedures which impact on activities undertaken and outcomes achieved by the corporation. Employees also will be required to monitor policies and activities within the work area.

Employees are involved in the formation/establishment of programs, procedures and work practices within departments or divisions and will be required to provide assistance to other employees, sections and/or departments or divisions.

Work roles will demand responsibility for decision - making and the provision of expert advice to other areas of the corporation. Employees could be expected to undertake the control and co - ordination of a section, or significant work area. In addition, employees require a good understanding of the long - term goals of the corporation.

Employees are required to set outcomes in relation to their specialised function and may be required to negotiate matters on behalf of the work area.

Knowledge, skills, qualifications

Entry to this band would assume degree qualification or appropriate equivalent skill standard gained through structured training, or demonstrated competency.

Other skill area requirements include:

Determination

- general knowledge of corporation policies and procedures;
- application of a high level of discipline knowledge; and
- knowledge and ability to apply human resource management skills.

Responsibilities

To contribute to the operational objectives of the work area. A work role within this band may include some of the following:

- undertaking specialised functions under a wide range of conditions to achieve results in line with divisional/corporate goals;
- planning, directing, controlling and evaluating operations which include analysing and interpreting for either a major single discipline or multi - discipline operation;
- developing work practices and procedures for various projects;
- establishing work area outcomes;
- preparing budget submissions for senior colleagues and/or the corporation;
- developing and implementing significant operational procedures;
- reviewing operations to determine their effectiveness;
- training other staff; and
- developing appropriate methodology and applying proven techniques in the provision of specialised services.

38. By deleting Schedule 2, Supported Wage System, and inserting the following in lieu thereof:

Schedule 2 - Supported Wage System

This Schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the supported wage system.

Definitions - In this Schedule:

approved assessor means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

assessment instrument means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

disability support pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991* (Cth), or any successor to that scheme

relevant minimum wage means the minimum wage prescribed in this Award for the class of work for which an employee is engaged

Determination

supported wage system (sws) means the Commonwealth Government system to promote employment for people who cannot work at full Award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: www.jobaccess.gov.au

sws wage assessment agreement means the document in the form required by the Department of Social Services that records the employee's productive capacity and agreed wage rate

Eligibility criteria

- (a) Employees covered by this Schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this Award, because of the effects of a disability on their productive capacity, and who meet the impairment criteria for receipt of a disability support pension.
- (b) This Schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of the *Workers' Compensation and Rehabilitation Act 2003*.

Supported wage rates

- (a) Employees to whom this Schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following Table and Note:

Assessed capacity (see below)	Relevant minimum wage*
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

*Note: The minimum amount payable to an employee receiving a supported wage must not be less than \$82 per week.

- (b) Where an employee's assessed capacity is 10%, the employee must receive a high degree of assistance and support.

Assessment of capacity

- (a) For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the sws by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.
- (b) All assessments made under this Schedule must be documented in an sws wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

Review of assessment

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the sws.

Determination

Other terms and conditions of employment

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this Schedule will be entitled to the same terms and conditions of employment as other workers covered by this Award on a *pro rata* basis.

Workplace adjustment

If the employer wishes to employ a person under the provisions of this Schedule it must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation.

Trial period

- (a) In order for an adequate assessment of the employee's capacity to be made, the employer may employ a person under the provisions of this Schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (b) During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.
- (c) The minimum amount payable to the employee during the trial period must be no less than the amount recorded in the Note under the Table (above).
- (d) Work trials should include induction or training as appropriate to the job being trialled.
- (e) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment (see **Assessment of capacity** - above).

Dated: 5 December 2016

By the Commission,
M. Shelley,
Deputy Industrial Registrar.

Operative Date: 5 December 2016
Determination - Correction of error

Released: 5 December 2016