QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
HEARING
FULL BENCH
MS D A SWAN, Deputy President
MR A L BLOOMFIELD, Deputy President
MR J M THOMPSON, Commissioner
No A/2010/1
INDUSTRIAL RELATIONS ACT 1999
S130 - REVIEW OF AWARDS
MUNICIPAL OFFICERS' (ABORIGINAL AND ISLANDER COMMUNITY COUNCILS) AWARD 2004
and
QUEENSLAND LOCAL GOVERNMENT OFFICERS' AWARD 1988
BRISBANE
..DATE 10/04/2012
CONTINUED FROM 12/09/2011
..DAY 4

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THE COMMISSION RESUMED AT 10:05 A.M.

DEPUTY PRESIDENT SWAN: Take appearances for today's purposes, thanks.

MS HASTIE: Hastie initial A, appearing on behalf of Brisbane City Council.

DEPUTY PRESIDENT SWAN: Yes, Ms Hastie.

MR GILLESPIE: May it please the Commission, my name's Gillespie initial R. I appear for the Chief Executive of the Public Service Commission.

DEPUTY PRESIDENT SWAN: Thank you, Mr Gillespie.

MR BLANEY: If it please the Commission, Blaney, initial S of the Local Government Association Queensland.

DEPUTY PRESIDENT SWAN: Thank you.

MR HENDERSON: May it please the Commission, Henderson initial N for the Queensland Services Union.

DEPUTY PRESIDENT SWAN: Thanks, Mr Henderson. Thank you.

MR MCKAY: If it please your Honour, my name's McKay, initial K, and I appear for Together Queensland Industrial Union of Employees.

DEPUTY PRESIDENT SWAN: Mr McKay, thank you.

MR ELDON: Good morning, your Honour, it's Eldon initial P, appearing on behalf of The Australian Workers' Union of Employees, Queensland.

DEPUTY PRESIDENT SWAN: Thanks, Mr Eldon.

MR WATSON: May it please the Commission, Watson initial B for the Queensland Council of Unions, the United Firefighters Union, United Voice and the AMWU.

DEPUTY PRESIDENT SWAN: Thank you.

MS EDMONDS: May it please the Commission, my name is Edmonds initial T. I appear on behalf of the Queensland Teachers' Union.

DEPUTY PRESIDENT SWAN: Thank you.

MS VIRINE: May it please the Commission, my name is Virine, initial J and I appear on behalf of the Queensland Nurses' Union of Employees.

DEPUTY PRESIDENT SWAN: Thanks, Ms Virine. We'll go first to Mr Gillespie and get some overview from him. Thank you.
MR GILLESPIE: Thank you, Deputy President. Today there are a number of issues that may need to be considered by the Bench, specifically they relate to the Family Leave Queensland Public Sector Award. The general cosmetic award review amendments to all the various awards and the consideration of the three specific matters thrown on the table by the union parties last year for consideration as part of award review.

DEPUTY PRESIDENT SWAN: We'll deal with the Family Leave Award first, thanks.

MR GILLESPIE: Deputy President, today we're seeking the Full Bench to grant the making of the new Family Leave Queensland Public Sector Award with effect from today's date. The division over the last couple of years has undertook a review of this award, which consisted of rearranging the award into a more logical sequence, rewriting the award to bring it in line with the Industrial Relations Act. We've no increase or decrease to entitlements, therefore producing a new stand alone award document incorporating all IR Act provisions.

We went through a process of consultation with the union parties to all the relevant awards to which the Family Leave Award applied. We undertook various discussions and today we have reached the stage where we believe agreement has been reached on the award before you.

As part of the consultations there was two issues which we failed to agree with one particular union, namely the Queensland Nurses' Union. We did come to agreement on 25 issues that they raised with us. We sought a conference before yourself on the 23rd of November 2011 on those two non-agreed issues, where the division sought that those issues should have been determined to be outside the scope of award review because they related to changes in entitlements.

Secondly there was a coverage issue regarding the Queensland Fire and Rescue Service and the Queensland Ambulance Service, raised by the UFU and the QCU and resulted in discussions between the division and the Department of Community Safety. At present the Family Leave Award 2003 applies to both these two areas of Government and the Unions were looking for coverage to change for the Family Leave Public Sector Award to apply.

The latest position is that the Department of Community Safety is prepared to discuss the coverage issue further as part of their EB negotiations later this year and on this basis - as far as the Award review goes - it is our position that the current coverage for these two entities remains as is.

The finalised draft of the proposed new Award was provided to Union parties via email on 29 March 2012. To date, other than those two matters I've just discussed, no issue - no union has contacted us opposing the proposed new award. For your information, Deputy President, since 29th of March I have updated references to the Minister for Industrial Relations at
clause 2.1, as a result of the machinery of Government changes arising from the recent State election, with the words being changed to Minister responsible for Industrial Relations. We therefore now seek the formal granting of that new award, Deputy President, and we propose an operative date of today's date.

DEPUTY PRESIDENT SWAN: Just on that point, the issue did arise before me, brought by the QNU, seeking some alteration to or some amendment to what was being proposed. At that stage I indicated, given that we were only in a conference, that I have to speak to members of the Full Bench. In the intervening period I did speak to members of the Full Bench and we concluded that what was being proposed fell outside of the - what was underpinning the whole debate, which was that there was to be no increase or decreased entitlements. I communicated that through to the QNU. Ms Virine - you weren't there - but I've got the lady who was working with you, to let her know we had done that.

Just on what's been put, putting aside the question of the QFRS and the QAS, is there any difficulty in what's been proposed by Ms Gillespie today to make that award and make it applicable from today's date? Only stand up if there's an objection to it, otherwise I'll take it that there's no difficulty with that. On the question of the QFRS and the QAS, I will confer quickly with my colleagues, just to see if there's any difficulty in leaving it as you suggest, that the current coverage for those two entitlements remain as is. Oh sorry, Mr Watson.

MR WATSON: Thank you, Deputy President. Mr Gillespie has indicated the Government's current position on that matter.

DEPUTY PRESIDENT SWAN: Yes.

MR WATSON: The unions that are involved, the United Voice and the United Firefighters Union-----

DEPUTY PRESIDENT SWAN: Yes.

MR WATSON: -----have both expressed a view to me as recent as last week, that they still wish to pursue being included in this Award. Since we had that conference on the 23rd of November last year, I had some discussions with Mr Gillespie which led me to talk to one of his colleagues who has responsibility for the emergency safety department or whatever it's called, and I've been speaking to that person and some of his superiors on about eight occasions since then and the indications are that there's no real objection from the Department to including the Fire Service and the Ambulance Service in the Award, however that just hasn't happened.

Prior to the recent State Government election it was put to me and I put it to the unions, that this matter be dealt with through EB and the response - and in response I posed the question, what happens if there is a change of Government and they said, well pretty much all bets are off, was the
terminology that was used, I think. So I haven't had any - I spoke to Mr Gillespie on this last week - on this matter last week and if the Government's position is now that this can be done through EB, that's news to me, I'm not aware of that and I would seek clarification firstly from Mr Gillespie, that the current Government position is that the Government will agree to include both the Fire Officers and the Ambulance Officers into this Award through the next enterprise bargaining processes.

If there is no - I guess I need to seek commitment on that, but regardless the unions have indicated they still wish to have their members covered by this award and I guess just to point out what I think's a little bit absurd. The award is known as the Family Leave Queensland Public Sector Award and these employees clearly are public sector employees and if they're not covered by this award, it seems - the Government's argument is that they're covered by the general Family Leave Award, whereas it seems more practical that they should be covered by the Public Sector Family Leave Award.
DEPUTY PRESIDENT SWAN: All right then. What Mr Gillespie - I suppose what we need is someone who can definitively put the position of the relevant parties to the Bench without having to seek further instructions.

MR GILLESPIE: Deputy president, I could clearly articulate that the Department of Community Safety is more than prepared to undertake discussions as part of their enterprise bargaining negotiations this year for both Fire Service and Ambulance around the future of family leave coverage for those two entities. I'm certainly under no instructions around committing to an agreement that that actually occurred. The commitment is to more than - be more than prepared to discuss the feasibility of it as part of their EB negotiations.

DEPUTY PRESIDENT BLOOMFIELD: Can I just ask a question? What's the difference between the post award you're talking about and the - call it the general award?

MR GILLESPIE: Oh, Deputy President, I personally haven't been dealing with the - the writing of the new award, so I'm one of the last people in the division to be asking that question. There are a couple of specific differences between the awards around entitlements, and I just can't recall what they are, but they go to entitlements. For your information, it's my understanding that both Ambulance and the Fire and Rescue Service have never been covered by the family leave public sector awards since they've been in existence.

DEPUTY PRESIDENT SWAN: Mmm.

MR GILLESPIE: That nonetheless doesn't prohibit any of the parties from any discussions around coverage at any time, and up to now they haven't chosen to do that, so-----

DEPUTY PRESIDENT SWAN: What would be the situation if - if we were to look at - I haven't spoken to my colleagues yet, so I'm throwing it up really as a general proposition - if we looked at making that award as of today's date, reserving on the question as it relates to the QFRS and QAS, with a direction given to the parties to come back with specific instructions within a nominated period of time for us to consider precisely what we do with it, because I think at the moment maybe all the possibilities haven't been explored. Would that cause - probably more to you, Mr Watson, would that cause any difficulty for you, if it was held as a reserve matter to be considered by the Bench-----

MR WATSON: It seems-----

DEPUTY PRESIDENT SWAN: -----if you can't reach agreement?

MR WATSON: That seems an appropriate way to deal with the matter from my perspective.

DEPUTY PRESIDENT SWAN: Yes. Are you happy with that, Mr Gillespie?
MR GILLESPIE: Yeah, I think so, Deputy President. I can only reiterate my instructions that I've received, which I've clearly articulated to the Bench.

DEPUTY PRESIDENT SWAN: Yes. No. I understand that. Well, when we - we collate all of the material later this morning, we'll put that - we'll look at that and put it into some appropriate wording and give it some time frame and so forth, but - the Full Bench does propose to grant the award as - to approve the award as set out. We do notice, though, Mr Gillespie, we received another copy of this in my chambers later this morning, or earlier this morning. Is that the one that we're talking about? Is there any change to that in the previous one?

MR GILLESPIE: Only the change to clause 2.1 around the Minister for Industrial Relations-----

DEPUTY PRESIDENT SWAN: Oh, righto, then.

MR GILLESPIE: -----which I mentioned earlier, Deputy President.

DEPUTY PRESIDENT SWAN: That's fine. That we do propose to grant that operative from today's date and we order accordingly on that point, with the caveat that the issue around the QFRS and the QAS be held in abeyance until such times as the relevant parties can have further discussions; and when we set a particular time frame for some report backs on some of the other matters, we'll discuss the date with you. So that award has been made and approved as of today's date. Now, if we go on to the next lot of issues, thanks, Mr Gillespie?

MR GILLESPIE: Deputy President, the second item that we wanted to discuss today was around the general award amendments and I can only talk as far as the Queensland Government goes.

DEPUTY PRESIDENT SWAN: Mmm.

MR GILLESPIE: We have about 50 awards, still utilised by the Queensland Government and we've been progressing amendments and seeking agreement of all parties at least over the last 12 months, with a view to progressing these amendments to the Commission once the new Family Leave Queensland Public Sector Award was granted. To date, there are still some 12 awards where one or more union parties have not provided formal agreement to proposed amendments, despite numerous attempts through e-mails seeking agreement.

We propose, for those awards where all parties have provided agreement, that - that these documents, which identify all amendments, be provided to your Associate and that a single hearing date for the Full Bench be set down, at which time they be considered and granted by this Commission. We propose a hearing date no earlier than at least one month from today,
so that the 12 non-agreed awards may be also considered and that union parties are provided an opportunity to appear and make submissions. In the meantime, we will certainly continue to endeavour to seek a response from those unions who haven't provided a response.

DEPUTY PRESIDENT SWAN: You have provided us with an updated list of awards and identified the ones where you didn't have any resolution to your proposal. Has that been provided to the parties? Were they - have they been given a recent update on that?

MR GILLESPIE: Deputy President, in the - in the e-mail that was sent out to all the union parties, on the 29th of March, it identified the relevant unions and the specific awards-----

DEPUTY PRESIDENT SWAN: Okay, so that's fine then.

MR GILLESPIE: -----from who we haven't received agreement.

DEPUTY PRESIDENT SWAN: Now, if the situation arises where, when you come back on the next date to discuss these matters, and there still continues to be a no response from some organisations, what are you proposing?

MR GILLESPIE: Oh, Deputy President, after all this time we feel we need to draw a line in the sand. There's been numerous communications with all the unions.

DEPUTY PRESIDENT SWAN: Mmm.

MR GILLESPIE: And we feel that, if they are given a firm date for a hearing by the Full Bench, that, if they fail to provide a response whatsoever, it should be taken that they don't have a problem with the award amendments as proposed.

DEPUTY PRESIDENT SWAN: Just on that discrete point, are any of the unions wanting to make any comment on that, because what's being put is that if there's no response by a particular date, and no - no - no response at all, it will be taken that there's no opposition. Thanks, Mr Watson?

MR WATSON: Just to clarify that, Deputy President, a hearing will be called and the parties will have the opportunity to either nominate - advise in advance or turn up at the hearing.

DEPUTY PRESIDENT SWAN: Yes.

MR WATSON: And state their claim.

DEPUTY PRESIDENT SWAN: Oh, yes, yes.

MR WATSON: So-----

DEPUTY PRESIDENT SWAN: But the point I think being put is that, if there's no response, no-one comes to the hearing, it'll be taken that the lack of response and presence is indicative of no opposition. I mean, it's - it's not a - it's
not an outcome sought generally, but there has to be an end to this process at some stage, and this has been ongoing for a long period of time. Would you have any opposition to that position?

MR WATSON: No. I don't. I think that's an appropriate way of going forward.

DEPUTY PRESIDENT SWAN: Anyone got any opposition to that general proposition? No. All right then. Okay. And next issue?

MR GILLESPIE: Deputy President, the third item related to the three specific issues that the union parties wanted to include for consideration under award review.

DEPUTY PRESIDENT SWAN: You might just refresh on those again for the parties.

MR GILLESPIE: Yes, we will. The first one related to the incorporation of enterprise bargaining wage rates-----

DEPUTY PRESIDENT SWAN: Yes.

MR GILLESPIE: -----into relevant awards and last year the unions were given a time frame for lodging applications for that process to occur.

DEPUTY PRESIDENT SWAN: Mmm.

MR GILLESPIE: And, in fact, it did occur and it reached a conclusion where I think some 23 awards were amended to include enterprise bargaining wage rates by agreement with the relevant employers.

DEPUTY PRESIDENT SWAN: Mmm hmm.

MR GILLESPIE: The second-----

DEPUTY PRESIDENT SWAN: Sorry. Is that the end of that matter from your perspective?

MR GILLESPIE: As far - yes, that's correct, Deputy President.

DEPUTY PRESIDENT SWAN: As far as the Government area is concerned, yes, okay.

MR GILLESPIE: Yeah.

DEPUTY PRESIDENT SWAN: We are going to deal with local government separately soon, but thank you.

MR GILLESPIE: The second matter the union parties wanted to have considered related to the incorporation of enterprise bargaining provisions other than wage rates.

DEPUTY PRESIDENT SWAN: Mmm.
MR GILLESPIE: We understand that very little or possibly no more has been done on that, and, accordingly, we propose that the union parties, which do seek to incorporate any existing enterprise bargaining provisions into relevant awards, be asked to provide a draft application to amend awards to the division so that these draft applications can be considered by ourselves and the relevant agencies as to whether we provide agreement. And after the consultation process has occurred, the union parties could then file the applications with the Registry to be dealt with through conference or hearing.

DEPUTY PRESIDENT SWAN: Mmm.

MR GILLESPIE: As far as a time frame on that particular matter, Deputy President, I would imagine the unions would maybe require at least three or four months as a minimum, but I would leave that up to them to make their submissions.

DEPUTY PRESIDENT SWAN: Just on that particular part of the original claim, who would like to make comment on that? Anyone? Mr McKay?

MR McKAY: Yes, may it please your Honour, in respect of that I think the - obviously, there needs to be a fair amount of work done on this - this particular topic, so we would think that, at a minimum, four months would be required to enable parties to work through that - that exercise and the proposal advanced by the Government, we think, is a logical way to manage that process in an orderly fashion.

DEPUTY PRESIDENT SWAN: Is there consensus on that perspective that's been put by Mr McKay? Yes? All right then. Now, the last area that was to be looked at was the incorporation of directives into awards and we had - had said earlier on that that should be something we would look at the end of the award review process. Mr Gillespie, anything more on that?

MR GILLESPIE: I've got nothing to add to that, Deputy President.

DEPUTY PRESIDENT SWAN: Mmm. Anyone wish to - yes, thanks, Mr McKay?

MR GILLESPIE: Yes, yes. May it please your Honour, in respect of this matter, I think the - there are a number of issues that we need to consider in this process. There are awards that refer to directives, or particular directives, already and the question that we need to examine is whether or not it is appropriate to actually put the conditions in those directives, per se, into the awards and then there are other directives that aren't referred to in the awards that have application, and the issues that we then would need to have a look at whether it would be appropriate to include those in the awards.

Commissioner, if I can just give an example of the situation that has developed over time, the directive on meal allowance provides overtime meal allowance for public sector employees
of $10, yet the general ruling has now moved to $12.10, so there has now become a disparity between what the Commission accepts is a community standard and what is - actually has a directive that applies to employees in the public sector, so it's those issues that would need to be looked at and considered as well.

DEPUTY PRESIDENT SWAN: Yes. Are there any further comments on that particular one? Is there anything - before we break for a short moment to look at some time frames and so forth, are there any other issues to be raised at this moment? Yes, thanks, Mr Watson?

MR WATSON: There again, it's more a clarification issue, Deputy President. The first matter, including EB rates of pay into the various awards.

DEPUTY PRESIDENT SWAN: Yes.

MR WATSON: I think, from my perspective, that exercise has been completed. However, there may be one or two that hasn't, so I would be seeking that, if there is - there's an opportunity for any union party that wants to - that still wants to pursue a matter under that banner, they have a time frame to which to notify the Registry in that regard.

DEPUTY PRESIDENT SWAN: Mmm hmm. Yes. We'll certainly look at that.

MR WATSON: Thank you.

DEPUTY PRESIDENT SWAN: Yes. We'll come back in shortly, but the area that we haven't addressed at the moment then is local government and that's Commissioner Thompson's area. Thank you.

COMMISSIONER THOMPSON: Mr Blainey, I just wonder whether you're in a position to report back. We have held, as you're aware, a couple of conferences, and - and there might be an opportunity to find out where we are with that.

MR BLAINEY: Thanks, Commissioner. Yes, since - since our last conference, we, as you'd be aware, we've moved - moved to finalise about seven awards that were allocated to the - the Local Government specific list of awards for subject to review, excluding Brisbane City Council, of course. Of those seven awards, each one of those have been - now been finalised or at least the applications as put by LGAQ and consented to by the relevant parties has been finalised. We're also in the process at the moment of further consultation on applications to another six awards on that list as well. We believe we're not too far away from finalising a consent position on those as well. There's a couple of small issues that I think we can overcome and we, hopefully, should be in a position to file those applications within the next couple of weeks, I would imagine.

So the only one issue that's outstanding that we may need some
assistance with to further progress is LGAQ sent out to all relevant parties a redrafted Family Leave Award, following also a conference that we had late last year about - about that award, in which all parties agreed that LGAQ would go away and put together a draft - draft of rewritten award that accommodated a number of provisions that currently sit in the Industrial Relations Act, with the view to bringing that up to that standard, but not removing conditions as they currently stand. So we've gone ahead and we've done that.

We circulated that out to all the parties on the 20th of January of this year. We did put a time frame on that for a request for parties to get back. I just don't have that time frame here, but it was about eight weeks or so post that date, and we did have a consent position on that draft with the Together union, but, as of that date, as of today's date, we haven't had a response by any other union parties at present. So what we would do is - today - is to request that another conference be held in the not too distant future for all the parties to get back together again to have a discussion about that particular draft.

I just note too that there's been some discussion this morning about where the - both the Ambulance and the Fire Service sit in relation to that award, 'cause that current - currently, that draft has a provision in it that would continue to capture those - those particular public sector departments, as requested by Mr Gillespie, so, obviously, if a decision down the track is reached that a public sector version of that would - will extend to those - and, obviously, we'll have to consider that as part of that exercise as well, Commissioner.

COMMISSIONER THOMPSON: But I think, from today, with the making of the order - the new Public Sector Family Leave Award, it's clear that, whilst the Fire Service and the Ambulance Service are on the reserve list, they still continue to be covered by the family leave award that you speak of.

MR BLAINEY: Yes, yes, Commissioner.

COMMISSIONER THOMPSON: So - and I think we work on that basis, and see where - where it goes.

MR BLAINEY: Mmm.

COMMISSIONER THOMPSON: But just in terms of the family leave award, there's no increase or decrease in any of the entitlements in that - in the document that you've put out?

MR BLAINEY: In our view there isn't. There's been some adjustments to some provisions in there, with the intent that they are largely to reflect what sat before, and I'm interested to get the union - into the unions' positions on that to make sure that they're happy also, that those conditions haven't ultimately been changed at all; but the intention of that draft was to just ring, obviously, the Industrial Relations Act standards into that award and to redraft it so there was a degree of consistency between that
award, as it sits with the Industrial Relations Act, but preserving all those matters that might sit outside those, bearing in mind that the conditions under the Industrial Relations Act are pretty comprehensive and there is only about four or five matters that we could see that probably extended beyond the scope of those provisions anyway, Commissioner.

COMMISSIONER THOMPSON: Was the Brisbane City Council - are they covered by that particular award or what?

MR BLAINEY: Yes, yeah. Brisbane City Council are. They've seen the version - the draft version and they've been happy with the draft version at this point in time. Have also had that circulated to the public service as well. Mr Gillespie, I believe, was acting on behalf of both the Fire and - both the Ambulance and Fire Services. Although I haven't specifically spoken to them directly, I know that the public sector or whatever they now - now - whatever the department is now called - didn't have a particular issue with - with the draft as it was proposed as well, so.

COMMISSIONER THOMPSON: So I mean - Miss Hastie, if she might wish to make some comments she can, but just before - just then, in terms of what - what's happened with that award, it would be that there's - there's no objection to what you've put out, it's just that some unions haven't responded?

MR BLAINEY: That's correct, Commissioner. I have - like I said, I have had consent from the Together union. I'm assuming that it's - may be in relation to a number of the public sector corporations that I think might be covered by - by that award, but outside of the scope of that, no, I haven't had any other feedback from any of the other unions, Commissioner.

COMMISSIONER THOMPSON: Okay. Well, just before I hear from Miss Hastie, just in terms of the issues around the - the seven and the six awards that you spoke of in the two groups, they're - they - that seems as though it's almost resolved-----

MR BLAINEY: The-----

COMMISSIONER THOMPSON: -----to the extent where applications will be-----

MR BLAINEY: Yes.

COMMISSIONER THOMPSON: -----will be lodged formally with the Registry.

MR BLAINEY: Yes, Commissioner. The first seven that I spoke of - I won't go through the list, but they have already been finalised.

COMMISSIONER THOMPSON: Been lodged, yes.

MR BLAINEY: Finalised with the Registry, and the outstanding
six have been circulated about a month ago and we're just to-ing and fro-ing, I believe, with the Australian Workers' Union on a couple of simple issues that I don't think will be - sorry - I think we'll be able to resolve fairly - fairly quickly, so.

DEPUTY PRESIDENT SWAN: Okay, thank you. Miss Hastie, before we go to the unions, is there anything you wish to add or-----

MS HASTIE: No. We have no - no objections at all to the draft put forward by the LGAQ.

COMMISSIONER THOMPSON: Let's ask Mr Blainey a question. Apart - apart from QAS and QFRS, is anybody else from the State Government payroll, in its broadest sense, to be covered by the award that you've been working on?

MR BLAINEY: I might leave that question to Mr Gillespie, but I do know that there are some public sector corporations, essentially, that do fall within the terms of 16.

MR GILLESPIE: Deputy President, on memory, I think Southbank Corporation, Tourism Queensland and the Queensland Competition Authority have always been covered by the Family Leave Award 2003 and all indicated that they wished to remain covered by that instrument. We certainly went through a process with all State Government entities with a move to giving them the opportunity to move to the Public Sector Award, where they weren't already covered by it.

DEPUTY PRESIDENT SWAN: All right then.

COMMISSIONER THOMPSON: Well, we haven't heard from - I don't know, Mr Henderson, do you - I mean, your union's one of the principal unions.

MR HENDERSON: Yes.

COMMISSIONER THOMPSON: Along and there's the Australian Workers' Union as well.

MR HENDERSON: Commissioner, we have reviewed the Family Leave Award and we have no particular issue with it. At this point we just simply notify the QCU of that and we were waiting to make a combined response through the QCU, so we'll do that shortly, I expect, but there were no - issues.

COMMISSIONER THOMPSON: Mr Eldon?

MR ELDON: Thank you, Commissioner. A similar reply on behalf of the Australian Workers' Union. That reply will be posted or e-mailed to Local Government Association this week.

DEPUTY PRESIDENT SWAN: Anyone wish to make any further comment before we go away to look at the things? Thank you.
MS VIRINE: Deputy President, I just wanted to raise an issue in respect of the nurses, the three nurses awards, for that part of the Local Government Award review process.

DEPUTY PRESIDENT SWAN: Oh, yes.

MS VIRINE: And they're the Nurses Domiciliary Award, the Nurses Aged Care Award, and the Nurses Award - State. The - just - just for the benefit of the information, the union has had discussions with LGAQ and the Brisbane City Council in relation to the applicability of the award review process to those awards and the parties, as I understand it - although I wasn't involved in the discussions - went away and considered a proposal that was put by LGAQ to adjourn - or to delay the award review process for those three awards, with a view to creating a new award that covers nurses in Queensland who aren't in the public sector, so that would be a common rule award.

The reason for that is that there are very few nurses that remain covered by these three awards and, obviously, that there's complications when there are three different industrial instruments with overlapping entitlements. We estimate that there are probably only around a hundred nurses that are actually covered by those three awards and we thought that it would be a very - it would be unnecessary to go through the whole award review process in respect of those awards if the parties could agree to create a new award that applied to those who remained in the jurisdiction. So I've - as I understand it, the LGAQ is amenable to that proposal and, indeed, I think suggested it, in that there's further discussions to be had with the Brisbane City Council around that proposal, although I'm not quite clear on their position. But I just wanted to put that on the record so that you could see that there has been some progress in that regard and that was the intention of our union, to ask that the Bench delay the award review of those three awards until we - we can reach a consensus about how to proceed with a cotton rule award.

DEPUTY PRESIDENT SWAN: Could you just give me the names of those awards again, thanks?

MS VIRINE: Yes, your Honour. It was the Nurses Domiciliary Award - State 2003, the Nurses Aged Care Award - State 2005, and Nurses Award - State 2005.

DEPUTY PRESIDENT SWAN: Mmm hmm. Any comment from anyone on those? No? All right then. We'll adjourn just for about 10 minutes and have a break. Thank you.

THE COMMISSION ADJOURNED AT 10.40 A.M.
THE COMMISSION RESUMED AT 10.54 A.M.

DEPUTY PRESIDENT SWAN: In summary, we provide the following information.

We have granted the Award that's been put to the Commission operative from today's date. We give to the parties a period of time until 10th of May. We will have a hearing at 9 a.m. on the 10th of May and at that stage, we will hear from the parties with regard to the QFRS and the QAS, and if there is an agreed position, we can consider it and obviously if not, we will have to hear some debate around that. By that time, as well, Mr Gillespie is to send out to all of the parties and to the Commission the list of those outstanding Awards that need to be addressed.

We also need - and we can - we can make those Awards operative from the date of that hearing, if all is order. However, those drafts need to be checked by our Registry beforehand, so it's not a matter of getting them in the day before. They'd have to come in relatively early in the peace. We also need to advise the relevant parties that if there's no response from the various Unions by that date, we will take it that lack of a response means no opposition to the applications.

Now, we note that with - well, the QNU's matter relates more to Local Government. We'll leave that sit there. By the 29th of June 2012, all the outstanding EB rates and all matters pertaining to that issue need to be lodged with the Commission. Now, that's the date: 29 June. Now, on the 31st of August, we will have a hearing at 9 a.m. and that will be a report back to the Full Bench on EB provisions into Awards.

We note with the Local Government matters, we've listed those also for the 10th of May hearing. The LGA says it's confident that most of those issues can be resolved but we will give them until that time to notify the Commission as to what is happening with those Awards and we should be able to look at some form of process, provided the matters have gone through the Registry for them to look at first.

We note, in saying that, that the QNU is still having discussions, so we will give them - with regard to the three nominated Awards to which they refer, they can have until that date to give a report back to the Commission as to where those discussions have taken them.

Now, I'm not sure that there are any other matters but if you get the transcript, you will have in that the relevant dates, the first one being the 10th of May, the second one - the 10th of May is a hearing. The second one is the 29th of June for the outstanding EB rates to be lodged. That's a timeframe matter; there's no hearing on that date. The next hearing is on the 31st of August at 9 a.m., which is a report back to the Full Bench with regard to the EB provisions in two Awards, et cetera.
Is there any area that's left out? There may be.

MR McKay: Yes. May it please your Honour, just in respect of that 31st of August, was that also to deal with the issues about directives or just the EB issues?

Deputy President Swan: No, I think - I think the plan was to finalise all of those outstanding issues and then we would - we haven't looked at giving you dates for directives but we will consider it then. At the outset when we first mentioned the matter, we said the directives would be the last issue but if - if that changes and we have a discussion and feel that you perhaps could make some commentary about timeframes for directives at that stage, if all else is resolved, we could look at that on that date.

So everyone's clear on what's to be done? All right then. Thank you very much. Good morning.

The Commission adjourned at 10.59 A.M.