

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: Variation and renaming of a modern award - WorkCover Queensland Employees Award - State 2015* [2015] QIRC 196

PARTIES: WorkCover Employing Office  
Together Queensland, Industrial Union of Employees

CASE NO: MAP/2015/8

PROCEEDING: Variation of a Modern Award

DELIVERED ON: 19 November 2015

HEARING DATE: 8 October 2015  
14 October 2015 (Correspondence from Public Sector Industrial Relations)  
17 November 2015 (Submissions)

HEARD AT: Brisbane

MEMBERS: Vice President Linnane  
Deputy President Kaufman  
Industrial Commissioner Neate

ORDER: **That the *WorkCover Queensland Employees Award - State 2014* be varied by:**

- (a) **deleting the numerals "2014" from the title and inserting in lieu thereof "2015";**
- (b) **deleting clauses 1 to 25 and Schedules 1 and 2 and inserting in lieu thereof the Clauses and Schedules appearing in the retitled award released concurrently with this decision.**

CASES: *Industrial Relations Act 1999*, s 140C  
*WorkCover Queensland Employees Award - State 2014* [2015] QIRC 194  
*Re: In the matter of the making of Modern Awards - Common Provisions*

APPEARANCES: Ms E Ackland for the WorkCover Employing Office  
Mr R Rule, of Together Queensland, Industrial Union of Employees

### Decision

- [1] On 6 October 2015 this Full Bench was allocated a Referral from Deputy President Bloomfield which included an Exposure Draft of a proposed *WorkCover Queensland Employees Award - State 2015*. The matter was heard on 8 October 2015.
- [2] The Request under s 140C of the *Industrial Relations Act 1999* (Act) from the Treasurer and Minister for Employment and Industrial Relations requires that the *WorkCover Queensland Employees Award - State 2014* be varied by 30 November 2015.
- [3] At the conclusion of the hearing in respect of this matter on 8 October 2015, the Full Bench identified certain issues in relation to Clause 7 Dispute Resolution in the proposed award about which it sought further written submissions from the parties. Those submissions were sought by 16 October 2015.
- [4] On 14 October 2015, the Executive Director, Public Sector Industrial Relations wrote to the Industrial Registrar seeking to have a number of "generic provisions" in modern awards in the Queensland public sector, including the representative rights of employees like those contained in Clause 7 of the proposed award, determined by a Full Bench of the Queensland Industrial Relations Commission (Commission).
- [5] On 13 November 2015 another Full Bench of the Commission delivered a decision in *Re: In the matter of the making of Modern Awards - Common Provisions*.<sup>1</sup> Given that decision, this Full Bench has decided to retain Clause 7 in the form contained in the proposed award.
- [6] The Full Bench will vary the *WorkCover Queensland Employees Award - State 2014* in the manner outlined in the Exposure Draft. The Full Bench is satisfied that the proposed award complies with the requirements of the Act in relation to modern awards, is consistent with the statutory objects of the award modernisation process and meets the requirements of the Minister's Consolidated Request.
- [6] The Full Bench thus makes the following order:

That the *WorkCover Queensland Employees Award - State 2014* be varied by:

- (a) deleting the numerals "2014" from the title and inserting in lieu thereof "2015"; and

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<sup>1</sup> *Re: In the matter of the making of Modern Awards - Common Provisions* [2015] QIRC 194.

- (b) deleting clauses 1 to 25 and Schedules 1 and 2 and inserting in lieu thereof the Clauses and Schedules appearing in the retitled award released concurrently with this decision.