

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 130 - award review

PUBLIC SERVICE AWARD - STATE

(No. AR96 of 2002)

DEPUTY PRESIDENT SWAN
COMMISSIONERS EDWARDS AND BECHLY

25 March 2003

AWARD REVIEW

After reviewing the above Award as required by s. 130 of the *Industrial Relations Act 1999*, this Commission orders that the Award be repealed and the following Award be made, as from 16 June 2003.

QUEENSLAND PUBLIC SERVICE AWARD - STATE 2003

PART 1 - APPLICATION AND OPERATION

1.1 Title

This Award is known as the Queensland Public Service Award - State 2003.

1.2 Arrangement

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1.3 Definitions

1.3.1 The "Act" means the *Industrial Relations Act 1999* as amended or replaced from time to time.

1.3.2 "Chief Executive" - means a person prescribed in Division 2 of the *Public Service Act 1996* or for the purposes of this Award such other person to whom the Chief Executive has delegated specific authorities.

1.3.3 "Commission" means the Queensland Industrial Relations Commission.

- 1.3.4 "Department" - means a Department as defined in section 7 of the *Public Service Act 1996*.
- 1.3.5 "Employees" - For the purposes of this Award, means:
- (a) an employee appointed pursuant to section 8 of the *Public Service Act 1996*; or
 - (b) an employee appointed pursuant to section 113 of the *Public Service Act 1996* in either a temporary or casual capacity in a position of a kind ordinarily held by an Officer of the Public Service.
- 1.3.6 "Officer" - for the purpose of this Award means a "Public Service Officer" appointed under section 8 of the *Public Service Act 1996*.
- 1.3.7 "Public Service" - for the purposes of this Award means the framework within which persons are employed in Departments as provided for in Part 2 of the *Public Service Act 1996*.
- 1.3.8 "Temporary Employee" - means an employee appointed pursuant to section 113 of the *Public Service Act 1996*.
- 1.3.9 "Union" means The Queensland Public Sector Union of Employees; or Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District; or Queensland Nurses' Union of Employees; or The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees; or Merchant Service Guild of Australia, Queensland Branch, Union of Employees.

1.4 Date of operation

This Award takes effect from 16 June 2003.

1.5 Award coverage

- 1.5.1 This Award applies to Employees engaged in the Public Service of the State of Queensland whose salaries or rates of pay are fixed by this Award and who are for the purposes of this Award:
- (a) appointed pursuant to section 67 of the *Public Service Act 1996*; or
 - (b) appointed pursuant to section 113 of the *Public Service Act 1996*; and
- for those other persons who were Employees of the Public Service at the date of the commencement of the *Public Service Act 1996*
- 1.5.2 The provisions of the *Public Service Act 1996* and the Regulations made pursuant to this Act apply to Employees where applicable and should be read in conjunction with this Award.
- 1.5.3 The provisions of this Award apply provided that where a Schedule to the Award applies to a classification or Employees of an agency, the provisions of the Schedule apply to the extent specified or to the extent of any inconsistency.

1.6 Parties bound

This Award is binding on:

- (a) Chief Executives as employers of Employees of the Public Service.
- (b) The Queensland Public Sector Union of Employees;
Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District;
Queensland Nurses' Union of Employees;
The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees; and
Merchant Service Guild of Australia, Queensland Branch, Union of Employees, and their members.

PART 2 - FLEXIBILITY

2.1 Enterprise flexibility

- 2.1.1 As part of a process of improvement in productivity and efficiency, discussion should take place at an enterprise to provide more flexible working arrangements, improvement in the quality of working life, enhancement of skills, training and job satisfaction and to encourage consultative mechanisms across the workplace.

- 2.1.2 The consultative processes established in an enterprise in accordance with clause 2.1 may provide an appropriate mechanism for consideration of matters relevant to clause 2.1.1. Union delegates at the place of work may be involved in such discussions.
- 2.1.3 Any proposed genuine agreement reached between an employer and employee(s) 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.

2.2 Procedures to implement facilitative Award provisions

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

- (a) Facilitative Award provisions can be negotiated between management and Employees who are directly affected by such proposals or between management and the Union depending upon the particular Award provisions.
- (b) Employees may be represented by their local Union delegate/s and shall have the right to be represented by their local Union official/s.
- (c) Facilitative Award provisions can only be implemented by agreement.
- (d) In determining the outcome from facilitative provisions, neither party should unreasonably withhold agreement.
- (e) Agreement is defined as obtaining consent of greater than 50% of Employees directly affected or of the Union depending upon the particular Award provisions.
- (f) Where a provision refers to agreement by the majority of Employees affected, all Employees directly affected shall be consulted as a group. Should the consultation process identify Employees in 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.
- (g) Any agreement reached must be documented, and shall incorporate a review period.
- (h) Where the agreement relates to either the working of ordinary hours on other than a Monday to Friday basis, the introduction of Shift Work or change to the shift roster the relevant Union/s are to be notified in writing at least one week in advance of agreement being sought.

PART 3 - COMMUNICATION, CONSULTATION AND DISPUTE RESOLUTION

3.1 Prevention and settlement of disputes

- 3.1.1 The objectives of this procedure are the avoidance and resolution of any disputes over matters covered by this agreement, by measures based on the provision of information and explanation, consultation, co-operation and negotiation.
- 3.1.2 Subject to legislation, while the dispute procedure is being followed, normal work is to continue except in the case of a genuine safety issue. The *status quo* existing before the emergence of a dispute is to continue whilst the procedure is being followed. No party shall be prejudiced as to the final settlement by the continuation of work.
- 3.1.3 There is a requirement for management to provide relevant information and explanation and consult with the appropriate employee representatives.
- 3.1.4 In the event of any disagreement between the parties as to the interpretation or implementation of this Award, the following procedures shall apply:
- (a) the matter is to be discussed by the employee's Union representative and/or the employee(s) concerned (where appropriate) and the immediate supervisor in the first instance. The discussion should take place within 24 hours and the procedure should not extend beyond 7 days;
 - (b) if the matter is not resolved as per clause 3.1.4(a), 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 parties to discuss the matter. This process should not extend beyond 7 days;

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

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

3.1.5 Nothing contained in this procedure shall prevent Unions or the Queensland Government from intervening in respect of matters in dispute, should such action be considered conducive to achieving resolution.

3.2 Employee grievance procedures

3.2.1 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.

3.2.2 This procedure applies to all industrial matters within the meaning of the Act.

3.2.3 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.

3.2.4 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 parties. The employee may exercise the right to consult or be represented by such employee's Union representative during the course of Stage 2.

3.2.5 Stage 3: If the grievance is still unresolved, the manager will advise the Chief Executive and the aggrieved employee may submit the matter in writing to the Chief Executive of the organisation if such employee wishes to pursue the matter further. If desired by either party, the matter shall also be notified to the Union.

The Chief Executive shall ensure that:

(a) the aggrieved employee or such employee's Union representative has the opportunity to present all aspects of the grievance;

(b) the grievance shall be investigated in a thorough, fair and impartial manner.

The Chief Executive may appoint another person to investigate the grievance. The Chief Executive may consult with the Union in appointing an investigating employee. The appointed person shall be other than the employee's supervisor or manager.

If the matter is notified to the Union, the investigating employee shall consult with the Union during the course of the investigation. The Chief Executive 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.

The Chief Executive may delegate such Chief Executive's grievance resolution powers under clause 3.2 to a nominated representative.

3.2.6 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.

3.2.7 If the grievance is not settled the matter may be referred to the Public Service Commissioner or the Commission by the employee or the Union, as appropriate, in accordance with the respective jurisdictions of the tribunals.

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

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

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

4.1 Termination of employment

4.1.1 Statement of employment

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

4.1.2 Termination by Employer

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

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

- (b) In addition to the notice in clause 4.1.2(a), employees 45 years old or over and who have completed at least 2 years' continuous service with the employer shall be entitled to an additional week's notice.
- (c) Payment in lieu of notice shall be made if the appropriate notice is not given provided that employment may be terminated by part of the period of notice specified and part payment in lieu thereof.
- (d) In calculating any payment in lieu of notice the minimum compensation payable to an employee will be at least the total of the amounts the employer would have been liable to pay the employee if the employee's employment had continued until the end of the required notice period. The total must be worked out on the basis of:
- (i) the ordinary working hours to be worked by the employee; and
 - (ii) the amounts payable to the employee for the hours including for example allowances, loadings and penalties; and
 - (iii) any other amounts payable under the employee's employment contract.
- (e) The period of notice in this clause shall not apply in the case of dismissal for misconduct or other grounds that justify instant dismissal, or in the case of a casual employee, or an employee engaged by the hour or day, or an employee engaged for a specific period or tasks.

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

4.1.4 Time off during notice period

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

4.1.5 An employee whose employment is terminated according to the provisions of clauses 4.1.2 or 4.1.3 is entitled to salary and all other monies due up to the time of such termination.

4.1.6 It is not lawful for the Chief Executive to offset notice of termination against any period of annual leave or part thereof.

4.1.7 Clause 4.1 shall be read subject to the relevant provisions of the Act.

4.2 Probationary employment

Conditions of appointment on probationary service

The conditions of appointment on probationary service of every employee are those prescribed in sections 73 and 128 of the *Public Service Act 1996* and sections 5 to 7 of the *Public Service Regulation 1997* existing at the date of this Award and any amendments thereto apply to Employees covered by this Award.

4.3 Part-time employment

4.3.1 "Part-time employee" means an employee who is engaged to work a regular pattern of ordinary hours each fortnight. Such ordinary hours in any one week shall be less than the prescribed weekly hours of a full-time employee.

4.3.2 The following conditions apply to part-time employees:

- (a) The Chief Executive or delegate shall, in consultation with the employee, determine a regular pattern for the hours to be worked. The ordinary hours of work and the normal work pattern are to be recorded in writing and can only be amended and recorded in writing by agreement between the Chief Executive or delegate and the employee.
- (b) Within the specified regular work pattern, the minimum daily ordinary hours on any one day when work is performed shall be 2 hours.
- (c) Subject to the provisions contained in clause 4.3, all provisions of this Award applicable to full-time employees apply to part-time employees on a *pro rata* basis.
- (d) Except where otherwise provided for in Schedule 3 or Schedule 4 of this Award, the spread of ordinary hours for a part-time employee not in a flexible hours arrangement under Schedule 5 of this Award, shall be 9.00 a.m. to 5.00 p.m. Monday to Friday. Schedule 5 of this Award prescribes the spread of ordinary hours for part-time employees participating in flexible hours arrangements.
- (e) The hourly rate of pay for a part-time employee is the same as that for a full-time employee appointed to, or directed to assume duty, at the same classification level.
- (f) A part-time employee is eligible for payment of a salary increment in accordance with the provisions of clause 5.12 of this Award.
- (g) A part-time employee is entitled to any applicable allowances on a *pro rata* basis:

Provided that the following allowances apply in full:

Travelling allowance	clause 8.2
On call allowance	clause 5.14.4
Meal allowance	clause 5.14.1

- (h) A part-time employee who works on a public holiday shall be paid in accordance with clause 7.7.
- (i) A part-time employee who usually works on a day on which a public holiday falls and who 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 holiday.
- (j) For ordinary hours performed within the spread of ordinary hours as prescribed in this Award, and in addition to the number of hours specified to be worked in the work cycle, a part-time employee is entitled to payment at the ordinary hourly rate. The additional hours so worked shall be taken into account in the *pro rata* calculation of all entitlements.

Where organisational hours of work arrangements as prescribed in Schedule 5 of this Award (i.e. flexible working hours arrangements) apply to a part-time employee, any additional ordinary hours worked shall be credited as accrued time:

Provided that where any such additional hours are performed on a day not ordinarily worked by the part-time employee as part of their regular work pattern:

- (i) such additional ordinary hours to a total of 7.25 ordinary working hours per day shall be paid for at the ordinary hourly rate which shall be taken into account in the *pro rata* calculation of all entitlements, or at the election of the employee be accrued as accrued hours; and

- (ii) such additional ordinary hours that exceed a total of 7.25 ordinary working hours per day shall be accrued as accrued hours.
- (k) When a part-time employee is authorised to work additional hours outside the spread of hours prescribed by the Award the part-time employee is eligible for payment of overtime in accordance with the provisions of clause 6.4.
- (l) A part-time employee may be appointed to more than one position in the public sector provided that the maximum number of ordinary hours for which they are employed shall not exceed the hours per fortnight for a full-time employee in equivalent positions (i.e. 72.5 or 76 hours).

4.4 Casual Employees

- 4.4.1 "Casual employee" means an employee other than a "Part-time employee" as defined, who is engaged as such on an hourly basis to work for less than the ordinary working hours of a full-time employee.
- 4.4.2 The engagement of casual Employees shall not be utilised by the Chief Executive to permanently fill any full time position.
- 4.4.3 A casual employee is paid 23% in addition to the ordinary hourly Award rates of pay for the class of work upon which such employee is engaged. Each engagement stands alone, with a minimum payment as for 2 hours' work made in respect to each engagement. Where applicable, a casual employee is further entitled to the provisions of overtime, weekend penalty rates and payment for work performed on public holidays.
- 4.4.4 In addition to the provisions of clause 4.4.3, a casual employee is further entitled to payment of any applicable Award allowances, (excluding locality allowance), based *pro rata* on the number of hours worked in relation to the ordinary hours of the Award classification.
- 4.4.5 Subject to the provisions of Chapter 2, Part 3, Division 3 of the Act and except in accordance with clause 4.3(b) and 4.3(c), a casual employee shall not be entitled to any other Leave provision.
- 4.4.6 Casual Employees are entitled to increments in accordance with clause 5.12.
- 4.4.7 Except where otherwise provided for in Schedule 3 or Schedule 4 of this Award, the spread of ordinary hours of work for casual employees shall be 9.00 a.m. to 5.00 p.m. Monday to Friday.

4.5 Recognition of previous service

The conditions prescribed in a Directive relating to Recognition of Previous Service and Employment, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*, apply to employees covered by this Award:

Provided that, in calculating length of service for the purpose of fixing salary, any period of probationary service resulting from unsatisfactory work performance shall not be included, but in calculating such length of service for purposes other than salary, any period of probation which such employee has served shall be included.

4.6 Anti-discrimination

- 4.6.1 It is the intention of the parties to this Award to prevent and eliminate discrimination, as defined by the *Anti-Discrimination Act 1991* and the *Industrial Relations Act 1999* as amended from time to time, which includes:
 - (a) discrimination on the basis of sex, marital status, family responsibilities, pregnancy, parental status, age, race, impairment, religion, political belief or activity, trade union activity, lawful sexual activity and association with, or relation to, a person identified on the basis of the above attributes;
 - (b) sexual harassment; and,
 - (c) racial and religious vilification.
- 4.6.2 Accordingly in fulfilling their obligations under clause 3.1 and clause 3.2, the parties to the Award must take reasonable steps to ensure that neither the Award provisions nor their operation are directly or indirectly discriminatory in their effects.
- 4.6.3 Under the *Anti-Discrimination Act 1991* it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.

4.6.4 Nothing in clause 4.6 is to be taken to affect:

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

4.7 Introduction of changes

4.7.1 Employer's duty to notify

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

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

4.7.2 Employer's duty to consult over change

- (a) The employer shall consult the employees affected and, where relevant, their Union or Unions about the introduction of the changes, the effects the changes are likely to have on employees (including the number and categories of employees likely to be dismissed, and the time when, or the period over which, the employer intends to carry out the dismissals), and the ways to avoid or minimise the effects of the changes (e.g. by finding alternate employment).
- (b) The consultation must occur as soon as practicable after making the decision referred to in clause 4.7.1.
- (c) For the purpose of such consultation the employer shall provide in writing to the employees concerned and, where relevant, their Union or Unions, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees, and any other matters likely to affect employees:

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

4.8 Redundancy

4.8.1 Consultation before terminations

- (a) Where the employer decides that the employer no longer wishes the job the employee has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour, and that decision may lead to termination of employment, the employer shall consult the employee directly affected and where relevant, their Union or Unions.
- (b) The consultation shall take place as soon as it is practicable after the employer has made a decision, which will invoke the provisions of clause 4.8.1(a) and shall cover the reasons for the proposed terminations, measures to avoid or minimise the terminations and/or their adverse affects on the employees concerned.
- (c) For the purpose of the consultation the employer shall, as soon as practicable, provide in writing to the employees concerned and, where relevant, their Union or Unions, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected, the number of workers normally employed and the period over which the terminations are likely to be carried out:

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

4.8.2 Transfer to lower paid duties

- (a) Where an employee is transferred to lower paid duties for reasons set out clause 4.8.1 the employee shall be entitled to the same period of notice of transfer as the employee would have been entitled to if the employee's employment had been terminated under clause 4.1.
- (b) The employer may, at the employer's option, make payment in lieu thereof of an amount equal to the difference between the former amounts the employer would have been liable to pay and the new lower amount the employer is liable to pay the employee for the number of weeks of notice still owing.
- (c) The amounts must be worked out on the basis of:
 - (i) the ordinary working hours to be worked by the employee; and
 - (ii) the amounts payable to the employee for the hours including for example, allowances, loadings and penalties; and
 - (iii) any other amounts payable under the employee's employment contract.

4.8.3 *Transmission of business*

- (a) Where a business is, whether before or after the date of insertion of this clause in the Award transmitted from the employer (transmittor) to another employer (transmittee), and an employee who at the time of such transmission was an employee of the transmittor of the business, becomes an employee of the transmittee:
 - (i) the continuity of the employment of the employee shall be deemed not to have been broken by reason of such transmission; and
 - (ii) the period of employment which the employee has had with the transmittor or any prior transmittor shall be deemed to be service of the employee with the transmittee.
- (b) In clause 4.8.3, 'business' includes trade, process, business or occupation and includes a part or subsidiary (which means a corporation that would be taken to be a subsidiary under the Corporations Law, whether or not the Corporations Law applies in the particular case) of any such business and 'transmission' includes transfer, conveyance, assignment or succession whether by agreement or by operation of law and 'transmitted' has a corresponding meaning.

4.8.4 *Time off during notice period*

- (a) Where a decision has been made to terminate an employee in the circumstances outlined in clause 4.8.1, the employee shall be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.
- (b) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee shall, at the request of the employer, be required to produce proof of attendance at an interview or the employee shall not receive payment for the time absent. For this purpose a statutory declaration will be sufficient.

4.8.5 *Notice to Centrelink*

Where a decision has been made to terminate employees in the circumstances outlined in clause 4.8.1, the employer shall notify Centrelink as soon as possible giving all relevant information about the proposed terminations, including a written statement of the reasons for the terminations, the number and categories of the employees likely to be affected, the number of workers normally employed and the period over which the terminations are intended to be carried out.

4.8.6 *Severance pay*

- (a) In addition to the period of notice prescribed for ordinary termination in clause 4.1.2(a), and subject to further order of the Commission, an employee whose employment is terminated for reasons set out in clause 4.8.1(a), shall be entitled to the following amounts of severance pay:

Period of Continuous Service	Severance Pay (weeks' pay)
Less than 1 year	nil
1 year but not more than 2 years	4
More than 2 years but not more than 3 years	6
More than 3 years but not more than 4 years	7

More than 4 years but not more than 5 years	8
More than 5 years but not more than 6 years	9
More than 6 years but not more than 7 years	10
More than 7 years but not more than 8 years	11
More than 8 years but not more than 9 years	12
More than 9 years but not more than 10 years	13
More than 10 years but not more than 11 years	14
More than 11 years but not more than 12 years	15
More than 12 years	16

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

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

4.8.7 *Superannuation benefits*

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

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

4.8.8 *Employee leaving during notice*

An employee whose employment is terminated for reasons set out in clause 4.8.1(a), may terminate such employment during the period of notice, and, if so, shall be entitled to the same benefits and payments under this clause had such employee remained with the employer until the expiry of such notice:

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

4.8.9 *Alternative employment*

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

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

Clause 4.8 shall not apply to employees with less than one year's continuous service and the general obligation on employers should be no more than to give relevant employees an indication of the impending redundancy at the first reasonable opportunity, and to take such steps as may be reasonable to facilitate the obtaining by the employees of suitable alternative employment.

4.8.11 *Employees exempted*

Clause 4.8 shall not apply:

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

4.8.12 *Employers exempted*

- (a) Subject to an order of the Commission, in a particular redundancy case, clause 4.8 total of fewer than 550 hours on average per week, excluding overtime, Monday to Sunday. The 550 hours shall be averaged over the previous 12 months.
- (b) A 'company' shall be defined as:
 - (i) a company and the entities it controls; or

- (ii) a company and its related company or related companies; or
- (iii) a company where the company or companies has a common Director or common Directors or common shareholders with another company or companies.

4.8.13 *Exemption where transmission of business*

- (a) The provisions of clause 4.8.6 are not applicable where a business is before or after the date of the insertion of this clause into the Award, transmitted from the employer (transmittor) to another employer (transmittee), in any of the following circumstances:
 - (i) where the employee accepts employment with the transmittee which recognises the period of continuous service which the employee had with the transmittor, and any prior transmittor, to be continuous service of the employee with the transmittee; or
 - (ii) where the employee rejects an offer of employment with the transmittee:
 - (A) in which the terms and conditions are substantially similar and no less favourable, considered on an overall basis, than the terms and conditions applicable to the employee at the time of ceasing employment with the transmittor; and
 - (B) which recognises the period of continuous service which the employee had with the transmittor and any prior transmittor to be continuous service of the employee with the transmittee.
- (b) The Commission may amend clause 4.8.13(a)(ii) if it is satisfied that it would operate unfairly in a particular case, or in the instance of contrived arrangements.

4.8.14 *Incapacity to pay*

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

4.8.15 *Employees of Queensland Government Departments and Agencies*

The provisions of clause 4.8 will not apply to employees of Queensland government departments and agencies to the extent that the provisions of the redundancy arrangements are contained in a Directive issued by the Public Service Commissioner or the Minister for Industrial Relations pursuant to section 34 of the Public Service Act 1996, where the Directive provides for entitlements that are superior to clause 4.8.

PART 5 - WAGES AND WAGE RELATED MATTERS

5.1 Salaries

5.1.1 *Definitions*

- (a) "Classification level" - comprises a number of paypoints in a particular stream through which Employees will be eligible to progress.
- (b) "Generic level statement" - means a broad, concise statement of the duties, skills and responsibilities indicative of a given classification level.
- (c) "Increment" - means for all Employees an increase in salary from one paypoint to the next highest paypoint.
- (d) "Paypoint" - means the specific rate of remuneration payable to Employees within a classification level.

5.1.2 Salaries shall be paid fortnightly and may at the discretion of the Chief Executive be paid by electronic funds transfer.

5.1.3 The salaries payable to the undermentioned groups of Employees are prescribed in Schedule 1 of this Award. The salaries payable to nursing staff shall be as prescribed in Schedule 4 of this Award.

5.2 Administrative stream

The administrative stream comprises those offices, the duties of which apply to the functional areas identified herein, the incumbents of which are required to possess a range of skills appropriate to the stream.

Such functional areas include agency administration, human resource management, finance, customer service, development and implementation of policy, information and advisory services.

5.3 Professional stream

The professional stream comprises offices:

- (a) to which are attached a mandatory degree qualification or agreed equivalent as determined by the Chief Executive; and
- (b) the duties of which reflect:
 - a combination of practitioner and/or specialist responsibilities; or
 - an identifiable specialisation/management in a profession.

5.4 Technical stream

The technical stream comprises offices:

- (a) to which are attached a mandatory diploma, advanced diploma or agreed equivalent as determined by the Chief Executive; and
- (b) the duties of which reflect:
 - a combination of practitioner and/or specialist responsibilities providing direct assistance to, but on occasion acting in isolation from, other offices; and/or
 - supervision of offices in other streams.

5.5 Operational stream

The operational stream comprises those offices, the duties of which apply to various functional areas, the incumbents of which are required to possess a range of skills appropriate to this stream.

5.6 Stream allocation

Allocations to the administrative, professional, technical and operational streams includes the occupational groupings as prescribed in the Translation Manual For The New Classification And Remuneration System or as prescribed in Schedule 1. Where a new position is created and its allocation cannot be determined the matter may be discussed with relevant Unions.

5.7 Generic level statements

Generic level statements for all classification levels are prescribed in Schedule 2. These statements reflect the degree of complexity and responsibility of duties, skills and knowledge proceeding from the lowest to the highest classification levels. Their purpose is to provide an indication as to the classification level appropriate to any packaging of duties.

Generic level statements for nursing classifications contained in Schedule 4 to this Award shall be those listed in the *Nurses (Queensland Health) Certified Agreement (EB6) 2006 at Schedule 2.*

5.8 Work allocation

An employee having either been appointed or relieving in a position within a classification level may be allocated and subsequently reallocated to any position within that particular classification level.

5.9 Review of classification and remuneration arrangements

Consistent with the commitment given by the parties when the former *Public Service (Remuneration) Interim Award - State* was created, the classification and remuneration system as contained in clause 5.1 shall be the subject of a review by the parties:

Provided that clause 5.1 "Salaries" may be varied to reflect any further development of classification and remuneration arrangements.

5.10 Qualifications

- 5.10.1 An employee appointed to the administrative stream who has satisfied assessment requirements for an AQF 3, AQF4, AQF5 or AQF6 qualification acceptable to the Chief Executive shall be paid no less than classification level 2, paypoint (1).
- 5.10.2 An employee appointed to the administrative stream who has satisfied examination requirements for a degree or other post-secondary qualification acceptable to the Chief Executive shall be paid not less than classification level 2, paypoint (7).

5.11 Movement between classification levels

- 5.11.1 Movement between classification levels will be based on appointment on merit to advertised vacancies:

Provided, that this provision shall not apply to movement between levels 1 and 2 of the administrative stream where annual increments will continue to apply in accordance with the relevant provisions of clause 5.12.

Provided further that:

- (a) Every employee upon attaining the age of 21 years shall be paid except on promotion or otherwise prescribed the specific age 21 salary as indicated within the various streams.
- (b) New Employees and Employees appointed to level 1 of the technical stream, having obtained the prerequisite qualifications, shall be appointed to the minimum rate prescribed in level 2 of such stream.
- (c) New Employees and Employees who were appointed to level 1 of the professional stream having obtained the prerequisite qualifications, shall be appointed to level 2 of such stream and commence at the paypoints as set out hereunder:

3 year qualification	paypoint (1)
4 year qualification	paypoint (2)
5 year qualification	paypoint (3)

- (d) New employees and employees who were appointed to level 2 of the professional stream, who acquire or possess qualifications higher than the minimum prerequisite qualifications e.g. Honours, Masters and Doctorates, will commence at or progress to the paypoints as set out hereunder:

4 year qualification	paypoint (2)
5 year qualification	paypoint (3)
6 year qualification	paypoint (4)
7 year qualification	paypoint (5)
8 year qualification	paypoint (6)

Where such new employees possess relevant work experience, such experience shall be taken into account in accordance with clause 4.5 in addition to the above in determining starting salary to a maximum of paypoint (6).

- (e) Positions at level 3 within the professional and technical streams shall be created by the Chief Executive as necessary upon the value of the work undertaken.
- (f) Movement of Employees from level 2 to level 3 within the professional and technical streams shall be subject to:

The employee concerned having served at least 12 months on the maximum salary prescribed for a level 2 employee;

a recommendation from a selection panel established in accordance with the Recruitment and Selection Directive issued by the Public Service Commissioner, that the applicant is worthy of promotion. The merit of the applicant is to be evaluated in relation to the prescribed criteria through:

- an assessment of a written application from the applicant; and
- an interview of the applicant; and
- a certificate from the Director of Division or Branch in which the employee is working or a senior employee knowledgeable in the employee's capabilities that the employee is worthy of promotion based on assessment of the employee addressing the prescribed criteria.

- (g) Subject to clause 5.13 an Officer promoted to a position at a higher classification level within the same stream shall be appointed to paypoint one of that higher classification level.

- (h) An external applicant (that is an applicant who is not an Officer) who is appointed to a position may be appointed to any paypoint within a level, based on recognition of skills, knowledge and abilities.
- (i) Provided that an Officer re-admitted to the Public Service within 12 months and whose previous employment as an Officer was terminated other than by way of disciplinary action, shall have their previous service as an Officer counted for the purpose of determining their commencing paypoint and calculation of their salary increment.

5.11.2 *Prescribed criteria for movement: professional stream*

Applicants for movement within the professional stream from level 2 to level 3 shall be assessed by the selection panel on the following criteria:

- (a) Demonstrated professional expertise in one or more areas of a discipline as shown by:
 - detailed knowledge of standard professional tasks;
 - examples of modifications to standard procedures and practices and contributions to the development of new techniques and methodologies; and/or
 - professional contribution relevant to the discipline at a local level.
- (b) Possession of postgraduate qualifications or postgraduate developmental experience through attendance at specialist seminars or in-service presentations relevant to the discipline.
- (c) Evidence of recognition by peers, industry or other client groups as shown by one or more of the following (the activities used as evidence will vary with the discipline of the applicant):
 - original in-service presentations;
 - published papers;
 - active involvement in conferences and seminars;
 - consultancies;
 - recognition as a resource person who collects, collates and imparts knowledge in a particular area;
 - preparation of significant internal reports.
- (d) Demonstrated levels of performance and innovation through:
 - a history of satisfactory performance;
 - demonstrated high levels of efficiency and effectiveness;
 - demonstrated high level of responsibility and initiative.

5.11.3 *Prescribed criteria for movement: technical stream*

Applicants for movement within the technical stream from level 2 to level 3 shall be assessed by the selection panel on the following criteria:

- (a) Demonstrated technical expertise in one or more areas of a discipline as shown by:
 - detailed technical knowledge and experience;
 - high levels of accuracy and precision in undertaking procedures;
 - technical contribution at a local level.
- (b) Possession of higher technical qualifications or developmental experience through attendance at specialist seminars or in-service presentations relevant to the discipline.
- (c) Evidence of recognition by peers, industry or other client groups as shown by one or more of the following (the activities used as evidence will vary with the discipline of the applicant):
 - original in-service presentations;
 - published papers;
 - active involvement in conferences and seminars;
 - consultancies;
 - recognition as a resource person who collects, collates and imparts technical knowledge in a particular area;
 - preparation of significant internal reports.
- (d) Demonstrated levels of performance and innovation through:

a history of satisfactory performance;
demonstrated high levels of efficiency and effectiveness;
demonstrated high level of responsibility and initiative.

5.12 Movement within classification levels

5.12.1 Movement within classification levels is based on meeting the following requirements:

- (a) Except in the case of an employee who is paid the prescribed basic salary on attaining the age of 21 years or in the case of a promotion, or transfer and promotion from one classification level to another, an increase is not to be made to the salary of any employee until:
 - (i) in the case of a full-time employee, the employee has received a salary at a particular classification and paypoint for a period of 12 months.
 - (ii) in the case of a part-time employee:
 - (A) the employee has received a salary at a particular classification and paypoint for a period of at least 12 months; and
 - (B) the employee has worked 1,200 ordinary hours in such classification.
 - (iii) in the case of a casual employee with 12 months continuous service with the same employer:
 - (A) the employee has received a salary at a particular classification and paypoint for a period of at least 12 months; and
 - (B) the employee has worked 1,200 ordinary hours in such classification.

For the purpose of clause 5.12, continuous service for a casual employee ends if the employment is broken by more than 3 months between the end of one employment contract and the start of the next employment contract. Absences from work on public holidays do not break, or contribute to a break, in the continuity of service.
- (b) Notwithstanding anything contained elsewhere in this Award, an employee is not entitled to move to the next salary increment level by virtue of the Award unless:
 - (i) in the case of Employees in levels 1 and 2 of the administrative, professional and technical streams and levels 1, 2 and 3 of the operational stream, the conduct, diligence and efficiency of the employee has been certified by the Chief Executive to have been and to be satisfactory;
 - (ii) in the case of Employees in all other classification levels, performance objectives have been achieved as certified by the Chief Executive.
- (c) If any increment prescribed by this Award is temporarily withheld from an employee or there is a refusal to grant an increment the employee may make an appeal to the Public Service Commissioner under the relevant Public Service Directive.

5.13 Performance of higher duties

The conditions prescribed in a Directive relating to Higher Duties, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*, apply to employees covered by this Award.

Subject to the Directive relating to Higher Duties issued by the Minister responsible for industrial relations, an employee who temporarily fills a position at a higher classification level within the same stream as determined by this Award is to be paid at the first paypoint of the classification level of the position being temporarily filled.

Where the salary of the employee's substantive position exceeds the lowest paypoint of the position which the employee is filling temporarily at the higher classification level the employee's salary is determined as the paypoint that is closest to but higher than the paypoint of the Employees existing position.

5.14 Allowances

5.14.1 Overtime meal allowance

The conditions and entitlements for overtime meal allowances paid to employees are prescribed in a Directive relating to Overtime Meal Allowances, issued by the Minister responsible for industrial relations in accordance with section 34

of the *Public Service Act 1996*.

5.14.2 *Motor vehicle allowance*

The conditions and entitlements for motor vehicle allowances paid to employees are prescribed in a Directive relating to Motor Vehicle Allowances, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

5.14.3 *Locality allowance*

The conditions and entitlements for locality allowances paid to employees are prescribed in a Directive relating to Locality Allowances, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

5.14.4 *On call allowances*

The provisions of Schedule 4 apply to the specified areas in compensation for on-call requirements.

5.14.5 *Uniforms and laundry allowance*

Where uniforms are required by the Chief Executive to be worn by an employee, the employee shall be supplied sufficient and suitable uniforms of good quality as approved by the Chief Executive. Uniforms shall be replaced on a fair wear and tear basis:

Provided that a Chief Executive who does not supply uniforms to an employee shall pay to the employee an allowance of \$217.54 per annum or a *pro rata* equivalent in the first year of service and an allowance of \$107.71 per annum or a *pro rata* equivalent in respect to replacement uniforms during subsequent years:

Provided further that an employee required to wear a uniform shall be entitled to have such uniform laundered without charge to the employee or receive an allowance of \$5.93 per fortnight.

5.14.6 *Quarters allowance*

The classes of Officers listed below shall be allowed either free quarters or paid the following allowance in lieu of quarters.

	Per fortnight \$
Boat hands	10.05
Coxswains	10.05
Shipping information employees	10.05

5.14.7 *First aid allowance*

An employee holding a certificate in first aid issued by the Queensland Ambulance Service or equivalent qualification who is appointed in writing by the Chief Executive as a first aid attendant/officer shall be paid an allowance of \$25.50 per fortnight in addition to the ordinary rate of pay. This allowance shall be treated as part of the ordinary fortnightly salary for the purposes of annual leave (but not loading on leave), sick leave, long service leave and all other paid leave.

5.14.8 *Cash handling allowance*

An employee appointed to level 1 or level 2 of the administrative stream who occupies a cashier-type position and is personally responsible for any shortages that may occur, shall be paid an allowance as set out hereunder:

Full-time employee - Average daily cash received and/or disbursed	Full-time employee - Allowance payable per fortnight	Part-time employee - Allowance payable per day
Part-time employee - Actual daily cash received and/or disbursed		
Less than \$500	Nil	Nil
\$500 and up to and including \$2,499.99	\$21.30	\$2.13
\$2,500 and up to and including \$2,999.99	\$28.70	\$2.87
\$3,000 and up to and including \$3,499.99	\$34.00	\$3.40

\$3,500 and up to and including \$3,999.99	\$39.40	\$3.94
\$4,000 and up to and including \$4,499.99	\$43.70	\$4.37
\$4,500 and over	\$48.90	\$4.89

Provided that such allowances shall not be payable on approved paid or unpaid leave, excluding single day absences on paid sick leave, when absent from the position for whole day/s. In addition, such allowances shall not be payable for public holidays falling on an ordinary working day except where the allowance is payable for those working days immediately prior to and after such public holiday.

5.14.9 Payment of allowances

In accordance with clause 5.14, payment of all allowances shall be made to the employee concerned on the appropriate pay day within 6 weeks following application by the employee.

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

6.1 Hours of work

6.1.1 Definitions

- (a) "Afternoon Shift" - means any shift commencing on or after 12 noon and at or before 6.00 p.m.
- (b) "Continuous Shift Work" - means work done by Employees where the hours of work are regularly rotated in accordance with a shift roster covering a 24 hour per day operation over a 7 day week.
- (c) "Day Shift" - means any shift commencing after 6.00am and before 10.00 a.m.
- (d) "Day Work" - means work performed other than upon a Shift Work basis.
- (e) "Majority of Shift" - means the major proportion of ordinary hours worked in any shift where the starting and finishing times occur on different days.
- (f) "Night Shift" - means any shift commencing after 6.00 p.m. and at or before 12 midnight.
- (g) "Shift Work" (other than Continuous Shift Work) - means work regularly rotated in accordance with a roster which prescribes 2 or more shifts (day, afternoon or night) per day, but does not cover a 24 hour per day operation over a 7 day week.

6.1.2 Day Work

- (a) The ordinary hours of duty for employees under this Award are 36.25 hours per week, except where provided otherwise in Schedule 3 or Schedule 4, and except where provided in a Directive relating to Field Staff as issued from time to time by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*:

Provided that administrative officers engaged solely on telephonist duties, the ordinary weekly hours of duty shall be 32.5 hours per week.

- (b) The ordinary spread of hours for employees whose ordinary weekly hours of duty are 32.5 hours or 36.25 hours shall be 6.00 a.m. to 6.00 p.m. Monday to Friday, except where provided otherwise in Schedule 3 or Schedule 4.
- (c) Employees identified as field staff are subject to a Directive relating to field staff as issued from time-to-time by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*.
- (d) Employees whose ordinary weekly hours of duty are 36.25 hours will be subject to organisational hours of work arrangements put in place in accordance with clause 6.1.6.
- (e) The provisions of clause 6.1.2 will not apply to employees subject to arrangements outlined in Schedule 3 and Schedule 4 where such provisions are inconsistent with the arrangements.

6.1.3 38 hour week arrangements - Schedule 4, Section 1 Employees

- (a) Subject to clause 6.1.4 'Implementation of 38 hour week', and subject to the exceptions hereinafter provided, the ordinary hours of employees listed in Schedule 4 will be an average of 38 hours per week, to be worked on one of the following bases:
 - (i) 38 hours within a work cycle not exceeding 7 consecutive days; or
 - (ii) 76 hours within a work cycle not exceeding 14 consecutive days; or
 - (iii) 114 hours within a work cycle not exceeding 21 consecutive days; or
 - (iv) 152 hours within a work cycle not exceeding 28 consecutive days.
- (b) The ordinary starting and finishing times of various groups of employees or individual employees may be staggered, provided there is agreement between the employer and the majority of employees concerned.
- (c) Employees are required to observe the nominated starting and finishing times for the work day, including designated breaks to maximise available working time. Preparation for starting and finishing work including personal clean up will be in the employee's time.

6.1.4 *Implementation of the 38 hour week*

- (a) The 38 hour week shall be implemented on one of the following bases, most suitable to each location, after consultation with, and giving reasonable consideration to the wishes of the employees concerned:
 - (i) by employees working less than 8 ordinary hours each day; or
 - (ii) by employees working less than 8 ordinary hours on one or more days in each work cycle; or
 - (iii) by fixing one or more work days on which all employees will be off during a particular work cycle; or
 - (iv) by rostering employees off on various days of the week during a particular work cycle, so that each employee has one work day off during that work cycle.

The employer is to allow access to at least one rostered day off in any work cycle, except where the employer and employee otherwise agree.
- (b) Subject to Schedule 3 and Schedule 4, employees may agree that the ordinary hours or work are to exceed 8 hours on any day, thus enabling more than one day to be taken off during a particular work cycle.
- (c) Notwithstanding any other provision in clause 6.1.4 where the arrangement of ordinary hours of work provides for a rostered day off, the employer and the majority of employees concerned may agree to accrue up to a maximum of 5 rostered days off.

Where such agreement has been reached, the accrued rostered days off shall be taken within 12 calendar months of the date on which the first rostered day off was accrued. Consent to accrue rostered days off shall not be unreasonably withheld by either party.

- (d) Different methods of implementation of the 38 hour week may apply to individual employees, groups or sections of employees in each location concerned.

6.1.5 *38 hour week - procedures for discussions*

- (a) The employer and all Employees concerned in each establishment shall consult over the most appropriate means of implementing and working a 38 hour week.
- (b) The objective of such consultation shall be to reach agreement on the method of implementing and working the 38 hour week in accordance with clause 6.1.5(d).
- (c) The outcome of such consultation shall be recorded in writing.
- (d) Notwithstanding the consultative procedures outlined above, and notwithstanding any lack of agreement by the Employees, the employer shall have the right to make the final determination as to the method by which the 38 hour week is implemented or worked from time to time.
- (e) After implementation of the 38 hour week, upon giving 7 days notice or such shorter notice as may be mutually agreed upon, the method of working the 38 hour week may be altered, from time to time, following negotiations between the employer and Employees concerned, utilising the provisions of clause 6.1.5.

6.1.6 *Organisational Hours of Work Arrangements*

- (a) These provisions provide a framework within which hours of work arrangements and related conditions are to be implemented with the express purpose of providing all relevant employees with access to an accrued full day/s off within a work cycle. Provided that nothing will limit the ability of a Chief Executive and an employee to agree to access accrued time in part-days off.
- (b) Chief executives of all Queensland Government agencies subject to this Award will ensure that flexible hours of work arrangements are implemented at the organisational level and are tailored to meet the operational and client service needs of the organisation. Such organisational arrangements will:
 - (i) apply to those employees whose ordinary hours of duty are 36.25 hours per week; and
 - (ii) include a provision specifying that while working hours arrangements should meet the operational and client service needs of the Agency, this does not limit the entitlement for employees to be able to access an accrued day(s) off within a work cycle.
- (c) Organisational hours of work arrangements are to be implemented in accordance with the provisions of Schedule 5.

6.2 **Meal breaks**

- 6.2.1 Unless otherwise specified above, all Employees who work in excess of 5 hours on any day shall be allowed not less than 30 minutes for an unpaid meal break between the 3rd and 6th hours of duty:

Provided that where it is mutually agreed between the employer and the employee, that in order to maintain the continuity of work, the hours of duty may be inclusive of meal times and no deduction shall be made from the employee's wages.

- 6.2.2 Employees authorised to work overtime shall receive the conditions and entitlements for overtime meal allowances as prescribed in a Directive relating to Overtime Meal Allowances, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*:

Provided that a meal of reasonable quality and adequate quantity may be supplied in lieu of the abovementioned meal monies.

6.3 **Rest pauses**

Employees are entitled to rest pause(s) subject to the following:

- (a) a total of 10 minutes for an employee who works for more than 3 hours but less than 6 ordinary hours in any day; or
- (b) a total of 20 minutes for an employee who works for at least 6 ordinary hours in any day.

- 6.3.2 Subject to clause 6.3.3, Employees are entitled to a rest pause of 10 minutes' duration in the employer's time in the first and second half of the working day. Such rest pauses shall be taken at such times as will not interfere with the continuity of work where such continuity is necessary:

Provided that Employees who are required to leave their work places to partake of rest pauses in crib huts or lunch rooms and those who are "on site" in lieu of morning and afternoon rest pauses shall, at the employer's discretion, have one rest pause of 20 minutes' duration in the first part of the working day.

- 6.3.3 Where an employee is engaged on a 38 hour week, the employer may determine that the rest pauses provided in clause 6.3.1 may be combined into one 20 minute rest pause, to be taken in the first part of the ordinary working day, with such 20 minute rest pause and meal break arranged in such a way that the ordinary working day is broken into approximately 3 equal working periods.

6.4 **Overtime**

- 6.4.1 Subject to Directives on "Hours and Overtime" and "Field Staff" as issued and amended by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*, and subject to clause 6.1.6 and Schedule 5, all authorised overtime worked by employees in excess of their ordinary daily hours of duty or outside their ordinary spread of hours are paid for at the rate of time and a-half for the first 3 hours in any one day and double time for all time worked thereafter.

6.4.2 Provided that all authorised overtime worked on:

(a) Saturday is paid at the rate of time and a-half for the first 3 hours and double time thereafter within a minimum payment as for 2 hours.

(b) Sunday is paid at the rate of double time with a minimum payment as for 2 hours:

Provided further that such minimum payments shall not apply where such overtime is performed immediately preceding and/or following ordinary hours.

6.4.3 Notwithstanding the provisions of clause 6.4, Employees working Shift Work, as defined, in accordance with a shift roster covering 2 or more shifts per day, are paid for all overtime at the rate of double time.

6.4.4 Employees shall work reasonable overtime, whenever necessary in the opinion of the Chief Executive, but 24 hours' notice shall be given, where practicable, to an employee required to work overtime.

6.4.5 Overtime is calculated to the nearest quarter of an hour in the total amount of time in respect to which overtime is claimed by the employee.

6.4.6 An employee temporarily filling and discharging the full duties of an office at a higher classification level for which overtime payments are applicable is subject to the provisions of clause 6.4.1 and shall be paid for authorised overtime at the minimum rate applicable to that higher classification level.

6.4.7 Subject to clause 6.4.1 an employee (other than an employee on call) having been recalled to perform duty shall be paid for the time worked, with a minimum payment of 2 hours for each call out at the prescribed overtime rate, provided that such minimum payment shall not apply where the overtime is performed immediately preceding and/or is continuous with ordinary hours of duty:

Provided further that, should an employee be called out again within that 2 hour period, no further minimum payment shall apply to that work which shall be separately paid for at the prescribed overtime rates.

The provisions of clause 6.4.9 shall apply when an employee has actually worked in excess of 2 hours inclusive of travelling time on one or more of such recalls.

6.4.8 *Transport costs on recall*

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

6.4.9 *Fatigue leave*

(a) An employee who works so much overtime between the termination of ordinary work on one day and the commencement of ordinary work on the next day so that 10 consecutive hours off duty has not occurred, shall be released after completion of such overtime until 10 consecutive hours off duty occur, without loss of pay for ordinary working time occurring during such absence. If, on the instructions of the Chief Executive, such an employee resumes or continues work without having had 10 consecutive hours off duty, the employee shall be paid double rates until released from duty for such period, and shall then be entitled to be absent until 10 consecutive hours off duty has occurred, without loss of pay for ordinary working time occurring during such absence.

(b) The provisions of clause 6.4.9 shall apply to Shift Workers who rotate from one shift to another as if 8 hours were substituted for 10 hours when overtime is worked:

(i) for the purposes of changing shift rosters; or

(ii) when a Shift Worker does not report for duty; or

(iii) where a shift is worked by arrangement between the Employees themselves.

(c) Clause 6.4.9 does not apply to Employees:

(i) who reside or remain on or about their place of work and are required to perform duties on an intermittent basis outside their ordinary hours of duty;

(ii) subject to extended hours of duty arrangements (other than Shift Work arrangements) prescribed in Schedule 3 and Schedule 4.

6.4.10 The provisions of clause 6.4 shall not apply to employees covered by clause S3.5.1 in Section 5, clause S3.7.3 in Section 7, clause S3.8.2 in Section 8, and clause S3.10.3 in Section 10 of Schedule 3.

6.5 Shift work

6.5.1 Shift work arrangements

(a) Subject to any agency or occupational arrangements included in Schedule 3 and Schedule 4 and clause 2.2, Shift Work may be introduced to meet operational requirements. Such Shift Work shall be worked in accordance with a roster mutually agreed between the Chief Executive and the majority of Employees directly affected and are worked on one of the following bases:

- (i) a work cycle not exceeding 7 consecutive days; or
- (ii) a work cycle not exceeding 14 consecutive days; or
- (iii) a work cycle not exceeding 21 consecutive days; or
- (iv) a work cycle not exceeding 28 consecutive days:

Provided that having regard to operational requirements rostered shifts may be mutually exchanged between Employees, provided such exchange occurs within the same pay period.

(b) A roster setting out the employee's days of duty and starting and finishing times on such days shall be displayed in a place conveniently accessible to Employees at least one work cycle in advance.

(c) Notwithstanding clauses 6.5.1(a) and (b), a Shift Worker shall not perform more than 2 consecutive shifts.

(d) Changes within a roster shall be by agreement between the employer and the employee concerned, but failing agreement, 24 hours notice of any change in the roster shall be given or double time be paid for the employee's next shift.

6.5.2 Shift allowance

(a) Employees working afternoon or Night Shifts are paid an allowance of 15% per shift for all ordinary time worked in addition to their ordinary salary.

(b) Provided that in respect to the calculations of payments as prescribed by clause 6.5.2, they shall be made upon the Majority of Shift basis in respect of ordinary hours worked where the starting and finishing times occur on different days over the period Monday to Friday, both days inclusive.

These allowances shall not apply to work performed between midnight Friday and midnight Sunday or on public holidays.

6.5.3 Extra payment for weekend work

(a) All ordinary time worked between midnight on Friday and midnight on Saturday not being overtime shall be paid for at one and a-half (1.5) times the ordinary rate and between midnight Saturday and midnight Sunday shall be paid for at the rate of double time.

(b) Provided that in respect to Nursing staff all time worked between midnight Saturday and midnight Sunday shall be paid for at the rate of time and three-quarters.

(c) The provisions of clause 6.5.3 do not apply in cases where Employees work a 38 week and are listed in Schedule 3 and Schedule 4 as being entitled to payment of time and three-quarters for all ordinary time worked on Sunday.

(d) Provided further that in respect to the calculation of payments as prescribed by clause 6.5.3 such shall be made upon the Majority of Shift basis in respect of ordinary hours worked where the starting and finishing times occur on different days over the period Friday to Monday both days inclusive.

6.5.4 Meal breaks and rest pauses

(a) Meal breaks

All Employees working shifts shall be allowed not less than 30 minutes for a meal break, with such a break being taken at a time which maintains the continuity of work.

Subject to agency or occupational arrangements included in Schedule 3 and Schedule 4, during the day, afternoon or Night Shifts the hours of duty shall be inclusive of meal times with no deduction from the employee's salary.

Employees authorised to work overtime shall receive the conditions and entitlements for overtime meal allowances as prescribed in a Directive relating to Overtime Meal Allowances, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

Provided that a meal of reasonable quality and adequate quantity may be supplied in lieu of the abovementioned meal monies.

(b) *Rest pauses*

Employees engaged on Shift Work shall be entitled to rest pause(s) in accordance with clause 6.3.

PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS

7.1 Annual leave

The entitlements for annual leave are prescribed in a Directive relating to Recreation Leave, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

7.2 Loading on annual leave

7.2.1 A loading calculated as prescribed hereunder shall be paid to Employees on annual leave:

- (a) Shift workers - Subject to clause 7.2.1(b) the rate of wage or salary to be paid to a Shift Worker shall be the rate payable for work in ordinary time according to the employee's roster or projected roster, including Saturday, Sunday, or holiday shifts.
- (b) All Employees - Subject to the provisions of clause 7.2.2 hereof, in no case shall the payment to an employee be less than the sum of the following amounts:
 - (i) The employee's ordinary wage rate or salary as prescribed by the Award for the period of such leave (excluding shift premiums and weekend penalty rates);
 - (ii) A further amount calculated at the rate of 17.5% of the amounts referred to in clause 7.2.1(b)(i).

7.2.2 The provisions of clause 7.2.1(b) shall not apply to any period or periods of annual leave exceeding:

- (a) 5 weeks per annum in the case of Employees employed on Continuous Shift Work; or
- (b) 4 weeks per annum in any other case.

7.3 Sick leave

7.3.1 Sick leave (leave of absence on account of illness) on full salary will accumulate at the rate of 10 working days for each completed year of service and a proportionate amount for an incomplete year of service.

7.3.2 Sick leave may be taken for part of a day.

7.3.3 Entitlement to sick leave is conditional on the employee promptly notifying the employer of the employee's absence and of its expected duration.

7.3.4 An application for sick leave of more than 3 days is to be supported by a medical certificate or any other evidence that is acceptable to the employer.

7.3.5 The entitlements for sick leave are prescribed in a Directive relating to Sick Leave, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

7.4 Bereavement leave

7.4.1 Employees are granted bereavement leave on full salary on the death of a member of the employee's immediate family or household:

"Immediate family" includes:

The employee's spouse;
A child, ex-nuptial child, step-child, adopted-child, ex-foster child of the employee;
Parent, grandparent, grandchild, sister or brother of the employee and of the employee's spouse;
Step-father, step-mother, half-brother, half-sister, step-brother and step-sister of the employee.

"Spouse" of an employee includes:

A former spouse; and
A *defacto* spouse, including a spouse of the same sex as the employee.

7.4.2 The entitlements for bereavement leave are prescribed in a Directive relating to Bereavement Leave, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

7.5 Long service leave

7.5.1 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.

7.5.2 After 7 years' continuous service Employees are entitled to a proportionate payment (calculated on a *pro rata* basis for 7 years' continuous service) in specified circumstances relating to the termination of employment and parental leave.

7.5.3 The entitlements for long service leave are prescribed in a Directive relating to Long Service Leave, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

7.6 Family leave

7.6.1 The provisions of the *Family Leave (Queensland Public Sector) Award - State 2004* (including carer's leave) apply.

7.6.2 An employee's entitlements to family leave include:

- (a) maternity leave;
- (b) spousal leave;
- (c) pre-natal leave;
- (d) pre-adoption leave; and
- (e) adoption leave.

These entitlements are contained in a Directive relating to Paid Parental Leave, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

7.7 Public holidays

7.7.1 (a) All work done by any employee on the following public holidays is paid for at the rate of double time and a-half with a minimum of 4 hours.

the first day of January,
the twenty-sixth day of January,
Good Friday,
Easter Saturday (the day after Good Friday),
Easter Monday,
the twenty-fifth day of April (Anzac Day),
the Birthday of the Sovereign,
Christmas Day,
Boxing Day,
or any day appointed under the *Holidays Act 1983*, to be kept in place of any such holiday.

(b) *Labour day*

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

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

(c) *Annual show*

All work done by Employees in a district specified from time to time by the Minister by notification published in the Gazette on the day appointed under the *Holidays Act 1983*, to be kept as a holiday in relation to the annual agricultural, horticultural or industrial show held at the principal city or town, as specified in such notification, of such district, shall be paid for at the rate of double time and a-half with a minimum of 4 hours. No employee shall be entitled to receive payment in accordance with clause 7.7.1(c) for work performed on such a day on more than one occasion in each calendar year.

(d) *Double time and a-half*

For the purposes of clause 7.7, where the rate of wages is a weekly rate, "double time and a-half" means one and one half day's wages in addition to the prescribed weekly rate, or *pro rata* if there is more or less than a day.

7.7.2 Subject to clause 7.7.1(b) and 7.7.5 an employee who performs work on any public holiday or any day appointed under the *Holidays Act 1983*, to be kept in place of any such holiday, shall at the employee's option receive time off equivalent to the number of hours worked, with a minimum of 4 hours in lieu of monetary compensation:

Provided that where an employee elects to take equivalent time off such employee shall in addition be paid at half the ordinary rate with a minimum of 4 hours.

7.7.3 *Substitution*

Substituted days for 38 hour week workers: Where Employees are listed in Schedule 4 as working subject to 38 hour week arrangements, and where there is agreement between the Chief Executive and the majority of Employees concerned and subject to statutory limitations, other ordinary working days may be substituted for the public holidays specified in the *Holidays Act 1983*:

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

7.7.4 Employees "rostered off" on public holidays who work in accordance with Shift Work or 5 out of 6 days provisions.

All Employees (other than casual Employees) working in accordance with the provisions of clauses 6.1 or 6.5, if rostered off on any public holiday shall be paid an additional day's wage, or by mutual agreement between the Chief Executive and the employee, shall be granted a day's holiday in lieu at a time to be mutually arranged between the Chief Executive and the employee concerned, or an extra day shall be taken with annual leave, for each such day on which the employee is rostered off:

Provided that for the purposes of clause 7.7.4 "rostered off" shall mean rostered off on a day of the week which normally forms part of the employee's ordinary hours:

Provided further that the "additional day's wage", "another day off" or "extra day" added to annual leave shall mean:

- for employees prescribed in Schedule 4, Section 1 and any employees designated as Field Staff in accordance with the Directive relating to Field Staff, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996* whose ordinary hours are 38 hours per week, 7.6 hours at ordinary rates; and
- for all other Employees, 7.25 hours at ordinary rates.

7.7.5 All Employees shall be entitled to payment for rostered ordinary hours to be worked for each of the public holidays referred to in clause 7.7.1 above notwithstanding that no work is required to be performed.

7.7.6 Where a public holiday as prescribed by clause 7.7 falls upon a Saturday or Sunday and an employee as part of the employee's ordinary rostered hours is required to work upon such day, calculations of payment shall be made upon the Majority of Shift basis where the starting and finishing times of such ordinary hours occur on different days.

Employees who do not work Monday to Friday of each week

7.7.7 Employees who do not ordinarily work Monday to Friday of each week are entitled to public holidays as follows:

- (a) A full-time employee is entitled to either payment for each public holiday or a substituted day's leave.
- (b) Where a public holiday would have fallen on a Saturday or a Sunday but is substituted for another day all Employees who would ordinarily have worked on such Saturday or Sunday but who are not rostered to work on such day are entitled to payment for the public holiday or a substituted day's leave.
- (c) Where Christmas day falls on a Saturday or a Sunday and the public holiday is observed on another day, an employee required to work on Christmas day (i.e. 25 December) is to be paid at the rate of double time.
- (d) Nothing in clause 7.7.7 confers a right to any employee to payment for a public holiday as well as a substituted day in lieu.

7.7.8 "Concessional day" - means any day upon which an employee is permitted to be absent on full pay without debit to any leave account as a result of a compulsory closure of Government establishments over the Christmas/New Year period or such closure or restricted staffing as the employer determines.

7.8 Jury service

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

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

8.1 Transfer and appointment expenses

Eligible employees when appointed or when transferred from one centre to another may be paid for expenses incurred, including:

- (a) the conveyancing of self, family and effects to the centre to which the employee is appointed or transferred;
- (b) board and lodging;
- (c) other items of expenditure related to taking up duty; and

such conditions and entitlements for transfer and appointment expenses are prescribed in a Directive relating to Transfer and Appointment Expenses, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

8.2 Travelling and relieving expenses

An eligible employee who is required to:

travel on official duty; or
to take up duty away from the employee's usual place of work to relieve another employee, or to perform special duty,

is allowed actual and reasonable expenses or allowances for accommodation, meals and incidental expenses necessarily incurred by the employee.

The conditions and entitlements for travelling and relieving expenses are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

8.3 Excess travelling time

The general conditions applicable for the compensation of excess travelling time for an eligible employee who is required to travel on official business are:

attending approved seminars and agency courses;
outside ordinary hours; and
away from normal headquarters.

The conditions and entitlements for excess travel time are prescribed in a Directive relating to Excess Travel Time, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

8.4 Transfer of employees

An employee who has served for 3 years or more continuously in an office or offices in an isolated location shall be transferred, without detriment, to some other position in a more favourable locality as soon as opportunity offers.

PART 9 - TRAINING AND RELATED MATTERS

9.1 Training, learning and development

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

Accordingly, the parties commit themselves to developing a more highly skilled and flexible workforce and providing Employees with career opportunities through appropriate training to acquire additional skills and knowledge for performance of their duties.

Within each agency a consultative mechanism and procedures involving representatives of management, Employees and public sector Unions shall be established as determined by the Chief Executive, having regard to the size, structure and needs of that agency.

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

- (a) the current and future needs of the agency;
- (b) the size, structure and nature of the operations of the agency;
- (c) the need to develop vocational skills relevant to the agency through courses conducted wherever possible by accredited educational institutions and providers.

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

Learning and development provided should assist employees in obtaining accredited competencies, knowledge and skills consistent with the Australian Qualifications Framework.

All such learning and development should be directed at enabling Employees to enhance skills relevant to duties to be performed. Employees will be expected to attend scheduled learning and development activities.

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

10.1 Workplace health and safety

All provisions of relevant workplace health and safety legislation apply.

PART 11 - AWARD COMPLIANCE AND UNION RELATED MATTERS

Preamble

Clauses 11.1 and 11.2 replicate legislative provisions contained within the *Industrial Relations Act 1999*. In order to ensure the currency of existing legal requirements parties are advised to refer to Sections 366, 372 and 373 of that Act as amended from time to time.

11.1 Right of entry

11.1.1 Authorised industrial Officer

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

11.1.2 Entry procedure

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

11.1.3 Inspection of records

- (a) An authorised industrial officer is entitled to inspect the time and wages record required to be kept under section 366 of the Act.
- (b) An authorised industrial officer is entitled to inspect such time and wages records of any former or current employee except if the employee:
 - (i) is ineligible to become a member of the authorised industrial officer's Union; or
 - (ii) has made a written request to the employer that they do not want their record inspected.
- (c) The authorised industrial officer may make a copy of the record, but cannot require any help from the employer.
- (d) A person must not coerce an employee or prospective employee into consenting, or refusing to consent, to the inspection of their records by an authorised industrial officer.

11.1.4 Discussions with Employees

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

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

11.1.5 Conduct

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

11.2 Time and wages record

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

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

11.2.2 The time and wages record must also contain:

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

11.2.3 The employer must keep the record for 6 years.

11.2.4 Such records shall be open to inspection during the employer's business hours by:

- (a) an Inspector of the Department of Industrial Relations, in accordance with section 371 of the Act; or
- (b) an authorised industrial Officer in accordance with sections 372 and 373 of the Act..

11.2.5 Consistent with the Directive relating to Attendance - Recording and Reporting Requirements (Including Public Holidays), issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*, a Chief Executive may specifically exempt those employees who have been, or who are of a class of office from a system for recording starting and finishing times, meal breaks and absences from duty.

11.3 Union delegates

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

11.3.2 Public sector Employees will be given full access to Union delegates/officials during working hours to discuss any employment matter or seek Union advice, provided that service delivery is not disrupted and work requirements are not unduly affected.

11.3.3 Provided that service delivery and work requirements are not unduly affected, delegates will be provided convenient access to facilities for the purpose of undertaking Union activities. Such facilities include:

telephones, computers, e-mail, photocopiers, facsimile machines, storage facilities, meeting rooms and notice boards. It is expected that management and delegates will take a reasonable approach to the responsible use of such facilities for information and communication purposes.

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

11.4 Union encouragement

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

11.4.2 An application for Union membership and information on the relevant Union/s will be provided to all Employees at the point of engagement.

11.4.3 Information on the relevant Union(s) will be included in induction materials.

11.4.4 Union representative(s) will be provided with the opportunity to discuss Union membership with new Employees.

11.4.5 Where requested by public sector Unions, agencies and public sector units will provide payroll deduction facilities for Union subscriptions.

11.5 Industrial relations education leave

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

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

Additional leave, over and above 5 working days non-cumulative (or the equivalent hours) in any one calendar + year may be granted where approved structured Employees' training courses involve more than 5 working days (or the equivalent). Such leave will be subject to consultation between the Chief Executive (or delegated authority) of the agency, the relevant Union and the employee.

Upon request and subject to approval by the Chief Executive (or delegated authority) of the agency, Employees may be granted paid time off in special circumstances to attend Management Committee Meetings, Union Conferences, and ACTU Congress.

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

11.5.3 At the discretion of the Chief Executive of the agency/public sector unit concerned, public sector Employees may be granted special leave without pay to undertake work with their Union.

Schedule 1 - Salaries

Section 1 - Administrative stream

CLASSIFICATION LEVEL	AWARD RATE (including the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments)	
		Per Fortnight
Level 1	1	\$ 788.50
	2	845.50
	3	902.40
Level 2 Age 21	1	1,250.50
	2	1,280.20
	3	1,309.90
	4	1,343.60

CLASSIFICATION LEVEL		AWARD RATE (including the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments) Per Fortnight \$
	5	1,373.40
	6	1,403.10
	7	1,428.80
	8	1,458.70
Level 3	1	1,528.60
	2	1,569.80
	3	1,610.80
	4	1,652.30
Level 4	1	1,724.20
	2	1,762.30
	3	1,804.50
	4	1,842.70
Level 5	1	1,917.90
	2	1,960.50
	3	2,003.00
	4	2,045.50
Level 6	1	2,134.50
	2	2,173.90
	3	2,213.20
	4	2,252.50
Level 7	1	2,335.30
	2	2,380.80
	3	2,426.30
	4	2,471.70
Level 8	1	2,539.00
	2	2,579.20
	3	2,618.60
	4	2,659.40

Section 2 - Professional stream

CLASSIFICATION LEVEL		AWARD RATE (including the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments) Per Fortnight \$
Level 1	1	810.80
	2	900.70
	3	990.60
Age 21	4	1,299.20
	5	1,351.90
	6	1,400.60
	7	1,445.30
Level 2	1	1,527.40
	2	1,587.50
	3	1,647.50
	4	1,707.60
	5	1,763.70
	6	1,819.40
Level 3	1	1,888.70
	2	1,932.90
	3	1,977.10
	4	2,021.30

CLASSIFICATION LEVEL	AWARD RATE (including the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments)	
		Per Fortnight
		\$
Level 4	1	2,123.00
	2	2,166.20
	3	2,209.30
	4	2,252.50
Level 5	1	2,335.30
	2	2,380.80
	3	2,426.30
	4	2,471.70
Level 6	1	2,539.00
	2	2,579.20
	3	2,619.30
	4	2,659.40

Section 3 - Technical stream

CLASSIFICATION LEVEL	AWARD RATE (including the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments)	
		Per Fortnight
		\$
Level 1	1	810.80
	2	900.70
	3	990.60
Age 21	4	1,299.20
	5	1,351.90
	6	1,400.60
	7	1,445.30
Level 2	1	1,463.20
	2	1,501.10
	3	1,538.70
	4	1,576.70
	5	1,614.50
	6	1,652.30
Level 3	1	1,724.20
	2	1,754.70
	3	1,789.10
	4	1,819.40
Level 4	1	1,888.70
	2	1,935.20
	3	1,981.50
Level 5	1	2,045.50
	2	2,092.90
	3	2,140.30
	4	2,187.70
Level 6	1	2,244.30
	2	2,289.80
	3	2,335.30

Section 4 - Operational stream

CLASSIFICATION LEVEL	AWARD RATE (including the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments)	
		Per Fortnight
		\$

CLASSIFICATION LEVEL		AWARD RATE (including the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments) Per Fortnight \$
Level 1	1	679.00
	2	745.80
	3	812.60
	4	879.40
	5	1,028.30
	6	1,095.30
Level 2 Age 21	1	1,250.50
	2	1,281.70
	3	1,313.00
	4	1,348.10
Level 3	1	1,366.40
	2	1,390.40
	3	1,410.40
	4	1,434.30
Level 4	1	1,478.90
	2	1,512.30
	3	1,545.80
	4	1,579.10
Level 5	1	1,608.70
	2	1,647.20
	3	1,685.80
	4	1,724.20
Level 6	1	1,776.20
	2	1,811.40
	3	1,842.70
Level 7	1	1,909.70
	2	1,945.60
	3	1,981.50

NOTE: The rates of pay in this Award are intended to include the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments and arbitrated wage adjustments. This arbitrated wage adjustment may be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employment are regulated by this Award which are above the wage rates prescribed in the Award. Such payments include wages payable pursuant to certified agreements, currently operating enterprise flexibility agreements, Queensland workplace agreements, award amendments to give effect to enterprise agreements and overaward arrangements. Absorption which is contrary to the terms of an agreement is not required.

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

Schedule 2 - Generic level statements

S2.1 Administrative stream

(a) *Administrative Officer level 1*

Work level description (AO1)

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

Characteristics of the work

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

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

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

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

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

Duties and skills

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

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

(b) *Administrative Officer level 2*

Work level description (AO2)

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

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

Characteristics of the work

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

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

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

Duties and skills

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

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

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

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

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

(c) *Administrative Officer level 3*

Work level description (AO3)

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

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

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

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

Characteristics of the work

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

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

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

Duties and skills

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

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

(d) *Administrative Officer level 4*

Work level description (AO4)

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

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

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

Characteristics of the work

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

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

The work at this level requires the application of knowledge usually gained through previous experience in the discipline or from post secondary or tertiary study. The work may require the co-ordination of a range of office

functions and the exercising of judgement and/or delegated authority in areas where precedents or procedures are not clearly defined.

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

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

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

Duties and skills

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

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

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

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

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

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

(e) *Administrative Officer level 5*

Work level description (AO5)

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

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

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

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

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

Characteristics of the work

Work is usually performed under limited direction as to work priorities and the detailed conduct of the task. Direction exercised over work performance at this level includes, depending on the functional role required, the provision of advice, guidance and/or direction in relation to a project, detailed processing, and other work practices.

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

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

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

Duties and skills

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

Work at this level may require:

the ability to investigate, analyse, interpret or evaluate information for the guidance of staff or clients, or undertake research in relation to technical matters.

well developed liaison and communication skills and the ability to negotiate with clients or other interested parties, within parameters decided by senior management.

significant managerial ability, including the ability to supervise staff, set priorities, monitor work flow, develop local strategies, procedures and work practices, and allocate resources.

This includes demonstrated personnel management skills, the ability to apply equal employment opportunity principles and procedures and industrial relations principles and occupational health and safety guidelines.

Responsibility for the identification of training needs and the development of appropriate training programmes for the work unit may be undertaken at this level.

(f) *Administrative Officer level 6*

Work level description (AO6)

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

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

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

Characteristics of the work

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

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

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

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

Decisions taken or delegations exercised at this level may have major impact on the day-to-day operations of the work area. The impact of such decisions on office operations is likely to be limited to a specific work area or function. Delegations exercised may, depending on the nature of the work required, involve making determinations, instigating another course of action, or reviewing previous decisions.

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

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

Duties and skills

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

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

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

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

(g) *Administrative Officer level 7*

Work level description (AO7)

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

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

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

Characteristics of the work

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

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

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

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

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

Duties and skills

Management skills and the abilities necessary to monitor resource allocations, evaluate program effectiveness, manage staff and resources, formulate policy initiatives and develop corporate strategy proposals are usually required at this

level. A knowledge of financial program management practices appropriate to the program or activity or corporate goal of the organisational element in which a position is located, are usually required at this level.

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

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

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

(h) *Administrative Officer level 8*

Work level description (AO8)

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

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

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

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

Characteristics of the work

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

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

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

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

Duties and skills

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

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

Liaison and communication skills to enable the effective resolution of complex organisational issues, including the capacity and ability to negotiate or communicate on behalf of the office with clients or other interested groups, often to finality, may be required.

S2.2 Professional stream

(a) Professional Officer level 1

Work level description (PO1)

Work at this level is restricted to those Employees who have met the minimum entry requirements under the relevant legislation e.g. *Public Service Act 1996* plus the education requirements for acceptance into an appropriate tertiary institution.

Appointment to this level is solely for the purpose of fulfilling prerequisite education and/or training prior to appointment to the substantive grade (degree) in the professional stream.

A requirement at this level is the successful completion of the educational or training requirements of the particular professional group.

Appointees to this level may be enrolled as a full-time or part-time student, and if part time, may be required to do work associated with the relevant profession, but at a level and under a degree of supervision appropriate to the skills held. This may include some work normally which would be carried out by level 2 (i.e. practising) professional, provided such work is verified or validated by a qualified and experienced professional employee.

Characteristics of the work

Work within this level is performed under close supervision following standard routines, methods and procedures with little scope for deviation, or the exercise of initiative or judgment.

The routines, methods and procedures to be followed are at a level consistent with skills acquired. Initially direct guidance is given when problems arise.

Skills and knowledge will be acquired and demonstrated on a progressive basis consistent with the formal and informal training undertaken.

Positions at this level have no supervisory responsibility, although more experienced staff may be expected to assist new staff by providing basic advice and guidance.

Duties and skills

This level recognises that duties and skills will increase in complexity as the employee moves through the education and training phase.

Employees at this level usually perform repetitive tasks which are fully prescribed and are usually performed in response to standardised instructions or requests.

Employees at this level may undertake a combination of routine clerical, analysis, preparatory and operative duties requiring the application of basic skills and routines.

(b) Professional Officer level 2

Work level description (PO2)

Positions at this level consist of Employees with a minimum of a degree qualification or agreed equivalent and who are identified as belonging to the generic groupings listed in the definition statement.

Mandatory qualifications exist for entry to this level with an expectation of the application of professional knowledge gained through formal studies.

Positions at this level involve the delivery of basic professional services which are in support of agency objectives.

Characteristics of the work

Work is initially performed under close supervision by a more experienced professional, however, this supervision is expected to reduce as experience increases. Guidance is always close at hand.

The solution of problems may require the exercise of professional judgement through the selection and application of procedures, methods and standards, however guidance from senior staff is readily available.

Employees at this level may operate individually or as a member of a project team within a work group.

Positions at this level generally have no supervisory responsibilities although more experienced Employees may assist new Employees by providing guidance and advice.

Possession of the mandatory tertiary qualification and experience is required for positions within this level.

Additionally, knowledge of basic practices and procedures relevant to the discipline is required. Professional judgement may be exercised within prescribed areas, however the provision of results are subject to verification and validation.

Duties and skills

Positions at this level may involve an employee in a range of activities including the analysis and interpretation of findings as they relate to the elements of the work. They could also include the preparation of reports incorporating recommendations on basic operations.

Employees at this level perform non-repetitive tasks, governed by established procedures, specific guidelines and standardised instructions.

Employees shall have obtained professional knowledge as indicated by successful completion of the appropriate three year undergraduate degree or diploma and be able to apply theoretical aspects of the relevant discipline to basic problems or minor phases of broader assignments.

(c) *Professional Officer level 3*

Work level description (PO3)

This level usually requires professional expertise in one or more areas of a discipline. Detailed knowledge of standard professional tasks are required with scope existing for exercising initiative in the application of established work practices and procedures.

At this level some supervisory responsibility of subordinate staff may be required. The degree of supervision is variable depending on the assignment or project.

Employees will be required to progressively obtain greater specialised knowledge through postgraduate qualifications or postgraduate developmental experience through attendance at specialist seminars and achieve higher level of outcomes under reducing professional direction.

Characteristics of the work

Work is usually performed under general guidance with the general quality of output monitored by superiors. However, the technical content of the work is not normally subject to direct supervision. Guidance may be given in reviewing work programs or on unusual features of an assignment.

Employees are expected to exercise initiative in the application of professional practices either as a member (in some situations as leader) or a specialist professional in multi-disciplinary teams or independently and may deputise for the professional head of a small work unit.

Employees at this level may have supervisory responsibilities for technical staff, if required, together with responsibilities for training and development of subordinate professional staff within the discipline.

Duties and skills

Work at this level requires the undertaking of more complex activities and the selection and application based on professional judgement of new and existing techniques and methodologies.

Employees may carry out research under professional supervision and may be expected to contribute to the advances of the techniques used.

Supervisory responsibilities include on-the-job training, staff assessment and performance counselling in relation to subordinates with the discipline or para professionals, as well as authority for the verification and validation of work results of supervised staff.

Duties also include the responsibility for varied professional assignments, requiring knowledge of either a broad or specialised field. Problems would be addressed by the use of combinations of standard procedures and/or modifications of standard procedures.

(d) *Professional Officer level 4*

Work level description (PO4)

Work at this level usually requires the exercise of professional independence combined with competence derived from extensive experience and/or additional study.

High levels of initiative are required to be exhibited in accomplishing objectives and undertaking complex projects, which may be either on an individual basis as a recognised specialist, a professional practitioner with responsibilities for complex duties or as a senior specialist or leader in a multi-disciplinary team and may deputise for a professional head of a work unit.

The management of work groups may be a function of this level.

Characteristics of the work

Work is performed with limited or no professional supervision. Professional guidance from superiors is only received for those aspects of work which involve new or sophisticated techniques or relate to areas outside the normal span of activity.

Any standard professional task within the discipline, (including problem definition, planning, execution, analysis and reporting) is expected to be performed by an Officer of this level.

Work at this level requires the development and provision of professional advice and consultancy services to other agencies, industry representatives and the public. The level of information provided and recommendations made influence the decisions of others, including superiors and peers, especially in the monitoring, development and delivery of programs.

The general quality of advice given is monitored by superiors and is subject to professional standards.

The application of knowledge obtained through postgraduate specialist qualifications or extensive recognised expertise is required for appointment to this level.

Professional specialists at this level would undertake work with significant scope and/or complexity and/or undertake professional duties of an innovative, novel and/or critical nature without professional direction.

Duties and skills

The duties undertaken at this level are of a complex and varied nature. They require detailed knowledge of the agency's operations combined with a specialist or very high level of practitioner knowledge of major activities in the work unit.

Managerial responsibility may cover a small number of professional and related technical staff, and includes training of subordinate staff, co-ordination of workflow processes, responsibility for quality of output of the work unit, performance assessment and review, staff counselling, career planning and development, application of equal employment opportunity principles as well as implementing occupational health and safety guidelines and principles.

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

(e) *Professional Officer level 5*

Work level description (PO5)

Appointees to this level are recognised as authorities within a particular specialised field of expertise or they may have extensive knowledge within the professional discipline and broad experience spanning more than one professional discipline.

Positions at this level may have professional responsibility for a large work group.

Characteristics of the work

Work at this level may involve the exercise of substantial professional judgement based on knowledge of national initiatives and involvement in the development/application of discipline principles and new technology and/or knowledge of critical work which can involve a number of personnel from the disciplines or a variety of disciplines.

Work is usually performed without professional direction with a discretion permitted within the boundaries of broad guidelines to achieve organisational goals.

This level requires that appointees be recognised by their peers as expert professionals in their field either as practitioners or as professional specialists. This recognition is acknowledged by higher qualifications or by publications in refereed scientific journals.

The development and application of discipline principles and new technology may be a feature of this level, requiring the exercise of substantial professional judgement.

Management, initiation and formulation of research programs, major project or management of a scientific service or enterprise involving both a service and research work are features of this level.

Management of large work units, including prioritising work, training of staff, monitoring or work flow and setting of local strategic plans is often a feature of this level. Assessment and review of the standard of work of subordinate professional staff may also be required.

Positions within this level will generally have a very high profile within the discipline and will operate within broad guidelines to achieve specific objectives with professional independence.

Duties and skills

Work at this level requires a detailed knowledge of both Governmental policies and procedures and an appreciation of their application in relation to agency operations. The ability to interpret and provide advice on legislation, regulations and other guideline material relating to the operations and functions of the work area is required.

Duties may span a range of activities in a complex, specialised environment and may include contributing to the formulation of corporate policy and the implementation of policy directives.

The provision of expert advice on a consultancy basis to outside bodies, agencies and the public as well as participation on inter-agency committees to develop policy, planning and other initiatives is required.

Significant managerial skills and the abilities necessary to monitor resource allocations, evaluate professional, technical and economic impacts of programs, formulate policy and corporate strategy proposals are a requirement of positions within this level.

The management of very complex projects involving a number of personnel from either the discipline or a variety of professional disciplines may be required.

(f) *Professional officer level 6*

Work level description (PO6)

Work at this level is usually under the broad direction of a senior executive and includes a requirement for high levels of expertise and experience to determine professional objectives and priorities within the frameworks of an agency's corporate goals and in the absence of general professional guidance.

Appointees to this level are recognised as national or international authorities within their discipline and have generally made a significant contribution to the development of professional understanding on a national or international basis.

High levels of expertise and experience are required with a comprehensive knowledge of a recognised professional discipline.

This level may require the management of programs of critical importance to the State, to satisfy the Government's objectives or the agency's corporate goals.

Characteristics of the level

Work is undertaken in a highly complex or specialised field to establish and/or modify standards, guidelines, concepts, theories, techniques or principles, both by adapting precedents and by making significant departures from traditional approaches.

In the absence of other evidence higher qualifications or national/international professional recognition of expertise is considered essential to undertake duties at this level.

The provision of expert specialist consultancy skills with critical impacts to the industry, to the State and at times the Nation must be combined with the exercise of total professional independence.

Duties and skills

The lack of precedent is a significant feature of the majority of duties and actions undertaken.

Development and overseeing the implementation of new and high level programs and major investigations is a significant feature of this level, as is an emphasis on strategic management.

S2.3 Technical stream

(a) *Technical Officer level 1*

Work level description (TO1)

Work at this level is restricted to those Employees who have met the minimum entry requirements under the relevant legislation e.g. *Public Service Act 1996* plus the education requirements for acceptance into the appropriate tertiary institution.

Appointment to this level is solely for the purpose of fulfilling prerequisite education and/or training prior to appointment to the substantive grade in the technical stream.

A requirement at this level is the successful completion of the educational or training requirements of the particular technical group.

Appointees to this level may be enrolled as a full time or part time student, and if part time, may be required to do work associated with the relevant occupation, but at a level and under a degree of supervision appropriate to the skills held. This may include some work which normally would be carried out by level 2 (i.e. practising) technical Officer, provided such work is verified or validated by a qualified and experienced technical employee.

Characteristics of the work

Work within this level is performed under close supervision following standard routines, methods and procedures with little scope for deviation, or the exercise of initiative or judgment.

The routines, methods and procedures to be followed are at a level consistent with skills acquired. Initially direct guidance is given when problems arise.

Skills and knowledge will be acquired and demonstrated on a progressive basis consistent with the formal and informal training undertaken. Positions at this level have no supervisory responsibility, although more experienced staff may be expected to assist new staff by providing basic advice and guidance.

Duties and skills

This level recognises that duties and skills will increase in complexity as the employee moves through the education and training phase.

Employees at this level usually perform repetitive tasks which are fully prescribed and are usually performed in response to standardised instructions or requests.

Employees at this level may undertake a combination of routine clerical, analysis, preparatory and operative duties requiring the application of basic skills and routines.

(b) *Technical Officer level 2*

Work level description (TO2)

Positions at this level consist of Employees with a minimum of a diploma, advanced diploma, qualification, or agreed equivalent and who are identified as belonging to the generic groupings listed in the definition statement.

Positions at this level involve the delivery of basic technical services which are in support of agency objectives.

Characteristics of the work

Work is initially performed under close supervision by a more experienced professional or technical Officer, however, this supervision is expected to reduce as experience increases. Guidance is always close at hand and work outcomes are closely monitored.

The solution of problems may require the exercise of basic technical judgement through the application of standard procedures, methods and standards, however guidance from senior staff is readily available.

Employees at this level may operate individually under close supervision or as a member of a project team within a work group.

Positions at this level generally have no supervisory responsibilities although more experienced staff may assist new staff by providing guidance and advice.

Knowledge of basic practices and procedures relevant to the discipline is required with the possibility of specialisation in work application.

Duties and skills

Positions at this level may involve an employee in a range of activities including the analysis of findings as they relate to the elements of the work. They could also include the preparation of reports incorporating recommendations on basic technical investigations, tests or measurements.

Employees at this level perform non-repetitive tasks, governed by established procedures, specific guidelines and standardised instructions. Work is generally undertaken under technical guidance of senior staff.

Skills are generally transferable within particular disciplines.

Employees shall be required to have technical knowledge as indicated by successful completion of the appropriate diploma, advanced diploma, qualification and be able to apply theoretical aspects of the relevant discipline to basic problems or minor phases of broader assignments.

(c) *Technical Officer level 3*

Work level description (TO3)

Work at this level requires detailed technical knowledge and experience with demonstrated high levels of accuracy and precision. An understanding of the agency's functions, coupled with detailed knowledge of the Unit's operations, practices and procedures is necessary for competent performance.

An employee may be required to undertake a range of moderately complex tasks and functions or specialisation in a particular discipline may be a feature of work at this level.

Characteristics of the work

Work at this level is undertaken autonomously with limited guidance. Guidance is available for complex or unusual problems, research or moderately complex experimental work. However, the contribution of experience to resolve issues on a day to day basis for which there may be no established procedure is a requirement of this level.

Supervision of small work groups and responsibility for quality of output by the group may be a feature of this level.

Duties and skills

The determination, conduct and evaluation of standard technical practices and procedures is required at this level. Significant technical responsibility exists for the application of new techniques to moderately complex problems and may be combined with limited specialist research.

Supervisory responsibilities would be limited and would include on-the-job training, staff assessment and performance counselling in relation to subordinates within the discipline.

(d) *Technical Officer level 4*

Work level description (TO4)

Appointment to this level requires proven technical expertise and competence with demonstrated proficiency in applying established technical disciplines over several years either on an individual basis or as a member of a multi-disciplinary unit as either a technical practitioner or a technical specialist.

High levels of initiative in accomplishing technical objectives which may be either on an individual basis as a recognised technical specialist or as a senior technical specialist in a multi-disciplinary unit are required.

Characteristics of the work

Work is performed either independently, with limited guidance from superiors only received for those aspects of work which involve new or sophisticated techniques or relate to areas outside the position's normal span of activity, or as a member of a specialist or multi-disciplinary team.

Specialist technical consultancy either in the particular area of expertise or in a specialist area of expertise is required as is a high level of technical assistance to the work group.

The general quality of advice given is monitored by superiors and is subject to professional standards.

Management of work groups may be a feature of this level.

Duties and skills

Managerial responsibility includes training of subordinate staff, co-ordination of workflow processes, responsibility for quality of output of the work unit, performance assessment and review, staff counselling, career planning and development, application of equal employment opportunity principles as well as implementing occupational health and safety guidelines and principles.

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

The investigation of a range of operating and design issues is a key duty of this level.

(e) *Technical Officer level 5*

Work level description (TO5)

This level requires a high level of knowledge of complex though conventional methods and techniques of a particular discipline resulting from many years' experience and/or advanced technical training.

High levels of autonomy and initiative are required to be exhibited in accomplishing objectives and undertaking complex research projects, which may be either on an individual basis as a recognised technical specialist or as a senior technical specialist in a multi-disciplinary team. Employees would be expected to work with only broad guidelines in accomplishing objectives and undertaking complex projects.

The management of large technical work units which may be located across several work sites or involved in several programs may be a function of this level.

Characteristics of the work

Higher qualifications or further study or research experience is usually a characteristic of this level.

Management of large technical work units, including prioritising work, training of staff, monitoring of work flow and setting of local strategic plans is often a feature of this level. Assessment and review of the standard of work of subordinate technical staff may also be required.

Work at this level requires the development and provision of specialist technical advice and consultancy services to other agencies, industry representatives and the public. The level of information provided and recommendations made influence the decisions of others, including superiors and peers, especially in the monitoring, development and delivery of programs.

Duties and skills

The duties undertaken at this level are of a complex and varied nature. They require detailed knowledge of the agency's operations combined with a specialist knowledge of major activities within the work unit.

Key duties and skills include the development of innovative methodologies, the application of proven techniques to specialised technical services and the undertaking of significant projects requiring the use of analytical skills.

The development and implementation of research studies, the preparation of reports and the formulation of recommendations and strategic plans in relation to the operation of the unit are key duties at this level.

(f) *Technical Officer level 6*

Work level description (TO6)

Appointees at this level are recognised as authorities within a particular specialised technical field of expertise. This expertise is exhibited through extensive knowledge and experience within the area of specialisation possibly gained through either research or further qualifications.

Positions at this level may have managerial responsibility for major work units.

High levels of initiative are required to be exhibited in accomplishing objectives and undertaking complex projects, which may be either on an individual basis as a recognised technical specialist or as a senior technical specialist in a multi-disciplinary team.

Characteristics of the work

Work is usually performed without technical direction with a degree of individual discretion permitted within broad guidelines to achieve organisational goals.

The development and application of discipline principles and new technology may be a feature of this level, requiring the exercise of substantial technical judgement.

Positions within this level will generally have a very high profile within the discipline and will operate within broad guidelines to achieve specific objectives with technical independence.

Duties and skills

Work at this level requires a detailed knowledge of both Governmental policies and procedures and an appreciation of their application in relation to agency operations. The ability to interpret and provide advice on legislation, regulations and other guideline material relating to the operations and functions of the work area is required.

Duties may span a range of activities in a complex, specialised environment and may include contributing to the formulation of corporate policy and the implementation of policy directives.

The development of appropriate techniques in providing specialised technical services and the formulation of complex programs within the framework of objectives and priorities of major work units are key duties to this level.

The provision of expert advice on a consultancy basis to outside bodies, Agencies and the public as well as participation on inter-agency committees to develop policy, planning and other initiatives is required.

Significant managerial skills and the abilities necessary to monitor resource allocations, evaluate program effectiveness, formulate policy and corporate strategy proposals are a requirement of positions within this level.

S2.4 Operational stream

(a) *Operational Officer level 1*

Work level description (OO1)

Training, both on and off the job, is a dominant feature of this level.

Characteristics of the level

Work at this level is performed under close supervision and direction following standard routines, methods and procedures with little scope for deviation, or the exercise of initiative or judgment in the selection of appropriate means to complete the work assignment. Limited responsibility exists for the final outcome.

The routines, methods and procedures to be followed are at a level consistent with skills acquired. Direct guidance is given when problems arise.

Positions at this level have no supervisory responsibility.

Duties and skills

Employees at this level usually perform repetitive tasks which are fully prescribed and are usually performed in response to standardised instructions or requests. There is only limited scope for interpretation.

(b) *Operational Officer level 2*

Work level characteristics (OO2)

Positions at this level involve the delivery of operational services whose work routines, methods, and procedures are clearly established and there is limited scope for deviation.

Training, both on and off the job, is often a dominant feature of this level.

Characteristics of the level

Work may initially be performed under close supervision by a more experienced Officer, however, this supervision is expected to reduce as experience increases. Employees at this level may operate individually or as a member of a project team within a work group.

Limited discretion is available for the selection of the appropriate means of completing duties or tasks. Guidance is always available and work outcomes may be closely monitored.

Positions at this level may have limited supervisory responsibilities with more experienced staff assisting new staff by providing guidance and advice.

Duties and skills

Positions at this level may involve an employee in a range of activities including the performance of non-repetitive tasks governed by established procedures, specific guidelines and standardised instructions.

Duties may include field support or regulatory inspection activities and data collection and recording.

Appointees to this level undertake a range of functions requiring the practical application of acquired skills and knowledge.

Technical skills not requiring trade or equivalent qualifications are required in order to safely and effectively operate basic machinery to perform routine and standard functions, and organise duties across a working day to meet regular work load requirements.

(c) *Operational Officer level 3*

Work level description (OO3)

Appointment to this level requires proven expertise in the particular discipline with demonstrated proficiency in applying established techniques.

An understanding of the agency's functions coupled with detailed knowledge of the work units' operations, practices and procedures is necessary for competent performance.

Characteristics of the level

Employees at this level work under general direction and undertake a range of functions which may require the application of trade based skills and experience or the practical application of a high level of skills.

Employees at this level may operate individually or as a member of a project team within a work group.

Supervision of subordinate Employees within a small discrete work group or function may be a feature of this level.

Assistance is usually available if required when problems occur, although problems are usually resolvable by reference to procedures, documented methods and instructions.

Whilst there is some scope for the exercising of initiative in the application of established work practices and procedures, problems can generally be solved by reference to documented methods and instructions.

Duties and skills

Work at this level requires a sound knowledge of the agency's functions and the requirements of the discipline.

A sound knowledge of the operating procedures is required.

Supervisory responsibilities may include co-ordination of work flow processes, training of subordinate staff, responsibility of quality of output of the workgroup, staff assessment and performance counselling in relation to subordinates.

Knowledge and compliance with regulations, codes and specifications may be required.

Duties at this level may include application of trade based skills or equivalent involving field work, design/modification of equipment, research projects, support services and the collating and analysis of specimens or data.

(d) *Operational Officer level 4*

Work level description (OO4)

Work at this level requires specialised knowledge within the discipline.

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

Employees may be responsible for larger work groups or functions, field groups or district operations.

High levels of initiative in accomplishing objectives may be required to be exercised either on an individual basis or in a multi-disciplinary unit.

Characteristics of the work

Work is performed either independently with guidance from superiors only received for those aspects of work which involve new or sophisticated techniques or relate to areas outside the position's normal span of activity.

There is scope for the exercise of initiative in the application of established work practices and procedures.

Duties and skills

Duties include the supervision of a work group or function, field group or regional operation, with responsibility for the standard of workmanship, completion of work assignments and allocation of resources.

Interpretation of guideline material and documented precedents and the application of judgement may be required in determining solutions to problems.

(e) *Operational Officer level 5*

Work level description (OO5)

Work at this level requires specialised knowledge of complex though conventional methods and techniques.

High levels of autonomy and initiative may be required to be exhibited in accomplishing objectives and undertaking projects.

Management of large work groups may be a factor.

Characteristics of the level

Employees at this level are subject to limited direction and may exercise managerial responsibility for a large and complex work program.

Usually only broad guidance and advice is provided as to operational requirements and deadlines to achieve end results in line with operating goals.

Duties and skills

Duties may involve detailed planning, directing, co-ordinating or financial control within budget, material and workforce limitations established by management and the implementation of overall agency policies.

Managerial responsibility includes training of subordinate staff, co-ordination of workflow processes, responsibility for quality of output of the work unit, performance assessment and review, staff counselling, career planning and development, application of equal employment opportunity principles as well as implementing occupational health and safety guidelines and principles.

(f) *Operational Officers levels 6 & 7*

Work level description (OO6 & OO7)

Work at this level requires specialised knowledge and may be undertaken autonomously.

These are managerial levels and may include responsibility for large and complex work groups.

Characteristics of the work

Responsibilities at these levels will reflect the size and complexity of agency operations and will normally entail significant independence of action in the allocation of resources within constraints imposed by management.

Work is performed under limited direction with a significant degree of discretion permitted within the boundaries of broad guidelines to achieve organisational goals.

Duties and skills

Duties at this level reflect the independent operation of the employee and may involve significant allocation of resources.

Management of work units may include prioritising work, training staff, monitoring of work flow and setting of local strategic plans. Assessment and review of the standard of work of subordinate staff is also a requirement of this level.

Work at this level requires a knowledge and awareness of agency operations as well as detailed knowledge of major activities of the work unit.

The requirement to interpret legislation, regulations and other guidance material relating to the operations and functions of the work area is necessary for adequate performance at this level.

Schedule 3 - Agency specific provisions

Section 1 - Department of Communities

S3.1.1 Convenors - Youth Justice Conferencing

(a) Hours of work

- (i) The ordinary hours of work shall be worked between the hours of 6.00 a.m. and 6.00 p.m., Monday to Sunday, inclusive.
- (ii) The minimum engagement/period prescribed at clauses 4.4.3, 6.4.2 and 6.4.7 shall not apply to Youth Justice Convenors where the work performed relates to telephone calls and administrative work associated with organising conferences with clients. Such work shall be remunerated at the appropriate rate based on actual work performed.

(b) Extra payment for weekend work

All ordinary time worked on weekends shall be paid for in accordance with clause 6.5.3 of this Award.

Section 2 - Department of Corrective Services

S3.2.1 Visits Processing Officers

(a) Hours of work

The ordinary hours of work shall be worked between the hours of 6.00 a.m. and 6.00 p.m., Monday to Sunday, inclusive.

(b) Extra payment for weekend work

All ordinary time worked on weekends shall be paid for in accordance with clause 6.5.3 of this Award.

Section 3 - Department of Education, Training and the Arts

S3.3.1 Accumulated days off arrangements for School Support Staff

(a) Coverage

- (i) These arrangements cover permanent (including part-time permanent) and full-time temporary administrative Officers and other support staff employed in State Secondary Schools, Primary Schools, Special Schools and School Support Centres and including business services managers, administrative Officers (excluding administrative Officers employed in School Support Centres), science operations Officers, physiotherapists, occupational therapists, education program Officers and speech-language pathologists, whose rates of pay are prescribed in this Award.

(b) Working arrangements

- (i) An accumulated days off (ADO) arrangement shall operate on the basis of a calendar year cycle.
- (ii) The employer and all employees concerned in each school shall consult over the most appropriate means of implementing hours of duty arrangements.
- (iii) The objective of such consultation shall be to reach agreement on the method of implementing hours of duty arrangements in accordance with these arrangements.
- (iv) The outcome of such consultation shall be recorded in writing.
- (v) Where these arrangements provide that hours of duty arrangements shall be agreed between the parties, such agreement shall not be unreasonably withheld by either party.
- (vi) In determining hours of duty, wherever practicable, the employer shall:
- consult on the requirement to work specific hours before directing an employee to work those hours;
 - where the working of particular hours is not suitable to an employee on a given day, take into account whether other staff are available and competent to perform this work;
 - take into account the needs of workers with family responsibilities or disabilities;
 - provide timely notice of the requirement to work in excess of ordinary hours; and
 - take into account the employees' current levels of accumulated time.

(c) Grievance procedures

- (i) All grievances in respect to the accumulated days off arrangements shall be dealt with in accordance with clause 3.2 of this Award.

(d) Definitions

- (i) "Ordinary hours" means 7.25 hours worked in any one day, from Monday to Friday inclusive.
- (ii) "Accumulated time" means the time worked in excess of ordinary hours in any day and up to 9.5 hours, within the daily spread of hours.
- (iii) "Accumulated day off" means a day taken between Monday and Friday, without debit to any leave account, by accessing the accumulated time in multiples of 7.25 hours.
- (iv) "Hours of duty" means the hours determined by negotiation, during which employees may work, to a maximum of 9.5 per day.
- (v) "Employee" means, for the purpose of these arrangements, all full-time permanent and full-time temporary business services managers, administrative assistants, science operations Officers, physiotherapists, occupational therapists and speech language pathologists employed in State Secondary Schools, Primary Schools and Special Schools.
- (vi) "Employer" means the Director-General of Education, Training and the Arts or the Principal of a school or a School Support Centre coordinator acting as the delegate of the Director-General of Education, Training and the Arts in facilitating the implementation of these arrangements where the context so demands.
- (vii) "Spread of hours" means time worked between 6.00 a.m. and 6.00 p.m. Monday to Friday inclusive.
- (viii) "Temporary employee" means any employee engaged pursuant to section 113 of the *Public Service Act 1996* for fixed periods of one school term or greater.

- (ix) "School" means, for the purpose of these arrangements, all State Secondary Schools, State Primary Schools, State Special Schools and School Support Centres, excluding Statewide School Support Centres.

(e) Conditions of accumulated days off

- (i) Ordinary hours of work shall be worked between the hours of 6.00 a.m. and 6.00 p.m., Monday to Friday, inclusive.
- (ii) The maximum number of ordinary hours to be worked on any one day shall not exceed 9.5 hours exclusive of meal breaks to be worked within the hours prescribed in clause S3.3.1(e)(i).
- (iii) Authorised work performed, in excess of 9.5 hours exclusive of meal breaks on any one day, on weekends, on public holidays (or days in lieu of public holidays) and recalls to work will be recognised as overtime.
- (iv) Meal break - All employees shall take a lunch break of not less than 30 minutes duration between the third and sixth hours of daily duty.
- (v) Rest pauses - A rest pause(s) totalling 20 minutes duration per day in the employer's time shall be allowed to each employee at a time to suit operational requirements as determined by the employer.
- (vi) The employer must ensure an employee who resigns, retires or otherwise ceases duty has utilised all accumulated time upon cessation of duty.
- (vii) Accumulated time which an employee has accrued shall, at the defined school vacation periods be available to be taken, without debit to annual leave, on the following basis:
- April vacation period - 2 days (maximum);
 - June vacation period - 5 days (maximum);
 - September vacation period - 5 days (maximum).
- (viii) Accumulated time shall only be granted to employees when it has been accrued.
- (ix) Employees shall not accumulate in excess of 36.25 hours at any one time or, for part-time employees a *pro rata* equivalent of this period. Except where extenuating circumstances exist, all time worked beyond these periods shall not be recognised for the purposes of accumulated time and no continuing credit shall be given for time not availed of during the nominated school vacation period.
- (x) Employees who commenced duty during the school term shall only be eligible for accumulated days off based upon time accrued prior to the relevant school vacation period.

S3.3.2 *Community Participation Officers*

(a) Ordinary spread of hours

The daily spread of hours for community participation Officers employed by the Department of Education, Training and the Arts shall be worked between the hours of 6.00 a.m. and 9.00 p.m. Monday to Friday.

(b) Overtime

Community participation Officers who perform work on a Saturday or Sunday will by mutual agreement with the supervisor be compensated either by paid overtime or equivalent time off in lieu of overtime in accordance with a Directive relating to Field Staff as issued from time to time by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

S3.3.3 *Library Staff - TAFE Institutes*

The following conditions apply to permanent, temporary and casual Librarians, Library Assistants, and Library Technicians engaged at TAFE Institutes.

(a) Hours of work

- (i) The ordinary hours of work shall be 72.5 hours per fortnight exclusive of meal times.

(b) Shift work

- (i) By mutual agreement between the Employer and the Union, hours may be worked according to a roster.
- (ii) Employees may agree to work an afternoon shift commencing on or after 12 noon and continuing beyond 6.00 p.m. as part of a roster for ordinary hours covering Mondays to Sundays. Such afternoon shifts may be worked either on an ongoing basis, or on an *ad hoc* basis, and shall always be subject to mutual agreement between the employer and the employee.
- (iii) These arrangements, whilst not shift work as defined at clause 6.1.1(g) of this Award, shall be regarded as shift work and shall be subject to the shift work arrangements, shift allowance and extra payment for weekend work provisions prescribed in clause 6.5.1, 6.5.2 and 6.5.3 of this Award.
- (iv) Library staff members who commence work at or after 12 noon but who do not continue work beyond 6.00 p.m. are not considered to be working an afternoon shift and will be paid at the ordinary rate for these hours.

(c) Overtime

- (i) All overtime shall either be paid for in accordance with clauses 6.4.1 and 6.4.2 of this Award or, by mutual agreement between the employer and employee, compensated by the granting of equivalent time off in lieu on a time for time basis.
- (ii) Employees eligible for time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

Section 4 - Department of Emergency Services

S3.4.1 Systems Support Services, ICT Operations, ICT Services, Business Support Services

The following conditions apply to Technical Officers (TO2, TO3 and TO4) and Technical Assistants (TO1) engaged in Systems Support Services, ICT Operations, ICT Services.

(a) Hours of work

The ordinary hours of work shall be an average of 72.5 hours per fortnight worked over a 9 day fortnight Monday to Friday, and shall be performed between 7.30 a.m. and 4.05 p.m.:

Provided that where a team of employees is required to perform duties in the field on emergency deployments, such deployments shall be a maximum of 4 days' duration with a daily maximum of 12 hours' work.

(b) Lunch break

Employees shall be allowed an unpaid meal break of 30 minutes between the fourth and sixth hours of duty.

(c) Overtime

All overtime shall either be paid for in accordance with clauses 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(d) On call

Except in extenuating circumstances, an employee rostered on call shall be rostered on for 1 week in each 6 week cycle.

(e) Tool allowance

Employees required to supply and use their own tools shall be entitled to tool allowance as prescribed in the relevant clause of the *Engineering Award - State 2002*.

Section 5 - Department of Health

S3.5.1 *Biomedical Technicians - Biomedical Technology Services, Clinical and Statewide Services*

(a) Overtime allowance

Biomedical technicians will be paid a fortnightly overtime allowance in lieu of payment for week day overtime. The allowance is included in the calculation of ordinary salary for the purposes of paid leave.

The rate of the fortnightly allowance shall be calculated based on the following formula:

$$\text{TO3(4) ordinary hourly rate} \times 3 \text{ overtime hours per fortnight} \times 1.5$$

The above formula including the fortnightly overtime hours shall be reviewed at least every 2 years.

The allowance is paid as compensation for overtime performed during Mondays to Fridays.

All technicians undertaking such overtime are required to keep detailed records of overtime worked.

All overtime performed on Saturdays or Sundays shall be subject to clause 6.4 of this Award.

(b) On call allowance

Biomedical technicians rostered to be on call outside ordinary hours of duty in order to provide a satisfactory service for the maintenance of home dialysis machines shall receive on call allowances as prescribed in this Award.

Section 6 - Department of Justice and Attorney-General

S3.6.1 *Supreme and District Court Bailiffs*

(a) Hours of work

The ordinary hours of duty are 36.25 hours per week to be worked between the hours of 8.30 a.m. and 5.30 p.m. Monday to Friday inclusive.

(b) Overtime

Where a Bailiff is required to remain with a jury on lock-up, overtime shall be paid in accordance with the following:

Weekdays

5.30 p.m. to 8.30 p.m.	time and a-half
8.30 p.m. to 12.30 a.m.	double time
12.30 a.m. to 4.30 a.m.	sleep time (ordinary time)
4.30 a.m. to 7.00 a.m.	time and a-half
7.00 a.m. to 8.30 a.m.	double time

Weekends

Friday	5.30 p.m. to 8.30 p.m.	time and a-half
	8.30 p.m. to 12.30 a.m.	double time
Saturday	12.30 a.m. to 4.30 a.m.	sleep time (ordinary time)
	4.30 a.m. to 7.00 a.m.	time and a-half
	7.00 a.m. to 12.30 a.m.	double time
Sunday	12.30 a.m. to 4.30 a.m.	sleep time (ordinary time)
	4.30 a.m. to 12.30 a.m.	double time
Monday	12.30 a.m. to 4.30 a.m.	sleep time (ordinary time)
	4.30 a.m. to 7.00 a.m.	time and a-half

	7.00 a.m. to 8.30 a.m.	double time
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All other overtime performed by Bailiffs shall be in accordance with clause 6.4 of this Award.

(c) Rest pauses and meal breaks

Employees are entitled to rest pause(s) totalling 20 minutes per day to be taken at times to suit operational requirements as determined by the employer.

When on jury lock-up, the hours of duty will be inclusive of meal times and no deduction shall be made from the employee's wages.

Employees on jury lock-up are to be provided with meals.

(d) Casual employees

The minimum engagement for a casual employee shall be 4 hours.

(e) Public holidays

Entitlements to public holidays shall be in accordance with clause 7.7 of this Award and the *Industrial Relations Act 1999* provided that no additional public holiday penalties shall be payable in relation to sleep time (i.e. 12.30 a.m. to 4.30 a.m.) where a Bailiff is required to remain with the jury on lock-up.

S3.6.2 *Court reporters*

(a) Hours of work

The ordinary hours of duty are 37 hours per week.

(b) Annual leave

Court reporters are entitled to an additional 2 weeks annual leave per year as special leave in part compensation for any overtime worked.

Section 7 - Department of Mines and Energy

S3.7.1 *Casual and part-time employees*

(a) Hours of work

In lieu of the ordinary spread of hours of 9.00 a.m. to 5.00 p.m. Monday to Friday, as prescribed at clause S4.2.1, the ordinary spread of hours for employees engaged as casual employees or as part-time employees not in a flexible hours arrangement under Schedule 5 of this Award, will be 6.00 a.m. to 6.00 p.m. Monday to Friday.

S3.7.2 *Magazine Keepers*

(a) Annual leave

"Magazine employees" or "magazine managers" based at the centres of Helidon, Bajool, Queerah and Brookhill who are required to reside on site shall be entitled to 10 days' leave per annum in addition to their annual leave entitlement as compensation for being on call and confined to site. An employee acting in the capacity of a "magazine employee" or "magazine manager" and required to reside on site shall be entitled to *pro rata* entitlement of the 10 day additional leave during the period that the employee relieves or acts in that capacity. The additional 10 days' leave is not recreation leave and does not attract 17 1/2% loading.

S3.7.3 *Explosive Inspectors and Gas & Petroleum Inspectors*

(a) Out of hours allowance

(i) Explosive Inspectors and Gas & Petroleum Inspectors shall be paid an out-of-hours allowance of \$5,320 per annum to compensate for being on call for 7 days/nights per week and for overtime performed on Mondays to Fridays (excluding public holidays) outside ordinary hours.

(ii) This allowance is deemed to be non-superannuable and is payable on a fortnightly basis as an all-

purpose allowance payable on all paid leave.

- (iii) Compensation for overtime performed on Saturdays, Sundays and public holidays shall be in accordance with the Directive relating to Field Staff as issued from time to time by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

Section 8 - Department of Natural Resources and Water

S3.8.1 Casual and part-time employees

(a) Hours of work

In lieu of the ordinary spread of hours of 9.00 a.m. to 5.00 p.m. Monday to Friday, as prescribed at clause S4.2.1, the ordinary spread of hours for employees engaged as casual employees or as part-time employees not in a flexible hours arrangement under Schedule 5 of this Award, will be 6.00 a.m. to 6.00 p.m. Monday to Friday.

S3.8.2 Compensation for Forest Products Officers required to perform additional duties during the fire season

The following conditions apply to Public Service Officers and Temporary Employees engaged by Forest Products who are instructed to perform work outside of ordinary hours on fire fighting and support duties directly associated with fire fighting. Such duties include patrol at the face of a fire, air observer work, fire patrol and investigation work, repair and servicing of equipment when it is being used for fire fighting and operating communication equipment in the office or in the field.

(a) Rates of pay

- (i) Officers whose salary does not exceed classification level AO5 paypoint (4) shall be paid overtime at their normal salary rate.
- (ii) Subject to the approval of the Director-General, Department of Employment and Industrial Relations in accordance with the Directive relating to Hours and Overtime as issued from time to time by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*, Officers whose salary exceed classification level AO5 paypoint (4) shall be paid overtime at the salary rate applicable to classification level AO5 paypoint (4).

(b) Overtime rates

- (i) Work performed on Monday to Friday (excluding public holidays) will be paid for at time and a-half for the first 3 hours and double time thereafter.
- (ii) Work performed on Saturday will be paid for at time and a-half for the first 3 hours and double time thereafter.
- (iii) Work performed on Sunday will be paid for at double time.
- (iv) Work performed on public holidays will be paid for at double time and a-half.

(c) Minimum payments

- (i) The minimum payment for Saturdays and Sundays is 2 hours at the applicable rate.
- (ii) The minimum payment for public holidays is 4 hours at the applicable rate.
- (iii) Where an Officer performs overtime duty more than once within the minimum overtime payment period, the second or subsequent periods within the minimum overtime payment period will not stand alone.

(d) Calculation of overtime

- (i) For the purposes of these arrangements, managers may authorise overtime to commence after the basic daily ordinary hours.
- (ii) Where an Officer "on call" at home is recalled for duty outside ordinary working hours, such time is to be calculated on the basis of home and back to home.
- (iii) Where an Officer who is not "on call" at home is required for duty outside ordinary working hours,

such time is to be calculated from the time of commencement and cessation of duty at the Officer's headquarters.

(e) Meal times

- (i) An Officer who is instructed to commence work more than 2 hours before the ordinary commencing time shall be allowed a half hour for breakfast in the employer's time provided the Officer resumes work at the end of such half hour.
- (ii) An Officer who is instructed to work for more than 1 hour after the ordinary ceasing time shall be allowed in the employer's time a half hour for a meal after the expiration of one hour; and 45 minutes in the employer's time after each further 4 hours worked.
- (iii) An Officer required to perform overtime after completing the ordinary hours and having left the job site, shall be allowed a meal break of 45 minutes in the employer's time after each 4 hours worked.
- (iv) An Officer, other than an Officer performing duty on communication equipment or performing other support duties in the office, who is instructed to work during the ordinary meal times, shall be paid at the rate of double time until allowed the usual time for a meal break.
- (v) An Officer performing duty on communication equipment or performing other support duties in the office when instructed to work during the ordinary meal times shall be allowed a crib break of 30 minutes for which no deduction of pay shall be made:

Provided that such break shall be taken at a time that will not interfere with the continuity of work where continuity is necessary.

(vi)

- (A) An Officer instructed to work overtime on Saturday or Sunday beyond the fifth hour of such overtime shall be entitled to an unpaid meal break of 30 minutes.
 - (B) Should an Officer be instructed to continue such overtime beyond 9 hours the Officer shall be entitled to a further break of 30 minutes. After each further 4 hours of overtime, the Officer shall be entitled to a 45 minute break for which no deduction of pay shall be made provided that the Officer is required to continue working thereafter.
- (vii) Each Officer shall be provided with a reasonable meal by the employer at the times mentioned in clauses S3.8.2(e)(i), (ii) & (vi) above or shall be paid the minimum meal allowances as prescribed in the Directive relating to Overtime Meal Allowance as issued from time to time by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

(f) Fatigue leave

- (i) An Officer who under instruction works so much overtime between the termination of ordinary work on one day and the commencement of ordinary work on the next day and has not had at least 10 consecutive hours off duty between those times, provided that recalls of less than 3 hours work on duties other than actual fire fighting shall not be regarded as overtime in terms of this clause, shall, subject to this clause be released after completion of such overtime until the Officer has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence. If on the instruction of the employer, such Officer resumes or continues work without having had 10 consecutive hours off duty, the Officer shall be paid double rates for such period until released from duty for such period and shall then be entitled to be absent until 10 consecutive hours off duty has occurred without loss of pay for ordinary working time occurred during such absence.

(g) On call

- (i) Where Officers are instructed to remain on standby in case of fire, they shall be compensated as follows:
 - (A) Officers required to remain "on call" at home on weekends and public holidays shall be allowed time off in lieu on the basis of 50% of actual time the Officer remains "on call".
 - (B) Officers holding themselves available in offices "on call" on Saturday, Sunday or public holidays shall be granted equivalent time off.

(h) Weekend work

- (i) All Officers who perform additional duties during a fire season shall, except in cases of a serious fire emergency, have an average of 1 weekend in 3 entirely free from duty.

Section 9 - Department of Police

S3.9.1 Telephonists

Ordinary hours of duty for telephonists working shift work in the Queensland Police Service shall average 32.5 hours per week.

Such shift work shall be worked in accordance with a roster mutually agreed between the Commissioner of Police and either the appropriate industrial organisation or the representative of the employees; provided that the ordinary hours shall not exceed 65 per fortnight, comprising 7 shifts of 8 hours and one shift of 9 hours.

Section 10 - Department of Primary Industries and Fisheries

S3.10.1 Scientific Assistants and Animal Attendants handling pathogenic materials

(a) Risk allowance

Scientific Assistants and Animal Attendants required to handle materials or animals infected with disease pathogenic to humans shall be entitled to be paid a "Risk Allowance" at the rate of \$17.30 per fortnight in addition to their ordinary rate of pay.

S3.10.2 Scientific and Technical Employees working at sea

(a) At sea allowance

- (i) Scientific and Technical Employees working on research vessels whilst at sea shall be entitled to be paid an "At Sea Allowance" at the rate of \$13.70 per day.
- (ii) Whilst at sea, employees shall be provided with proper meals and accommodation, bedding, soap, clean bed linen weekly and clean towels twice weekly. The employer shall be responsible for laundering of linen and towels.

S3.10.3 Queensland Boating and Fisheries Patrol (QBFP)

The following conditions apply to all QBFP employees up to and including District Manager. They do not apply to administrative Officers, Regional Managers or the Superintendent.

(a) Extra payment for weekend work

- (i) All ordinary time duty performed between midnight on Friday and midnight on Saturday will be paid for at the rate of time and a-half and all ordinary duty performed between midnight on Saturday and midnight on Sunday shall be paid for at the rate of double time.
- (ii)
 - (A) The provisions of clause S3.10.3(a)(i) will not apply to ordinary time performed on the:
 - first 6 rostered Sunday shifts (representing 8 hours per shift, 48 hours in total) for the 2007-2008 financial year;
 - first 5 rostered Sunday shifts (representing 8 hours per shift, 40 hours in total) for the 2008-2009 financial year;
 - first 4 rostered Sunday shifts (representing 8 hours per shift, 32 hours in total) from the commencement of the 2009 financial year.
 - (B) Where the duration of ordinary shifts either is greater than or lesser than the average daily ordinary hours, the total ordinary hours worked will contribute on a proportionate basis towards the relevant Sunday shifts where payment of ordinary weekend penalties does not apply.
 - (C) An employee may elect to combine or convert the relevant Sunday shifts with Saturdays and/or Sundays or alternatively with Saturdays and/or Sundays and public holidays. Should this option be chosen a Saturday shift of 8 hours will equate to 4 hours and a public holiday shift of 8 hours will equate to 12 hours.

(D) Any approved leave (e.g. sick leave, annual leave, rostered days off, special leave) taken on one or more of the relevant Sundays (or elected alternative) will not contribute towards attaining the relevant number of Sundays stipulated in clause S3.10.3(a)(ii)(A).

(E) The prescribed number of rostered relevant Sunday shifts to be worked at ordinary time will not be accumulative and there will be no reduction in the employee's ordinary pay if the prescribed number of relevant Sunday shifts to be worked at ordinary time are not rostered and performed within each 12 month period.

(iii) For the purposes of clause S3.10.3:

"Sunday shift" means a shift of 8 hours worked on a Sunday.

"Relevant Sunday shifts" means the total stipulated hours in each relevant financial year which an employee is required to work as ordinary hours before being paid weekend penalties in accordance with clause S3.10.3(a)(i). This will mean the first relevant rostered Sundays of each financial year.

(iv) An employee entitled to receive extra payment for weekend work may elect to be compensated by time off in lieu.

(b) Night shift allowance

(i) An employee will be paid 15% in addition to ordinary rates in respect of periods of ordinary duty performed between the hours of 6.00 p.m. and 6.00 a.m. to a maximum of 8 hours and a minimum of 4 hours. This allowance will not be paid in respect of meal breaks or for ordinary duty performed on weekends.

(c) Offshore surveillance duty

(i) An employee who undertakes offshore surveillance duties carried out on behalf of the Commonwealth in the Torres Strait, the Gulf of Carpentaria or such other locality or localities as may be required by the Employer from time to time shall be paid an "Offshore Surveillance Duty" allowance in respect of continuous periods spent at sea travelling or anchoring out on offshore surveillance duty as follows:

(A) For the first 2 days - \$10.24 per day.

(B) For each subsequent day of 24 hours - 102.5c per hour with a minimum payment of \$10.30 for any part of a day less than 10 hours.

(ii) Employees will accrue one day's leave for each completed week (7 days) that such employees are away from port. Where the period is more than 1 week, any further period of less than a completed week is to be calculated on a *pro rata* basis of 0.143 of a day's leave for each day away in excess of 7 days:

Provided that such leave shall be given and taken by mutual consent within 6 months of the date of completion of the period of offshore surveillance duty wherein such leave was accumulated.

(d) Hours of work

(i) Subject to clause S3.10.3(e) and the exceptions hereinafter provided, the ordinary hours of work shall be an average of 38 hours per week, to be worked on the basis of 152 hours within a work cycle not exceeding 28 consecutive days.

(ii) The ordinary hours of work exclusive of meal times will not exceed 12 hours per day Monday to Sunday inclusive.

(iii) The ordinary hours of work, including starting and finishing times will be specified in a roster prepared by the District Officer.

(iv) The ordinary starting and finishing times of individual employees within a district may be staggered as determined by the District Officer.

(v) Starting and finishing times of rostered hours may be altered by the District Officer to cater for the needs of the Patrol, geographic, safety, or climatic conditions. The District Officer will give 24 hours notice of this change, or if less, as mutually agreed.

(vi) An employee will be allowed 2 whole consecutive days off in each week. In lieu of 2 whole days off

in each week an employee may be allowed in each fortnightly period either 1 day off in 1 week and 3 consecutive days off in the other week or 4 consecutive days off.

Additionally, one day off at the end of one week and one at the beginning of the following week, will be counted as meeting the requirements of this clause

(e) Implementation of the 38 hour week

- (i) The roster will be determined and implemented on the basis of 1 rostered day off each 4 weeks.
- (ii) The employer and employee may agree to accrue up to a maximum of 5 rostered days off. Where such agreement has been reached, the accrued rostered days off will be taken within 12 calendar months of the date on which the first rostered day off was accrued. Consent to accrue rostered days off will not be unreasonably withheld by either party.
- (iii)
 - (A) Subject to clause S3.10.3(e)(iii)(B), the employer will have the right to require employees who are rostered to work to take a rostered day off on 2 occasions per financial year, because of inclement weather. These days will be utilised at the discretion of the District Officer. Where an employee is directed not to attend work due to inclement weather, the employer and the employee concerned shall agree on which rostered day off falling within the ensuing 3 months where the employee will perform ordinary duty.
 - (B) To utilise the provisions of clause S3.10.3(e)(iii)(A), the District Officer is to give 24 hours notice to an employee who is rostered to work on the day immediately prior to the day which is to be utilised as a rostered day off because of inclement weather. By mutual agreement, less than 24 hours notice may be given.
- (iv) For the purposes of clauses S3.10.3(d) & (e):

"District Officer" will mean the District Officer, District Manager, District Operations Officer, Senior Field Officer or Senior Response Officer.

"Inclement weather" will mean a weather forecast which indicates:

- wind speed is expected to be 20 knots or greater and/or;
- rain and/or;
- storms (including thunder storms) and/or;
- lightning.

(f) Overtime

- (i) Except as hereinafter provided, all authorised work performed by employees remunerated at classification level TO5 paypoint (1) and below, in excess of the rostered hours each day will be paid for at overtime rates provided that the time so worked will not be paid for until at least 76 hours per fortnight have been worked.

All authorised work performed by employees remunerated above classification level TO5 paypoint (1) will be subject to the Directive relating to Hours and Overtime as issued from time to time by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

- (ii) Overtime will be paid for at the rate of time and a-half for the first 3 hours and double time thereafter provided that overtime performed on a Sunday shall be paid for at double time.
- (iii)
 - (A) Work performed on days not rostered to be worked as part of ordinary hours will be paid for at time and a-half for the first 3 hours and double time thereafter with a minimum of 2 hours work or payment therefore. However, overtime performed on a rostered day off which falls on a Sunday shall be paid for at double time with a minimum of 2 hours.
 - (B) The minimum payments outlined in clause S3.10.3(f)(iii)(A) will not apply where such overtime is performed immediately preceding and/or following ordinary hours.

- (iv) Overtime will be calculated to the nearest quarter of an hour in the total amount of time in respect to which overtime is claimed by the employee.
- (v)
 - (A) Subject to clause S3.10.3(f)(i), an employee (other than an employee on call) having been recalled to perform duty will be paid for the time worked, with a minimum of 2 hours for each call out at the prescribed overtime rate. The minimum payment will not apply where the overtime is performed immediately preceding and/or is continuous with ordinary hours of duty.
 - (B) Where in terms of clause S3.10.3(f)(v)(A), an employee is again called out within that 2 hour period, no further minimum payment will apply. However, the employee will be entitled to be paid at the prescribed overtime rates for the work performed.
- (vi) An employee entitled to be paid for overtime may elect to be compensated by time off in lieu.

S3.10.4 *Conditions of Employment - Casual Plant Health Inspectors*

(a) Ordinary spread of hours

The ordinary spread of hours shall be midnight to midnight, Monday to Sunday.

(b) Travelling time

Casual Plant Health Inspectors shall only be paid for work performed on inspections. There is no payment for travelling time between inspections.

(c) Minimum engagement

Casual Plant Health Inspectors shall be paid for the hours worked with a minimum engagement period of one hour per day.

S3.10.5 *Dog allowance for DPIF employees*

(a) Dog allowance

Department of Primary Industries Employees subject to this Award who house, feed, care and maintain Departmental dogs, shall be paid at the rate of \$202.50 per fortnight for the first dog and \$135.10 per fortnight for each additional dog.

(b) Coverage of allowance

This allowance includes the cost of food and will only be payable for periods where the dog is under the direct care of the employee.

(c) Annual leave

In addition to the above, such Employees shall also be entitled to one week additional annual leave accrued on an hourly basis for periods where the dog is under the direct care of the employee.

(d) Expenses

Any veterinary, local authority registration expenses and other sundry costs are paid for by the Department.

(e) Adjustment of allowance

This allowance shall be adjustable as work-related allowances based on increases granted through the State Wage Case General Rulings by the Queensland Industrial Relations Commission.

Section 11 - Department of Public Works

S3.11.1 *Computer Operators - CITEC - 12 Hour Shift Arrangements*

The parties have agreed to review these arrangements and incorporate the detail into this section in due course.

Section 12 - Department of Transport

S3.12.1 *Driver Examiners*

(a) Excess travel

Where a Driver Examiner must commence work at a worksite other than their normal headquarters and as a consequence must travel more than 15 minutes in excess of the time usually taken to travel from the employee's residence to the usual workplace within the spread of 6.00 a.m. to 6.00 p.m. Monday to Friday, such time including excess travel time for the return journey to the employee's residence shall be paid for at ordinary time.

(b) Hours of work

The ordinary hours of work shall be an average of 72.5 hours per fortnight worked within a spread of 6.00 a.m. to 6.00 p.m. Monday to Friday and shall be rostered over a 9 day fortnight or a 19 day month.

S3.12.2 *Transport Inspectors*

The following arrangements apply to Transport Inspectors who work ordinary hours on other than a day work basis:

(a) Shift rostering principles

- (i) Employees will be provided with 2 consecutive days off in every 7. Where the roster provides for 10 consecutive days, a 4 day break applies. The shift preceding a rest day shall finish at 12 midnight at the latest. The next rostered working day will not commence any earlier than 12 midnight 48 hours later. Rosters of this nature will only be programmed in exceptional circumstances.
- (ii) Overtime shifts/changes of duty may be worked by consent after a break of one whole day subject to other guidelines being observed.
- (iii) Rosters are not to provide for a permanent night shift. A night shift will commence after 6.00 p.m. and before 12 midnight.
- (iv) During a rostered period there will be no more than a 6 hour variance between the shift commencement time on the first day of the rostered period and the last day of the rostered period. This will apply unless there is a day off between shifts or an operational gap as prescribed in clause S3.12.2(a)(v). In addition there will be no more than a 2 hour variance between shift start times from one day to the next.
- (v) There shall be an allowable one operational gap per rostered cycle. An operational gap is constituted by a shift variance from one shift to the next of more than 6 hours.
- (vi) Where an employee works an overtime shift or part shift at their request which results in there being less than 10 hours break from the end of overtime and the beginning of the next rostered shift, that next ordinary rostered shift will be paid at ordinary rates.

(b) Night work allowance

An allowance of 5% of the hourly rate of pay for Transport Inspectors and Senior Transport Inspectors will be paid for ordinary hours worked between 10.00 p.m. and 6.00 a.m. Monday to Friday. The allowance will not apply to work performed on weekends. This is in addition to the normal 15% shift penalty for shift work that commences outside the hours 6.00 a.m. to 10.00 a.m. Monday to Friday.

(c) Hours of work

Hours of duty will be 76 hours per fortnight worked in accordance with clauses 6.1.3, 6.1.4 and 6.1.5 with a paid meal break of 30 minutes. Overtime shall be paid at the rate of double time for work performed outside the rostered hours of duty during the rostered working week.

Section 13 - Forestry Plantations Queensland Office

S3.13.1 *Compensation for Forestry Plantations Queensland Office Forestry Officers required to perform additional duties during the fire season*

The following conditions apply to Public Service Officers and Temporary Employees engaged by Forestry Plantations Queensland Office who are instructed to perform work outside of ordinary hours on fire fighting and support duties directly associated with fire fighting. Such duties include patrol at the face of a fire, air observer work, fire patrol and

investigation work, repair and servicing of equipment when it is being used for fire fighting and operating communication equipment in the office or in the field.

(a) Rates of pay

- (i) Officers whose salary does not exceed classification level AO5 paypoint (4) shall be paid overtime at their normal salary rate.
- (ii) Subject to the approval of the Director-General, Department of Employment and Industrial Relations in accordance with the Directive relating to Hours and Overtime as issued from time to time by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*, Officers whose salary exceed classification level AO5 paypoint (4) shall be paid overtime at the salary rate applicable to classification level AO5 paypoint (4).

(b) Overtime rates

- (i) Work performed on Monday to Friday (excluding public holidays) will be paid for at time and a-half for the first 3 hours and double time thereafter.
- (ii) Work performed on Saturday will be paid for at time and a-half for the first 3 hours and double time thereafter.
- (iii) Work performed on Sunday will be paid for at double time.
- (iv) Work performed on public holidays will be paid for at double time and a-half.

(c) Minimum payments

- (i) The minimum payment for Saturdays and Sundays is 2 hours at the applicable rate.
- (ii) The minimum payment for public holidays is 4 hours at the applicable rate.
- (iii) Where an Officer performs overtime duty more than once within the minimum overtime payment period, the second or subsequent periods within the minimum overtime payment period will not stand alone.

(d) Calculation of overtime

- (i) For the purposes of these arrangements, managers may authorise overtime to commence after the basic daily ordinary hours.
- (ii) Where an Officer "on call" at home is recalled for duty outside ordinary working hours, such time is to be calculated on the basis of home and back to home.
- (iii) Where an Officer who is not "on call" at home is required for duty outside ordinary working hours, such time is to be calculated from the time of commencement and cessation of duty at the Officer's headquarters.

(e) Meal times

- (i) An Officer who is instructed to commence work more than 2 hours before the ordinary commencing time shall be allowed a half hour for breakfast in the employer's time provided the Officer resumes work at the end of such half hour.
- (ii) An Officer who is instructed to work for more than one hour after the ordinary ceasing time shall be allowed in the employer's time a half hour for a meal after the expiration of one hour; and 45 minutes in the employer's time after each further 4 hours worked.
- (iii) An Officer required to perform overtime after completing the ordinary hours and having left the job site, shall be allowed a meal break of 45 minutes in the employer's time after each 4 hours worked.
- (iv) An Officer, other than an Officer performing duty on communication equipment or performing other support duties in the office, who is instructed to work during the ordinary meal times, shall be paid at the rate of double time until allowed the usual time for a meal break.
- (v) An Officer performing duty on communication equipment or performing other support duties in the office when instructed to work during the ordinary meal times shall be allowed a crib break of 30

minutes for which no deduction of pay shall be made:

Provided that such break shall be taken at a time that will not interfere with the continuity of work where continuity is necessary.

(vi)

(A) An Officer instructed to work overtime on Saturday or Sunday beyond the fifth hour of such overtime shall be entitled to an unpaid meal break of 30 minutes.

(B) Should an Officer be instructed to continue such overtime beyond 9 hours, the Officer shall be entitled to a further break of 30 minutes. After each further 4 hours of overtime, the Officer shall be entitled to a 45 minute break for which no deduction of pay shall be made provided that the Officer is required to continue working thereafter.

(vii) Each Officer shall be provided with a reasonable meal by the employer at the times mentioned in clauses S3.13.1(e)(i), (ii) & (vi) above or shall be paid the minimum meal allowances as prescribed in the Directive relating to Overtime Meal Allowance as issued from time to time by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

(f) Fatigue leave

(i) An Officer who under instruction works so much overtime between the termination of ordinary work on one day and the commencement of ordinary work on the next day and has not had at least 10 consecutive hours off duty between those times, provided that recalls of less than 3 hours work on duties other than actual fire fighting shall not be regarded as overtime in terms of this clause, shall, subject to this clause be released after completion of such overtime until the Officer has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence. If on the instruction of the employer, such Officer resumes or continues work without having had 10 consecutive hours off duty, the Officer shall be paid double rates for such period until released from duty for such period and shall then be entitled to be absent until 10 consecutive hours off duty has occurred without loss of pay for ordinary working time occurred during such absence.

(g) On call

(i) Where Officers are instructed to remain on standby in case of fire, they shall be compensated as follows:

(A) Officers required to remain "on call" at home on weekends and public holidays shall be allowed time off in lieu on the basis of 50% of actual time the Officer remains "on call".

(B) Officers holding themselves available in offices "on call" on Saturday, Sunday or public holidays shall be granted equivalent time off.

(h) Weekend work

(i) All Officers who perform additional duties during a fire season shall, except in cases of a serious fire emergency, have an average of one weekend in 3 entirely free from duty.

Section 14 - Queensland Art Gallery

S3.14.1 Protection and Services Staff

(a) Hours of work

The ordinary hours of work shall be worked between the hours of 6.00 a.m. and 6.00 p.m., Monday to Sunday, inclusive.

(b) Extra payment for weekend work

All ordinary time worked on weekends shall be paid for in accordance with clause 6.5.3 of this Award.

Section 15 - Queensland Museum

S3.15.1 Visitor Services Officers, Information Officers and Education Assistants

(a) Hours of work

The ordinary hours of work shall be worked between the hours of 6.00 a.m. and 6.00 p.m., Monday to Sunday, inclusive.

(b) Extra payment for weekend work

All ordinary time worked on weekends shall be paid for in accordance with clause 6.5.3 of this Award.

Schedule 4 - Occupation specific provisions

Section 1 - Schedule of employees whose hours of work have been determined to be 38 hours per week

S4.1.1 Department of Education, Training and the Arts

Schools Officer (Facilities)
Schools Officer (Grounds and Facilities)
Schools Officer (Grounds)
Groundsperson (TAFE Institutes)
Team Leader - Operations (TAFE Institutes)
Facilities Manager (TAFE Institutes)

Department of Mines and Energy

Senior Magazine Keeper
Assistant Magazine Keeper
Explosives Reserve Keeper

Department of Public Works

Warehouse Foreperson
Warehouse Supervisor
Senior Storeperson
Storeperson

Queensland Art Gallery

Gallery Services Officer (formerly Attendant, Queensland Art Gallery)

All other employees to whom this Award applies whose approved ordinary hours of duty at the date of operation of this Award were 38 except those employees whose hours are covered by the provisions of Schedule 3 and Schedule 4.

Section 2 - Hours of work (specified employees)

S4.2.1 Except as otherwise provided for in Schedule 3 or Schedule 4, the ordinary hours of work for employees engaged as casual employees or as part-time employees not in a flexible hours arrangement under Schedule 5 of this Award, shall be 9.00 a.m. to 5.00 p.m. Monday to Friday.

S4.2.2 Specific hours of work provisions apply to employees listed in Schedule 4, Section 1 as follows:

- (a) Schools Officers (Department of Education, Training and the Arts) (formerly janitor/grounds attendant) - The ordinary hours of work shall not exceed 10 hours per day Monday to Friday inclusive and shall be worked between 6.00 a.m. and 6.00 p.m.
- (b) Warehouse Staff (Department of Public Works - Sales and Distribution Services) - The ordinary hours of work shall not exceed 10 hours per day Monday to Friday inclusive and shall be worked between 6.00 a.m. and 6.00 p.m.
- (c) All other employees listed in Schedule 4, Section 1 - the ordinary hours of work shall not exceed 10 hours per day Monday to Sunday inclusive and shall be worked between 6.00 a.m. and 6.00 p.m.

Employees shall be entitled to two consecutive days off in each 7 day period:

- Provided that where the ordinary hours are to exceed 8 on any day, the arrangement of hours shall be subject to agreement of the employer as the case may be and the employee or employees concerned:
- Provided further that except where otherwise prescribed in Schedule 3 or Schedule 4 all authorised overtime worked outside the hours of 6.00 a.m. and 6.00 p.m. shall be paid at overtime rates.

Section 3 - Nursing staff

S4.3.1 Salaries applicable to nursing staff

CLASSIFICATION LEVEL	AWARD RATE (including the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments)
	Per Fortnight
	\$
IV - 1	1,144.50
IV - 2	1,206.80
IV - 3	1,350.80
IV - 4	1,474.40
Level 1	
1st year	1,428.60
2nd year	1,475.80
3rd year	1,519.00
4th year	1,570.00
5th year	1,617.20
6th year	1,664.40
7th year	1,711.60
8th year	1,754.60
Level 2	
1st year	1,801.80
2nd year	1,829.20
3rd year	1,860.60
4th year	1,892.20
Level 3	
1st year	1,951.00
2nd year	1,986.40
3rd year	2,021.60
4th year	2,057.20
Level 4	2,383.00
Level 5	
Grade 1	2,245.60
Grade 2	2,363.40
Grade 3	2,520.60
Grade 4	2,677.80
Grade 5	2,952.80
Grade 6	3,227.80

Two increments of \$2.50 per fortnight.

(The above classifications are not restricted to any defined limitations of hours of duty which may be prescribed in the *Queensland Public Service Award - State 2003*).

NOTE: The rates of pay in this Award are intended to include the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments and arbitrated wage adjustments. This arbitrated wage adjustment may be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employment are regulated by this Award which are above the wage rates prescribed in the Award. Such payments include wages payable pursuant to certified agreements, currently operating enterprise flexibility agreements, Queensland workplace agreements, award amendments to give effect to enterprise agreements and overaward arrangements. Absorption which is contrary to the terms of an agreement is not required.

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

S4.3.2 Employees working afternoon or Night Shifts are paid an allowance of 15% per shift for all ordinary time worked in addition to their ordinary salary.

S4.3.3 The overtime provisions contained at clause 6.4 do not apply to nursing staff whose conditions are prescribed in Schedule 4.

S4.3.4 Clauses 5.2 to 5.12 inclusive shall not apply to nursing staff.

S4.3.5 On-call and recall allowances applicable to nursing staff

- (a) An employee other than a registered nurse level 4 or level 5 who is rostered to be on call at their private residence, or any other mutually agreed place between rostered shifts of ordinary hours Monday to Friday both days inclusive, shall receive an additional amount of \$18.07 for the period or part thereof.
- (b) An employee other than a registered nurse level 4 or level 5, who is rostered to be on call at their private residence, or any other mutually agreed place on a Saturday shall receive an additional amount of \$27.08 for the period or part thereof.
- (c) An employee other than a registered nurse level 4 or level 5, who is rostered to be on call at their private residence, or any other mutually agreed place on a Sunday, a public holiday or a rostered day off shall receive an individual amount of \$31.62 for the period or part thereof.
- (d) Subject to clause S4.3.5(e), should an employee rostered to be on call be recalled to duty, such employee in addition to the rates prescribed in clauses 1 to 3, be entitled to receive normal overtime provisions.
- (e) (i) Subject to clause S4.3.5(e)(ii) below:
 - (A) An employee who is rostered to be on call and is recalled to work for any purpose shall be paid a minimum of 3 hours at the appropriate overtime rate provided that the employee shall not be required to work for 3 hours if the work for which the employee was recalled to perform is completed in less time:

Provided further that in the case of an employee who is rostered to be on-call, and who is recalled to work, payment shall be made from the time the employee starts work.
 - (B) An employee who is not rostered to be on-call and is recalled to work shall be paid a minimum of 3 hours, provided that the time spent travelling to and from the place of duty shall be deemed to be time worked:

Provided that where an employee is recalled within three hours of commencing normal duty and the employee remains at work, only time spent travelling to work shall be included with actual duty for the purpose of overtime payment.
- (ii) An employee recalled to work shall not be obliged to work for 3 hours if the work for which the employee was recalled, and any other further work for which the employee otherwise would have been recalled, is completed in less than 3 hours.
- (iii) If an employee is recalled to work the employee shall be provided with transport to and from their home or shall be refunded the cost of such transport:

Provided that where an employee is recalled to work within 3 hours of commencing normal duty and the employee remains at work, the employee shall be provided with transport from their home to the hospital or shall be refunded the cost of such transport.
- (f) An employee placed on call is required to remain at their private residence or any other mutually agreed place as will enable the employer to readily contact them during the hours for which they may have been placed on-call. Clause S4.3.5(f) should not prevent the provision by employers of electronic or other devices by which the employee could be contacted as an alternative to being stationed at an agreed place.
- (g) An employee on call who usually lives-out and who is required to remain on close call within the facility precincts shall be provided free of charge with board and lodging.
- (h) An employee rostered to be on-call or part thereof spanning two days over which two different on-call allowances apply, shall receive a payment which is equal to the allowance payable for the day attracting the higher allowance.
- (i) The provisions of clause S4.3.6(e)5 under the heading "Overtime applicable to nursing staff" shall apply when an employee has actually worked in excess of 2 hours on one or more call-outs.

S4.3.6 Overtime applicable to nursing staff

- (a) For all authorised overtime worked by a registered nurse other than a registered nurse level 4 or 5 in excess of their rostered ordinary hours of work outside the ordinary hours of their shift Monday to Saturday inclusive, payment shall be made at the rate of time and a half for the first 3 hours and double time thereafter.
- (b) For all authorised overtime worked by a registered nurse other than a registered nurse level 4 or 5 on a Sunday payment shall be made at the rate of double time.
- (c) For all authorised overtime worked by a registered nurse other than a registered nurse level 4 or 5 on a public holiday payment shall be made at the rate of double time and a-half.
- (d) An employee, other than an employee who lives in, who is called upon to work overtime for more than one hour after their rostered ceasing time, and provided that the usual meal time occurs during such period of overtime, shall be supplied by the employer with a meal free of charge or be paid \$9.60 in lieu thereof.
- (e) An employee who works so much overtime between the termination of their ordinary work on the one day and the commencement of their ordinary work on the next day that they have not had at least 10 consecutive hours off duty between those times, shall, subject to clause S4.3.6(e), be released after completion of such overtime until they have had 10 consecutive hours off duty without the loss of pay for ordinary working time occurring during such absence. If, on the instructions of their employer, such an employee resumes or continues work without having had 10 consecutive hours off duty they shall be paid double rates until they are released from duty for such period, and such employee shall then be entitled to be absent until they have had 10 consecutive hours off duty, without loss of pay for ordinary working time occurring during such absence.

The provisions of clause S4.3.6(e) shall apply in the case of Shift Workers who rotate from one shift to another as if 8 hours were substituted for 10 hours when overtime is worked:

- (i) to satisfy operating theatre staffing requirements;
 - (ii) to permit changes of shift rosters;
 - (iii) to roster lecture periods for student nurses;
 - (iv) in any other case agreed upon by the employer and the Australian Nursing Federation (Queensland Branch).
- (f) When an employee is required to travel as escort for a patient they shall be paid at the appropriate rate for all time the patient is under their care. When returning from such escort such employee shall be paid for a maximum of 12 hours out of every 24 hours at ordinary rates provided that when returning on a rostered day off they shall be granted in addition a day off in lieu or an additional day added to their next recreation leave.
 - (g) An employee who performs overtime work may, subject to the employer and the employee agreeing, be granted time off at a mutually convenient time equivalent to the number of hours worked in lieu of monetary compensation for such overtime provided the accrual of such time off shall be to a maximum of 24 hours. Any time in excess of 24 hours shall be paid at the overtime rate. Any accrual of time outstanding at the time of termination of employment shall be paid for at the appropriate overtime rate.

S4.3.7 Registered nurses employed on a casual basis in the Intellectual Handicap Services Branch, Disability Services Queensland

A casual employee shall be paid 23% in addition to the ordinary hourly Award rates of pay for the class of work upon which such employee is engaged. Each engagement shall stand alone, with a minimum payment as for 2 hours work made in respect to each engagement. Where, applicable, a casual employee shall be further entitled to the provisions of overtime:

Provided that penalties for weekend work shall be paid in accordance with clause 6.5.3. The Sunday penalty shall include the casual loading being paid to such an employee:

Provided further that an employee required to work on a statutory holiday shall be paid at the rate of double time and a-half for all time worked.

S4.3.8 Annual Leave Arrangements - Registered Nurses Employed in the Intellectual Handicap Services Branch, Disability Services Queensland.

- (a) All Employees excluding casuals shall be entitled to 5 weeks' leave on full pay in each year, one of such weeks being in lieu of extra payment for work done on public holidays:

Provided that where work is performed in 3 shifts per day over a period of 7 days per week and the Employees engaged in such work perform their duties in varying shifts allocated in rotation by the Officer duly authorised in that regard, every employee engaged in Shift Work who has completed a full year of employment shall be allowed additional annual leave at the rate of one week per year in respect of the period during which such shifts have been worked.

(b) All holidays shall be taken to suit the administration of the Training Centre.

(c) Annual holidays by mutual agreement between employer and employee may be taken in one or more parts providing that no such period of leave shall be less than one week:

Provided that where an employee leaves his/her employment before his/her holidays have become due, he/she shall receive a *pro rata* amount of annual leave on full pay:

Provided further that all Employees shall have their annual leave entitlement debited by the number of working days between Christmas day and New Year's day inclusive when there is a compulsory closure of Government establishments over the Christmas/New Year period.

Section 5 - Casual Audio Reporters (State Reporting Bureau)

These provisions apply to casual Employees engaged as Audio Reporters, State Reporting Bureau.

S4.5.1 Definitions

"Audio Reporter (Casual)" means an employee who is engaged as required to record and/or transcribe court and other proceedings according to the State Reporting Bureau format and style and operational guidelines, and is paid by the hour at the prescribed rate.

S4.5.2 Area of Operation

The Divisions and Districts into which the State is divided is as follows:

Divisions-

Northern Division - That portion of the State along or north of a line commencing at the junction of the sea-coast with the 21st parallel of south latitude; then by that parallel of latitude due west to 147 degrees of east longitude; then by that meridian of longitude due south to 22 degrees 30 minutes of south latitude; then by that parallel of latitude due west to the western border of the State.

Mackay Division - That portion of the State within the following boundaries:

Commencing at the junction of the sea-coast with the 21st parallel of south latitude; then by that parallel of latitude due west to 147 degrees of east longitude; then by that meridian of longitude due south to 22 degrees of south latitude; then by that parallel of latitude due east to the sea-coast; then by the sea-coast northerly to the point of commencement.

Southern Division - That portion of the State not included in the Northern or Mackay Divisions.

Districts-

Northern Division-

Eastern District - That portion of the Northern Division along or east of 144 degrees 30 minutes of east longitude.

Western District - the remainder of the Northern Division.

Southern Division-

Eastern District - That portion of the Southern Division along or east of a line commencing at the junction of the southern border of the State with 150 degrees of east longitude; then by that meridian of longitude due north to 25 degrees of south latitude; then by that parallel of latitude due west to 147 degrees of east longitude; then by that meridian of longitude due north to the southern boundary of the Mackay Division.

Western District - the remainder of the Southern Division.

S4.5.3 Divisional and District Allowances

In addition to the rates of wages set out for the Southern Division, Eastern District the following amounts shall be paid to Employees who work in the following Divisions and Districts.

Districts	Daily rate \$
Northern Division, Eastern District	0.21c
Northern Division, Western District	0.65c
Mackay Division	0.18c
Southern Division, Western District	0.21c.

Where an employee works in different Divisions and Districts within the same period of engagement or pay period, the higher rate shall apply.

S4.5.4 *Contract of employment*

An employee upon initial engagement shall be provided with a written statement outlining:

- (a) the classification and duties of the employee;
- (b) the ordinary hours of duty and roster arrangements; and
- (c) the rate of salary for the employee.

Each engagement stands alone. Payment for each engagement shall be for a minimum of 4 hours.

The daily engagement system is to be by agreement of the parties. Such system will only be changed by mutual agreement of the parties.

S4.5.5 *Wages*

- (a) All audio reporter (casual) positions shall be at the AO2(8) classification level.
- (b) Audio reporters (casual) employed on circuit work shall be paid a minimum of 7.25 hours each day Monday to Friday and inclusive of the show holiday in the city or town in which the circuit work is performed. Audio reporters (casual) on circuit are entitled to payment at the ordinary rate for a minimum of 7.25 hours for each day Monday to Friday regardless of whether work is performed or not.
- (c) Subject to the assessment of travelling allowance as determined in clause 6, the following conditions shall apply when an employee travels away from the city or town of their usual employment:
 - (i) an employee who travels, Monday to Friday, is entitled to payment at the ordinary rate for a minimum of 7.25 hours regardless as to whether work is performed or not.
 - (ii) where an employee travels to a circuit centre, Monday to Friday, and commences work at that centre, payment at the prescribed rate will apply and will continue during the ordinary daily hours (8.30 a.m. to 7.00 pm) with overtime payable for work performed outside the ordinary daily hours until the employee ceases duty on that day.
 - (iii) where an employee, immediately upon completion of a circuit, resumes or commences work on return to the city or town of their usual employment, payment at the prescribed rate shall continue until the employee ceases duty. Provided that a minimum payment of 4 hours at the prescribed rate shall be paid for the combined travelling and working time.
 - (iv) no portion of travel time, Monday to Friday, will be paid at overtime rates or added to normal worked time for the calculation of overtime.

S4.5.6 *Fares and travelling allowances*

- (a) Any employee who at the Employer's request performs work at a city or town other than their usual place of employment shall be granted fares applying to the most appropriate means of transport determined by the Employer subject to the approval of the Chief Executive Officer or delegate.

- (b) Travelling allowance shall be in accordance with the rates payable under Directive 3/00 "Travelling and Relieving Allowances" as issued and amended by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*.
- (c) The travelling time to and from circuit work on a Saturday, Sunday or public holiday will be paid at the rate of 150%.
- (d) Employees will be compensated by payment at the ordinary hourly rate in lieu of TOIL as compensation for excess travelling in accordance with Directive 7/00 "Excess Travelling Time" as issued and amended by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*

S4.5.7 Hours of work

The ordinary daily hours of work for Employees shall not exceed 7.25 hours per day to be worked between the hours of 8.30 am and 7.00 pm, Monday to Friday inclusive. Provided that this span of hours may be varied by agreement between the Employer and the majority of Employees concerned. A minimum of 4 hours payment shall be paid for each day worked.

S4.5.8 Overtime

- (a) All authorised overtime shall be paid for at the rate of 150% for the first 3 hours and at the rate of 200% thereafter.
- (b) All time worked on Saturday shall be paid at the rate of 150% for the first 3 hours and at the rate of 200% for all time thereafter.
- (c) All time worked on a Sunday shall be paid at the rate of 200%.
- (d) A minimum payment of 2 hours shall apply to all overtime worked on a Saturday or Sunday.
- (e) Overtime shall be calculated to the nearest quarter of an hour.

S4.5.9 Meal breaks

All Employees who work for more than 5 continuous hours on any day shall be allowed a minimum of 30 minutes and a maximum of one hour for a meal break to be taken between the third and sixth hours of duty. The meal break shall not count as ordinary hours worked.

S4.5.10 Rest pauses

- (a) Employees shall be entitled to rest pause(s) subject to the following:
 - (i) a total of 10 minutes for an employee who works for more than 3 hours but less than 6 ordinary hours in any day; or
 - (ii) a total of 20 minutes for an employee who works for at least 6 ordinary hours in any day.
- (b) Subject to clause S4.5.10(a) Employees shall be entitled to a rest pause of 10 minutes duration in the employer's time in the first and second half of the working day. Such rest pauses shall be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

Provided that Employees who are required to leave their work places to partake of rest pauses in lunch rooms or other suitable places, in lieu of morning and afternoon rest pauses shall, at the employer's discretion, have one rest pause of 20 minutes during part of the day.

S4.5.11 Long service leave

All Employees shall be entitled to 13 weeks' leave after 10 years' service in accordance with Public Service conditions provided that credit shall not be given where a break in service with the employer is in excess of 12 months.

The rate of remuneration payable shall be calculated in accordance with one of the following formulae, whichever is more favourable:

- (a) the number of hours X the hourly rate = long service leave payable in which the number of hours is calculated using the following formula:

$$\frac{\text{actual service}}{13} \times \text{hourly rate} = \text{long service leave payable}$$

"actual service" means the total ordinary hours actually worked by an employee during the period of continuous service to which the entitlement to long service leave relates; "hourly rate" means the hourly rate for ordinary time payable to the employee:

- (i) if the employee takes the long service leave - on the day the employee starts the leave; or
- (ii) otherwise - on the day immediately before the entitlement becomes payable;

"number of hours" means the number of hours for which payment is to be made for long service leave.

- (b) $\frac{\text{Number of hours worked in the past 3 years} \times \text{Current hourly rate}}{\text{Total number of fortnights in the past 3 years of pay}}$

This calculation gives the average fortnightly earnings.

S4.5.12 *Public holidays*

All work done by any employee on Good Friday, Christmas Day, the twenty-fifth Day of April (Anzac Day), the First day of January, the Twenty-sixth day of January, Easter Saturday (the day after Good Friday), Easter Monday, the Birthday of the Sovereign, and Boxing Day or any day appointed under the *Holidays Act 1983*, to be kept in place of any such holiday, shall be paid for at the rate of double time and a half with a minimum of 4 hours.

Where a local show holiday occurs in a city or town at the time circuit work is being performed there, audio reporters (casual) shall, in addition to payment for ordinary time worked, be paid an additional time and a-half with a minimum of 4 hours.

Provided that payment shall be made only in respect of one show holiday in each 12 month period.

Section 6 - On call arrangements

S4.6.1 Except where otherwise indicated these arrangements apply to:

- (a) Certain Employees employed by the State Emergency Service.
- (b) Computer Systems Officers of the Queensland Public Service.
- (c) Environment Inspectors and Environment Officers, Department of Environment and Heritage as agreed between the Chief Executive and the relevant Union/s.
- (d) Workplace Health and Safety Inspectors, Department of Industrial Relations as agreed between the Chief Executive and the relevant Union.
- (e) Employees engaged at the Government Chemical Laboratory, Department of Health.
- (f) Mining Inspectors and Explosives Inspectors, Department of Minerals and Energy.
- (g) Certain Employees employed by the Liquor Licensing Division, Department of Tourism, Sport and Racing.
- (h) Computer Operations Officers, Information Management Directorate, Department of Education.
- (i) Such other Employees as are subject to approved on call arrangements at the date of taking effect of this Award, or as agreed between the Chief Executive and the relevant Union/s.

S4.6.2 Nursing staff employed under this Award instructed to be on call outside ordinary or rostered working hours shall be compensated in accordance with Schedule 3.

S4.6.3 (a) Where an employee is instructed to be available on call outside ordinary or rostered working hours, such employee shall be paid, in addition to their ordinary rate of pay an allowance based upon the hourly rate of the classification of Professional Officer level 2, paypoint one in accordance with the following scale:

- (i) Where the employee is on call throughout the whole of a rostered day off or a statutory holiday - 95% of the hourly rate in respect of such instances;
- (ii) Where an employee is on call during the night only of a rostered day off, an accrued day off or statutory holiday - 60% of the hourly rate per night; and

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

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

For the purpose of this provision, a "night" shall be deemed to consist of those hours falling between 5.00pm and 8.00am or mainly between such hours.

(b) *Monday to Friday* - in the event of an employee on call being recalled to perform duty, such employee shall be paid for the time worked at the prescribed overtime rate, such time to be calculated as from home and back to home with a minimum payment of 2 hours.

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

Provided that an employee who works overtime on a public holiday and who is granted equivalent time off shall be paid at half the ordinary rate for the time so worked with a minimum of 4 hours:

Provided further that accrued time off in lieu shall be taken in periods mutually agreed between the Chief Executive Officer and the employee.

(d) In the event of an employee on call being requested by the Chief Executive Officer or the authorised delegate, to provide advice (without the need to return to the facility), the employee shall be paid at the prescribed overtime rate for the actual time worked up to a maximum of 2 hours on any one day:

Provided that the employee will be responsible for the recording of such requests which will require subsequent verification by the Chief Executive Officer.

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

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

(g) Where practicable the Chief Executive shall not require an employee to be continuously available on call for a period in excess of 6 weeks:

Provided that in lieu of the above mentioned arrangements, Employees employed by the Department of Families shall receive additional paid leave in accordance with pre-existing arrangements.

(h) The provisions of clause 6.4.9 shall apply when an employee has actually worked in excess of 2 hours inclusive of travelling time on one or more of such recalls.

Schedule 5 - Organisational Hours of Work Arrangements

S5.1 Coverage

(a) Organisational hours of work arrangements implemented in accordance with clause 6.1.6 and this schedule apply to those employees including trainees whose ordinary hours of duty are 36.25 hours per week.

(b) Organisational hours of work arrangements shall also apply to part-time employees except where operational requirements do not allow for the application of organisational hours of work arrangements. Examples of where operational requirements would preclude the application of these arrangements to part-time employees include:

- filling in spaces on a roster;
- replacing employees absent on leave or accrued days off; or
- covering peak workload periods or client service requirements at specific times.

(c) This schedule does not apply to:

- employees performing shift and continuous shift work as defined at clause 6.1.1;

- casual employees; or
- those employees subject to a Directive relating to Field Staff as issued from time to time by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*, except in the case of employees identified as field staff who are approved by the Chief Executive to work their ordinary hours on a 36.25 hours per week basis.

(d) This schedule shall also not apply to arrangements prescribed in Schedule 3 or 4 where inconsistent with such arrangements.

S5.2 Definitions

(a) 'Accrued full day off' means accrued time which is equal to an employee's ordinary working hours which is taken as paid time off during a work cycle where there is agreement between the employee and the relevant supervisor.

(b) 'Accrued time' means:

- ordinary hours performed in excess of the ordinary working hours of the employee; and
- authorised overtime performed which is not compensated by the payment of overtime in accordance with clauses S5.3(j)(ii) and (iii).

(c) 'Carryover' time means any accrued time not taken as paid time off (and debit time if included in the organisational hours of work arrangements) in one work cycle and which, subject to any specified limit(s), is carried over to the next work cycle.

(d) 'Debit time' means the amount of paid time off taken prior to the accrual of time in excess of the ordinary working hours prescribed for each category of employee.

(e) 'Directive' means a directive issued by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*.

(f) 'Employee' means an 'officer' or 'employee' employed under this Award including a trainee registered under the *Training and Employment Act 2000* whose parent award is the *Queensland Public Service Award - State 2003*, subject to the provisions of clause S5.1.

(g) 'Hours of work arrangements' means those working arrangements introduced in accordance with this schedule which are designed to give effect to the purposes in clause 6.1.6.

(h) 'Normal operating hours' means the hours of operation of the Agency or work unit on any one day within the spread of hours (as defined) within which employees will be authorised to commence and cease duty.

(i) 'Ordinary working hours' means 7.25 hours (seven hours fifteen minutes) per day.

(j) 'Spread of hours' will be 6.00 a.m. to 6.00 p.m. Monday to Friday, or as provided in a certified agreement, or as agreed in accordance with the provisions of clause S5.3(b)(i).

(k) 'Standard hours' means a standard 7 hours 15 minutes working day within the spread of hours with a lunch break of 45 minutes, e.g. 9.00 a.m. to 5.00 p.m. Mondays to Fridays inclusive with a lunch break of 45 minutes between 12.00 noon and 2.00 p.m.

(l) 'Supervisor' means a person responsible for the daily supervision and operation of a work area.

(m) 'Travelling time' means the difference between the time taken for an employee to travel as directed to an alternative place of work and the time taken for an employee to travel to their usual place of work.

(n) 'Work cycle' means a period of time specifying a number of consecutive days during which accrued time and approved leave will be accounted.

(o) 'Work unit' means an identifiable group of employees within an Agency.

S5.3 Arrangements

(a) (i) Subject to clause S5.3(b), the spread of hours in an Agency or work unit are determined to be 6.00 a.m. to 6.00 p.m. Monday to Friday (except where a certified agreement provides otherwise).

- (ii) Hours of work arrangements in an Agency or work unit within the spread of hours of 6.00 a.m. to 6.00 p.m. Monday to Friday will be determined by the Chief Executive after consultation with the affected employees. Any subsequent changes to organisational hours or work arrangements relating to "carryover" balances, "normal operating hours", maximum accruals or maximum periods of accrued time off during a work cycle shall be subject to consultation with the relevant Union or Unions.
- (iii) Within the spread of hours of 6.00 a.m. to 6.00 p.m. Monday to Friday, the normal operating hours of an Agency or work unit will be determined by the Chief Executive.
- (iv) Hours of work arrangements based on a spread of hours of 6.00 a.m. to 6.00 p.m. Monday to Friday for each Agency or work unit will be recorded in writing, advised to affected employees and written notification provided to the relevant Union or Unions.
- (b) (i) A spread of hours extending outside 6.00 a.m. to 6.00 p.m. on Mondays to Fridays and related new hours of work arrangements may be introduced in an Agency or work unit by agreement of the Chief Executive, the majority of employees affected and the relevant Union or Unions.
- (ii) In reaching agreement, no party will unnecessarily delay the process or unreasonably withhold consent.
- (c) Hours of work arrangements will prescribe that the ordinary hours of work exclusive of meal times shall not exceed 9 1/2 hours per day to be worked within 'normal operating hours'.
- (d) Paid time off may only be taken with the prior approval of the relevant supervisor.
- (e) (i) Subject to clause S5.3(e)(ii), an employee will be required to accrue equivalent additional time prior to taking a part or full day (or longer period) as paid time off.
- (ii) The hours of work arrangements in an Agency or work unit may permit an employee to avail of debit time up to a specified limit.
- (iii) Where agreement cannot be reached, the Chief Executive may direct the starting and ceasing times of employees within the spread of hours.
- (iv) In determining hours of duty, wherever practicable, the Chief Executive must:
- consult on the requirements to work specific hours before directing employees to work those hours;
 - where the working of accrued time is not suitable to an employee on a given day take into account whether other employees are available and competent to perform the work;
 - take into account the needs of workers with family responsibilities or disabilities;
 - provide timely notice of the requirement to work in excess of ordinary hours; and
 - take into account the employees current accumulation of accrued time.
- (v) All employees will give first priority to the maintenance of acceptable work flows and ensure that co-operation exists with supervisors in planning office working times in order that resources are available to service the needs of the Agency and clients.
- (vi) An employee may not perform accrued time unless work is allocated for the employee to perform and is performed during such period.
- (vii) It shall be the responsibility of each supervisor in respect to their work unit to ensure that the needs of the organisation and clients are met and appropriate supervision is available at all times.
- (viii) Employees who resign, retire or otherwise cease employment should ensure that they have utilised all accrued time or made up any debit time, prior to termination of employment. Employees are not entitled to any compensation or payment for any accrued time not utilised as at date of termination of employment. Any debit time accrued as at date of termination of employment shall be recoverable by the Chief Executive at ordinary rates and deducted from any monies owed at date of termination of employment.
- (ix) Where an employee's time management is deemed to be unsatisfactory, the Chief Executive may direct the employee to work standard hours. Subject to Directives on "Hours and Overtime" and "Field Staff" as issued and amended by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*, any authorised time worked in excess of standard hours will be payable as overtime.
- (f) New hours of work arrangements may include provision for the carryover of accrued time (and debit time if included in the arrangements) from one work cycle to the next.

- (g) Issues which may be considered for inclusion in hours of work arrangements may include, but are not necessarily limited to, the following:
- (i) spread of hours (including consideration of a spread of hours beyond 6.00 a.m. to 6.00 p.m. Monday to Friday) in accordance with clause S5.3(b);
 - (ii) work cycle;
 - (iii) core times;
 - (iv) maximum balances;
 - (v) access to accrued time off; and
 - (vi) weekend overtime accrual, specifically accrual factor/s referred to in clause S5.3(j)(iii).
- (h) Entitlements relating to meal breaks, rest pauses, transport costs on recall and fatigue leave are as prescribed at clauses 6.2, 6.3 and 6.4.
- (i) Travelling time, as defined, other than authorised overtime, performed by employees in excess of the ordinary hours but within the nine and a-half hours of duty permitted in clause S5.3(c) will be recognised as accrued time on a time for time basis. Any travelling time undertaken outside the nine and a-half hours of duty permitted in clause S5.3(c) shall be compensated in accordance with a directive relating to Excess Travelling Time as issued from time to time by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*.
- (j) (i) As part of the hours of work arrangements, employees may perform authorised work outside the spread of hours or in excess of nine and a-half hours exclusive of meal breaks on any one day (or other period specified in any certified agreement).
- (ii) Employees who mutual by mutual agreement with the relevant supervisor perform work as outlined in clause S5.3(j)(i) on Mondays to Fridays, will by mutual agreement with the supervisor, be compensated either by paid overtime at the rate prescribed in this award or relevant directive, or have such time accrued on a time for time basis.
- (iii) Where such overtime is performed on Saturdays or Sundays, the overtime shall be compensated by paid overtime at the rate prescribed in this award or relevant directive, or where the employee and the relevant supervisor agree, have such time accrued on a time for time basis or such other factor as prescribed in the organisational hours of work arrangements.
- (iv) All ordinary work performed on a public holiday shall be compensated in accordance with clause 7.7.
- (v) All authorised overtime performed on a public holiday shall be compensated in accordance with clause 7.7 and the provisions of the *Industrial Relations Act 1999*.
- (vi) All overtime accrued under the hours of work arrangements shall comply with minimum period provisions prescribed in clauses 6.4, 6.5 and 7.7.
- (vii) When applying clause S5.3(j), genuine consultation is to occur between the relevant supervisor and employees free from duress.
- (viii) Where agreement to accrue authorised overtime under hours of work arrangements is not reached, such overtime shall be compensated by paid overtime at the rate prescribed in this Award or relevant directive subject to classification restrictions to paid overtime.
- (ix) The provisions of clause S5.3(j) herein do not apply to:
- (A) employees in receipt of ordinary salary that exceeds the equivalent of the AO5(4) salary payable at any given time and who are compensated for overtime in accordance with a directive relating to "Hours and Overtime" as issued from time to time by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*; and
 - (B) employees designated as field staff who receive overtime entitlements in accordance with a directive relating to Field Staff as issued from time to time by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*.

Dated 25 March 2003.

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

Operative Date: 16 June 2003