

WITHOUT PREJUDICE

18 June 2012

Parts to be Deleted or Modified to Improve Flexibility for the Organisation

Clause No.	Title	Change	Reason for Removal or Modification	Clause in Proposed Agreement
1.8.2	Collective Industrial Relations	Delete 1.8.2.1 Delete 1.8.2.2 Delete 1.8.2.3 Delete 1.8.3 Delete	Collective industrial relations may restrict management flexibility. Covered by the Queensland Industrial Relations Act. (<i>s531 & 273 Qld Industrial Relations Act</i>) Committing to collective agreement restricts management prerogative. There is no legal requirement to commence negotiations 6 months before the expiry date of the agreement.	- - - -
1.9.1	Employment Security	Delete	Unnecessary. Covered by Whole of Government Policy (<i>Public Service Commission Policy Employment Security</i>)	-
1.9.2	Permanent Employment	Modify	Covered in Directive (<i>05/12: Workforce Establishment Management Framework</i>)	1.8
1.9.3	Organisational Change and Restructuring	Delete	Restricts Managements right to implement change.	-
1.10	Closed Agreement	Modify	Comply with the whole of government policy on no further claims – draft clause attached	1.9
2.1	Career Development	Delete	Covered in Policy (<i>Inside HR – Learning and Development policies</i>)	-
2.2.1	Other Development Opportunities	Delete	Restricts management flexibility by committing to	-

			temporary regional placements.	
2.4	Filling of Vacant positions	Delete	Roles to be filled in accordance with current TMR Establishment Management Program and directives.	-
2.5	Area Manager and Marine Officer Role Descriptions	Delete	Unnecessary Restricts management flexibility.	-
3.1	Workplace Health and Safety	Modify	Retain and update 3.1.1. Delete 3.1.2, 3.1.3 & 3.1.4 Updated in accordance with new WH&S Act 2011	3.1
3.2	Provision of Uniform and Personal protective clothing, equipment and substances (PPE)	Delete	Covered in Policy (<i>TMR PPE Policy and Procedure</i>)	-
3.3	Workplace Bullying and Harassment	Delete	Covered in Policy (<i>Code of Conduct For the Qld Public Service</i>) – TMR Workplace Bullying and Harassment policy awaiting approval.	-
4.1.6	Part-Time Employment	Delete	Provided for in the Award (s4.3.2(1) Qld Public Service Award)	-
4.3	Continuity of Service Delivery	Delete	Unnecessary	-
4.4.3	Spread of Hours	Delete	Covered in Award (<i>s6.1 Qld Public Service Award</i>) – PART 6,7 & 9 of the proposed agreement	PART 6,7 & 9
4.5.1	Management of overtime and accumulated time.	Delete	Covered in Policy (<i>Policy and Procedures for Working Hours and Accrued Time</i>)	-
4.6.3	Sub clause – Call out and return to duty	Modified	Duplication within clause	4.4
4.6.5	Sub clause – Call out and return to duty	Deleted	Provided for in the Award (<i>s5.13.4 Qld Public Service Award</i>)	-
4.6.6	Sub clause – Call out and return to duty	Deleted	Provided for in the Award (<i>s5.13.4 Qld Public Service Award</i>)	-
4.6.7	Sub clause – Call out and return to duty	Modified	Provided for in the Award (<i>s5.13.4 Qld Public Service Award</i>)	4.4
4.6.8	Sub clause – Call out and return to duty	Deleted	Provided for in the Award (<i>s5.13.4 Qld Public Service Award</i>)	-
4.6.11	Sub clause – Call out and return to duty	Deleted	Duplication within clause	-
4.8	Meal Breaks & Rest Pauses	Delete	Provided for in the Award	-

			(s6.2 & 6.3 <i>Qld Public Service Award</i>)	
4.9	Reasonable Working Hours	Delete	Removes Management prerogative to manage workload issues.	-
4.10.1	Leave Provisions	Delete	Provided for in Award/Directives (<i>PART 7 Qld Public Service Award</i>)	-
4.10.2.2	Stand Down Christmas	Delete	Provided for in the Industrial Relations Act (<i>PART 6 s97 Qld Industrial Relations Act</i>)	-
4.10.2.4	Overtime Payment Labour day	Delete	Provided for in the Industrial Relations Act (<i>s15(4)(b) Industrial Relations Act</i>)	-
4.10.3.2	Maritime Operations Leave –sub clause	Delete	Definition of Shore camp deleted allowance not claimed for 3 years	-
4.10.4	Leave Debits	Delete	Covered in Directives (<i>Covered in all relevant directives e.g. 2/11: Recreation Leave</i>)	-
4.10.5	Annual Leave Payments	Delete	Provided for in Award (<i>PART 7 Qld Public Service Award</i>)	-
4.11	Maritime program Housing	Delete	Covered in Policy (<i>Rural and Remote Area Incentive Scheme</i>)	-
4.13	Paid Parental Leave	Delete	Covered in Directive (<i>26/10: Paid Parental Leave</i>)	-
4.14	Balancing Work/life and Family	Delete	Covered in Policy (<i>TMR Leave & Flexible Work Practices Policies</i>)	-
4.15	Industrial Relations Education Leave	Delete	Impacts on management flexibility	-
4.16	ILO Convention	Delete	Covered in whole of government policy	-
4.17	Union Encouragement	Delete	Covered in award (<i>s11.4 Qld Public Service Award</i>)	-
4.18	Union Delegates	Delete	Covered in award (<i>s11.3 Qld Public Service Award</i>)	-
5.3	Locality Allowances	Delete	Covered in Directive (<i>19/99: Locality Allowances</i>)	-
5.5	Overtime Meal Allowances	Delete	Covered in Directive (<i>1/06: Overtime Meal Allowance</i>)	-

5.8	Overnight Camping Allowance	Delete	Not claimed during current or previous agreement	-
5.9	Beach Swimming Allowance	Delete	Not claimed during current or previous agreement	-
6.2.8	Payment of On call beyond 8 / 15 weeks	Modify	Remove shall be by agreement between the individual Marine Officer and the Area Manager	6.5.2
6.2.9	Pilotage Transfer	Modify	Remove dot points 3,5,6 & 7	6.4
6.3.1.3	Aggregated Salary – Marine Officers – sub clause	Modified	Included as productivity initiative – no additional hours beyond aggregated hours	6.5.1
6.3.2.1	Aggregated Salary – Marine Officers – sub clause	Modified	Included as productivity initiative – no additional on-call claims	6.5.2
6.3.2.2	Aggregated Salary – Marine Officers – sub clause	Delete	Not necessary	-
6.3.2.4.2	Management of recompense for additional hours and weekends worked	Delete	No longer relevant	-
6.4	Competency Based Training (CBT) and Progression	Modified	Included as productivity initiative – Limiting progression in second and third year	6.7
6.4.1	Competency Based Training (CBT) and Progression – sub clause	Delete	No longer relevant	-
6.4.3	Competency Based Training (CBT) and Progression – sub clause	Delete	No longer relevant	-
6.4.5	Competency Based Training (CBT) and Progression – sub clause	Delete	No longer relevant	-
6.4.6	Competency Based Training (CBT) and Progression – sub clause	Delete	No longer relevant	-
6.4.8	Regional Support – Statewide Services / Staffing of QG Norfolk	Modify	Remove It is acknowledged by all parties from last paragraph	6.8
6.5.1	Recruitment of Marine Officers – sub clause	Modify	Remove reference to transition process as process has been completed	6.9
6.5.2	Recruitment of Marine Officers – sub clause	Delete	No longer relevant	-
6.5.7	Recruitment of Marine Officers – sub clause	Delete	No longer relevant	-
6.6	Appeal and Grievance Provisions – Competency Assessment and Progression	Delete	Covered in TMR Employee Complaints Policy	-
7.1	Title and classification	Delete	Unnecessary	-

7.4	On-call availability	Modified	Included as productivity initiative – no additional on-call claims	7.2.1
7.5	Other Allowances	Delete	Not necessary	-
7.6	Area Manager Salaries	Delete	Not necessary	-
8.1A	Vision	Delete	Not required	-
8.1	VTS Consultative Group	Delete	Not an EB Issue	-
8.2	Filling of Vacancies	Delete	Restricts management flexibility regarding filling of vacancies.	-
8.3	Current Key Responsibilities	Delete	Unnecessary	-
8.4	Significant Change	Delete	Restricts Management Flexibility	-
8.5.1	Terms and Conditions of Employment – Key Points – sub clause	Modify clause to remove negotiated and agreed and replace with implemented	Restricts management flexibility	8.1
8.5.3	Terms and Conditions of Employment – Key Points – sub clause	Delete	No longer relevant	-
8.5.4.2	Terms and Conditions of Employment – Key Points – sub clause	Delete	No longer relevant	-
8.5.4.3	Terms and Conditions of Employment – Key Points – sub clause	Delete	No longer relevant	-
8.5.5	Team Meeting Arrangements – Mackay Region	Delete	No need for specific team meeting arrangements	-
8.5.6	Rosters	Modified	Included as productivity initiative – Built-in leave limits need for overtime	8.5
8.5.6.1	Rosters – sub clause	Modified	Restricts Management flexibility, paragraph two remove words and agreed	8.5
8.5.6.1	Rosters – sub clause	Modified	Delete Paragraphs 3, 4, 5 and 6 no longer relevant	8.5
8.5.6.2	Rosters – sub clause	Delete	Restricts management flexibility in the filling of positions	-
8.5.6.3	Rosters – sub clause	Delete	Unnecessary	-
8.5.6.4	Rosters – sub clause	Delete	No longer relevant	-
8.5.7	Rosters – sub clause	Delete	Covered in Policy	-

			<i>(TMR PPE Policy and Procedure)</i>	
8.6.3	VTSO salaries – sub clause	Modified	Delete second sentence no longer relevant	8.6
8.6.4	VTSO salaries – sub clause	Delete	Restricts Management flexibility	-
8.6.5	VTSO salaries – sub clause	Modify	Modify to incorporate the productivity initiative i.e. limit progression to Level 4 when vacancy arises	8.6.1
8.7	Support for career development	Delete	Restricts Management Flexibility	-
8.8.1.5	Aggregate Salary Management Vessel Traffic Management – sub clause	Modified	Included as productivity initiative – no additional on-call claims	9.2.2
8.8.4	Managers Vessel Traffic Management Salaries – sub clause	Delete	Unnecessary	-
8.8.5	Managers Vessel Traffic Management Salaries – sub clause	Delete	Not an EB issue	-
9.5	Development Opportunities	Delete	Restricts Management Flexibility	-
PART 11	Transition Arrangements	Modified	Delete with the exception of clauses 11.1.16 and 11.1.17. Incorporated into Part 6 Marine Officers, process successfully completed.	Part 11