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NEW SOUTH WALES
INDUSTRIAL GAZETTE

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SERIAL C7352

**STATE DECISION PURSUANT TO SECTION 52 OF THE
INDUSTRIAL RELATIONS ACT 1996**INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

SUMMONS TO SHOW CAUSE

Application by Industrial Registrar for variation of a number of awards as more fully particularised in application on the making of State Decision pursuant to section 52 of the *Industrial Relations Act 1996*.

(No. IRC 1880 of 2009)

Before The Honourable Justice Boland, President
The Honourable Justice Walton, Vice-President
Mr Deputy President Grayson
Commissioner Bishop

18 December 2009

GENERAL ORDER

In the extraordinary and unique circumstances created by the passage of the Fair Work (State Referral and Consequential and Other Amendment) Act 2009 (Cth) and the Industrial Relations (Commonwealth Powers) Act 2009 (NSW) and pursuant to s. 52 of the *Industrial Relations Act 1996* (NSW) ('the Act'), the Full Bench of the Industrial Relations Commission of New South Wales makes the following orders by consent:

1. For the purpose of this General Order:
 - (a) an 'eligible award' shall mean an award that has not been varied in accordance with any or all of the State Wage Case decisions of this Commission since 2002 and where the rates of pay therein are eligible for adjustment under those decisions;
 - (b) a reference to 'Principles' for the years 2003 to 2009 is a reference to the Wage Fixing Principles determined by the Commission for each of those years and which are set out in Appendix A to the decisions in the State Wage Case 2003, 2004, 2005, 2006, 2007, 2008 and 2009 and to the orders in each of those decisions.
2. The wage rates and relevant allowances of eligible awards shall be and are hereby varied in accordance with the 2003 Principles, the 2004 Principles, the 2005 Principles, the 2006 Principles, the 2007 Principles, the 2008 Principles, the 2009 Principles and this Order.
3. Subject to any agreement to the contrary:
 - (a) Where the last State Wage Case decision applied to an eligible award was the 2002 decision the variation to that award shall be in accordance with the Principles applicable for the years 2003 to 2009 as follows:
 - (i) any adjustments under the 2003 Principles and the 2004 Principles shall take effect from the first full pay period to commence on or after the date of this Order;
 - (ii) any adjustments under the 2005 Principles and the 2006 Principles shall take effect from the first full pay period to commence on or after the date that is 4 months after the date of this Order;
 - (iii) any adjustments under the 2007 Principles and the 2008 Principles shall take effect from the first full pay period to commence on or after the date that is 8 months after the date of this Order;

- (iv) any adjustments under the 2009 Principles shall take effect from the first full pay period to commence on or after the date that is 12 months after the date of this Order provided that where such date would occur later than 31 December 2010, the date of effect shall be taken to be on and from 31 December 2010.
- (b) Where the last State Wage Case decision applied to an eligible award was the 2003 decision the variation to that award shall be in accordance with the Principles applicable for the years 2004 to 2009 as follows:
 - (i) any adjustments under the 2004 Principles shall take effect from the first full pay period to commence on or after the date of this Order;
 - (ii) any adjustments under the 2005 Principles and the 2006 Principles shall take effect from the first full pay period to commence on or after the date that is 4 months after the date of this Order;
 - (iii) any adjustments under the 2007 Principles and the 2008 Principles shall take effect from the first full pay period to commence on or after the date that is 8 months after the date of this Order;
 - (iv) any adjustments under the 2009 Principles shall take effect from the first full pay period to commence on or after the date that is 12 months after the date of this Order provided that where such date would occur later than 31 December 2010, the date of effect shall be taken to be on and from 31 December 2010.
- (c) Where the last State Wage Case decision applied to an eligible award was the 2004 decision the variation to that award shall be in accordance with the Principles applicable for the years 2005 to 2009 as follows:
 - (i) any adjustments under the 2005 Principles shall take effect from the first full pay period to commence on or after the date of this Order;
 - (ii) any adjustments under the 2006 Principles shall take effect from the first full pay period to commence on or after the date that is 4 months after the date of this Order;
 - (iii) any adjustments under the 2007 Principles and the 2008 Principles shall take effect from the first full pay period to commence on or after the date that is 8 months after the date of this Order;
 - (iv) any adjustments under the 2009 Principles shall take effect from the first full pay period to commence on or after the date that is 12 months after the date of this Order provided that where such date would occur later than 31 December 2010, the date of effect shall be taken to be on and from 31 December 2010.
- (d) Where the last State Wage Case decision applied to an eligible award was the 2005 decision the variation to that award shall be in accordance with the Principles applicable for the years 2006 to 2009 as follows:
 - (i) any adjustments under the 2006 Principles shall take effect from the first full pay period to commence on or after the date of this Order;
 - (ii) any adjustments under the 2007 Principles shall take effect from the first full pay period to commence on or after the date that is 4 months after the date of this Order;
 - (iii) any adjustments under the 2008 Principles shall take effect from the first full pay period to commence on or after the date that is 8 months after the date of this Order;
 - (iv) any adjustments under the 2009 Principles shall take effect from the first full pay period to commence on or after the date that is 12 months after the date of this Order provided that

where such date would occur later than 31 December 2010, the date of effect shall be taken to be on and from 31 December 2010.

- (e) Where the last State Wage Case decision applied to an eligible award was the 2006 decision the variation to that award shall be in accordance with the Principles applicable for the years 2007 to 2009 as follows:
 - (i) any adjustments under the 2007 Principles shall take effect from the first full pay period to commence on or after the date of this Order;
 - (ii) any adjustments under the 2008 Principles shall take effect from the first full pay period to commence on or after the date that is 6 months after the date of this Order;
 - (iii) any adjustments under the 2009 Principles shall take effect from the first full pay period to commence on or after the date that is 12 months after the date of this Order provided that where such date would occur later than 31 December 2010, the date of effect shall be taken to be on and from 31 December 2010.
 - (f) Where the last State Wage Case decision applied to an eligible award was the 2007 decision the variation to that award shall be in accordance with the Principles applicable for the years 2008 and 2009 as follows:
 - (i) any adjustments under the 2008 Principles shall take effect from the first full pay period to commence on or after the date of this Order;
 - (ii) any adjustments under the 2009 Principles shall take effect from the first full pay period to commence on or after the date that is 12 months after the date of this Order provided that where such date would occur later than 31 December 2010, the date of effect shall be taken to be on and from 31 December 2010.
 - (g) Where the last State Wage Case decision applied to an eligible award was the 2008 decision the variation to that award shall be in accordance with the 2009 Principles as follows:
 - (i) any adjustments under the 2009 Principles shall take effect from the first full pay period to commence on or after the date that is 12 months after the date of this Order provided that where such date would occur later than 31 December 2010, the date of effect shall be taken to be on and from 31 December 2010.
4. The adjustments to wage rates and relevant allowances in accordance with these Orders shall be rounded as follows:
- (a) The wage rates and relevant allowances expressed as weekly amounts shall be rounded to the nearest 10 cents.
 - (b) Allowances expressed as hourly amounts shall be rounded to the nearest one cent.
5. Variations to eligible awards in accordance with this General Order shall be settled in proceedings before Bishop C on Wednesday 23 December 2009 at 10.00 am in Court 4.1. Variations shall be in hard copy and computer-readable format. At this hearing each Union party to an eligible award will be required to give a specific commitment as to the absorption of any increase in accordance with the relevant Principle. A Union may provide written authority to Unions NSW to give the commitment on the Union's behalf.

6. This General Order shall take effect on and from 22 December 2009 and shall remain in force for a period of 12 months.

R. P. BOLAND *J. President.*
M. J. WALTON *J. Vice-President.*
J. P. GRAYSON *D.P.*
E. A. R. BISHOP, Commissioner.

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(001)

SERIAL C7347

BUILDING AND CONSTRUCTION INDUSTRY (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch) , Industrial Organisation of Employees.

(No. IRC 1143 of 2009)

Before Commissioner Connor

9 December 2009

VARIATION

1. Delete paragraph (a) of subclause 18.1 of 18, Classifications and Wage Rates, of the award published 31 August 2001 (327 I.G. 279), and insert in lieu thereof the following:

(a) Wage Rates - New Classification Structure

Subject to subclause (c) of this clause, the following amounts shall be applied where appropriate for the purposes of the calculation of the hourly rate under 18.3 of this award.

Classification	Weekly Rate \$	Relativity %
Construction Worker Level 8 (CW8)	772.50	125
Construction Worker Level 7 (CW7)	748.10	120
Construction Worker Level 6 (CW6)	725.90	115
Construction Worker Level 5 (CW5)	705.60	110
Construction Worker Level 4 (CW4)	683.40	105
Construction Worker Level 3 (CW3)	661.00	100
Construction Worker Level 2 (CW2)	641.10	96
Construction Worker Level 1 (CW1(d))	626.70	92.4
Construction Worker Level 1 (CW1(c))	614.30	90
Construction Worker Level 1 (CW1(b))	605.30	88
Construction Worker Level 1 (CW1(a))	591.90	85

Old Wage Group	New Wage Group	Hourly Rate \$
Carpenter Diver	CW8	28.47
Foreperson (as defined)	CW8	24.99
Sub Foreperson	CW7	23.65
Carver	CW5	20.75
Special Class Tradesperson (Carpenter and/or Joiner, Stonemason)	CW5	20.75
Special Class Tradesperson (Plasterer)	CW5	20.63
Special Class Tradesperson (Bricklayer)	CW5	20.55
Marker or Setter Out (Artificial Stoneworker, Stonemason, Bridge and Wharf Carpenter, Carpenter and/or Joiner, Marble and Slateworker)	CW4	20.15
Marker or Setter Out (Caster, Fixer, Floorlayer Specialist, Plasterer)	CW4	20.03
Marker or Setter Out (Bricklayer, Tilelayer, Hard Floor Coverer)	CW4	19.94

Marker or Setter Out (Roof Tiler, Slate Ridger or Roof Fixer)	CW4	19.81
Marker or Setter Out (Painter)	CW4	19.61
Letter Cutter	CW4	20.15
Signwriter	CW4	19.61
Artificial Stoneworker, Carpenter and/or Joiner, Bridge and Wharf Carpenter, Marble and Slate Worker, Stonemason,	CW3	19.54
Caster, Fixer, Floorlayer Specialist, Plasterer	CW3	19.42
Bricklayer, Tilelayer	CW3	19.34
Roof Tiler, Slate Ridger, Roof Fixer	CW3	19.20
Painter	CW3	19.00
Shophand	CW3	18.83
Quarryworker	CW3	18.83
Labourer (1) - Rigger, Dogger	CW3	18.83
Machinist	CW3	18.83
Labourer (2) - Scaffolder (as defined), Powder Monkey, Hoist or Winch Driver, Foundation Shaftworker (as defined), Steel Fixer including Tack Welder, Concrete Finisher (as defined)	CW2	18.29
Labourer (3) - Trades labourer, Jack Hammerman, Mixer Driver (concrete), Gantry Hand or Crane Hand, Crane Chaser, Cement Gun Operator, Concrete Cutting or Drilling Machine Operator, Concrete Gang including Concrete Floater (as defined), Roof Layer (malthoid or similar material), Dump Cart Operator, Concrete Formwork stripper, Mobile Concrete Pump Hoseman or Line Hand	CW1(d)	17.90
Plasterer's Assistant	CW1(d)	17.90
Terrazzo Assistant	CW1(d)	17.90
Labourer (4) - Builders Labourer other than as specified herein	CW1(c)	17.56

2. Delete paragraph (f) of subclause 18.1 of the said clause 18, and insert in lieu thereof the following:

(f) The rates of pay in this award include the adjustments payable under State Wage Case 2009. These adjustments may be offset against:

(i) any equivalent overaward payments and/or

(ii) award wage increases since 29 May, 1991 other than Safety Net, State Wage Case and minimum rates adjustments.

3. Delete subparagraphs 18.1.2.1, 18.1.2.2 and 18.1.2.3 of paragraph 18.1.2 Wage Rates - Apprentices, of the said clause 18, and insert in lieu thereof the following:

18.1.2.1 Carpenters, Joiners, Bricklayers, Painters, etc., Plasterers, etc., Roof Tilers, Fibrous Plasterer, Plasterboard Fixer, Stonemasons, Tilelayers, Floorlaying.

(i) Indentured Apprentice - The minimum rates of wages for four-year apprentices shall be as follows:

From 26 November 2009

Year	Base Rate Per Week \$	Percentage relative to CW3 Trade Rate %	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st year	271.00	41	25.10	17.10	313.20
2nd year	376.80	57	25.10	25.30	427.20
3rd year	509.00	77	25.10	32.50	566.60
4th year	581.70	88	25.10	38.70	645.50

(ii) Trainee Apprentice

From 26 November 2009

Year	Base Rate Per Week \$	Percentage relative to CW3 Trade Rate %	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st year	304.10	46	25.10	18.40	347.60
2nd year	416.40	63	25.10	27.80	469.30
3rd year	548.60	83	25.10	35.30	609.00
4th year	608.10	92	25.10	40.10	673.30

18.1.2.2 Civil Engineering Construction Carpenters:

Year	Base Rate Per Week \$	Percentage relative to CW3 Trade Rate %	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st year	323.90	49	25.10	20.00	369.00
2nd year	436.30	66	25.10	28.10	489.50
3rd year	555.20	84	25.10	35.30	615.60
4th year	641.20	97	25.10	41.40	707.70

18.1.2.3 Pilot Three Stage Bricklayers' Course

- (a) These rates apply to apprentices who are engaged through the Master Builders' Association of New South Wales and the Housing Industry Group Apprenticeship Schemes and who are enrolled or to be enrolled in the three stage Technical and Further Education course.
- (b) These rates shall also apply whilst the apprentice is attending college in the following fashion:
- Stage I - First 8 weeks - full time at 35 hours per week 28 weeks - 1 day per week
- Stage II - 36 weeks 1 day per week
- (c) The above provisions relating to the pilot bricklayers course, the course itself, and the rates herein prescribed shall only apply to employed apprentices.
- (d) Leave is reserved in relation to the payment applicable during attendance at college for the advanced modules (30 weeks - 1 day per week, i.e. 6 x 40 hour modules) for those apprentices who have successfully completed the requirements of stage II.

(i) Indentured Apprentices:

The minimum rate of wages for apprentice bricklayers shall be as follows:

26 November 2009

Stage	Base Rate Per Week \$	Percentage relative to CW3 Trade Rate %	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st six months	271.00	41	25.10	16.80	312.90
2nd six months	376.80	57	25.10	24.80	426.70
2nd year	475.90	72	25.10	31.90	532.90
3rd year	575.10	87	25.10	37.90	638.10

(ii) Trainee Apprentices:

The minimum rate of wages for trainee apprentice bricklayers shall be as follows:

26 November 2009

Stage	Base Rate Per Week \$	Percentage relative to CW3 Trade Rate %	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st six months	290.80	44	25.10	18.00	333.90
2nd six months	403.20	61	25.10	27.30	455.60
2nd year	509.00	77	25.10	34.60	568.70
3rd year	581.70	88	25.10	39.30	646.10

4. Delete paragraph 18.1.3 Adult Apprentices, of the said clause 18, and insert in lieu thereof the following:

18.1.3 Adult Apprentices

Definition - An adult apprentice means an employee engaged as an apprentice who at the time of apprenticeship is of or above the age of 21 years.

18.1.3.1 Carpenters, Joiners, Bricklayers, Painters, etc., Plasterers, etc., Roof Tilers, Fibrous Plasterer, Plasterboard Fixer, Stonemasons, Tilelayers, Floorlaying

(i) Indentured Apprentices:

Year	Base Rate Per Week \$	Percentage relative to CW3 Trade Rate %	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st year	442.90	67	25.10	17.10	485.10
2nd year	442.90	67	25.10	25.30	493.30
3rd year	509.00	77	25.10	32.50	566.60
4th year	581.70	88	25.10	38.70	645.50

(ii) Trainee Apprentices:

Year	Base Rate Per Week \$	Percentage relative to CW3 Trade Rate %	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st year	442.90	67	25.10	18.40	486.40
2nd year	449.50	68	25.10	27.80	502.40
3rd year	555.20	84	25.10	35.30	615.60
4th year	614.70	93	25.10	40.10	679.90

18.1.3.2 Civil Engineering Construction Carpenters - for adult apprentices the minimum rates shall be as follows:

From 26 November 2009

Year	Base Rate Per Week \$	Percentage relative to CW3 Trade Rate %	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st year	442.90	67	25.10	20.00	488.00
2nd year	468.30	71	25.10	28.10	522.50
3rd year	561.90	85	25.10	35.30	622.30
4th year	641.20	97	25.10	41.40	707.70

5. Delete the table appearing in subclause 18.4 Leading hands, of the said clause 18, and insert in lieu thereof the following:

Item No.	Description	Weekly Base \$	Amount per hour \$
(i)	In charge of not more than 1 person	16.10	0.44
(ii)	In charge of 2 and not more than 5 persons	35.40	0.96
(iii)	In charge of 6 and not more than 10 persons	45.10	1.22
(iv)	In charge of more than 10 persons	60.20	1.63

6. Delete the amount "78 cents" appearing in subclause 18.5 Carpenter - Diver allowance, of the said clause 18, and insert in lieu thereof the following:

80 cents

7. Delete the table in subclause 18.7 Foreperson and Sub Foreperson Allowances, of the said clause 18, and insert in lieu thereof the following:

Classification	Per Week \$
Foreperson (as defined)	89.10
Sub-Foreperson	64.10

8. Delete the table in paragraph 18.8.2 Refractory bricklaying allowance, of the said clause 18, and insert in lieu thereof the following:

Classification	Per hour \$
Refractory Bricklayer	1.75
Refractory Bricklayer's Assistant	1.50

9. Delete the amount of "\$24.40" appearing in subclause 24.1, Industry Allowance, of clause 24, Allowances, and insert in lieu thereof the following:

\$25.10

10. Delete the amounts of "\$11.96" and "\$2.38" appearing in subclause 24.2, Underground Allowance, of the said clause 24, and insert in lieu thereof the following amounts "\$12.29" and "\$2.45" respectively.

11. Delete paragraph (a) of subclause 24.3 Tool Allowance, of clause 24 Allowance, and insert in lieu thereof the following:

24.3 Tool Allowance

- (a) A tool allowance shall be paid for all purposes of the Award to tradesperson and apprentices (including school based apprentice) in their respective trades in accordance with the following Table. The provision of tools under the Federal Government "tools for your trade scheme" shall not constitute the provision of all tools by the employer for the purpose of this clause.

Trade	Tool Allowance \$
Artificial stoneworker, carpenter and/or joiner, carpenter-diver, carver, bridge and wharf carpenter, letter cutter, marble and slate worker, stonemason	26.20
Caster, fixer, floorlayer specialist, plasterer	21.60
Bricklayer, Tilelayer, Hard Floor Coverer	18.60
Rooflayer, Ridger or Roof Fixer	13.70
Signwriter, Painter	6.30

12. Delete the table appearing in paragraph 24.5.3 of subclause 24.5 Multi-story allowance, of the said clause 24, and insert in lieu thereof the following:

Floor Levels	Amount per hour extra \$
From commencement of building to fifteenth floor level	0.46
From sixteenth floor level to thirtieth floor level	0.54
From thirty-first floor level to forty-fifth floor level	0.84
From forty-sixth floor level to sixtieth floor level	1.09
From sixty-first floor level onwards	1.36

13. By deleting the table appearing in subclause 25.5 Swing Scaffold, of clause 25 Special Rates, and inserting:

Height of Bracing	First Four Hours \$	Each additional Hour \$
0 - 15 storeys	4.10	0.84
16 - 30 storeys	5.29	1.10
31 - 45 storeys	6.26	1.27
46 - 60 storeys	10.25	2.12
greater than 60 storeys	13.08	2.70
solid plasterers when working off a swing scaffold	0.11 per hour	

14. Delete the table appearing in subclause 25.15 Heavy Blocks, of the said clause 25, and insert in lieu thereof the following:

	Amount per hour \$
Where the blocks weigh over 5.5 kg and under 9 kg	0.57
Where the blocks weigh 9 kg or over up to 18 kg	1.04
Where the blocks weigh over 18 kg	1.44

15. Delete the table appearing in subclause 25.41 Table of Special Rates, of the said clause 25, and insert in lieu thereof the following:

Item No.	Clause No.	Description	Amount \$
1	25.1	Insulation Work	0.71p/h
2	25.2	Hot Work Between 46° and 54° Beyond 54°	0.57 p/h 0.71 p/h
3	25.3	Cold Work	0.57 p/h
4	25.4	Confined Space	0.71 p/h
5	25.6	Explosive Powered tools	1.35 p/d
6	25.7	Wet Work	0.57 p/h
7	25.8	Dirty Work	0.57 p/h
8	25.9	Towers Allowance Work above 15 metres Each further 15 metres	0.57 p/h 0.57 p/h
9	25.10	Toxic Substances Using toxic substances In close proximity	0.71 p/h 0.57 p/h
10	25.12	Materials containing asbestos	0.71 p/h
11	25.13	Furnace Work	1.50 p/h
12	25.14	Acid Work	1.50 p/h
13	25.16	Cleaning down brickwork	0.51 p/h
14	25.17	Bagging	0.51 p/h
15	25.18	Bitumen Work	0.71 p/h
16	25.19	Plaster or composition spray	0.57 p/h
17	25.20	Slushing	0.57 p/h
18	25.21	Dry polishing of tiles	0.71 p/h
19	25.22	Cutting tiles	0.71 p/h
20	25.23	Second hand timber	2.23 p/d
21	25.24	Roof repairs -Employees other than slaters and roof tilers	0.71 p/h
22	25.24(i) 25.24(ii)	Roof Repairs - Slaters and roof tilers Height over 15 metres 35° pitch 40° pitch	0.51 p/h 0.71 p/h 1.04 p/h
23	25.25	Computing quantities	4.10 p/d
24	25.26	Height work - painting tradespersons	0.51 p/h
25	25.27	Height work - bridge and wharf carpenters 8 metres from ground, deck, etc. Each additional 3 metres	0.57 p/h 0.10 p/h
26	25.28	Grindstone Allowance	6.04 p/w
27	25.31	Certificate Allowance	0.57 p/h
28	25.32	Spray Application - painters	0.57 p/h
29	25.33	Cutting bricks	0.71 p/h
30	25.34(a)	District Allowances Districts west and north Western Division	0.83 p/d 1.37 p/d

31	25.34(b)	District Allowances NSW border to Dalgety	1.37 p/d
32	25.34(c)	District Allowances Road and bridge construction and repair	0.44 p/d
33	25.35	Pneumatic tools - stonemason	3.09 p/d
34	25.36	Asbestos Eradication	1.90 p/h
35	25.37	Laser safety officer	2.34p/d
36	25.38	Illawarra road and general construction	0.57 p/h
37	25.39	Suspended Perimeter Work Platform	0.86 p/h
38	25.40	Labourers on refractory brickwork	4.24 per call back
39	25.41	First Aid Allowances Minimum qualification Higher qualification	2.42 p/d 3.80 p/d

16. This variation shall take effect from the beginning of the first full pay period to commence on or after 9 December 2009.

P. J. CONNOR, Commissioner

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(084)

SERIAL C7344**BUILDING CRANE DRIVERS (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch) Industrial Organisation of Employees.

(No. IRC 1748 of 2009)

Before Commissioner Connor

9 December 2009

VARIATION

1. Delete subclause (ii) of clause 4, Rates of Pay, of the award published 22 April 2005 (350 I.G. 345), and insert in lieu thereof the following:
 - (ii) The rates of pay in this award include the adjustments payable under State Wage Case 2009. These adjustments may be offset against:
 - (A) any equivalent over-award payments and/or
 - (B) award wage increases since 29 May, 1991 other than Safety Net, State Wage Case and minimum rates adjustments
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Wages**

Classification	Base Rate Per Week \$	Safety Net Adjustment Per Week \$	Total Margin Per Week \$
Lofty Crane Driver	495.20	225.60	720.80

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount \$
1.	8(iii)	Overtime meal allowance	12.50 per meal
2.	8 (iii) (a)	Meal interval	12.50 per meal
3.	10A(i)	Travel Allowance	17.60 per day
4.	10A(ii)	Travel within 50 klm from depot	17.60 per day
5	10 I (ii)	Transfer of Work Sites	0.95 cents per klm
6.	10 D (i)(b)	Excess travel	0.50 cents per klm
7.	10M	Travelling time allowance	10.50 per week
8.	11 (iii) (b)	Living away from home weekly rate	406.80 per week
9.	11 (iii) (b)	Living away from home daily rate	58.20 per day
10.	11 (v) (c) (iii)	Meals while travelling	12.50 p/meal
11.	11 (vi)	Return journey	20.80
12.	11 (xi) (b)	Weekly camping rate	168.20 per week
13.	11 (xi) (b)	Daily camping rate	24.00 per day
14.	12A	Industry Allowance	24.20 per week

15.	12B	Multi Storey Allowance - From 4th floor level to 10th floor level From 11th floor level to 15th floor level From 16th floor level to 20th floor level From 21st floor level to 25th floor level From 26th floor level to 30th floor level From 31st floor level to 40th floor level From 41st floor level to 50th floor level From 51st floor level to 60th floor level From 61st floor level onwards	0.50 per hour extra 0.57 per hour extra 0.66 per hour extra 0.84 per hour extra 1.04 per hour extra 1.09 per hour extra 1.25 per hour extra 1.43 per hour extra 1.51 per hour extra
16.	12C	Towers Allowance Up to 15 metres For every additional 15 metres	0.57 per hour 0.57 per hour
17.	12D(ii)	Dirty work	0.57 per hour extra

3. This variation shall take effect from the beginning of the first full pay period to commence on or after 9 December 2009.

P. J. CONNOR, Commissioner

Printed by the authority of the Industrial Registrar.

(058)

SERIAL C7346**BUILDING EMPLOYEES MIXED INDUSTRIES (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), Industrial Organisation of Employees.

(No. IRC 1749 of 2009)

Before Commissioner Connor

9 December 2009

VARIATION

1. Delete subclause 16.8 of clause 16, Wages, of the award published 16 November 2001 (329 I.G. 577), and insert in lieu thereof the following:
 - 16.8 The rates of pay in this award include adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
 - (i) any equivalent overaward payments, and/or
 - (ii) award wage increases since May 1991 other than safety net, State Wage Case and minimum rates adjustments.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Wages**

	Base Rate \$	Supplementary Payment \$	SWC Adjustments \$	Tool Allowance \$	Ordinary Weekly Rate \$
Carpenters & Joiners	367.30	38.20	231.70	26.20	663.40
Bricklayers	367.30	38.20	229.60	18.60	653.70
Plumbers including: Gasfitters & Drainers	369.60	38.00	231.90	26.20	n/a
Painters, Including: Signwriters Marblers, Grainers & Artworkers	367.30	38.00	231.70	6.30	n/a

Builders Labourer

Classification	Previous Ordinary Weekly Rate \$	SWC Adjustments \$	Current Ordinary Weekly Rate \$
1. Rigger, Dogger	431.40	161.90	593.30
2. Scaffolder (as defined), powder monkey hoist or winch driver, foundation shaftperson (as defined), concrete finisher (as defined), steel fixer including tack welder	420.20	161.60	581.80
3. Bricklayer's labourer, plasterer's labourer, assistant rigger (as defined), assistant powder monkey (as defined) demolition work (after 3 months experience) gear hand, pile driver (concrete), hammerperson, mixer driver (concrete), steel erector, aluminium alloy structural erectors, (whether pre-fabricated or otherwise), gantry hand or crane hand, crane chaser, cement gun operator, concrete cutting or drilling machine operator, concrete gang including concrete floater (as defined), roof layer (malthoid or similar material) dump cart operator, under pinner, steel or bar bender to pattern or plan, concrete formwork stripper	408.00	160.80	568.80
4. Builder's labourer employed on work other than that specified in (1) to (3) hereof	384.20	184.00	568.20

Apprentices

Carpenters/Joiners/Bricklayers/Painters

	Indentured	Trainees
1st Year	223.10	250.30
2nd Year	326.30	366.30
3rd Year	432.10	474.80
4th Year	505.30	533.30

Plumbers

1st Year	225.20	254.40
2nd Year	329.20	370.00
3rd Year	433.60	478.60
4th Year	510.00	538.50

Table 2 - Allowances

	Clause	Description	Amount \$
1		Tool Allowance	
	16.1	Carpenter/Joiner	26.20 per week
	16.1	Bricklayer	18.60 per week
	16.2	Plumber	26.20 per week
	16.3	Painter	6.30 per week
	16.4	Plumber - Registration Allowance	0.51 per hour

2		Adjustments	
	16.2.2	Ships Plumber	0.29 per hour
	16.2.3	Drainer (amount to be deducted)	0.05 per hour
	16.3.2	Signwriter	0.46 per hour
	16.3.3	Marbler and Grainer	0.46 per hour
	16.3.4	Ship Painter	0.36 per hour
	16.3.5	Casual Ships Painter	14.38 per day
	16.3.6	Signwriter, Grainer, Gilder on Ship work	0.79 per hour
	16.3.7(a)	Artworker Grade 2	0.45 per hour
	16.3.7(b)	Artworker Grade 1	0.81 per hour
All Employees			
3	17.2.1	Insulation	0.71 per hour
4	17.2.2	Hot Work between 46 and 54 degrees exceeding 54 degrees	0.57 per hour 0.71 per hour
5	17.2.3	Cold Work	0.57 per hour
6	17.2.4	Confined Spaces	0.71 per hour
7	17.2.5	Swing Scaffold first four hours every hour after	4.10 0.80 per hour
8	17.2.6	Wet Work	0.57 per hour
9	17.2.7	Dirty Work	0.57 per hour
10	17.2.8	Towers Allowance above 15 meters in height each additional 15 meters	0.57 per hour 0.57 per hour
11	17.2.9	Toxic Substances preparation and application when air conditioning plant not operating Close Proximity to employees so engaged	0.71 per hour 0.46 per hour 0.57 per hour
12	17.2.11	Computing Quantities All Trades except Plumbers Plumbers	4.10 per day 0.57 per hour
13	17.2.12	Asbestos Eradication	1.90 per hour
Carpenters, Joiners and Bricklayers Only			
14	17.3.1	Roof Work	0.71 per hour
15	17.3.2	Ship Repair	13.80 per week
16	17.3.3	Second Hand Timber	2.23 per day
17	17.3.4	Acid Work	1.50 per hour
18	17.3.5	Cleaning Down Brick Work	0.51 per hour
19	17.3.6	Bagging	0.51 per hour
20	17.3.7	Brick Cutting Machine	0.71 per hour
21	17.3.8	Heavy Blocks weighting over 5.5 kg and under 9 kg weighting over 9 kg and under 18 kg weighting over 18 kg	0.57 per hour 1.04 per hour 1.44 per hour
Carpenters, Joiners, Bricklayers and Painters			
22	17.4.1	Tunnel and Shaft	0.71 per hour
23	17.4.2	Furnace Work	1.50 per hour
24	17.4.3	Explosive Power Tools	1.35 per hour

Plumbers Only			
25	17.5.1	Chokages	6.46 per day
26	17.5.2	WC's Urinals	0.71 per hour
27	17.5.3	Height Work	0.57 per hour
28	17.5.4	Lead Burner Lead Burner in Chemical Works Oxyacetylene or Electric Welding Certificate Welding in Compliance with AS4041-1998 Welding other than under 17.5.4(c)	0.72 per hour 0.95 per hour 0.51 per hour 0.75 per hour 5.76 Min per day 0.12 per hour
29	17.5.5	Using or in close proximity to Asbestos	0.71 per hour
30	17.5.6	Slaughter Yards	1.35 per hour
31	17.5.7	Roof Work	0.79 per hour
32	17.5.8	Use of Licences Plumber's Licence Gasfitter's Licence Drainer's Licence Plumber's and Drainer's Licence Plumber's and Gasfitter's Licence Gasfitter and Drainers Licence	0.86 per hour 0.86 per hour 0.76 per hour 1.16 per hour 1.16 per hour 1.62 per hour
33	17.5.9 (a) (b) (c)	District Allowance	0.91 per hour 1.50 per hour 1.50 per hour
Ship Plumbers			
34	17.6.1	Ballast and Oil Tanks	0.71 per hour
35	17.6.2	Bilges	0.51 per hour
36	17.6.3	Diesel Engines	0.51 per hour
Painters			
37	17.7.2	Height Work	0.51 per hour
38	17.7.3	Use of Rigging or Scaffold Certificate	0.57 per hour
39	17.7.4	Spray Allowance	0.57 per hour
40	17.7.5	Power Tools	0.57 per hour
Builders Labourers			
41	16.4.2	Builders Labourer engaged on maintenance -not applicable to Builders Labourers Classification 4	14.94 per week
	16.4.3	Builders Labourer other than on maintenance - not applicable to Builders Labourers Classification 4	10.00 per week
42	17.8.1	Work on Acid Resistant Brick Work	0.53 per hour
	17.8.2	Boilers, furnaces, Kilns, etc	0.53 per hour
43	17.9.1	Apprentices use of Rigging or Scaffold Certificate	0.57 per hour
44	18	Leading Hand	
		Carpenters and Bricklayers In charge of: not more than 1 person more than 2 but not more than 5 persons more than 5 but not more than 10 persons more than 10 persons	16.10 per week 35.40 per week 45.10 per week 60.20 per week

		Plumbers In charge of: up to 2 journeypersons 3 to 5 journeypersons 5 to 10 journeypersons over 10 journeypersons	0.77 per hour 0.90 per hour 1.16 per hour 1.50 per hour
		Painters In charge of: 1 to 5 journeypersons (and/or apprentices) 6 to 15 journeypersons (and/or apprentices) more than 15 journeypersons (and/or apprentices)	7.10 per day 8.85 per day 12.10 per day
		Builders' Labourers In charge of not less than 2 nor more than 5 persons not less than 5 nor more than 10 persons more than 10 persons	29.30 per week 36.70 per week 49.55 per week
45	20.3.2	Ships Work - Special Places	0.51 per hour
46	20.3.3	Insulations with granulated cork	0.51 per hour
47	20.4	Removal Bitumous Compounds	0.51 per hour
48		Industry Allowance	25.10 per week
49	15.2	Overtime Meal Allowance	12.50 per meal
50	22.3.1(b)	Living Away from Home - Weekly	398.40 per week
51	22.3.1(c)	Living Away from Home - Daily	57.00 per day
52	22.4.1(a)(iii)	Travel Expenses - Meal	12.50 per meal
53	22.4.1(b)(i)	Return Journey	19.70 per occasion
54	22.6.5	Weekend Return Home	33.40 per occasion
55	24.1.1	First Aid Allowance	2.34 per day
56	26.2.1	Loss of Tools and Clothing	1,495.00

3. This variation shall take effect from the beginning of the first full pay period to commence on or after 9 December 2009.

P. J. CONNOR, Commissioner

Printed by the authority of the Industrial Registrar.

BUSINESS EQUIPMENT MAINTENANCE (STATE) AWARD, THE

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by The Australian Workers' Union, New South Wales, Industrial Organisation of Employees.

(No. IRC 1954 of 2009)

Before Commissioner Connor

17 December 2009

VARIATION

1. Delete subclause (iv) of clause 3, Wages, of the award published 16 May 1997 (298 I.G. 531), and insert in lieu thereof the following:
 - (iv) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
 - (a) any equivalent overaward payments, and/or
 - (b) award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Rates of Pay**

Classification	SWC 2008 Amount \$	SWC 2009 Adjustment \$	SWC 2009 Amount \$
Office Equipment Mechanic	642.90	18.00	660.90

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	SWC 2008 Amount \$	SWC 2009 Amount \$
1	3(ii)	Leading Hands - in charge of not less than three and not more than 10 employees	29.40 p/wk	30.20 p/wk
		in charge of 10 and not more than 20 employees	44.10 p/wk	45.35 p/wk
		in charge of more than 20 employees	55.95 p/wk	57.50 p/wk
2	8	Standing-by allowance	10.50 p/hr	10.80 p/hr
3	11(i)(ii)	Meal allowance	11.00 p/meal	11.15 p/meal
4	16(vi)(b)	Meal allowance included as reasonable expenses whilst travelling	11.00 p/meal	11.15 p/meal
5	16(vi)(b)	Additional meal allowance for evening meal whilst travelling	11.00 p/meal	11.15 p/meal

6	16(vi)(c)	Living away from home allowance	73.55 p/day	73.55 p/day
7	16(vi)(c)	Evening meal allowance paid in addition to living away from home allowance	15.30	15.55
8	29(v)	Laundry allowance	2.40 p/wk	2.40 p/wk

Note: These allowances are contemporary for expense related allowances as at 30 September 2009 and for work related allowances are inclusive of adjustment in accordance with the July 2009 State Wage Case Decision of the Industrial Relations Commission of New South Wales.

3. This variation shall take effect from the first pay period to commence on or after 5 June 2010.

P. J. CONNOR, Commissioner

Printed by the authority of the Industrial Registrar.

BUTTON MAKERS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Transport Workers' Union of New South Wales, Industrial Organisation of Employees.

(No. IRC 1975 of 2009)

Before Commissioner Bishop

18 December 2009

VARIATION

1. Delete subclause 12.2, of clause 12, Rates of Pay, of the award published 21 February 2003 (338 I.G. 393), and insert in lieu thereof the following:

12.2 State Wage Case 2009

The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:

- (i) any equivalent overaward payments, and /or
 - (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.
2. Delete Part B - Monetary Rates and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Rates of Pay**

Rates of pay from the beginning of the first pay period to commence on or after 11 December 2009.

Skill Level	Description	Award Rate Per Week \$
1	Trainee/ Labourer	568.20
2	General Operations Duties	587.50
3	Warehouse Duties	602.60
4	Technically Skilled and Assistant Supervisor	624.90
5	Trades person/ Assistant Foreperson	658.75
6	Production Support Supervisor	683.30
7	Supervisor	705.50

Table 2 - Other Rates and Allowances

Allowances from the beginning of the first pay period to commence on or after 11 December 2009.

Item No.	Clause No.	Brief Description	Amount \$
1	20.1	First-aid Allowance	11.30 per week

2	20.2	Leading Hand Allowance	Per week
		In charge of up to 10 employees	23.95
		In charge of up to 11 to 20 employees	34.90
		In charge of 21 or more employees	42.30
3	20.8	Payment by Results Systems -	
		Employee who instructs learners	
		1st week	5.65
		2nd week	5.00
		3rd week	4.35
		continue instructing a learner thereafter	4.35
4	20.9	Change of shifts without 2 days' notice - compensation	18.70
5	20.10	Meal Allowance	7.95
		For each subsequent meal	5.80
6	52.1	Disability Allowance	4.05
	52.2	Inadequate dining and/or rest facilities	4.05

3. This variation shall take effect from the first full pay period on or after 11 December 2009.

E. A. R. BISHOP, Commissioner

Printed by the authority of the Industrial Registrar.

CLOTHING TRADES (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Transport Workers' Union of New South Wales, Industrial Organisation of Employees.

(No. IRC 1974 of 2009)

Before Commissioner Bishop

18 December 2009

VARIATION

1. Delete clause 7, Absorption Commitment, of the award published 9 May 2008 (365 I.G. 1236), and insert in lieu thereof the following:

7. Absorption Commitment

- 7.1 The rates of pay in this Award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
- (i) any equivalent over award payments, and/or
 - (ii) award wage increase since 29 May 1991 other than Safety Net, State Wage Case, and minimum wage adjustments.
- 7.2 The rates in Tables 1 - Rates of Pay, and the rates in Table 2 - Other Rates and Allowances, of Part B, Monetary Rates, shall operate from the beginning of the first pay period to commence on or after 18 December 2009.
2. Delete Part B - Monetary Rates and insert in lieu of the following:

PART B**MONETARY RATES****Table 1 - Rates of Pay**

Clause 6 - Rates of Pay

Adult Rates of Pay from the beginning of the first pay period to commence on or after 18 December 2009.

Skill Level	Award Rate \$
Trainee	560.70
1	578.50*
2	602.50
3	624.90
4	660.90
5#	705.50**

* Calculation for minute pay rate for PBR purposes

** Note yet determined as to relativity

Not a skill level

Table 2 - Other Rates and Allowances

Allowances payable from the beginning of the first pay period to commence on or after 18 December 2009.

Item No.	Clause No.	Brief Description	Amount \$
1	6.6.1	Head of table or bench of machines, in charge of four or more persons - above appropriate machinist rate	16.45
2	6.6.2	Head of table or bench of machines, in charge of four or more persons - above appropriate machinist	12.10
3	17.1	Meal Money	9.95
4	46.1	Disability allowances - Inadequate dining facilities	4.05
5	46.2	Disability Allowances - Inadequate rest facilities	4.05

3. Delete the paragraph commencing "Wages" in clause 63, Schedule C, Information to be given to Outworkers, and insert in lieu thereof the following:

Wages - According to law, as at 18 December 2009 the usual weekly wage for 38 hours, Monday to Friday is \$602.50. The hourly rate is \$15.85. Remember, the law says you must not be paid less than the hourly rate according to the award.

4. This variation shall take effect on and from the first full pay period on or after 18 December 2009.

E. A. R. BISHOP, Commissioner

Printed by the authority of the Industrial Registrar.

COAL SUPERINTENDING SAMPLERS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by The Australian Workers' Union, New South Wales, Industrial Organisation of Employees.

(No. IRC 1852 of 2009)

Before Commissioner Macdonald

7 December 2009

VARIATION

1. Delete clause 7, State Wage Case Adjustments, of the award published 28 September 2001 (328 I.G. 218), and insert in lieu thereof the following:

7. State Wage Case Adjustments

The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:

- (i) any equivalent overaward payment; and/or
- (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Wages**

Item No	Clause No	Classification	SWC 2008 Amount \$	SWC 2009 Adjustment \$	SWC 2009 Amount \$
1	2	Trainee Sampler	565.20	15.80	581.00
2	2	Sampler	693.00	19.40	712.40
3	2	Senior Sampler	718.20	20.10	738.30
4	2	Supervising Sampler	782.40	21.90	804.30
5	2	Leading Hand 3-5 (p/hr)	0.49	0.01	0.50
6	2	Leading Hand 6-10 (p/hr)	0.71	0.02	0.73
7	2	Leading Hand over 10 (p/hr)	0.82	0.02	0.84

Table 2 - Other Allowances

Item No	Clause No	Brief Description	SWC 2008 Amount \$	SWC 2009 Amount \$
1	6	Meal Allowance	11.75	12.25
2	19(iv)	First Aid Allowance	2.40 day	2.47 day
3	27(i)	Travel Allowance	5.55 day	5.55 day
4	27(ii)	KM Allowance	0.60 km	0.60 km
5	28	Living Away Allowance	66.30 day	66.30 day

"Note": These allowances are contemporary for expense related allowances as at 30 September 2009 and for work related allowances are inclusive of adjustment in accordance with the June 2009 State Wage Case Decision of the Industrial Relations Commission of New South Wales.

3. This variation shall take effect from the first full pay period to commence on or after 31 December 2009.

A. MACDONALD, Commissioner

Printed by the authority of the Industrial Registrar.

COOMA CHALLENGE LIMITED BUSINESS SERVICES (STATE) AWARD, THE

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Transport Workers' Union of New South Wales, Industrial Organisation of Employees.

(No. IRC 1976 of 2009)

Before Commissioner Bishop

18 December 2009

VARIATION

1. Delete paragraph 8.5.3, of clause 8, Employees with a Disability - Rates of Pay, Assessment and Classification, of the award published 20 May 2005 (351 I.G. 229), and insert in lieu thereof the following:

The rates of pay in this Award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:

- (i) Any equivalent over-award payments; and/or
 - (ii) award wage increase since 29 May 1991 other than safety net adjustments, and minimum wage adjustments."
2. Delete Part B - Monetary Rates, and insert in lieu thereof the following:

PART B

MONETARY RATES

Table 1 - Rates of Pay - Employees with a Disability

The rates of pay in Table 1 shall apply from the beginning of the first pay period to commence on or after 11 December 2009.

Classification	Percentage of Year 1 of Grade 1 for Employees without a Disability %	Hourly Rate of Pay \$	Weekly Rate of Pay \$
Level 1	19.5	3.49	132.75
Level 2	22.5	3.95	150.10
Level 3	27	4.70	178.45
Level 4	32	5.57	211.50
Level 5	36	6.26	237.95
Level 6	37.5	6.52	247.85

Table 2 - Rates of Pay - Employees without a Disability

The rates of pay in Table 2 shall apply from the beginning of the first pay period to commence on or after 11 December 2009.

Number of Years Employed	Hourly \$	Weekly \$
Grade 1		
Year 1	17.39	660.95
Year 2	18.03	684.95
Year 3	18.81	714.90
Year 4	19.59	744.35
Grade 2		
Year 1	20.23	768.90
Year 2	21.03	798.95
Year 3	21.34	810.95
Year 4	22.60	858.95
Year 5	23.39	888.95

Table 3 - Other Rates and Allowances

The allowances in Table 3 shall apply from the beginning of the first pay period to commence on or after 11 December 2009.

Item No.	Clause No.	Brief Description	Amount \$
1	13.1	Meal Money	9.60
2	33.1	Leading Hand Allowance - In charge of up to 10 employees In charge of 11 to 20 employees In charge of 21 or more employees	22.85 per week 39.15 per week 42.30 per week
3	33.2	Unwashed Rags	2.80
4	33.2	Picking Over Waste or Rags	1.15 per bale
5	33.4	First-aid Allowance	11.30 per week
6	33.5	Motor Vehicle Allowance	0.60 per km
7	40.1	Amenities Allowances - Inadequate dining facilities	3.95 per day
8	40.1	Amenities Allowances - Inadequate rest facilities	3.95 per day

3. This variation shall come into effect from the first full pay period on or after 11 December 2009.

E. A. R. BISHOP, Commissioner

Printed by the authority of the Industrial Registrar.

CROWN EMPLOYEES (NATIONAL ART SCHOOL, ACADEMIC STAFF) SALARIES AND CONDITIONS AWARD 2009

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by New South Wales Teachers Federation, Industrial Organisation of Employees.

(No. IRC 2339 of 2008)

Before The Honourable Justice Walton, Vice-President

12 August 2009

AWARD

PART A

1. Arrangement

Clause No.	Subject Matter
1.	Arrangement
2.	Dictionary
3.	Quality Improvement Program
4.	Research (Studio Practice) and Development
5.	Qualifications for Appointment
6.	Filling of Positions
7.	Calculation of Service
8.	Salaries
9.	Salary Progression
10.	Allowances
11.	Hours of Work and Attendance
12.	Lecturing Contact Hours
13.	Casual Lecturers
14.	Part-time Work for Academic Staff
15.	Leave
16.	Dispute Resolution Procedures
17.	No Further Claims
18.	Anti-Discrimination
19.	Deduction of Federation Membership Fees
20.	Leave Reserved
21.	Secure Employment Test Case - OHS Obligations
22.	Further Employee Related Reform Measures and Cost Savings
23.	Area, Incidence and Duration

PART B

MONETARY RATES

Table 1 - Salaries

Table 2 - Other Rates and Allowances

2. Dictionary

- 2.1 "Academic Staff" means lecturers, senior lecturers and heads of studies employed at the School.
- 2.2 "Casual Lecturer" means a lecturer engaged on an hourly basis by the School.

- 2.3 "Department" means the Department of Education and Training.
- 2.4 "Director" means the Director of the National Art School.
- 2.5 "Director-General" means the Director-General of the Department of Education and Training.
- 2.6 "Employee" means a person employed in a classification covered by this award.
- 2.7 "Employer for Industrial Purposes" means the Director of Public Employment.
- 2.8 "Employer for all purposes other than Industrial" means the Director-General of the Department of Education and Training.
- 2.9 "Federation" means the New South Wales Teachers Federation.
- 2.10 "Head of Public Programs" means a person employed as provided by clause 6, Filling of Positions, at the level of senior lecturer to carry out co-ordination duties in relation to the development, implementation and evaluation of public programs and who may be required by the Director to undertake some lecturing duties in the School.
- 2.11 "Head of Studies" means a person engaged as such as provided for by clause 6, Filling of Positions, to oversee the academic programs of the School.
- 2.12 "Industrial Relations Commission" means the Industrial Relations Commission of New South Wales established by the Industrial Relations Act 1996.
- 2.13 "Lecturer" means a person engaged as such and employed as provided for by clause 6, Filling of Positions, to carry out lecturing duties at the School.
- 2.14 "Lecturing Duties" means those duties contained in subclause 11.3 of clause 11, Hours of Work and Attendance, and includes lecturing in an individual Learning Centre and Study Centre.
- 2.15 "Parties" means the NSW Department of Education and Training and the Federation.
- 2.16 "School" means the National Art School which is part of the Department of Education and Training.
- 2.17 "School Year" means a period of 50 weeks, excluding the two week close down period surrounding Christmas/New Year, during which educational programs may be conducted.
- 2.18 "Senior Lecturer" means a person engaged as such and employed as provided for by clause 6, Filling of Positions, to provide artistic and administrative leadership to a Printmaking, Photography, Sculpture, Ceramics, Drawing, Art History and Theory Department of the School or other departments as may be created.

3. Quality Improvement Program

- 3.1 The parties are committed to encouraging academic staff at all levels to take responsibility for the continuous improvement of all processes, products and services of the School.
- 3.2 The parties will actively participate in the development and implementation of an agreed quality improvement program in the School and will contribute to the program's success.

4. Research (Studio Practice) and Development

- 4.1 The parties confirm a commitment to research and development for all academic staff. Staff recognise their obligation to maintain and update their skills. The School recognises its obligations to provide staff with opportunities to maintain and update their skills.

- 4.2 The School will facilitate the artistic development, skills enhancement and career development opportunities of staff and improve effectiveness through a range of activities, including:
- 4.2.1 work-based learning;
 - 4.2.2 secondment;
 - 4.2.3 project team participation;
 - 4.2.4 job design and redesign;
 - 4.2.5 research and exhibition opportunities; and
 - 4.2.6 provision of training relevant to the needs of the individual and the requirements of the School.

5. Qualifications for Appointment

- 5.1 Except where the Director determines that special circumstances exist in relation to a particular person which warrants that person's appointment with a lesser qualification, the minimum qualifications for appointment to positions are as follows:
- 5.1.1 Lecturer, senior lecturer and head of studies - Demonstrated significant standing as an artist and a current exhibition record and a distinguished record of artistic practice in the appropriate area.
 - 5.1.2 For employment within the Art History and Theory Department - demonstrated significant standing as an art historian/theoretician and appropriate qualifications.

6. Filling of Positions

- 6.1 Employees covered by this award shall be employed pursuant to the provisions of the *Public Sector Employment and Management Act 2002*.

7. Calculation of Service

- 7.1 In calculating the years of service for the purpose of this award, the following periods shall not be taken into account:
- 7.1.1 Any leave of absence without pay exceeding five days in any year of service excepting those forms of leave which count for service for extended leave purposes.
 - 7.1.2 Any unauthorised absences.

8. Salaries

- 8.1 Salaries and rates of pay shall be paid in accordance with this clause and Part B, Tables 1 and 2. The annual remuneration of classifications covered by this award shall be as set out in Table 1 - Salaries, and Table 2 - Other Rates and Allowances, of Part B, Monetary Rates.
- 8.2 The provisions of subclause 9.1 shall apply to the classifications set out in Table 1- Salaries of Part B, Monetary Rates, and to any such classification which, due to restructuring, has a title/name change during the life of this award.
- 8.3 The annual remuneration of salaries covered by this award shall be inclusive of all incidents of employment, except for the specific allowances as set out in this award

8.4 Salary packaging

For the purposes of this clause "salary" means the salary or rates of pay prescribed for the employee's classification by [insert relevant award reference] and any allowances paid to an employee which form part of the employee's salary for superannuation purposes.

8.4.1 An employee may, by agreement with the employer, enter into a salary packaging arrangement including salary sacrifice to superannuation where they may convert up to 100% of their salary to other benefits.

Any pre-tax and post-tax payroll deductions must be taken into account prior to determining the amount of salary available to be packaged. Such payroll deductions may include but are not limited to, compulsory superannuation payments, HECS payments, child support payments, judgment debtor/garnishee orders, union fees, health fund premiums.

8.4.2 The terms and conditions of the salary packaging arrangement, including the duration as agreed between the employee and employer, will be provided in a separate written agreement, in accordance with the Department's salary packaging guidelines. Such agreement must be made prior to the period of service to which the earnings relate.

8.4.3 Salary packaging must be cost neutral for the employer. Employees must reimburse the employer in full for the amount of:

8.4.3.1 any fringe benefits tax liability arising from a salary packaging arrangement; and

8.4.3.2 any administrative fees.

8.4.4 Where an employee makes an election to salary package the following payments made by the employer in relation to an employee shall be calculated by reference to the annual salary which the employee would have been entitled to receive but for the salary packaging arrangement:

8.4.4.1 Superannuation Guarantee Contributions;

8.4.4.2 any salary-related payment including but not limited to allowances and workers compensation payments; and

8.4.4.3 payments made in relation to accrued leave paid on termination of the employee's employment or on the death of the employee.

9. Salary Progression

9.1 A lecturer and senior lecturer shall progress after each 12 months of service along the salary steps of their classification set out in Table 1 - Salaries, of Part B, Monetary Rates, subject to the lecturer and senior lecturer demonstrating continuing satisfactory performance and professional growth as determined by the Director.

10. Allowances

10.1 Co-ordination Allowance - Where a lecturer is required to undertake the co-ordination of programs, courses or subjects in addition to their normal program, across Departments of the School for a specified period of time, as determined by the Director, they will be paid on an annual or pro-rata basis, the co-ordination allowance as set out in Table 2, Other Rates and Allowances of Part B, Monetary Rates.

10.2 The co-ordination allowance is to be paid only whilst the lecturer is undertaking co-ordination duties. In addition, and for the period during which co-ordination duties are undertaken, the lecturer will be provided with a reduction in lecturing hours and/or other duties in lieu of undertaking co-ordination duties.

11. Hours of Work and Attendance

- 11.1 Attendance - Full-time and part-time staff are required to be in attendance at such times and on such days, for up to 41 weeks of the school year as is deemed necessary by the Director to maintain the efficient working of the School. In periods of non-attendance (excluding periods of annual leave), staff are expected to maintain their professional practice.
- 11.2 A flexible and adaptive approach in relation to attendance hours and working arrangements for the School will be implemented as follows:
- 11.2.1 The ordinary hours of work for lecturers, senior lecturers and heads of studies shall be 420 hours over a twelve week cycle.
- 11.2.2 The ordinary hours of work for lecturers over the twelve week cycle shall include:
- 11.2.2.1 216 hours of lecturing contact hours;
- 11.2.2.2 120 hours of preparation, marking and assessment and administrative duties;
- 11.2.2.3 84 hours maintenance of professional practice.
- 11.2.3 The ordinary hours of work for senior lecturers over the twelve week cycle shall include:
- 11.2.3.1 144 hours of lecturing contact hours;
- 11.2.3.2 192 hours of preparation, marking and assessment and administrative duties;
- 11.2.3.3 84 hours maintenance of professional practice.
- 11.2.4 The ordinary hours of work for heads of studies over the twelve week cycle shall include:
- 11.2.4.1 108 hours of lecturing contact hours;
- 11.2.4.2 228 hours of preparation, marking and assessment and administrative duties;
- 11.2.4.3 84 hours maintenance of professional practice.
- 11.2.5 Lecturers, senior lecturers and heads of studies may be required by the Director to work up to a maximum of 41 hours in any one week in undertaking lecturing contact hours, preparation, marking and assessment and administrative duties and maintenance of professional practice. More than 41 hours in a week may be worked by the academic staff member, by agreement between the academic staff member and the Director, to undertake lecturing contact hours, preparation, marking and assessment and administrative duties and maintenance of professional practice.
- 11.2.6 Lecturers, senior lecturers and heads of studies may be required by the Director to work up to 6 additional lecturing contact hours in any one week over the average weekly figure for each classification set out in subparagraphs 11.2.2.1, 11.2.3.1 and 11.2.4.1 above.
- 11.2.7 Where the hours of work for lecturers, senior lecturers and heads of studies exceed 420 hours over a twelve week cycle, the additional hours may be carried over as time-credit into the next twelve week cycle. At the end of this second twelve week cycle, the total hours work for both cycles shall equal 840. Hours in excess of 840 hours shall be paid out, at the applicable single time rate, or time taken in lieu.
- 11.2.8 The Director shall ensure that where practicable, the lecturing contact hours and hours relating to preparation, marking and assessment and administrative duties shall be arranged so that the 84 hours maintenance of professional practice shall not require the attendance of the academic staff member at the School.

- 11.2.9 Subject to the approval of the Director, lecturing contact hours and hours relating to preparation, marking and assessment and administrative duties of a full-time academic staff member may be met by attendance at the School in four days per week.
- 11.2.10 The daily span of working hours in the School for staff under this award is between 7.30 a.m. and 10.00 p.m., Monday to Sunday, inclusive. Staff working within these time bands are to be paid the normal rate of pay, with the exception of programmed lecturing hours on Sunday, which shall attract payment at double time. Field trips, excursions or work other than programmed lecturing on Sunday does not attract penalty rates.
- 11.2.11 Lecturing shall not be required after 6.00 p.m. on Saturdays or on Sundays without the prior written consent of the lecturer, senior lecturer or head of studies concerned.
- 11.2.12 Those lecturers, senior lecturers and heads of studies whose classes finish prior to the end of the academic year, semester or term due to final examinations will continue to perform other duties determined in consultation between the staff member and his/her supervisor.
- 11.3 Lecturing Duties - Actual class tuition, setting and marking class tests, assessing and marking students' practical work, preparing special lectures and lecture demonstrations, completing records and returns and setting and marking assignments, initial recording of results, familiarisation with the syllabus, organisation of lesson plan, preparation of lesson notes, preparation of teaching aids, making copies of notes, preparation for practical work, drawing and practical exercises and maintain professional practice.

NOTE: Clause 11 (previously Clause 12 in the original award) is to be read in the light of the comments by the Honourable Justice Schmidt in the Supplementary Judgment of 25 March 1999 in Matter Numbers IRC 1627 and 3676 of 1998, in which her Honour stated:

"Clause 12.2 deals with the work which may be required of those who lecture in the 3 twelve week cycles which operates over the academic year for the teaching of the degree course, making a total of 36 weeks of lectures in the 41 week year"

12. Lecturing Contact Hours

- 12.1 Subject to clause 11, Hours of Work and Attendance, the standard face to face lecturing hours component may be up to:
- 12.1.1 for full-time lecturer, 738 hours per annum.
- 12.1.2 for full-time senior lecturers, 492 hours per annum.
- 12.1.3 for full-time heads of studies, 369 hours per annum.
- 12.2 Subject to clause 11, Hours of Work and Attendance, the above lecturing hours will be discharged during 41 weeks of the 50 week school year, or alternatively by consultation between the Director and the lecturer, senior lecturer or head of studies concerned.

NOTE: Clause 12 (previously clause 13 in the original award) is to be read in the light of the comments on clauses 11 and 12 (previously clauses 12 and 13 in the original award) made by the Honourable Justice Schmidt in the Supplementary Judgment of 25 March 1999 in Matter Numbers IRC 1627 and 3676 of 1998. In particular, it is noted that clause 12 only permits those lecturing in the degree course to be required to attend for a maximum attendance of 41 weeks per year.

13. Casual Lecturers

- 13.1 This clause sets out the general conditions of employment for casual lecturers.
- 13.2 Qualifications for Appointment - Except where the Director determines that special circumstances exist in relation to a particular person which warrant that person's engagement with lesser qualifications or a

shorter duration of vocational experience, the minimum qualifications for engagement as a casual lecturer is the same as required for full-time academic staff.

13.3 Rates of Pay -

13.3.1 The hourly rate of pay inclusive of all incidents of employment, shall be as set out in Table 2 - Other Rates and Allowances, of Part B, Monetary Rates.

13.3.2 Full-time lecturers and the casual lecturer hourly rate is linked by a formula, based for administrative convenience on the ratio of the hourly salary of Step 4 of the lecturer classification scale, which is contained in Table 1 - Salaries, of Part B, Monetary Rates.

This formula is as follows:

$$\frac{\text{Step 4 lecturer classification}}{1} \times \frac{5}{260.8929} \times \frac{1}{35}$$

13.3.3 The ratio calculated in accordance with paragraph 13.3.2 is 1.5722.

13.4 Lecturing Duties - The rate paid for casual lecturing duties shall be deemed to cover the duties which casual lecturers are engaged during the hours for which they have been authorised to provide actual lecturing and all duties incidental to lecturing including attendance in the lecture room or studio before the commencement and after the completion of the tuition, setting and marking of class tests, assessing and marking students' practical work, preparing special lectures, lectures and studio demonstrations, completing records and returns and setting and marking assignments, initial recording of results, familiarisation with the syllabus, organisation of lesson plan, preparation of lesson notes, preparation of teaching aids, making copies of notes, preparation for practical work, drawing and practical exercises. The rate also incorporates a payment in recognition of the casual nature of employment and all incidents of that employment.

13.5 Research (Studio Practice) and Development - Where a casual lecturer is required by the Director to attend a development activity which is related to their lecturing duties, the staff member shall be paid at the rate applicable to their ordinary lecturing program for the length of that development activity.

13.6 Class Cancellation - Casual lecturers who receive less than two hours notice of cancellation of a lecture, shall be paid for all that lecture at the casual lecturer rate for the period of that engagement.

13.7 Induction Session - Casual lecturers who are required to attend an induction session are entitled to be paid at the casual lecturer rate for such attendance.

13.8 Attendance at Staff Meetings - Casual lecturers who are required by the Director to attend a staff meeting are entitled to be paid for such attendance.

13.9 Access to Teaching Resources - Subject to the need for security and safety, teaching materials, working areas and equipment, resource and reference materials will be readily accessible by casual lecturers before, during and following their scheduled duty periods.

13.10 Personal Carers entitlement for Casual Lecturers

13.10.1 Casual lecturers are entitled to not be available to attend work, or to leave work if they need to care for a family member described in clause 15.7.1.3(b) of the Award who is sick and requires care and support, or who requires care due to an unexpected emergency, or the birth of a child. This entitlement is subject to the evidentiary requirements set out below in 13.10.4, and the notice requirements set out in 13.10.5.

13.10.2 The Department and the casual lecturer shall agree on the period for which the staff member will be entitled to not be available to attend work. In the absence of agreement, the casual lecturer is entitled to not be available to attend work for up to 48 hours (i.e. two

days) per occasion. The casual staff member is not entitled to any payment for the period of non-attendance.

13.10.3 The Department must not fail to re-engage a casual lecturer because the casual lecturer accessed the entitlements provided for in this clause. The rights of the department to engage or not to engage a casual staff member are otherwise not affected.

13.10.4 The casual lecturer shall, if required,

- (a) establish either by production of a medical certificate or statutory declaration, the illness of the person concerned and that the illness is such as to require care by another person, or
- (b) establish by production of documentation acceptable to the Director General or a statutory declaration, the nature of the emergency and that such emergency resulted in the person concerned requiring care by the staff member.

In normal circumstances, a casual lecturer must not take carer's leave under this subclause where another person had taken leave to care for the same person.

13.10.5 The casual lecturer must, as soon as reasonably practicable and during the ordinary hours of the first day or shift of such absence, inform the Director General of their inability to attend for duty. If it is not reasonably practicable to inform the Director General during the ordinary hours of the first day or shift of such absence, the casual lecturer will inform the Director General within 24 hours of the absence (drawn from AIRC order (PR964989)).

13.11 Bereavement entitlements for Casual Lecturers

13.11.1 Casual lecturers are entitled to not be available to attend work, or to leave work upon the death in Australia of a family member on production of satisfactory evidence (if required by the Director General).

13.11.2 The Director General and the casual lecturer shall agree on the period for which the casual lecturer will be entitled to not be available to attend work. In the absence of agreement, the casual lecturer is entitled to not be available to attend work for up to 48 hours (i.e. two days) per occasion. The casual lecturer is not entitled to any payment for the period of non-attendance.

13.11.3 The Director General must not fail to re-engage a casual lecturer because the casual lecturer accessed the entitlements provided for in this clause. The rights of the Director-General to engage or not engage a casual lecturer are otherwise not affected.

13.11.4 The Casual Lecturer must, as soon as reasonably practicable and during the ordinary hours of the first day or shift of such absence, inform the Director General of their inability to attend for duty. If it is not reasonably practicable to inform the Director General during the ordinary hours of the first day or shift of such absence, the casual lecturer will inform the Director General within 24 hours of the absence (Drawn from AIRC order (PR964989)).

13.12 Parental Leave for Casual Lecturers members

13.12.1 Casual Lecturers will be entitled to unpaid parental leave under Chapter 2, Part 4, Division 1, Section 54 Entitlement to Unpaid Parental leave, *Industrial Relations Act 1996*, if they meet the definition of a regular casual employee (see section 53(2) of the *Industrial Relations Act 1996*). The following provisions shall also apply in addition to those set out in the *Industrial Relations Act 1996* (NSW).

13.12.2 The Director General must not fail to re-engage a regular casual employee (see section 53(2) of the *Industrial Relations Act 1996*) because:

- (a) the casual lecturer or casual lecturer spouse is pregnant; or
- (b) the casual lecturer is or has been immediately absent on parental leave.

The rights of the Director-General in relation to engagement and re-engagement of casual lecturers are not affected, other than in accordance with this clause.

14. Part-Time Work for Academic Staff

- 14.1 A person employed on a part-time basis and engaged as such shall have the same entitlements as full-time staff, on a pro-rata basis where appropriate.

15. Leave

- 15.1 For the purposes of this clause, academic staff does not include casual lecturers unless otherwise specified.
- 15.2 Annual Leave - All academic staff shall be entitled to 20 days annual leave or pro-rata where employed for periods of less than the equivalent full-time.
- 15.3 Annual Leave Loading - All academic staff shall be paid a loading of 17.5 per cent of their salary for the 20 days annual leave for each 12 months of service, or pro-rata, on the basis of the staff member's ordinary salary rate.
- 15.4 Annual Leave and Agreed Weeks of Non-attendance for all academic staff shall be:

15.4.1 In lieu of the provisions under the *Annual Holidays Act 1944*, lecturers, senior lecturers and heads of studies shall, not unless otherwise required by the Director, be required to attend the School for the number of weeks as set out in the following schedule:

Classification	Annual leave weeks	Agreed calendar weeks of non-attendance (includes the two week shut down period at Christmas/New Year)
Lecturer	4	7
Senior lecturer	4	7
Head of Studies	4	7

15.4.2 During the agreed calendar weeks of non-attendance, academic staff will be involved in academic development and studio practice.

- 15.5 Sick Leave -

15.5.1 All academic staff shall be entitled to 15 days per annum, with the unused component of the annual entitlement being fully cumulative.

15.5.2 Special sick leave shall continue to be available.

- 15.6 Sick Leave to Care for a Family Member - All academic staff shall be entitled to access accrued sick leave to care for a family member, as detailed in paragraph 15.7.1 below.

- 15.7 Personal/Carer's Leave -

15.7.1 Use of Sick Leave -

- 15.7.1.1 Academic staff with responsibilities in relation to a class of person set out in section 15.7.1.3 (b) below, who needs the staff member's care and support shall be entitled to use, in accordance with this paragraph, any current or accrued sick leave entitlement provided for in paragraph 15.5.1, for absences to provide care and

support for such persons when they are ill. Such leave may be taken for part of a single day.

15.7.1.2 The staff member shall, if required, establish either by production of a medical certificate or statutory declaration, the illness of the person concerned and that the illness is such as to require care by another person. In normal circumstances, a staff member must not take carer's leave under this subclause where another person has taken leave to care for the same person.

15.7.1.3 The entitlement to use sick leave in accordance with this paragraph is subject to:

- (a) the staff member being responsible for the care of the person concerned; and
- (b) the person concerned being:
 - (1) a spouse of the staff member; or
 - (2) a de facto spouse who, in relation to a person, is a person of the opposite sex to the first mentioned person who lives with the first mentioned person as husband or wife of that person on a bona fide domestic basis although not legally married to that person; or
 - (3) a child or an adult (including an adopted child, a stepchild, a foster child or an ex-nuptial child), parent (including a foster parent and legal guardian), grandparent, grandchild or sibling of the staff member or spouse or de facto spouse of the staff member; or
 - (4) a same sex partner who lives with the staff member as the de facto partner of that staff member on a bona fide domestic basis; or
 - (5) a relative of the staff member who is a member of the same household where, for the purposes of this section:
 - (i) "relative" means a person related by blood, marriage, affinity or Aboriginal kinship structures;
 - (ii) "affinity" means a relationship that one spouse, because of marriage, has to blood relatives of the other; and
 - (iii) "household" means a family group living in the same domestic dwelling.

15.7.1.4 A staff member shall, wherever practicable, give the Director notice, prior to the absence, of the intention to take leave, the name of the person requiring care and that person's relationship to the staff member, the reasons for taking such leave and the estimated length of absence. If it is not practicable for the staff member to give notice of absence, the staff member shall notify the Director by telephone of such absence at the first opportunity on the day of absence.

15.7.2 Unpaid Leave for Family Purposes - Academic staff may elect, with the consent of the Director, to take unpaid leave for the purpose of providing care and support to a member of a class of person set out in section 15.7.1.3 (b) above, who is ill.

15.7.3 Annual Leave -

15.7.3.1 Academic staff may elect, with the consent of the Director, subject to the *Annual Holidays Act 1944*, to take annual leave not exceeding ten days in single day periods or part thereof, in any calendar year at a time or times agreed by the parties.

- 15.7.3.2 Access to annual leave, as prescribed in subparagraph 15.7.3.1 above, shall be exclusive of any shutdown period provided for elsewhere under this award.
- 15.7.3.3 A staff member and employer may agree to defer payment of the annual leave loading in respect of single day absences, until at least five consecutive annual leave days are taken.
- 15.7.3.4 An employee may elect with the employers agreement to take annual leave at any time within a period of 24 months from the date at which it falls due.
- 15.7.4 Time Off in Lieu of Payment for Overtime -
- 15.7.4.1 Academic staff may elect, with the consent of the Director, to take time off in lieu of payment for overtime at a time or times agreed with the employer within twelve (12) months of the said election.
- 15.7.4.2 Overtime taken as time off during ordinary time hours shall be taken at ordinary time rate, that is an hour for each hour worked.
- 15.7.4.3 If, having elected to take time as leave in accordance with subparagraph 15.7.4.1 above, the leave is not taken for whatever reason, payment for time accrued at overtime rates shall be made at the expiry of the (12) month period or on termination.
- 15.7.4.4 Where no election is made in accordance with subparagraph 15.7.4.1 above, the staff member shall be paid overtime rates in accordance with the award.
- 15.7.5 Make-up Time - Academic staff may elect, with the consent of the Director, to work "make-up time," under which the staff member takes time off ordinary hours, and works those hours at a later time, during the spread of ordinary hours provided in the award, at the ordinary rate of pay.
- 15.7.6 Bereavement Leave -
- 15.7.6.1 Where family and community service leave has been exhausted academic staff shall be entitled to up to two days bereavement leave without deduction of pay on each occasion of the death of a person prescribed in subparagraph 15.7.6.3 below.
- 15.7.6.2 The staff member must notify the Director as soon as practicable of the intention to take bereavement leave and will, if required by the Director provide to the satisfaction of the Director proof of death.
- 15.7.6.3 Bereavement leave shall be available to the staff member in respect to the death of a person prescribed for the purposes of Personal/Carer's Leave in section 15.7.1.3 (b) above, provided that for the purposes of bereavement leave, the staff member need not have been responsible for the care of the person concerned.
- 15.7.6.4 A staff member shall not be entitled to bereavement leave under this clause during any period in respect of which the staff member has been granted other leave.
- 15.7.6.5 Bereavement leave may be taken in conjunction with other leave available under paragraphs 15.7.2, 15.7.3, 15.7.4 and 15.7.5. In determining such a request, the Director will give consideration to the circumstances of the staff member and the reasonable operational requirements of the School.
- 15.8 Extended Leave - All academic staff, including casual lecturers employed on a temporary basis, shall be entitled to extended leave of 44 working days on full pay or 88 working days on half pay after completing ten years of service and a further 11 working days for each completed year of service after ten years.

15.9 Family and Community Service Leave -

15.9.1 The Director shall, in the case of emergencies or in personal or domestic circumstances, grant to academic staff some or all of the available family and community service leave on full pay.

15.9.2 Such cases may include, but are not limited to the following:

15.9.2.1 compassionate grounds, such as the death or illness of a close member of the family or a member of the staff member's household;

15.9.2.2 accommodation matters up to one day, such as attendance at court as defendant in an eviction action, arranging accommodation, or when required to remove furniture and effects;

15.9.2.3 emergency or weather conditions, such as when flood, fire or snow, etc., threaten and/or prevent a staff member from reporting for duty;

15.9.2.4 other personal circumstances, such as citizenship ceremonies, parent/teacher interviews or attending a child's school for other reasons.

15.9.3 Attendance at court by a staff member to answer a charge for a criminal offence, if the Director considers the granting of family and community service leave to be appropriate in a particular case.

15.9.4 Staff members who are selected to represent Australia or the State as competitors in major amateur sport (other than Olympic or Commonwealth Games).

15.9.5 Staff members who hold office in Local Government other than as a Mayor of a Municipal Council, President of a Shire Council or Chairperson of a County Council, to attend meetings, conferences or other duties associated with that office where those duties necessitate absences during normal working hours.

15.9.6 The maximum amount of family and community service leave on full pay which may, subject to this award, be granted to academic staff shall be the greater of the leave provided in subparagraphs 15.9.6.1 and 15.9.6.2:

15.9.6.1 two and a half of the staff member's working days in the first year of service and, on completion of the first year's service, five of the staff member's working days in any period of two years;

15.9.6.2 after the completion of two years' continuous service, the available family and community service leave is determined by allowing one day's leave for each completed year of service, less the total amount of short leave or family and community service leave previously granted to the staff member.

15.9.7 If available family and community service leave is exhausted as a result of natural disasters, the Director shall consider applications for additional family and community service leave, if some other emergency arises.

15.9.8 In cases of illness of a family member for whose care and support the staff member is responsible, paid sick leave in accordance with paragraph 15.7.1 shall be granted when paid family and community service leave has been exhausted.

15.10 Maternity, Adoption and Parental Leave -

15.10.1 Maternity, adoption and parental leave conditions of employees under this Award shall be regulated in accordance with the provisions contained within the *Public Sector Employment and Management Act 2002* and Regulation and will be in addition to those set out in the *Industrial Relations Act 1996 (NSW)* and Regulation.

- 15.10.2 On and from 1 January 2006 employees under this Award shall be entitled to maternity, adoption and parental leave in accordance with the relevant provisions of the Crown Employees (Public Service Conditions of Employment) Award 2009 published (368 I.G. 884) as varied, or its successor.
- 15.10.3 Right to Request
- 15.10.3.1 An employee entitled to maternity, adoption or parental leave may request the employer to allow the employee:
- (i) to extend the period of simultaneous unpaid parental leave use up to a maximum of eight weeks;
 - (ii) to extend the period of unpaid parental leave for a further continuous period of leave not exceeding 12 months;
 - (iii) to return from a period of parental leave on a part-time basis until the child reaches school age;
- to assist the employee in reconciling work and parental responsibilities.
- 15.10.4 The employer shall consider the request having regard to the employee's circumstances and, provided the request is genuinely based on the employee's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the employer's business. Such grounds might include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.
- 15.10.5 The employee's request and the employer's decision made under 15.10.2.1(ii) and 15.10.2.1(iii) must be recorded in writing.
- 15.10.6 Where an employee wishes to make a request under 15.10.3.1 (iii), such a request must be made as soon as possible but no less than seven weeks prior to the date upon which the employee is due to return to work from parental leave.
- 15.10.7 Communication during Maternity, Adoption or Parental Leave
- 15.10.7.1 Where an employee is on maternity, adoption or parental leave and a definite decision has been made to introduce a significant change at the workplace, the employer shall take reasonable steps to:
- (i) make information available in relation to any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parental leave; and
 - (ii) provide an opportunity for the employee to discuss any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parental leave.
- 15.10.7.2 The employee shall take reasonable steps to inform the employer about any significant matter that will affect the employee's decision regarding the duration of parental leave to be taken, whether the employee intends to return to work and whether the employee intends to request to return to work on a part-time basis.
- 15.10.7.3 The employee shall also notify the employer of changes of address or other contact details which might affect the employer's capacity to comply with 15.10.7.

16. Dispute Resolution Procedures

- 16.1 Subject to the provisions of the *Industrial Relations Act* 1996, the following procedures shall apply:
- 16.1.1 Should any dispute (including a question or difficulty) arise at the School, the staff member and/or Federation workplace representative shall raise the matter with the appropriate supervisor as soon as practicable.
- 16.1.2 The supervisor will discuss the matter with the staff member and/or Federation representative within two working days of having been notified of a dispute with a view to resolving the matter or by negotiating an agreed method and time frame for proceeding.
- 16.1.3 Should the above procedure be unsuccessful or involve matters where it is inappropriate, the dispute will be referred to the Director. Matters at this step will be discussed within two working days of having been notified of a dispute or by negotiating an agreed method and time frame for proceeding.
- 16.2 Should the above procedure not lead to a resolution, then either party may make application to the Industrial Relations Commission of New South Wales.

17. No Further Claims

- 17.1 Except as provided by the *Industrial Relations Act* 1996, there shall be no further salaries or conditions claims by the parties prior to 31 December 2009 in relation to matters expressly contained in this award.
- 17.2 Clause 17.1 does not prevent the parties making claims for changes in salaries and conditions to take effect after 31 December 2009 or seeking to have the Industrial Relations Commission conciliate or arbitrate such claims prior to that date.

18. Anti-Discrimination

- 18.1 It is the intention of the parties to seek to achieve the object in section 3(f) of the *Industrial Relations Act* 1996 to prevent and eliminate discrimination in the workplace. This includes discrimination on the grounds of race, sex, marital status, disability, homosexuality, transgender identity, age and responsibilities as a carer.
- 18.2 It follows that in fulfilling their obligations under the dispute resolution procedures prescribed under clause 16 of this award, the parties have obligations to take all reasonable steps to ensure that the operation of the provisions of this award are not directly or indirectly discriminatory in their effects. It shall be consistent with the fulfilment of these obligations for the parties to make application to vary any provision of the award, which, by its terms or operation, has a direct or indirect discriminatory effect.
- 18.3 Under the *Anti-Discrimination Act* 1977, 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.
- 18.4 Nothing in this clause is to be taken to affect:
- 18.4.1 any conduct or act which is specifically exempted from anti-discrimination legislation;
- 18.4.2 offering or providing junior rates of pay to persons under 21 years of age;
- 18.4.3 any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act* 1977; and
- 18.4.4 any party to this award from pursuing matters of unlawful discrimination in any state or federal jurisdiction.
- 18.5 This clause does not create legal rights or obligations in addition to those imposed upon the parties by the legislation referred to in this clause.

19. Deduction of Union Membership Fees

- 19.1 The union shall provide the employer with a schedule setting out union fortnightly membership fees payable by members of the union in accordance with the union's rules.
- 19.2 The union shall advise the employer of any change to the amount of fortnightly membership fees made under its rules. Any variation to the schedule of union fortnightly membership fees payable shall be provided to the employer at least one month in advance of the variation taking effect.
- 19.3 Subject to 19.1 and 19.2 above, the employer shall deduct union fortnightly membership fees from the pay of any employee who is a member of the union in accordance with the union's rules, provided that the employee has authorised the employer to make such deductions.
- 19.4 Monies so deducted from employees' pay shall be forwarded regularly to the union together with all necessary information to enable the union to reconcile and credit subscriptions to employees' union membership accounts.
- 19.5 Unless other arrangements are agreed to by the employer and the union, all union membership fees shall be deducted on a fortnightly basis.
- 19.6 Where an employee has already authorised the deduction of union membership fees from his or her pay prior to this clause taking effect, nothing in this clause shall be read as requiring the employee to make a fresh authorisation in order for such deductions to continue.

20. Leave Reserved

- 20.1 Leave is reserved to the parties to apply as they may be advised in respect to the classification of tutors. The Public Service Association and Professional officers' Association Amalgamated Union of New South Wales has brought its interest in the tutor classification to the notice of the parties and the Industrial Relations Commission of New South Wales. Any award application to progress the classification of tutor would involve discussions with the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales as part of this process.

21. Secure Employment Test Case - OHS Obligations

- 21.1 For the purposes of this clause, the following definitions shall apply:
- 21.1.1 A "labour hire business" is a businesses (whether an organisation, business enterprise, company, partnership, co-operative, sole trader, family trust or unit trust, corporation and/or person) which has as its business function, or one of its business functions, to supply staff employed or engaged by it to another employer for the purpose of such staff performing work or services for that other employer
- 21.1.2 A "contract business" is a business (whether an organisation, business enterprise, company, partnership, co-operative, sole trader, family trust or unit trust, corporation and/or person) which is contracted by another employer to provide a specified service or services or to produce a specific outcome or result for that other employer which might otherwise have been carried out by that other employer's own employees.
- 21.2 If the employer engages a labour hire business and/or a contract business to perform work wholly or partially on the employer's premises, the employer shall do the following (either directly, or through the agency of the labour hire or contract business):
- 21.2.1 consult with employees of the labour hire business and/or contract business regarding the workplace occupational health and safety consultative arrangements;
- 21.2.2 provide employees of the labour hire business and/or contract business with appropriate occupational health and safety induction training including the appropriate training required for such employees to perform their jobs safely.

- 21.2.3 provide employees of the labour hire business and/or contract business with appropriate personal protective equipment and/or clothing and all safe work method statements that they would otherwise supply to their own employees; and
- 21.2.4 ensure employees of the labour hire business and/or contract business are made aware of any risks identified in the workplace and the procedures to control those risks.
- 21.3 Nothing in this clause is intended to affect or detract from any obligation or responsibility upon a labour hire business arising under the *Occupational Health and Safety Act 2000* or the *Workplace Injury Management and Workers Compensation Act 1998*.
- 21.4 Disputes Regarding the Application of this Clause
- Where a dispute arises as to the application or implementation of this clause, the matter shall be dealt with pursuant to the disputes settlement procedure of this award.
- 21.5 This clause has no application in respect of organisations which are properly registered as Group Training Organisations under the Apprenticeship and Traineeship Act 2001 (or equivalent interstate legislation) and are deemed by the relevant State Training Authority to comply with the national standards for Group Training Organisations.
- 21.6 This clause will operate from 1 March 2006

22. Further Employee Related Reform Measures and Cost Savings

- 22.1 In order to fund the salary increases provided under this award, the parties have committed to the identification and implementation of employee related reform measures and cost savings to improve the National Art School's operational efficiency and competitiveness.
- 22.2 The parties agree to consider a range of initiatives to fund the salary increases beyond 2.5% provided for by this award consistent with the Recommendation made by the Industrial Relations Commission dated 4 June 2009 in IRC Matter Number 2339 of 2008.
- 22.3 Should the parties not identify the necessary employee related reform measures and cost savings or should any dispute arise during the process, the parties acknowledge and commit to take all necessary steps so that the Industrial Relations Commission shall arbitrate on and determine the employee related savings necessary to fund the salary increases under this award.

23. Area, Incidence and Duration

- 23.1 This award shall apply to all members of the academic staff of the National Art School employed as permanent officers or temporary or casual employees pursuant to the provisions of the *Public Sector Employment and Management Act 2002*, with the exception of those staff members employed under the Senior Executive Service.
- 23.2 This award has rescinds and replaces the Crown Employees (National Art School, Academic Staff) Salaries and Conditions Award published 27 March 2009 (367 I.G. 562) and all variations thereof.
- 23.3 The award shall commence on and from 1 January 2009 and shall remain in force until 31 December 2009.

PART B
MONETARY RATES

Table 1 - Salaries

Classification	Salary from the first pay period on or after 1.1.2009 \$
Increase	4.4%
Lecturer	
Step 1	71,923
Step 2	75,758
Step 3	79,752
Step 4	87,046
Senior Lecturer -	
Step 1	95,110
Step 2	99,007
Step 3	103,781
Head of Studies	128,312

Table 2 - Other Rates and Allowances

Brief Description	Rates from the first pay period to commence on or after 1.1.2009 \$
Increase	4.4%
Co-ordination Allowance (pa)	4,635
Casual Lecturer (ph)	74.94

M. J. WALTON J , *Vice-President*

Printed by the authority of the Industrial Registrar.

CROWN EMPLOYEES (SKILLED TRADES) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch) , Industrial Organisation of Employees.

(No. IRC 1916 of 2009)

Before Commissioner Bishop

18 December 2009

VARIATION

1. Delete from Table 2 - Tool Allowances of Part B, Rates and Allowances of the award published 12 October 2007 (363 I.G. 1291) the undermentioned classifications and tool allowances prescribed therefore and insert in lieu thereof the following:

Item No.	Clause No.	Brief Description	Amount Per week
1	5	Tool Allowances	
		Blacksmith	26.20
		Bodymaker, First Class	26.20
		Boilermaker and/or Structural Steel Tradesperson	26.20
		Bricklayer	18.60
		Bridge and Wharf Carpenter and/or Civil Engineering Construction Carpenter	26.20
		Cabinet Maker	10.50
		Carpenter	26.20
		Drainer	26.20
		Farrier	26.20
		Fitter	26.20
		Forger and/or Faggoter	26.20
		Machinist, First Class (Metal Trades)	26.20
		Machinist (Metal Trades) Special Class	26.20
		Marker Off	26.20
		Motor Mechanic	26.20
		Painter	6.30
		Panel Beater	26.20
		Patternmaker	26.20
		Plant Mechanic	26.20
		Plasterer	26.20
		Plumber	26.20
		Plumber and Gasfitter	26.20
		Plumber, Gasfitter and Drainer	26.20
		Sewing Machine Mechanic	26.20
		Sheetmetal Worker, First Class	26.20
		Shipwright/Boatbuilder	26.20
		Signwriter	6.30
		Slater and Tiler	13.70
		Stonemason	26.20
		Stonemason-Carver	26.20
		Tilelayer	18.60
		Toolmaker	26.20
		Toolsmith	26.20
		Trimmer (Motor)	26.20

		Turner	26.20
		Vehicle Builder	26.20
		Watchmaker	8.70
		Welder, Special Class	26.20
		Welder, First Class	26.20

2. Delete from Table 3 - Allowances, of the said Part B, Items 50 to 58, inclusive and Items 60, 64 and 65 inclusive and insert in lieu thereof the following:

Item No	Clause No.	Brief Description	Amount
50	8.1	Excess fares and travelling time to and from place of work	20.41 p.d.
51	8.1.1	If employer provides or offers to provide transport free of charge	8.23 p.d.
52	8.2	Excess fares and travelling to and from work: - first year apprentices (or probationers) - to all other apprentices	17.10 p.d. 19.88 p.d.
53	8.2.1	If employer provides or offers to provide transport free of charge - to first year apprentices - to all other apprentices	6.84 p.d. 8.12 p.d.
54	9.3.3	Meal allowance: - after working in excess of four hours - for each subsequent meal	12.50 10.70
55	9.8	Tea Money: - required to work overtime for one and a half hours or more without being notified on the previous day or earlier, for a meal - after each four hours on continuous overtime, for each meal	12.50 10.90
56	14.4	Expenses of reaching home and of transporting tools from distant work	19.74
57	14.5.1	Allowance for board and lodging: - while on distant work - for broken parts of week	403.98 p w 57.80 p.d.
58	14.6	Camping allowance	23.83 p.d.
60	14.7	Returning home for the weekend from distant work	33.90
64	22.6.2	Supply of boots Accrual of credit	33.40 3.82 p.w
65	23.2	Reimbursement for loss of tools	1517.00

3. This variation shall take effect from the beginning of the first pay period to commence on or after 7 December 2009.

E. A. R. BISHOP, Commissioner

CROWN EMPLOYEES (TIPSTAVES TO JUSTICES) AWARD 2007

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Department of Justice and Attorney General NSW.

(No. IRC 1836 of 2009)

Before The Honourable Justice Walton, Vice-President

30 November 2009

VARIATION

1. Delete the Arrangement of the award published 14 March 2008 (365 IG 127) and insert in lieu thereof the following:

Arrangement**PART A**

Clause No.	Subject Matter
1.	Title
2.	Definitions
3.	Salaries
4.	Recreation Leave
5.	Purchased Leave
6.	Extended Leave
7.	Sick Leave
8.	Public Holidays
9.	Leave for Special Purposes
10.	Military Leave
11.	Study Time
12.	Parental Leave
13.	Absence Whilst on Compensation to Count as Service for Leave Purposes
14.	Absences caused by Adverse Weather Conditions
15.	Continuity of Service
16.	Uniforms
17.	Grievance and Dispute Settling Procedures
18.	Anti-Discrimination
19.	Secure Employment
20.	Leave Reserved
21.	Area, Incidence and Duration

PART B**MONETARY RATES**

Table 1

Appendix A

Appendix B

2. Delete subclause 2.3 of clause 2, Definitions, and insert in lieu thereof the following:
- 2.3 "Department" means the Department of Justice and Attorney General. In this Award, the term "employer" is used in lieu of "Department" or "Department Head".
3. In clause 4, Recreation Leave, renumber the two paragraphs under subclause 4.2 Taking of Leave as (a) and (b) respectively.
4. In the said clause 4, delete subclause 4.3, Conservation of Leave, and insert in lieu thereof the following:
 - 4.3 Conservation of Leave -
 - (a) Conservation of leave up to a maximum of 40 working days may be permitted by the employer in exceptional circumstances and on the understanding that the leave will be reduced to an acceptable level as soon as possible.
 - (b) An employee must take their recreation leave to reduce all balance below 8 weeks, or its hourly equivalent, and the employer must cooperate in this process. The employer may direct an employee with more than 8 weeks to take their recreation leave so that it is reduced to below 8 weeks by school term one 2010.
5. After the said clause 4, insert new clause 5, Purchased Leave as follows, and renumber the following clauses 5 to 20 as clauses 6 to 21.

5. Purchased Leave

- 5.1 An employee may apply to enter into an agreement with the employer to purchase either 10 days (2 weeks) or 20 days (4 weeks) additional leave in a 12 month period.
 - (a) Each application will be considered subject to operational requirements and personal needs and will take into account the employer's business needs and work demands.
 - (b) The leave must be taken in the 12 month period specified in the Purchased Leave Agreement and will not attract any leave loading.
 - (c) The leave will count as service for all purposes.
- 5.2 The purchased leave will be funded through the reduction in the employee's ordinary rate of pay.
 - (a) Purchased leave rate of pay means the rate of pay an employee receives when their ordinary salary rate has been reduced to cover the cost of purchased leave.
 - (b) To calculate the purchased leave rate of pay, the employee's ordinary salary rate will be reduced by the number of weeks of purchased leave and then annualised at a pro rata rate over the 12 month period.
- 5.3 Purchased leave is subject to the following provisions:
 - (a) The purchased leave cannot be accrued and will be refunded where it has not been taken in the 12 month period.
 - (b) Other leave taken during the 12 month purchased leave agreement period i.e. sick leave, recreation leave, extended leave or leave in lieu will be paid at the purchased leave rate of pay.
 - (c) Sick leave cannot be taken during a period of purchased leave.
 - (d) The purchased leave rate of pay will be the salary for all purposes including superannuation and shift loadings.

- (e) Overtime and salary related allowances not paid during periods of recreation leave will be calculated using the employee's hourly rate based on the ordinary rate of pay.
 - (f) Higher Duties Allowance will not be paid when a period of purchased leave is taken.
- 5.4 Specific conditions governing purchased leave may be amended from time to time by the Director of Public Employee in consultation with the Association. The employer may make adjustments relating to their salary administration arrangements.
6. Delete clause 6, Long Service Leave and insert in lieu thereof the following:

6. Extended Leave

- 6.1 Employees are entitled to extended leave in accordance with Schedule 3, Extended Leave Entitlements for officers and temporary employees in the Public Service, of the Public Sector Employment and Management Act 2002.
- 6.2 Employees who are required to take leave without pay as a result of the law vacation shall have such periods counted as service for the purposes of extended leave.
7. Delete clause 12, Parental Leave, and insert in lieu thereof the following:

12. Parental Leave

Parental leave includes maternity, adoption and "other parent" leave.

- 12.1 Maternity leave shall apply to an employee who is pregnant and, subject to this clause the employee shall be entitled to be granted maternity leave as follows:
- (a) For a period up to 9 weeks prior to the expected date of birth; and
 - (b) For a further period of up to 12 months after the actual date of birth.
 - (c) An employee who has been granted maternity leave and whose child is stillborn may elect to take available sick leave instead of maternity leave.
- 12.2 Adoption leave shall apply to an employee adopting a child and who will be the primary care giver, the employee shall be granted adoption leave as follows:
- (a) For a period of up to 12 months if the child has not commenced school at the date of the taking of custody; or
 - (b) For such period, not exceeding 12 months on a full-time basis, as the employer may determine, if the child has commenced school at the date of the taking of custody.
 - (c) Special Adoption Leave - An employee shall be entitled to special adoption leave (without pay) for up to 2 days to attend interviews or examinations for the purposes of adoption. Special adoption leave may be taken as a charge against recreation leave, extended leave, flexitime or family and community service leave.
- 12.3 Where maternity or adoption leave does not apply, "other parent" leave is available to male and female employees who apply for leave to look after his/her child or children. Other parent leave applies as follows:
- (a) Short other parent leave - an unbroken period of up to 8 weeks at the time of the birth of the child or other termination of the spouse's or partner's pregnancy or, in the case of adoption, from the date of taking custody of the child or children;

- (b) Extended other parent leave - for a period not exceeding 12 months, less any short other parental leave already taken by the employee as provided for in paragraph (a) of this subclause. Extended other parental leave may commence at any time up to 2 years from the date of birth of the child or the taking of custody of the child.
- 12.4 An employee taking maternity or adoption leave is entitled to payment at the ordinary rate of pay for a period of up to 14 weeks, an employee entitled to short other parent leave is entitled to payment at the ordinary rate of pay for a period of up to 1 week, provided the employee:
- (a) Applied for parental leave within the time and in the manner determined set out in subclause 12.1 of this clause; and
- (b) Prior to the commencement of parental leave, completed not less than 40 weeks' continuous service.
- (1) Continuous service is defined as full or part-time but not casual service, within the NSW Public Service or within a State or governmental organisation proclaimed as such under the Public Sector Employment and Management Act 2002.
- (c) Payment for the maternity, adoption or short other parent leave may be made as follows:
- (1) in advance as a lump sum; or
- (2) fortnightly as normal; or
- (3) fortnightly at half pay; or
- (4) a combination of full-pay and half pay.
- 12.5 Payment for parental leave is at the rate applicable when the leave is taken. An employee holding a full time position who is on part time leave without pay when they start parental leave is paid:
- (a) at the full time rate if they began part time leave 40 weeks or less before starting parental leave;
- (b) at the part time rate if they began part time leave more than 40 weeks before starting parental leave and have not changed their part time work arrangements for the 40 weeks;
- (c) at the rate based on the average number of weekly hours worked during the 40 week period if they have been on part time leave for more than 40 weeks but have changed their part time work arrangements during that period.
- 12.6 An employee who commences a subsequent period of maternity or adoption leave for another child within 24 months of commencing an initial period of maternity or adoption leave will be paid:
- (a) at the rate (full time or part time) they were paid before commencing the initial leave if they have not returned to work; or
- (b) at a rate based on the hours worked before the initial leave was taken, where the employee has returned to work and reduced their hours during the 24 month period; or
- (c) at a rate based on the hours worked prior to the subsequent period of leave where the employee has not reduced their hours.
- 12.7 Calculation of increments and leave credits:
- (a) Increments - any period of paid parental leave (at full or half-pay) shall count as full service for the purposes of determining incremental progression. However, unpaid parental leave shall not count as service for determining incremental progression.

(b) Leave credits -

- (1) Parental leave at full pay shall count as full service for the purposes of determining all forms of leave.
- (2) Parental leave at half pay is paid leave that is being taken at a reduced rate of pay and shall accrue all other leave at half the rate.
- (3) Unpaid parental leave shall not count as service for determining any form of leave entitlement except for extended leave in cases where at least 10 years of service has been completed and the unpaid parental leave does not exceed 6 months.

12.8 Except as provided in subclauses 12.4, 12.5 and 12.6 of this clause, parental leave shall be granted without pay.

12.9 Right to request

(a) An employee who has been granted parental leave in accordance with subclause 12.1, 12.2 or 12.3 may make a request to the employer to:

- (1) extend the period of unpaid parental leave for a further continuous period of leave not exceeding 12 months;
- (2) return from a period of full time parental leave on a part time basis until the child reaches school age (Note: returning to work from parental leave on a part time basis includes the option of returning to work on part time leave without pay);

to assist the employee in reconciling work and parental responsibilities.

(b) The employer shall consider the request having regard to the employee's circumstances and, provided the request is genuinely based on the employee's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the employer's business. Such grounds might include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.

12.10 Notification Requirements

(a) When the employer is made aware that an employee or their spouse is pregnant or is adopting a child, the employer must inform the employee of their entitlements and their obligations under the Award.

(b) An employee who wishes to take parental leave must notify the employer in writing at least 8 weeks (or as soon as practicable) before the expected commencement of parental leave:

- (1) that she/he intends to take parental leave, and
- (2) the expected date of birth or the expected date of placement, and
- (3) if she/he is likely to make a request under subclause 12.9.

(c) At least 4 weeks before an employee's expected date of commencing parental leave they must advise:

- (1) the date on which the parental leave is intended to start, and
- (2) the period of leave to be taken.

(d) Employee's request and the employer's decision to be in writing

- The employee's request under 12.9(a)(1) and the employer's decision made under 12.9(a)(2) must be recorded in writing.
- (e) An employee intending to request to return from parental leave on a part time basis or seek an additional period of leave of up to 12 months must notify the employer in writing as soon as practicable and preferably before beginning parental leave. If the notification is not given before commencing such leave, it may be given at any time up to 4 weeks before the proposed return on a part time basis, or later if the employer agrees.
 - (f) An employee on maternity leave is to notify her employer of the date on which she gave birth as soon as she can conveniently do so.
 - (g) An employee must notify the employer as soon as practicable of any change in her intentions as a result of premature delivery or miscarriage.
 - (h) An employee on maternity or adoption leave may change the period of leave or arrangement, once without the consent of the employer and any number of times with the consent of the employer. In each case she/he must give the employer at least 14 days notice of the change unless the employer decides otherwise.
- 12.11 An employee has the right to her/his former position if she/he has taken approved leave or part time work in accordance with subclause 12.8, and she/he resumes duty immediately after the approved leave or work on a part time basis.
- 12.12 If the position occupied by the employee immediately prior to the taking of parental leave has ceased to exist, but there are other positions available that the employee is qualified for and is capable of performing, the employee shall be appointed to a position of the same grade and classification as the employee's former position.
- 12.13 If the position occupied by the employee immediately prior to the taking of parental leave has been moved as part of a formal relocation of an organisational unit (for example, the relocation of all or part of an agency from the Central Business District, or the regionalisation of agency's functions) the employee has the right to return to the former position in the new location. If the employee so requests, the employer should consider the practicability of transferring the employee to a position at the same classification and grade in the former, or more suitable location.
- 12.14 An employee does not have a right to her/his former position during a period of return to work on a part time basis. If the employer approves a return to work on a part time basis then the position occupied is to be at the same classification and grade as the former position.
- 12.15 An employee who has returned to full time duty without exhausting their entitlement to 12 months unpaid parental leave is entitled to revert back to such leave. This may be done once only, and a minimum of 4 weeks notice (or less if acceptable to the employer) must be given.
- 12.16 An employee who is sick during her pregnancy may take available paid sick leave or accrued recreation or extended leave or sick leave without pay. An employee may apply for accrued recreation leave, extended leave or leave without pay before taking maternity leave. Any leave taken before maternity leave ceases at the end of the working day immediately preceding the day she starts her nominated period of maternity leave or on the working day immediately preceding the date of birth of the child, whichever is sooner.
- 12.17 An employee may elect to take available recreation leave or extended leave within the period of parental leave provided this does not extend the total period of such leave.
- 12.18 An employee may elect to take available recreation leave at half pay in conjunction with parental leave provided that:
- (a) accrued recreation leave at the date leave commences is exhausted within the period of parental leave;

- (b) the total period of parental leave, is not extended by the taking of recreation leave at half pay;
- (c) when calculating other leave accruing during the period of recreation leave at half pay, the recreation leave at half pay shall be converted to the full time equivalent and treated as full pay leave for accrual of further recreation, extended and other leave at the full time rate.
- 12.19 If, for any reason, a pregnant employee is having difficulty in performing her normal duties or there is a risk to her health or to that of her unborn child, the employer should, in consultation with the employee, take all reasonable measures to arrange for safer alternative duties. This may include, but is not limited to greater flexibility in when and where duties are carried out, a temporary change in duties, retraining, multi-skilling, teleworking and job redesign.
- 12.20 If such adjustments cannot reasonably be made, the employer must grant the employee maternity leave, or any available sick leave, for as long as it is necessary to avoid exposure to that risk as certified by a medical practitioner, or until the child is born whichever is the earlier.
- 12.21 Communication during parental leave
- (a) Where an employee is on parental leave and a definite decision has been made to introduce significant change at the workplace, the employer shall take reasonable steps to:
- (1) make information available in relation to any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parental leave; and
 - (2) provide an opportunity for the employee to discuss any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parental leave.
- (b) The employee shall take reasonable steps to inform the employer about any significant matter that will affect the employee's decision regarding the duration of parental leave to be taken, whether the employee intends to return to work and whether the employee intends to request to return to work on a part time basis.
- (c) The employee shall also notify the employer of changes of address or other contact details which might affect the employer's capacity to comply with paragraph (a) of this subclause.
- 12.22 Employees entitled to parental leave shall also have an additional entitlement as set out in Appendix B.
8. Under the heading of Part B, Monetary Rates, delete the wording about effective date and Table 1 and insert in lieu thereof the following:

Table 1

The salaries are set in accordance with the Crown Employees (Public Sector - Salaries 2008) Award or any variation or replacement Award, and are effective from the first pay period to commence on or after the date in the column heading:

Tipstaff	Salary Per Annum 1.7.09 +4% \$	Salary Per Annum 1.7.10 +4% \$
1st Year of service	47,485	49,384
2nd Year of service	48,396	50,332
3rd Year of service	49,239	51,209
Tipstaff to the Chief Justice	50,100	52,104

9. This variation shall take effect on and from 30 November 2009.

M. J. WALTON J, *Vice-President*

Printed by the authority of the Industrial Registrar.

DRY CLEANING (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Transport Workers' Union of New South Wales, Industrial Organisation of Employees.

(No. IRC 1972 of 2009)

Before Commissioner Bishop

18 December 2009

VARIATION

1. Delete subclause 14.4 of clause 14, Rates of Pay, of the award published 30 November 2001 (329 I.G. 1111) and insert in lieu thereof the following:
 - 14.4 The rates of pay in this Award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
 - (i) Any equivalent over award payments, and/or
 - (ii) Award Wage increase since 29 May 1991 other than Safety Net, State Wage Case, and minimum wage adjustments.
2. Delete Part B - Monetary Rates and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Rates of Pay**

The Rates of Pay in Table 1 shall apply from the beginning of the first pay period to commence on or after 18 December 2009.

Group	Classification	Total Minimum Award Rate per week \$
A	Invisible mender, Tailor or tailoress	624.90
B	Presser Receiver and dispatcher in charge A (namely a person in charge of a depot and responsible for the keeping of records and responsible for cash) Cleaner (operating dry cleaning machine)	587.40
C	Repairer (other than tailor or tailoress) Spotter presser (off-set press) Hand ironer receiver and/or dispatcher	587.40
D	Wet cleaner, Steam air finisher, Examiner of garments, Assembler of garments, Sorter of garments	578.50
E	All other	568.20

Table 2 - Other Rates and Allowances

Allowances payable from the beginning of the first pay period to commence on or after 18 December 2009.

Item No.	Clause No.	Brief Description	Amount \$
1	17.1.1	Meal Money	6.20

3. This variation shall take effect from the first full pay period to commence on or after 18 December 2009.

E. A. R. BISHOP, Commissioner

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(301)

SERIAL C7343

ENGINE DRIVERS, &c., GENERAL (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), Industrial Organisation of Employees.

(No. IRC 1753 of 2009)

Before Commissioner Connor

9 December 2009

VARIATION

1. Delete subclause 5.4 of clause 5, Rates of Pay, of the award published 2 November 2001 (329 I.G 164), and insert in lieu thereof the following:
 - 5.4 The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
 - (i) any equivalent overaward payments; and/or
 - (ii) award wage increases since 29 May 1991, other than safety net, State Wage Case, and minimum rates adjustments.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Rates of Pay**

Wage Group	Total Award Wage Per Week 25/02/09 \$	SWC 2009 %	Total Award Wage Per Week 25/02/10 \$
*Level 13 -			
A	552.70	2.8	568.20
B	552.70	2.8	568.20
Level 12 -			
D	553.40	2.8	568.90
C	560.60	2.8	576.30
B	563.90	2.8	579.70
A	567.00	2.8	582.90
Level 11 -			
C	572.00	2.8	588.00
B	578.90	2.8	595.10
A	582.40	2.8	598.70
A(ii)	591.40	2.8	608.00
Level 10 -			
C	598.60	2.8	615.40
B	602.10	2.8	619.00
A	613.60	2.8	630.80

Level 9 - C	619.40	2.8	636.70
B	628.00	2.8	645.60
A	632.20	2.8	649.90
Level 8	645.20	2.8	663.30
Level 7	654.40	2.8	672.70

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	SWC 2008 eff. 25/02/09 \$	SWC 2009 eff. 25/02/10 \$
1	5.1(d)	Mobile cranes - 2 or more forklifts/cranes engaged on any lift	2.44 p/d	2.51 p/d
2	6.1	Boiler cleaner allowance	1.33 p/d	1.37 p/d
3	5.2	Special work	0.12 p/h	0.12 p/h
4	5.3(a)	Attending to refrigerator compressors Attending to electric generator or dynamo exceeding 10 kW capacity In charge of plant	26.75 p/w 26.75 p/w 26.75 p/w	27.50 p/w 27.50 p/w 27.50 p/w
5	5.3(b)	Attending switchboard (350 kW or over)	8.28 p/w	8.51 p/w
6	5.3(c)	Ship repairing	10.13 p/w	10.41 p/w
7	6.2	Cold Places	0.55 p/h	0.57 p/h
8	6.3	Wet Places Allowance	0.55 p/h	0.57 p/h
9	6.5	Construction Allowance	31.25 p/w	32.13 p/w
10	6.6	Quarries Pty Ltd Allowance	0.55 p/h	0.57 p/h
11	6.4	Dirty Work Allowance	0.55 p/h	0.57 p/h
12	15.2	Stop-Start Engine Allowance	31.98 p/w	32.88 p/w
13	23.3(a)	Overtime Meal Allowance		12.50 per occasion

3. This variation shall take effect from the beginning of the first pay period to commence on or after 25 February 2010.

P. J. CONNOR, Commissioner

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EXHIBITION INDUSTRY (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by The Australian Workers' Union, New South Wales, Industrial Organisation of Employees.

(No. IRC 1953 of 2009)

Before Commissioner Connor

17 December 2009

VARIATION

1. Delete clause 28, State Wage Case Adjustments, of the award published 6 October 2000 (319 I.G. 1), and insert in lieu thereof the following:

28. State Wage Case Adjustments

The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:

- (a) any equivalent overaward payments; and/or
- (b) award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Rates of Pay**

The minimum rate of pay for any weekly employee under this award shall be prescribed hereunder for the relevant classification:

Classification	SWC 2008 Amount \$	SWC 2009 Adjustment \$	SWC 2009 Amount \$
Assistant Technician	612.00	17.10	629.10
Assistant Technician- Experienced	699.90	19.60	719.50
Technician	741.70	20.80	762.50
Guest Host/Customer Liaison Person	704.60	19.70	724.30
Designer/Planner	926.80	26.00	952.80

Table 2 - Casual Rates

The minimum hourly rate of pay for a casual employee under this award shall be as prescribed hereunder for the relevant classification.

Casual employees shall be paid for a minimum of four hours worked on any call, to be worked continuously except for meal breaks.

The hourly rates contained herein have been loaded by twenty per cent to compensate casual employees for all incidents of paid leave arising from this award as well as annual leave.

Note - The amount of the adjustment to hourly rates for casuals shall be determined in the following manner. The State Wage Case adjustment amount (if any) shall be divided by 38 and the resulting amount loaded by 20%.

Classification	SWC 2008 Amount \$	SWC 2009 Adjustment \$	SWC 2009 Amount \$
Assistant Technician	18.20	0.50	18.70
Assistant Technician - Experienced	19.15	0.55	19.70
Technician	20.85	0.60	21.45
Casual Loader			
8.00 am to 6.00pm	17.65	0.50	18.15
6.00 pm to Midnight	20.30	0.55	20.85
Midnight to 8.00am	24.90	0.70	25.60
Casual Stage Hands			
8.00 am to 6.00pm	20.25	0.55	20.80
6.00 pm to Midnight	23.60	0.65	24.25
Midnight to 8.00am	29.30	0.80	30.10

Saving Provision - The rates of pay outlined in Table 1 - Rates of Pay and Table 2 - Casual Rates shall be applied so as to ensure that:

- (a) No employee shall suffer any loss of weekly or ordinary time rates or reduction in conditions of employment as a result of the making of this award. For the purpose of this subclause any employee terminated and then re-employed by the same employer for the purpose of circumventing this provision shall be re-employed on the same classification.
- (b) The provision of this clause in so far as it applies to rates of pay shall apply only to the employee's rate of pay for his or her ordinary hours of work, however, the union shall have the right to refer any individual case in which the provisions of the subclause may operate unfairly to the Industrial Relations Commission of New South Wales for conciliation and/or arbitration.

Table 3 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount \$
1	27(c)	Meals and incidental expenses allowance	45.20 day
2	27(c)	Reduced meals and incidental expenses allowance	13.25 per day

3. This variation shall take effect from the first full pay period to commence on or after the 28 May 2010.

P. J. CONNOR, Commissioner

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FOOTWEAR MANUFACTURING INDUSTRY (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Transport Workers' Union of New South Wales, Industrial Organisation of Employees.

(No. IRC 1973 of 2009)

Before Commissioner Bishop

18 December 2009

VARIATION

1. Delete subclause 8.2, of clause 8, Rates of Pay, of the award published 9 May 2008 (365 I.G. 1523), and insert in lieu thereof the following:
 - 8.2 The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
 - (i) any equivalent overaward payments, and/or
 - (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.
2. Delete Part B - Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Wages**

Adult Rates of Pay are payable from the beginning of the first pay period to commence on or after 11 December 2009.

Adult Rates of Pay - Clause 8

Classification Skill Level	Minimum Weekly Award Wage Rate * \$
Trainee	568.20
1	578.45
2	602.50
3	624.90
4	660.90
5#	705.50

* The weekly award wage rate for ordinary hours combines the base rate, supplementary payment and arbitrated safety net adjustments and State Wage Case decisions awarded since May 1991 Review of Wage Fixing Principles.

Wage Band

Junior Rates of Pay - Clause 15

	Percentage of Skill Level 1 Skill Level 1 = \$578.45 %	Minimum Weekly Award Rate \$
Under 16 years of age	44%	254.50
16 years and under 17 years	55%	318.15
17 years and under 18 years	66%	381.80
18 years and under 19 years	77%	445.40
19 years and under 20 years	86%	497.49
20 years and under 21 years	94%	543.75
At 21 years of age	Appropriate Adult Rate	

Apprentice Rates of Pay - 4 Year Term - Clause 12

Experience Four Year Term	% of Skill Level 3 Skill Level 3 = \$624.90	Minimum Weekly Award Rate \$
1st year		
1st six months	47%	293.70
2nd six months	55%	343.70
2nd year		
1st six months	60%	374.95
2nd six months	65%	406.70
3rd year		
1st six months	75%	468.65
2nd six months	80%	499.90
4th year		
1st six months	90%	562.40
2nd six months	95%	593.65

Apprentice Rates of Pay - 3 Year Term - Clause 12

Experience Three Year Term	% of Skill Level 3 Skill Level 3 = \$624.90	Minimum Weekly Award Rate \$
1st year		
1st six months	60%	374.95
2nd six months	65%	406.20
2nd year		
1st six months	75%	468.65
2nd six months	80%	499.90
3rd year		
1st six months	90%	562.40
2nd six months	95%	593.65

Table 2 - Other Rates and Allowances

The allowances in this table shall be payable from the beginning of the first pay period to commence on or after 11 December 2009.

No.	Clause No.	Brief Description	Amount \$
1	10	Leading Hands - 3 to 10	24.75 per week
2		11 to 20	37.90 per week
3		21 or more	47.65 per week

4	24.4	Meal Allowance	9.70
5	26.6.2	Change of shift without 2 days' notice	18.30
6	43.1	First-aid Attendants -	
		1 - 50 employees	11.20
		51 employees or more	14.15

3. This variation shall take effect from the first full pay period commencing on or before 11 December 2009.

E. A. R. BISHOP, Commissioner

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(349)

SERIAL C7361

GENERAL CONSTRUCTION AND MAINTENANCE, CIVIL AND MECHANICAL ENGINEERING, &c. (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by The Australian Workers' Union, New South Wales, Industrial Organisation of Employees.

(No. IRC 1955 of 2009)

Before Commissioner Connor

17 December 2009

VARIATION

1. Delete subclause (v) of clause 3, Wages of the award published 24 March 2006 (358 I.G. 449), and insert in lieu thereof the following:
 - (v) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
 - (a) any equivalent overaward payments; and/or
 - (b) award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.

2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B

MONETARY RATES

Table 1 - Classifications and Rates of Pay

Section 1 - Daily Hire Classifications	The rates of pay in these columns have been calculated on the basis that the industry allowance, follow the job loading, sick leave allowance and travel pattern loading are applicable. Where these amounts are not applicable, hourly rates of pay should be calculated in accordance with Clause 3 - Wages.		
Classification	Base Weekly Rate \$	All Purpose Daily Hire Hourly Rate \$	Casual Hourly Rate \$
Civil Construction Worker - Grade 1	589.50	17.72	21.26
Civil Construction Worker - Grade 1 is comprised of the following classifications: Construction Worker, Other Adzeperson, augerperson or sawperson Assistant depotperson Axeperson Ballast - labourer discharging from punt Bridge foundations - labourer engaged in boring for (except machine person) Compressed and/or mastic asphalt labourer;			

<p>Caulker Crusher feeder and sand roller attendant Divers' pumper Flying fox - labourer Forest devil - labourer Incinerator attendant (Cockatoo Dockyard) Labourer destroying rabbits (if required to provide transport \$1.59 per day extra and \$1.14 cents per week extra shall be paid for each dog not exceeding two dogs) Pole erecting - labourers erecting telegraph poles, electric lights and/or power poles Signalperson - cable way Turfing, cutting and/or laying - including landscaping on civil engineering construction - labourers engaged in Underground Trench & Excavation Trench labourer 0.9m-3m (when required to use pneumatic machines shall be paid at least machine person's rates) Irrigation Labourer - boring test or other holes by hand Labourer cutting noxious weeds with hoe</p>			
<p>Layer-on of hot mastic asphalt compounds in supply channels, expansion joints or cracks in concrete channels Maintenance persons - in channels Painter or layer of bitumen, colfix, laykol or any similar substance Railway Construction - Group (A): Back Bolter Boxer-up Brakesperson, spragger or spragsperson Cutting and/or breaking rails - labourer Erector of grade indicators Fettler Heelperson Jackperson (two to be paid alike) Labourer erecting stanchions for the overhead wiring for railways and tramways Linker-in Leverperson Loading, unloading and/or stacking rails and/or sleepers and/or new material - labourer Packer on metal roads and/or in yards Packers (two) with leverperson on metal roads and/or in yards in gangs of eight or more employees Packers (two) with leverpersons on muck roads in gangs of eight or more employees Punchperson, hydraulic and/or crowperson Rail pressing - labourer Rail Protection Officer - Level 1 Re-railing and/or re-sleepering - labourer Sleeper spacer and squarer Straightening gang - labourer in Road Construction and Maintenance Tar and/or bituminous labourer - other</p>			

<p>Land and Water Conservation & Irrigation Labourer cleaning silt pits-irrigation area</p> <p>Cylinder Sinking Employees working in cylinders or caissons with or without air pressure excavating earth other than rock, concrete, sandstone and/or strata other than earth less than 6.1 metres deep (26 cents per shift extra for each additional 6.1 metres of depth or part thereof) Cylinder sinking - Benoto process - attendant</p>			
Civil Construction Worker - Grade 2	597.60	17.94	21.53
<p>Civil Construction Worker - Grade 2 is comprised of the following classifications Railway Construction - Group (B): Fastener, fisher-up and/or ratchet borer Lifting ganger's offsider Rail Protection Officer - Level 2 Rail welder's assistant</p> <p>Road Construction & Maintenance Maintenance labourer Bituminous gang labourer</p>			
<p>All other attendants at stone handling plant Maintenance patrolperson</p> <p>Land and Water Conservation & Irrigation Helper - Hand Boring Plant Test Well Borer</p> <p>Construction Worker, Other Bankperson - in connection with dredges including employees laying or removing pipes between dredge and shore Construction Worker Group 1 Amenities attendant (including camp) Sanitary and/or garbage labourer Clerical work - labourer Labourer tarring bridge and/or other woodwork Fencer Traffic controller General labourer - not otherwise classified Greaser Labourer - bending, reinforcing steel Labourer - planting, spraying and/or lopping trees Labourer - loading, unloading and/or stacking materials other than cement Machineperson's assistant Motor and/or pump attendant Pile driver - topperson Pile pointer, ringer and/or shoer Scabblor Temporary building - labourer erecting Tipperson and/or loading tallyperson Tradeperson's labourer - on construction work Cylinder Sinking Air Lock Attendant</p>			

Civil Construction Worker - Grade 3	627.20	18.74	22.49
<p>Civil Construction Worker - Grade 3 is comprised of the following classifications:</p> <p>Construction Worker, Other</p> <p>Barring down - labourers</p> <p>Bridge carpenters' labourer (including demolition work)</p> <p>Diver's Attendant</p> <p>Laboratory testing assistant</p> <p>Pipe - cement monier and/or concrete - labourer engaged in the manufacture of</p> <p>Pipe layer and/or joiner</p> <p>Pipe liner hand working inside pipe</p> <p>Sand blast operator</p> <p>Underground & Trench Excavation</p> <p>Trench labourer 3m - 6m</p> <p>Irrigation</p> <p>Labourer using hand trowels on cement or concrete channels</p> <p>Labourer using shovel for constructing cement channels - known as laying on</p>			
<p>Road Construction and Maintenance</p> <p>Manual kerb extruding machine operator</p> <p>Labourers engaged in the erection and placement of steel wire mattresses</p> <p>Labourers engaged in the erection, placement and repairs of permanent safety crash barriers</p> <p>Land & Water Conservation & Irrigation</p> <p>Spray Operator</p> <p>Railway Construction - Group I:</p> <p>Leader linker-in</p> <p>Rail Protection Officer - Level 3</p> <p>Rail welder</p> <p>Operators of track laying renewal machines as follows:</p> <p>(i) Sleeper gantry operator</p> <p>(ii) Sleeper feed operator</p> <p>(iii) Sleeper pick-up operator</p> <p>(iv) Rail alignment operator</p> <p>Assistant operator of track tamping machine</p> <p>Operator of "Pan Driver" machine or similar</p> <p>Operator of Hi Rail vehicle</p> <p>Railway Construction - Group (D):</p> <p>Operator Ballast Regulating Machine</p> <p>Concrete Construction</p> <p>Central Mortar Batch Plant Operator (this rate is inclusive of any extra payment)</p> <p>Concrete Worker - including floater form erector and/or stripper, jazerperson and/or tamperperson, concrete cutting or drilling machine operator, kerb and/or gutter layer</p> <p>Labourer bending, reinforcing steel to pattern or plan</p>			

<p>Cement gun operator - other Assistant concrete pump operator Pressure grouter's assistant</p> <p>Construction Worker - Group 2 Bricklayer's labourer Cement - labourer loading, unloading and/or stacking Crane chaser Erector structural steel Greaser attending machinery cable way above ground level Worker - placing precast blocks and metal strips in reinforced earth constructions Machine drill and/or tool sharpener Machineperson and/or pneumatic pickperson Timberperson up to 6.1m in depth Pegperson and/or employee boning Powder monkey's assistant Preload wire winding machine operator Rigger's assistant and/or hemp rope splicer Storeperson</p>			
<p>Cylinder Sinking Employees working in cylinders or caissons with air pressure in rock, concrete, sandstone and/or strata other than earth less than 6.1 metres deep (26 cents per shift extra for each additional 6.1 metres of depth or part thereof)</p>			
<p>Civil Construction Worker - Grade 4</p>	639.30	19.07	22.88
<p>Civil Construction Worker - Grade 4 is comprised of the following classifications: Construction Worker Other Wharf Preservation Operator (this rate is inclusive of any extra payment for the use of creosote and working afloat in a scow) Concrete Construction Central concrete batch plant - weigher and batcher (this rate is inclusive of any extra payment) Cement Gun Operator - wet - underground Manhole builder Concrete finisher Concrete kerb finisher & patcher (steel, wooden, rubber or mechanical trowels) Labourer placing and/or tack welding, reinforcing steel</p> <p>Pressure grouter</p> <p>Underground & Trench Excavation Tunnel miner - assisting All other labour in tunnelling crew Trench labourer over 6.1 - 12.2m</p> <p>Road Construction & Maintenance Hot mix plant operator, other Field assistant Storeperson Stone handling plant attendant Labourers engaged in the erection and placement of steel wire box gabions</p>			

Land and Water Conservation & Irrigation Driller - hand boring plant			
Augerperson - pneumatic or electrically powered augers and/or timber boring machines Frankipile operator Pile driver Powder monkey Scaffolder (certificated) Timberperson over 6.1m in depth Wire rope splicer (not being a certified rigger)			
Civil Construction Worker - Grade 5	655.80	19.52	23.42
Civil Construction Worker - Grade 5 is comprised of the following classifications: Construction Worker, Other Pile driver - loading on sheer legs or pile frame up to 30.5 tonnes lift Operator of mobile track drill independent rotation			
Concrete Construction Cement gun operator - dry - underground Road Construction & Maintenance Hot mix operator - plant with capacity of under 1474.2 kg per batch Pug Mill Rated Capacity 1474.2kg per batch or equivalent Land and Water Conservation & Irrigation Gemco drill operator Trainee channel attendant Railway Construction - Group E: Operator track tamping machine Rail Protection Officer - Level 4 Construction Worker Group 4 Dogperson Rigger (certificated) and wire rope splicer			
Civil Construction Worker - Grade 6	670.10	19.91	23.89
Civil Construction Worker - Grade 6 is comprised of the following classifications: Construction Worker Other Pile driver - loading on sheer legs or pile frame over 30.5tonnes lift Road Construction & Maintenance Pug mill rated capacity 1474.7kg but less than 6000kg Underground & Trench Excavation Tunnel miner Shaft miner Concrete liner in tunnel Mechanical miner operator			
Civil Construction Worker - Grade 7	674.30	20.02	24.02
Civil Construction Worker - Grade 7 is comprised of the following classifications: Road Construction & Maintenance			

Pug mill rated capacity of 6000kg or more Land & Water Construction & Irrigation Percussion Drill Operator - Research			
Civil Construction Worker - Grade 8	676.50	20.08	24.10
Civil Construction Worker - Grade 8 is comprised of the following classifications Construction Worker Other Labourer - using boat for the recovery of flotsam and jetsam Diver			
Civil Construction Worker - Grade 9	690.10	20.45	24.54
Civil Construction Worker - Grade 9 is comprised of the following classifications Underground & Trench Excavation Miner attending tunnel boring machine			
Civil Construction Worker - Grade 10	712.20	21.05	25.26
Civil Construction Worker - Grade 10 is comprised of the following classifications Underground & Trench Excavation Miner operating tunnel boring machine			

Youths	Percentage of Civil Construction Worker Grade 2 (\$597.60) %			
At 15 years of age	50.5	301.79	9.91	11.89
At 16 years of age	61.5	367.52	11.69	14.03
At 17 years of age	71.5	427.28	13.31	15.97
Section 2 - Weekly Hire Classifications	The rates of pay in these columns have been calculated on the basis that the industry allowance, sick leave allowance, and travel pattern loading are applicable. Where these amounts are not applicable, hourly rates of pay should be calculated in accordance with Clause 3- Wages.			
Classification	Base Weekly Rate	All purpose weekly hire rate hourly rate with sick leave allowance	All purpose weekly hire hourly rate without sick leave allowance	Casual Hourly Rate
	\$	\$	\$	\$
Rotary Earth Digger (auger type) Operator				
(i) >From 48.5 to 74.6kw	623.50	18.10	17.38	21.72
(ii) Over 74.6 to 111.9kw	633.80	18.37	17.65	22.04
(iii) Over 111.9kw	643.50	18.63	17.91	22.36
(iv) Assistant	568.20	16.64	15.93	19.97
Driller - Operator - Shot Drilling Machine - Large	642.00	18.59	17.87	22.31
Driller - Operator - Diamond and/or Shot Drilling Machine - Small	628.00	18.22	17.50	21.86
Driller - Operator's Assistant-Diamond and/or Shot Drilling Machine - Large	604.70	17.60	16.89	21.12

Driller - Operator's Assistant - Diamond and/or Shot Drilling Machine - Small	604.30	17.59	16.88	21.11
Tamrock D.H.A. 800 Drill Operator (Note: Operator setting diamonds and/or keeping safe custody of diamonds shall be paid 5 cents per hour in addition to the above rates.)	689.30	19.83	19.11	23.80
Premix and Asphalt, Central Asphalt Depot Senior Operator	716.50	20.55	19.83	24.66
Automatic Kerb Extruding, Trimmer and Paver Machine Operator				
(i) 48.5kW and under	638.80	18.50	17.78	22.20
(ii) Over 48.5kW but less than 97kW	660.60	19.08	18.36	22.90
(iii) Slipform Concrete Paving Machine - Operator	677.00	19.51	18.79	23.41
(iv) Curing and Texture Machine Operator	641.40	18.57	17.85	22.28
Traffic Line Marking Operator or machine attendant	637.40	18.46	17.75	22.15
Other attendant	620.40	18.02	17.30	21.62
Tow Truck Attendant- Sydney Harbour Bridge	634.20	18.38	17.66	22.06
Artesian and Sub Artesian Bores:				
Assistant - cable tool rigs	590.40	17.23	16.51	20.68
Helpers - cable tool rigs	587.40	17.15	16.43	20.58
Assistants - rotary hammer drill rigs	626.30	18.17	17.45	21.80
Helpers - rotary hammer drill rigs	624.40	18.12	17.40	21.74

Table 2 - Other Rates and Allowances

Item. No	Clause Reference	Brief Description	Amount \$
1	3(vii)	Sick Leave Allowance	27.30 per week
2	3(vi)	Industry Allowance	25.10 per week
3	3(viii)	Leading hand in charge of - More than 2 and up to 5 employees More than 5 and up to 10 employees More than 10 employees	0.57 per hour 0.82 per hour 1.07 per hour
4	5(i)(a)	Working in Rain	2.85 per day
5	5(ii)(a)(1)	Wet Places	0.57 per hour
6	5(ii)(a)(4)(i)	Water over 45.5cm	3.78 per day
7	5(ii)(a)(4)(ii)	Water over 91.4cm	4.60 per day
8	5(ii)(b)	Work in Slurry	0.52 per hour
9	5(iii)	Snow over 15.2cm Snow over 2.5cm and less than 15.2 cm	4.60 per day 3.09 per day
10	5(iv)	Confined Space	0.71 per hour
11	5(v)(a)	Distant Places Distant Places - western division	1.19 per day 1.97 per day
12	5(v)(b)	Distant Places - Snowy River, etc.	1.97 per day
13	5(vi)	Road Construction - Distant Places	1.19 per day
14	5(vii)	Height Money	0.57 per hour
15	5(viii)	Explosive Power Tools	1.30 per day
16	5(ix)	Heavy Blocks - Over 5.5 kg and up to 9 kg Over 9 kg and up to 18 kg Over 18 kg	0.57 per hour 1.03 per hour 1.44 per hour
17	5(x)	Roof Repairs	0.57 per hour
18	5(xi)(a)	Epoxy Materials	0.71 per hour
19	5(xi)(c)	Working in close proximity to the above	0.57 per hour

20	5(xii)	Cleaning Down Brickwork	0.52 per hour
21	5(xiii)	Refractory Brickwork	1.71 per hour
22	5(xiv)(i)	Towers Allowance - Above 15 metres Each further 15 metres	0.57 per hour 0.57 per hour
23	5(xv)	Coal Wash	0.57 per hour
24	5(xvii)	Dust Allowance	12.56 per week
25	17	Meal Allowance Each subsequent meal	12.65 per meal 10.55 per meal
26	25(ii)(1)	Return Home Allowance Each additional 10km beyond 100km	47.75 per occasion 2.05 per 10 km
27	25(ii)(4)	Camping Allowance	23.50 per day
28	26(i)(a)	Excess Fares	16.50 per day
29	26(i)(a)	Excess Fares - transport provided	6.30 per day
30	26(i)(b)	Travel Pattern Loading	11.85 per week
31	27(iv)(a)	Country Allowance - Unbroken week	436.10 per week
32	27(iv)(c)	Return Home Allowance Each additional 10km beyond 100km	47.75 per occasion 2.05 per 10 km
33	27(vi)	Meal whilst travelling	12.65 per meal
34	27(vi)	Bed Allowance whilst travelling	62.00 per occasion
35	28(iii)	First Aid Allowance	2.55 per day
36	5(xvii)	Tow Truck Attendant	0.76 per hour

Note: The allowances are contemporary for expense related allowances as at 30 September 2009 other than Items 27, 28 and 29 which are adjusted in accordance with the NBCIA and for work related allowances are inclusive of adjustments in accordance with the July 2009 State Wage Case Decisions of the Industrial Relations Commission of New South Wales.

3. This variation shall take effect from the first full pay period commencing on or after 1 April 2010.

P. J. CONNOR, Commissioner

Printed by the authority of the Industrial Registrar.

GLASS WORKERS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), Industrial Organisation of Employees.

(No. IRC 1750 of 2009)

Before Commissioner Connor

9 December 2009

VARIATION

1. Delete subclauses (3), (9), (11) and (12) of clause 51, Wages, of the award published 20 April 2001 (324 I.G. 84) and insert in lieu thereof the following:
 - (3) The rates of pay in this award include the adjustment payable under the State Wage Case 2009. These adjustments may be offset against:
 - (a) any equivalent overaward payments; and/or
 - (b) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.

Junior Employees -

- (9) The minimum rate of pay for a junior employee shall be the percentage indicated below of the minimum rate of pay for the Level 3 (which includes the award rate of pay for that classification plus the special loading):

	Percentage	From the first full pay period commencing on or after 26.11.09 \$
At 16 years and under 17 years of age	50	352.20
At 17 years and under 18 years of age	60	422.60
At 18 years and under 19 years of age	75	528.20
At 19 years and under 20 years of age	90	633.90

Provided that all employees other than apprentices shall be paid the full adult rates of pay for the classification appropriate to their level of competency plus the special loading upon attaining the age of twenty years.

An Automotive Glass Fitter (as defined) shall, upon reaching the age of 20 years, have deducted from the employee's two year probationary period the time spent engaged as a Junior Automotive Glass Fitter.

Minor Apprentices -

- (11) The rate for minor apprentices is calculated by adding together the award rate for an adult employee classified at Level 5 and the special loading, and then applying the appropriate percentage shown below:

	Percentage	From the first full pay period commencing on or after 26.11.09 \$
1st year	50	382.50
2nd year	65	497.20
3rd year	80	611.90
4th year	90	688.40

Adult Apprentices -

- (12) The rate for adult apprentices is calculated by adding together the award rate for an adult employee classified at Level 5 and the special loading, and then applying the appropriate percentage shown below:

	Percentage	From the first full pay period commencing on or after 26.11.09 \$
1st year	85	650.20
2nd year	90	688.40
3rd year	95	726.60

2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Wage Rates**

Competency Level	SWC 2009 2.8% Increase \$
One	573.90
Two	599.20
Three	610.40
Four	647.10
Five	671.00
Six	697.20
Seven	721.30

Note: The award rates of pay do not include the special loading set out in clause 51(2).

Table 2 - Other Rates and Allowances

Work Related Allowances

1. Call Out and Availability Allowance (Clause 10)
 - (i) \$23.40
 - (ii) \$79.50
 - (iii) \$89.10
 - (iv) \$99.10

2.	Leading Hand (Clause 51)	
	(i) 2 and up to 5 employees	\$5.90
	(ii) 5 and up to 10 employees	\$7.43
	(iii) more than 10 employees	\$9.94
3.	Construction Work (Clause 15)	
	(i) per day	\$5.00
	(ii) per week	\$25.00
4.	Special Loading (Clause 51)	
		\$93.90

Expense Related Allowances

5.	Meal Allowance (Clause 29)	
	(i) \$13.20	
	(ii) \$13.20	
6.	Country Work (Clause 17)	
	(i) \$15.70	
	(ii) \$70.00	
	(iii) \$19.50	
7.	Compensation for Clothes & Tools (Clause 14)	
		\$1495.00
8.	Tool Allowance (Clause 49)	
	(i) \$6.30 per week	
	(ii) \$6.30 per week	
9.	Car Allowance (Clause 11)	
	per km	\$0.89
10.	First Aid Allowance (Clause 20)	
	per day	\$2.59

General Conditions (clause 21)

11.	Work at Height (Clause 21(1))	
	(i) \$3.30	
	(ii) \$3.30	
	(iii) \$5.91	
	(iv) \$11.16	
	(v) \$3.79	
	(vi) \$3.30	
	(vii) \$2.89	
	(viii) \$5.91	
	(ix) \$11.16	

12. Multi-Storey Allowance (Clause 21(2))
- | | | |
|-------|--------|--|
| (i) | \$0.43 | |
| (ii) | \$0.51 | |
| (iii) | \$0.80 | |
| (iv) | \$1.05 | |
| (v) | \$1.29 | |
13. General (Clause 21(3))
- | | | |
|-------|---------------------|--------|
| (i) | \$0.53 | |
| (ii) | \$0.65 | |
| (iii) | between 46°c & 54°c | \$0.53 |
| | exceeding 54°c | \$0.63 |
| (iv) | \$0.53 | |
| (v) | \$0.65 | |
| (vi) | \$0.53 | |
14. Collecting Monies (Clause 21(3))
- | | | |
|-----|--------|--|
| (i) | \$8.64 | |
|-----|--------|--|
3. This variation shall take effect from the beginning of the first pay period to commence on or after 9 December 2009.

P. J. CONNOR, Commissioner

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(357)

SERIAL C7342

GOVERNMENT RAILWAYS (BUILDING TRADES CONSTRUCTION STAFF) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), Industrial Organisation of Employees.

(No. IRC 1755 of 2009)

Before Commissioner Connor

9 December 2009

VARIATION

1. Delete subclause (i) of clause 6, Rates of Wages, Tool and Special Allowances, of the award published 2 May 2008 (365 I.G.868) and insert in lieu thereof the following:

6. Rates of Wages, Tool and Special Allowances

- (i) Employees of the classifications specified hereunder shall be paid at the following rates of wages per week:

Classification	Base* rate per wk \$	Tool Allowance per wk \$	Fixed Special Allowance per wk \$	Fixed Additional loading per wk \$	Trades- persons' Allowance per wk \$	SWC 2000- 2009 \$	Total per wk \$
Bricklayer	366.00	18.60	12.88	59.87	16.25	181.25	654.85
Bridge Carpenter	366.00	26.20	12.88	59.87	16.25	181.72	662.92
Carpenter and joiner	366.00	26.20	12.88	59.87	16.25	181.18	662.38
Painter	366.00	6.30	12.88	59.87	16.25	180.46	641.76
Signwriter	375.80	6.30	12.88	59.87	16.25	180.44	648.84
Plaster and Fibrous Plaster Fixer	366.00	21.60	12.88	59.87	16.25	181.44	658.04
Plumber and Gasfitter	369.10	26.20	12.88	59.87	16.25	190.73	675.02

*Please note the base rate includes the now deleted basic wage component of \$121.40.

Provided that the amount shown as additional loading comprehends consideration for over award payments.

- (ii) Without limiting the general meaning, signwriting work shall include making of stencils and stencilling by screen or any other method, and the making and/or fixing of transfers.
- (iii) The ordinary hourly rates for employees engaged on leadburning shall be calculated by adding to the hourly rate prescribed for journeyperson plumbers an amount of 62 cents per hour.
- (iv) The ordinary hourly rates for employees in the following classifications shall be calculated by adding to the hourly rate prescribed for journeyperson plumbers in this clause and subclause (vi) of this clause, the following rates:
- (a) When required to act on a plumbers licence 81 cents

- (b) When required to act on a gasfitters licence 81 cents
- (c) When required to act on a drainers licence 68 cents
- (d) When required to act on a plumbers and gasfitters licence \$1.09
- (e) When required to act on a plumbers and drainers licence \$1.09
- (f) When required to act on a gasfitters and drainers licence \$1.09
- (g) When required to act on a plumbers gasfitter and drainers licence \$1.49
- (h) When required to act on a Pressure Welding Certificate 46 cents

Gasfitting licence shall be deemed to include coal gas, town gas, natural gas, liquid petroleum gas or any other gas where it is required by any State Act of Parliament or regulation that the holder of a licence be responsible for the installation of any such service or services.

- (v) Tradespeople covered by this award when employed on large construction projects being constructed by the Public Transport Commission of NSW shall be paid not less than the amount paid to tradespersons of the same class under the Building & Construction Industry (State) Award in respect of wage rate, tool allowance, industry allowance and special allowance. Any disputes between the parties concerning construction work being defined as a large construction project shall be referred to the Industrial Relations Commission of New South Wales for determination.
- (vi) A plumber and/or gasfitter and/or drainer who is or will be required to be the holder of a certificate of registration shall be paid 63 cents per hour in addition to his ordinary rate of pay.

This allowance shall be paid for all purposes of the Award with the exception of Clause 5 Overtime, in which case it shall be paid at the flat rate and not subject to penalty provisions.
- (vii) The allowances contained in subclause (iv) and (vi) of this Clause are applicable to employees working a 40 hour week. Where employees work an average of 38 hours per week in a four week work cycle, the hourly rate indicated is to be multiplied by 40 and divided by 38 to obtain the appropriate hourly rate.

2. Delete clause 7, Charge Hands and insert in lieu thereof the following:

7. Charge Hands

Charge hand tradespeople shall be paid at the rate of the following amounts whilst so employed in addition to rates of wages prescribed by Clause 6, Rates of Wages, Tool and Special Allowances of this Award, for employees of the same classification except in respect of the large construction project allowance.

	Per week \$
When in charge of not less than one and not more than nine employees	82.21
When in charge of ten and not more than fifteen employees	95.80
When in charge of sixteen or more employees	110.00

3. Delete clause 9, Special Rates, and insert in lieu thereof the following:

9. Special Rates

In addition to the ordinary rates of wages:

- (i) High places: A bridge carpenter when required to work at a height of 7.62 metres from the ground, deck floor or water level shall be paid at the rate of 57 cents per hour extra, and 9 cents per hour extra for every additional 3.048 metres. Height shall be calculated from where it is necessary for the employee to place his hands or tools in order to carry out the work to the ground deck, floor or water level.

For the purpose of this paragraph "deck" or "floor" shall mean a substantial structure which, even though temporary is sufficient to protect an employee from falling any further distance and "water level" shall mean in tidal waters the mean water level.

This paragraph shall not apply to workers working on suitable scaffolding erected in accordance with the regulations under the Occupational Health and Safety Act 2000 and certified by an inspector as conforming to that Act.

- (ii) An employee required to work on the construction of chimneys and air shafts where the construction exceeds 15.24 metres in height, shall be paid for all work above 15.24 metres 57 cents per hour with 11 cents per hour additional for work above each further 15.24 metres.
- (iii) Tunnels and sewers: In the case of all employees whose craft award contains a similar provision an employee when engaged in tunnel and sewer work in an underground shaft exceeding 3.048 metres in depth shall be paid such additional minimum rate as is provided for in such craft award.
- (iv) Second hand timber: A bridge carpenter or a carpenter and joiner who, whilst working on secondhand timber has their tools damaged by nails, dumps or other foreign matter in the timber shall be paid an allowance of \$2.15 for each day upon which his tools are so damaged: Provided that no allowance shall be payable under this paragraph unless the damage is immediately reported to the Commission's representative on the job in order that he may have an opportunity to properly investigate the matter.
- (v) Wet places: An employee when working in any place where his clothing or boots become saturated, whether by water, oil or otherwise shall be paid at the rate of 57 cents per hour extra: provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable and effective protective clothing and/or footwear; provided further that any employee who becomes entitled to this extra rate shall continue to be paid such extra rate for such part of the day or shift as he is required to work in wet clothing or boots.
- (vi) Chokages: A plumber who is employed upon any chokage or oil chokage (other than domestic) and is required to open up any soil pipe, waste pipe or drain conveying offensive material, or scupper containing sewage shall be paid an additional \$5.94 per day or part of a day thereof.
- (vii) Swing scaffold: A payment of \$4.25 for the first four hours or any portion thereof and 83 cents for each hour thereafter on any day shall be made to any person employed:
 - (a) on any type of swing scaffold or any scaffold suspended by rope or cable, bosuns chair etc.
 - (b) on a suspended scaffold requiring the use of steel or iron hooks or angle irons at a height of 6 metres or more above the nearest horizontal plane.

And further provided that solid plasterers when working off a swing scaffold shall receive an additional 11 cents per hour.

- (viii) Insulation: Employee who is called upon to handle charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool, or other recognised insulation material of a like nature or working in the immediate vicinity so as to be offended by the use thereof, 63 cents per hour or part thereof.
- (ix) Hotwork: An employee who works in a place where the temperature has been raised by artificial means to between 46 degrees and 54 degrees Celsius - 48 cents per hour or part thereof, exceeding 56 degrees Celsius - 71 cents per hour or part thereof.

Where such work continues for more than two hours the employee shall be entitled to 20 minutes rest after every two hours work without loss of pay, not including the special rate provided by this sub-clause.

- (x) An employee who works in a place the dimensions or nature of which necessitates working in a cramped position or without sufficient ventilation shall be paid 71 cents per hour extra.

- (xi) Roof repairs: Employees engaged on repairs to roofs shall be paid 69 cents per hour.
- (xii) An employee who is an authorised operator of explosive power tools shall be paid \$1.34 for each day on which he uses such a tool.
- (xiii) An employee working on any structure at a height of more than 9.144 metres where an adequate fixed support not less than .762 metres wide is not provided shall be paid 57 cents per hour in addition to ordinary rates. This sub-clause shall not apply to an employee working on a bosuns chair or swinging stage.
- (xiv) A painter engaged on all spray application carried out in other than a properly constructed booth, approved by the Department of Commerce shall be paid 57 cents per hour extra.
- (xv) Computing quantities: Employees who are regularly required to compute or estimate quantities of materials in respect to the work performed by other employees shall be paid an additional \$4.09 per day or part thereof, provided that, this allowance shall not apply to an employee classified as a leading hand and receiving allowance prescribed in Clause 7, Leading Hands of this award.
- (xvi) Where an employee is a qualified first-aid person and is employed to carry out the duties of a qualified first-aid person the employee shall be paid an additional rate of \$2.45 per day.
- (xvii) Applying obnoxious substances:
- (a) An employee engaged in either the preparation and/or application of epoxy based materials or materials of a like nature shall be paid 71 cents per hour extra.
 - (b) In addition employees applying such material in buildings which are normally air-conditioned shall be paid 44 cents per hour extra for any time worked when the air conditioning plant is not operating.
 - (c) Where there is an absence of adequate natural ventilation the employer shall provide ventilation by artificial means and/or supply an approved type of respirator and in addition, protective clothing shall be supplied where recommended by the Health Commission of New South Wales.
 - (d) Employees working in close proximity to employees so engaged shall be paid 57 cents per hour extra.
 - (e) For the purpose of this clause all materials which include or require the addition of a catalyst hardener and reactive additives or two pack catalyst system shall be deemed to be materials of a like nature.
- (xviii) Marking-setting-out: A building tradesperson mainly employed marking and/or setting out work for other employees shall be paid an additional margin of \$21.52 per week.
- (xix) Cleaning down brickwork: A bricklayer required to clean down bricks using acids or other corrosive substances shall be paid 49 cents per hour extra. Whilst so employed employees will be supplied with gloves.
- (xx) Bricklayers laying other than standard bricks: Bricklayers employed laying block (other than cindercrete blocks for plugging purposes) shall be paid the following additional rates:
- Where the blocks with over 5.5 kg and under 9 kg - 57 cents per hour.
- Where the blocks with 9kg or over up to 18 kg - \$1.02 per hour.
- Where the blocks weigh over 18 kg - \$1.43 per hour.

An employee shall not be required to lift a building block in excess of 20kg unless such employee is provided with a mechanical aid or with an assisting employee; provided that, an employee shall not be required to manually lift any building block in excess of 20kg in weight to a height of more than 1.2 metres above the working platform.

- (xxi) Asbestos: Employees required to use materials containing asbestos or to work in close proximity to employees using such materials shall be provided with, and shall use, all necessary safeguards as required by the appropriate occupational health authority and where such safeguards include the mandatory wearing of protective equipment (ie combination overalls and breathing equipment or similar apparatus) such employees shall be paid 71 cents per hour extra while so engaged.
 - (xxii) Bagging: Employees engaged upon bagging brick or concrete structures shall be paid 49 cents per hour.
 - (xxiii) Rates not cumulative: Where more than one of the above special rates provides payment for disabilities of substantially the same nature then only the highest of such rates shall be payable. The above rates shall not form part of the ordinary rates of wages for the purpose of calculation of overtime.
4. This variation shall take effect from the beginning of the first pay period to commence on or after 9 December 2009.

P. J. CONNOR, Commissioner

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(358)

SERIAL C7341

GOVERNMENT RAILWAYS (BUILDING TRADES MAINTENANCE STAFF) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), Industrial Organisation of Employees.

(No. IRC 1896 of 2009)

Before Commissioner Connor

9 December 2009

VARIATION

1. Delete clause 5, Rates of Wages, Tool and Special Allowances, of the award published 2 May 2008 (365 I.G. 890) and insert in lieu thereof the following:

5. Rates of Wages, Tool and Special Allowances

- (i) Employees of the classifications specified hereunder shall be paid at the following rates of Wages per week:

Classification	Base* rate per wk \$	Tool Allowance per wk \$	Fixed Special Allowance per wk \$	Fixed Additional loading per wk \$	Trades- persons' Allowance per wk \$	SWC 2000- 2009 \$	Total per wk \$
Bricklayer	366.00	18.60	12.88	59.87	16.25	181.25	654.85
Bridge Carpenter	366.00	26.20	12.88	59.87	16.25	181.72	662.92
Carpenter and joiner	366.00	26.20	12.88	59.87	16.25	181.18	662.38
Painter	366.00	6.30	12.88	59.87	16.25	180.46	641.76
Signwriter	375.80	6.30	12.88	59.87	16.25	180.44	648.84
Plaster and Fibrous Plaster Fixer	366.00	21.60	12.88	59.87	16.25	181.44	658.04
Plumber and Gasfitter	369.10	26.20	12.88	59.87	16.25	190.73	675.03

* Please note the base rate includes the now deleted basic wage component of \$121.40

Provided that the amount shown as additional loading comprehends consideration for over award payments.

- (ii) Without limiting the general meaning, signwriting work shall include making of stencils and stencilling by screen or any other method, and the making and/or fixing of transfers.
- (iii) The ordinary hourly rates for employees engaged on leadburning shall be calculated by adding to the hourly rate prescribed for journeyperson plumbers an amount of 64 cents per hour.
- (iv) The ordinary hourly rates for employees in the following classifications shall be calculated by adding to the hourly rate prescribed for journeyman plumbers in this clause and subclause (vi) of this clause, the following rates:

- (a) When required to act on their plumbers licence - \$0.83
- (b) When required to act on their gasfitters licence - \$0.83
- (c) When required to act on their drainers licence - \$0.71
- (d) When required to act on their plumbers and gasfitters licence - \$1.12
- (e) When required to act on their plumbers and drainers licence - \$1.12
- (f) When required to act on their gasfitters and drainers licence - \$1.12
- (g) When required to act on their plumbers gasfitter and drainers licence - \$1.47
- (h) When required to act on Pressure Welding Certificate - \$0.48

Gasfitting licence shall be deemed to include coal gas, town gas, natural gas, liquid petroleum gas or any other gas where it is required by any State Act of Parliament or regulation that the holder of a licence be responsible for the installation of any such service or services.

- (v) A plumber and or gasfitter and/or drainer who is or will be required to be the holder of a certificate of Registration shall be paid 62 cents per hour in addition to their ordinary rate of pay.

This allowance shall be paid for all purposes of the award with the exception of Clause 4 OVERTIME and Clause 10, Night and/or shift work in which case it shall be paid as a flat rate and not subject to penalty provisions.

- (vi) The allowances contained in sub-clause (iv) and (v) of this clause are applicable to employees working a 40 hour week. Where employees work an average of 38 hours per week in a four week work cycle the hourly rate indicated is to be multiplied by 40 and divided by 38 to obtain an appropriate hourly rate.
- (vii) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
 - (i) any equivalent overaward payments, and/or
 - (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.

- 2. Delete clause 7, Leading Hands and insert in lieu thereof the following:

7. Leading Hands

Leading hand tradesmen shall be paid at the rate of the following amounts whilst so employed, in addition to the rates of wages prescribed by Clause 5, Rates of wages, tool and special allowances of this award, for employees of the same classification:

	Per week \$
When in charge of not less than three and not more than ten employees	28.00
When in charge of more than ten and not more than twenty employees	42.44
When in charge of more than twenty employees	53.92

3. Delete clause 8, Special Rates, and insert in lieu thereof the following:

8. Special Rates

In addition to the ordinary rates of wages.

- (i) Tunnels: An employee when working in a tunnel 402.34 metres or over in length or in the Eveleigh Engine dive shall be paid at the rate of 45 cents per hour extra.
- (ii) Wet places: An employee when working in any place where his clothing or boots become saturated whether by water, oil or otherwise shall be paid at the rate of 58 cents per hour extra; provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable and effective protective clothing and/or footwear; provided further that any employee who becomes entitled to this extra rate shall continue to be paid such extra rate for such part of the day or shift as he is required to work in wet clothing or boots.
- (iii) Chokages: A plumber who is employed upon any chokage or oil chokage (other than domestic and is required to open up any soil pipe, waste pipe or drain pipe conveying offensive material or scupper containing sewage shall be paid an additional \$6.09 per day or part of a day thereof.
- (iv) Boilers, flues, etc: An employee when engaged in alteration of repairs to boilers, flues, furnaces, retorts and kilns shall be paid at the rate of \$1.71 per hour extra.
- (v) Swinging scaffold - a payment of \$4.20 for the first four hours or any portion thereof and 85 cents for each hour thereafter on any day shall be made to any person employed-
 - (a) On any type of swing scaffold or any scaffold suspended by rope of cable, bosuns chair etc.,
 - (b) On a suspended scaffold requiring the use of steel or iron hooks or angle irons at a height of 6 metres or more above the nearest horizontal plane.

And further provided that solid plasterers when working off a swing scaffold shall receive an additional 11 cents per hour.

- (vi) An employee who is called upon to handle charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool, or other recognised insulation material of a like nature or working in the immediate vicinity so as to be offended by the use thereof, 74 cents per hour or part thereof.
- (vii) Hotwork: An employee who works in a place where the temperature has been artificially raised to between 46 degrees and 54 degrees Celsius shall be paid 56 cents per hour or part thereof exceeding 54 degrees Celsius - 74 cents per hour or part thereof.

Where such work continues for more than two hours the employee shall be entitled to 20 minutes rest after every two hours work without loss of pay, not including the special rate provided by this sub-clause.

- (viii) An employee who works in a place the dimensions or nature of which necessitate working in a cramped position or without sufficient ventilation shall be paid 71 cents per hour extra.
- (ix) Roof Repairs: Employees engaged on repairs to roofs shall be paid 74 cents per hour.
- (x) An employee who is an authorised operator of explosive power tools shall be paid \$1.37 for each day on which he uses such a tool.
- (xi) An employee working on any structure at a height of more than 9.144 metres where an adequate fixed support not less than .762 metres wide is not provided shall be paid 58 cents per hour in addition to ordinary rates. This sub-clause shall not apply to an employee working on a bosun's chair or swinging stage.

- (xii) An employee being the holder of a Department of Industrial Relations oxyacetylene or electric welding certificate or equivalent qualifications recognised by the Employer when required by the Employer to act on either of his certificates or equivalent qualifications during the course of his employment shall be entitled to be paid for every hour of his employment on work the nature of which is such that it is done by or under the supervision of the holder of a certificate or while not performing but supervising such work the sum of 49 cents per hour for each certificate in addition to the rates for journey person plumbers.
- (xiii) A painter engaged on all spray applications carried out in other than a properly constructed booth approved by the Department of Commerce shall be paid 58 cents per hour extra.
- (xiv) Computing quantities - Employees who are regularly required to compute or estimate quantities of materials in respect to the work performed by other employees shall be paid an additional \$4.20 per day or part thereof, provided that, this allowance shall not apply to an employee classified as a leading hand and receiving allowance prescribed in clause 6, Leading Hands, of this award.
- (xv) Applying obnoxious substances:
- (a) An employee engaged in either the preparation and/or the application of epoxy based materials or materials of a like nature shall be paid 73 cents per hour extra.
- (b) In addition employees applying such material in buildings which are normally air-conditioned shall be paid 45 cents per hour extra for any time worked when the air-conditioning plant is not operated.
- (c) Where there is an absence of adequate natural ventilation the employer shall provide ventilation by artificial means and/or supply an approved type of respirator and in addition protective clothing shall be supplied where recommended by the WorkCover Authority of New South Wales.
- (d) Employees working in close proximity to employees so engaged shall be paid 58 cents per hour extra.
- (e) For the purpose of this clause all materials which include or require the addition of a catalyst hardener and reactive additives or two pack catalyst system shall be deemed to be materials of a like nature.
- (xvii) Cleaning down brickwork: A bricklayer required to clean down bricks using acids or other corrosive substances shall be paid 50 cents per hour extra. While so employed employees will be supplied with gloves.
- (xviii) Bricklayers laying other than standard bricks - bricklayers employed laying blocks (other than concrete blocks for plugging purposes shall be paid the following additional rates:
- Where the blocks weigh over 5.5 kg and under 9 kg: \$0.58
- Where the blocks weigh 9 kg or over up to 18 kg: \$1.04
- Where the blocks weigh over 18 kg: \$1.46
- An employee shall not be required to lift a building block in excess of 20 kg in weight unless such employee is provided with a mechanical aid or with an assisting employee; provided that, an employee shall not be required to manually lift any building block in excess of 20 kg in weight to a height of more than 1.2 metres above the working platform.
- (xix) Plumbers engaged on electric welding applicable to plumbing other than those covered by sub-clause (xii) of this clause shall be paid 16 cents per hour extra for the time so worked.

- (xx) Asbestos: Employees required to use materials containing asbestos or to work in close proximity to employees using such materials shall be provided with, and shall use, all necessary safeguards as required by the appropriate occupational health authority and where such safeguards include the mandatory wearing of protective equipment (ie combination overalls and breathing equipment or similar apparatus) such employees shall be paid 72 cents per hour whilst so engaged.
- (xxi) Bagging: Employees engaged upon bagging brick or concrete structures shall be paid 49 cents per hour.
- (xxii) Second hand timber: A carpenter and joiner who, whilst working on second hand timber has his tools damaged by nails, dumps or other foreign matter in the timber shall be paid an allowance of \$2.26 for each day upon which his tools are so damaged. Provided that no allowance shall be payable under this paragraph unless the damage is immediately reported to the commission's representative on the job in order that he may have an opportunity to properly investigate the matter.
- (xxiii) Marking setting out- A building tradesperson mainly employed marking and/or setting out work for other employees shall be paid an additional margin of \$22.19 per week.
- (xxiv) Rates not cumulative: Where more than one of the above special rates provide payments for disabilities of substantially the same nature then only the highest of such rates shall be payable.

The above rates shall not form part of the ordinary rates of wages for the purpose of calculation of overtime.

4. This variation shall take effect from the beginning of the first pay period to commence on or after 9 December 2009.

P. J. CONNOR, Commissioner

Printed by the authority of the Industrial Registrar.

ICE CREAM MAKERS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, New South Wales Branch, Industrial Organisation of Employees.

(No. IRC 1881 of 2009)

Before Commissioner Macdonald

10 December 2009

VARIATION

1. Delete clause 7, State Wage Case Adjustments, of the award published 2 May 2008 (365 I.G. 945), and insert in lieu thereof the following:

7. State Wage Case Adjustments

The rates of pay in this Award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:

- (a) any equivalent overaward payments, and/or
- (b) award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Wages**

Classification	Former Rate Per Week \$	SWC July 2009 %	Wage Total Per Week \$
Ice Cream Production Assistant - General Hand	552.70	2.8	568.20
Packer	552.70	2.8	568.20
Ice Cream Manufacturer Grade 1 - Stretchwrap operator/forklift operator	568.90	2.8	584.80
Trainee Operator	561.40	2.8	577.10
Other operator	561.40	2.8	577.10
Ice Cream Manufacturer Grade 2 - Operator auto filler	576.50	2.8	592.60
Operator manual filler	568.90	2.8	584.80
Assistant ice cream mixer	566.70	2.8	582.60
Ice Cream Manufacturer Grade 3 - Ice cream mixer	588.30	2.8	604.80
Operator moulding and freezing	584.80	2.8	601.20
Cake decorator	584.80	2.8	601.20

Junior Employees

Classification	Former Rate Per Week \$	SWC July 2009 \$	Wage Total Per Week \$
Under 17 years of age	245.25	6.85	252.10
At 17 and under 18 years of age	290.25	8.15	298.40

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount \$
1		Leading Hands - Leading Hands shall, in addition to their rate of pay, be paid the following amounts: In charge of two and up to five employees inclusive In charge of six and up to ten employees inclusive In charge of more than ten employees	24.65 per week 31.45 per week 36.05 per week
2		Casual employees - Casual employees shall be paid one-thirty-eighth of the appropriate weekly wage, plus 20% thereof per hour	
3	12	Meal Allowance	13.15 per occasion
4	26	First-aid Allowance	13.15 per week
5	15(ii)	Laundry Allowance	20.20 per week
6	5(iii)(d)	Shift Allowance	17.75 per shift

3. This variation shall come into effect on the first full pay period to commence on or after 10 December 2009.

A. W. MACDONALD, Commissioner.

Printed by the authority of the Industrial Registrar.

JOINERS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch) , Industrial Organisation of Employees.

(No. IRC 1751 of 2009)

Before Commissioner Connor

9 December 2009

VARIATION

1. Delete subclause (9.3) of clause 9, Rates of Pay, of the award published 26 October 2001 (328 I.G. 1142) and insert in lieu thereof the following:

(9.3) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:

- (a) any equivalent overaward payments; and/or
- (b) award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.

2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Wages**

Broadbanded Group	Percentage	Former Weekly Rate \$	State Wage Case 2001-2009 Adjustment \$	New Weekly Rate \$
Group 7	110	533.90	171.62	705.50
Group 6	105	513.10	170.21	683.30
Group 5	100	492.20	168.70	660.90
Group 4	92.4	460.50	164.42	624.90
Group 3	87.4	439.60	162.91	602.50
Group 2	82	412.00	161.35	578.40
Group 1	78	400.40	160.27	560.70

Rates of Pay - Junior Employees who work in association with adult employees:

Age	Base Rate Per Week \$	Industry Allowance Per Week \$	Amount Per Week \$
At 16 years of age	229.60	25.10	254.70
At 17 years of age	280.80	25.10	305.90
At 18 years of age	331.20	25.10	356.30
At 19 years of age	407.90	25.10	433.00
At 20 years of age	459.00	25.10	484.10

Rates of Pay - Indentured Apprentices

Year	Base Rate Per Week \$	Industry Allowance Per Week \$	Amount Per Week \$
1st year	247.60	25.10	272.70
2nd year	335.60	25.10	360.70
3rd year	439.30	25.10	464.40
4th year	533.50	25.10	558.60

Rates of Pay - Trainee Apprentices

Year	Base Rate Per week \$	Industry Allowance Per Week \$	Amount Per Week \$
1st year	277.00	25.10	302.10
2nd year	372.30	25.10	397.40
3rd year	482.10	25.10	507.20
4th year	563.10	25.10	588.20

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount \$
1	9.4	Leading Hands	
		In charge of not more than 1 person	16.10 per week
		In charge of 2 and not more than 5 persons	35.40 per week
		In charge of 6 and not more than 10 persons	45.10 per week
		In charge of more than 10 persons	60.20 per week
2	17	Industry Allowance	25.10 per week
3	18.1	Tool Allowance:	
		Carpenter and/or Joiner, Shopfitter or Shopfitter and Joiner	26.20 per week
		Carpenter and Joiner	26.20 per week
		Joiner Special Class	26.20 per week
		Joiner - Setter Out	26.20 per week
		Joiner	26.20 per week
		Assembler A	7.80 per week
4	18.1	Shopfitter and/or Joiner Apprentices:	
		Tool Allowance	26.20 per week
5	20.1(a)	Handling insulating material or working in its immediate vicinity.	0.71 per hour
6	20.1(b)	Working where temperature raised by artificial means to	
		between 46 and 54 degrees Celsius	0.57 per hour
		Exceeding 54 degrees Celsius	0.71 per hour
7	20.1(c)	Working where temperature is reduced by artificial means to below 0 degrees Celsius	0.57 per hour
8	20.1(d)	Working in a confined space	0.71 per hour
9	20.1(e)	Engaged in unusually dirty work	0.57 per hour
10	20.1(f)	Whilst working with second hand timber, an employee's tools are damaged by nails, dumps or other foreign matter.	2.23 per day
11	20.1(g)	Required to compute or estimate quantities of materials in respect to work performed by other employees	4.10 per day
12	20.1(i)	Using an explosive-powered tool	1.35 per day

13	20.1 (j) (iii)	Using toxic substances or like materials	0.71 per hour
		Working in close proximity to employees so engaged	0.57 per hour
14	20.1(k)	Using materials containing asbestos or working in close proximity to employees using such materials	0.71 per hour
15	20.1(l)	If a grindstone or wheel is not made available, the employer shall pay each joiner	6.04 per week
16	20.1 (m)(iii)	Engaged in asbestos eradication	1.91 per hour
17	27	Meal allowance after working one and a half hours overtime.	12.50
18	39.1	First Aid	
		Minimum qualifications	2.42 per day
19	41.2(a)	Maximum amount of reimbursement for loss of tools or clothes.	1,495.00

3. This variation shall take effect from the beginning of the first full pay period to commence on or after 9 December 2009

P. J. CONNOR, Commissioner

Printed by the authority of the Industrial Registrar.

NUT FOOD MAKERS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by The Australian Workers' Union, New South Wales, Industrial Organisation of Employees.

(No. IRC 1957 of 2009)

Before Commissioner Connor

17 December 2009

VARIATION

1. Delete subclause (v) of clause 4, Rates of Pay of the award published 2 May 2008 (365 I.G. 982), and insert in lieu thereof the following:

(v) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:

- (i) any equivalent overaward payment; and/or
- (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.

2. Delete table (i), Adult Employees, of Table 1 - Wages, of Part B, Monetary Rates, and insert in lieu thereof the following:

- (i) Adult Employees -

Classification	SWC 2008 Amount \$	SWC 2009 Adjustment \$	SWC 2009 Amount \$
Roaster and/or fryer (96%)	608.15	17.00	625.15
Mayonnaise Plant Operator (96%)	608.15	17.00	625.15
Distributor and Dispatcher (92.4%)	594.80	16.70	611.50
All other adult employee*(87.9%)	578.90	16.20	595.10

3. Delete Table 2 - Other Rates and Allowances, of the said Part B, and insert in lieu thereof the following:

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	SWC 2008 Amount \$	SWC 2009 Amount \$
1	4(iii)	Leading Hands:		
		In charge of 3 to 6 employees	25.65	26.35
		In charge of 7 to 10 employees	30.10	30.95
		In charge of 11 to 15 employees	38.10	39.15
		In charge of more than 15 employees	46.80	48.10
2	14(i) and (iii)	Meal Allowance	10.95	11.30
3	26(ii)	First-aid Allowance	3.15	3.25

"Note": These allowances are contemporary for expense related allowances as at 30 September 2009 and for work related allowances are inclusive of adjustment in accordance with the July 2009 State Wage Case Decision of the Industrial Relations Commission of New South Wales.

4. This variation shall take effect from the first full pay period to commence on or after 21 February 2010.

P. J. CONNOR, Commissioner

Printed by the authority of the Industrial Registrar.

PASTORAL EMPLOYEES (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by The Australian Workers' Union, New South Wales, Industrial Organisation of Employees.

(No. IRC 1883 of 2009)

Before Commissioner Bishop

18 December 2009

VARIATION

1. Delete subclause (a) of clause 74, Safety Net and State Wage Case Commitments, of the award published 26 October 2001 (328 I.G. 1188) and insert in lieu thereof the following:
 - (a) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
 - (i) any equivalent over-award payments; and/or
 - (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Rates of Pay**

Clause No.	Rates for Shearers	Rate \$
10(a)(i)	If "not found": For flock sheep (wethers, ewes and lambs) by machine With own handpiece	233.85 per 100 237.69 per 100
10(a)(viii)	If "found": The rates prescribed for "not found" in clause 10 (a)(i) less	21.55 per day
10(a)(ix)	Engagement by the day, handpiece provided: "Not found" "Found" "Found" If using own handpiece: "Not found" "Found"	174.80 per day 153.25 per day 177.65 per day 156.10 per day

Clause No.	Rates for Crutching	Rate per 100 at sheds \$	Rates per 100 other than at sheds \$
11(a)	If "Not found" - Full crutching, that is, shearing the inside and parts of the legs, between the legs, and around and above the tail. In addition when required: Removing wool that has been struck by blowfly; and/or Lifting the bottom leg and shearing that leg prior to turning sheep to complete the shearing around and above the tail; and/or giving up to two blows above the tail	67.80	58.45
	All other crutching	53.80	46.75
	For wiggging or ringing	25.70	25.70
	For either wiggging or ringing in addition to crutching - crutching rates plus	7.00	7.00
	For wiggging and ringing	42.10	42.10
	For wiggging and ringing in addition to crutching - crutching rates plus	11.70	11.70
	For clearing the belly of any ewe above the teats (not more than two blows of the machine or shears) - crutching rates plus For rams and ram stags - double the rates prescribed in paragraphs (i) to (vi) of subclause (a) of clause 10, Rates for Shearers	5.85	5.85
	Handpiece Allowance	1.29 per 100	1.29 per 100
	For Stud ewes and their lambs - one and one quarter of the rates prescribed in paragraphs (i) to (vi) of subclause (a) of the said clause 10.		
11(b)	If Not "found" - Piecework rates Use of own handpiece	174.80 177.65	174.80 177.65
11(c)	Per Day: If "found", the rates as per piecework rates above less	21.55 per day	21.55 per day

Clause No.	Rates for Shed Hands	Per Run \$
12	If "not found" - Adults: For adults with 65 days or more experience as a shed hand For adults with less than 65 days experience as a shed hand	46.45 44.85
	Juniors - 18 to 20 years - With 65 work days or more experience as a shed hand With less than 65 work days experience as a shed hand Under 18 years - With 65 work days experience as a shed hand With less than 65 work days experience as a shed hand If "found" - The rates prescribed for adults for "not found" less	41.80 40.35 32.50 31.40 21.55

Clause No.	Rates for Woolpressers	Per Kilo \$	Per Bale \$
13(a)(i)	If "not found" - For pressing: By hand By power	0.0984 0.0656	14.99 9.99
13(a)(ii)	For weighing and branding bales Minimum weekly rate(per run x no. of runs)		0.30 per bale extra 48.05 per run
13(a)(v)	If "found" - The rates prescribed for "not found" in clause 13 (a)(i)(ii) less		21.55 per day
13(c)	Woolpressers engaged at timework rates: If "not found" If "found" - the rate prescribed for "not found" less		48.05 Per run 21.55 per run

Clause No.	Rates for Shearing Cooks	Per Week \$
14(a)	If "found" - Cooking for up to 13 persons Cooking for 13 person and over	202.24 per day 15.56 per person per day

Clause No.	Rates for Station Hands	SWC 2008 Amount \$	SWC 2009 Adjustment %	SWC 2009 Amount \$
50(a)(i)(1)	Without keep - Station Hand Grade 1	552.70	2.8	568.20
50(a)(i)(2)	General Station Hand Grade 2	571.40	2.8	587.40
50(a)(i)(3)	Senior Station Hand Grade 3	597.50	2.8	614.20
50(a)(i)(4)	Rural Tradesperson	643.10	2.8	661.10
50(a)(iii)	Adult Station Hand engaged by the day Without keep		16.23 per hour	16.68 per hour
	With keep - The weekly rates prescribed above, less		95.35	98.00

Clause No.	Rates for Station Cooks	SWC 2008 Amount \$	SWC 2008 Adjustment %	SWC 2009 Amount \$
50(b)	Cook who cooks for 13 persons or less on the average of the week	552.70	2.8	568.20

The cook shall not be included when counting the average number of persons cooked for.

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount \$
1	18(d)	Learner's comb/cutters allowance	9.40 per week
2	22(a)(ii)	Sleeping quarters allowance	36.15 per night
3	22(a)(ii)	Excess travelling time allowance	13.50 per hour
4	22(b)(i)	Travelling allowance (Shearers/Crutchers only)	10.20 per day
5	22(b)(ii)	Vehicle allowance	0.31 per km
6	23(d)(i) & 54 (c)	Meat charge (if supplied by the employer)	0.47 per kg

7	26(a)	Breakdown of machinery allowance - "not found" "found" With own handpiece - "not found" "found"	140.25 per day 117.30 per day 142.85 119.65
8	31(e)	Charge for injured sheep	1.63 per sheep
9	37(g)	Leaving forfeiture - Maximum	1071.50
10	39(g)	Excess rate for waiting time - Leaving or discharge	138.90 per day
11	39(h)	Excess rate for waiting time - Cut-out	138.90 per day
12	52(a)	Own horse allowance	2.36 per week
13	52(a)	Own saddle allowance	1.80 per week
14	52(c)	Jetting/spraying/swabbing sheep	1.07 per day
15	62	Meal Allowance-travelling	1.04 per day
16	62	Accommodation Allowance- travelling	3.00 per night

3. Delete Schedule B, Formula and insert in lieu thereof the following:

SCHEDULE B

FORMULA

Shearer's Formula

	\$
Total Rate	591.40
Plus 20% piecework allowance - total rate x 20%	118.28
Plus 20% casual loading - total rate x 20%	118.28
Plus shearing industry allowance	256.70
- delays for wet weather	47.15
- travelling	73.40
- isolation and discomfort	90.70
- rations	45.45
Total	1084.66
Rates per 100 conversion - total divided by 5	216.95
Plus disability allowance	1.65
Plus allowance for combs/ cutters	15.25
Total Rate per 100	233.85
Plus payment for handpiece	3.84
Total	237.69
Crutching Rates -	
Full crutching at sheds: 29% of shearer's per 100 rate	67.80
All other crutching at sheds: 23% of shearers per 100 rate	53.80
Full crutching other than at sheds: 25% of shearer's per 100 rate	58.45
All other crutching other than at sheds: 20% of shearer's per 100 rate	46.75
Wigging or ringing: 11% of shearer's per 100 rate	25.70
Wigging or ringing in addition: 3% of shearer's per 100 rate	7.00
Wigging and ringing: 18% of shearer's per 100 rate	42.10
Wigging and ringing in addition: 5% of shearer's per 100 rate	11.70
Cleaning bellies, etc: 2.5% of shearer's per 100 rate	5.85
Lack of amenities allowance (per day)	7.55
Handpiece allowance (per 100)	1.29

	Handpiece provided \$	Handpiece not provided \$
Daily rate - "Not found" - Old daily rate x Shearer's rate per 100 divided by old shearer's rate per 100	174.80	177.65
"Found" - Not found rate less found deduction	153.25	156.10

Learners -	Per Run \$
Inexperienced adult shed hand rate	44.85
Experienced adult shed hand rate	46.45
	Per week \$
Combs and cutters allowance: 62.25% of shearer's combs and cutters allowance per 100	9.50
Shearing Cook's Formula - Base rate	588.79
Safety Net Adjustment	2.8%
Total Rate	605.28
Plus 20% casual loading - total rate x 20%	121.06
Plus 20% long hours allowance - total rate x 20	121.06
Plus shearing industry allowance	163.80
Travelling	73.10
Isolation / discomfort	90.70
Total	1011.20
Daily rate - total divided by 5	202.24
Per employee per day rate - daily rate divided by 13	15.56
Shed Hands (Adult) Formula - With less than 65 work days experience:	Amount \$
Base Rate	519.36
Safety Net Adjustment	2.8%
Total Rate	533.90
Plus 20% casual loading - new base wage rate x 20%	106.78
Plus shearing industry allowance	256.10
- delays for wet weather	46.90
- travelling	73.20
- isolation/discomfort	90.70
- rations	45.30
Total	896.78
Per run - total divided by 20	44.85
With more than 65 work days experience:	
Base rate	545.40
Safety Net Adjustment	2.8%
Total rate	560.70
Plus 20% casual loading - new base wage rate x 20%	112.14
Plus shearing industry allowance	256.10
- delays for wet weather	46.90
- travelling	73.20
- isolation/discomfort	90.70
- rations	45.30
Total	928.94
Per run - total divided by 20	46.45
Juniors: 18-20 years: With 65 work days or more experience as shed hand - 90% of equivalent adult rate	41.80

With less than 65 work days experience as a shed hand -90% of equivalent adult rate	40.35
Under 18 years: With 65 work days or more experience as shed hand - 70% of equivalent rate	32.50
With less than 65 work days experience as a shed hand - 70% of equivalent adult rate	31.40

Woolpresser's Formula	Piecework \$	Timework \$
Base Rate	551.00	571.45
Safety Net Adjustment	2.8%	2.8%
Total	566.45	587.45
Plus 20% piecework allowance- total rate x 20%	113.30	
Plus 20% casual loading - total rate x 20%	113.30	117.50
Plus shearing industry allowance	256.10	256.10
- delays for wet weather	46.90	46.90
- travelling	73.20	73.20
- isolation/discomfort	90.70	90.70
- rations	45.30	45.30
Total per week	1049.15	961.05
Per run - total divided by 20	52.46	48.05
- by hand - per bale - total divided by 70	15.00	
- by hand - per kilo - rate divided by 152.4	0.0984	
- by power - per bale - by hand per bale rate x 2/3	9.99	
- by power - per kilo - rate divided by 152.4	0.0656	

Additional Rates -	Per day \$
Found deduction - cooks per employee per day rate plus \$6.00 per rations	21.55
Breakdown allowance - old rate x shearer's rate per 100 divided by old shearer's rate per 100:	
- Not found - handpiece provided	140.65
- handpiece not provided	143.00
- Found - handpiece provided	117.40
- handpiece not provided	119.80
Waiting time - old rate x shearer's rate per 100 divided by old shearer's rate per 100	140.65
Absence from work - shearer's weekly wage equivalent (rate per 100 x 5)	1169.25

4. Delete Schedule C and insert in lieu thereof the following:

SCHEDULE C

ECONOMIC INCAPACITY

- (1) Employers listed in this Schedule have been granted a postponement in the payment of wages and allowance increases flowing from the State Wage Case 2009 Decision in respect of employees engaged pursuant to Section II - Station Hands, of the award due to adverse economic circumstances as a consequence of drought. The list can be added to or subtracted from at any time subject to a ruling of the Industrial Relations Commission of New South Wales. The postponement commences from the date the application is approved until 1 August 2009 subject to the capacity to make a further application at that time.
- (2) Applications will be dealt with by the Industrial Relations Commission of New South Wales in accordance with the process outlined in the decision of Vice President Ross of the Australian Industrial

Relations Commission in PR 940769 (19 November 2003) on the proviso that any reference in that decision to industrial tribunals, industrial provisions or principles in the jurisdiction of the Commonwealth of Australia shall be read as referring, where practicable, to its State counterpart in New South Wales.

- (3) The wages to be paid by the employers listed in the Schedule relate to Section II - Station Hand employees. The following wage rates and allowances correspond to the relevant clauses in this award:

Clause No.	Rate \$
50(a)(i)(1)	552.70
50(a)(i)(2)	571.40
50(a)(i)(3)	597.50
50(a)(i)(4)	643.10
50(a)(i)	95.35
50(b)	552.70
52(a)	2.30 and 1.75 respectively
52(c)	1.07
62	1.04 and 3.00 respectively

- (4) The Commission has approved the application to postpone wage and allowance increases in accordance with clauses 1 and 2 of this Schedule to the following employers:

Employer Name	Employer Address	Operative Date
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5. This variation shall take effect from the beginning of the first full pay period to commence on or after 31 December 2009.

E. A. R. BISHOP, Commissioner

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(534)

SERIAL C7338**PLANT, &c., OPERATORS ON CONSTRUCTION (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), Industrial Organisation of Employees.

(No. IRC 1752 of 2009)

Before Commissioner Connor

9 December 2009

VARIATION

1. Delete the table appearing in paragraph (e) of subclause (1) of clause 5, Wage Rates, of the award published 16 November 2001 (329 I.G. 625), and insert in lieu thereof the following:

Broadbanded Award Classification	New CW Classification	SWC 2008 Rate Eff. 05/08/08 \$	SWC 2009 (percentage increase) %	New Rate Eff. 26/11/09 \$
Group A	CW3	643.00	2.8	661.00
Group B	CW4	664.80	2.8	683.40
Group C	CW5	686.40	2.8	705.60
Group D	CW5	686.40	2.8	705.60
Group E	CW5	686.40	2.8	705.60
Group F	CW6	706.10	2.8	725.90
Group G	CW6	706.10	2.8	725.90
Group H	CW7	727.70	2.8	748.10

2. Delete the table appearing in paragraphs (f) of subclause (1) of the said clause 5, and insert in lieu thereof the following:

Classification	Effective 26 November 2009 \$
CW8	772.50
CW7	748.10
CW6	725.90
CW5	705.60
CW4	683.40
CW3	661.00
CW2	641.10
CW1(d)	626.70
CW1(c)	614.30
CW1(b)	605.30
CW1(a)	591.90

3. Delete subclause (4) of the said clause 5, and insert in lieu thereof the following:

- (4) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
- (a) any equivalent overaward payments and/or
 - (b) award wage increases since 29 May, 1991 other than Safety Net, State Wage Case and minimum rates adjustments.

4. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B

MONETARY RATES

Table 1 - Rates of Pay

Classification	Rate per week \$
The rates of pay in this table represent the rates applicable to employees covered by this award and come about as a result of the insertion of the new classification structure. The new classification structure is subject to a transitional period. Accordingly, the rates of pay in this table do not apply until the transitional period is complete. See clauses 5(1)(e) and 5(1)(f) for the rates of pay applicable during the transitional period.	
Construction Worker Level 8 - CW8	772.50
Construction Worker Level 7 - CW7	748.10
Construction Worker Level 6 - CW6	725.90
Construction Worker Level 5 - CW5	705.60
Construction Worker Level 4 - CW4	683.40
Construction Worker Level 3 - CW3	661.00
Construction Worker Level 2 - CW2	641.10
Construction Worker Level 1 - CW1(d)	626.70
Construction Worker Level 1 - CW1(c)	614.30
Construction Worker Level 1 - CW1(b)	605.30
Construction Worker Level 1 - CW1(a)	591.90

Table 2 - Other Rates and Allowances

Item	Clause	Brief Description	Amount \$
1	5(5)(i)	Operator in charge of plant	15.75 per week
2	5(5)(ii)(a)	Industry allowance	25.10 per week
4	5(5)(iii)	Employees engaged in waste disposal depots	1.16 per hour
5	5(5)(iv)	Leading hands - In charge of more than 2 and up to 5 employees In charge of more than 5 and up to 10 employees In charge of more than 10 employees	22.20 per week 31.40 per week 39.90 per week
6	5(5)(v)	Special Allowance - Employees within A.I. & S, Port Kembla	0.88 per hour
7	5(5)(vi)	Employees involved in road construction work in the Illawarra region near coal wash	0.57 per hour
8	14(ii)	Meal Allowance each subsequent meal	12.50 per meal 10.30 per meal
9	5(2)	Floating/Mobile/other cranes for every 5 tonnes in excess of 20 tonnes a fixed amount of;	1.90
10	31(i)(a)	Excess Fares Small Fares	15.40 per day 5.90 per day
	31(i)(b)	Travel Pattern Loading	7.25 per week
11	31(iv)(a)	Travel in excess of 40 kilometres from the depot	0.83 per km
		Minimum Payment	15.40 per day
	31(iv)(b)	Use of Own Vehicle	0.83 per km
	31(iv)(c)	Road Escort - Own Vehicle	0.83 per km
	31(iv)(d)	Transfer - One job to another Own Vehicle	0.83 per km
12	31(v)	Carrying of Fuels Oils and/or grease	9.50 per day

13	33(iii)(a) 33(iii)(b)	Country Work Allowance Unbroken Week Broken Week	390.20 per week 55.80 per day
14	33(iii)(c)(1)	Travel Allowance - Weekend Return	33.40 per occasion
15	33(v)	Meal Allowance whilst travelling	12.50 per meal
16	34(xv)(a)	Camping Area - Weekend return	33.40 per occasion
17	35(ii)	Caravan Allowance Unbroken Week Broken Week	182.20 per week 26.00 per day
18	37(i)	Employees working in the west and north districts of the State Employees working in the western districts of the State	1.19 per day 1.97 per day
19	37(ii)	Employees working in the southern districts of the State	1.97 per day
20	38(x)(c)(v)(A)	First-Aid Allowance	2.42 per day
21	38(x)(c)(v)(B)	First-Aid Allowance	3.80 per day
22	38(xi)(d)	Employee engaged in lime work	0.57 per hour

5. This variation shall take effect from the beginning of the first pay period to commence on or after 9 December 2009.

P. J. CONNOR, Commissioner.

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(537)

SERIAL C7340

PLASTERERS, SHOP HANDS AND CASTERS (STATE) CONSOLIDATED AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch) , Industrial Organisation of Employees.

(No. IRC 1754 of 2009)

Before Commissioner Connor

9 December 2009

VARIATION

1. Delete clause 3, Wages of the award published 22 April 2005 (350 I.G. 331), and insert in lieu thereof the following:

3. Wages

- (i) The following minimum rates of pay shall be paid to adult employees:

	Total Rate Eff 05/05/08 \$	SWC 2009 %	Total Rate Eff 26.11.10 \$
Classification			
Shop Hand	643.00	2.8	661.00
Caster	554.20	2.8	569.70
Mechanical Cornice Attendant & Operator	552.70	2.8% + 0.05	568.25
Cornice Machine Attendant	552.70	2.8% + 0.05	568.25
All Others	552.70	2.8% + 0.05	568.25

Tool Allowances	\$
Shop Hand	3.50
Caster	1.40

- (ii) Junior casters minimum rates of pay shall be the rates set out hereunder calculated to the nearest five cents, any fraction of five cents in the result not exceeding half of five cents to be disregarded:

Percentage of the sum of the total wage assigned to an adult caster

	Percentage per week
1st year	48
2nd year	68
3rd year	90

- (iii) Casual Employees - A casual employee, that is an employee engaged for less than forty hours per week, shall be paid one-fifth of the weekly rate plus 10 per centum per day or portion thereof.
- (iv) Leading Hands:
- (a) An employee appointed to be in charge of more than two and up to and including five employees shall be a leading hand and shall be paid \$17.20 per week extra.

- (b) An employee appointed to be in charge of more than five and up to and including ten employees shall be a leading hand and shall be paid \$21.70 per week extra.
 - (c) An employee appointed to be in charge of more than ten employees shall be a leading hand and shall be paid \$30.50 per week extra.
 - (v) Where an employee is sent from a shop to a job to perform casters and/or fibrous fixers and gypsum plasterboard fixers' work the worker shall be paid the hourly rates and conditions applying to fixers in the Building and Construction Industry (State) Award whilst he or she is actually employed on this work and this hourly rate shall be paid in lieu of normal pay.
2. Delete clause 4, State Wage Case Adjustments, and insert in lieu thereof the following:

4. State Wage Case Adjustments

The rates of pay in this award include the adjustments payable under State Wage Case 2009. These adjustments may be offset against:

- (i) any equivalent over-award payments and/or
 - (ii) award wage increases since 29 May, 1991 other than Safety Net, State Wage Case and minimum rates adjustments
3. This variation shall take effect from the beginning of the first pay period to commence on or after 9 December 2009.

P. J. CONNOR, Commissioner

Printed by the authority of the Industrial Registrar.

PRIVATE HOSPITALS, AGED CARE AND DISABILITY SERVICES INDUSTRY (TRAINING) (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1923 of 2009)

Before Commissioner Tabbaa

16 December 2009

VARIATION

1. Delete paragraph (x) of subclause (b) of clause 6, Employment Conditions, of the award published 2 June 2000 (315 I.G. 1404) and insert in lieu thereof the following:
 - (x) Minimum and maximum hours of work for part-time employees specified in the Parent Award shall apply to part-time Trainees also.

Example of the calculation for the Wage Rate for a Part-Time Traineeship

A school student commences a Traineeship in Year 11. The ordinary hours of work in the Parent Award are 38. The Training Contract specifies two years (24 months) as the length of the Traineeship.

"Average weekly training time" is therefore $7.6 \times 12/24 = 3.8$ hours.

"Trainee hours" totals 15 hours; these are made up of 11 hours work which is worked over 2 days of the week plus 1-1/2 hours on the job training plus 2-1/2 hours off the job approved training at school and at TAFE.

So the wage rate in Year 11 is:

$$\$253 \times \frac{15 - 3.8}{30.4} = \$93.21 \text{ plus any applicable penalty rates under the Parent Award.}$$

The wage rate varies when the student completes Year 11 and passes the anniversary date of 1 January the following year to begin Year 12 and/or if "Trainee hours" changes.

2. Delete subclause (e) of clause 7, Wages and insert in lieu thereof the following:
 - (e) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
 - (a) any equivalent over-award payments; and/or
 - (b) award wage increases since 29 May 1991 other than safety net State Wage Case and minimum rates adjustments.

3. Delete Part B, Monetary Rates and insert in lieu thereof the following:

PART B

MONETARY RATES

Table 1 - Industry/Skill Level A

Where the accredited training course and work performed are for the purpose of generating skills which have been defined for work at industry/skill Level A.

	Highest Year of Schooling Completed		
	Year 10 \$	Year 11 \$	Year 12 \$
School Leaver	253.00	279.00	335.00
Plus 1 year out of school	279.00	335.00	390.00
Plus 2 years	335.00	390.00	453.00
Plus 3 years	390.00	453.00	518.00
Plus 4 years	453.00	518.00	518.00
Plus 5 years or more	518.00	518.00	518.00

The average proportion of time spent in structured training which has been taken into account in setting the rate is 20 per cent.

Table 2 - Industry/Skill Level B

Where the accredited training course and work performed are for the purpose of generating skills which have been defined for work at industry/skill Level B.

	Highest Year of Schooling Completed		
	Year 10 \$	Year 11 \$	Year 12 \$
School Leaver	253.00	279.00	324.00
Plus 1 year out of school	279.00	324.00	373.00
Plus 2 years	324.00	373.00	438.00
Plus 3 years	373.00	438.00	500.00
Plus 4 years	438.00	500.00	500.00
Plus 5 years or more	500.00	500.00	500.00

The average proportion of time spent in structured training which has been taken into account in setting the rate is 20 per cent.

Table 3 - Weekly Rates - Industry/Skill Level C

Where the accredited training course and work performed are for the purpose of generating skills which have been defined for work at Skill Level C.

	Highest Year of Schooling Completed		
	Year 10 \$	Year 11 \$	Year 12 \$
School Leaver	253.00	279.00	321.00
Plus 1 year out of school	279.00	321.00	362.00
Plus 2 years	321.00	362.00	403.00
Plus 3 years	362.00	403.00	451.00
Plus 4 years	403.00	451.00	451.00
Plus 5 years or more	451.00	451.00	451.00

The average proportion of time spent in Structured Training which has been taken into account in setting the above rates is 20 per cent.

Table 4 - School Based Trainees

	Year of Schooling	
	Year 11 \$	Year 12 \$
School based Traineeships Skill Levels A, B and C	253.00	279.00

The average proportion of time spent in structured training which has been taken into account in setting the rate is 20 per cent.

Table 5 - Hourly Rates for Trainees Who Have Left School

SKILL LEVEL A			
	Year 10 \$	Year 11 \$	Year 12 \$
School leaver	8.34	9.18	11.01
1 year after leaving school	9.18	11.01	12.80
2 years +	11.01	12.80	14.92
3 years +	12.80	14.92	17.05
4 years +	14.92	17.05	17.05
5 years +	17.05	17.05	17.05

SKILL LEVEL B			
	Year 10 \$	Year 11 \$	Year 12 \$
School leaver	8.34	9.18	10.66
1 year after leaving school	9.18	10.66	12.27
2 years +	10.66	12.27	14.42
3 years +	12.27	14.42	16.42
4 years +	14.42	16.42	16.42
5 years +	16.42	16.42	16.42

SKILL LEVEL C			
	Year 10 \$	Year 11 \$	Year 12 \$
School leaver	8.34	9.18	10.55
1 year after leaving school	9.18	10.55	11.88
2 years +	10.55	11.88	13.26
3 years +	11.88	13.26	14.84
4 years +	13.26	14.84	14.84
5 years +	14.84	14.84	14.84

Table 6 - Hourly Rates for School-Based Traineeships

	Year of Schooling	
	Year 11 \$	Year 12 \$
Skills levels A, B and C	8.34	9.18

4. This variation shall take effect from the first full pay period to commence on or after 16 December 2009.

I. TABBAA, Commissioner

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(1201)

SERIAL C7349

PUBLIC HOSPITAL (TRAINING WAGE) (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1922 of 2009)

Before Commissioner Tabbaa

16 December 2009

VARIATION

1. Delete paragraph (ix) of subclause (c) of Clause 7, Employment Conditions, of the Award published 2 June 2000 (315 I.G. 1415) and insert in lieu thereof the following:

- (ix) Minimum and maximum hours of work for part time employees specified in the Relevant Award shall apply to part time Trainees also. Example of the Calculation for the Wage Rate for a Part Time Traineeship

Example of the calculation for the Wage Rate for a Part-Time Traineeship

A school student commences a Traineeship in Year 11. The ordinary hours of work in the Relevant Award are 38. The Training Contract specifies two years (24 months) as the length of the Traineeship.

"Average weekly training time" is therefore $7.6 \times 12/24 = 3.8$ hours.

"Trainee hours" totals 15 hours; these are made up of 11 hours work which is worked over 2 days of the week plus 1-1/2 hours on the job training plus 2-1/2 hours off the job approved training at school and at TAFE.

So the wage rate in Year 11 is:

$$\$253 \times \frac{15 - 3.8}{30.4} = \$93.21 \text{ plus any applicable penalty rates under the relevant Award.}$$

The wage rate varies when the student completes Year 11 and passes the anniversary date of 1 January the following year to begin Year 12 and/or if "Trainee hours" changes.

2. Delete subclause (e) of Clause 8, Wages and insert in lieu thereof the following:
- (e) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
- (a) any equivalent over-award payments; and/or
- (b) award wage increases since 29 May 1991 other than safety net State Wage Case and minimum rates adjustments.

3. Delete Part B, Monetary Rates and insert in lieu thereof the following:

PART B

MONETARY RATES

Table 1 - Industry/Skill Level A

Where the accredited training course and work performed are for the purpose of generating skills which have been defined for work at industry/skill Level A.

	Highest Year of Schooling Completed		
	Year 10	Year 11	Year 12
	\$	\$	\$
School Leaver	197.00 (50%)	248.00 (33%)	-
	231.00 (33%)	279.00 (25%)	335.00
Plus 1 year out of school	279.00	335.00	390.00
Plus 2 years	335.00	390.00	453.00
Plus 3 years	390.00	453.00	518.00
Plus 4 years	453.00	518.00	518.00
Plus 5 years or more	518.00	518.00	518.00

The figures in brackets indicate the average proportion of time spent in Structured Training to which the associated wage rate is applicable. Where not specifically indicated the average portion of time spent in structured training which has been taken into account in setting the rate is 20 per cent.

Table 2 - Industry/Skill Level B

Where the accredited training course and work performed are for the purpose of generating skills which have been defined for work at industry/skill Level B.

	Highest Year of Schooling Completed		
	Year 10	Year 11	Year 12
	\$	\$	\$
School Leaver	197.00 (50%)	248.00 (33%)	-
	231.00 (33%)	279.00 (25%)	324.00
Plus 1 year out of school	279.00	324.00	373.00
Plus 2 years	324.00	373.00	438.00
Plus 3 years	373.00	438.00	500.00
Plus 4 years	438.00	500.00	500.00
Plus 5 years or more	500.00	500.00	500.00

The figures in brackets indicate the average proportion of time spent in Structured Training to which the associated wage rate is applicable. Where not specifically indicated the average portion of time spent in structured training which has been taken into account in setting the rate is 20 per cent.

Table 3 - School Based Trainees

	Year of Schooling	
	Year 11	Year 12
	\$	\$
School based Traineeships Skill Levels A and B	253.00	279.00

The average proportion of time spent in Structured Training which has been taken into account in setting the rate is 20 per cent.

4. This variation shall take effect from the first full pay period to commence on or after 8 December 2009.

I. TABBAA, Commissioner

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TEXTILE INDUSTRY (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Transport Workers' Union of New South Wales, Industrial Organisation of Employees.

(No. IRC 1971 of 2009)

Before Commissioner Bishop

18 December 2009

VARIATION

1. Delete paragraph 5.3.3 of subclause 5.3 of clause 5, Rates of Pay, of the award published 2 May 2008 (365 I.G. 1082) and insert in lieu thereof the following:

5.3.3 The rates of pay in this award include the adjustments payable under the State Wage Case 2009, as set out in the said Table 1, Rates of Pay in Part B - Monetary Rates. This adjustment may be offset against:

- (i) any equivalent overaward payments; and/or
- (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.

2. Delete Part B - Monetary Rates and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Rates of Pay**

Adult Rates of Pay - Clause 5

Adult Rates of Pay from the beginning of the first pay period to commence on or after 18 December 2009.

Classification Skill Level	Minimum Weekly Award Wage Rate \$
Trainee	560.70
1	578.50
2	602.50
3	624.90
4	660.90
5#	705.50

* The weekly award wage rate for ordinary hours combines the base rate, supplementary payment and arbitrated safety net adjustments and State Wage Case decisions awarded since the NWC October 1993 Review of Wage fixing Principles.

Wage Band

Junior Rates of Pay - Clause 9

Years of Age	Percentage of Skill Level 2 Skill Level 2 = \$602.50	Minimum Weekly Award Rate \$
16	50%	301.25
16.5	55%	331.40
17	59%	355.45
17.5	64%	385.60
18	69%	415.70
18.5	75%	451.90
19	80%	482.00
19.5	85%	512.15
20	Adult Rate	

Apprentice Rates of Pay - Clause 6

4-year term	Percentage of Skill level 4 Skill Level 4 = \$660.90 %	Minimum Weekly Award Rate \$
1st year	52	343.65
2nd year	62	409.75
3rd year	82	541.95
4th year	92	608.05

Adult Apprentice Rates of Pay - Clause 7

4-year term	Percentage of Skill level 4 Skill Level 4 = \$660.90 %	Minimum Weekly Award Rate \$
1st year	82	541.95
2nd year	87	575.00
3rd year	92	608.05
4th year	100	660.90

Table 2 - Other Rates and Allowances

The allowances in this table shall be payable on or from the first pay period on or after 18 December 2009.

Item No.	Clause No.	Brief Description	Amount \$
1	5.7	Leading Hand allowance - In charge of up to 10 employees In charge of 11 to 20 employees In charge of 21 or more employees High rise Stacker Operator	23.90 per week 34.90 per week 42.35 per week 17.30 per week
2	10.1	Blender/Blending machine attendant	18.30 per week
3	10.2 39.19	Hand Stripping of cards	1.06 per complete set
4	10.3	Called upon to work in dust chamber in a cotton Mill	9.15 extra for that week
5	10.4	Engaged in Dye House/Bleach House	7.60 per week
6	10.4	Employees also engaged in loading/unloading of Kiers or entering vaporloc machines	Further additional 3.95 per week

7	10.5	First-aid Attendant	11.30 per week
8	10.6	Instructors	17.00 per week
9	10.7	Engaged on Shoddy-shaking machines (dirt money)	13.50 per week
10	10.8	Polisher machine operators engaged in cleaning of size troughs - Sewing Threads Section	9.15 per week
11	10.9	In the event where proper facilities are not provided for the protection of employees engaged in loading/unloading soda ash from delivery vehicles by hand	1.30 per hour
12	10.10	Sorting unwashed rags	2.80 per week
13	10.11	Willey hands in waste room	9.15 per week
	10.12	Clean Wool Scouring Pits in an offensive condition	Double ordinary rates
14	10.13	Picking over bales of wool, waste or rags in an offensive condition	1.11 per bale
15	10.14	Operating flax scutchers, tow on breaker and finisher	7.50 per week
16	13.7	Payment of Results systems - Employee who also instructs learners	
		1st week	5.65 per week
		2nd week	5.00 per week
		3rd week	4.35 per week
		continue instructing a learner thereafter	4.35 per week
17	18.2	Meal Allowance	8.20
		For each subsequent meal	6.00
18	20.8	Change of shift without 2 working days' notice	18.70 extra as compensation

3. This variation shall take effect from the first pay period on or after 18 December 2009.

E. A. R. BISHOP, Commissioner

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(669)

SERIAL C7364**TOY MAKERS' EMPLOYEES (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by The Australian Workers' Union, New South Wales, Industrial Organisation of Employees.

(No. IRC 1956 of 2009)

Before Commissioner Connor

17 December 2009

VARIATION

1. Delete subclauses (i) and (vii), of clause 3, Wages, of the award published 8 June 2001 (325 I.G. 404), and insert in lieu thereof the following:

- (i) Adults - The minimum rates of pay for the classifications in this Award are set out hereunder.
- (a) Employees engaged in the manufacture or preparation of soft toys and or dolls of all descriptions (including clay, rubber and sawdust) shall be paid the following rates of pay:

Classification	SWC 2008 Amount \$	SWC 2009 Adjustment \$	SWC 2009 Amount \$
Cutter - out	554.00	15.50	569.50
Press operator - all materials except cloth	552.70	15.50	568.20
Mould reproducer	552.70	15.50	568.20
Spray gun operator	552.70	15.50	568.20
Grinder or Buffer	552.70	15.50	568.20
All other adult employees	552.70	15.50	568.20

- (b) Employees engaged in the manufacture and/or preparation of wooden toys shall be paid the following rates of pay:

Classification	SWC 2008 Amount \$	SWC 2009 Adjustment \$	SWC 2009 Amount \$
Sawyer	554.00	15.50	569.50
Sanding machine operator	552.70	15.50	568.20
Spray gun Operator	552.70	15.50	568.20
All other employees	552.70	15.50	568.20

- (vii) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
- (a) any equivalent over award payment; and/or
- (b) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments

2. This variation shall take effect from the first full pay period to commence on or after 16 June 2010.

P. J. CONNOR, Commissioner

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(1614)

SERIAL C7328**TRAINING WAGE (STATE) AWARD 2002**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Unions NSW, Industrial Organisation of Employees and State Peak Council.

(No. IRC 1569 of 2009)

Before The Honourable Justice Kavanagh

27 November 2009

VARIATION

1. Delete subclause (d), of clause 7, Wages of the award published 26 September 2003 (341 I.G. 569) and insert in lieu thereof the following:
 - (d) The rates of pay in this award include the adjustments payable under the State Wage Case 2009. These adjustments may be offset against:
 - (i) any equivalent overaward payments, and/or
 - (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum wages adjustments.
2. Delete subparagraph (b) of paragraph (ii) of subclause (k) of clause 7, Wages and insert in lieu thereof the following:
 - (b) An adult trainee who is undertaking a traineeship for an AQF IV qualification shall receive the following weekly wage as applicable based on the allocation of AQF III qualifications:

Industry/Skill Level	First Year of Traineeship \$	Second Year of Traineeship \$
Industry/Skill Level A	538.00	558.00
Industry/Skill Level B	518.00	538.00
Industry/Skill Level C	469.00	486.00

3. Delete Part B Monetary Rates, and insert in lieu thereof the following:

PART B**MONETARY RATES****Table 1 - Weekly Rates - Industry/Skill Level A**

Where the accredited training course and work performed are for the purpose of generating skills which have been defined for work at Skill Level A.

	Highest year of schooling completed		
	Year 10 \$	Year 11 \$	Year 12 \$
School leaver	253.00	279.00	335.00
Plus 1 year out of school	279.00	335.00	390.00
Plus 2 years	335.00	390.00	453.00
Plus 3 years	390.00	453.00	518.00
Plus 4 years	453.00	518.00	518.00
Plus 5 years or more	518.00	518.00	518.00

The average proportion of time spent in Structured Training which has been taken into account in setting the above rates is 20 per cent.

Table 2 - Weekly Rates - Industry/Skill Level B

Where the accredited training course and work performed are for the purpose of generating skills which have been defined for work at Skill Level B.

	Highest year of schooling completed		
	Year 10 \$	Year 11 \$	Year 12 \$
School leaver	253.00	279.00	324.00
Plus 1 year out of school	279.00	324.00	373.00
Plus 2 years	324.00	373.00	438.00
Plus 3 years	373.00	438.00	500.00
Plus 4 years	438.00	500.00	500.00
Plus 5 years or more	500.00	500.00	500.00

The average proportion of time spent in Structured Training which has been taken into account in setting the above rates is 20 per cent.

Table 3 - Weekly Rates - Industry/Skill Level C

Where the accredited training course and work performed are for the purpose of generating skills which have been defined for work at Skill Level C.

	Highest year of schooling completed		
	Year 10 \$	Year 11 \$	Year 12 \$
School leaver	253.00	279.00	321.00
Plus 1 year out of school	279.00	321.00	362.00
Plus 2 years	321.00	362.00	403.00
Plus 3 years	362.00	403.00	451.00
Plus 4 years	403.00	451.00	451.00
Plus 5 years or more	451.00	451.00	451.00

The average proportion of time spent in Structured Training which has been taken into account in setting the above rates is 20 per cent.

Table 4 - Weekly Rates - School-Based Traineeships

	Year of Schooling	
	Year 11 \$	Year 12 \$
School based traineeships Skill Levels A, B, and C	253.00	279.00

The average proportion of time spent in Structured Training which has been taken into account in setting the above rates is 20 per cent.

Table 5 - Hourly Rates for Trainees who have Left School

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
Wage Level A			
School leaver	8.34	9.18	11.01
Plus 1 year after leaving school	9.18	11.01	12.80
Plus 2 years	11.01	12.80	14.92
Plus 3 years	12.80	14.92	17.05
Plus 4 years	14.92	17.05	17.05
Plus 5 years or more	17.05	17.05	17.05
Wage Level B			
School Leaver	8.34	9.18	10.66
Plus 1 year after leaving school	9.18	10.66	12.27
Plus 2 years	10.66	12.27	14.42
Plus 3 years	12.27	14.42	16.42
Plus 4 years	14.42	16.42	16.42
Plus 5 years or more	16.42	16.42	16.42
Wage Level C			
School leaver	8.34	9.18	10.55
Plus 1 year after leaving school	9.18	10.55	11.88
Plus 2 years	10.55	11.88	13.26
Plus 3 years	11.88	13.26	14.84
Plus 4 years	13.26	14.84	14.84
Plus 5 years or more	14.84	14.84	14.84

Table 6 - Hourly Rates For School-Based Trainees

	Year of schooling	
	Year 11 \$	Year 12 \$
Wage levels A, B and C	8.34	9.18

4. This variation shall take effect from the first full pay period commencing on or after 27 November 2009.

T. M. KAVANAGH J

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(680)

SERIAL C7159

TRANSPORT INDUSTRY - EXCAVATED MATERIALS, CONTRACT DETERMINATION

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Transport Workers' Union of New South Wales, Industrial Organisation of Employees.

(No. IRC 1114 of 2009)

Before Commissioner Connor

19 August 2009

AWARD

1. Delete Part B - Rates of Remuneration, of the contract determination published 24 October 1997 (301 I.G. 1082) and insert in lieu thereof the following:

PART B

Rates of Remuneration

Item	2 Axles (\$)	3 Axles (\$)	4 Axles (\$)	5 Axles (\$)	6 Axles (\$)	7 Axles (\$)
1. Loading Rate	17.607	27.416	33.297	39.617	42.663	46.354
1A. Extra Capacity (per cubic metre)	3.034	3.034	3.034	3.034	3.034	3.034
2. Kilometre Rate (0-8)	4.428	6.897	8.376	9.967	10.730	11.661
2A. Extra Capacity (per cubic metre)	0.764	0.764	0.764	0.764	0.764	0.764
3. Kilometre Rate (over 8-25)	4.097	6.381	7.752	9.222	9.934	10.793
3A. Extra Capacity (per cubic metre)	0.707	0.707	0.707	0.707	0.707	0.707
4. Kilometre Rate (over 25)	3.797	5.911	7.183	8.548	9.198	9.991
4A. Extra Capacity (per cubic metre)	0.656	0.656	0.656	0.656	0.656	0.656
5. City Rate	10.537	16.409	19.928	30.991	34.640	38.164
5A. Extra Capacity (per cubic metre)	1.823	1.823	1.823	1.823	1.823	1.823
6. Hourly Rate	57.727	89.887	109.210	129.840	139.831	159.107
6A. Extra Capacity (per cubic metre)	9.985	9.985	9.985	9.985	9.985	9.985
7. Ramp Rate	4.706	7.328	8.899	13.840	15.471	17.041
7A. Extra Capacity (per cubic metre)	0.813	0.813	0.813	0.813	0.813	0.813
8. Large Material	17.148	26.704	32.433	50.444	56.377	62.106
8A. Extra Capacity (per cubic metre)	2.967	2.967	2.967	2.967	2.967	2.967

2. Delete Part C - Rise and Fall Formula, and insert in lieu thereof the following:

PART C

Rise and Fall Formula

A. Benchmarks

Component	Benchmark
Wages	Transport Industry (State) Award, as varied, 'Transport Worker Grade 4'
Fuel	BP Terminal Gate Price for Diesel Fuel Sydney

Repair Parts		Index based upon the following specified basked of parts obtained from source listed at recommended retail prices, including Sales Tax	
		Parts	Rear Suspension Bushes
			Brake Lines
			Brake Drums
			Clutch and Pressure Plate

Source	Vehicle Type	Item	Part
	Hino	Rear Suspension Brake Linings Brake Drums Clutch and Pressure Plate	Brakes
	Ford	Rear Suspension Brake Linings Brake Drums Clutch and Pressure Plate	
	Volvo	Rear Suspension Brake Linings Brake Drums Clutch and Pressure Plate	
	International	Rear Suspension Brake Linings Brake Drums Clutch and Pressure Plate	

NOTE: Price is the total retail price inclusive of GST and excluding all discounts.

Tyres: Goodyear Tyre Co. Head Office recommended retail price for A steer 11R22.5 tyre only.

Quotes: Quotes for vehicles and tyres should be from the same source and be the same model number and if not possible the closest equivalent model.

Depreciation: Index based on the average of the recommended retail price of two cheapest vehicles - as per specification details below.

The index is the total of the prices.

Rigid Three Axle Bogie

Manufacturer:	Hino, Ford, Volvo or International
Differential:	40,000 pounds
Gearbox:	15 speed minimum
Horsepower:	300 hp
Carrying Capacity:	9 cubic metres minimum
Insurance:	Miller & Associates quote of the average of the two vehicles selected for the index
Registration and Third Party:	Roads and Traffic Authority

Interest:	Westpac, Prime Overdraft Rate
Sundries:	Based on Increase of CPI

B. Weightings for Cost Components

Cost Component	Percentage of Total Cost
Repairs and Maintenance	16.2
Fuel	12.5
Tyres	6.3
Insurance	5.3
Registration	2.5
Depreciation	14.4
Wages	31.7
Interest	7.8
Sundries	3.3
Total:	100

3. This variation shall take effect from the first pay period to commence on or after 19 August 2009.

P. J. CONNOR, Commissioner

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SERIAL C7335

**ENTERPRISE AGREEMENTS APPROVED
BY THE INDUSTRIAL RELATIONS COMMISSION**(Published pursuant to s.45(2) of the *Industrial Relations Act 1996*)**EA09/45 - Liquor, Hospitality and Miscellaneous Union, New South Wales and New South Wales Teachers Federation Enterprise Agreement**

Made Between: New South Wales Teachers Federation -&- the Liquor, Hospitality and Miscellaneous Union, New South Wales Branch.

New/Variation: Replaces EA06/60.

Approval and Commencement Date: Approved 13 November 2009 and commenced 1 January 2009.

Description of Employees: The agreement applies to all employees employed by the NSW Teachers' Federation, who fall within the coverage of the Miscellaneous Workers' - General Services (State) Award.

Nominal Term: 12 Months.

EA09/46 - Shelter NSW Enterprise Agreement

Made Between: Shelter New South Wales Inc -&- the Australian Services Union of N.S.W..

New/Variation: New.

Approval and Commencement Date: Approved and commenced 6 November 2009.

Description of Employees: The agreement applies to all employees employed by Shelter New South Wales located at Level 4, 377-383 Sussex Street, Sydney, 2000 who fall within the coverage of the Social and Community Services Employees (State) Award.

Nominal Term: 12 Months.

EA09/47 - Cooma Challenge Limited Australian Disability Enterprise Certified Enterprise Agreement 2009

Made Between: Cooma Challenge Limited -&- the Transport Workers' Union of New South Wales.

New/Variation: Replaces EA06/219.

Approval and Commencement Date: Approved and commenced 10 December 2009.

Description of Employees: The agreement applies to all employees employed by Cooma Challenge Limited (Business Services), located at 4 Vagg Street, Cooma NSW 2630, who fall within the coverage of The Cooma Challenge Limited Business Services (State) Award.

Nominal Term: 32 Months.

EA09/48 - Yumaro Leisurewear Enterprise Agreement 2009

Made Between: Yumaro Incorporated trading as Yumaro Leisurewear -&- the Transport Workers' Union of New South Wales.

New/Variation: Replaces EA06/270.

Approval and Commencement Date: Approved and commenced 10 December 2009.

Description of Employees: The agreement applies to all employees employed by Yumaro Incorporated trading as Yumaro Leisurewear, located at 157 Warden Street, Ulladulla NSW 2539, who fall within the coverage of the Clothing Trades (State) Award.

Nominal Term: 32 Months.

EA09/49 - Churches of Christ in NSW Living Care NSWNA & HSU Enterprise Agreement 2009

Made Between: Churches of Christ in NSW-Living Care -&- the Health Services Union, New South Wales Nurses' Association.

New/Variation: New.

Approval and Commencement Date: Approved and commenced 16 December 2009.

Description of Employees: The agreement applies to all employees employed by Churches of Christ in NSW-Living Care, located at Level 1, 3 Rider Boulevard, Rhodes, 2138 who fall within the coverage of the following awards: Nursing Homes, &c., Nurses' (State) Award and the Charitable, Aged and Disability Care Services (State) Award.

Nominal Term: 22 Months.

SERIAL C7337

**CONTRACT AGREEMENTS APPROVED
BY THE INDUSTRIAL RELATIONS COMMISSION**

(Published pursuant to s.331(2) of the *Industrial Relations Act 1996*)

CA09/7 - Wettenhall Contract Carriers Agreement

Made Between: Wettenhalls Group -&- the Transport Workers' Union of New South Wales.

New/Variation: New.

Approval and Commencement Date: Approved and commenced 17 November 2009.

Description of Employees: This contract agreement applies to Carriers employed by Amezdroz & Son Pty Ltd t/as Wettenhall Group located at 60 - 72 Harcourt Road, Altona, Victoria, engaged for the cartage of goods in the Cartage area.

Nominal Term: 36 Months.

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