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NEW SOUTH WALES
INDUSTRIAL GAZETTE

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(964)

SERIAL C6800**AGED CARE GENERAL SERVICES (STATE) AWARD 2006**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1865 of 2008)

Before Commissioner Macdonald

8 October 2008

VARIATION

1. Delete subclause (iii) of clause 3, Wages, of the award published 10 November 2000 (320 I.G. 1), and insert in lieu thereof the following:
 - (iii) The rates of pay in this award include the adjustments payable under the State Wage Case 2008. 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 adjustment.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

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

	Current Rate \$/week	SWC 2008 Adjustment %/week	Wage Rate as from 8.10.2008 \$/week
Administrative Services Clerk (under 18 years of age)	355.30	4.0%	369.50
Clerk - Grade 1 (18 years of age and over)			
1st year of service	568.30	4.0%	591.00
2nd year of service	581.60	4.0%	604.90
3rd year of service	593.70	4.0%	617.40
4th year of service	603.70	4.0%	627.80
5th year of service and thereafter	613.70	4.0%	638.20
Clerk - Grade 2			
1st year of service	630.30	4.0%	655.50
2nd year of service and thereafter	645.30	4.0%	671.10
Clerk - Grade 3			
1st year of service	660.60	4.0%	687.00
2nd year of service and thereafter	673.90	4.0%	700.90
Clerk - Grade 4			
1st year of service	686.70	4.0%	714.20
2nd year of service and thereafter	698.50	4.0%	726.40
Clerk - Grade 5			
1st year of service	714.10	4.0%	742.70
2nd year of service and thereafter	726.60	4.0%	755.70

Provided that employees under the age of 18 who are substantially engaged in stenographic duties or as a comptometer or ledger posting machine operator shall be paid a weekly allowance as part of wages of the amount set out in Item 13 of Table 2 of this award.

Personal Care Services			
Personal Care Assistant			
Grade 1	574.00	4.0%	597.00
Grade 2	585.10	4.0%	608.50
Hostel Supervisor			
Grade 1 - less than 50 beds	630.30	4.0%	655.50
Grade 2 - 50 but less than 75 beds	645.40	4.0%	671.20
Grade 3 - 75 but less than 100 beds	660.60	4.0%	687.00
Grade 4 - 100 beds and over	673.40	4.0%	700.30
Wardsperson			
1st year of service	596.60	4.0%	620.50
2nd year of service and thereafter	599.70	4.0%	623.70
Recreation Activities Officer			
1st year of experience	612.80	4.0%	637.30
2nd year of experience	624.30	4.0%	649.30
3rd year of experience and thereafter	632.00	4.0%	657.30
Diversional Therapist			
1st year of experience	608.00	4.0%	632.30
2nd year of experience	634.30	4.0%	659.70
3rd year of experience	658.20	4.0%	684.50
4th year of experience	680.20	4.0%	707.40
5th year of experience and thereafter	703.20	4.0%	731.30
General Services			
General Services Officer Grade 1			
Junior	477.60	4.0%	496.70
Adult	574.00	4.0%	597.00
General Services Officer - Grade 2	585.10	4.0%	608.50
General Services Officer - Grade 3	593.50	4.0%	617.20
General Services Officer - Grade 4			
1st year of service	604.90	4.0%	629.10
2nd year of service	612.80	4.0%	637.30
3rd year of service and thereafter	624.30	4.0%	649.30
Food Services			
Cook - Grade A	618.20	4.0%	642.90
Cook - Grade B	606.40	4.0%	630.70
Chef			
1st year of service	636.10	4.0%	661.50
2nd year of service and thereafter	645.70	4.0%	671.50
Catering Officer			
1st year of service	678.10	4.0%	705.20
2nd year of service and thereafter	686.30	4.0%	713.80
Accommodation Services			
Housekeeper			
1st year of service	604.10	4.0%	628.30
2nd year of service	607.10	4.0%	631.40
Laundry Foreperson			
With Dry Cleaning/laundry certificate	613.70	4.0%	638.20
	620.60	4.0%	645.40
Storekeeper	630.80	4.0%	656.00
Support Services			
Gardener (Qualified)	607.60	4.0%	631.90
Gardener (Unqualified)	595.90	4.0%	619.70
Head Gardener (Qualified)	648.60	4.0%	674.50
Head Gardener (Unqualified)	621.70	4.0%	646.60

Motor Vehicle Driver	604.20	4.0%	628.40
Motor Vehicle Driver-Trucks and ambulances	610.50	4.0%	634.90
Maintenance Supervisor (Tradesman)			
In charge of staff	757.00	4.0%	787.30
Otherwise	715.00	4.0%	743.60
Maintenance Supervisor (Non-tradesman)			
In charge of staff	680.50	4.0%	707.70
Otherwise	668.60	4.0%	695.30
Apprentices			
Apprentice Cook			
1st year	363.80	60% of Cook B	378.40
2nd year	500.30	82½% of Cook B	520.30
3rd year	560.90	92½% of Cook B	583.40
Apprentice Gardener			
1st year	303.80	50% of Gardener(qualified)	316.00
2nd year	364.60	60% of Gardener(qualified)	379.10
3rd year	486.10	80% of Gardener(qualified)	505.50
4th year	546.80	90% of Gardener(qualified)	568.70

Table 2 - Other Rates And Allowances

Item No.	Clause No.	Brief Description	Amount from 8.10.2008
1	4 (xi)I	Broken Shifts	\$ 7.90 per shift
2	6(iii)	Overtime Meals breakfast lunch dinner	\$8.80 \$11.40 \$16.70
3	7(iii) (b)	Overtime Recall - Use of Employees' own vehicle Vehicles over 1600cc Vehicles 1600cc and under	24.5 cents per km 20.5 cents per km
4	10(vi)	Apprentices Certificate pass exams Each subsequent year	\$1.85 per week \$1.85 per week
5	12(i)(a)	Driving Allowance where required to drive more than ten hours in any week, minimum payment more than four hours in any day or shift, minimum payment	\$4.70 per week \$4.70 \$4.70 per shift
6	12(ii)(a)	Work of a dirty or offensive nature	\$0.44 per hour
7	12(ii)(b)	Cleaning of boiler, flue or economiser	\$0.70 per hour
8	12(iv)	Nauseous linen	\$0.23 per hour
9	22(i) 22(ii)	Climatic and Isolation Allowance Climatic and Isolation Allowance	\$4.70 per week \$8.70 per week
10	23(ii)	Leading Hand in charge of 2 to 5 employees in charge of 6 to 10 other employees in charge of 11 to 15 other employees in charge of 16 to 19 other employees	\$20.10 per week \$28.20 per week \$35.80 per week \$43.80 per week
11	25(iv)	Uniform Allowance	\$1.70 per week*
12	25(v)	Laundry Allowance	\$1.00 per week*
13	Table 1	Stenography Allowance	\$5.50 per week

3. This variation shall take effect from the first full pay period to commence on or after 8 October 2008.

A. MACDONALD, Commissioner

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(010)

SERIAL C6765**ANIMAL FOOD MAKERS, &c. (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by National Union of Workers, New South Wales Branch, Industrial Organisation of Employees.

(No. IRC 1804 of 2008)

Before Commissioner Macdonald

7 October 2008

VARIATION

1. Delete subclause (iii), of clause 5, Adult Weekly Rates, of the award published 1 June 2001 (325 I.G. 112), and insert in lieu thereof the following:
 - (iii) The rates of pay in this award include the adjustments payable under the State Wage Case 2008. These adjustments may be offset against:
 - (a) any equivalent overaward payments; and/or
 - (b) award wage increase since 29 May 1991 other than Safety Net, State Wage Case, and minimum rates adjustments.
2. Delete Adult Weekly Rates (Clause 5) of Part B, Monetary Rates, and insert in lieu thereof the following:

Adult Weekly Rates (Clause 5)

- A. 1. Feed Miller in Charge of Shift:

Table 1

Feed Miller in Charge of Shift	Minimum Award Wage Rate Per Week 11 October 2007 \$	Minimum Award Wage Rate Per Week 11 October 2008 \$
1. Not exceeding 2 tonnes of provender per hour	571.60	594.50
2. Exceeding 2 tonnes but not exceeding 6 tonnes of provender per hour	578.10	601.20
3. Exceeding 6 tonnes but not exceeding 12 tonnes of provender per hour	584.90	608.30
4. Exceeding 12 tonnes but not exceeding 18 tonnes of provender per hour	591.50	615.20
5. Exceeding 18 tonnes but not exceeding 28 tonnes of provender per hour	599.50	623.50
6. Exceeding 28 tonnes but not exceeding 40 tonnes of provender per hour	607.50	631.80
7. Exceeding 40 tonnes but not exceeding 60 tonnes of provender per hour	618.00	642.70
8. Exceeding 60 tonnes of provender per hour	627.00	652.10

- (2) Foreman Feed Miller - Shall be paid not less than \$38.20 per week above the relevant rate prescribed by classification 1 hereof.

(3) Feed Mill Operative:

Table 2

Feed Mill Operative	Minimum Award Wage Rate Per Week 11 October 2007 \$	Minimum Award Wage Rate Per Week 11 October 2008 \$
Grade 5	547.40	569.30
Grade 4	553.20	575.30
Grade 3	559.90	582.30
Grade 2	566.90	589.60
Grade 1	573.10	596.00
Premix Blender	559.90	582.30

B. General

Table 3

General	Minimum Award Wage Rate Per Week 11 October 2007 \$	Minimum Award Wage Rate Per Week 11 October 2008 \$
1. Millwright	588.00	611.50
2. General Repairer not Millwright	557.90	580.20
3. Head Millwright	605.60	629.80
4. Binsperson	553.20	575.30
5. Grain Sampler	540.10	561.70
6. Head Storeperson	564.00	586.60
7. Storeperson/Storehand/Siloperson	534.40	555.80
8. Packer/Stacker	542.30	564.00
9. Head Siloperson/Head Intake	549.00	571.00
10. Head Millhand	549.00	571.00
11. Millhand	531.40	552.70
12. (i) Driver of engines, whether the motive be steam or any other motive power other than manual power		
(a) With condenser	564.60	587.20
(b) Without condenser	554.60	576.80
(ii) Driver of suction gas or other internal combustion engines:		
(a) If 50 b.h.p. or over	554.60	576.80
(b) If under 50 b.h.p.	545.60	567.40
(iii) Driver of engines attending electric generator or dynamo other than a dynamo for merely lighting the works shall receive an additional \$12.43 per week		
13. Fireperson/Boiler Attendant	533.20	554.50
14. Forklift Truck Driver and/or Tractor Driver	545.60	567.40
15. Laboratory Assistant	556.30	578.60
16. All other Adult Employees	531.40	552.70

Table 4 - Other Rates and Allowances

Item No	Clause No	Allowance	Amount 11 October 2008 \$
1	9(a)	Dusty Conditions	2.22 per day
2	9(b)	Unusually and Excessively Dirty or Dusty Conditions	0.48 per hour
3	9(c)(i)	Engaged in discharging bulk grain	0.94 per hour
4	9(c)(ii)	Working adjacent to employee discharging bulk grain	0.55 per hour
5	9(d)	Carrying Bagged Products	0.35 per hour
6	9(e)	Bag Cleaning	3.79 per day
7	9(f)	Containers - Stacking Mill Products	0.60 per hour
8	9(g)	Boiler Attendant Certificate	9.47 per week
9	9(h)	Boiler Cleaner	1.47 per hour
10	9(i)	Silo and Bin Cleaner	1.01 per hour
11	10(j)	Meal Allowance	7.50 per meal
12	13(c)(i)	Afternoon Shift	22.19 per shift
13	13(c)(ii)	Rotating Night Shifts	27.67 per shift
14	13(c)(iii)	Change of Shift	18.94 per shift
15	13(h)	Meal Hours	2.33
16	14(g)(iv)	Meal Allowance	7.50 per meal
17	15(c)	Travelling Allowance	0.73 per kilometre
18	26	First-Aid Attendant	9.47 per week
19	27	Fire Officer	8.64 per week
20	28(a)	Clothing Allowance	2.55 per week
21	28(b)	Tool Allowance	10.12 per week
22	28(f)	Handling and Use of Pesticides	0.47 per hour

3. This variation shall take effect from the first pay period to commencing on or after 11 October 2008.

A. MACDONALD, Commissioner

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(345)

SERIAL C6801

CHARITABLE INSTITUTIONS (PROFESSIONAL PARAMEDICAL STAFF) (STATE) AWARD 2006

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1863 of 2008)

Before Commissioner Macdonald

8 October 2008

VARIATION

1. Delete subclause 3.10 of clause 3, Salaries, of the published 31 August 2001, (327 I.G. 399), and insert in lieu thereof the following:
 - 3.10 The rates of pay in this award include the adjustments payable under the State Wage Case 2008. 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 adjustment.

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

PART B

MONETARY RATES

Table 1 - Salaries

Classification	Current Rate \$/week	SWC 2008 Adjustment %/week	Wage Rate as from 8.10.2008 \$/week
Scientific Officer			
1 st year of service	684.20	4.0%	711.60
2 nd year of service	702.40	4.0%	730.50
3 rd year of service	733.30	4.0%	762.60
4 th year of service	770.10	4.0%	800.90
5 th year of service	809.40	4.0%	841.80
6 th year of service	846.30	4.0%	880.20
7 th year of service	875.70	4.0%	910.70
8 th year of service & thereafter	897.80	4.0%	933.70
Senior Scientific Officer			
1 st year of service	950.90	4.0%	988.90
2 nd year of service	976.30	4.0%	1,015.40
3 rd year of service	998.10	4.0%	1,038.00
4 th year of service	1,020.00	4.0%	1,060.80
5 th year of service	1,042.70	4.0%	1,084.40
6 th year of service	1,071.40	4.0%	1,114.30
7 th year of service	1,098.00	4.0%	1,141.90
8 th year of service & thereafter	1,121.10	4.0%	1,165.90

Senior Scientific Officer in Charge In charge of a section of a laboratory			
1 st year	950.90	4.0%	988.90
2nd year	976.30	4.0%	1,015.40
3 rd year & thereafter	998.10	4.0%	1,038.00
In charge of a laboratory of an agency having an ADA of			
Less than 200 ADA			
1 st year	1,020.00	4.0%	1,060.80
2nd year	1,042.70	4.0%	1,084.40
3 rd year & thereafter	1,071.40	4.0%	1,114.30
More than 200 ADA			
1st year	1,071.40	4.0%	1,114.30
2nd year	1,098.10	4.0%	1,142.00
3rd year & thereafter	1,121.10	4.0%	1,165.90
Principal Scientific Officer			
1st year of service	1,151.50	4.0%	1,197.60
2nd year of service	1,175.50	4.0%	1,222.50
3rd year of service	1,201.70	4.0%	1,249.80
4th year of service	1,225.80	4.0%	1,274.80
5th year of service	1,250.60	4.0%	1,300.60
6th year of service	1,275.50	4.0%	1,326.50
7th year of service	1,300.30	4.0%	1,352.30
8th year of service	1,325.50	4.0%	1,378.50
9th year of service	1,350.10	4.0%	1,404.10
10th year of service & thereafter	1,375.80	4.0%	1,430.80
Trainee Scientific Officer			
1st year of service	460.90	4.0%	479.30
2nd year of service	504.00	4.0%	524.20
3rd year of service	524.70	4.0%	545.70
4th year of service	572.50	4.0%	595.40
5th year of service	622.40	4.0%	647.30
6th year of service	662.90	4.0%	689.40
Medical Records Administrator			
Grade 1	675.40	4.0%	702.40
Grade 2	685.60	4.0%	713.00
Grade 3	695.60	4.0%	723.40
Grade 4	705.20	4.0%	733.40
Grade 5	718.30	4.0%	747.00
Grade 6	729.40	4.0%	758.60
Grade 7	741.90	4.0%	771.60
Grade 8	771.80	4.0%	802.70
Nurse Counsellor			
1st year of service	675.20	4.0%	702.20
2nd year of service	698.20	4.0%	726.10
3rd year of service	729.40	4.0%	758.60
4th year of service	757.60	4.0%	787.90
5th year of service	790.60	4.0%	822.20
6th year of service	817.70	4.0%	850.40
7th year of service	841.10	4.0%	874.70
8th year of service	861.30	4.0%	895.80
9th year of service	893.70	4.0%	929.40
Dental Officer			
On appointment			
Less than 2 years service	773.00	4.0%	803.90
with 2 and less than 4 years service	822.10	4.0%	855.00
with 4 and less than 5 years service	867.10	4.0%	901.80
with 5 or more years' service	919.10	4.0%	955.90

on completion of 12 months on maximum of scale-			
1st year	971.60	4.0%	1,010.50
2nd year	1,021.20	4.0%	1,062.00
Senior Dentist			
1st year	1,050.70	4.0%	1,092.70
2nd year	1,079.20	4.0%	1,122.40
Dental Chairside Assistant			
1st year of service	405.60	4.0%	421.80
2nd year of service	435.60	4.0%	453.00
3rd year of service	463.80	4.0%	482.40
4th year of service	496.80	4.0%	516.70
5th year of service	522.90	4.0%	543.80
6th year of service	555.70	4.0%	577.90
7th year of service	569.20	4.0%	592.00
8th year of service	577.20	4.0%	600.30
9th year of service	584.50	4.0%	607.90
Dietitians			
General Scale			
1st year of service	702.40	4.0%	730.50
2nd year of service	733.30	4.0%	762.60
3rd year of service	770.10	4.0%	800.90
4th year of service	809.40	4.0%	841.80
5th year of service	846.30	4.0%	880.20
6th year of service	875.70	4.0%	910.70
7th year of service	897.80	4.0%	933.70
Grade 1			
1st year	950.90	4.0%	988.90
2nd year	976.30	4.0%	1,015.40
Therapists (other than Speech Pathologists) Salaries			
1st year of service	684.20	4.0%	711.60
2nd year of service	702.40	4.0%	730.50
3rd year of service	733.30	4.0%	762.60
4th year of service	770.10	4.0%	800.90
5th year of service	809.40	4.0%	841.80
6th year of service	846.30	4.0%	880.20
7th year of service	875.70	4.0%	910.70
8th year of service & thereafter	897.80	4.0%	933.70
Speech Pathologists			
1st year of service	684.20	4.0%	711.60
2nd year of service	702.40	4.0%	730.50
3rd year of service	733.30	4.0%	762.60
4th year of service	770.10	4.0%	800.90
5th year of service	809.40	4.0%	841.80
6th year of service	846.30	4.0%	880.20
7th year of service	875.70	4.0%	910.70
8th year of service & thereafter	897.80	4.0%	933.70
Audiologists			
1st year of service	669.50	4.0%	696.30
2nd year of service	692.40	4.0%	720.10
3rd year of service	723.80	4.0%	752.80
4th year of service	754.10	4.0%	784.30
5th year of service	786.40	4.0%	817.90
6th year of service	816.50	4.0%	849.20
7th year of service	840.80	4.0%	874.40
8th year of service	864.30	4.0%	898.90
9th year of service	893.30	4.0%	929.00

Psychologists			
1st year of service	670.20	4.0%	697.00
2nd year of service	692.80	4.0%	720.50
3rd year of service	723.40	4.0%	752.30
4th year of service	753.00	4.0%	783.10
5th year of service	785.60	4.0%	817.00
6th year of service	816.00	4.0%	848.60
7th year of service	839.80	4.0%	873.40
8th year of service	892.50	4.0%	928.20
Clinical Psychologists			
1st year of service	863.50	4.0%	898.00
2nd year of service	905.60	4.0%	941.80
3rd year of service	944.60	4.0%	982.40
4th year of service	987.10	4.0%	1,026.60
5th year of service	1,026.30	4.0%	1,067.40

Table 2 - Allowances

Item No.	Clause No.	Allowance	Amount from 8.10.2008 \$
1	3.1 (d)	Qualification Allowance	38.60 p/wk
2	3.8 (c)	Audiologist's Allowance	47.80 p/wk
3	3.7 (c)	In Charge Allowance In charge of 1 to 5 other therapists of the same discipline In charge of 6 to 9 other therapists of the same discipline In charge of 10 to 19 other therapists of the same discipline In charge of 20 or more other therapists of the same discipline	110.10 p/wk 147.80 p/wk 179.10 p/wk 211.20 p/wk
4	3.7 (c)	Senior Assistant's Allowance	21.80 p/wk
5	3.7 (c)	Location Responsibility Allowance Responsible for 4 to 5 other therapists of the same discipline Responsible for 6 to 9 other therapists of the same discipline Responsible for 10 or more therapists of the same discipline	44.00 p/wk 64.90 p/wk 80.90 p/wk
6	3.7 (c)	Sole Therapist's Allowance	32.10 p/wk
7	7.2	Scientific Officers - On-Call Allowance	11.60 p/on-call
8	7.3	Therapists - On-Call Allowance	7.70 p/on-call 38.30 p/wk
9	7.4	Medical Records Administrators-On-Call Allowance	7.70 p/on-call 38.30 p/wk
10	10.2 (a)	Breakfast Allowance	6.00 p/shift
11	10.2 (b)	Evening Meal Allowance	10.00 p/shift
12	10.2 (c)	Luncheon Allowance	8.00 p/shift
13	21.2	Travelling Allowance	0.526 p/kilometre
14	22.3	Uniform Allowance	1.66 p/wk
15	22.4	Laundry Allowance	0.94 p/wk

3. This variation shall take effect from the first pay period to commence on or after 8 October 2008.

A. MACDONALD, Commissioner

CHARITABLE INSTITUTIONS (PROFESSIONAL STAFF SOCIAL WORKERS) (STATE) AWARD 2006

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1862 of 2008)

Before Commissioner Macdonald

8 October 2008

VARIATION

1. Delete subclause 3.2 of clause 3, Salaries, of the award published 26 November 1999 (312 I.G. 341) and insert in lieu thereof the following:
 - 3.2 The rates of pay in this award include the adjustments payable under the State Wage Case 2008. 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 adjustment.
2. Delete Table 1 - Salaries, of Part B, Monetary Rates, and insert in lieu thereof the following:

PART B

Table 1 - Salaries

Classification	Current Rate per week \$	SWC 2008 Adjustment per week %	Wage Rate as from 8/10/08 per week \$
1st year of scale	675.00	4.0	702.00
2nd year of scale	697.80	4.0	725.70
3rd year of scale	729.10	4.0	758.30
4th year of scale	757.30	4.0	787.60
5th year of scale	790.50	4.0	822.10
6th year of scale	817.10	4.0	849.80
7th year of scale	840.40	4.0	874.00
8th year of scale	862.90	4.0	897.40
9th year of scale & thereafter	893.20	4.0	928.90
Grade 1	933.30	4.0	970.60
Senior	987.50	4.0	1,027.00

3. This variation shall take effect from the first full pay period to commence on or after 8 October 2008.

A. MACDONALD, Commissioner

(714)

SERIAL C6809

CHARITABLE SECTOR AGED AND DISABILITY CARE SERVICES (STATE) AWARD 2003

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1861 of 2008)

Before Commissioner Macdonald

8 October 2008

VARIATION

1. Delete Tables 1 and 2 of Part B, of the award published 7 May 2004 (344 I.G. 331) and insert in lieu thereof the following:

PART B

Table 1 - Monetary Rates

Classifications	Current Rate \$/week	Award Variation Adjustment %/week	Wage Rate as from 17.10.08 \$/week
Care Service Employees			
New Entrant Grade 1 Junior	508.90	4.0%	529.30
Grade 1	594.00	4.0%	617.80
Grade 2	631.30	4.0%	656.60
Grade 3	669.10	4.0%	695.90
Grade 4			
- Level 1	703.97	4.0%	732.10
- Level 2	764.00	4.0%	794.60
Grade 5 from	815.00	4.0%	847.60
to	1,204.10	4.0%	1,252.30

Note: Employees classified and paid as Recreational Activities Officers as at 10 November 1998 be reclassified in accordance with the new definitions of Care Service Employee. Employees reclassified at Grade 2 by virtue of the above exercise shall be paid at Grade 3 from the effective date of this award, and continue to be so paid whilst employed in the provision of recreational activities by their current employer. These employees may be required to perform the duties of a Level 3 Care Services Employee where they have the skill and competence to do so.

Note: Salary Band-Grade 5 - Employers and employees may negotiate a rate within the salary band as shown. For the purposes of this award, the rate so negotiated shall be deemed to be the employee's award rate of pay. Salaries in excess of the salary band may also be negotiated between the parties.

Maintenance Supervisors -			
Maintenance Supervisor (Otherwise)	698.90	4.0%	726.90
Maintenance Supervisor (Otherwise)			
- in charge of staff	714.10	4.0%	742.70
Maintenance Supervisor (Tradesperson)	758.00	4.0%	788.30
Catering Officer			
Trainee Catering Officer -			
1st year	618.40	4.0%	643.10
2nd year	629.60	4.0%	654.80
3rd year	642.40	4.0%	668.10
Assistant Catering Officer -			
80-120 beds	648.60	4.0%	674.50
120-300 beds	690.90	4.0%	718.50

300-500 beds	741.20	4.0%	770.80
500-1000 beds	761.10	4.0%	791.50
Catering Officer -			
80-120 beds	721.40	4.0%	750.30
120-200 beds	741.20	4.0%	770.80
200-300 beds	761.10	4.0%	791.50
300-500 beds	799.00	4.0%	831.00
500-1000 beds	862.50	4.0%	897.00
Diversional Therapist			
1st year of experience	645.20	4.0%	671.00
2nd year of experience	677.30	4.0%	704.40
3rd year of experience	709.00	4.0%	737.40
4th year of experience	740.70	4.0%	770.30
5th year of experience and thereafter	771.10	4.0%	801.90
Apprentices			
Apprentice Cook -			
1st year	401.50	4.0%	417.60
2nd year	552.00	4.0%	574.10
3rd year	618.90	4.0%	643.70
Apprentice Gardener -			
1st year	344.60	4.0%	358.40
2nd year	401.50	4.0%	417.60
3rd year	535.30	4.0%	556.70
4th year	602.20	4.0%	626.30
Homecare Employees			
Homecare Employee -			
Grade 1	597.60	4.0%	621.50
Grade 2	626.80	4.0%	651.90
Grade 3	670.20	4.0%	697.00
Live-in Housekeeper -			
Grade 1	776.90	130% of Home Care-Grade 1	808.00
Grade 2	877.50	140% of Home Care-Grade 2	912.70
Grade 3	1017.00	refer formula	1057.70
Clerical & Administrative Employees			
Juniors -			
At 16 years of age and under	324.90	4.0%	337.90
At 17 years of age	368.40	4.0%	383.10
At 18 years of age	422.40	4.0%	439.90
At 19 years of age	475.90	4.0%	494.90
At 20 years of age	524.70	4.0%	545.70
Adults -			
Grade 1	641.20	4.0%	666.80
Grade 2	679.30	4.0%	706.50
Grade 3	719.10	4.0%	747.90
Grade 4	751.00	4.0%	781.00
Grade 5	784.90	4.0%	816.30
<p>Note 1: Any employee paid on a classification/grade carrying a higher wage rate as at 10 November, 1998 shall have the difference between the higher rate and the new agreed grade/rate preserved whilst remaining to undertake the duties associated with the classification held prior to the date referred to above.</p> <p>Note 2: Clerks who are paid at a grade above that of Grade 5 as at 10 November, 1998 shall have the difference between that grade and the new agreed grade preserved whilst employed in a clerical position with their current employer.</p>			

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description		Amount from 17.10.08 \$
1	7(xi)(c)	Broken Shift	Per shift	7.89
2	9(iii)(a)	Overtime - Breakfast	Per meal	11.02
3	9(iii)(b)	Overtime - Luncheon	Per meal	14.25
4	9(iii)(c)	Overtime - Evening Meal	Per meal	20.80
5	10(iii)(b)	Overtime - recall use of own vehicle	Per klm	0.30
6	10(iii)(c)	On Call Allowance	Per day (24 hrs)	12.80
7	14(i)	Climatic & Isolation Allowance	Per week	5.12
8	14(ii)	Climatic & Isolation Allowance	Per week	9.66
9	17(i)(a)	Cleaning/Scraping Work - confined space	Per hour	0.49
10	17(i)(b)	Cleaning/Scraping Work - boiler/flue	Per hour	0.78
11	17(iii)	Linen Handling - nauseous nature	Per hour	0.23
12	17(v)	Use of own vehicle per kilometre	Per week	0.58
13	17(ix)	Laundry and Dry Cleaning Certificate Allowance	Per week	8.50
14	28(ii)	Leading Hand Allowance - in charge 2-5 employees	Per week	20.91
15	28(ii)	Leading Hand Allowance - in charge 6-10 employees	Per week	29.89
16	28(ii)	Leading Hand Allowance - in charge 11-15 employees	Per week	37.75
17	28(ii)	Leading Hand Allowance - in charge 16-19 employees	Per week	46.12
18	30(i)(c)	Uniform Allowance	Per week	5.64
19	30(i)(d)	Special Type Shoes Allowance	Per week	1.75
20	30(i)(e)	Cardigan or Jumper Allowance	Per week	1.68
21	30(i)(f)	Laundry Allowance - Uniform	Per week	4.69
22	31(ii)(d)	Sleepover Allowance	Per shift	38.90
23	41(vi)	Apprentice - TAFE Examination Allowance	Per week	1.82

2. This variation shall take effect from the first full pay period to commence on or after 17 October 2008.

A. MACDONALD, Commissioner

Printed by the authority of the Industrial Registrar.

CHARITABLE, AGED AND DISABILITY CARE SERVICES (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1864 of 2008)

Before Commissioner Macdonald

8 October 2008

VARIATION

- Delete Table 1 and Table 2 of Part B, Monetary Rates, of the award published 21 June 2002 (334 I.G. 601), and insert in lieu thereof the following:

PART B

Table 1 - Monetary Rates

Classifications	Current Rate per week \$	Award variation per week %	Wage Rate as from 8.10.08 per week \$
Care Service Employees:			
New Entrant Grade 1 Junior	508.90	4.0	529.30
Grade 1	594.00	4.0	617.80
Grade 2	631.30	4.0	656.60
Grade 3	669.10	4.0	695.90
Grade 4			
- Level 1	703.97	4.0	732.10
- Level 2	764.00	4.0	794.60
Grade 5 from	815.00	4.0	847.60
to	1,204.10	4.0	1,252.30
<p>Note: Employees classified and paid as Recreational Activities Officers as at 10 November 1998 be reclassified in accordance with the new definitions of Care Service Employee. Employees reclassified at Grade 2 by virtue of the above exercise shall be paid at Grade 3 from the effective date of this award, and continue to be so paid whilst employed in the provision of recreational activities by their current employer. These employees may be required to perform the duties of a Level 3 Care Services Employee where they have the skill and competence to do so.</p>			
<p>Note: Salary Band - Grade 5 - Employers and employees may negotiate a rate within the salary band as shown. For the purposes of this award, the rate so negotiated shall be deemed to be the employee's award rate of pay. Salaries in excess of the salary band may also be negotiated between the parties.</p>			
Maintenance Supervisors -			
Maintenance Supervisor (Otherwise)	698.90	4.0	726.90
Maintenance Supervisor (Otherwise) - in charge of staff	714.10	4.0	742.70
Maintenance Supervisor (Tradesperson)	758.00	4.0	788.30
Catering Officer:			
Trainee Catering Officer -			
1st year	618.40	4.0	643.10
2nd year	629.60	4.0	654.80
3rd year	642.40	4.0	668.10

Assistant Catering Officer -			
80-120 beds	648.60	4.0	674.50
120-300 beds	690.90	4.0	718.50
300-500 beds	741.20	4.0	770.80
500-1000 beds	761.00	4.0	791.50
Catering Officer -			
80-120 beds	721.40	4.0	750.30
120-200 beds	741.20	4.0	770.80
200-300 beds	761.10	4.0	791.50
300-500 beds	799.00	4.0	831.00
500-1000 beds	862.50	4.0	897.00
Diversional Therapist:			
1st year of experience	645.20	4.0	671.00
2nd year of experience	677.30	4.0	704.40
3rd year of experience	709.00	4.0	737.40
4th year of experience	740.70	4.0	770.30
5th year of experience and thereafter	771.10	4.0	801.90
Apprentices:			
Apprentice Cook -			
1st year	401.50	4.0	417.60
2nd year	552.00	4.0	574.10
3rd year	618.90	4.0	643.70
Apprentice Gardener			
1st year	344.60	4.0	358.40
2nd year	401.50	4.0	417.60
3rd year	535.50	4.0	556.70
4th year	602.20	4.0	626.30
Homecare Employees:			
Homecare Employee -			
Grade 1	597.60	4.0	621.50
Grade 2	626.80	4.0	651.90
Grade 3	670.20	4.0	697.00
Live-in Housekeeper -			
Grade 1	776.90	4.0	808.00
Grade 2	877.50	4.0	912.70
Grade 3	1017.00	4.0	1057.70
Clerical & Administrative Employees:			
Juniors -			
At 16 years of age and under	324.90	4.0	337.90
At 17 years of age	368.40	4.0	383.10
At 18 years of age	422.40	4.0	439.30
At 19 years of age	475.90	4.0	494.90
At 20 years of age	524.70	4.0	545.70
Adults			
Grade 1	641.20	4.0	666.80
Grade 2	679.30	4.0	706.50
Grade 3	719.10	4.0	747.90
Grade 4	751.00	4.0	781.00
Grade 5	784.90	4.0	816.30

Note 1:

Any employee paid on a classification/grade carrying a higher wage rate as at 10 November 1998 shall have the difference between the higher rate and the new agreed grade/rate preserved whilst remaining to undertake the duties associated with the classification held prior to the date referred to above.

Note 2:

Clerks who are paid at a grade above that of Grade 5 as at 10 November 1998 shall have the difference between that grade, inclusive of the 1998 State Wage Case Increase, and the new agreed grade preserved whilst employed in a clerical position with their current employer.

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description		Amount from 8.10.08 \$
1	7(xi)(c)	Broken Shift	per shift	7.89
2	9(iii)(a)	Overtime - Breakfast	per meal	11.02
3	9(iii)(b)	Overtime - Luncheon	per meal	14.25
4	9(iii)(c)	Overtime - Evening Meal	per meal	20.80
5	10(ii)(b)	Overtime - recall use of own vehicle	per klm	0.30
6	10(iii)(c)	On Call Allowance	p.d. (24 hrs)	12.80
7	14(i)	Climatic and Isolation Allowance	per week	5.12
8	14(ii)	Climatic and Isolation Allowance	per week	9.66
9	17(i)(a)	Cleaning/Scraping Work - confined space	per hour	0.49
10	17(i)(b)	Cleaning/Scraping Work - boiler/flue	per hour	0.78
11	17(iii)	Linen Handling - nauseous nature	per hour	0.23
12	17(v)	Use of Own Vehicle	per klm	0.58
13	17(ix)	Laundry and Dry Cleaning Certificate Allowance	per week	8.50
14	28(ii)	Leading Hand Allowance - in charge 2-5 employees	per week	20.91
15	28(ii)	Leading Hand Allowance - in charge 6-10 employees	per week	29.89
16	28(ii)	Leading Hand Allowance - in charge 11-15 employees	per week	37.75
17	28(ii)	Leading Hand Allowance - in charge 16-19 employees	per week	46.12
18	30(i)(c)	Uniform Allowance	per week	5.64
19	30(i)(d)	Special Type Shoes Allowance	per week	1.75
20	30(i)(e)	Cardigan or Jumper Allowance	per week	1.68
21	30(i)(f)	Laundry Allowance - Uniform	per week	4.69
22	31(ii)(d)	Sleepover Allowance	per shift	38.90
23	41(vi)	Apprentice - TAFE Examination Allowance	per week	1.82

2. This variation shall take effect from the first full pay period to commence on or after 8 October 2008.

A. MACDONALD, Commissioner

Printed by the authority of the Industrial Registrar.

(125)

SERIAL C6716

CLERICAL AND ADMINISTRATIVE EMPLOYEES, HIRE CARS AND TAXIS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union, Industrial Organisation of Employees.

(No. IRC 1294 of 2008)

Before Commissioner Ritchie

14 August 2008

VARIATION

1. Delete subclause (x) of clause 9, Classification Structure and Wages, of the award published 4 August 2000 (317 I.G. 665) and insert in lieu thereof the following:
 - (x) The rates of pay in this award include the adjustments payable under State Wage Case 2008. 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 the following:

PART B

MONETARY RATES

Table 1 Wages

The following Minimum rates of wages shall take effect from the first pay period to commence on or after 14 August 2008.

- (i) Adults

Grade	Weekly Rate Pre SWC 2008 \$	SWC 2008 4%	Weekly Rate \$
1	563.60	22.54	586.10
2	584.50	23.38	607.90
3	618.20	24.73	642.90
4	659.90	26.40	686.30
5	720.50	28.82	749.30

Provided that no employee employed as at 11 August 1997 is to receive less pay as a result of regrading under this award. In the event that such regrading results in a lower grading, the present wage is to be maintained until overtaken by award increases.

Note: See Clause 11 to establish appropriate grading. The elements in clause 11 are to ensure that the appropriate grade is arrived at.

The new grading structure incorporates the previous telephonist and radio operator loadings.

The new grading structure also incorporates the supervisory and responsibility allowances that were paid under the previous award.

(ii) Juniors

The minimum rates of wages per week shall be as follows:

(a) Equivalent to grade 3 or above

Age	Weekly Rate Pre SWC 2008 \$	SWC 2008 %	Weekly Rate \$
At 17 years of age	297.50	4%	309.40
At 18 years of age	367.60	4%	382.30
At 19 years of age	420.15	4%	436.95
At 20 years of age	496.05	4%	515.90

(b) All other junior employees

Age	Weekly Rate Pre SWC 2008 \$	SWC2008 %	Weekly Rate \$
Under 17 years of age	223.30	4%	232.25
At 17 years of age	279.55	4%	290.75
At 18 years of age	342.65	4%	356.35
At 19 years of age	388.50	4%	404.05
At 20 years of age	457.20	4%	475.50

Table 2 - Allowances

Item No.	Clause No.	Brief Description	Amount \$
1	8(i)(a)	Shifts Rotating day, afternoon, night	39.40 per week
2	8(i)(b)	Shifts rotating day, afternoon	39.40 per week
3	8(i)(c)	Shifts rotating day, day afternoon	39.40 per week
4	8(i)(d)	Shifts rotating day, day, night	39.40 per week
5	8(i)(e)	Shifts rotating day, night	43.55 per week
6	8(i)(f)	Shift clerks working on a weekly shift system - Night, afternoon Night only Afternoon only Early morning shift	50.10
7	8(i)(g)	Any other combination of shifts	11.25 per shift
8	12(iii)(b)	Meal allowance for overtime worked - 2 hours or more After a further 4 hours	12.95 12.95
9	28(i)	First-aid Allowance	10.00

3. This variation shall take effect from the first pay period to commence on or after 14 August 2008.

D.W. RITCHIE, Commissioner

(1235)

SERIAL C6811

**CROWN EMPLOYEES (DEPARTMENT OF ENVIRONMENT AND
CLIMATE CHANGE - PARKS AND WILDLIFE GROUP)
CONDITIONS OF EMPLOYMENT AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Department of Environment and Climate Change NSW.

(No. IRC 1898 of 2008)

Before Commissioner Ritchie

9 October 2008

VARIATION

1. Delete subclause 7.1 of clause 7 Allowances, of the award published 8 February 2008 (364 I.G. 867) and insert in lieu thereof the following:

7.1 Allowances payable in the subclauses 7.2, 7.3 and 7.4 shall be adjusted on 1 July each year in line with the increases in the Consumer Price Index for Sydney during the preceding year (March quarter figures):

7.1.1 Allowance rates contained in this clause are effective from 1 July 2008.

2. Delete paragraph 7.2.1 of clause 7, and insert in lieu thereof the following:

7.2.1 A boot allowance is payable to any officer who works in the field where suitable boots are not provided by the Department. The allowance is to be a maximum of \$142 per pair of boots, on condemnation of the previous pair, endorsed by the Area Manager, Regional Manager or Branch Director PWG.

3. Delete subparagraph (i) and (ii) of paragraph 7.3.3 of clause 7, and insert in lieu thereof the following:

(i) Where meals are provided by the Department \$62.20 or \$2.59 per hour

(ii) Where meals are not provided by the Department, \$99.52 or \$4.14 per hour

4. Delete Table 1 in paragraph 7.4.5, of clause 7, and insert in lieu thereof the following:

Table 1

Grade	With Dependents	Without Dependents
A	\$3,732	\$2,612
B	\$4,976	\$3,483
C	\$6,220	\$4,354

5. This variation shall commence from the first full pay period to commence on or after 1 July 2008.

D.W. RITCHIE, Commissioner

CROWN EMPLOYEES (DEPARTMENT OF THE ARTS, SPORT AND RECREATION - CENTRE MANAGERS) AWARD 2008

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Review of Award pursuant to Section 19 of the *Industrial Relations Act* 1996.

(No. IRC 713 of 2008)

Before Commissioner Ritchie

29 September 2008

REVIEWED AWARD

PART A

Arrangement

PART A

Clause No.	Subject Matter
1.	Title
2.	Definitions
3.	Parties
4.	Classifications
5.	Appointment and Qualification Requirements
6.	Salaries
7.	General Conditions of Employment
8.	Saving of Rights
9.	Hours of Duty
10.	Residential Requirements
11.	Compensation for On-Call, Out-of-Hours, Weekend and Public Holiday Duty.
12.	Annual Leave Loading
13.	Deduction of Union Membership Fees
14.	Anti-Discrimination
15.	Grievance and Dispute Resolution Procedures
16.	No Extra Claims
17.	Area, Incidence and Duration

PART B

MONETARY RATES

Table 1 - Salaries

Table 2 - Annual Allowance

APPENDIX 1

Centre Locations

1. Title

- 1.1 This award will be known as the Crown Employees (Department of the Arts, Sport and Recreation - Centre Managers) Award 2008.

2. Definitions

"Centre" refers to a departmental residential or non-residential venue (as listed at Appendix 1). It also includes any place designated as part of, or as annex to, such a venue.

"Centre Manager" refers to an employee occupying a position of Centre Manager in a residential Centre.

"Director-General" refers to the Director-General of the Department of the Arts, Sport and Recreation.

"Director Commercial Services" refers to the Director Commercial Services of the NSW Sport and Recreation Branch of the Department of the Arts, Sport and Recreation.

"Director of Public Employment" has the same meaning as in the *Public Sector Employment and Management Act 2002*.

"Director Properties and Venues" refers to the Director Properties and Venues of the NSW Sport and Recreation Branch of the Department of the Arts, Sport and Recreation.

"Department" refers to the Department of the Arts, Sport and Recreation.

"Employee" refers to and includes all persons permanently or temporarily employed under the provisions of the *Public Sector Employment and Management Act 2002* and who, as at the operative date of this award, were occupying one of the positions covered by this award or who, after that date, are appointed to or employed in any of such positions.

"Events Manager" refers to an employee occupying a position of Events Manager at a non-residential Centre

"Operations Manager" refers to an employee occupying a position of Operations Manager at a non-residential Centre.

"Program Coordinator" refers to an employee occupying a position of Program Coordinator in a Centre.

"Service" refers to continuous service with the Department in a position covered by the award.

"Service Co-ordinator" refers to an employee occupying a position of Service Co-ordinator in a Centre.

"Union" refers to the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales.

"Venue Manager" refers to an employee occupying a position of Venue Manager at a non-residential Centre

3. Parties

3.1 This award has been made between the following parties:

Director of Public Employment

Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales

Department of the Arts, Sport and Recreation

4. Classifications

4.1 The classifications covered by this award are:

Centre Manager (formerly known as General Manager)

Venue Manager

Program Coordinator (formerly known as Client Services Coordinator)

Operations Manager

Events Manager

Service Co-ordinator

Positions at Centres which have rostered and/or on-call responsibilities as determined by the relevant Director excluding Program Staff, Catering Officers and Services Officers.

- 4.2 Positions are classified in accordance with the classification and grading system approved by the Director of Public Employment.

5. Appointment and Qualification Requirements

- 5.1 The appointment or employment of employees to vacant positions will be in accordance with the principles of merit. Employees appointed to positions covered by this Award must possess relevant knowledge, skills and experience.
- 5.2 In addition to relevant knowledge, skills and experience, Program Coordinators are required to possess tertiary qualifications in a relevant field as determined by the Director-General. Relevant fields include, but are not limited to, Education, Arts, Social Sciences, Applied Science, Health and Human Movement. The minimum entry level qualification required is a degree or alternatively, Certificate IV (Australian Qualifications Framework - AQF) Outdoor Recreation and relevant industry experience.

6. Salaries

- 6.1 Salary rates applicable to classifications covered by this award will be payable in accordance with Table 1 - Salaries, of Part B, Monetary Rates.
- 6.2 Salary rates provided for in this award shall be adjusted in accordance with the Crown Employees (Public Sector - Salaries 2007) Award or any replacement award.

7. General Conditions of Employment

- 7.1 Employees shall be entitled to conditions of employment as set out in this award or, where this award is silent, conditions of employment as provided for under the *Public Sector Employment and Management Act 2002* and Regulations and the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006 or any replacement award.

8. Saving of Rights

- 8.1 At the time of making of this Award, no employee covered by this Award will suffer a reduction of their rate of pay or diminution in his or her conditions of employment as a consequence of the making of this Award.

9. Hours of Duty

- 9.1 The contract working hours will be 35 hours per week averaged over a four week period. Rostered hours of duty may include any day of the week including Saturday, Sunday and public holidays.
- 9.2 Employees shall be rostered for 19 days within a four week roster cycle.
- 9.3 Employees shall not be rostered for more than 10 consecutive calendar days over any period.
- 9.4 Employees are entitled to nine days rostered off duty including a minimum of two x two consecutive rostered days off in any four week roster cycle. Where it is not possible to roster 9 days off in a four week roster cycle, the days not taken may be carried over and utilised in the next two roster cycles. If

not taken in the next two roster cycles the entitlement shall be forfeited, subject to the provisions of subclause 9.5 of this Award.

- 9.5 Where exceptional circumstances arise and it appears that the employee will not be able to take rostered days off carried over in accordance with subclause 9.4 or subclause 11.8 of this Award, the Director Commercial Services or the Director Properties and Venues may approve the rostered days off being carried forward provided the employee and their supervisor devise a strategy in writing to ensure that the rostered days off are taken. The identified strategy must be reported to and authorised by the Director Commercial Services or the Director Properties and Trusts.
- 9.6 Hours of duty shall be determined by way of roster, which shall be displayed in an area available to all employees not less than seven days prior to the commencement of the four week roster cycle.
- 9.7 Weekend and public holiday duty is based on client demand at the Centre and shall be allocated equitably between the employees covered by this Award.

10. Residential Requirements

- 10.1 Employees employed under this Award at residential venues may be required to reside on-site. However, the Director Commercial Services has the authority to consider exemptions from this requirement.
- 10.2 The manner in which accommodation and food/meals are administered for employees shall be consistent with the Department's Centre meals and accommodation policy.

11. Compensation for on-Call, Out-of-Hours, Weekend and Public Holiday Duty.

- 11.1 Employees are entitled to an annual allowance as specified in Table 2 - Annual Allowance, of Part B, Monetary Rates, and 25 days' recreation leave as compensation for out-of-hours, weekend and public holiday work, for being on-call and for duty undertaken after being "called" for duty. Recreation leave will be administered consistent with general public sector provisions.
- 11.2 The annual allowance will be adjusted in accordance with the Crown Employees (Public Sector - Salaries 2007) Award or any replacement award.
- 11.3 "On call" is defined as being available for additional duties, when not on duty performing rostered weekly contract hours. Employees are required to be on call to perform such additional duties (e.g. emergencies) on a rostered basis.
- 11.4 On-call duty shall be rostered equitably at each Centre between the employees covered by this Award.
- 11.5 A Centre Manager of a residential Centre may call for expressions of interest from employees in positions other than those positions covered by this award who wish to be considered as alternative on-call employees. This may only be instituted on a long-term basis where there are only two positions covered by this award in the staffing structure. No alternative employee can be forced to assume on-call responsibilities. Any such arrangement must be by agreement between the individual employee and the Centre Manager and will be subject to the approval of the Director Commercial Services. The Director Commercial Services will determine if the nominated employee is required to reside on-site.
- 11.6 On-call allowance may also be paid on a short-term temporary basis to an employee in a position other than those positions covered by this award when the normal recipient is on leave for a period of at least one week. The allowance is payable for the whole period of leave and not only for those days that the temporary recipient is rostered on-call.
- 11.7 All on-call conditions as determined by this clause shall apply to those employees elected. If an employee already receives an allowance for similar after-hours responsibilities under another industrial instrument, the total of their on-call duties will not exceed the total of their duties under the first instrument.

- 11.8 Employees required to be called for duty whilst not rostered on duty and not rostered on call shall be entitled to the equivalent time off within the roster cycle. Where it is not possible for time off within that cycle, the time may be carried forward for a maximum of two roster cycles and must be taken in that period. If not taken the entitlement shall be forfeited, subject to the provisions of subclause 9.5 of clause 9 Hours of Duty of this Award.
- 11.9 The annual allowance is an all-inclusive payment that represents compensation for all incidences of employment. No additional entitlement accrues for employees who are called to perform duty whilst on call.

12. Annual Leave Loading

- 12.1 Employees are entitled to an annual leave loading of 17.5% calculated on four weeks recreation leave.

13. Deduction of Union Membership Fees

- 13.1 The union shall provide the Department with a schedule setting out union fortnightly membership fees payable by members of the union in accordance with the union's rules.
- 13.2 The union shall advise the Department 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 Department at least one month in advance of the variation taking effect.
- 13.3 Subject to subclauses 13.1 and 13.2, the Department 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 Department to make such deductions.
- 13.4 Monies so deducted from the employee's 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.
- 13.5 Unless other arrangements are agreed to by the Department and the union, all union membership fees shall be deducted on a fortnightly basis.
- 13.6 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 deduction to continue.

14. Anti-Discrimination

- 14.1 It is the intention of the parties bound by this award 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.
- 14.2 It follows that, in fulfilling their obligations under the dispute resolution procedure prescribed by 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 will 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.
- 14.3 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.
- 14.4 Nothing in this clause is to be taken to affect:
- (a) any conduct or act which is specifically exempted from anti-discrimination legislation;
 - (b) offering or providing junior rates of pay to persons under 21 years of age;

- (c) any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
 - (d) a party to this award from pursuing matters of unlawful discrimination in any State or Federal jurisdiction.
- 14.5 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.
- 14.6 The Department and its employees may also be subject to Commonwealth anti-discrimination legislation.
- 14.7 Section 56(d) of the *Anti-Discrimination Act 1977* provides:
- "Nothing in the Act affects any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion."

15. Grievance and Dispute Resolution Procedures

- 15.1 All grievances and disputes relating to the provisions of this award shall initially be dealt with as close to the source as possible, with graduated steps for further attempts at resolution at higher levels of authority within the appropriate department, if required.
- 15.2 An employee is required to notify in writing their immediate manager, as to the substance of the grievance, dispute or difficulty, request a meeting to discuss the matter, and if possible, state the remedy sought.
- 15.3 Where the grievance or dispute involves confidential or other sensitive material (including issues of harassment or discrimination under the *Anti Discrimination Act 1977*) that makes it impractical for the employee to advise their immediate manager the notification may occur to the next appropriate level of management, including where required, to the Director-General or delegate.
- 15.4 The immediate manager, or other appropriate officer, shall convene a meeting in order to resolve the grievance, dispute or difficulty within two (2) working days, or as soon as practicable, of the matter being brought to attention.
- 15.5 If the matter remains unresolved with the immediate manager, the employee may request to meet the appropriate person at the next level of management in order to resolve the matter. This manager shall respond within two (2) working days, or as soon as practicable. The employee may pursue the sequence of reference to successive levels of management until the matter is referred to the Director-General.
- 15.6 The Director-General may refer the matter to the Director of Public Employment for consideration.
- 15.7 If the matter remains unresolved, the Director-General shall provide a written response to the employee and any other party involved in the grievance, dispute or difficulty, concerning action to be taken, or the reason for not taking action, in relation to the matter.
- 15.8 An employee, at any stage, may request to be represented by the Union.
- 15.9 The employee or the Union on their behalf, or the Director-General may refer the matter to the New South Wales Industrial Relations Commission if the matter is unresolved following the use of these procedures.
- 15.10 The employee, Union, Department and Director of Public Employment shall agree to be bound by any order or determination by the New South Wales Industrial Relations Commission in relation to the dispute.

- 15.11 Whilst the procedures outlined in subclauses 15.1 to 15.9 of this clause are being followed, normal work undertaken prior to notification of the dispute or difficulty shall continue unless otherwise agreed between the parties, or, in the case involving occupational health and safety, if practicable, normal work shall proceed in a manner which avoids any risk to the health and safety of any employee or member of the public.

16. No Extra Claims

- 16.1 Parties to this award undertake that, for the period of this award, they will not pursue any extra claims, except those allowed under section 17(3) of the *Industrial Relations Act 1996*.

17. Area, Incidence and Duration

- 17.1 This award shall apply to all employees employed by the Department of the Arts, Sport and Recreation who, at the operative date of this award, are employed in the classifications specified in Clause 4, Classifications at the locations specified at Appendix 1 of this award.
- 17.2 The employees regulated by this award will be entitled to the conditions of employment as set out in this award and, except where specifically varied by this award, existing conditions provided for by the *Public Sector Employment and Management Act 2002* and Regulation 1996, the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006 and the Crown Employees (Public Sector - Salaries 2007) Award or any replacement awards.
- 17.3 This award is made following a review under Section 19 of the *Industrial Relations Act 1996* and rescinds and replaces the Crown Employees (Department of the Arts, Sport and Recreation - Centres and Academy Managers) Award 2006 published 9 September 2005 (353 I.G. 663) and all variations thereof.
- 17.4 The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act 1996* and Principle 26 of the Principles of Review of Awards made by the Industrial Relations Commission of New South Wales on 28 April 1999 (310 I.G. 359) and take effect 29 September 2008.
- 17.5 The award remains in force until varied or rescinded, the period for which it was made having already expired.

PART B

MONETARY RATES

Effective from the beginning of the first pay period to commence on or after 1 July 2007

Table 1 - Salaries

Classification and Grades	1.7.07 Per annum \$
Clerk Grade 4 1st year of service	55,010
Thereafter	56,701
Clerk Grade 5 1st year of service	61,128
Thereafter	63,056
Clerk Grade 6 1st year of service	65,527
Thereafter	67,448

Clerk Grade 7 1st year of service Thereafter	69,468 71,546
Clerk Grade 8 1st year of service Thereafter	74,527 76,896
Clerk Grade 9 1st year of service Thereafter	79,188 81,414
Clerk Grade 10 1st year of service Thereafter	84,738 87,263
Clerk Grade 11 1st year of service Thereafter	91,589 95,472
Clerk Grade 12 1st year of service Thereafter	101,454 105,923

Table 2 - Annual Allowance

	1.7.07 Per Annum \$
Annual Allowance (clause 11)	8,505

APPENDIX 1

Centre Locations

Crown Employees (Department of the Arts, Sport and Recreation - Centre Managers) Award 2008

Residential Venues

Berry Sport and Recreation Centre
BERRY 2535

Borambola Sport and Recreation Centre
WAGGA WAGGA 2650

Broken Bay Sport and Recreation Centre
BROOKLYN 2083

Lake Ainsworth Sport and Recreation Centre
LENNOX HEAD 2478

Lake Burrendong Sport and Recreation Centre
MUMBIL 2820

Jindabyne Sport and Recreation Centre
JINDABYNE 2627

Lake Keepit Sport and Recreation Centre
GUNNEDAH 2380

Milson Island Sport and Recreation Centre
BROOKLYN 2083

Myuna Bay Sport and Recreation Centre
DORA CREEK 2264

Point Wolstoncroft Sport and Recreation Centre
GWANDALAN 2259

Sydney Academy of Sport and Recreation
NARRABEEN 2101

Non-Residential Venues

Sydney International Equestrian Centre
HORSLEY PARK
NSW 2164

Sydney International Shooting Centre
CECIL PARK NSW 2171

D.W. RITCHIE, Commissioner

Printed by the authority of the Industrial Registrar.

CROWN EMPLOYEES (NSW DEPARTMENT OF LANDS - DEPARTMENTAL OFFICERS) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Review of Award pursuant to Section 19 of the *Industrial Relations Act 1996*.

(No. IRC 715 of 2008)

Before Commissioner Ritchie

19 August 2008

REVIEWED AWARD

PART A

Arrangement

Clause No.	Subject Matter
1.	Parties to the Award
2.	Intention/Aims of the Award
3.	Definitions
4.	Classification and Salary Rates
5.	Transitional Arrangements
6.	Preservation of Conditions for Staff Employed Under Previous Awards
7.	Job Evaluation
8.	Qualifications Review Committee
9.	Working Hours and Arrangements
10.	Conditions of Employment
11.	Consultative Arrangements
12.	Training
13.	Use of Consultants and Contractors
14.	Employee Assistance Program
15.	Travel Passes
16.	Grievance and Dispute Procedures under this Award
17.	Deduction of Union Membership Fees
18.	Commitment to Further Action
19.	Saving of Rights
20.	Area, Incidence and Duration

PART B

MONETARY RATES

Table 1 - Departmental Officer Salary Rates - Classification and Grades

1. Parties to the Award

The parties to this Award are:

Director of Public Employment and the New South Wales Department of Lands; and

Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales (PSA).

This Award shall be binding upon all parties defined herein.

2. Intention/Aims of the Award

This Award provides a framework for management and officers to work together to ensure the ongoing high-level achievement of the Department's Mission and Objectives. Within this context the parties are committed to the development of a highly motivated, suitably skilled and productive workforce.

The parties will work collaboratively to ensure that the Department's workforce has and continues to have the necessary skills, knowledge and attributes to maintain and enhance its credibility, expertise and standing.

Effective workforce development and succession development are seen as critical to the Department's future performance and its ability to innovate, respond positively to changes in its operating environment and avail itself of future business opportunities. The Award therefore focuses not only on the revision of conditions of employment, but stresses workforce management and development. It is based on maintaining, improving, developing and rewarding the skills, knowledge and attributes required of its workforce and provides a commitment to ongoing employment.

In providing more flexible working conditions for officers, the Award also recognises the need to accommodate work and family issues through flexible working arrangements.

The parties recognise the need to strive to achieve best practice in human resource management and to resolve any issues that may currently exist preventing effective workforce management, officer development and the ability to utilise skills. To this end the parties agree to work, during the life of the Award, towards:

The creation of a culture which acknowledges the importance and fosters the development of technical, managerial and business skills; together with a progressive outlook;

Organisation and classification structures that support the business needs of the Department in the most effective way, provide for appropriate managerial and specialist career paths and allow for innovative opportunities in development and multi-skilling;

Training and development programs and activities aimed at meeting corporate requirements and priorities as well as individual job and career development needs, (with the support of senior management):

Equitable development of officers to be achieved by managers conducting performance reviews and offering guidance and direction regarding training and development initiatives. This aims to: facilitate improved on the job performance; provide greater job promotion potential, and prepare for future challenges and opportunities from both the domestic and international environments;

Senior management supporting managers and officers working co-operatively together to resolve issues that prevent workforce development and to identify opportunities for continuous improvement in departmental operations;

Development and maintenance of open communication between all levels of the workforce and improvement in communication skills across the organisation;

Ongoing improvements in safety, quality service and efficiency; and

A workplace environment that is supportive of management and officers maximising their contribution to the business of the Department.

3. Definitions

"Act" means the *Public Sector Employment and Management Act 2002*.

"Association" or "PSA" means the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales.

"Department" means the New South Wales Department of Lands, as specified in Schedule 1 of the *Public Sector Employment and Management Act 2002*. The Department includes Land and Property Information (LPI), Crown Lands NSW, Soil Services and Office of Rural Affairs.

"Departmental Officer" means officers employed in the classification of Departmental Officer for the purposes of performing work required to meet the needs of the Department.

"DPE" means the Director of Public Employment, as established under the *Public Sector Employment and Management Act 2002*.

"Director General" means the Director General of the New South Wales Department of Lands.

"Grade/Level" means a single grade: General Scale; Grade 1-2; Grade 3-4; Grade 5-6; Grade 7-8; Grade 9-10; Grade 11; Grade 12; Senior Officer Grade 1; Senior Officer Grade 2; Senior Officer Grade 3, as set out in Table 1 Departmental Officer Salary Rates and applied to positions created in terms of Section 9 (2) of the *Public Sector Employment and Management Act 2002* and evaluated in accordance with the Department's approved Job Evaluation system and the conditions of this Award. Grades 11 and 12 may be, where recommended, broadbanded where the Director General considers it appropriate.

"Officer" means and includes all persons permanently or temporarily employed either as a full time or part time officer, in any capacity under the provisions of Part 2 of the *Public Sector Employment and Management Act 2002* and includes an Officer on probation, but does not include the Director General, statutory appointees or a member of the Senior Executive Service as defined under the Act.

"Public Service" means the Public Service of New South Wales, as defined in the *Public Sector Employment and Management Act 2002*.

"Position" means a position as defined in Section 9 of the *Public Sector Employment and Management Act 2002*.

"Service" means continuous service for salary purposes.

4. Classification and Salary Rates

- 4.1 The classification under this Award is titled "Departmental Officer", eg Senior Surveyor, Departmental Officer Grade.
- 4.2 The salary rates are set out in Table 1 - Departmental Officer Salary Rates - Classification and Grades, of Part B Monetary Rates. The rates of pay are set in accordance with the Crown Employees (Public Sector - Salaries 2007) Award or any variation or replacement award.

5. Transitional Arrangements

This clause applies when the NSW Government effects changes resulting in the transfer of officers to the Department, and the Department and the PSA have consulted and reached agreement regarding the transfer of such officers to this award. The transition arrangements will apply for a period of 12 months to enable officers to transfer to this award and to facilitate the outcome of restructuring and realignment within the organisation.

5.1 Transfer to this Award

Officers will be transferred to this award at a grade/level in accordance with their current substantive salary, effective from the agreed date at the agreed salary transition grades/levels. The rates of pay at commencement for officers who have no higher duties recognition will be determined in accordance with the following:

5.1.1 If the officer's current salary coincides with a step on the new salary scale, and:

The officer has been on that rate for less than 12 months, the officer will transfer at that step on the new scale and the existing eligibility for progression date will be retained; or

The officer has been on that rate for more than 12 months; the officer will transfer at the next step on the new scale. Eligibility for progression will change to the date of appointment to the salary level of this award. In moving to the next step on the salary scale it is not intended that an officer on the maximum salary for any grade/level move to a higher grade except where an officer retains a right for progression as a preserved condition of employment under a previous award or agreement as referred to in clause 6 of this award.

5.1.2 If the officer's current salary does not coincide with a step on the new salary scale:

The officer's salary at commencement on the new scale will be the step immediately above his/her current salary rate. The officer's eligibility for progression will change to 12 months from the date of appointment to the salary level of this award.

5.2 Filling Positions Following Restructures

During the transition period, Divisions, Offices and administrative areas within the Department of Lands may undergo restructuring to align functions and improve delivery of services.

Positions that are incorporated within new or revised structures will be evaluated using the Department's approved Job Evaluation arrangements under clause 7, Job Evaluation of this award.

The Department is committed to making every effort to place current officers as set out in this section.

5.2.1 Where there are more positions than people or the same number of positions as people within the area being restructured

If there are more positions than people or the same number of positions as people within a grade or level, suitable officers, or officers who will be suitable with retraining, may be directly appointed where:

The level of a job in the new structure is the same as the officer's substantive level or

The level of a job in the new structure is up to one level different to an officer's substantive level in the Departmental Officer classification.

5.2.2 Where there are more people than positions within the area being restructured

If there are more people than positions within a grade or level, there will be an internal merit selection process, which ranks the suitability of officers for the vacancies.

5.2.3 Other unfilled positions

Positions that are not filled through the arrangements in 5.2.1 and 5.2.2 will be advertised through an internal merit selection process under section 18 of the *PSEM Act 2002*. This will apply to positions with salary up to and including the equivalent of Clerk, Grade 10.

Positions with a salary equivalent to Clerk Grade 11 and above will continue to be advertised in accordance with the *Public Sector Employment and Management Act, 2002*.

5.2.4 Positions that have not changed (see also clause 7, Job Evaluation)

Where an existing position has been incorporated into a new or revised organisation structure and the work has not changed substantially but as a result of job evaluation is found to be of a higher level there are two possible options for the officer:

The current occupant of the position may be paid by way of Job Evaluation Allowance as set out in Premier's Department Circulars No. 97-35 and 98-50 Implementation of Job Evaluation Outcomes; or

An existing occupant of a position may prefer to compete for the position at its new higher level.

Where the second option is chosen, eligible displaced officers already at the new higher job evaluation level for the work, and registered with the Redeployment and Relocation Services Unit (RRSU), will also be assessed for the position. The procedure to be followed is contained in Premier's Department Circular No. 98-50 Implementation of Job Evaluation Outcomes.

5.2.5 Transition Committee

A Transition Committee will be formed and will consider issues affecting officers moving to a new structure. The Committee will determine whether a position is new or existing and determine the most suitable method of filling positions having regard to merit and fairness to all officers.

The Transition Committee will ensure that any officer who has been paid a continuous Higher Duties Allowance (HDA) for in excess of 12 months has their HDA service taken into account when promoted to another position.

The Composition of the Transition Committee will be:

Director, Corporate People and Performance Group

Management Representative from the area under discussion

Chair of PSA Departmental Committee (DC)

PSA Delegate nominated by the DC

If agreement cannot be reached in this committee the Director General will facilitate a resolution.

6. Preservation of Conditions for Staff Employed under Previous Awards

- 6.1 Preservation Rights: A Memorandum of Understanding regarding progression rights of PSA members was agreed in conjunction with the former Crown Employees (NSW Department of Lands - Conditions of Employment) Award 2004 published 2 September 2005 (353 IG 542), which took effect from 22 February 2005.

6.2 Lands Officers

Officers previously employed under the Crown Employees (Lands Officers - Department of Land and Water Conservation and Department of Information Technology and Management 1999) Award published 23 June 2000 (316 I.G. 728) transferred to this award; however, officers who transferred to levels of General Scale, Grade 1-2 and Grade 3-4 shall be entitled to progress, subject to satisfactory performance, on an annual incremental basis in accordance with the prior award, to the equivalent salary of Lands Officer Level 3 year 2.

Lands Officers Level 4 transferred to this award. Any structural anomalies within Administrative and Clerical Officers grade 5/6 created by the transition will be addressed in any new structure developed to meet the future business objectives of the Department.

- 6.3 Officers with a substantive salary equivalent to Grade 11 who occupy positions presently graded at A&C 11/12 or DITM Officer Grade 11/12

Officers previously employed under the Crown Employees (Administrative and Clerical Officers - Salaries 2003) Award published 23 April 2004 (344 I.G. 155) or the Crown Employees (NSW

Department of Information Technology and Management) Conditions of Employment Award 2002 published 12 March 2004 (343 I.G. 628), with a substantive salary equivalent of A&C Grade 11, year 1 or year 2, and currently permanently occupying positions of Grade 11/12 shall be entitled to progress, subject to satisfactory performance, on an annual incremental basis, to the equivalent salary of Clerk Grade 12, year 2.

6.4 Surveyors

Officers previously employed under the Surveyors, Trigonometrical and Cartographic Surveyors Agreement No. 2449 of 1982 transferred to this award (except that the progression barrier for registration requiring a Surveyor to become registered in terms of Section 10 of the *Surveyors Act, 1929* will be included in Position Descriptions where it would be a requirement to carry out the accountabilities of positions). Preservation of rights to progression under the prior award will apply to Surveyors employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

6.5 Valuers

Officers previously employed under the Crown Employees (Regional Directors and Valuers - All Classes - Valuer General's Office, Department of Information Technology and Management) Award published 28 April 2000 (315 I.G. 238) transferred to this award. Preservation rights to progression under the prior award apply to Valuers employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

6.6 DITM Officers

Officers previously employed under the Crown Employees (NSW Department of Information Technology and Management) Conditions of Employment Award 2002 published 12 March 2004 (343 IG 628) transferred to this award. Preservation rights to progression under the prior award apply to DITM Officers employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

6.7 Clerks

Officers previously employed under the Crown Employees (Administrative and Clerical Officers - Salaries 2003) Award published 23 April 2004 (344 I.G. 155) transferred to this award. Preservation rights to progression under the prior award will apply to Clerks employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

6.8 Clerical Officers

Officers previously employed under the Clerical Officers All Departments Agreement No 2515 of 1988 transferred to this award.

6.9 Field Hands and Instrument Man

Officers previously employed under the Surveyors' Field Hands (State) Award published 23 November 2001 (329 IG 889) became permanent officers upon commencement of this Award on 22 February 2005 and classified as Departmental Officers and transferred to this award at their current salary. The grading of their jobs will then be determined in accordance with the outcome of job evaluation.

7. Job Evaluation

- 7.1 The job evaluation system agreed by the parties to this award is the Mercer CED Job Evaluation System. The systematic and objective process of assessing the work value of positions within the Department will continue to be applied utilising the approved Job Evaluation policy and procedures.

- 7.2 The Job Evaluation Committee will comprise the Director, Corporate People and Performance Group as chair, the Senior Manager, HR Development and Planning, and two PSA representatives. The Job Evaluation Committee will identify those positions that should be evaluated.
- 7.3 The priority in which positions are to be evaluated will be determined by agreement between Management, the Job Evaluation Committee, and the PSA. Highest priority will be given to areas of the Department where the greatest benefit to officers in terms of equity will result. Evaluation of identified positions will be completed within 12 months.
- 7.4 Job Evaluation will be managed by the Corporate People and Performance Group. Officers and consultants participating in the job evaluation process will be accredited in the Mercer C E D Job Analysis and Job Evaluation process. Where required, Mercer Human Resource Consulting (Cullen Egan Dell CED consultants), a management representative and a PSA representative will perform a quality control check on Position Descriptions to ensure consistency in format and content.
- 7.5 Job evaluation allowance: Where an existing position has been incorporated into a new or revised organisation structure and the work hasn't changed substantially but job evaluation indicates a higher salary level for the same work, and the current occupant is performing satisfactorily in the position, the current occupant of the position may be paid by way of Job Evaluation allowance. Payment by way of Job Evaluation allowance is also subject to the existing occupant of the position having been appointed following a process of competitive merit selection. Where the work has changed substantially or the position falls vacant the position should be filled by merit selection. Payment of a Job Evaluation allowance is an option available for consideration in light of the particular circumstances. The allowance is subject to approval of the Director General on a case-by-case basis, as set out in Premier's Department Circulars No. 97-35 and 98-50, implementation of job evaluation outcomes.
- 7.6 All anomalies with the outcomes of job evaluation will be referred for resolution to the Transition Committee established under clause 5, Transition Arrangements of this award.

8. Qualifications Review Committee

- 8.1 A Qualifications Review Committee shall be convened and shall include representatives from management, unions and officers with expertise in the area of qualification. Such representation shall consist of two management representatives, two union nominees and may call on officers or external advisers with expertise in the area of the qualification being discussed. The Committee shall be constituted for the period of this award for the purpose of making recommendations to the Director General.
- 8.2 The Committee shall from time to time sit to determine the appropriate skills and qualifications required for given positions within the Department. The Committee shall from time to time also consider the current status of qualifications that are used in this award in relation to the various levels of Departmental Officers as set out in the award. If agreement cannot be reached in this committee, the Director General will facilitate a resolution.

9. Working Hours and Arrangements

The provisions of the Department of Lands Flexible Working Hours Agreement 2004 will apply with the exception of those officers exempted in that Agreement.

10. Conditions of Employment

Officers regulated by this award shall be entitled to the conditions of employment as set out in this award and, except where specifically varied by this award, existing conditions as provided for under the *Public Sector Employment and Management Act 2002*, *Public Sector Employment and Management General Regulation 1996*, the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006* and the *Crown Employees (Public Sector - Salaries 2007) Award* or any awards replacing these awards.

11. Consultative Arrangements

A Joint Consultative Committee shall be maintained between the Department and the Association. The Committee's role will be to review and monitor implementation of the award; resolve issues as they arise and to consider relevant matters raised by the parties. It will meet at least quarterly, with the Director General or their delegate being responsible for convening meetings. Additional meetings may be requested by any of the parties.

12. Training

The parties agree that all officers shall be provided with opportunities for career, professional and personal development. The joint aim is to develop a highly skilled and efficient workforce and to ensure that all officers are sufficiently skilled to meet the present and future needs of the Department.

The Department's commitment to training and development will include (but will not be limited to):

The reimbursement of course fees for officers undertaking tertiary or vocational studies shall be 100% on successful completion where the study relates directly to the position occupied. Where a Manager considers that the study does not relate directly to the position but will be beneficial to the organisation, and so approves, reimbursement of fees, upon successful completion, may be within the range of 50% to 100%. The Director General or their delegate will determine any appeal relating to decisions concerning payment of course fees;

A commitment to the provision of external training programs;

Implementation of a Management Development Program;

The provision of training and re-training wherever re-organisation creates new skill requirements;

Equipping all officers with skills and ability to enable them to pursue, where possible, their preferred career paths and to improve their opportunities for career advancement;

Providing training in information technology to enable officers to use the technological tools required to perform their duties;

Providing the training needed to ensure that those officers, whose performance has been identified as requiring improvement have every opportunity to improve their performance;

Equity of access to training and development opportunities for all officers, including part time officers;

Dependent care assistance (dependant care, by way of payment, may be provided to enable officers with dependant responsibilities to pursue training and development opportunities).

During the life of this award, the Department agrees to examine and implement various options to facilitate skill enhancement and career development for all officers. These options may include:

- Job rotation;
- Secondments;
- Participation in work forums;
- Placements in other organisations with the agreement of the officer;
- Mentor and coaching programs;
- Attendance at conferences and seminars;
- Officers exchange programs with the agreement of the officer.

In order to meet these aims, the following have been agreed by the parties:

A commitment to updating skill profiles from the Training Needs Analysis process to assist officers and management to determine appropriate training needs;

To include officers training and development responsibilities in the key accountabilities of all managers and supervisors;

Individual officers will assume personal responsibility to participate in appropriate training and development and skill-enhancing activities.

Furthermore, the parties agree to an ongoing commitment to the Vocational Education and Training (VET) system - that is, the promotion and implementation of the Public Sector training package through the NSW Public Sector Industry Training Advisory Body (NSW PSITAB).

This includes embracing the development of a National Competencies training project encompassing:

An increase in the number of workplace trainers and assessors within the Department;

Time for trainers and assessors to recognise the current competencies held by departmental officers;

All in-house training to be in line with National Competency Standards so officers can work toward a nationally recognised public sector qualification.

13. Use of Consultants and Contractors

In line with Government commitments, the parties agree to develop programs to reduce the use of consultants/contractors by greater reliance on the expertise of professional public servants and the development of strict quality control procedures for the engagement of outside assistance.

The Department agrees to consult with the Association on engagement and use of consultants and contractors

14. Employee Assistance Program

The Department will continue to make available to all its officers a free and confidential Employee Assistance Program.

The Employee Assistance Program is an independent and confidential counselling service which provides counselling free of charge for a wide range of personal and/or work related problems.

15. Travel Passes

The Department undertakes to allow salary deduction for public transport travel passes.

16. Grievance and Dispute Procedures under This Award

- 16.1 All grievances disputes or difficulties relating to the provisions of this award shall initially be dealt with as close to the source as possible, with graduated steps for further attempts at resolution to higher levels of authority in the Department, if required.
- 16.2 Officers are required to notify (in writing or otherwise) their immediate supervisor or manager, as to the substance of the grievance, dispute or difficulty, request a meeting to discuss the matter, and if possible state the remedy sought.
- 16.3 Where the grievance or dispute involves confidential or other sensitive material (including issues of harassment or discrimination under the *Anti-Discrimination Act 1977*) that makes it impractical for the staff member to advise their immediate manager the notification may occur to the next appropriate level of management, including where required, to the Director General or delegate.
- 16.4 The immediate supervisor, manager, or other appropriate officer, shall convene a meeting in order to resolve the grievance, dispute or difficulty within seven (7) days of the matter being brought to attention.

- 16.5 If the matter is unresolved with the immediate supervisor or manager, the officer may request to meet with the appropriate person at the next level of management in order to review the matter. This officer shall respond within seven (7) days. If there are matters or issues that still remain unresolved by both parties then they should be referred to the Senior Manager of the work area who should include a representative from Human Resource Services in discussions.
- 16.6 In the event that the matter remains unresolved, the Director General shall provide a written response within 21 days to the officer and any other party involved in the grievance, dispute or difficulty, concerning the action to be taken, or the reasons for not taking action, in relation to the matter.
- 16.7 An officer who is a member of an Association may request to be represented by an Association representative at any stage of the procedures.
- 16.8 The officer or Association on his/her behalf, or the Director General, may refer the matter to the New South Wales Industrial Relations Commission if the matter is unresolved following the use of these procedures.
- 16.9 The officer and/or Association and/or the Director General shall agree to be bound by a lawful recommendation, order or determination by the New South Wales Industrial Relations Commission in relation to the grievance, dispute or difficulty.
- 16.10 Whilst the procedures are being followed, normal work undertaken prior to the notification of the grievance or dispute shall continue, except in the case of a dispute involving Occupational Health and Safety. If practicable, normal work shall proceed in such a manner to avoid any risk to the health and safety of any officer, or member of the public.
- 16.11 These procedures should be read in conjunction with the Department's Grievance Resolution Policy and Procedures and in no way diminish Grievance resolution procedures contained in that policy.

17. Deduction of Union Membership Fees

- 17.1 The Association shall provide the Department with a schedule setting out Association fortnightly membership fees payable by members of the Association in accordance with the Association's rules.
- 17.2 The Association shall advise the Department of any change to the amount of fortnightly membership fees made under its rules. Any variation to the schedule of Association fortnightly membership fees payable shall be provided to the Department at least one month in advance of the variation taking effect.
- 17.3 Subject to paragraphs 1 and 2 above, the Department shall deduct Association fortnightly membership fees from the pay of any officer who is a member of the Association in accordance with the Association's rules, provided that the officer has authorised the Department to make such deductions.
- 17.4 Monies so deducted from an officer's pay shall be forwarded regularly to the Association together with all necessary information to enable the Association to reconcile and credit subscriptions to officers' Association membership accounts.
- 17.5 Unless other arrangements are agreed to by the Department and the Association, all Association membership fees shall be deducted on a fortnightly basis.
- 17.6 Where an officer has already authorised the deduction of Association membership fees from his or her pay prior to this clause taking effect, nothing in this clause shall be read as requiring the officer to make a fresh authorisation in order for such deduction to continue.

18. Commitment to Further Action

The parties agree to this award to address salary and equity issues within the organisation. The parties commit to further discussions and resolution to include but not be limited to the following (with consultation with the DPE on public sector wide issues):

Salary Packaging
 Payment of professional fees and continuing professional development expenses
 Provision of corporate clothing
 Officers exchange with other states
 Recruitment of officers for business continuity to address succession needs

19. Saving of Rights

At the time of making this award, no officer covered by this Award will suffer a reduction in his or her rate of pay or any loss or reduction in his or her conditions of employment as a consequence of making this award.

20. Area, Incidence and Duration

- 20.1 The award shall apply to all officers employed in the classification of Departmental Officer in the Department of Lands.
- 20.2 This award is made following a review under section 19 of the *Industrial Relations Act 1996* and rescinds and replaces the Crown Employees (NSW Department of Lands - Conditions of Employment) Award 2004 published 2 September 2005 (353 I.G. 542) and all variations thereof.
- 20.3 The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act 1996* and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of New South Wales on 28 April 1999 (310 I.G. 359) take effect on and from 19 August 2008.
- 20.4 The award remains in force until varied or rescinded, the period for which it was made having already expired.

PART B

MONETARY RATES

Table 1 - Departmental Officer Salary Rates

Effective from the beginning of the first pay period to commence on or after 1 July 2007.

Departmental Officer			
Classifications and Grades		Common Salary Point	1.07.07 Per annum \$
General Scale	Year 1	7	27,055
	Year 2	11	32,723
	Year 3	17	35,266
	Year 4	20	36,229
	Year 5	23	37,762
	Year 6	25	38,448
	Year 7	28	39,400
	Year 8	32	40,857
	Year 9	36	42,338
	Year 10	40	43,903
Grade 1-2 (Level 1)	Year 1	46	46,320
	Year 2	49	47,682
	Year 3	52	49,012
	Year 4	55	50,356

Grade 3-4 (Level 2)	Year 1	58	51,784
	Year 2	61	53,344
	Year 3	64	55,010
	Year 4	67	56,701
Grade 5-6 (Level 3)	Year 1	75	61,128
	Year 2	78	63,056
	Year 3	82	65,527
	Year 4	85	67,448
Grade 7-8 (Level 4)	Year 1	88	69,468
	Year 2	91	71,546
	Year 3	95	74,527
	Year 4	98	76,896
Grade 9-10 (Level 5)	Year 1	101	79,188
	Year 2	104	81,414
	Year 3	108	84,738
	Year 4	111	87,263
Grade 11 (Level 6)	Year 1	116	91,589
	Year 2	120	95,472
Grade 12 (Level 7)	Year 1	126	101,454
	Year 2	130	105,923
Senior Officer	Year 1	-	118,519
Grade 1 (Level 8)	Year 2	-	127,708
Senior Officer	Year 1	-	129,868
Grade 2 (Level 9)	Year 2	-	139,025
Senior Officer	Year 1	-	143,678
Grade 3 (Level 10)	Year 2	-	157,716

D.W. RITCHIE, Commissioner

Printed by the authority of the Industrial Registrar.

(1327)

SERIAL C6701

CROWN EMPLOYEES (NSW DEPARTMENT OF PRIMARY INDUSTRIES) OPERATIONAL STAFF AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Review of Award pursuant to Section 19 of the *Industrial Relations Act 1996*.

(No. IRC 717 of 2008)

Before Commissioner Ritchie

19 August 2008

REVIEWED AWARD

PART A

Arrangement

PART A

Clause No.	Subject Matter
1.	Title
2.	Definitions
3.	Salaries
4.	School Based Apprentices
5.	Saving of Rights
6.	Minimum Qualification Requirements and Commencing Rates
7.	Promotional Criteria
8.	Allowances
9.	Leading Hand Allowance - Transitional Arrangements
10.	Review of Allowances Payable in Terms of this Award
11.	Hours of Work - Day Work
12.	Hours of Work - Shift Work
13.	Overtime
14.	Public Service Holiday
15.	Job Evaluation
16.	Appeals Mechanism
17.	Grievance and Dispute Settling Procedures
18.	Deduction of Union Membership Fees
19.	Anti-Discrimination
20.	Area Incidence and Duration

PART B

MONETARY RATES

Table 1 - Salaries

Table 2 - Allowances

1. Title of the Award

- (i) This Award shall be known as the Crown Employees (NSW Department of Primary Industries) Operational Staff Award.

2. Definitions

- (i) "Act" means - the *Public Sector Employment and Management Act 2002*.
- (ii) "Apprentice" means - an Apprentice employed in a trade covered by the Crown Employees (Skilled Trades) Award and Dairying Industry Employees (State) Award.
- (iii) "Association" means - the Public Service Association and the Professional Officers' Association Amalgamated Union of New South Wales.
- (iv) "Department" means - the NSW Department of Primary Industries, as specified in Schedule 1 of the *Public Sector Employment and Management Act 2002*.
- (v) "DPE" means - the Director of Public Employment, as established under the Act.
- (vi) "Farm Assistant", "Livestock Attendant", "Senior Livestock Attendant", "Laboratory Craftsman" and "Senior Laboratory Craftsman" means - a member of staff who is appointed to a position designated as such.
- (vii) "Farm Supervisor" means - a member of staff who is appointed to a position designated as such.
- (viii) "Supervisor-Special Grade" means - a member of staff employed as a supervisor who, in the opinion of the Director of Public Employment/Department, has special responsibilities involving supervision of another supervisor and more than one major field of activity.
- (ix) "Gardener-Tradesperson" means - a member of staff who has satisfactorily completed an apprenticeship in the industry of horticulture and gardening and holds the Horticulture Certificate of NSW TAFE or a certificate of equal or higher status and is engaged as a tradesperson in horticulture, gardening, green keeping, floral decoration and all phases of allied works, such as rockery building, paving, landscaping and the like. Provided that a member of staff who had been appointed as a "gardener" under the Crown Employees (Operational Staff - Department of Agriculture) Award published 1 May 1998 (304 IG 750) and who through ongoing experience described, shall for the purpose of the Award be deemed to be a gardener tradesperson.
- (x) "Gardener-experienced" means - a member of staff, not being a gardener-tradesperson, as defined, who is appointed to act as gardener in the absence of or unavailability of a gardener-tradesperson and who, by experience, is capable of performing gardening work to a satisfactory level.
- (xi) "Gardener-labourer" means - a member of staff who is appointed to assist a gardener or to assist generally in gardening work and may be required to carry out under the supervision of a gardener any of the work set out in the definition of "gardener-tradesperson" and includes the operation of small petrol or electricity driven hand mowers and the like.
- (xii) "Gardener-labourer 1st class" means - a garden labourer who is capable of and required from time to time to drive and/or operates motorised tractor hauled or mechanical equipment used in gardening, tree lopping, paving, kerb making, rockery building and landscaping.
- (xiii) "Handyperson" means - a member of staff who is appointed to a position designated as such and who carries out minor repairs and maintenance of farm buildings, structures and equipment.
- (xiv) "Job Evaluation" means - a methodology agreed to between the parties to grade Operational Staff positions under this Award.
- (xv) "Leading Hand" means - a member of staff who is appointed to a position designated as such and who supervises a particular operation(s).
- (xvi) "Operational Staff" means - all members of staff occupying positions described in this clause.
- (xvii) "Prior Learning" means - recognising formal skills and experience.

- (xviii) "Maintenance Operator" means - a member of staff who is appointed to a position designated as such and who carries out repairs and maintenance of farm buildings, structures and equipment and is appointed to a position that requires possession of a trade qualification as a condition of employment.
- (xix) "Maintenance Supervisor" means - a member of staff who is appointed to a position of Building Supervisor that requires possession of a trade qualification as a condition of employment.
- (xx) "Member of Staff" for the purposes of this Award, means - a person employed as an officer on probation, or officer, employed in any capacity under the provisions of Part 2 of the Act, or a temporary employee employed under section 27 of the Act, who is classified under this Award, and employed in either a casual, part time or full time capacity.
- (xxi) "Normal Work" normal work as defined in clause 17, Grievance and Dispute Settling Procedures is defined as the duties and responsibilities relevant to the Statement of Duties, or Position Description of a member, or members of staff at the time of a grievance, dispute or difficulty.
- (xxii) "Position" means - a position as dealt with in section 9 of the *Public Sector Employment and Management Act 2002*.
- (xxiii) "Public Service" means - the Public Service of New South Wales as defined in the *Public Sector Employment and Management Act 2002*.
- (xxiv) "Regulation" means - the Public Sector Employment and Management (General) Regulation, 1996.
- (xxv) "Service" means - continuous service for salary purposes.
- (xxvi) "Salary Rates" means - the ordinary time of pay for the member of staff's grading, excluding shift allowances, weekend penalties and all other allowances not regarded as salary.
- (xxvii) "Unions" means - The Australian Workers Union, New South Wales Branch, Australian Manufacturing Workers Union, New South Wales Branch, the Electrical Trades Union of Australia, New South Wales Branch, Communications, Electrical & Plumbing Union, Plumbing Division (NSW Branch); and the Construction, Forestry, Mining and Energy Union, New South Wales Branch.

3. Salaries

- (i) Subject to the provisions of the Act and the Regulations thereunder, the rates of salary as set out in Table 1 - Salaries, of Part B, Monetary Rates, shall be paid to members of staff appointed to the positions specified.
- (ii) Existing allowances payable for passing prescribed annual technical college examinations shall continue to be paid to apprentices in accordance with the Crown Employees (Skilled Trades) Award and Dairying Industry Employees (State) Award.
- (iii) The salary rates in Part B, Monetary Rates, of this Award, are set in accordance with the Crown Employees (Public Sector - Salaries 2007) Award and any variation or replacement award.

4. School Based Apprentices

- (i) Definition

A school based apprentice is an employee who is undertaking an apprenticeship under a training contract while also enrolled in the Higher School Certificate.

- (ii) Wages

- (a) The hourly rates for full time apprentices as set out in this award shall apply to school based apprentices for total hours worked including time deemed to be spent in off-the-job training.

- (b) For the purposes of paragraph (ii)(a) of this clause, where a school based apprentice is a full time school student, the time spent in off-the-job training for which the school based apprentice is paid is deemed to be 25 per cent of the actual hours worked on-the-job each week.
 - (c) The wages paid for training time may be averaged over the school term or year.
 - (d) Where this award specifies a weekly rate for full time apprentices, the hourly rate shall be calculated by dividing the applicable weekly rate by 38.
- (iii) Progression through the Wage Structure
- (a) School based apprentices progress through the wage scale at the rate of 12 months' progression for each two years of employment as an apprentice.
 - (b) The rates of pay are based on a standard apprenticeship of four years. The rate of progression reflects the average rate of skill acquisition expected from the typical combination of work and training for a school based apprentice undertaking the applicable apprenticeship.
- (iv) Conversion from a school based apprentice to a full time apprenticeship
- Where an apprentice converts from a school based to a full time apprenticeship, all time spent as a full time apprentice counts for the purpose of progression through the wage scale set out in this award. This progression applies in addition to the progression achieved as a school based apprentice.
- (v) Conditions of Employment
- Except as provided by this clause, school based apprentices are entitled to pro rata entitlements of all other conditions of employment contained in this award.

5. Saving of Rights

No member of staff employed in the Department under another award, agreement, or determination on 27 March 1997, or thereafter, who is re-classified under this award shall receive a salary which is less than the salary received under the member of staff's former award, agreement or determination.

6. Minimum Qualification Requirements and Commencing Rates

- (i) The commencing rate of pay for a member of staff who is appointed to a position of Farm Assistant shall be the rate of pay prescribed for Grade 1, Step 1.
- (ii) The commencing rate of pay for a member of staff who is appointed to a position of Operator (Prickly Pear) shall be the rate of pay prescribed for Grade 1, Step 1.
- (iii) The commencing rate of pay for a member of staff who is appointed to a position of Garden Labourer shall be the rate of pay prescribed for Grade 1, Step 1.
- (iv) The commencing rate of pay for a member of staff who is appointed to a position of Handyperson shall be the rate of pay prescribed for Grade 1, Step 3.
- (v) The commencing rate of pay for a member of staff who is appointed to a position of Garden Labourer 1st Class shall be the rate of pay prescribed for Grade 1, Step 3.
- (vi) Except as provided by subclause (iii) of clause 9 of this Award, the commencing rate of pay for a member of staff who is appointed to a position of Leading Hand shall be the rate of pay prescribed for Grade 2, Step 1.
- (vii) The commencing rate of pay for a member of staff who is appointed to a position of Gardener-Experienced shall be the rate of pay prescribed for Grade 2, Step 1.

- (viii) The commencing rate of pay for a member of staff who is appointed to a position of Maintenance Operator and who possesses a trade qualification, other than plumbing or electrical, shall be the rate of pay prescribed for Grade 2, Step 2.
- (ix) The commencing rate of pay for a member of staff who is appointed to a position of Supervisor (Prickly Pear) shall be the rate of pay prescribed for the second year of service for Grade 2, Step 2.
- (x) The commencing rate of pay for a member of staff who is appointed to a position of Maintenance Operator and who possesses a plumbing trade qualification shall be the rate of pay prescribed for Grade 2, Step 3.
- (xi) The commencing rate of pay for a member who is appointed to a position of Gardener-tradesperson shall be the rate of pay prescribed for Grade 2, Step 3.
- (xii) The commencing rate of pay for a member of staff who is appointed to a position of Maintenance Operator and who possesses an electrical trade qualification shall be the rate of pay prescribed for Grade 3, Step 1.
- (xiii) The commencing rate of pay for a member of staff who is appointed to a position of Fitter Operator shall be the rate of pay prescribed for Grade 3, Step 3 (however, this rate must not fall below the prescribed rate under the Crown Employee (General Staff - Salaries) Award 2007).
- (xiv) The commencing rate of pay for a member of staff who is appointed to a position of Farm Supervisor of a B Grade Research Station shall be the rate of pay prescribed for Grade 4, Step 1.
- (xv) The commencing rate of pay for a member of staff who is appointed to a position of Farm Supervisor of an A Grade Research Station shall be the rate of pay prescribed for Grade 5, Step 1.
- (xvi) The commencing rate of pay for a member of staff who is appointed to a position of Gardener Supervisor shall be the rate of pay prescribed for Grade 5, Step 2.
- (xvii) The commencing rate of pay for a member of staff who is appointed to a position of Gardener Supervisor Special Grade shall be the rate of pay prescribed for Grade 5, Step 3.
- (xviii) The commencing rate of pay for a member of staff who is appointed to a position of Maintenance Supervisor shall be the rate of pay prescribed for Grade 6, Step 1.

7. Promotional Criteria

- (i) Promotion between grades shall be by appointment subject to the occurrence of a vacancy and by a competitive selection process.
- (ii) Movement within the incremental range of a grade shall be subject to the acquisition of relevant National Competency Points at the required Australian Qualification Framework (AQF) Level necessary to justify progression to that higher salary level. The specific progression requirements are set out in the Operational Staff Workplace Assessment and Progressional Criteria Handbook.

8. Allowances

- (i) A member of staff employed upon any chokage and who is required to open up any soil pipe, waste pipe, drain pipe or pump conveying offensive material or a scupper containing sewerage or if the member of staff is required to work in a septic tank in operation, shall be paid an additional amount per day or part of a day as set out in Item 1 of Table 2 - Allowances, of Part B, Monetary Rates.
- (ii) A Maintenance Supervisor or a Maintenance Operator who, as a condition of their employment, is required to possess and use a trade licence shall, in addition to the rate of pay prescribed in clause 3, Salaries, be paid any of the allowances as set out in Item 2 of Table 2 as is deemed appropriate.

- (iii) A Maintenance Supervisor, Maintenance Operator or an Apprentice who, as a condition of their employment, is required to provide their normal tools of trade shall, in addition to the rate of pay prescribed in clause 3, Salaries, be paid the allowance as set out in Item 3 of Table 2 as is deemed appropriate.

Part-time and casual employees shall be paid the hourly equivalent of the abovementioned rates respectively, calculated as follows:

$$\frac{\text{Appropriate annual allowance}}{52.17857143} \quad \times \quad \frac{1}{38}$$

- (iv) Any Operational Staff Grade 2 or above who retain the Leading Hand Allowance as a result of operation of the transitional arrangements prescribed by clause 9 of this Award shall, in addition to the appropriate rate of pay prescribed in clause 3, Salaries, be paid an allowance as set out in Item 4 of Table 2 - Allowances, of Part B, Monetary Rates. That allowance is to be superable and is to be regarded as salary for all purposes.
- (v) Operational Staff who are required to work a broken shift shall be paid an amount per day extra as set out in Item 5 of Table 2 - Allowances, of Part B, Monetary Rates.
- (vi) Operational Staff shall be paid the appropriate working dog allowance as set out in Item 6 of Table 2 - Allowances, of Part B Monetary Rates where the relevant Research Station Manager certifies that the use of staff member's working dog(s) is/are necessary for the efficient conduct of the station's operations.
- (vii)
- (a) A member of staff appointed as a First Aid Officer shall be paid a first aid allowance at the rate appropriate to the qualifications held by such member of staff as specified in Item 7 of Table 2 - Allowances, of Part B Monetary Rates.
- (b) The First Aid Allowance shall not be paid during extended leave or any other continuous period of leave which exceeds four weeks.
- (c) When the First Aid Officer is absent on leave for one week or more and another qualified member of staff is selected to relieve in the First Aid Officer's position, such member of staff shall be paid a pro rata first aid allowance for assuming the duties of a First Aid Officer.
- (viii) A member of staff required to work more than one and one half hours after the ordinary ceasing time shall be provided with a meal or be paid the appropriate Overtime Meal Allowance as set out Item 8 of Table 2 - Allowances, of Part B Monetary Rates for such a meal and after the completion of each four hours of continuous overtime thereafter shall be paid the appropriate rate as set out in Item 8 of Table 2 - Allowances, of Part B Monetary Rates for each subsequent meal in addition to the overtime payment.
- (ix) A Maintenance Operator required to hold and act upon a First Class Refrigeration Certification issued by the Department of Industrial Relations or equivalent current NSW certification shall be paid the rate as set out in Item 9 of Table 2 - Allowances, of Part B Monetary Rates.

9. Leading Hand Allowance - Transitional Arrangements

- (i) Any Operational Staff Grade 2 or above who receives the Leading Hand Allowance as at the date of the first advertisement of the substantive positions of Leading Hand established by the former Crown Employees (Operational Staff - NSW Agriculture) Award published 15 November 2002 (337 I.G. 1) will not be financially disadvantaged in the following circumstances:
- (a) where successful in their application for a position of Leading Hand;
- (b) where unsuccessful in the application for a position of Leading Hand; or

- (c) where no application is made for a position of Leading Hand.

Such member of staff shall retain their existing allowance until they retire, resign or are promoted. The Leading Hand allowance payable to such member of staff will continue to be adjusted as prescribed by clause 10, Review of Allowances. Such members of staff who do not occupy a substantive position of Leading Hand, but who retain the Leading Hand Allowance can be called upon to perform Leading Hand duties as the need arises whilst in receipt of this allowance. In all other situations payment of the Leading Hand Allowance will cease with the substantive appointment of Leading Hands at the respective locations.

- (ii) Trade based Operational Staff who are appointed to substantive Leading Hand positions can be required to perform duties associated with the trade(s) they possess in addition to their Leading Hand duties.
- (iii) Any Operational Staff Grade 1 who received a Leading Hand Allowance immediately prior to being appointed to a substantive position of Leading Hand would commence on Grade 2, Step 2 to avoid any salary reduction arising from the cessation of the Leading Hand Allowance and progress thereafter subject to the agreed competency based progression criteria.

10. Review of Allowances Payable in Terms of This Award

- (i) Adjustment of Allowances - Allowances contained in clause 8, Allowances, of this award shall be reviewed as follows:
- (a) The following allowances shall be reviewed in accordance with variations to the Crown Employees (Public Sector - Salaries 2007) Award or any replacement award:
- Chokage Allowance
 - Licence and Registration Allowances
 - Leading Hand Allowance
 - Broken Shift Allowance
 - First Aid Allowance
 - Refrigeration Allowance
- (b) Tool Allowances shall be reviewed in accordance with variations to the Crown Employees (Skilled Trades) Award, or any replacement award
- (c) Overtime Meal Allowances shall be reviewed in accordance with variations to Meal Allowances prescribed by the Crown Employees (Skilled Trades) Award.
- (ii) Dog Allowances shall be adjusted on 1 January each year in line with the increases in the Consumer Price Index for Sydney during the preceding calendar year.

11. Hours of Work - Day Work

- (i) The ordinary working hours shall be thirty-eight per week and shall be worked in accordance with the following provisions for a rostered work cycle:
- (a) Except in the case of members of staff engaged in attending livestock, the ordinary working hours shall be worked as a twenty-day four-week cycle Monday to Friday, inclusive, with nineteen working days of eight hours each between the hours of 6:00 am and 6:00 pm, with 0.4 of one hour on each day worked accruing as an entitlement to take one rostered day off in each work cycle as a day off paid for as though worked, or a system of nine working days each fortnight between Monday and Friday, inclusive, consisting of eight days at 8.5 hours, one day at 8 hours, and one day being a rostered day off.
- (b) The ordinary working hours of members of staff engaged in attending livestock shall be worked as a twenty day, four week cycle of five days per week during the period Monday to Saturday inclusive within nineteen working days of eight hours each between the hours of 6:00 am and

6:00 pm, with 0.4 of one hour on each day worked accruing as an entitlement to take one rostered day off in each work cycle as a day off paid for as though worked.

- (c) The rostered day off shall be a Monday or a Friday within the working cycle provided that by agreement of the Department and the member of staff, the rostered day off may be taken on any other day within the work cycle or accrued as an entitlement for a day off to be taken in a subsequent work cycle.

Provided further that no member of staff shall be entitled to accrue more than six rostered days off under the terms of this subsection. All rostered days off shall be taken by the member of staff as leisure days off, and except as provided for in this subsection, no work shall be performed by a member of staff on their rostered off day or days.

- (d) A roster of days off (provided for under this subsection) for each member of staff shall be notified to staff prior to the commencement of each working cycle. Unless otherwise decided by mutual agreement staff shall be provided with seven (7) working days notice of a change in roster, provided that, in the case of an emergency situation, forty-eight (48) hours notice of a change in roster may be given by the Department.
- (e) Where such rostered day off prescribed by this subclause falls on a public holiday as defined in the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, the next working day shall be taken in lieu of the rostered day off unless an alternative day in that work cycle (or the next work cycle) is agreed in writing between the Department and the member of staff.
- (f) Each day of paid leave taken and any public holidays occurring during the work cycle shall be regarded as a day worked for accrual purposes.
- (g) A member of staff who has not worked a complete work cycle, shall receive pro-rata accrued entitlements for each day worked (or each fraction of a day worked) or regarded as having been worked in such cycle, payable for the rostered day off or, in the case of termination of employment, on termination.
- (h) Members of staff shall commence and cease work at their headquarters or other usual or constant location or as otherwise reasonably directed by the Department.
- (i) Members of staff shall be entitled to a meal break each day of not less than half an hour in duration provided that the said meal break shall be taken between 11:30 am and 1:30 pm at a time convenient to the Department.
- (j) A tea break during the morning period of not more than twenty minutes duration shall be allowed to each individual member of staff, at a time to be arranged by the Department without deduction from their salaries. The Department may grant a tea break of not more than ten minutes duration during both the morning and afternoon periods of the working day in lieu of 20 minute morning tea break.

12. Hours of Work - Shift Work

- (i) The ordinary working hours for shift work shall be thirty-eight per week and shall be worked in accordance with the following provisions for a four-week work cycle:
- (a) The ordinary working hours for shift work shall be worked as twenty-day four-week cycle of five days per week during the period Monday to Sunday inclusive (except broken shifts) with nineteen working days of eight hours each, with 0.4 of one hour on each shift accruing as an entitlement to take one rostered shift off in each work cycle as a shift off paid for as though worked.
- (b) The rostered shift off shall be Monday or a Friday within the working cycle provided that by agreement of the Department and the member of staff the rostered shift off may be taken on any

other day within the work cycle or accrued as an entitlement for a shift off to be taken in a subsequent work cycle. Provided further, that no member of staff shall be entitled to accrue more than six shifts off under the terms of this subsection. All rostered shifts off shall be taken by the member of staff as a leisure day off, and except as provided for in this subsection no work shall be performed by a member of staff on their rostered off shift or shifts.

- (c) A roster of shifts off (provided for under this subsection) for each member of staff shall be notified to members of staff prior to the commencement of each working cycle. Unless otherwise decided by mutual agreement staff shall be provided with seven (7) working shifts notice of change in roster provided that in the case of an emergency situation, forty-eight (48) hours notice of change in roster may be given by the Department.
- (d) Where such rostered shift off prescribed by this subclause falls on a public holiday as defined in the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, the next working day shall be taken in lieu of the rostered shift off unless an alternative day in that four-week cycle (or the next four-week cycle) is agreed in writing between the employer and the member of staff.
- (e) Each shift of paid leave taken and any public holidays occurring during any cycle of four weeks shall be regarded as a shift worked for accrual purposes.
- (f) A member of staff who has not worked a complete four-week cycle shall receive pro-rata accrued entitlements for each shift worked (or each fraction of a shift worked) or regarded as having been worked in such cycle, payable for the rostered shift off or, in the case of termination of employment, on termination.
- (g) Shift workers shall be allowed a meal break of at least twenty minutes which shall be counted as time worked at a time convenient to the Department.

(ii) Shift Allowances

Shift workers shall be paid the following shift allowances:

Shift	Commencing Time	Allowance in Addition to Ordinary Rate
Day	at or after 6am	Nil
Afternoon	at or after 10am and before 1pm	10%
Afternoon	at or after 1pm and before 4pm	12½%
Night	at or after 4pm and before 4am	15%
Night	at or after 4am and before 6am	10%

Provided that shift allowances shall not be paid in respect of work done at weekends or on public holidays.

(iii) Penalty Rates

Shift workers shall be paid the following rates in respect of work done at weekends or on public holidays.

(a) Weekends

The rate payable to shift workers for work done between midnight Friday and midnight Saturday shall be ordinary time and a half. The rate payable to shift workers for work done between midnight Saturday and midnight Sunday shall be ordinary time and three quarters.

(b) Public Holidays

The rate payable to shift workers for work done on a public holiday shall be double time and a half.

- (iv) Members of staff, other than Operational Staff involved in Dairy Operations, shall not be required to work shift work without the prior agreement of the Association or the appropriate Union.

13. Overtime

- (i) For the purposes of this award, the Department Head or a person authorised by the appropriate Department Head, may require a member of staff to perform duty beyond the hours determined under clause 11 Hours of Work - Day Work and clause 12 Hours of Work - Shift Work of this award, but only if it is not unreasonable for the member of staff to be required to do so. A member of staff may refuse to work overtime in circumstances where the working of such overtime would result in the member of staff working unreasonable hours. In determining what is unreasonable, the following factors shall be taken into account:
- (a) the member of staff's prior commitments outside the workplace, particularly the member of staff's family and carer responsibilities, community obligations or study arrangements;
 - (b) any risk to member of staff health and safety;
 - (c) the urgency of the work required to be performed during overtime, the impact on the operational commitments of the organisation and the effect on client services,
 - (d) the notice (if any) given by the Department Head regarding the working of the overtime, and by the member of staff of their intentions to refuse overtime; or
 - (e) any other relevant matter.
- (ii) Except as hereinafter provided, overtime at the rate of time and one half for the first two hours and double time thereafter shall be paid for all time worked:
- (a) in excess of the daily number of rostered hours in one day; or
 - (b) outside the limits of clauses 11 and 12, Hours of Work.
- (iii) Except as provided for in clause 12, all work performed on Sundays and Public Holidays shall be paid for at the rate of double time and double time and a half respectively. A member of staff required to work on a Sunday or Public Holiday shall receive a minimum payment of 4 hours pay at the rate of double time or double time and a half respectively.
- (iv) In calculating overtime rates, the allowances referred to in clause 12 of the award shall be disregarded.
- (v) A member of staff recalled to work overtime after 6:00 pm on any day other than a Sunday or Public Holiday shall receive a minimum payment of 4 hours pay at the appropriate overtime rate. On each recall the member of staff may be required to work 4 hours.
- (vi) A member of staff who works so much overtime-
- (a) between the termination of their ordinary work day or shift, and the commencement of their ordinary work in the next day or shift, that the member of staff has not had at least ten consecutive hours off duty between these times;
 - (b) or on Saturdays, Sundays and Holidays, not being ordinary working days or on a rostered day off, without having had ten consecutive hours off duty in the twenty-four hours preceding their ordinary commencing time on their next ordinary day or shift, shall, subject to this subclause, be released after completion of such overtime until the member of staff has had ten hours off duty without loss of pay for ordinary working time occurring during such absence.

Provided that, if on the instructions of the Department, such a member of staff resumes, or continues to work, without having had such ten consecutive hours off duty the member of staff shall be paid at double rates until released from duty for the ten hour period and shall then be entitled to be absent until the member of staff has had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

- (c) The provisions of this subclause shall apply in the case of shift workers as if eight hours were substituted for ten hours when overtime is worked-
 - (1) For the purpose of changing shift rosters, or
 - (2) Where a shift worker does not report for duty and a day worker or a shift worker is required to replace such shift worker, or
 - (3) Where a shift is worked by arrangement between the members of staff themselves.
- (vii) A member of staff who is required to work overtime for two hours or more after the normal ceasing time shall be allowed, at the expiration of the said two hours, 30 minutes for a meal or crib and thereafter a similar time allowance after every four hours of overtime worked. Time for meals or crib through overtime periods shall be allowed without loss of pay, provided that overtime work continues after such break.
- (viii) Where overtime is worked on a Saturday, if work continues after 12 noon, a break for a meal of 30 minutes shall be allowed between 12 noon and 1pm which meal break shall be taken without loss of pay.
- (ix) Saturday Work - Day Workers All ordinary time worked on Saturdays in accordance with paragraph (i)(b) of clause 11, Hours of Work - Day Work of this Award shall be paid for at the rate of time and a half.
- (x) Leave in Lieu of Payment A member of staff approved to work overtime may, within two working days following such work, elect to take leave in lieu of payment for all or part of the entitlement in respect of the time so worked. Such leave in lieu shall accrue at the rates specified for overtime in this Award i.e., such leave in lieu shall accrue at the equivalent computed overtime rate.

Provided that:

- (a) Where the member of staff elects to receive leave in lieu of payment such leave in lieu shall be taken at the convenience of the Department.
- (b) Such leave in lieu shall be taken in multiples of quarter day only.
- (c) Subject to the convenience of the Department, leave in lieu shall be taken within three months of the date accrual, except in the case of leave in lieu in respect of work performed on a public holiday, in which case an officer may elect to have such leave in lieu added to annual leave credits.
- (d) A member of staff shall be entitled to payment for the balance of any overtime entitlement not taken as leave in lieu.
- (xi) Wherever practicable, overtime at each Station/Centre/Institute will be equitably shared between members of staff on the classification required to work such overtime.

14. Public Service Holiday

- (i) The Public Service Holiday as prescribed by Part 3, clause 14 of the Regulation shall be a Public Service Holiday/Union Picnic Day for Operational Staff covered by this Award and shall be in lieu of any other Picnic Day.

- (ii) All Operational Staff shall, as far as practicable, be given and shall take this day as the Public Service Holiday/Union Picnic Day and shall be paid therefore as for eight hours' work at the rate prescribed in clause 3, Salaries, of this Award. Any member of staff required to work on such day shall be paid at the rate of double time and a half for not less than four hours' work. Provided that a member of staff who is required to work on the Public Service Holiday/Union Picnic Day and who fails to comply with such requirement shall not be entitled to payment for the day.

15. Job Evaluation

- (i) Positions classified as Operational Staff shall be graded in accordance with the accredited Job Evaluation methodology agreed by the Department, PEO and Associations/Unions, or any other methodology agreed between the parties during the operation of this Award to grade Operational Staff positions.
- (ii) The grading of Operational Staff positions shall be carried out in consultation between the Department and Associations/Unions using the Department's Joint Consultative Committee. This Committee shall be the forum for negotiation and consultation on the operation of the Department's Job Evaluation methodology during the operation of this Award.
- (iii) Positions will be evaluated and graded from time to time in the following circumstances:
 - (a) where the nature of a position is significantly changed, or a new position is created.
 - (b) where a position falls vacant, the Department can determine whether it is necessary to evaluate and grade the position prior to advertising the vacancy.
 - (c) at the request of any party to this Award provided that the position occupied by the member of staff has not been evaluated and graded for a minimum of twelve (12) months.
- (iv) Where a member of staff's position is evaluated as falling within a lower or higher grading than that to which the member of staff is presently appointed, then the Department:
 - (a) will examine the feasibility of initiating work redesign changes to the position in order to seek to justify the position's salary range at its existing grading level, or;
 - (b) adhere to existing statutory and related Public Service policies on filling regraded positions if initiating action under paragraph (a) of this subclause is determined to be inconsistent with maintaining Department efficiency, or otherwise impracticable.

16. Appeals Mechanism

- (i) A member of staff shall have the right to appeal any decision made by the Department in relation to their performance assessment review.
- (ii) Members of staff shall submit a written submission outlining their case to the Director, Human Resources within 28 days of the decision being appealed.
- (iii) The Director, Human Resources shall constitute an appeals committee made up of one Management representative (who shall not be the appellant's immediate supervisor), one relevant Association/Union representative and one peer that is acceptable to both Management and the Association/Union.
- (iv) The appeal shall be heard within 28 days of it being lodged and the recommendation of the committee shall be forwarded to the Department Head or nominee for decision.
- (v) The decision of the Department Head or nominee shall be forwarded to the member of staff concerned within 7 working days of the appeal being heard.

17. Grievance and Dispute Settling Procedures

- (i) All grievances and disputes relating to the provisions of this award shall initially be dealt with as close to the source as possible, with graduated steps for further attempts at resolution at higher levels of authority within the appropriate Department, if required.
- (ii) A member of staff is required to notify in writing their immediate manager, as to the substance of the grievance, dispute or difficulty, request a meeting to discuss the matter, and if possible, state the remedy sought.
- (iii) Where the grievance or dispute involves confidential or other sensitive material (including issues of harassment or discrimination under the *Anti Discrimination Act 1977*) that makes it impractical for the member of staff to advise their immediate manager the notification may occur to the next appropriate level of management, including where required, to the Department Head or delegate.
- (iv) The immediate manager, or other appropriate officer, shall convene a meeting in order to resolve the grievance, dispute or difficulty within two (2) working days, or as soon as practicable, of the matter being brought to attention.
- (v) If the matter remains unresolved with the immediate manager, the member of staff may request to meet the appropriate person at the next level of management in order to resolve the matter. This manager shall respond within two (2) working days, or as soon as practicable. The member of staff may pursue the sequence of reference to successive levels of management until the matter is referred to the Department Head.
- (vi) The Department Head may refer the matter to the DPE for consideration.
- (vii) If the matter remains unresolved, the Department Head shall provide a written response to the member of staff and any other party involved in the grievance, dispute or difficulty, concerning action to be taken, or the reason for not taking action, in relation to the matter.
- (viii) A member of staff, at any stage, may request to be represented by the Association/Union.
- (ix) The member of staff or the Association/Union on their behalf, or the Department Head may refer the matter to the New South Wales Industrial Relations Commission if the matter is unresolved following the use of these procedures.
- (x) The member of staff, Association/Union, Department and DPE shall agree to be bound by any order or determination by the New South Wales Industrial Relations Commission in relation to the dispute.
- (xi) Whilst the procedures outlined in subclauses (i) to (ix) of this clause are being followed, normal work undertaken prior to notification of the dispute or difficulty shall continue unless otherwise agreed between the parties, or, in the case involving occupational health and safety, if practicable, normal work shall proceed in a manner which avoids any risk to the health and safety of any member of staff or member of the public.

18. Deduction of Union Membership Fees

- (i) The union/association shall provide the Department with a schedule setting out fortnightly membership fees payable by members of the union/association in accordance with the union's/association's rules.
- (ii) The union/association shall advise the Department of any change to the amount of fortnightly membership fees made under its rules. Any variation to the schedule of union/association fortnightly membership fees payable shall be provided to the Department at least one month in advance of the variation taking effect.
- (iii) Subject to subclauses (i) and (ii) of this clause, the Department shall deduct union/association fortnightly membership fees from the pay of any member of staff who is a member of the

union/association in accordance with the union's/association's rules, provided that the member of staff has authorised the Department to make such deductions.

- (iv) Monies so deducted from member of staff's pay shall be forwarded regularly to the union/association together with all necessary information to enable the union/association to reconcile and credit subscriptions to members of staff union/association membership accounts.
- (v) Unless other arrangements are agreed to by the employer and the union/association, all union/association membership fees shall be deducted on a fortnightly basis.
- (vi) Where a member of staff has already authorised the deduction of union/association membership fees from his or her pay prior to this clause taking effect, nothing in this clause shall be read as requiring the member of staff to make a fresh authorisation in order for such deductions to continue.

19. Anti-Discrimination

- (i) It is the intention of the parties bound by this award 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.
- (ii) It follows that in fulfilling their obligations under the dispute resolution procedure prescribed by 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 will 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.
- (iii) 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.
- (iv) Nothing in this Clause is to be taken to affect:
 - (a) any conduct or act which is specifically exempted from anti-discrimination legislation;
 - (b) offering or providing junior rates of pay to persons under 21 years of age;
 - (c) any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
 - (d) a party to this award from pursuing matters of unlawful discrimination in any State or federal jurisdiction.
- (v) 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.
 - (a) Employers and employees may also be subject to Commonwealth anti-discrimination legislation.
 - (b) Section 56(d) of the *Anti-Discrimination Act 1977* provides:

"Nothing in the Act affects any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion."

20. Area, Incidence and Duration

- (i) This award shall apply to Operational Staff described in clause 2, Definitions of this Award, in the NSW Department of Primary Industries.

- (ii) The members of staff regulated by this award shall be entitled to the conditions of employment as set out in this award and, except where specifically varied by this award, existing conditions are provided for under the *Public Sector Employment and Management Act 2002*, the *Public Sector Employment and Management Regulation 1996*, the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006* and the *Crown Employees (Public Sector - Salaries 2007) Award* or any awards replacing these awards.
- (iii) This award is made following a review under section 19 of the *Industrial Relations Act 1996* and rescinds and replaces the *Crown Employees (Operational Staff - NSW Agriculture) Award* published 9 September 2005 (353 I.G. 647) as varied.
- (iv) The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act 1996* and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commissioner of New South Wales on 28 April 1999 (310 I.G. 359) take effect on and from 19 August 2008.
- (v) The award remains in force until varied or rescinded, the period for which it was made having already expired.

PART B

MONETARY RATES

Table 1 - Salaries

Effective from the beginning of the first pay period to commence on or after 1 July 2007

(A) Full time (Annual Rate)		Common Salary Point	1.7.07 Per Annum \$
Junior	Under 17	-	26,165
	at 17 years	-	31,771
Grade 1	Step 1	-	37,377
	Step 2	26	38,759
	Step 3	29	39,807
	Step 4	33	41,189
Grade 2	Step 1	36	42,338
	Step 2	39	43,543
	Step 3	43	45,188
	Step 4	46	46,320
Grade 3	Step 1	46	46,320
	Step 2	50	48,143
	Step 3	53	49,431
Grade 4	Step 1	56	50,829
	Step 2	60	52,810
	Step 3	63	54,480
Grade 5	Step 1	63	54,480
	Step 2	66	56,128
	Step 3	70	58,341
Grade 6	Step 1	73	60,041
	Step 2	76	61,801
	Step 3	80	64,250
(B) Apprentices Full-time (Weekly Rate)			Per Week
Year 1		-	374.10
Year 2		-	493.90
Year 3		-	629.30
Year 4		-	715.10

(061)

SERIAL C6725

CROWN EMPLOYEES (POLICE OFFICERS - 2008) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Police Association of New South Wales, Industrial Organisation of Employees.

(No. IRC 1004 of 2008)

Before The Honourable Mr Justice Staff

8 September 2008

VARIATION

1. Delete from clause 1, Arrangement of the award published 29 August 2008 (366 I.G. 502) the following items:

Division 7 - Leave Reserved

69. Leave Reserved

and reword existing item "Division 8 - Area, Incidence and Duration", to read as:

Division 7 - Area, Incidence and Duration

and reword existing item "70, Area, Incidence and Duration", to read as:

69. Area, Incidence and Duration

2. Insert after subclause (ii) of 37, Salaries (Detectives) the following new subclause (iii), and renumber the existing subclauses (iii) and (iv), to read as (iv) and (v) respectively.
 - (iii) Non-Commissioned Officers who are classified as Constable Level 2, Constable Level 3, Senior Constable Level 6 (more than 1 year's service on level 6) shall, as at the date of transition to the Detectives' salary scale, be entitled to their next increment 12 months for the date of transition. All other Non-Commissioned Officers who are permanently appointed as a Detective shall retain their existing increment date.

3. Delete Division 7 - Leave Reserved.

4. Renumber Division 8, Area, Incidence and Duration to read as:

Division 7 - Area, Incidence and Duration

and renumber clause 70, Area, Incidence and Duration, to read as:

69. Area, Incidence and Duration

5. This variation shall take effect on and from 1 July 2008.

C.G. STAFF J

(061)

SERIAL C6772

CROWN EMPLOYEES (POLICE OFFICERS - 2008) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Police Association of New South Wales, Industrial Organisation of Employees.

(No. IRC 1517 of 2008)

Before Commissioner Ritchie

18 September 2008

VARIATION

1. Delete Item 1 from Table 4 - Travelling Allowance of Part B, Monetary Rates of the award published 29 August 2008 (366 I.G. 502), and insert in lieu thereof the following:

Table 4 - Travelling Allowance

Item 1

Capital Cities	Per Day
	\$
Adelaide	246.30
Brisbane	299.30
Canberra	234.30
Darwin	260.30
Hobart	218.30
Melbourne	263.30
Perth	249.30
Sydney	284.30

High Cost Country Centres	Per Day
	\$
Ballarat (VIC)	217.30
Bendigo(VIC)	223.30
Broome(WA)	274.30
Burnie(TAS)	224.30
Cairns (QLD)	221.80
Carnarvon (WA)	234.30
Christmas Island (WA)	223.80
Cocos (Keeling) Island	211.30
Dampier (WA)	259.80
Derby(WA)	266.30
Devonport(TAS)	216.80
Emerald(QLD)	207.30
Exmouth(WA)	274.80
Geraldton(WA)	217.30
Gladstone (QLD)	212.30
Gold Coast(QLD)	236.30
Halls Creek(WA)	233.30
Hervey Bay (QLD)	210.80
Horn Island(QLD)	240.30
Jabiru(NT)	291.30
Kadina(SA)	208.30
Kalgoorlie(WA)	217.80

Karratha(WA)	344.80
Kununurra(WA)	248.30
Launceston(TAS)	216.80
Mackay(QLD)	213.30
Maitland(NSW)	209.30
Mount Gambier (SA)	208.30
Mount Isa(QLD)	216.30
Naracoorte(SA)	207.30
Newcastle(NSW)	217.80
Newman(WA)	251.30
Norfolk Island	209.30
Port Headland(WA)	348.30
Port Lincoln(SA)	207.30
Port Macquarie(NSW)	216.30
Thursday Island (QLD)	281.30
Warrnambool(VIC)	214.30
Weipa(QLD)	239.30
Wilpena-Pound (SA)	236.30
Wonthaggi (VIC)	223.30
Yulara (NT)	414.30
Tier 2 country centres	Per Day \$
Albany (WA)	199.45
Alice Springs (NT)	199.45
Bairnsdale (VIC)	199.45
Bathurst (NSW)	199.45
Bordertown (SA)	199.45
Bright (VIC)	199.45
Broken Hill (NSW)	199.45
Bunbury (WA)	199.45
Castlemaine (VIC)	199.45
Ceduna (SA)	199.45
Dalby (QLD)	199.45
Dubbo (NSW)	199.45
Echuca (VIC)	199.45
Esperance (WA)	199.45
Geelong (VIC)	199.45
Horsham (VIC)	199.45
Innisfail (QLD)	199.45
Orange (NSW)	199.45
Port August (SA)	199.45
Portland (VIC)	199.45
Renmark (SA)	199.45
Roma (QLD)	199.45
Seymour (VIC)	199.45
Swan Hill (VIC)	199.45
Townsville (QLD)	199.45
Wagga Wagga (NSW)	199.45
Whyalla (SA)	199.45
Wollongong (NSW)	199.45

Other country centres

\$182.45

2. Delete Item 2 of Table 4 of Part B, Monetary Rates, and insert in lieu thereof the following:

Item 2

Incidental expenses allowance - when claiming actual expenses - all locations \$15.90

3. Delete Item 3 of Table 4 of Part B, Monetary Rates and insert in lieu thereof the following:

Item 3

Meal allowances - when claiming actual expenses on overnight stays

Capital cities and high cost country centres

	\$
Breakfast	21.10
Dinner	40.65
Lunch	23.65

Tier 2 and other country centres

Breakfast	18.85
Dinner	37.15
Lunch	21.55

4. Delete Item 1 and Item 2 of Table 5 - Remote Areas - Living Allowance of Part B, Monetary Rates, and insert in lieu thereof the following:

Item 1

With Dependents Per Annum
\$

Grade A	1,659.00
Grade B	2,201.00
Grade C	2,939.00

Item 2

Without Dependents Per Annum
\$

Grade A	1,157.00
Grade B	1,543.00
Grade C	2,059.00

5. Delete Table 10 - Meal Allowances (Non-Commissioned Officers) of Part B, Monetary Rates, and insert in lieu thereof the following:

Table 10 - Meal Allowances (Non-Commissioned Officers)

Where Non-Commissioned Officers incur expense in purchasing a meal:

- (i) when they have worked more than one half hour beyond the completion of a rostered shift or
- (ii) where they have performed duty at a place where no reasonable meal facilities were available for partaking of a meal or

(iii) where they are performing escort duty and cannot carry a meal;

Breakfast	23.60
Lunch	23.60
Dinner	23.60
Supper	9.00

6. This variation shall take effect from 1 July 2008.

D.W. RITCHIE, Commissioner

Printed by the authority of the Industrial Registrar.

CROWN EMPLOYEES NURSES' (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by New South Wales Nurses' Association, Industrial Organisation of Employees.

(No. IRC 1513 of 2008)

Before Commissioner Ritchie

18 September 2008

AWARD**1. Arrangement****PART A**

Clause No.	Subject Matter
1.	Arrangement
2.	Definitions
3.	General Conditions of Employment
4.	Salary Rates
5.	Overtime
6.	Penalty Payments for Shift Work and Weekend Work
7.	Public Holidays
8.	Annual Leave
9.	Grading of Positions of Nurse Manager
10.	Dispute Resolution Procedures
11.	Anti-Discrimination
12.	Personal Carer's Leave
13.	Area, Incidence and Duration
14.	No Extra Claims
15.	Savings Clause
16.	Career Break Scheme

PART B**MONETARY RATES**

Table 1 - Salaries

PART A**2. Definitions**

Unless the context otherwise indicates or requires, the several expressions hereunder defined shall have the respective meanings assigned to them:

The "Association" means the New South Wales Nurses' Association of 43 Australia Street, Camperdown, New South Wales.

"Career Break Scheme" means a scheme where employees may apply for an option to defer twenty percent of their salary for four years, and be paid this deferred salary in the fifth year.

"Consultation" means that the employer must notify the Association of the proposal or issue in question, give the Association adequate time to consider the matter and respond to the employer, and the Association's views (where expressed) must be taken into account by the employer in arriving at a decision.

"Day Worker" means a worker who works her/his ordinary hours from Monday to Friday inclusive and who commences work on such days at or after 6.00a.m. and before 10.00a.m. otherwise than as part of the shift system.

"Employee" means for the purpose of this award, a person who holds a position for which a nursing qualification is an essential requirement and is employed as a public servant within the NSW Department of Health or in a Division of the Government Service as per Schedule 1 of the *Public Sector Employment and Management Act* where the Director General of the Department of Health is the Division Head.

Registered Nurse/Midwife, Nurse/Midwife Educator, Nurse/Midwife Manager, Nursing/Midwifery Unit Manager, Clinical Nurse/Midwife Educator, Clinical Nurse/Midwife Specialist, Clinical Nurse/Midwife Consultant and Nurse/Midwife Practitioner shall all have the same meaning as defined in the Public Health System Nurses' and Midwives' (State) Award.

"Employer" for the purposes of this award, in respect of nurses employed pursuant to the *Public Sector Employment and Management Act 2002*, is a reference to the NSW Department of Health and, in respect of public servants, is a reference to the Director of Public Employment - and any person authorised to exercise the functions of the employer on behalf of the Director of Public Employment.

"Shift Worker" means a worker who is not a day worker as defined.

3. General Conditions of Employment

Except as otherwise provided in this award:

- (a) Employees shall be entitled to, and shall observe, the conditions of employment applicable to public servants, i.e. the conditions of employment covering officers employed in organisations listed in Schedule 1 and Schedule 2 of the *Public Sector Employment and Management Act 2002* and the Regulations as contained from time to time in the *Public Service Handbook* and/or the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006* as varied from time to time.

4. Salary Rates

The minimum salaries per week to be paid to employees shall be as set out in Table 1 - Salaries of Part B, Monetary Rates.

5. Overtime

- (a) Subject to subclause (b) an employer may require an employee to work reasonable overtime.
- (b) An employee may refuse to work overtime in circumstances where the working of such overtime would result in the employee working hours which are unreasonable.
- (c) For the purpose of subclause (b) what is unreasonable or otherwise will be determined having regard to:
 - (i) the risk to the employee's health and safety;
 - (ii) the employee's personal circumstances including any family and carer responsibilities;
 - (iii) the needs of the facility;
 - (iv) the notice (if any) given by the employer of the overtime and by the employee of his or her intention to refuse it; and
 - (v) any other relevant matter.
- (d) This clause shall not apply to Nurse Managers classified at Grade 4 or above.

- (e) Overtime shall be paid for time worked in excess of 152 hours over each four weekly period provided that the performance of such overtime is authorised by the employer.
- (f) In assessing payment for authorised time worked in excess of 152 hours over each four weekly period, time should stand alone in excess of each normal shift and be calculated in accordance with subclause (g) of this clause.
- (g) Authorised overtime shall be paid at the rate of time and one half for the first two hours and double time thereafter. Provided that all authorised overtime worked on Sundays shall be paid at the rate of double time and on public holidays at the rate of double time and one half.

6. Penalty Payments for Shift Work and Weekend Work

- (a) This clause shall not apply to Nurse Managers classified at Grade 4 or above.
- (b) In addition to the rates prescribed by this award, officers authorised by the employer to perform work on a shift basis and/or weekends and public holidays shall be paid for all time other than overtime worked at the following prescribed penalty:
 - (i)
 - (1) On afternoon shift, commencing at or after 10.00 a.m. and before 1.00 p.m. at the rate of ten per cent extra.
 - (2) On afternoon shift, commencing at or after 1.00 p.m. and before 4.00 p.m. at the rate of 12 ½ per cent extra.
 - (3) On night shift, commencing at or after 4.00 p.m. and before 4.00 a.m. at the rate of 15 per cent extra.
 - (4) On night shift, commencing at or after 4.00 a.m. and before 6.00 a.m. at the rate of ten per cent extra.
 - (ii)
 - (1) Between midnight Friday and midnight Saturday at the rate of half-time extra.
 - (2) Between midnight Saturday and midnight Sunday at the rate of three-quarter time extra.
 - (3) Provided that these weekend rates in this subclause shall be in substitution for and not cumulative upon the shift penalties prescribed in subclause (i) of this clause.
 - (iii) Between midnight to the following midnight on a public holiday at the rate of half time extra in substitution for and not cumulative upon the shift premiums prescribed in subclause (i) and (ii) of this clause.

7. Public Holidays

- (a) Public holidays shall be allowed to employees on full pay. An employee who is required to and does work on a public holiday shall be paid for the time actually worked at the rate of time and one half in addition to his/her ordinary weekly rate. Such payment shall be in lieu of any additional rate for shift work or weekend work which would otherwise be payable had the day not been a public holiday. Provided that, if an employee so elects, he/she may have one day or one half day, as appropriate, added to his/her period of annual leave and be paid at the rate of one half time extra for the time actually worked.
- (b) Where a public holiday occurs on a shift worker's rostered day off, he or she shall be paid one day's pay in addition to the weekly rate or, if the employee so elects, have one day added to his or her period of annual leave.

8. Annual Leave

Nurse Managers classified at Grade 4 or above are entitled to annual leave as set out in subclause (a) to (d) of this clause. All other employees are entitled to annual leave in accordance with the provisions of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, as varied from time to time.

- (a) Twenty ordinary working days' annual leave per annum; and,
- (b) If they work on a public holiday as defined in the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, as varied from time to time:
 - (i) the provisions of clause 7, Public Holidays; or
 - (ii) by agreement between the employee and the employer, time in lieu of each public holiday or half public holiday so worked, to be taken at a time agreed between the employee and the employer.
- (c) The benefits of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, as varied from time to time, shall not apply to Nurse Managers classified at Grade 4 or above.
- (d) The employer must pay to all employees annual leave loading in accordance with the provisions of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, as varied from time to time.

9. Grading of Nurse / Midwife Manager

Grading provisions of the Public Health System Nurses' and Midwives' (State) Award apply to all positions of Nurse / Midwife Manager covered by this award.

10. Dispute Resolution Procedures

- (a) All parties must use their best endeavours to cooperate in order to avoid any grievances and/or disputes.
- (b) Where a dispute arises, regardless of whether it relates to an individual employee or to a group of employees, the matter must be discussed in the first instance by the employee(s) or the Association on behalf of the employee(s) if the employee(s) so requests and the immediate supervisor of that employee(s).
- (c) If the matter is not resolved within a reasonable time it must be referred by the employees immediate supervisor to the Chief Executive Officer of the employer (or his or her nominee) and may be referred by the employee(s) to the Association's head office. Discussions at this level must take place and be concluded within two working days of referral or such extended periods as may be agreed.
- (d) If the matter remains unresolved, the Association must then confer with the appropriate level of management, depending on the nature and extent of the matter. Discussions at this level must take place and be concluded within two working days of referral or such extended period as may be agreed.
- (e) If these procedures are exhausted without the matter being resolved, or if any of the time limits as set out in this clause are not met, either the Association or the employer may seek to have the matter mediated by an agreed third party, or the matter may be referred in accordance with the provisions of the Industrial Relations Act 1996, to the Industrial Relations Commission of New South Wales for its assistance in resolving the issue.
- (f) During these procedures normal work must continue and there must be no stoppages of work, lockouts, or any other bans or limitations on the performance of work.
- (g) The status quo before the emergence of the issue must continue whilst these procedures are being followed. For this purpose "status quo" means the work procedures and practices in place:
 - (i) immediately before the issue arose; or

- (ii) immediately before any change to those procedures or practices, which caused the issue to arise, was made.

The employer must ensure that all practices applied during the operation of these procedures are in accordance with safe working practices.

- (h) Throughout all stages of these procedures, adequate records must be kept of all discussions.
- (i) These procedures will be facilitated by the earliest possible advice by one party to the other of any issue or problem which may give rise to a grievance or dispute.

11. Anti-Discrimination

- (a) It is the intention of the parties bound by this Award 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.
- (b) It follows that in fulfilling their obligations under the dispute resolution procedure prescribed by 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 will 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.
- (c) 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.
- (d) Nothing in this clause is to be taken to affect:
 - (i) any conduct or act which is specifically exempted from anti-discrimination legislation;
 - (ii) offering or providing junior rates of pay to persons under 21 years of age;
 - (iii) any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
 - (iv) a party to this award from pursuing matters of unlawful discrimination in any State or Federal jurisdiction.
- (e) This clause does not create legal rights or obligations in addition to those imposed upon the parties by legislation referred to in this clause.

NOTES -

- (a) Employers and employees may also be subject to Commonwealth anti-discrimination legislation.
- (b) Section 56(d) of the *Anti-Discrimination Act 1977* provides:

"Nothing in this Act affects... any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion".

12. Personal Carer's Leave

The provisions of Clause 85, Sick Leave to Care for a Family member, of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, shall apply.

13. Area, Incidence and Duration

- (a) This award applies to all employees as defined in clause 2, Definitions employed as a public servant within the NSW Department of Health or in a Division of the Government Service as per Schedule 1 of the Public Sector Employment and Management Act where the Director General of the Department of Health is the Division Head.
- (b) This Award rescinds and replaces the Crown Employees Nurses' (State) Award published 14 December 2007 (364 I.G. 719) which took effect on and from 29 August 2007 and all variations thereof.
- (c) It shall take effect from 18 September 2008 and shall remain in force thereafter until 30 June 2010.

14. No Extra Claims

There shall be no further salary or conditions claims made during the term of this Award, that is, to 30 June 2010, except as provided for in the Memorandum of Understanding between the NSW Department of Health and the NSW Nurses' Association dated 4 July 2008.

15. Savings Clause

It is the intention of the parties that this award be a consolidation of the industrial instruments applicable immediately prior to the making of this Award. Unless otherwise agreed, it is not the intention of the parties that any existing conditions of employment be removed. This does not preclude any regrading of positions that may arise from job evaluation exercises.

16. Career Break Scheme

- (i) The career break scheme allows employees to defer twenty percent of their salary for four years, and be paid this deferred salary in the fifth year.
- (ii) Employees who apply and are approved to participate in the career break scheme will receive 100% of their normal salary for the first four years with a deduction equivalent to 20% of net salary (gross less tax). The 20% of net salary is deposited into an account in the employee's name each pay period for payment in the fifth year (the deferred salary leave year) and subject to applicable taxation as required by law. The employer and employee will agree in writing prior to the commencement of the career break on the specific method and conditions under which the deferred salary will be withheld.
- (iii) All full time and permanent part time employees are eligible to participate in the career break scheme. Casual and temporary employees are excluded from participation in career break scheme. If a permanent employee is placed into another position by way of temporary engagement or secondment during the four years when salary is being deferred, this will not of itself affect their continued participation in the career break scheme.
- (iv) The NSW Department of Health will call for expressions of interest from employees seeking to participate in the career break scheme once each calendar year. The timing of the invitation of applications is to be determined by the public health organisation but in any event will not be later than 31st December 2007 for the initial commencement year.
- (v) The NSW Department of Health will determine the number of employees that may participate in the career break scheme having regard to service delivery and staffing levels and reserves the right to approve or not approve requests after considering workforce needs. This will be done in consultation with employees. The NSW Department of Health will not unreasonably refuse any application by an employee to participate in the career break scheme.
- (vi) For members of the State Superannuation Scheme (SSS) the NSW Department of Health will maintain the participant's employer contributions for the full five year period at the rate applicable to a person earning full salary for each of the five years. Any required personal superannuation contributions of participants are payable at the rate applicable to 100% of salary for each of the five years.

- (vii) For members of the State Authorities Superannuation Scheme (SASS) the NSW Department of Health will maintain the participant's employer contributions for the full five year period at the rate applicable to a person earning full salary for each of the five years. Any required personal superannuation contributions of participants are payable at the rate applicable to their full salary for each of the five years.
- (viii) For members of other complying funds (eg First State Superannuation, HESTA, HIP) the NSW Department of Health will cease making employer contributions during the deferred salary leave year. The superable salary is deemed to be 100% of the participant's normal salary (both deferred and the remaining 80% paid) for each of the first four years, and superannuation employer contributions are calculated on this basis. In the deferred salary leave year no employer contributions to superannuation are payable for members of these funds.
- (ix) Employees will continue to pay all personal employee superannuation contributions whilst participating in the career break scheme. The amount of such employee contributions is determined by the superannuation scheme/fund to which the employee is contributing and personal contributions during the deferred salary leave year are payable at the rate applicable to the employee's full salary.
- (x) In the deferred salary leave year, salary packaging and payroll deductions will not be available.
- (xi) The five years of the career break scheme will count as service for the accrual of long service leave, sick leave, annual leave, salary increments and other statutory entitlements. Any leave without pay taken by an employee whilst participating in the career break scheme will not count for the purpose of accrual of any leave. For the purpose of determining the leave accrued in the fifth year of the career break scheme (i.e. the deferred salary leave year) for permanent part-time employees, the average of all hours worked (excluding overtime) in the first four years of the career break scheme and including paid leave taken will be used for the basis of making this calculation.
- (xii) If any leave without pay is taken by an employee during the first four years of the career break scheme, the commencement of the deferred salary leave year will be postponed by the time the employee was absent from duty i.e. by the number of days leave without pay taken by the employee.
- (xiii) Employees are entitled to take paid leave during the first four years of the career break scheme, subject to normal approval processes at the public health organisation. Whilst on any paid leave the employee will be paid in accordance with subclause (ii) of this clause.
- (xiv) Employees are not entitled to take any form of leave during the deferred salary leave year, with the exception of Maternity and Adoption leave. In respect to Maternity or Adoption leave, if the deferred salary year has not yet commenced, the employee may elect to postpone the deferred salary leave year until after the completion of such leave (up to 52 weeks). If the employee elects not to postpone the deferred salary leave year, they are entitled to a lump sum payment of their normal salary for the period of paid maternity/adoption leave. The paid maternity/adoption leave does not extend the deferred salary leave year.
- (xv) There will be no access to the deferred salary until the fifth year unless the employee chooses to withdraw from the career break scheme.
- (xvi) An employee may elect to withdraw from the career break scheme at any time by giving reasonable notice to the employer, and will be paid all monies in the account.
- (xvii) It is the responsibility of the employee participating in the career break scheme to declare the interest earned on the deferred salary to the Taxation Office. Normal government statutory charges attributed to an individual's deferred salary account will be paid by the employee.
- (xviii) Subject to approval by the NSW Department of Health an employee may undertake outside employment in the deferred salary leave year. During the deferred salary leave year employees are not permitted to undertake work in the NSW Department of Health in positions covered by the Award. However, this does not prevent work in the NSW Department of Health in another position not covered by the Award.

- (xix) Upon return to work after the deferred salary leave year an employee will resume employment in their substantive NSW Department of Health position at the conclusion of their participation in the career break scheme, being the anniversary date of commencing the deferred salary leave year.
- (xx) Employees are advised to seek independent financial advice about participating in the career break scheme and the effect on superannuation. Comprehensive details regarding the operation of the career break will be recorded in a written agreement between the employee and the employer, to be signed prior to the commencement of the five year period.
- (xxi) A review of the operation of this clause will occur by 30th June 2008 or a later date if agreed between the parties. That review will be undertaken by the Department of Health and the Nurses' Association and will consider any recommendations to vary the Scheme.

PART B

MONETARY RATES

Table 1 - Salaries

Classification	First full pay period commencing on or after 18/9/08 - Per Week (\$)	First full pay period commencing on or after 1/7/09 - Per Week (\$)
Registered Nurse/Midwife		
1st year	911.90	947.50
2nd year	961.60	999.10
3rd year	1,011.20	1,050.60
4th year	1,064.50	1,106.00
5th year	1,117.20	1,160.80
6th year	1,169.90	1,215.50
7th year	1,230.10	1,278.10
8th year and Thereafter	1,280.70	1,330.60
Clinical Nurse Specialist/Clinical Midwife Specialist		
Grade 1, Year 1 and Thereafter	1,332.70	1,384.70
Grade 2, Year 1	1,431.70	1,487.50
Grade 2, Year 2 and Thereafter	1,478.50	1,536.20
Clinical Nurse Educator/Clinical Midwife Educator		
Year 1	1,386.60	1,440.70
Year 2 and Thereafter	1,431.70	1,487.50
Nurse Educator/Midwife Educator		
Grade 1, Year 1	1,557.60	1,618.30
Grade 1, Year 2 and Thereafter	1,602.00	1,664.50
Employees on NE/ME 4th year as at 1/7/08	1,638.80	1,702.70
Grade 2, Year 1	1,667.20	1,732.20
Grade 2, Year 2 and Thereafter	1,700.20	1,766.50
Grade 3, Year 1	1,765.50	1,834.40
Grade 3, Year 2 and Thereafter	1,798.40	1,868.50
Nursing/Midwifery Unit Manager		
Level I	1,606.50	1,669.20
Level II	1,682.80	1,748.40
Level III	1,728.10	1,795.50

Clinical Nurse Consultant/Clinical Midwife Consultant (appointed prior to 31/12/99)	1,638.80	1,702.70
Clinical Nurse Consultant/Clinical Midwife Consultant		
Grade 1		
1st year	1,602.00	1,664.50
2nd year and Thereafter	1,634.80	1,698.60
Grade 2		
1st year	1,667.20	1,732.20
2nd year and Thereafter	1,700.20	1,766.50
Grade 3		
1st year	1,765.50	1,834.40
2nd year and Thereafter	1,798.40	1,868.50
Nurse/Midwife Practitioner		
1st year	1,765.50	1,834.40
2nd year	1,798.40	1,868.50
3rd year	1,844.30	1,916.20
4th year and Thereafter	1,890.50	1,964.20
Nurse/Midwife Manager		
Grade 1 - 1st year	1,602.00	1,664.50
Grade 1 - 2nd year and Thereafter	1,634.80	1,698.60
Grade 2 - 1st year	1,667.20	1,732.20
Grade 2 - 2nd year and Thereafter	1,700.20	1,766.50
Grade 3 - 1st year	1,765.50	1,834.40
Grade 3 - 2nd year and Thereafter	1,798.40	1,868.50
Grade 4 - 1st year	1,863.70	1,936.40
Grade 4 - 2nd year and Thereafter	1,896.30	1,970.30
Grade 5 - 1st year	1,961.40	2,037.90
Grade 5 - 2nd year and Thereafter	1,994.60	2,072.40
Grade 6 - 1st year	2,059.90	2,140.20
Grade 6 - 2nd year and Thereafter	2,092.80	2,174.40
Grade 7 - 1st year	2,223.10	2,309.80
Grade 7 - 2nd year and Thereafter	2,256.20	2,344.20
Grade 8 - 1st year	2,386.90	2,480.00
Grade 8 - 2nd year and Thereafter	2,419.40	2,513.80
Grade 9 - 1st year	2,550.10	2,649.60
Grade 9 - 2nd year and Thereafter	2,583.00	2,683.70

D.W. RITCHIE, Commissioner

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DENTAL TECHNICIANS (STATE) AWARD 2006

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1860 of 2008)

Before Commissioner Macdonald

8 October 2008

VARIATION

1. Delete subclause (v) of Clause 6, Wages of the award published 28 May 2004 (344 I.G. 630), and insert in lieu thereof the following:
 - (v) The rates of pay in this award include the adjustments payable under the State Wage Case 2008. 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 adjustment.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

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

	Current Rate \$/week	SWC 2008 Adjustment %/week	Wage Rate as from 1.12.2008 \$/week
Dental Technician			
1st year	651.00	4.0	677.00
2nd year	675.00	4.0	702.00
3rd year	701.00	4.0	729.00

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount from 1.12.2008 \$
1	9 (ii)	Meal Allowance	11.60

3. This variation shall take effect from the first pay period to commence on or after 1 December 2008.

A. MACDONALD, Commissioner

(1467)

SERIAL C6797**DIVISIONS OF GENERAL PRACTICE (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1859 of 2008)

Before Commissioner Macdonald

28 October 2008

VARIATION

1. Delete subclause (b) of clause 40, Salary Rates, of the award published 6 May 2005 (350 I.G. 972) and insert in lieu thereof the following:

- (b) Entry Level Rates

The minimum entry level rates for the six classification levels in classification system are:

Classification Level	Current Rate S/Annum	Award Variation S/Annum	Entry Level Annual Salary Rates effective 1.12.2008 (F/T equivalent) \$
	\$	\$	\$
1	32,419	1,297	33,716
2	37,684	1,507	39,191
3	43,444	1,738	45,182
4	48,959	1,958	50,917
5	60,229	2,409	62,638
6	71,494	2,860	74,354

2. This variation shall take effect from the first pay period to commence on or after 1 December 2008.

A. W. MACDONALD, Commissioner.

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**ENTERTAINMENT AND BROADCASTING INDUSTRY - FILM AND
VIDEO PRODUCTION (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Correction to Serial C6756 published 28 November 2008

(366 I.G. 1258)

(No. IRC 664 of 2008)

CORRECTION

1. For the words "PART 9 - AWARD COMPLIANCE, CONSULTATION AND ANTI DISCRIMINATION" appearing in clause 2, Arrangement, substitute the following:

PART 7 - AWARD COMPLIANCE, CONSULTATION AND ANTI DISCRIMINATION

2. For the words "PART 9 - AWARD COMPLIANCE, CONSULTATION AND ANTI DISCRIMINATION" appearing after clause 33, Compassionate Leave, substitute the following:

PART 7 - AWARD COMPLIANCE, CONSULTATION AND ANTI DISCRIMINATION

G. M. GRIMSON *Industrial Registrar.*

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(1361)

SERIAL C6758

ENTERTAINMENT AND BROADCASTING INDUSTRY - LIVE THEATRE AND CONCERT (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Review of Award pursuant to Section 19 of the *Industrial Relations Act* 1996.

(No. IRC 665 of 2008)

Before Commissioner Bishop

3 October 2008

REVIEWED AWARD

PART 1 - APPLICATION AND OPERATION OF AWARD

1. Award Title

This award will be referred to as Entertainment and Broadcasting Industry - Live Theatre and Concert (State) Award.

2. Arrangement

This award is arranged as follows:

PART 1 - APPLICATION AND OPERATION OF AWARD

Clause No.	Subject Matter
1.	Award Title
2.	Arrangement
3.	Definitions
4.	Application of Award
5.	Who is bound by this Award?
6.	Relationship with other Awards

PART 2 - AWARD FLEXIBILITY

7.	Enterprise Flexibility Provisions
8.	Index of Facilitative Provisions

PART 3 - COMMUNICATION, CONSULTATION AND DISPUTE RESOLUTION

9.	Consultation and Communication Procedures
10.	Dispute Resolution

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

11.	Employment Categories
11.1	Full Time Employees
11.2	Part Time Employees
11.3	Casual Employees
11.4	Seasonal Employees
11.5	Secure Employment
12.	Traineeships
13.	Stand Down of Employees

14. Termination of Employment
 - 14.1 Notice of Termination by Employer
 - 14.2 Notice of Termination by an Employee
 - 14.3 Time Off During Notice Period
15. Redundancy
16. Anti-Discrimination

PART 5 - WAGES AND RELATED MATTERS

17. Classifications and Wage Rates
18. Payment of Wages
19. Higher Duties
20. Allowances
 - 20.1 Tools/Equipment
 - 20.2 Laundry
 - 20.3 Shoes
 - 20.4 Uniforms/Special Costumes/Protective Clothing
 - 20.5 Transmission or Recording
21. Superannuation

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

22. Hours of Work and Time Off
 - 22.1 Weekly Employees
 - 22.2 Casual Employees
 - 22.3 Savings
23. Meal Intervals and Allowances
24. Overtime
 - 24.1 Weekly Employees
 - 24.2 Casual Employees
 - 24.3 All Employees
 - 24.4 Reasonable Overtime
25. Sundays

PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS

26. Annual Leave
 - 26.1 Annual Leave Entitlement
 - 26.2 Time of Taking Annual Leave
 - 26.3 Annual Leave Loading
 - 26.4 Public Holidays During Annual Leave
 - 26.5 Proportionate Annual Leave on Termination
 - 26.6 Conversion of Accrued Leave
27. Sick Leave
28. Bereavement Leave
29. Personal/Carer's Leave
30. Parental Leave
31. Jury Leave
32. Public Holidays
33. Leave for Consultation Meetings

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

34. Travelling
 - 34.8 Accommodation
 - 34.9 Meals
 - 34.10 Incidentals

PART 9 - MONETARY RATES

Table 1 - Rates of Pay

Table 2 - Other Rates and Allowances

Table 3 - Reimbursement of Expenses

3. Definitions

- 3.1 "Authorised officer of the MEAA" means - the Secretary, a Branch Secretary and any association representative nominated in writing by the Secretary.
- 3.2 "Commission" means - the Industrial Relations Commission of New South Wales.
- 3.3 "Double time" means - in the case of a weekly employee twice the ordinary hourly rate which is obtained by dividing the applicable rate per week by 38 hours, and in the case of an employee engaged by the hour twice the hourly casual rate.
- 3.4 "Full pay" in clause 25 - Annual leave means - the average rate the employee received for the four weeks preceding the taking of annual leave or the average rate received for the twelve months preceding such leave, whichever will be the higher. Provided that such average will be computed by taking into consideration any extra rates prescribed for night work, etc., and penalty rates for Sunday work where such work is part of the employee's normal working week of five days but excluding any amounts received by way of overtime or holiday penalty rates.
- 3.5 "MEAA" and/or "Union" means - the Media, Entertainment and Arts Alliance.
- 3.6 "Short performance" means - a performance which has a duration of 60 minutes or less.
- 3.7 "Time and a half" means - in the case of a weekly employee one and a half times the ordinary hourly rate which is obtained by dividing the applicable rate per week by 38 hours, and in the case of an employee engaged by the hour one and a half times the hourly casual rate.
- 3.8 Theatrical employee - level 1
(Relativity to classification C10 of the Metal Industry Award - 78%)
- 3.8.1 A Theatrical employee level 1 is a trainee employee who is undertaking:
- (a) 6 weeks induction training in the case of a full-time or part-time employee; or
 - (b) 228 hours induction training in the case of a casual employee.
- 3.8.2 The induction training may include information on the enterprise or production, conditions of employment, introduction of supervisors and fellow workers, training and career path opportunities, venue/workshop/plant layout, work and documentation procedures, basic theatre terminology and etiquette, occupational health and safety, equal employment opportunity and quality control/assurance.
- 3.8.3 An employee at this level performs routine duties to the level of the employees training:
- (a) works under direct supervision either individually or in a team environment;
 - (b) understands and undertakes basic quality control/assurance procedures including the ability to recognise basic quality deviations/faults;
 - (c) understands and utilises basic literacy (English) and numeracy skills.
- 3.8.4 An employee at this level will undertake training in the following indicative tasks:

- (a) safely lift and handle scenery and props and/or equipment;
- (b) uses selected hand tools;
- (c) basic packing and storing techniques;
- (d) repetition work on automatic, semiautomatic or single purpose machines or equipment;
- (e) maintains simple records;
- (f) uses hand trolleys and pallet trucks;
- (g) apply and comprehend basic theatre terminology and etiquette;
- (h) performs general labouring and cleaning duties;
- (i) communicate and interact effectively with staff;
- (j) effective customer/client service.

3.9 Theatrical employee - level 2

(Relativity to classification C10 of the Metal Industry Award - 90%)

3.9.1 A Theatrical employee level 2 is an employee who has completed the Level 1 induction training or possesses other equivalent experience so as to enable them to perform work within the scope of this level.

3.9.2 An employee at this level performs work above and beyond the skills of a Level 1 employee and to the level of the employee's training:

- (a) is responsible for the quality of the work allocated to the employee subject to routine supervision;
- (b) works under routine supervision either individually or in a team environment on a limited range of tasks;
- (c) exercises discretion within the employees' level of skills and training;
- (d) makes decisions in regard to routine matters.

3.9.3 Indicative of the tasks which an employee at this level may perform, are the following:

- (a) operates flexibly between work areas;
- (b) operates machinery and equipment within the employees' level of skill and training;
- (c) operates mobile equipment including fork-lifts, overhead cranes, tallescopes and winch operation;
- (d) ability to measure accurately;
- (e) safely lift and handle scenery and props and/or equipment;
- (f) receive, dispatch, distribute, sort, check, pack, document and record goods, materials and components;
- (g) basic keyboard skills;

- (h) telephonist, receptionist, cashier and information services duties;
- (i) laundry and/or dry-cleaning duties;
- (j) intermediate sewing skills and fabric knowledge, whether machine or non- machine, and knowledge of dying fabrics;
- (k) cleaning duties using specialised equipment and chemicals;
- (l) ushering, ticket taking, program/concession selling and food and beverage sales;
- (m) applies theatre terminology and etiquette;
- (n) painting and art finishing;
- (o) dressing;
- (p) costume decoration.

3.10 Theatrical employee - level 3

(Relativity to classification C10 of the Metal Industry Award - 95%)

3.10.1 A Theatrical employee level 3 is an employee who applies knowledge and skills so as to enable that employee to perform work within the scope of this level and may possess a sub-trade certificate.

3.10.2 An employee at this level performs work above and beyond the skills of an employee at level 2 and to the level of the employees' training:

- (a) solves straightforward problems using readily available information;
- (b) works to complex instructions and procedures;
- (c) as a team member organises allocated materials and equipment in an efficient and effective manner or works individually under general supervision;
- (d) is responsible for the work undertaken;
- (e) assists in the provision of on-the-job training to a limited degree.

3.10.3 Indicative of the tasks which an employee at this level may perform, are as follows:

- (a) uses precision measuring instruments;
- (b) machine setting, loading and operation;
- (c) rigging (certificated);
- (d) pyrotechnics (certificated and licensed);
- (e) welding which requires the exercise of knowledge and skills above level 2;
- (f) inventory and store control including:
 - (i) licensed operation of all appropriate materials/handling equipment;
 - (ii) use of tools and equipment within the scope (basic non-trades) maintenance;

- (iii) computer operation at a higher level than that of an employee at level 2;
- (g) intermediate keyboard skills;
- (h) performs basic quality checks on the work of others;
- (i) licensed and certificated for fork-lift, engine driving and crane driving operations to a higher level than level 2;
- (j) Stage door duties;
- (k) sewing and cutting skills and fabric knowledge, whether machine or non-machine at a level higher than level 2;
- (l) advanced lifting and scene/props handling skills;
- (m) scenery, building and prop construction techniques above level 2.

3.11 Theatrical employee - level 4

(Relativity to classification C10 of the Metal Industry Award - 105%)

3.11.1 A Theatrical employee level 4 is an employee who holds a trade certificate in a relevant discipline and is able to exercise the skill and knowledge of that trade or an employee who has acquired the equivalent experience from on-the-job training in relevant theatrical discipline (/s).

3.11.2 An employee at this level works above and beyond an employee at level 3 and to the level of the employee's training:

- (a) understands and applies quality control techniques;
- (b) exercises good interpersonal and communications skills;
- (c) exercises keyboard skills at a higher level than level 3;
- (d) exercises discretion within the scope of this grade;
- (e) performs work under limited supervision either individually or in a team environment;
- (f) able to inspect products and/or materials for conformity with established operational standards;
- (g) operates all lifting equipment incidental to the employees' work.

3.11.3 Indicative of the tasks which an employee at this level may perform, are as follows:

- (a) works from production drawings, prints or plans;
- (b) operates, maintains, sets-up and adjusts all facility and production equipment, including trade construction processes such as set/prop/electrical making;
- (c) assists in the provision of on-the-job training;
- (d) a fully multi skilled cutter/tailor/milliner/wigmaker who is required to perform any of the operations involved in the making of a complex whole garment to specifications;
- (e) has an advanced understanding of theatre terminology, etiquette and theatre craft;
- (f) perform a range of engineering maintenance functions;

3.12 Theatrical employee - level 5

(Relativity to classification C10 of the Metal Industry Award - 110%)

- 3.12.1 A Theatrical employee level 5 is an employee who holds a trade certificate or equivalent experience and has acquired specialist knowledge of a variety of procedures and/or techniques gained by additional training or experience in the theatre industry.
- 3.12.2 A Theatrical employee level 5 is required to work above and beyond a tradesperson at level 4 and to the level of the employee's training:
- (a) exercises discretion within the scope of this grade;
 - (b) works under minimal supervision either as an individual or part of a team or as a team leader;
 - (c) understands and implements quality control techniques;
 - (d) provides trade guidance and assistance as part of a work team;
 - (e) responsible for providing training in conjunction with trainers;
- 3.12.3 Indicative of the tasks which an employee at this level may perform, are as follows:
- (a) indicative tasks for level 4 employee;
 - (b) interprets detailed instructions and procedures for others;
 - (c) insures quality standards are met through consistency, timeliness, correctly following procedures, and responsiveness to the client's needs;
 - (d) readily adapts to change in work procedures and associated technologies;
 - (e) may use innovation to resolve issues which impact on own work area.

3.13 Theatrical employee - level 6

(Relativity to classification C10 of the Metal Industry Award - 120%)

- 3.13.1 A Theatrical employee level 6 is an employee who holds a trade certificate or equivalent experience together with a relevant Post Trade Certificate or the equivalent skill and competence acquired through a significant period of professional experience in the theatre industry.
- 3.13.2 A Theatrical employee level 6 is required to work above and beyond a level 5 employee and to the level of the employee's training:
- (a) understands and implements quality control techniques;
 - (b) exercises discretion within the scope of this grade;
 - (c) provides overall supervision and co-ordination of resources and individuals and/or work teams within areas of responsibility;
 - (d) plans for and arranges training in procedural, technological change and systems for staff in the area of responsibility;

- (e) effectively handles work that is characterised by occasional peak periods and simultaneous handling of a variety of tasks, usually within one discipline, and with significant interruptions;
- (f) determines priorities and monitors performance for own and teams work, to ensure the efficient and effective use of allocated resources;
- (g) demonstrates accountability and responsibility for enabling the achievement of business goals within budgetary guidelines.

3.13.3 The following indicative tasks which an employee at this level may perform are subject to the employee having appropriate trade and post trade training or equivalent experience to enable that employee to perform the particular indicative tasks:

- (a) demonstrates sound communication and/or liaison skills;
- (b) demonstrates a good knowledge of relevant terminology;
- (c) interprets and conveys instructions and procedures;
- (d) reliably represents the work unit;
- (e) required to use innovation to resolve issues which impact on own work area;
- (f) accountable for insuring overall quality standards are met through the importance of consistency, timeliness, correctly following procedures, and responsiveness to the needs of the client;
- (g) accountable for the selection and recruitment of staff;
- (h) assesses work performance of staff;
- (i) responsible for occupational, health and safety.

3.14 Theatrical employee - level 7

(Relativity to classification C10 of the Metal Industry Award - 130%)

3.14.1 A Theatrical employee level 7 is an employee who has obtained a relevant tertiary qualification together with extensive theatrical experience or equivalent skill and competence acquired through extensive theatrical experience.

3.14.2 In addition to the competencies and tasks performed by a level 6 employee, a Theatrical employee level 7 works to the level of the employee's training:

- (a) demonstrates effective and efficient use of production and/or organisational resources, by planning, implementing and monitoring achievement of objectives.
- (b) responsible for the creating and maintaining of a high level of team work and co-operation and contributes to the overall good management of a production.
- (c) co-ordinates and controls either the overall performance activities or a variety of related disciplines.

3.14.3 The following indicative tasks which an employee at this level may perform are subject to the employee having appropriate trade and post trade training or equivalent experience to enable the employee to perform the particular indicative tasks:

- (a) provides advice and guidance to staff, management and clients;
 - (b) prepares correspondence, guidelines and reports;
 - (c) demonstrates superior communication and/or liaison skills;
 - (d) demonstrates superior knowledge of relevant terminology;
 - (e) reliably represents the work unit;
 - (f) responsible for creative planning and the achievement of design standards;
 - (g) recognises the importance of consistency, timeliness, correctly following procedures, and responsiveness to the client's needs;
 - (h) demonstrates accountability and responsibility for enabling the achievement of business goals within budgetary guidelines.
- 3.15 "Suitable accommodation" means single room modern motel or serviced apartment accommodation with private facilities.
- 3.16 "Serviced apartment" means an apartment with cooking facilities for which clean linen is supplied once per week and the apartment cleaned at least once per week at the employer's cost.
- 3.17 "Local show" means a show specified as such by the employer where the production is scheduled to take place in one location only.
- 3.18 "Live theatre and concert industry services" means work performed in or in connection with any form of live entertainment, sound recording (other than recording studios) or rehearsals and may include plays, musicals, variety, live concerts, dancing, retail centres, theatre restaurants, dance halls, circuses, carnivals, karaoke and ticketing agencies. It excludes the work of a performer.
- 3.19 "Weekly employee" and "Engaged by the week", respectively, shall, subject to the operation of clause 12.2.6, mean full-time and part-time employee or employment as the case may be.

4. Application of Award

This award will apply throughout the state of New South Wales.

5. Who is Bound By This Award?

- 5.1 This award shall apply to all persons employed within the classifications in this award, to provide live theatre and concert industry services (as defined), throughout the state.
- 5.2 The following are exempt from the provisions of this award:
- 5.2.1 Registered clubs, hotels and restaurants (excluding theatre restaurants) and all work covered by the Restaurant, & c., Employees (State) Award published 19 January 2001 (321 I.G. 759), as varied. Employees who are classified and engaged under the following awards:

Canteen, & c., Workers (State) Award published 17 March 2000 (314 I.G. 155), Caterers Employees (State) Award published 13 July 2001 (326 I.G. 78), as varied; Cleaning and Building Services Contractors (State) Award published 29 August 2003 (341 I.G. 173), as varied; Club Employees (State) Award published 26 November 2004 (347 I.G. 431), as varied; Club Managers' (State) Award 2006 published 24 February 2006 (357 I.G. 501), as varied; Hotel Employees (State) Award published 10 May 2002 (333 I.G. 317), as varied; Miscellaneous Workers' - General Services (State) Award published 8 December 2000 (320 I.G. 1078), as varied; Musicians (Live Performance) (State) Consolidated Award published 7 December 2001 (330 I.G. 116), as varied; Retail Services Employees (State) Award published 5 October 2001 (328 I.G. 261), as varied; Security Industry (State) Award published 5 November 2001 (329 I.G. 1), as varied; Shop Employees (State)

Award published 18 May 2001 (324 I.G. 935), as varied; Theatre Managers (State) Award published 24 November 2000 (320 I.G. 543), as varied; Theatrical Employees Recreation and Leisure Industry (State) Award published 13 October 2000 (319 I.G. 406), as varied; Exhibition Industry (State) Award published 6 October 2000 (319 I.G. 1), as varied;

5.2.2 Wollongong Entertainment Centre.

5.2.3 All persons excluding performers directly employed by the relevant operators in operational, maintenance and administrative functions at the Homebush Bay Olympic games sporting and recreation complexes, ticketing agencies operating out of venues or industries covered by the AWU in the memorandum of understanding between the AWU, ALHMWU and the MEAA.

6. Relationship With Other Awards

- 6.1 This award is made following a review under section 19 of the *Industrial Relations Act* 1996 and rescinds and replaces the Entertainment and Broadcasting Industry - Live Theatre and Concert (State) Award published 12 August 2005 (353 I.G. 73), as varied.
- 6.2 The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act* 1996 and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of New South Wales on 28 April 1999 (310 I.G. 359) take effect on and from 3 October 2008.
- 6.3 This award remains in force until varied or rescinded, the period for which it was made having already expired.

PART 2

AWARD FLEXIBILITY

7. Enterprise Flexibility Provision

See Chapter 2 of Part 2 of the *Industrial Relations Act* 1996.

8. Index of Facilitative Provisions

- 8.1 A facilitative provision is one which provides that the standard approach in an award provision may be departed from by agreement between an individual employer and the Union and/or employee, or the majority of employees, in the enterprise or workplace concerned.
- 8.2 Facilitative provisions in this award are contained in the following clauses: Clause title Clause number
Part time employees - hours of work 11.2, Payment of wages 18 Hours of work, 22.1.6(a) Meal intervals and allowances 23.3.1 Public Holidays 32.6.1

PART 3

COMMUNICATION, CONSULTATION AND DISPUTE RESOLUTION

9. Consultation and Communication Procedures

- 9.1 At each enterprise covered by this award the employer and employees and, if appropriate an appropriate representative including the union bound by this award, may establish a mechanism and procedures which enables them to communicate and consult about matters arising out of this award.
- 9.2 The employer may permit a notice board to be erected in the workshop, theatre, hall or other place of amusement, to facilitate communication between employees and/or their union representatives.
- 9.3 This award will be exhibited by each employer in accordance with section 361 of the *Industrial Relations Act* 1996.

10. Dispute Resolution

- 10.1 Subject to the rights of the parties to notify any dispute to the Industrial Relations Commission at any time, any dispute arising from work performed under this award will be dealt with as follows:
- 10.1.1 As soon as practicable after the dispute or claim has arisen, the employee/s concerned will take up the matter with their immediate supervisor affording them the opportunity to remedy the cause of the dispute;
- 10.1.2 Where any such attempt at settlement has failed to achieve a satisfactory resolution, or where the matter in dispute is of such a nature that direct discussions between the employee/s and their immediate supervisor are inappropriate, the employee/s may notify a duly authorised representative of MEAA or other employee representative who will take up the matter with the employer or their representative;
- 10.2 If the matter is not then satisfactorily resolved the matter will be submitted to the Commission for settlement.

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

11. Employment Categories

11.1 Full-time employees

A full-time employee will be engaged by the week and subject to the provisions of clause 22 - Hours of work and time off will work 38 ordinary hours per week.

11.2 Part-time employees

11.2.1 A part-time employee will mean an employee engaged by the week and will work an agreed usual number of ordinary hours less than 38 each week.

11.2.2 A part-time employee working ordinary time will be paid per hour 1/38th of the weekly wage prescribed by this award for the level of work performed.

11.2.3 A part-time employee who by agreement works more than the agreed usual number of ordinary hours in any week will be paid at her or his ordinary rate of pay, subject always to the payment of any penalty or overtime payments as provided by this award.

11.2.4 A part-time employee who performs work in excess of the ordinary hours for a full time employee as prescribed in 22 - Hours of work and time off, will be paid at overtime rates in accordance with the provisions of 24 - Overtime.

11.2.5 The minimum time worked for each period of work will be not less than four consecutive hours for which a weekly employee is rostered.

11.2.6 In addition to other award entitlements a part-time employee will receive pro rata annual leave, sick leave and public holiday entitlements.

11.3 Casual employees

11.3.1 A casual employee is engaged by the hour for a minimum of 4 consecutive hours. The employment of a casual employee may be terminated without notice by either the employee or employer subject to the payment of the minimum amount of wages and subject to the employee working the time covered by the payment of such wages.

11.3.2 The appropriate per hour rate for casual employees is calculated by dividing the rate per week, as specified in 17 - Classifications and wage rates, for the relevant classification level by 38 and adding a 20 per cent loading on such hourly rates so calculated.

11.4 Seasonal employees

11.4.1 A seasonal employee will mean a weekly employee engaged either as full time or part time on a fixed term contract.

11.4.2 The duration of a seasonal contract will be determined in advance by agreement and the following provisions will apply:

- (a) The contract may be renewed as often and for such time periods as agreed between the employer and employee.
- (b) Conditions of employment will be those applying to weekly employees covered by this award.
- (c) Where a new contract is offered and taken up immediately after the expiry of a previous contract, employment is treated as if it was continuous for entitlement purposes.
- (d) Seasonal employees whose engagement is terminated with less than six (6) months service are paid on termination, 15.2 hours pay for each month of service. Annual leave of 76 hours is granted after six months employment. Thereafter, annual leave accrues at the rate of 152 hours per annum.
- (e) Sick leave will be granted and will accumulate in accordance with 27 - Sick Leave, for the whole of the contract period.
- (f) Other leave provisions including but not limited to Jury Leave will apply in accordance with the relevant award provisions for the duration of the contract period.

11.5 Secure Employment

(a) Objective of this Clause

The objective of this clause is for the employer to take all reasonable steps to provide its employees with secure employment by maximising the number of permanent positions in the employer's workforce, in particular by ensuring that casual employees have an opportunity to elect to become full-time or part-time employees.

(b) Casual Conversion

- (i) A casual employee engaged by a particular employer on a regular and systematic basis for a sequence of periods of employment under this Award during a calendar period of six months shall thereafter have the right to elect to have his or her ongoing contract of employment converted to permanent full-time employment or part-time employment if the employment is to continue beyond the conversion process prescribed by this subclause.
- (ii) Every employer of such a casual employee shall give the employee notice in writing of the provisions of this sub clause within four weeks of the employee having attained such period of six months. However, the employee retains his or her right of election under this subclause if the employer fails to comply with this notice requirement.
- (iii) Any casual employee who has a right to elect under paragraph (b)(i), upon receiving notice under paragraph (b) (ii) or after the expiry of the time for giving such notice, may give four weeks' notice in writing to the employer that he or she seeks to elect to convert his or her ongoing contract of employment to full-time or part-time employment, and within four weeks of receiving such notice from the employee, the employer shall consent

to or refuse the election, but shall not unreasonably so refuse. Where an employer refuses an election to convert, the reasons for doing so shall be fully stated and discussed with the employee concerned, and a genuine attempt shall be made to reach agreement. Any dispute about a refusal of an election to convert an ongoing contract of employment shall be dealt with as far as practicable and with expedition through the disputes settlement procedure.

- (iv) Any casual employee who does not, within four weeks of receiving written notice from the employer, elect to convert his or her ongoing contract of employment to full-time employment or part-time employment will be deemed to have elected against any such conversion.
- (v) Once a casual employee has elected to become and been converted to a full-time employee or a part-time employee, the employee may only revert to casual employment by written agreement with the employer.
- (vi) If a casual employee has elected to have his or her contract of employment converted to full-time or part-time employment in accordance with paragraph (b)(iii), the employer and employee shall, in accordance with this paragraph, and subject to paragraph (b)(iii), discuss and agree upon:
 - (1) whether the employee will convert to full-time or part-time employment; and
 - (2) if it is agreed that the employee will become a part-time employee, the number of hours and the pattern of hours that will be worked either consistent with any other part-time employment provisions of this award or pursuant to a part time work agreement made under Chapter 2, Part 5 of the *Industrial Relations Act 1996* (NSW);

Provided that an employee who has worked on a full-time basis throughout the period of casual employment has the right to elect to convert his or her contract of employment to full-time employment and an employee who has worked on a part-time basis during the period of casual employment has the right to elect to convert his or her contract of employment to part-time employment, on the basis of the same number of hours and times of work as previously worked, unless other arrangements are agreed between the employer and the employee.

- (vii) Following an agreement being reached pursuant to paragraph (vi) the employee shall convert to full-time or part-time employment. If there is any dispute about the arrangements to apply to an employee converting from casual employment to full-time or part-time employment, it shall be dealt with as far as practicable and with expedition through the disputes settlement procedure.
 - (viii) An employee must not be engaged and re-engaged, dismissed or replaced in order to avoid any obligation under this subclause.
- (c) Occupational Health and Safety
- (i) For the purposes of this subclause, the following definitions shall apply:
 - (1) A "labour hire 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 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.
 - (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.

- (ii) Any employer which engages a labour hire business and/or a contract business to perform work wholly or partially on the employer's premises shall do the following (either directly, or through the agency of the labour hire or contract business):
- (1) consult with employees of the labour hire business and/or contract business regarding the workplace occupational health and safety consultative arrangements;
 - (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;
 - (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
 - (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.
- (iii) Nothing in this subclause (c) 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*.
- (d) 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.

- (e) 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 established by the ANTA Ministerial Council.

12. Traineeships

As to traineeships for persons covered by this award, see the Training Wage (State) Award 2002 published 26 September 2003 (341 I.G. 569) or any successor thereto.

13. Stand Down of Employees

- 13.1 Despite anything contained in the award, an employer may deduct payment of wages for any day on which an employee cannot be usefully employed because of:
- 13.1.1 any strike;
 - 13.1.2 any breakdown of machinery; or
 - 13.1.3 any stoppage of work for which the employer is not responsible.

14. Termination of Employment

14.1 Notice of termination by employer

14.1.1 In order to terminate the employment of an employee the employer will give to the employee the following notice:

Period of Continuous Service	Period of Notice
Less than 1 year	1 week
1 year and less than 3 years	2 weeks
3 years and less than 5 years	3 weeks
5 years and over	4 weeks

14.1.2 In addition to this notice, employees over 45 years of age at the time of the giving of the notice with not less than two years continuous service, are entitled to an additional week's notice.

14.1.3 Payment in lieu of the notice will be made if the appropriate notice period is not required to be worked. Employment may be terminated by the employee part of the required period of notice and by the employer making payment for the remainder of the period of notice.

14.1.4 In calculating any payment in lieu of notice, the wages an employee would have received in respect of the ordinary time he/she would have worked during the period of notice had his or her employment not been terminated will be used.

14.1.5 The period of notice in this clause, will not apply in the case of dismissal for conduct that justifies instant dismissal, including inefficiency within the first fourteen days, neglect of duty or in the case of casual employees or employees engaged for a specific period of time or for a specific task or tasks.

14.2 Notice of termination by an employee

14.2.1 The notice of termination required to be given by an employee is the same as that required of an employer. However, there is no requirement on the employee to give additional notice based on the age of the employee concerned.

14.2.2 If an employee fails to give notice the employer has the right to withhold monies due to the employee to a maximum amount equal to the ordinary time rate of pay for the period of notice.

14.3 Time off during notice period

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

15. Redundancy

(A) Application -

- (i) This clause shall apply in respect of full-time and part-time persons employed under this award.
- (ii) This clause shall only apply to employers who employ 15 or more employees immediately prior to the termination of employment of employees.
- (iii) Notwithstanding anything contained elsewhere in this award, this award shall not apply to employees with less than one year's continuous service, and the general obligation on employers shall be no more than to give such employees an indication of the impending redundancy at the first reasonable opportunity, and to take such steps as may be reasonable to facilitate the obtaining by the employees of suitable alternative employment.

- (iv) Notwithstanding anything contained elsewhere in this award, this award shall not apply where employment is terminated as a consequence of conduct that justifies instant dismissal, including malingering, inefficiency, or neglect of duty or in the case of casual employees, apprentices or employees engaged for a specific period of time or for a specified task or tasks or where employment is terminated due to the ordinary and customary turnover of labour.

(B) Introduction of Change -

(i) Employer's duty to notify -

- (a) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer shall notify the employees who may be affected by the proposed changes and the union to which they belong.
- (b) "Significant effects" include termination of employment, major changes in the composition, operation or size of the employer's workforce or in the skills required, the elimination or diminution of job opportunities, promotion opportunities or job tenure, the alteration of hours of work, the need for retraining or transfer of employees to other work or locations and the restructuring of jobs.

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

(ii) Employer's duty to discuss change -

- (a) The employer shall discuss with the employees affected and the union to which they belong, inter alia, the introduction of the changes referred to in paragraph (i) of this subclause, the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees, and shall give prompt consideration to matters raised by the employees and/or the union in relation to the changes.
- (b) The discussion shall commence as early as possible after a definite decision has been made by the employer to make the changes referred to in the said paragraph (i) of this subclause.
- (c) For the purpose of such discussion, the employer shall provide to the employees concerned and the union to which they belong all relevant information about the changes, including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees; provided that any employer shall not be required to disclose confidential information the disclosure of which would adversely affect the employer.

(C) Redundancy - Discussions before terminations -

- (a) Where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to be done by anyone pursuant to subparagraph (a) of paragraph (i) of subclause (B), Introduction of Change, of this clause, and that decision may lead to the termination of employment, the employer shall hold discussions with the employees directly affected and with the union to which they belong.
- (b) The discussions shall take place as soon as practicable after the employer has made a definite decision which will invoke the provision of paragraph (a) of this subclause, and shall cover, inter alia, any reasons for the proposed termination, measures to avoid or minimise the terminations and measures to mitigate any adverse effects of any termination on the employees concerned.
- (c) For the purpose of the discussion the employer shall, as soon as practicable, provide to the employees concerned and the union to which they belong all relevant information about the

proposed terminations, including the reasons for the proposed terminations, the number and categories of employees likely to be affected, and the number of employees normally employed and the period over which the terminations are likely to be carried out. Provided that any employer shall not be required to disclose confidential information the disclosure of which would adversely affect the employer.

(D) Termination of Employment -

(i) Notice for changes in production, programme, organization or structure - This subclause sets out the notice provisions to be applied to terminations by the employer for reasons arising from production, programme, organisation or structure, in accordance with subparagraph (a) of paragraph (i) of subclause (B), Introduction of Change, of this clause.

(a) In order to terminate the employment of an employee, the employer shall give to the employee the following notice:

Period of Continuous	Service Period of Notice
Less than 1 year	1 week
1 year and less than 3 years	2 weeks
3 years and less than 5 years	3 weeks
5 years and over	4 weeks

(b) In addition to the notice above, employees over 45 years of age at the time of the giving of the notice, with not less than two years continuous service, shall be entitled to an additional week's notice.

(c) Payment in lieu of the notice above shall be made if the appropriate notice period is not given. Provided that employment may be terminated by part of the period of notice specified and part-payment in lieu thereof.

(ii) Notice for technological change - This subclause sets out the notice provisions to be applied to terminations by the employer for reasons arising from technology in accordance with subparagraph (a) of paragraph (i) of subclause (B), Introduction of Change, of this clause.

(a) In order to terminate the employment of an employee, the employer shall give to the employee three months notice of termination.

(b) Payment in lieu of the notice above shall be made if the appropriate notice period is not given. Provided that employment shall be terminated by part of the period of notice specified and part payment in lieu thereof.

The period of notice required by this subclause to be given shall be deemed to be service with the employer for the purposes of the *Long Service Leave Act 1955*, the *Annual Holidays Act 1944*, or any Act amending or replacing either of these Acts.

(iii) Time off during the notice period -

(a) During the period of notice of termination given by the employer, an employee shall be allowed up to one day's time off without loss of pay during each week of notice, to a maximum of five weeks, for the purposes of seeking other employment.

(b) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee shall, at the request of the employer, be required to produce proof of attendance at an interview or the employee shall not receive payment for the time absent.

(iv) Employee leaving during the notice period - If the employment of an employee is terminated (other than for misconduct) before the notice period expires, the employee shall be entitled to the

same benefits and payments under this clause to which the employee would have been entitled had the employee remained with the employer until the expiry of such notice. Provided that in such circumstance the employee shall not be entitled to payment in lieu of notice.

- (v) Statement of employment - The employer shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee a written statement specifying the period of the employee's employment and the classification of or type of work performed by the employee.
- (vi) Notice to Centrelink - Where a decision has been made to terminate employees, the employer shall notify Centrelink thereof as soon as possible, giving relevant information, including the number and categories of the employees likely to be affected and the period over which the terminations are intended to be carried out.
- (vii) Centrelink Separation Certificate - The employer shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee an Employment Separation Certificate in the form required by Centrelink.
- (viii) Transfer to lower-paid duties - Where an employee is transferred to lower-paid duties for reasons set out in paragraph (i) of the said subclause (B), the employee shall be entitled to the same period of notice of transfer as the employee would have been entitled to if the employee's employment had been terminated, and the employer may, at the employer's option, make payment in lieu thereof of an amount equal to the difference between the former ordinary-time rate of pay and the new ordinary-time rates for the number of weeks of notice still owing.

(E) Severance Pay -

- (i) Where the employment of an employee is to be terminated pursuant to subclause (D), Termination of Employment, of this clause, subject to further order of the Industrial Relations Commission of New South Wales the employer shall pay the employee the following severance pay in respect of a continuous period of service:

- (a) If an employee is under 45 years of age, the employer shall pay in accordance with the following scale:

Years of Service	Under 45 Years of Age Entitlement
Less than 1 year	Nil
1 year and less than 2 years	4 weeks
2 years and less than 3 years	7 weeks
3 years and less than 4 years	10 weeks
4 years and less than 5 years	12 weeks
5 years and less than 6 years	14 weeks
6 years and over	16 weeks

- (b) Where an employee is 45 years old or over, the entitlement shall be in accordance with the following scale:

Years of Service	45 Years of Age and Over Entitlement
Less than 1 year	Nil
1 year and less than 2 years	5 weeks
2 years and less than 3 years	8.75 weeks
3 years and less than 4 years	12.5 weeks
4 years and less than 5 years	15 weeks
5 years and less than 6 years	17.5 weeks
6 years and over	20 weeks

- (c) "Week s pay" means the all-purpose rate for the employee concerned at the date of termination and shall include, in addition to the ordinary rate of pay, over award payments, shift penalties and allowances paid in accordance with clauses 19, Higher Duties, 17, Classifications and Wage Rates, 26, Annual Leave, 34, Travelling, 20, Allowances, and 24, Overtime.
- (ii) Incapacity to pay - Subject to an application by the employer and further order of the Industrial Relations Commission of New South Wales, an employer may pay a lesser amount (or no amount) of severance pay than that contained in paragraph (i) of this subclause.
- The Commission shall have regard to such financial and other resources of the employer concerned as the Commission thinks relevant, and the probable effect paying the amount of severance pay in the said paragraph (i) will have on the employer.
- (iii) Alternative employment - Subject to an application by the employer and further order of the Commission, an employer may pay a lesser amount (or no amount) of severance pay than that contained in the said paragraph (i) if the employer obtains acceptable alternative employment for an employee.
- (F) Savings Clause - Nothing in this award shall be construed so as to require the reduction or alteration of more advantageous benefits or conditions which an employee may be entitled to under any existing redundancy arrangement, taken as a whole, between the industrial organisation of employees and any employer bound by this award.

16. Anti-Discrimination

- (1) It is the intention of the parties bound by this award 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.
- (2) It follows that in fulfilling their obligations under the dispute resolution procedure prescribed by 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 will 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.
- (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.
- (4) Nothing in this clause is to be taken to affect:
- (a) any conduct or act which is specifically exempted from anti-discrimination legislation;
 - (b) offering or providing junior rates of pay to persons under 21 years of age;
 - (c) any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
 - (d) a party to this award from pursuing matters of unlawful discrimination in any State or federal jurisdiction.
- (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.

NOTES

- (a) Employers and employees may also be subject to Commonwealth anti-discrimination legislation.

- (b) Section 56(d) of the *Anti-Discrimination Act 1977* provides:

"Nothing in the Act affects..... any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion."

PART 5 - WAGES AND RELATED MATTERS

17. Classifications and Wage Rates

- 17.1 The minimum weekly rates of pay to be paid to an employee are set out in Table 1 - Rates of Pay, of Part 9 - Monetary Rates of this award for the relevant classification level.
- 17.2 Notwithstanding an employee may be engaged and paid for work performed at a particular level, such engagement does not prevent the employee undertaking duties prescribed for lower classification levels during such engagement.
- 17.3 The rates of pay in this award include the adjustments payable under the State Wage Case of 2005, 2006, 2007, 2008. 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 rates adjustments.
- 17.4 Over-award payment is defined as the amount (whether it be termed over-award payment or by any other term whatsoever) of any payment made to an employee and which was not made in order to comply with this award.

18. Payment of Wages

All moneys due to an employee will be made available for payment within 48 hours of the conclusion of the employers pay week, or, in exceptional circumstances, at a time to be mutually agreed upon between the employee and the employer. Provided that if the employee does not present themselves for the payment at that time, it may be deferred until the following day.

19. Higher Duties

Where an employee is required to work on duties, the prescribed rate of pay for which is higher than for the employee's ordinary duty, the employee will be paid for the time so worked at the higher rate with a minimum payment at such rate as for three and a half hours.

20. Allowances

20.1 Tools/Equipment

- 20.1.1 The employer will pay an allowance per week as set out in Item 1 of Table 2 - Other Rates and Allowances of Part 9 - Monetary Rates of this Award to Heads of departments required to supply their own tools. Other employees required to supply basic tools (limited to hammer, brace/punch driver and wrench), will be paid an allowance cents per day as set out in Item 2 of the said Table 2.
- 20.1.2 Employees will be reimbursed the cost of all mechanical property or light requirements including torches. Provided that such reimbursement will not be payable where the employer provides all mechanical property or light requirements including torches.

20.2 Laundry

The employer will pay a weekly employee an allowance per week as set out in Item 3 of the said Table 2 for blouses and shirts and an amount per week as set out in Item 4 of the said Table 2 for other garments where uniforms are not laundered by the employer. For other than weekly employees a laundry allowance per day as set out in Item 5 of the said Table 2 will be paid up to a maximum amount per week as set out in Item 6 of the said Table 2.

20.3 Shoes

The employer will pay a front of house employee an allowance per day as set out in Item 7 of the said Table 2 up to a maximum amount per week as set out in Item 8 of the said Table 2 where the employee is required to wear shoes of a colour other than black.

20.4 Uniforms/Special costumes/Protective Clothing

20.4.1 The employer will pay an employee who is required to wear a costume or uniform more unusual than is reasonably necessary for the performance of his or her work, an allowance of

- (a) if engaged by the week - an amount per week as set out in Item 9 of the said Table 2
- (b) if engaged other than by the week - an amount per performance as set out in Item 10 of the said Table 2.

20.4.2 If any question arises as to whether such costume or uniform is so more unusual, it will be dealt with in accordance with clause 11, Dispute Resolution.

20.4.3 An employee will be reimbursed the cost of any special uniforms or staff dresses required to be worn. Provided that such reimbursement will not be payable where the employer provides the special uniforms or staff dresses.

20.4.4 An employee will be reimbursed the cost of dry cleaning and laundering suitable protective clothing for electricians, utility men, cleaners and maintenance men if requested by an employee. Provided that such reimbursement will not be payable where the employer provides and cleans the protective clothing.

20.5 Transmission or recording

20.5.1 Where a performance is to be recorded or transmitted by any means, including but not limited to radio or television transmission or film, video or audio recording, and whether transmitted live or recorded for later transmission, exhibition, distribution or sale, all production employees who perform work on that performance will receive an allowance (recording allowance) as set out in Item 11 of the said Table 2 in addition to the rate they would otherwise have received. Provided that:

- (a) The recording allowance will only be paid when the recording transmission takes place during a performance or performances; and
- (b) One payment only will be made under the provisions of 20.5.1 notwithstanding that recording of a production may take place over a series of performances.

20.5.2 Where a performance is recorded for sound only or transmitted by radio only the provisions of 20.5.1 will apply to Sound Technicians only.

20.5.3 The provisions of 20.5.1 will not apply to:

- (a) Extracts of a performance or performances which are recorded or transmitted for news, publicity or promotional purposes, including paid television or radio commercials for that performance or season of performances;

- (b) A performance or performances which are recorded for training, educational or archival purposes, provided that the hirer undertakes in writing to the employer that such recordings will not be used for public broadcast, exhibition, distribution or sale; and
- (c) Occasions when the only purpose of the hiring is the recording or transmission of a performance, even though a non-paying audience may be present.

20.5.4 The recording allowance is not to be recorded as ordinary pay for the purpose of this award insofar as the calculation of overtime, penalty, shift and annual leave loading payments are concerned.

20.5.5 Where the employer proposes an exclusion from payment of the recording allowance as provided for in 20.5.3, the employer will provide all production employees with seven days notice of any such performance provided that where such recording or transmission is arranged with less than seven days notice, all production employees will be provided with notice as soon as arrangements for the relevant recording or transmission are made.

21. Superannuation

- 21.1 In addition to other payments provided for under this award, the employer will, subject to this clause, make a superannuation contribution to the Superannuation Trust of Australia (STA), being a superannuation fund which complies with the Australian Government's operational standards for occupational superannuation funds (the Fund).
- 21.2 Such payments will be equivalent to that prescribed in Federal Government Superannuation Legislation or three per cent of the employees' actual rate of pay, which ever is the greater, provided that this requirement will not apply to persons employed within Australia who are normally resident outside Australia.
- 21.3 The employer will establish at the time of the engagement, whether the employee is a member of STA.
- 21.4 In the event the employee is not a member of STA and the employee has made arrangements for his/her own complying superannuation fund the employer will request the employee to sign the following disclaimer:
 - 21.4.1 "I have been supplied with an application form to join STA but I do not wish to become a member of the fund as I have my own fund and I direct the employer to enter contributions into that fund."
- 21.5 In the event the employee is not a member of STA and does not have a personal fund, the employer will request that the employee complete a STA application form.
- 21.6 Where a contribution is made as prescribed in this clause, the employer will forward to the fund administrator of STA the contribution, the name and address of the employee on whose behalf the contribution is made and the Superannuation Fund number of the employee, or in the event the employee is not a member of STA the completed application form.
- 21.7 The subject of superannuation is dealt with extensively by legislation including the Superannuation Guarantee (Administration) Act 1992, the Superannuation Guarantee Change Act 1992, the Superannuation Industry (Supervisor) Act 1993 and the Superannuation (Resolution of Complaints) Act 1993. This legislation as varied from time to time, governs the superannuation rights and obligations of the parties.
- 21.8 For the purposes of this clause the normal gross rate of pay refers to:
 - 21.8.1 In the case of weekly employees, the usual gross weekly earnings of a weekly employee including all over award payments; Rostered Day Off payments; Sunday where such Sunday is part of the employee's ordinary working week; or the contracted weekly rate of pay including any penalties or loadings where such penalties and loadings are part of the employee's contracted

weekly rate. Provided that such rates will exclude overtime and penalty payments other than as provided for above, reimbursement allowances, broadcast allowances and annual leave loading.

21.8.2 Contracted weekly rate includes payment in accordance with an agreement involving a specified number of hours of work in excess of the ordinary hours prescribed by the award whether for the whole or a portion of the engagement.

21.8.3 In the case of casual employees, the actual gross earnings of such employee but not including any reimbursement allowances or broadcast allowances.

21.9 Superannuation contributions remain payable pursuant to this clause notwithstanding that an employee is absent from work on approved sick leave, annual leave, long service leave or other paid leave. Contributions also remain payable in respect of an absence which is the consequence of a bona fide worker's compensation claim.

21.10 The superannuation contribution will:

21.10.1 In the case of weekly employees, be paid no later than seven days following the end of the last pay period in any month.

21.10.2 In the case of casual employees payments will be made no later than 30 days following the engagement.

PART 6

HOURS OF WORK, BREAKS, OVERTIME, SHIFTWORK, WEEKEND WORK

22. Hours of Work and Time Off

22.1 Weekly employees.

22.1.1 The ordinary hours of work for weekly employees will, subject to 22.1.6, be 38 per week.

22.1.2 Ordinary hours may be worked on any of the days Monday through to and including Sunday between the hours of 7.00 a.m. and 12 midnight. Provided that a Theatrical Employee engaged specifically as a cleaner may be rostered to work ordinary hours between 12 midnight and 7.00 a.m. and will receive an additional loading of 20% of their ordinary hourly rate for such work.

22.1.3 The number of ordinary hours to be worked on any day will be a minimum of 4 hours and a maximum of 12 hours to be worked in no more than two periods, each period to be continuous except as to meal hours occurring therein.

22.1.4 Full time employees will be entitled to 2 rostered days off work for every period of seven days, which will be consecutive wherever reasonably possible, provided that such rostered days off may by agreement accumulate up to a maximum of 6 days.

22.1.5 Weekly employees must be notified by the employer of their working shifts by means of roster placed in the staff room for each employee's perusal. At least seven days' notice must be given to the employee should any alteration of the working hours be intended, except in the case of emergency.

22.1.6

(a) The implementation of cyclic rostering, that is working hours other than as provided for in sub-clauses 22.1.1 - 22.1.5, will be determined at the enterprise where the employer and the majority of employees concerned agree. The ordinary hours of work will be an average of 38 per week and will not exceed 152 hours over 28 consecutive days.

(b) Different arrangements may apply to different areas of operation within the enterprise.

- (c) An agreement pursuant to sub-clause 22.1.6(a) will be recorded in writing and be available to all employees.

22.2 Casual employees

22.2.1 The ordinary hours of work for casual employees will be a minimum of 4 consecutive hours per day. Ordinary hours may be worked on any of the days Monday through to and including Sunday between the hours of 7.00 a.m. and 12 midnight.

22.2.2 Casual employees are not paid per performance. Employees may be required to work on a number of performances during an engagement.

22.2.3 Where casual employees are required to work on the same day on at least 3 short performances (as defined), and there is a break between any two of the short performances of at least 2 hours, those employees will be paid a minimum call for each such performance of 2 hours.

22.3 Savings

Employees engaged as Booking Clerks or Ticket Sellers as at 3 March 1997, will continue to be engaged on the basis of 36 hours per week which will be applied for all purposes under this award.

23. Meal Intervals and Allowances

23.1 Weekly employees, in the ordinary course of work, will be entitled to meal intervals as follows:

23.1.1 Lunch

One hour continuous between 12.00 noon and 3.00 p.m.

23.1.2 Dinner

One hour continuous between 5.00 p.m. and 8.00 p.m.

23.1.3 Supper

Half an hour between 10.00 p.m. and 12.00 midnight.

23.1.4 Breakfast

One hour continuous between 7.00 a.m. and 9.00 a.m. but for cleaners, half an hour between 8.00 a.m. and 9.00 a.m.

23.2 Casual employees who work for more than four hours will be entitled to a minimum meal break of 30 minutes.

23.3

23.3.1 The span of hours during which meal breaks may be taken may be varied where specific work requirements necessitate it.

23.3.2 In the event that an employee is required to work more than five continuous hours without a suitable meal interval, the employee will be paid for the period which should be allowed as the meal interval at the rate of double time. This clause will not apply to employees engaged to work on a continuous shift roster.

23.3.3 Provided that those employees working during the preparation of a stage production for the period of seven days preceding the opening of the production will be paid at the rate of time and a half in lieu of the aforesaid double time except on Sundays when double time and a half will be paid.

- 23.4 No part of the time that should be allowed as a meal interval will be counted as part of the ordinary hours of work within the meaning of clause 22 - Hours of work and time off.
- 23.5 The employer will pay an employee (other than a cleaner) a meal allowance as set out in Item 12 of the said Table 2, additional, for each meal interval occurring before the employee's finishing time, where the employee has worked between 12 midnight and 8.00 a.m. and who continues to work beyond 8.00 a.m. Provided that such meal allowance will not be payable where the employee commences work at or after 5.00 a.m.
- 23.6 The employer will pay an employee a meal allowance as set out in Item 13 of Table 2 - Other Rates and Allowances of Part 9 - Monetary Rates of this Award, where the employee is required to work two performances, back to back. Provided that such meal allowance will not be payable where the employer provides a suitable meal.

24. Overtime

24.1 Weekly employees

- 24.1.1 Weekly employees will receive overtime calculated to the nearest quarter of an hour, as follows:
- 24.1.2 For all work performed in excess of the rostered daily hours - at the rate of time and on half for the first 2 hours and double time thereafter.
- 24.1.3 For all work performed on a rostered day off - at the rate of time and a half for the first 4 hours and double time thereafter.
- 24.1.4 For all the work performed in excess of the weekly total of hours - at the rate of time and a half.
- 24.1.5 For all work performed after a break in working hours prescribed to be worked consecutively or continuously - at the rate of time and a half.
- 24.1.6 Part time employees who perform work in excess of 38 ordinary hours per week - time and one half for the first 2 hours and double time thereafter.

24.2 Casual employees

- 24.2.1 A casual employee will receive overtime calculated to the nearest quarter of an hour.
- 24.2.2 A casual employee who works in excess of 8 hours per day will be paid overtime at the rate of time and a half for the first 2 hours and double time thereafter.
- 24.2.3 A casual employee who works more than 38 hours (excluding overtime worked and paid on a daily basis) in any one week will be paid for all hours in excess of 38, time and a half for the first four hours and double time thereafter.

24.3 All employees

- 24.3.1 Where an employee is detained at work until it is too late to travel home by the last train, tram or other regular public conveyance, the employer will provide proper conveyance to the employee's home for the employee so detained.
- 24.3.2 An employee will, wherever possible, be given 24 hours' notice that the employee is required to work all night after an evening performance.
- 24.3.3 For all work performed between 12 midnight and 7.00 a.m. - at the rate of double time other than work performed by employees engaged specifically as cleaners.
- 24.3.4 An employee who works overtime on any day will be entitled to a break of ten hours before resumption of work on the following day. Should such employee be required to resume work

before the expiration of ten hours the employee will be paid at the rate of double time until the employee is released from duty for such period.

24.4 Reasonable overtime:

- (i) Subject to sub-clause (ii) an employer may require an employee to work reasonable overtime at overtime rates.
- (ii) An employee may refuse to work overtime in circumstances where the working of such overtime would result in the employee working hours which are unreasonable.
- (iii) For the purposes of sub-clause (ii) what is reasonable or other wise will be determined having regard to:
 - (a) any risk to employee health and safety.
 - (b) The employee's personal circumstances including any family and carer responsibilities.
 - (c) The needs of the workplace or enterprise.
 - (d) The notice (if any) given by the employer of the overtime and by the employee of his or her intention to refuse it; and
 - (e) Any other relevant matter.

25. Sundays

- 25.1 All employees who are required to commence work on a Sunday, whether part of an ordinary roster or work cycle, or not part of a roster cycle, or overtime, will be paid at the rate of double time, with a minimum payment for four hours.
- 25.2 Where an employee who commences work on a Saturday and continues to work without a break on Sunday, the minimum 4 hour call for work performed on a Sunday as prescribed in 25.1 will not apply.

PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS

26. Annual Leave

26.1 Annual leave entitlement

All employees engaged by the week will have 152 hours annual leave for each year of service on full pay (as defined in 3 - Definitions) which leave will be taken within six months of the date of entitlement, unless otherwise mutually agreed. The said leave may be taken in two periods by mutual agreement.

26.2 Time of taking annual leave

If the 152 hours annual leave due under 26.1 will not have been given at the expiration of the year, the employee's right thereto will continue and accumulate in respect of each year's service but only to the extent of two years.

26.3 Annual leave loading

26.3.1 Each full time or part-time employee before going on any period of annual leave will be paid an annual leave loading at the rate of 17-1/2 per cent of the rate of full pay prescribed herein for such employee. Such loading will be in addition to the amount paid to the employee under 26.1.

26.3.2 No loading is payable to an employee who takes annual leave wholly or partly in advance. Provided that if the employment of such an employee continues until the day when the employee

would have become entitled to annual leave, the loading then becomes payable in respect of the period of such leave and is to be calculated by applying the award rates of pay applicable on that day.

26.3.3

- (a) When the employment of an employee is terminated by the employer for a cause other than misconduct and at the time of the termination the employee has not taken the whole of the annual leave to which the employee has become entitled under the terms of 26.1, the employee will be paid the loading for the period of leave not taken.
- (b) Except as provided by 26.3.3(a) no loading is payable on the termination of an employee's employment.

26.4 Public holidays during annual leave

Where any public holiday as prescribed in 32 - Public holidays occurs during the period of the employee's annual leave, the leave will be increased by 7.6 hours for each such holiday.

26.5 Proportionate annual leave on termination

If the employment of any weekly employee be terminated such employee will be entitled to 15.2 hours pay for each month of service that has been rendered during the employment unless in respect of such service annual leave has been given by the employer or the employee has lost the right thereto under the provisions of this clause. Such payment will be made within fourteen days of the termination of the employment.

26.6 Conversion of accrued leave

26.6.1 All accumulated or accrued leave up to and including 2 March 1997, will be credited on the basis of a 38 hour week and rates of pay applicable to such leave will be calculated on the basis of a 38 hour divisor. Consequently credits will be converted as follows:-

If in weeks	x 38 hours;	
If in days	x 7.6 hours;	
If in hours	x No. of hours	x 7.6 / 8

26.6.2 Leave debits on or after 3 March 1997 will be equivalent to the ordinary hours employees would have worked had they not been on paid leave. Such leave will therefore be paid and debited on the basis of hours actually taken.

27. Sick Leave

- 27.1 An employee who is absent from work on account of personal illness, or injury by accident not arising out of and in the course of the employee's employment and who has been in the service of the employer for a period of more than twelve weeks, will be entitled to leave of absence without deduction of pay subject to the following conditions and limitations:
- 27.2 During each year of service, 76 hours sick leave will be allowed.
- 27.3 The employee will not be entitled to paid sick leave for any period of absence in respect of which the employee is paid workers' compensation.
- 27.4 The employee will, within 24 hours of the commencement of such sick leave absence, inform the employer of the employee's inability to report for duty and so far as practicable state the nature of the injury or illness from which the employee is suffering and the estimated period of the employee's absence.

- 27.5 The employee will, if so required by the employee's employer, provide satisfactory evidence of the nature of the injury and of the employee's inability to attend for duty on any day or days for which sick leave is claimed.
- 27.6 Subject to the provisions of this clause an employee will be allowed 30.4 hours' sick leave (in the aggregate) per year without having to produce a medical certificate.
- 27.7 Sick leave will accumulate from year to year so that any balance of the period specified in that clause which has in any year not been taken by the employee as paid sick leave, may be claimed by such employee and will be allowed by the employer in a subsequent year without diminution of the sick leave prescribed in respect of that year. Sick leave that accumulated pursuant to this clause will be available to the employee only for a period of twelve years from the end of the year in which it accrued.
- 27.8 Conversion of accrued leave.
- 27.8.1 All accumulated or accrued leave up to and including 2 March 1997, will be credited on the basis of a 38 hour week and rates of pay applicable to such leave will be calculated on the basis of a 38 hour divisor. Consequently credits will be converted as follows:-
- | | | |
|-------------|----------------|-----------|
| If in weeks | x 38 hours; | |
| If in days | x 7.6 hours; | |
| If in hours | x No. of hours | x 7.6 / 8 |
- 27.8.2 Leave debits on or after 3 March 1997 will be equivalent to the ordinary hours employees would have worked had they not been on paid leave. Such leave will therefore be paid and debited on the basis of hours actually taken.

28. Bereavement Leave

- 28.1 An employee other than a casual employee 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 subclause 28.3 of this clause.
- 28.2 The employee must notify the employer as soon as practicable of the intention to take bereavement leave and will, if required by the employer, provide, to the satisfaction of the employer, proof of death.
- 28.3 Bereavement leave shall be available to the employee in respect of the death of the person prescribed for the purposes of personal/carer's leave in accordance with paragraph (c) of subclause (1) of clause 29, Personal/Carer's Leave, provided that for the purposes of bereavement leave, the employee need not have been responsible for the care of the person concerned.
- 28.4 An employee shall not be entitled to bereavement leave under this clause during any period in respect of which the employee has already been granted other leave.
- 28.5 Bereavement leave may be taken in conjunction with other leave available under subclauses (2), (3), (4) and (5) of the said clause 29. Where such other available leave is to be taken in conjunction with bereavement leave, consideration will be given to the circumstances of the employee and the reasonable operational requirements of the employer.
- 28.6 Bereavement entitlements for casual employees
- 28.6.1 Subject to the evidentiary and notice requirements in 28.2 casual employees are entitled to not be available to attend work, or to leave work upon the death in Australia of a person prescribed in subclause 29(1)(c)(ii) of clause 29, Personal/Carers' Leave.
- 28.6.2 The employer and the employee shall agree on the period for which the employee will be entitled to not be available to attend work. In the absence of agreement, the employee is entitled to not be available to attend work for up to 48 hours (i.e. two days) per occasion. The casual employee is not entitled to any payment for the period of non-attendance.

28.6.3 An employer must not fail to re-engage a casual employee because the employee accessed the entitlements provided for in this clause. The rights of an employer to engage or not engage a casual employee are otherwise not affected.

29. Personal/Carer's Leave

(1) Use of Sick Leave -

- (a) An employee, other than a casual employee, with responsibilities in relation to a class of person set out in 29(1)(c)(ii) who needs the employee's care and support, shall be entitled to use, in accordance with this subclause, any current or accrued sick leave entitlement, provided for at clause 27, Sick Leave of the award, for absences to provide care and support for such persons when they are ill, or who require care due to an unexpected emergency. Such leave may be taken for part of a single day.
- (b) The employee shall, if required,
- (1) 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
 - (2) establish by production of documentation acceptable to the employer or a statutory declaration, the nature of the emergency and that such emergency resulted in the person concerned requiring care by the employee.

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

(c) The entitlement to use sick leave in accordance with this subclause is subject to:

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

- (d) An employee shall, wherever practicable, give the employer 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 employee, the reasons for taking such leave and the estimated length of absence. If it is not practicable for the employee to give prior notice of absence, the employee shall notify the employer by telephone of such absence at the first opportunity on the day of absence.

Note: In the unlikely event that more than 10 days sick leave in any year is to be used for caring purposes the employer and employee shall discuss appropriate arrangements which, as far as practicable, take account of the employer's and employee's requirements.

Where the parties are unable to reach agreement the disputes procedure at clause 10, Dispute Resolution, should be followed.

(2) Unpaid Leave for Family Purpose -

- (a) An employee may elect, with the consent of the employer, to take unpaid leave for the purpose of providing care and support to a class of person set out in 29(1)(c)(ii) above who is ill or who requires care due to an unexpected emergency.

(3) Annual Leave -

- (a) An employee may elect, with the consent of the employer 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.
- (b) Access to annual leave, as prescribed in paragraph (a) of this subclause, shall be exclusive of any shutdown period provided for elsewhere under this award.
- (c) An employee 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.
- (d) 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.

(4) Time Off in Lieu of Payment for Overtime -

- (a) An employee may elect, with the consent of the employer, to take time off in lieu of payment for overtime at a time agreed with the employer within 12 months of the said election. (b) Overtime taken as time off during ordinary time hours shall be taken at the ordinary time rate, that is, an hour for each hour worked.
- (b) If, having elected to take time as leave in accordance with paragraph (a) of this subclause, 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.
- (c) Where no election is made in accordance with the said paragraph (a), the employee shall be paid overtime rates in accordance with the award.

(5) Make-up Time -

- (a) An employee may elect, with the consent of the employer, to work "make-up time", under which the employee 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.
- (b) An employee on shift work may elect, with the consent of the employer, to work make-up time (under which the employee takes time off ordinary hours and works those hours at a later time) at the shift work rate which would have been applicable to the hours taken off.

- (6) Personal Carers Entitlement for casual employees -
- (1) Subject to the evidentiary and notice requirements in 29(1)(b) and 29(1)(d) casual employees are entitled to not be available to attend work, or to leave work if they need to care for a person prescribed in subclause 29(1)(c)(ii) of this clause who are sick and require care and support, or who require care due to an unexpected emergency, or the birth of a child.
 - (2) The employer and the employee shall agree on the period for which the employee will be entitled to not be available to attend work. In the absence of agreement, the employee is entitled to not be available to attend work for up to 48 hours (i.e. two days) per occasion. The casual employee is not entitled to any payment for the period of non-attendance.
 - (3) An employer must not fail to re-engage a casual employee because the employee accessed the entitlements provided for in this clause. The rights of an employer to engage or not to engage a casual employee are otherwise not affected.

30. Parental Leave

- (1) Refer to the *Industrial Relations Act 1996* (NSW). The following provisions shall also apply in addition to those set out in the *Industrial Relations Act 1996* (NSW).
- (2) An employer must not fail to re-engage a regular casual employee (see section 53(2) of the Act) because:
 - (a) the employee or employee's spouse is pregnant; or
 - (b) the employee is or has been immediately absent on parental leave.

The rights of an employer in relation to engagement and re-engagement of casual employees are not affected, other than in accordance with this clause.

- (3) Right to request
 - (a) An employee entitled to 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.
 - (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.
 - (c) Employee's request and the employer's decision to be in writing

The employee's request and the employer's decision made under 3(a)(ii) and 3(a)(iii) must be recorded in writing.

(d) Request to return to work part-time

Where an employee wishes to make a request under 3(a)(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.

(4) 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:

(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.

(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).

31. Jury Leave

31.1 A weekly employee required to attend for jury service during ordinary working hours will be reimbursed by the employer an amount equal to the difference between the amount paid in respect of their attendance for such jury service and the amount of wage that would have received in respect of the ordinary time the employee would have worked had the employee not been on jury service.

31.2 An employee will notify the employer as soon as possible of the date upon which the employee is required to attend for jury service. Further, the employee will give the employer proof of their attendance, the duration of such attendance and the amount received in respect of such jury service.

32. Public Holidays

32.1 An employee will be entitled to public holidays without loss of pay on the following days:

32.1.1 New Year's Day, Good Friday, Easter Saturday, Easter Monday, Christmas Day and Boxing Day; Australia Day, Anzac Day, Queen's Birthday, and Eight Hour Day, May Day or Labour Day; and

32.1.2 the first Monday in August;

32.2 When Christmas Day is a Saturday or Sunday, a holiday in lieu thereof will be observed on 27 December.

32.3 When Boxing Day is a Saturday or Sunday, a holiday in lieu thereof will be observed on 28 December.

32.4 When New Year's Day or Australia Day is a Saturday or Sunday, a holiday in lieu thereof will be observed on the next Monday.

32.5 Where in the State, public holidays are declared or prescribed on days other than those set out in this clause, those days will constitute additional holidays for the purpose of this award.

- 32.6 An employer and their employees may agree to substitute another day for any prescribed in this clause. For this purpose, the consent of the majority of affected employees will constitute agreement.
- 32.6.1 If an employee is a member of a union bound by the award, the employee may be represented by the union in meeting and conferring with the employer about the implementation of the facilitative provisions.
- 32.6.2 An agreement pursuant to 32.6 will be recorded in writing and be available to every affected employee.
- 32.7 All employees who work on a public holiday, whether part of an ordinary roster or work cycle, or not part of a roster cycle, will be paid at the rate of double time, with a minimum payment as for four hours.
- 32.8 An employee whose rostered time off falls on a public holiday as provided for in this clause will be allowed an additional day off at a time to be agreed between the employer and the employee, or be paid an additional days pay in lieu thereof within seven days of the holiday.

33. Leave for Consultation Meetings

Each employer will allow his/her employees to attend meetings to discuss industrial matters without loss of ordinary pay provided the following conditions are observed:

- 33.1 At least fourteen days notice of such meeting is given to the employer.
- 33.2 The meetings will be held on Mondays, not public holidays and will conclude by 12:30 p.m.
- 33.3 The employer is only obliged to pay wages for the period that the employee was rostered for duty.
- 33.4 The employer is only obliged to pay wages for the period of the meeting if the employer is in receipt of satisfactory evidence of the employee's attendance at the meeting.
- 33.5 The employer is not obliged to pay wages for more than two such meetings in any calendar year in each State.

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

34. Travelling

- 34.1 An employee required by the employer to travel will be reimbursed up to his/ her actual cost of an economy class airfare or equivalent to the destination. This provision will not apply where the employer provides and the employee elects to use employer provided transport.
- 34.2 When travelling on duty, an employee will be paid the full prescribed rate of pay for the whole period of the tour from the time of leaving the place of engagement at the beginning of the tour until the employee returns to that place of engagement at the end of the tour. Broken weeks at the beginning or end of the tour will be paid pro rata and the days of departure and return other than a Sunday, each to be counted as one day worked:
- 34.3 Provided that if either of such days be Sunday, 34.4 will apply to that day.
- 34.4 If an employee engaged by the week is required by the employer to travel on a Sunday the employee will, unless paid in pursuance of 25 - Sundays for working on a Sunday, be paid for travelling, one-tenth of the prescribed per week rate in addition to the travelling allowance payable in respect of the Sunday.
- 34.5 If an employee engaged by the week is on tour and, on any calendar day on which the employee is required to work at a performance held on that day, is also required to travel during any time between 8.00 a.m. and 5.00 p.m. one half of the travelling time will be counted as time worked, providing the maximum number of hours so paid, will be four.

34.6 On the day a tour's journey begins the employer will be entitled to the ordinary services of the employee during so much of the day the employee is not travelling.

34.7 On the day a tour's journey ends the employer will be entitled to the ordinary services of the employee up to 5.00 p.m. during so much of the day as the employee is not travelling and if the employee fails without reasonable cause to attend when requested for such service, the employer will be entitled to deduct payment proportionate to the time during which the employee so fails to attend.

34.8 Accommodation

34.8.1 Where an employee is required to travel the following provisions will apply with respect to accommodation.

34.8.2 Travel period less than one week

Where the period of travel is one week or less an allowance per night as set out in Item 14 of Table 2 - Other Rates and Allowances of Part 9 - Monetary Rates of this Award will be payable provided that such allowance will not be payable where the employer provides suitable accommodation.

34.8.3 Travel period greater than one week

The employer will pay to each employee a cash allowance per week as set out in Item 15 of the said Table 2 or an amount per night as set out in Item 16 of the said Table 2 up to the maximum weekly allowance. Where this allowance is payable it should be paid in advance up to a maximum of one week. Provided that:

34.8.4 The above allowance is not payable:

- (a) Where the employer provides suitable accommodation.
- (b) If the employer elects not to provide accommodation and the employee elects to accept reimbursement of the expenses of such accommodation up to the maximum limits as set out in Table 3 - Reimbursement of Expenses of part 9 - Monetary Rates of this award.
- (c) Shared accommodation
 - (i) Where an employer and employees agree in writing, shared accommodation may be provided by the employer. The employer will retain a copy of any such agreement.
 - (ii) Where the employer is not providing accommodation and employees agree in writing to share accommodation, the reimbursement limits set by this clause will be increased by 25% in respect of such shared accommodation. A copy of such agreement will be retained by the employer.
 - (iii) Where there are special circumstances which an employer considers preclude him/her from being able to provide suitable accommodation the employer and employee may agree to shared accommodation without additional payment.

34.8.5 Reimbursement will be made weekly or at such longer intervals as the employer and employee agree and will be made upon presentation by the employee of a receipted account for the accommodation or such other arrangements as are agreed between the employer and the employee.

34.8.6

- (a) In lieu of the provisions of 34.8.4(a) and 34.8.4(b), an employee may elect to take a cash allowance per week as set out in Item 17 of the said Table 2 or an amount per night as set out in Item 18 of the said Table 2 up to a maximum of the weekly cash allowance.
- (b) Where an employee elects to take this allowance it shall be paid in advance up to a maximum of one week.

34.8.7 Any dispute as to the operation of this clause or as to whether accommodation provided by an employer is suitable accommodation as is required by this clause will be dealt with in accordance with 11 - Dispute resolution.

34.8.8 When any travel in excess of one week in duration is required as much notice as is practicable will be given to employees. Such notice will also include, where the employer is providing accommodation in accordance with this clause the details of the accommodation to be provided. The employee will indicate within fourteen days of the offer of accommodation whether they propose to accept the offer unless impractical to do so in the circumstances.

34.9 Meals

An employee required to travel will be an allowance for meals per day as set out in Item 19 of the said Table 2 to a maximum amount per week as set out in Item 20 of the said Table 2. Provided that such allowances will not be paid where the employer provides meals of a satisfactory nature.

34.10 Incidentals

An employee required to travel will be paid an allowance for incidentals per day as set out in Item 21 of the said Table 2 to a maximum amount per week as set out in Item 22 of the said Table 2.

34.11 Eligibility

34.11.1 The provisions of 34.8, 34.9 and 34.10 above will not apply:

- (a) with respect to an employee who is engaged to work at a single location away from the employees place of residence for a specific period of twelve months or more.
- (b) where an employee is engaged on a local show.

34.11.2 An employer will not knowingly engage on a local show, an employee whose place of residence is not in the local area.

34.11.3 The provisions of this clause will be applicable as though the place of residence of the employee or prospective employee had been correctly stated, where an employer:

- (a) avoids or seeks to avoid the operation of this clause by inducing any employee or prospective employee to misrepresent the employees' place of residence; or
- (b) engages an employee where the employer knows that the place of residence of an employee or prospective employees has been misrepresented.

PART 9 - MONETARY RATES**Table 1 - Rates of Pay**

Classification Level	Previous Rate	SWC 2005 adjustment per wk	SWC 2006 adjustment per wk	SWC 2007 adjustment per wk	Total min per wk from FFPP after 19/09/08	SWC 2008 adjustment per wk 4%	Total min per wk from FFPP after 19/09/09
	\$	\$	\$	\$	\$	\$	\$
Theatrical Employee Level 1	467.40	17.00	20.00	20.00	524.40	20.98	545.38
Theatrical Employee Level 2	517.50	17.00	20.00	20.00	574.50	22.98	597.48
Theatrical Employee Level 3	538.35	17.00	20.00	20.00	595.35	23.81	619.16
Theatrical Employee Level 4	582.05	17.00	20.00	20.00	639.05	25.56	664.61
Theatrical Employee Level 5	602.90	17.00	20.00	20.00	659.90	26.40	686.30
Theatrical Employee Level 6	642.65	17.00	20.00	20.00	699.65	27.99	727.64
Theatrical Employee Level 7	684.35	17.00	20.00	20.00	741.35	29.65	771.00

Table 2 - Other Rates and Allowances

Effective from the first full pay period to commence on or after 19 September 2008.

Item No.	Clause No.		CPI Classification	Total min. per wk from FFPP after 19/09/08	Total min. per wk from FFPP after 19/09/09
				\$	\$
1	20.1.1	Heads of Department Supplying Own tools	work related	8.29	8.62
2	20.1.1	Other Employees providing basic tools	work related	0.87	0.90
3	20.2	Laundry Allowance - Blouses and Shirts	clothing and shoe repair	2.73	2.80
4	20.2	Laundry Allowance - Other Garments	clothing and shoe repair	7.10	7.27
5	20.2	Laundry Allowance - Other than weekly employees	clothing and shoe repair	2.19	2.24
6	20.2	Laundry Allowance - Other Employees Maximum per week	clothing and shoe repair	9.88	10.12
7	20.3	Front of House - Shoes other than black	clothing and shoe repair	1.03	2.06

8	20.3	Front of House - Shoes other than black maximum per week	clothing and shoe repair	5.13	5.26
9	20.4.1 (a)	Costume more unusual than reasonably necessary engaged by the week	clothing and shoe repair	7.70	7.88
10	20.4.1 (b)	Costume more unusual than reasonably necessary - other than engaged by the week	clothing and shoe repair	1.53	1.57
11	20.5.1	Allowance per recording	work related	99.38	103.36
12	23.5	Meal Allowance	meal cpi	7.54	7.87
13	23.6	Meal Allowance	meal cpi	11.45	11.97
14	34.8.2	Travel period less than one week	accommodation	132.14	133.46
15	34.8.3	Travel period greater than one week - per week	accommodation	461.59	466.20
16	34.8.3	Travel period greater than one week - per night	accommodation	92.34	93.26
17	38.8.6 (a)	Cash Allowance per week	accommodation	461.59	466.20
18	38.8.6 (b)	Cash Allowance per night	accommodation	92.34	93.26
19	34.9	Meals - per day	meal cpi	42.04	43.92
20	34.9	Meals - maximum per week	meal cpi	210.18	219.60
21	34.10	Incidentals - per day	expense meal	12.88	13.46
22	34.10	Incidentals - maximum per week	expense meal	64.39	67.28

Table 3 - Reimbursement of Expenses

(Clause 34.8.4(b))

Destination	Previous Rate	Amount from first full pay period after 19/08/08	Amount from first full pay period after 13/09/08	Amount from first full pay period after 19/09/09
	\$	\$	\$	\$
		2005-3% 2006 -4%	2007-4%	2008 - 4%
Sydney and Melbourne	811.80	869.60		940.56
Adelaide, Hobart, Perth and Brisbane	614.00	657.72		711.39
Canberra	715.95	766.93		829.51
Other Places	559.65	599.50		648.42

E. A. R. BISHOP, Commissioner

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(308)

SERIAL C6747**LOCAL GOVERNMENT (STATE) AWARD 2007**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union, Industrial Organisation of Employees.

(No. IRC 1491 of 2008)

Before Commissioner Ritchie

15 September 2008

VARIATION

1. Delete clause 24E(XVI) - Traineeship Wage Rates, of Table 1 - Monetary Rates, of Part B, of the Award published 30 November 2007 (364 I.G. 491), and insert in lieu thereof the following:

Clause 24E (XVI) - Traineeship Wage Rates

	Highest Year of School Completed		
	Year 10 \$	Year 11 \$	Year 12 \$
School Leaver	191.90 (50%*)	239.80 (33%)	
School Leaver	224.20 (33%)	269.00 (25%)	
School Leaver	245.10	269.00	323.40
Plus 1 year out of school	269.00	323.40	375.40
Plus 2 years	323.40	375.40	437.40
Plus 3 years	375.40	437.40	500.80
Plus 4 years	437.40	500.80	
Plus 5 years or more	500.80		

% - indicates the average proportion of time spent in approved training to which the associated wage rate is applicable. Where not specifically indicated the average proportion of time spent in structured training which has been taken into account in setting the rate is 20 per cent.

2. This variation shall take effect from the first full pay period to commence on or after 1 October 2008.

D.W. RITCHIE, Commissioner

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(705)

SERIAL C6771

MISCELLANEOUS WORKERS' - GENERAL SERVICES (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Liquor, Hospitality and Miscellaneous Union, New South Wales Branch, Industrial Organisation of Employees.

(No. IRC 1758 of 2008)

Before Commissioner Ritchie

23 September 2008

VARIATION

1. Delete subclause (v) of clause 9, Wages, of the award published 8 December 2000 (320 I.G. 1078), and insert in lieu thereof the following:
 - (v) The rates of pay in this award include the adjustments payable under the State Wage Case 2008. 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	Former Rate \$	SWC 2008	New Rate \$
Tea Attendant - Level 1	541.10	4%	562.75
Cleaner	559.00	4%	581.35
Lift Attendant	559.00	4%	581.35
Caretaker rel: 92.4%	584.35	4%	607.70

Table 2 - Allowances

Item No.	Clause No.	Brief Description	Amount \$
1	7(i)	Leading Hand: 1-5 employees	25.90
2	7(i)	Leading Hand: 6-10 employees	29.60
3	7(i)	Leading Hand: 11 or more employees	38.40
4	7(ii)	First-aid Allowance	14.10 per week
5	7(ii)	First-aid Allowance	2.82 per day
6	7(iii)	Qualification Allowance	17.20 per week
7	7(iii)	Qualification Allowance	3.44 per day
8	7(v)(a)	Locomotion - Motor cycle or other motor vehicle	24.60 per week
9	7(v)(a)	Locomotion - Bicycle	2.22 per shift
10	7(v)(b)	Laundry Allowance	1.43 per shift
11	8(ii)(a)	Broken Shift	12.10 per shift

12	8(ii)(b)	Excess Fares Allowance	9.70 per week
13	9(iii)	Cleaning Windows Height: each window	0.75
14	9(iv)	Cleaning from Ladder : each window	0.75
15	15(ii)	Meal Allowance	8.46

3. This variation shall take effect from the beginning of the first pay period to commence on or after 23 September 2008.

D.W. RITCHIE, Commissioner

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(374)

SERIAL C6810

NURSING HOMES PROFESSIONAL EMPLOYEES (STATE) AWARD 2006

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1858 of 2008)

Before Commissioner Macdonald

28 October 2008

VARIATION

1. Delete subclause 30.1 of clause 30, State Wage Case Adjustments of the award published 19 January 2001 (321 I.G. 692) and insert in lieu thereof the following:
 - 30.1 The rates of pay in this award include the adjustments payable under the State Wage Case 2008. 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 - Salaries

Classification	Current Rate per week \$	SWC 2008 Adjustment per week %	Wage Rate as from 1.11.08 per week \$
Nurse Counsellor			
1st year of scale	674.50	4.0%	701.50
2nd year of scale	697.40	4.0%	725.30
3rd year of scale	728.70	4.0%	757.80
4th year of scale	756.90	4.0%	787.20
5th year of scale	790.00	4.0%	821.60
6th year of scale	816.00	4.0%	848.60
7th year of scale	840.00	4.0%	873.60
8th year of scale	862.40	4.0%	896.90
9th year of scale & thereafter	892.70	4.0%	928.40
Dietitian			
1st year of scale	702.00	4.0%	730.10
2nd year of scale	732.80	4.0%	762.10
3rd year of scale	769.60	4.0%	800.40
4th year of scale	809.10	4.0%	841.50
5th year of scale	845.90	4.0%	879.70
6th year of scale	875.30	4.0%	910.30
7th year of scale	897.30	4.0%	933.20

Grade 1			
1st year of scale	950.40	4.0%	988.40
2nd year of scale	975.70	4.0%	1,014.70
Physiotherapist, Occupational Therapist, Music Therapist, Speech Pathologist			
1st year of scale	683.80	4.0%	711.20
2nd year of scale	702.00	4.0%	730.10
3rd year of scale	732.80	4.0%	762.10
4th year of scale	769.60	4.0%	800.40
5th year of scale	809.10	4.0%	841.50
6th year of scale	845.90	4.0%	879.70
7th year of scale	875.30	4.0%	910.30
8th year of scale & thereafter	897.30	4.0%	933.20
Welfare Officers (State)			
1st year of scale	607.70	4.0%	632.00
2nd year of scale	634.10	4.0%	659.50
3rd year of scale	657.80	4.0%	684.10
4th year of scale	679.90	4.0%	707.10
5th year of scale	729.80	4.0%	759.00
Adults - Grade 2			
1st year of scale	726.90	4.0%	756.00
2nd year of scale	750.30	4.0%	780.30
Social Workers			
1st year of scale	674.50	4.0%	701.50
2nd year of scale	697.40	4.0%	725.30
3rd year of scale	728.70	4.0%	757.80
4th year of scale	756.90	4.0%	787.20
5th year of scale	790.00	4.0%	821.60
6th year of scale	816.60	4.0%	849.30
7th year of scale	840.00	4.0%	873.60
8th year of scale	862.40	4.0%	896.90
9th year of scale & thereafter	892.70	4.0%	928.40

Table 2 - Allowances

Item No.	Clause No.	Allowance	Amount as from 1.11.08 \$
1	3.3	Therapist in Charge	118.50 p/wk
2	6.2	Meal Allowance:	
		- for breakfast when commencing overtime work at or before 6.00 am	8.60
		- for an evening meal when overtime is worked for at least one hour immediately following their normal ceasing time, exclusive of any meal break and extends beyond or is worked wholly after 7.00 pm	16.40
		- for luncheon when overtime extends beyond 2.00 pm on Saturdays, Sundays or holidays.	11.10
3	20	Uniform Allowance:	
	20.3	- in lieu of supplying uniforms	1.70 p/wk
	20.4	- in lieu of laundering	0.95 p/wk

(540)

SERIAL C6764**PET FOOD MANUFACTURERS (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by National Union of Workers, New South Wales Branch, Industrial Organisation of Employees.

(No. IRC 1803 of 2008)

Before Commissioner Macdonald

7 October 2008

VARIATION

1. Delete subclause (ii) of clause 7, Rates of Pay, of the award published 24 November 2000 (320 I.G. 563), and insert in lieu thereof the following:
 - (ii) The rates of pay in this award include the adjustments payable under the State Wage Case 2008. 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 Table 1 (A) - Wages, of Appendix A - Wage Rates, and insert in lieu thereof the following:

Table 1 (A) - Wages

- (i) Adults

Classifications	Minimum Award Rate (Per Week) 11 October 2007 \$	Minimum Award Rate (Per Week) 11 October 2008 \$
Leading Hand in Charge of Over 10 Employees	576.70	599.80
Leading Hand in Charge of 6 to 10 Employees	571.20	594.00
Leading Hand in Charge of 1 to 5 Employees	568.60	591.30
Expander Line Operator	557.10	579.40
Baker	552.90	575.00
Doughperson	552.90	575.00
Packing Machine Operator-Setter	552.90	575.00
Flavourperson	552.90	575.00
Storeperson - Head	552.90	575.00
Blender	547.30	569.20
Forklift - Storeperson	547.30	569.20
Ovensperson	547.30	569.20
Biscuit Machine Attendant	547.30	569.20
Packer -		
Grade A Bulk - 10 Kilos and Over	547.30	569.20
Grade B Packets Up to 5 Kilos	540.00	561.60
Grade C Machine Attendant	535.60	557.00
Bag Handler	542.00	563.70
Flavour Processor	542.00	563.70
Storeman General	535.60	557.00
General Hand	531.40	552.70

3. Delete Appendix B - Allowances, and insert in lieu thereof the following:

APPENDIX B

Allowances

Item No.	Clause No.	Subject	Amount \$
1	5(i)	Day, Afternoon and Night Shift - Regular Weekly rotation	59.60 per week
2	5(ii)	Day and Night Shift only in regular weekly rotation	59.60 per week
3	5(iii)	Afternoon and Night Shift only in regular weekly rotation	88.05 per week
4	5(iv)	Afternoon Shift only	88.05 per week
5	5(v)	Permanent Night Shift	131.40 per week
6	5(vi)	Change of Shift During any Week (for each change)	34.88
7	6(iv)	First Meal Allowance	7.60 per meal
8	6(iv)	Second Meal Allowance	6.35 per meal
9	20(i)	Carry bags weighing in Excess of 68 Kilograms	0.35 cents per hour

4. This variation shall take effect from the first full pay period commencing on or after 11 October 2008.

A. MACDONALD, Commissioner

Printed by the authority of the Industrial Registrar.

(1769)

SERIAL C6807

PRIVATE HOSPITAL (NAMED RESPONDENTS) (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1856 of 2008)

Before Commissioner Macdonald

8 October 2008

VARIATION

1. Delete Part B, Monetary Rates, of the award published 29 April 2005 (350 I.G. 732), and insert in lieu thereof the following:

Table 1 - Monetary Rates

Classification Rate	Current Rate per week \$	Award Variation %/Week	Wage Rate as from 8.10.2008 \$
ADMINISTRATIVE STAFF			
Clerk - Age Scale:			
Under 18 years of age	378.00	4.0%	393.10
Clerk - Grade I			
First year of service	600.80	4.0%	624.80
Second year of service	616.50	4.0%	641.20
Third year of service	630.80	4.0%	656.00
Fourth year of service	642.50	4.0%	668.20
Fifth year of service and thereafter	654.40	4.0%	680.60
Clerk - Grade II			
First year of service	673.90	4.0%	700.90
Second year of service and thereafter	691.60	4.0%	719.30
Clerk - Grade III			
First year of service	709.60	4.0%	738.00
Second year of service and thereafter	725.40	4.0%	754.40
Clerk - Grade IV			
First year of service	740.50	4.0%	770.10
Second year of service and thereafter	754.40	4.0%	784.60
Clerk - Grade V			
First year of service	772.80	4.0%	803.70
Second year of service and thereafter	787.50	4.0%	819.00

Provided that employees on the Age Scale who are substantially engaged on stenographic duties, or as a comptometer or ledger posting machine operator, shall be paid a weekly allowance as part of salary of the amount per week set out in Item 16 of Table 2 - Other Rates and Allowances

CENTRAL STERILE SUPPLY DEPARTMENT

CSSD Aides -			
Junior Scale -			
Under 18 years of age	419.40	4.0%	436.20
Adult -			
First year of service	634.80	4.0%	660.20
Second year of service	644.00	4.0%	669.80
Third year of service & thereafter	653.30	4.0%	679.40
Assistant Supervisor - C.S.S.D.			
500 beds and over	758.40	4.0%	788.70
200 but less than 500 beds	695.40	4.0%	723.20
100 but less than 200 beds	675.00	4.0%	702.00
Supervisor - C.S.S.D.			
500 beds and over	874.50	4.0%	909.50
200 but less than 500 beds	814.40	4.0%	847.00
100 but less than 200 beds	758.40	4.0%	788.70
Central Sterile Supply Department Aides, other than Supervisors and Assistant Supervisors, who possess the Sterilising Certificate shall be paid an allowance of the amount per week set out in Item 17 of Table 2 - Other Rates and Allowances.			
MAINTENANCE STAFF			
Boiler Attendant -			
Certificated	640.10	4.0%	665.70
With Maintenance of Plant Duties	645.90	4.0%	671.70
Where a boiler attendant attends to more than one boiler and/or performs work other than that of a boiler attendant he shall be paid an additional amount per week as set out in Item 18 of Table 2- Other Rates and Allowances.			
Maintenance Supervisor (Non-Tradesman)			
In charge of staff	733.20	4.0%	762.50
Otherwise	719.10	4.0%	747.90
Maintenance Supervisor (Tradesman) -			
In charge of staff	823.50	4.0%	856.40
Otherwise	774.00	4.0%	805.00
Engineer (Certificated) -			
First year of service	847.40	4.0%	881.30
Second year of service and thereafter	896.20	4.0%	932.00
NUCLEAR MEDICINE DEPARTMENT			
Nuclear Medicine Technologist -			
First year of experience	767.50	4.0%	798.20
Second year of experience	786.30	4.0%	817.80
Third year of experience	820.30	4.0%	853.10
Fourth year of experience	854.40	4.0%	888.60
Fifth year of experience	890.20	4.0%	925.80
Sixth year of experience	925.80	4.0%	962.80
Seventh year of experience	962.90	4.0%	1,001.40
Eighth year of experience and thereafter	1,002.50	4.0%	1,042.60

Handyperson	719.70	4.0%	748.50
Senior Nuclear Medicine Technologist	1,074.40	4.0%	1,117.40
Chief Nuclear Medicine Technologist - Grade I	1,221.90	4.0%	1,270.80
Grade II	1,293.00	4.0%	1,344.70
OTHER MEDICAL/TECHNICAL STAFF GROUP			
Anaesthetic and Operating Theatre Technician - Without Diploma	720.10	4.0%	748.90
Provided that an Anaesthetic and Operating Theatre Technician who is the possessor of a Diploma issued by the Australian Society of Anaesthetic and Operating Theatre Technicians shall be paid	749.10	4.0%	779.10
Senior Anaesthetic and Operating Theatre Technician	764.70	4.0%	795.30
Electro-Cardiograph Recorder/Technician			
First year of experience	720.10	4.0%	748.90
Second year of experience and thereafter	730.60	4.0%	759.80
Senior Electro-Cardiograph Recorder/Technician	746.00	4.0%	775.80
Heart/Lung Assistant	730.30	4.0%	759.50
Heart/Lung Technician	761.00	4.0%	791.40
Neurophysiological Technician - First year of experience	749.10	4.0%	779.10
Second year of experience & thereafter	764.70	4.0%	795.30
Senior Neurophysiological Technician - Grade I	780.50	4.0%	811.70
Grade II	829.60	4.0%	862.80
Grade III	893.70	4.0%	929.40
Surgical Bootmaker - First year of experience	708.00	4.0%	736.30
Second year of experience & thereafter	716.80	4.0%	745.50
Orthotist - First year of service	708.30	4.0%	736.60
Second year of service	720.30	4.0%	749.10
Third year of service	731.00	4.0%	760.20
Fourth year of service and thereafter	740.70	4.0%	770.30
Chief Orthotist - Sole, or in charge of one other	774.90	4.0%	805.90

Chief Orthotist -			
In charge of two or more orthotists			
First year of service	774.90	4.0%	805.90
Second year of service & thereafter	796.10	4.0%	827.90
Wardsperson -			
First year of service	634.20	4.0%	659.60
Second year of service and thereafter	637.90	4.0%	663.40
Surgical Dresser -			
First year of service	640.00	4.0%	665.60
Second year of service	644.20	4.0%	670.00
Third year of service and thereafter	650.10	4.0%	676.10
Recreation Activities Officer -			
First year of experience	653.20	4.0%	679.30
Second year of experience	666.80	4.0%	693.50
Third year of experience & thereafter	675.90	4.0%	702.90
Diversional Therapist with Associate Diploma -			
First year of experience	647.60	4.0%	673.50
Second year of experience	678.70	4.0%	705.80
Third year of experience	706.90	4.0%	735.20
Fourth year of experience	732.90	4.0%	762.20
Fifth year of experience and thereafter	760.00	4.0%	790.40

Years of experience as a Diversional Therapist with Associate Diploma employed under the Private Hospital Employees' (State) Award or any award replacing that award will be recognised for appointment and incremental progression.

Technical Assistant			
First year of service	696.20	4.0%	724.00
Second year of service	710.80	4.0%	739.20
Third year of service and thereafter	720.40	4.0%	749.20

PHARMACY DEPARTMENT

Pharmacy Assistant (Graduate/Unregistered) -	724.30	4.0%	753.30
Pharmacists (Registered)			
First year of experience	786.30	4.0%	817.80
Second year of experience	809.00	4.0%	841.40
Third year of experience	848.00	4.0%	881.90
Fourth year of experience	894.30	4.0%	930.10
Fifth year of experience	943.90	4.0%	981.70
Sixth year of experience	990.40	4.0%	1,030.00
Seventh year of experience	1,027.40	4.0%	1,068.50
Eighth year of experience and thereafter	1,055.20	4.0%	1,097.40
Chief Pharmacist (Practising Pharmacist) -			
Sole pharmacist in charge or in charge of 3 or less registered or unregistered assistants			
First year of service	1,122.10	4.0%	1,167.00

Second year of service	1,154.10	4.0%	1,200.30
Third year of service	1,181.60	4.0%	1,228.90
In charge of 4 or more registered or unregistered assistants			
First year of service	1,209.20	4.0%	1,257.60
Second year of service	1,237.70	4.0%	1,287.20
Third year of service	1,273.90	4.0%	1,324.90

Pharmacists who are in possession of a Fellowship of the Society of Hospital Pharmacists shall be paid in addition to the rates prescribed an allowance per week of the amount set out in Item 20 of Table 2 - Other Rates and Allowances.

RADIOGRAPHIC STAFF

Radiographer -			
First year of experience	767.50	4.0%	798.20
Second year of experience	786.30	4.0%	817.80
Third year of experience	820.30	4.0%	853.10
Fourth year of experience	854.40	4.0%	888.60
Fifth year of experience	890.20	4.0%	925.80
Sixth year of experience	925.80	4.0%	962.80
Seventh year of experience	962.90	4.0%	1,001.40
Eighth year of experience and thereafter	1,002.50	4.0%	1,042.60
Senior Radiographer in a Section	1,074.40	4.0%	1,117.40
Assistant Chief Radiographer	1,098.80	4.0%	1,142.80
Chief Radiographer or Sole Radiographer at Hospitals			
with an Adjusted Daily Average of			
Under 100 beds	1,098.80	4.0%	1,142.80
100 beds but less than 200	1,157.60	4.0%	1,203.90
200 beds but less than 300	1,221.90	4.0%	1,270.80
300 beds but less than 500	1,293.00	4.0%	1,344.70
500 beds but less than 750	1,360.70	4.0%	1,415.10
Chief Radiographer, Diagnostic Radiographer at a hospital having an adjusted daily average of occupied beds of 750 or more	1,394.80	4.0%	1,450.60

Radiographers who are in possession of a Fellowship of the Australian Institute of Radiography shall be paid an allowance of the amount per week set out in Item 21 of Table 2 - Other Rates and Allowances.

A radiographer employed in a hospital who is required to provide a weekly service to another hospital or hospitals shall be paid in accordance with the following:

- (a) Where a radiographer is classified and paid as a Chief Radiographer in his own hospital, he shall be adjusted to the rate prescribed for a Chief Radiographer based on the combined A.D.A. of the hospitals within the group service, provided that if on this basis the employee would not be entitled to an adjustment to a higher salary rate, the employee shall be paid an allowance of the amount per week set out in Item 17 of Table 2-Other Rates and Allowances.
- (b) Where the employee is not classified and paid as a Chief Radiographer, the employee shall be paid the weekly rate prescribed for a Senior Radiographer.

SUPPORT SERVICES STAFF

General Services Officer, Grade I (includes Maid, Laundry Hand, Seamstress)			
Junior (under 18 years of age)	506.60	4.0%	526.90
Adult (18 years of age and over)	607.60	4.0%	631.90
General Services Officer, Grade II - (includes Kitchenhand, Ward Assistant, Wash House Employee, Industrial Washing Machine Operator, Porter/cleaner, Cleaner, General Useful)	620.70	4.0%	645.50
General Services Officer, Grade III - (includes Handyperson, Storeperson, Assistant Cook)	630.60	4.0%	655.80
General Services Officer, Grade IV - First year of service	643.90	4.0%	669.70
Second year of service	653.20	4.0%	679.30
Third year of service and thereafter	666.80	4.0%	693.50
Cook - Grade A	659.70	4.0%	686.10
Grade B	645.70	4.0%	671.50
Chef - First year of service	680.80	4.0%	708.00
Second year of service and thereafter	692.10	4.0%	719.80
Catering Officer - First year of service	730.30	4.0%	759.50
Second year of service and thereafter	740.00	4.0%	769.60
Housekeeper - First year of service	643.10	4.0%	668.80
Second year of service and thereafter	646.70	4.0%	672.60
Laundry Foreperson	654.40	4.0%	680.60
If in possession of Laundry and Dry Cleaning Certificate	662.50	4.0%	689.00
Gardener (Otherwise)	633.40	4.0%	658.70
Gardener (Qualified)	647.20	4.0%	673.10
Head Gardener(Otherwise)	663.80	4.0%	690.40
Head Gardener (Qualified)	695.50	4.0%	723.30
Motor Vehicle Driver	643.20	4.0%	668.90

Motor Vehicle Driver (Trucks and Ambulance)	650.60	4.0%	676.60
Storekeeper	674.60	4.0%	701.60

TECHNICAL STAFF

Technical Officer -

Grade I -			
First year of experience	735.40	4.0%	764.80
Second year of experience	749.00	4.0%	779.00
Third year of experience	759.00	4.0%	789.40
Fourth year of experience	773.00	4.0%	803.90
Fifth year of experience	786.30	4.0%	817.80
Sixth year of experience	809.00	4.0%	841.40
Seventh year of experience	829.80	4.0%	863.00
Eighth year of experience & thereafter	848.00	4.0%	881.90
Grade II -			
First year of service	894.40	4.0%	930.20
Second year of service	919.20	4.0%	956.00
Third year of service	943.90	4.0%	981.70
Fourth year of service	990.40	4.0%	1,030.00
Senior Technical Officer -			
First year of service	1,027.40	4.0%	1,068.50
Second year of service	1,041.20	4.0%	1,082.80
Third year of service and thereafter	1,055.20	4.0%	1,097.40
Medical Technologist -			
First year of experience	786.30	4.0%	817.80
Second year of experience	809.00	4.0%	841.40
Third year of experience	848.00	4.0%	881.90
Fourth year of experience	894.40	4.0%	930.20
Fifth year of experience	943.90	4.0%	981.70
Sixth year of experience	990.40	4.0%	1,030.00
Seventh year of experience	1,027.40	4.0%	1,068.50
Eighth year of experience & thereafter	1,055.20	4.0%	1,097.40
Senior Medical Technologist in a Section -			
First year of experience	1,122.10	4.0%	1,167.00
Second year of experience	1,154.10	4.0%	1,200.30
Third year of experience and thereafter	1,181.60	4.0%	1,228.90
Chief Medical Technologist -			
If sole technologist in a hospital or in charge of other technologists or trainees at hospitals having an adjusted daily average of occupied beds of less than 200			
First year of experience	1,209.20	4.0%	1,257.60
Second year of experience	1,237.70	4.0%	1,287.20
Third year of experience & thereafter	1,273.90	4.0%	1,324.90

Provided that where a Chief Medical Technologist is the holder of a Fellowship of the Australian Institute of Medical Technology s/he shall be paid an additional amount per week as set out in Item 22 of Table 2 - Other Rates and Allowances.

APPRENTICES

Apprentice Cook -

First year	387.40	60% of Cook B	402.90
Second year	532.70	82½% of Cook B	554.00
Third year	597.30	92½% of Cook B	604.40

Apprentice Gardener

First year	323.60	50% of Gardener (qualified)	336.60
Second year	388.30	60% of Gardener (qualified)	403.90
Third Year	517.80	80% of Gardener (qualified)	538.50
Fourth year	582.50	90% of Gardener (qualified)	605.80
Medical Officers			
Medical Officer - Resident			
First year of service	881.90	4.0%	917.20
Second year of service	952.10	4.0%	990.20
Third year of service	1,030.30	4.0%	1,071.50
Fourth year of service	1,104.50	4.0%	1,148.70
Medical Officer - Registrar			
First year of service	1,031.00	4.0%	1,072.20
Second year of service	1,104.50	4.0%	1,148.70
Third year of service	1,178.30	4.0%	1,225.40
Fourth year of service	1,249.10	4.0%	1,299.10
Medical Officer - Senior Registrar			
	1,357.00	4.0%	1,411.30
Scientific Officers			
Scientific Officer-Trainee			
First year of scale	500.60	4.0%	520.60
Second year of scale	528.40	4.0%	549.50
Third year of scale	583.40	4.0%	606.70
Fourth year of scale	645.10	4.0%	670.90
Fifth year of scale	707.70	4.0%	736.00
Sixth year of scale	758.80	4.0%	789.20
Scientific Officer			
First year of scale	785.60	4.0%	817.00
Second year of scale	808.60	4.0%	840.90
Third year of scale	847.30	4.0%	881.20
Fourth year of scale	893.70	4.0%	929.40
Fifth year of scale	943.40	4.0%	981.10
Sixth year of scale	989.80	4.0%	1,029.40
Seventh year of scale	1,026.90	4.0%	1,068.00
Eight year of scale	1,054.60	4.0%	1,096.80
Senior Scientific Officer			
First year of scale	1,121.60	4.0%	1,166.50
Second year of scale	1,153.40	4.0%	1,199.50
Third year of scale	1,180.90	4.0%	1,228.10
Fourth year of scale	1,208.40	4.0%	1,256.70

Fifth year of scale	1,237.20	4.0%	1,286.70
Sixth year of scale	1,273.40	4.0%	1,324.30
Seventh year of scale	1,307.00	4.0%	1,359.30
Eight year of scale	1,335.80	4.0%	1,389.20
Senior Scientific Officer- in charge			
(a) in charge of a section of a laboratory			
First year	1,121.60	4.0%	1,166.50
Second year	1,153.40	4.0%	1,199.50
Third year	1,180.90	4.0%	1,228.10
(b) in charge of a laboratory at a hospital having an ADA of less than 200:			
First year	1,208.40	4.0%	1,256.70
Second year	1,237.20	4.0%	1,286.70
Thereafter	1,272.20	4.0%	1,323.10
(c) in charge of a laboratory at a hospital having an ADA of more than 200:			
First year	1,273.40	4.0%	1,324.30
Second year	1,307.00	4.0%	1,359.30
Thereafter	1,334.90	4.0%	1,388.30
Principal Scientific Officer			
First year of scale	1,374.40	4.0%	1,429.40
Second year of scale	1,404.20	4.0%	1,460.40
Third year of scale	1,437.50	4.0%	1,495.00
Fourth year of scale	1,467.70	4.0%	1,526.40
Fifth year of scale	1,499.30	4.0%	1,559.30
Sixth year of scale	1,530.40	4.0%	1,591.60
Seventh year of scale	1,561.10	4.0%	1,623.50
Eight year of scale	1,593.30	4.0%	1,657.00
Ninth year of scale	1,624.30	4.0%	1,689.30
Tenth year of scale	1,656.70	4.0%	1,723.00
Nurse Counsellor			
First year of scale	773.90	4.0%	804.90
Second year of scale	802.80	4.0%	834.90
Third year of scale	842.20	4.0%	875.90
Fourth year of scale	877.70	4.0%	912.80
Fifth year of scale	919.40	4.0%	956.20
Sixth year of scale	952.90	4.0%	991.00
Seventh year of scale	982.40	4.0%	1,021.70
Eight year of scale	1,010.60	4.0%	1,051.00
Thereafter	1,048.80	4.0%	1,090.80
Psychologist, Audiologist, Research-Project Officer			
First year of service	768.40	4.0%	799.10
Second year of service	797.00	4.0%	828.90
Third year of service	835.50	4.0%	868.90
Fourth year of service	872.90	4.0%	907.80
Fifth year of service	913.90	4.0%	950.50

Sixth year of service	952.10	4.0%	990.20
Seventh year of service	982.20	4.0%	1,021.50
Eight year of service	1,048.50	4.0%	1,090.40
Clinical Psychologists			
First year of service	1,012.00	4.0%	1,052.50
Second year of service	1,065.10	4.0%	1,107.70
Third year of service	1,114.10	4.0%	1,158.70
Fourth year of service	1,167.70	4.0%	1,214.40
Fifth year of service	1,217.10	4.0%	1,265.80
Librarian-Graduate			
First year of service	761.60	4.0%	792.10
Second year of service	785.40	4.0%	816.80
Third year of service	817.50	4.0%	850.20
Fourth year of service	847.20	4.0%	881.10
Fifth year of service	877.70	4.0%	912.80
Sixth year of service	898.60	4.0%	934.50
Seventh year of service	943.00	4.0%	980.70
Dietitian			
First year of scale	808.60	4.0%	840.90
Second year of scale	847.30	4.0%	881.20
Third year of scale	893.70	4.0%	929.40
Fourth year of scale	943.40	4.0%	981.10
Fifth year of scale	989.80	4.0%	1,029.40
Sixth year of scale	1,026.90	4.0%	1,068.00
Seventh year of scale	1,054.60	4.0%	1,096.80
Grade 1			
First year of scale	1,121.60	4.0%	1,166.50
Second year of scale	1,153.40	4.0%	1,199.50
Physiotherapists, Occupational Therapists, Music Therapists, Speech Pathologists			
First year of scale	785.60	4.0%	817.00
Second year of scale	808.60	4.0%	840.90
Third year of scale	846.60	4.0%	880.50
Fourth year of scale	893.70	4.0%	929.40
Fifth year of scale	943.40	4.0%	981.10
Sixth year of scale	989.80	4.0%	1,029.40
Seventh year of scale	1,026.90	4.0%	1,068.00
Eight year of scale	1,054.60	4.0%	1,096.80
Thereafter			
Medical Records Officer			
First year of scale	772.30	4.0%	803.20
Second year of scale	785.20	4.0%	816.60
Third year of scale	798.20	4.0%	830.10
Fourth year of scale	810.80	4.0%	843.20
Fifth year of scale	825.00	4.0%	858.00
Sixth year of scale	842.00	4.0%	875.70
Seventh year of scale	858.60	4.0%	892.90
Eight year of scale	895.80	4.0%	931.60

Welfare Officer - Social			
Grade 1			
First year of scale	689.70	4.0%	717.30
Second year of scale	723.00	4.0%	751.90
Third year of scale	752.90	4.0%	783.00
Fourth year of scale	780.80	4.0%	812.00
Fifth year of scale	843.60	4.0%	877.30
Grade 2			
First year of scale	839.90	4.0%	873.50
Second year of scale	869.40	4.0%	904.20
Social Worker			
First year of scale	773.90	4.0%	804.90
Second year of scale	802.80	4.0%	834.90
Third year of scale	842.20	4.0%	875.90
Fourth year of scale	877.70	4.0%	912.80
Fifth year of scale	919.40	4.0%	956.20
Sixth year of scale	952.90	4.0%	991.00
Seventh year of scale	982.40	4.0%	1,021.70
Eight year of scale	1,010.60	4.0%	1,051.00
Ninth year of scale	1,048.80	4.0%	1,090.80
Patient Services Assistant	620.70	4.0%	645.50
Security Officers			
Grade 1	703.20	4.0%	731.30
Grade 2	727.90	4.0%	757.00
Medical Records Administrator/Clinical Coders			
1st year of service	772.30	4.0%	803.20
2nd year of service	785.20	4.0%	816.60
3rd year of service	798.20	4.0%	830.10
4th year of service	810.80	4.0%	843.20
5th year of service	825.00	4.0%	858.00
6th year of service	842.00	4.0%	875.70
7th year of service	858.60	4.0%	892.90
8th year of service	895.80	4.0%	931.60

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount from 8.10.2008 \$
1	5.2.D	Principal Scientific Officer - Qualification Allowance	55.10 p/week
2	5.3.B	Psychologists, Audiologists & Research or Project Officers - Allowance - Further Allowance	61.20 p/week 61.20 p/week
3	5.6	Physiotherapist, Occupational Therapist, Speech Pathologist - In Charge Allowance	130.40 p/week
4	7.A (xi) 7.B.(iii)	Broken Shift allowance	8.32 per shift
5	9 (vi) 12 (iv)	Meal allowances (overtime) - - breakfast - lunch - dinner	11.90 p/meal 15.20 p/meal 22.70 p/meal

6	15 (vii)	Apprentices - - certificate of exam pass - each subsequent year	1.98 p/week 1.98 p/week
7	17 (i)	Driving allowances - - Where required to drive a vehicle - required to drive more than 10 hours in any week - minimum payment - required to drive more than four hours in any day or shift - minimum payment	5.10 p/week 5.10 5.10 p/shift
8	17 (ii)	Post mortem assistance allowance - - weekly allowance - where assisting in more than one post mortem per week	7.90 p/week 7.90 p/p. mortem
9	17 (iii)	Dirty work, confined spaces allowance	0.43 per hour
10	17 (iii)	Confined spaces allowance - inside boiler, flue, etc.	0.74 per hour
11	17 (v)	Handling linen of nauseous nature allowance (except in sealed linen bags)	0.23 per hour
12	17 (vii)	Leading hand allowance - - in charge of 2 to 5 employees - in charge of 6 to 10 employees - in charge of 11 to 15 employees - in charge of 16 to 19 employees	21.40 p/week 30.20 p/week 38.20 p/week 46.50 p/week
13	17 (viii)	On-Call allowance - per 24 hours - On-Call allowance-Rostered days off	19.40 37.90
14	28 (iii)	Uniform allowance	2.10 per week
15	28 (iv)	Laundering of uniform allowance	1.30 per week

2. This variation shall take effect from the first full pay period to commence on or after 8 October 2008.

A. MACDONALD, Commissioner

Printed by the authority of the Industrial Registrar.

PRIVATE HOSPITAL EMPLOYEES (STATE) AWARD 2006

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1857 of 2008)

Before Commissioner Macdonald

8 October 2008

VARIATION

1. Delete subclause (ii) of clause 3, Wages of the award published 4 June 2004 (344 I.G. 734), and insert in lieu thereof the following:
 - (ii) The Rates of pay in this award include the adjustments payable under the State Wage Case 2008. These adjustments may be off-set 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	Current rate	SWC 2008 adjustment	Wage Rate as from 8.10.2008
	\$/week	%/week	\$/week
Administrative Staff			
Clerk - Age Scale Under 18 years of age	355.30	4.0%	369.50
Clerk - Grade I First year of service Second year of service Third year of service Fourth year of service Fifth year of service and thereafter	568.30 581.60 593.70 603.70 613.70	4.0% 4.0% 4.0% 4.0% 4.0%	591.00 604.90 617.40 627.80 638.20
Clerk - Grade II First year of service Second year of service and thereafter	630.30 645.30	4.0% 4.0%	655.50 671.10
Clerk - Grade III First year of service Second year of service and thereafter	660.60 673.90	4.0% 4.0%	687.00 700.90
Clerk - Grade IV First year of service Second year of service and thereafter	686.70 698.50	4.0% 4.0%	714.20 726.40

Clerk - Grade V			
First year of service	714.10	4.0%	742.70
Second year of service and thereafter	726.60	4.0%	755.70
Provided that employees on the Age Scale who are substantially engaged on stenographic duties, or as a comptometer or ledger posting machine operator, shall be paid a weekly allowance as part of salary of the amount per week set out in Item 12 of Table 2 - Other Rates and Allowances			
Central Sterile Supply Department			
Aides -			
Junior Scale -			
Under 18 years of age	394.30	4.0%	410.10
Adult -			
First year of service	597.10	4.0%	621.00
Second year of service	604.90	4.0%	629.10
Third year of service & thereafter	612.80	4.0%	637.30
Assistant Supervisor of C.S.S.D.			
500 beds and over	701.90	4.0%	730.00
200 but less than 500 beds	648.50	4.0%	674.40
100 but less than 200 beds	631.10	4.0%	656.30
Supervisor of C.S.S.D			
500 beds and over	800.30	4.0%	832.30
200 but less than 500 beds	749.30	4.0%	779.30
100 but less than 200 beds	701.90	4.0%	730.00
Central Sterile Supply Department Aides, other than Supervisors and Assistant Supervisors, who possess the Sterilising Certificate shall be paid an allowance of the amount per week set out in Item 13 of Table 2 - Other Rates and Allowances			
Maintenance Staff			
Boiler Attendant -			
Certificated	601.60	4.0%	625.70
With Maintenance of Plant Duties	606.50	4.0%	630.80
Where a boiler attendant attends to more than one boiler and/or performs work other than that of a boiler attendant he shall be paid an additional amount per week as set out in Item 14 of Table 2 - Other Rates and Allowances.			
Maintenance Supervisor (Non-Tradesman)			
In charge of staff	680.50	4.0%	707.70
Otherwise	668.60	4.0%	695.30
Maintenance Supervisor (Tradesman) -			
In charge of staff	757.00	4.0%	787.30
Otherwise	715.00	4.0%	743.60
Engineer (Certificated)			
First year of service	777.30	4.0%	808.40
Second year of service and thereafter	818.70	4.0%	851.40
Nuclear Medicine Department			
Nuclear Medicine Technologist -			
First year of experience	669.30	4.0%	696.10
Second year of experience	684.20	4.0%	711.60
Third year of experience	711.30	4.0%	738.80

Fourth year of experience	738.40	4.0%	767.90
Fifth year of experience	766.70	4.0%	797.40
Sixth year of experience	795.10	4.0%	826.90
Seventh year of experience	824.50	4.0%	857.50
Eighth year of experience and thereafter	855.90	4.0%	890.10
Senior Nuclear Medicine Technologist	913.00	4.0%	949.50
Chief Nuclear Medicine Technologist - Grade I	1,030.20	4.0%	1,071.40
Grade II	1,086.60	4.0%	1,130.10
Other Medical/Technical Staff Group			
Anaesthetic and Operating Theatre Technician - Without Diploma	631.70	4.0%	657.00
Provided that an Anaesthetic and Operating Theatre Technician who is the possessor of a Diploma issued by the Australian Society of Anaesthetic and Operating Theatre Technicians shall be paid	654.80	4.0%	681.00
Senior Anaesthetic and Operating Theatre Technician	667.10	4.0%	693.80
Electro-Cardiograph Recorder/Technician - First year of experience	631.70	4.0%	657.00
Third year of experience and thereafter	640.10	4.0%	665.70
Senior Electro-Cardiograph Recorder/Technician	652.30	4.0%	678.40
Heart/Lung Assistant	639.90	4.0%	665.50
Heart/Lung Technician	664.20	4.0%	690.80
Neurophysiological Technician - First year of experience	654.80	4.0%	681.00
Second year of experience & thereafter	667.10	4.0%	693.80
Senior Neurophysiological Technician - Grade I	679.70	4.0%	706.90
Grade II	718.70	4.0%	747.40
Grade III	769.60	4.0%	800.40
Surgical Bootmaker - First year of experience	659.20	4.0%	685.60
Second year of experience & thereafter	666.70	4.0%	693.40
Orthotist - First year of service	659.30	4.0%	685.70
Second year of service	669.60	4.0%	696.40
Third year of service	678.70	4.0%	705.80
Fourth year of service and thereafter	686.90	4.0%	714.40
Chief Orthotist - Sole, or in charge of one other	715.90	4.0%	744.50
Chief Orthotist - In charge of two or more orthotists First year of service	715.90	4.0%	744.50
Second year of service & thereafter	733.90	4.0%	763.30

Wardsperson -			
First year of service	596.60	4.0%	620.50
Second year of service and thereafter	599.70	4.0%	623.70
Surgical Dresser			
First year of service	601.50	4.0%	625.60
Second year of service	605.10	4.0%	629.30
Third year of service and thereafter	610.10	4.0%	634.50
Recreation Activities Officer -			
First year of experience	612.80	4.0%	637.30
Second year of experience	624.30	4.0%	649.30
Third year of experience & thereafter	632.00	4.0%	657.30
Diversional Therapist with Associate Diploma -			
First year of experience	608.00	4.0%	632.30
Second year of experience	634.30	4.0%	659.70
Third year of experience	658.20	4.0%	684.50
Fourth year of experience	680.20	4.0%	707.40
Fifth year of experience and thereafter	703.20	4.0%	731.30
Years of experience as a Diversional Therapist with Associate Diploma employed under the Private Hospital Employees' (State) Award or any award replacing that award will be recognised for appointment and incremental progression			
Technical Assistant -			
First year of service	612.80	4.0%	637.30
Second year of service	624.30	4.0%	649.30
Third year of service and thereafter	632.00	4.0%	657.30
Pharmacy Department			
Pharmacy Assistant (Graduate/Unregistered)	635.10	4.0%	660.50
Pharmacists (Registered) -			
First year of experience	684.20	4.0%	711.60
Second year of experience	702.40	4.0%	730.50
Third year of experience	733.30	4.0%	762.60
Fourth year of experience	770.00	4.0%	800.80
Fifth year of experience	809.40	4.0%	841.80
Sixth year of experience	846.30	4.0%	880.20
Seventh year of experience	875.70	4.0%	910.70
Eighth year of experience and thereafter	897.80	4.0%	933.70
Chief Pharmacist (Practising Pharmacist) -			
Sole pharmacist in charge or in charge of 3 or less registered or unregistered assistants			
First year of service	950.90	4.0%	988.90
Second year of service	976.30	4.0%	1,015.40
Third year of service	998.10	4.0%	1,038.00
In charge of 4 or more registered or unregistered assistants			
First year of service	1,020.00	4.0%	1,060.80
Second year of service	1,042.70	4.0%	1,084.40
Third year of service	1,071.40	4.0%	1,114.30

Pharmacists who are in possession of a Fellowship of the Society of Hospital Pharmacists shall be paid in addition to the rates prescribed an allowance per week of the amount set out in Item 15 of Table 2 - Other Rates and Allowances.			
Radiographic Staff			
Radiographer -			
First year of experience	669.30	4.0%	696.10
Second year of experience	684.20	4.0%	711.60
Third year of experience	711.30	4.0%	739.80
Fourth year of experience	738.40	4.0%	767.90
Fifth year of experience	766.70	4.0%	797.40
Sixth year of experience	795.10	4.0%	826.90
Seventh year of experience	824.50	4.0%	857.50
Eighth year of experience and thereafter	855.90	4.0%	890.10
Senior Radiographer in a Section	913.00	4.0%	949.50
Assistant Chief Radiographer	932.40	4.0%	969.70
Chief Radiographer or Sole Radiographer at Hospitals with an Adjusted Daily Average of			
Under 100 beds	932.40	4.0%	969.70
100 beds but less than 200	979.10	4.0%	1,018.30
200 beds but less than 300	1,030.20	4.0%	1,071.40
300 beds but less than 500	1,086.60	4.0%	1,130.10
500 beds but less than 750	1,140.30	4.0%	1,185.90
Chief Radiographer, Diagnostic Radiographer at a hospital having an adjusted daily average of occupied beds of 750 or more	1,167.40	4.0%	1,214.10
Radiographers who are in possession of a Fellowship of the Australian Institute of Radiography shall be paid an allowance of the amount per week set out in Item 16 of Table 2 - Other Rates and Allowances.			
A radiographer employed in a hospital who is required to provide a weekly service to another hospital or hospitals shall be paid in accordance with the following:			
(a) Where a radiographer is classified and paid as a Chief Radiographer in his own hospital, he shall be adjusted to the rate prescribed for a Chief Radiographer based on the combined A.D.A. of the hospitals within the group service, provided that if on this basis the employee would not be entitled to an adjustment to a higher salary rate, the employee shall be paid an allowance of the amount per week set out in Item 17 of Table 2 - Other Rates and Allowances			
(b) Where the employee is not classified and paid as a Chief Radiographer, the employee shall be paid the weekly rate prescribed for a Senior Radiographer.			
Support Services Staff			
General Services Officer, Grade I (includes Maid, Laundry Hand, Seamstress) Junior (under 18 years of age)	476.10	4.0%	495.10
Adult (18 years of age and over)	574.00	4.0%	597.00
General Services Officer, Grade II - (includes Kitchenhand, Ward Assistant, Wash House Employee, Industrial Washing Machine Operator, Porter/cleaner, Cleaner, General Useful)	585.10	4.0%	608.50

General Services Officer, Grade III - (includes Handyperson, Storeperson, Assistant Cook)	593.50	4.0%	617.20
General Services Officer, Grade IV - First year of service	604.90	4.0%	629.10
Second year of service	612.80	4.0%	637.30
Third year of service and thereafter	624.30	4.0%	649.30
Cook - Grade A	618.20	4.0%	642.90
Grade B	606.40	4.0%	630.70
Chef - First year of service	636.10	4.0%	661.50
Second year of service and thereafter	645.70	4.0%	671.50
Catering Officer - First year of service	678.10	4.0%	705.20
Second year of service and thereafter	686.30	4.0%	713.80
Housekeeper First year of service	604.10	4.0%	628.30
Second year of service and thereafter	607.10	4.0%	631.40
Laundry Foreman and Forewoman	613.70	4.0%	638.20
If in possession of Laundry and Dry Cleaning Certificate	620.60	4.0%	645.40
Gardener (Otherwise)	595.90	4.0%	619.70
Gardener (Qualified)	607.60	4.0%	631.90
Head Gardener (Otherwise)	621.70	4.0%	646.60
Head Gardener (Qualified)	648.60	4.0%	674.50
Motor Vehicle Driver	604.20	4.0%	628.40
Motor Vehicle Driver (Trucks and Ambulance)	610.50	4.0%	634.90
Storekeeper	630.80	4.0%	656.00
Technical Staff			
Technical Officer - Grade I - First year of experience	643.90	4.0%	669.70
Second year of experience	654.70	4.0%	680.90
Third year of experience	662.70	4.0%	689.20
Fourth year of experience	673.80	4.0%	700.80
Fifth year of experience	684.20	4.0%	711.60
Sixth year of experience	702.40	4.0%	730.50
Seventh year of experience	718.90	4.0%	747.70
Eighth year of experience & thereafter	733.30	4.0%	762.60

Grade II -			
First year of service	770.10	4.0%	800.90
Second year of service	789.80	4.0%	821.40
Third year of service	809.40	4.0%	841.80
Fourth year of service	846.30	4.0%	880.20
Senior Technical Officer			
First year of service	875.70	4.0%	910.70
Second year of service	886.70	4.0%	922.20
Third year of service and thereafter	897.80	4.0%	933.70
Medical Technologist -			
First year of experience	684.20	4.0%	711.60
Second year of experience	702.40	4.0%	730.50
Third year of experience	733.30	4.0%	762.60
Fourth year of experience	770.10	4.0%	800.90
Fifth year of experience	809.40	4.0%	841.80
Sixth year of experience	846.30	4.0%	880.20
Seventh year of experience	875.70	4.0%	910.70
Eighth year of experience & thereafter	897.80	4.0%	933.70
Senior Medical Technologist in a Section -			
First year of experience	950.90	4.0%	988.90
Second year of experience	976.30	4.0%	1,015.40
Third year of experience and thereafter	998.10	4.0%	1,038.00
Chief Medical Technologist -			
If sole technologist in a hospital or in charge of other technologists or trainees at hospitals having an adjusted daily average of occupied beds of less than 200			
First year of experience	1,020.00	4.0%	1,060.80
Second year of experience	1,042.70	4.0%	1,084.40
Third year of experience & thereafter	1,071.40	4.0%	1,114.30
Provided that where a Chief Medical Technologist is the holder of a Fellowship of the Australian Institute of Medical Technology s/he shall be paid an additional amount per week as set out in Item 18 of Table 2 - Other Rates and Allowances.			
Apprentices			
Apprentice Cook -			
First year	363.80	60% of Cook B	378.40
Second year	500.30	82½% of Cook B	520.30
Third year	560.90	92½% of Cook B	583.40
Apprentice Gardener			
First year	303.80	50% of Gardener (qualified)	316.00
Second year	364.60	60% of Gardener (qualified)	379.10

Third year	486.10	80% of Gardener (qualified)	505.50
Fourth year	546.80	90% of Gardener (qualified)	568.70

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount from 8.10.2008
1*	6(iii)	Meal allowances (overtime) - Breakfast Lunch Dinner	\$8.80 per meal \$11.40 per meal \$16.70 per meal
2*	7(iii)	Transport allowance - use of own vehicle (overtime hours) vehicles with engine capacity over 1600 cc vehicles with engine capacity 1600 cc and under	24.5 cents per km 20.5 cents per km
3	10(viii)	Apprentices - certificate of exam pass each subsequent year	\$1.86 per week \$1.86 per week
4	12(i)	Driving allowances - Where required to drive a vehicle required to drive more than 10 hours in any week - minimum payment required to drive more than four hours in any day or shift - minimum payment	\$4.70 per week \$4.70 \$4.70 per shift
5	12(ii)	Post mortem assistance allowance - weekly allowance where assisting in more than one post mortem per week	\$7.50 per week \$7.50 p/post mortem
6	12(iii)	Dirty work, confined spaces allowance	\$0.38 per hour
7	12(iii)	Confined spaces allowance - inside boiler, flue, etc.	\$0.69 per hour
8	12(v)	Handling linen of nauseous nature allowance (except in sealed linen bags)	\$0.23 per hour
9	12(vii)	Leading hand allowance - in charge of 2 to 5 employees in charge of 6 to 10 employees in charge of 11 to 15 employees in charge of 16 to 19 employees	\$20.10 per week \$28.20 per week \$35.80 per week \$43.80 per week
10*	21(iii)	Uniform allowance	\$1.70 per week
11*	21(iv)	Laundering of uniform allowance	\$1.00 per week
12	Table 1	Stenographic allowance	\$5.50 per week
13	Table 1	Sterilising Certificate allowance	\$6.40 per week
14	Table 1	Boiler Attendant allowance	\$14.60 per week
15*	Table 1	Fellowship of the Society of Hospital Pharmacists Allowance	\$17.90 per week
16*	Table 1	Fellowship of Australian Institute of Radiography Allowance	\$19.60 per week
17	Table 1	Chief Radiographer service to another hospital allowance	\$34.70 per week
18*	Table 1	Fellowship of Australian Institute of Medical Technology Allowance	\$32.00 per week

3. This variation shall take effect from the first full pay period to commence on or after 8 October 2008.

A. MACDONALD, Commissioner

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(287)

SERIAL C6798

PRIVATE HOSPITAL PROFESSIONAL EMPLOYEES (STATE) AWARD 2006

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1855 of 2008)

Before Commissioner Macdonald

28 October 2008

VARIATION

1. Delete clause 19, State Wage Case Adjustments, of the award published 16 March 2001 (323 I.G. 35), and insert in lieu thereof the following:

19. State Wage Case Adjustments

- 19.1 The rates of pay in this award include the adjustments payable under the State Wage Case 2008. 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 - Salaries

Classification	Current Rate per week \$	SWC 2008 Adjustment per week %	Wage Rate as from 1/2/09 per week \$
Medical Officers Resident			
1st year of service	760.30	4.0%	790.70
2nd year of service	816.00	4.0%	848.60
3rd year of service	878.00	4.0%	913.10
4th year of service	936.90	4.0%	974.40
Registrar			
1st year of service	878.60	4.0%	913.70
2nd year of service	936.90	4.0%	974.40
3rd year of service	995.50	4.0%	1,035.30
4th year of service	1,051.70	4.0%	1,093.80
Senior Registrar	1,137.40	4.0%	1,182.90
Scientific Officers			
1st year of scale	683.80	4.0%	711.20
2nd year of scale	702.00	4.0%	730.10
3rd year of scale	732.80	4.0%	762.10
4th year of scale	769.60	4.0%	800.40
5th year of scale	809.10	4.0%	841.50

6th year of scale	845.90	4.0%	879.70
7th year of scale	875.30	4.0%	910.30
8th year of scale	897.30	4.0%	933.20
Senior Scientific Officer			
1st year of scale	950.40	4.0%	988.40
2nd year of scale	975.70	4.0%	1,014.70
3rd year of scale	997.60	4.0%	1,037.50
4th year of scale	1,019.40	4.0%	1,060.20
5th year of scale	1,042.20	4.0%	1,083.90
6th year of scale	1,071.00	4.0%	1,113.80
7th year of scale	1,097.70	4.0%	1,141.60
8th year of scale	1,120.50	4.0%	1,165.30
Senior Scientific Officer-in-Charge			
(a) in charge of a section of a laboratory -			
1st year	950.40	4.0%	988.40
2nd year	975.70	4.0%	1,014.70
Thereafter	997.60	4.0%	1,037.50
(b) in charge of a laboratory at a hospital having an ADA of -			
(i) less than 200:			
1st year	1,019.40	4.0%	1,060.20
2nd year	1,042.20	4.0%	1,083.90
Thereafter	1,070.00	4.0%	1,112.80
(ii) more than 200:			
1st year	1,071.00	4.0%	1,113.80
2nd year	1,097.70	4.0%	1,141.60
Thereafter	1,119.80	4.0%	1,164.60
Principal Scientific Officer			
1st year of scale	1,151.20	4.0%	1,197.20
2nd year of scale	1,174.90	4.0%	1,221.90
3rd year of scale	1,201.30	4.0%	1,249.40
4th year of scale	1,225.30	4.0%	1,274.30
5th year of scale	1,250.30	4.0%	1,300.30
6th year of scale	1,275.00	4.0%	1,326.00
7th year of scale	1,299.30	4.0%	1,351.30
8th year of scale	1,325.00	4.0%	1,378.00
9th year of scale	1,349.60	4.0%	1,403.60
10th year of scale	1,375.30	4.0%	1,430.30
Trainee Scientific Officer			
1st year of scale	457.50	4.0%	475.80
2nd year of scale	479.50	4.0%	498.70
3rd year of scale	523.30	4.0%	544.20
4th year of scale	572.20	4.0%	595.10
5th year of scale	621.90	4.0%	646.80
6th year of scale	662.50	4.0%	689.00
Nurse Counsellor			
1st year of scale	674.50	4.0%	701.50
2nd year of scale	697.40	4.0%	725.30
3rd year of scale	728.70	4.0%	757.80
4th year of scale	756.90	4.0%	787.20
5th year of scale	790.00	4.0%	821.60
6th year of scale	816.60	4.0%	849.30
7th year of scale	840.00	4.0%	873.60
8th year of scale	862.40	4.0%	896.90
Thereafter	892.70	4.0%	928.40

Psychologists, Audiologists and Research or Project Officers			
1st year of service	670.20	4.0%	697.00
2nd year of service	692.80	4.0%	720.50
3rd year of service	723.40	4.0%	752.30
4th year of service	753.00	4.0%	783.10
5th year of service	785.60	4.0%	817.00
6th year of service	816.00	4.0%	848.60
7th year of service	839.80	4.0%	873.40
8th year of service	892.50	4.0%	928.20
Clinical Psychologists			
1st year of service	863.50	4.0%	898.00
2nd year of service	905.60	4.0%	941.80
3rd year of service	944.60	4.0%	982.40
4th year of service	987.10	4.0%	1,026.60
5th year of service	1,026.30	4.0%	1,067.40
Librarian - Graduate			
1st year of service	664.70	4.0%	691.30
2nd year of service	683.60	4.0%	710.90
3rd year of service	709.10	4.0%	737.50
4th year of service	732.70	4.0%	762.00
5th year of service	756.90	4.0%	787.20
6th year of service	773.40	4.0%	804.30
7th year of service	808.70	4.0%	841.00
Dieticians			
1st year of scale	702.00	4.0%	730.10
2nd year of scale	732.80	4.0%	762.10
3rd year of scale	769.60	4.0%	800.40
4th year of scale	809.10	4.0%	841.50
5th year of scale	845.90	4.0%	879.70
6th year of scale	875.30	4.0%	910.30
7th year of scale	897.30	4.0%	933.20
Grade 1			
1st year of scale	950.40	4.0%	988.40
2nd year of scale	975.70	4.0%	1,014.70
Physiotherapists, Occupational Therapists, Music Therapists, Speech Pathologists			
1st year of scale	683.80	4.0%	711.20
2nd year of scale	702.00	4.0%	730.10
3rd year of scale	732.20	4.0%	761.50
4th year of scale	769.60	4.0%	800.40
5th year of scale	809.10	4.0%	841.50
6th year of scale	845.90	4.0%	879.70
7th year of scale	875.30	4.0%	910.30
8th year of scale	897.30	4.0%	933.20
Medical Records Administrator			
1st year of service	673.20	4.0%	700.10
2nd year of service	683.40	4.0%	710.70
3rd year of service	693.80	4.0%	721.60
4th year of service	703.80	4.0%	732.00
5th year of service	715.10	4.0%	743.70
6th year of service	728.50	4.0%	757.60
7th year of service	741.70	4.0%	771.40
8th year of service	771.20	4.0%	802.00
Welfare Officers - Social			
Adults - Grade 1			
1st year of scale	607.70	4.0%	632.00
2nd year of scale	634.10	4.0%	659.50

3rd year of scale	657.80	4.0%	684.10
4th year of scale	679.90	4.0%	707.10
5th year of scale	729.80	4.0%	759.00
Adults - Grade 2			
1st year of scale	726.90	4.0%	756.00
2nd year of scale	750.30	4.0%	780.30
Social Workers			
1st year of scale	674.50	4.0%	701.50
2nd year of scale	697.40	4.0%	725.30
3rd year of scale	728.70	4.0%	757.80
4th year of scale	756.90	4.0%	787.20
5th year of scale	790.00	4.0%	821.60
6th year of scale	816.60	4.0%	849.30
7th year of scale	840.00	4.0%	873.60
8th year of scale	862.40	4.0%	896.90
9th year of scale	892.70	4.0%	928.40

Table 2 - Allowances

Item No.	Clause No.	Allowance	Amount from 1/2/09 \$
1	3.4	Principal Scientific Officer-Qualification Allowance	48.60 p/wk
2	3(3.6)(b)	Psychologists, Audiologists and Research or Project Officers Allowance Further Allowance	53.80 p/wk 53.80 p/wk
3	3(3.9)	Physiotherapist, Occupational Therapist, Speech Pathologist -In-Charge Allowance	114.70 p/wk
4	6(6.2) (a) (b) (c)	Meal Allowance - Overtime Breakfast Lunch Evening	8.60 11.10 16.40
5	20(20.3)	Uniform Allowance	1.70 p/wk
6	20(20.4)	Laundry Allowance	0.95 p/wk
7	23	Mileage Allowance Motor Car First 8,000 kilometres per year 1,600 cc and over Under 1600 cc Over 8,000 kilometres per year 1,600 cc and over Under 1600 cc Motor Cycle	0.526 p/km 0.376 p/km 0.187 p/km 0.157 p/km 0.248 p/km

3. This variation shall take effect from the first pay period to commence on or after 1 February 2009.

A. MACDONALD, Commissioner

PRIVATE MEDICAL IMAGING (STATE) AWARD 2004

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Health Services Union, Industrial Organisation of Employees.

(No. IRC 1854 of 2008)

Before Commissioner Macdonald

8 October 2008

VARIATION

1. Delete Part B, Monetary Rates, of the award published 26 September 2008 (366 I.G. 798), and insert in lieu thereof the following:

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

Classifications	Current Rate Per Week \$	Award Variation Adjustment Per Week %	Wage Rate as from 8.10.08 Per Week \$
Medical Imaging Technologist (MIT): Medical Radiographer (MIT-MR) Nuclear Medicine Technologist (MIT-NMT) Radiation Therapist (MIT-RT) Ultrasound (MIT-U) Magnetic Resonance Imaging (MIT-MRI)			
Level 1 (n/a for MIT-U and MIT-MRI)	725.00	4.0%	754.00
Level 2	815.00	4.0%	847.00
Level 3	916.90	4.0%	953.60
Level 4	996.30	4.0%	1,036.20
Level 5	1,066.10	4.0%	1,108.70
Level 6 (n/a for MIT-U and MIT-MRI)	1,259.80	4.0%	1,310.20
Medical Imaging Administration			
Medical Typist			
Receptionist			
Stenographer			
Clerical and Administration			
Level 1	577.50	4.0%	600.60
Level 2	601.40	4.0%	625.50
Level 3	640.20	4.0%	665.80
Level 4	708.10	4.0%	736.40
Level 5	757.60	4.0%	787.90
Junior Typist/Receptionist			
Under 17 years of age	222.90	4.0%	231.80
At 17 years of age	279.10	4.0%	290.30
At 18 years of age	342.10	4.0%	355.80
At 19 years of age	372.80	4.0%	387.70

At 20 years of age	456.80	4.0%	475.10
Junior Stenographer			
At 17 years of age	297.90	4.0%	309.80
At 18 years of age	357.40	4.0%	371.70
At 19 years of age	419.20	4.0%	436.00
At 20 years of age	495.50	4.0%	515.30
Medical Imaging Liaison Representative	640.20	4.0%	640.20
Imaging Assistant	517.80	22.00	517.80

Hourly rates are calculated by dividing the weekly rate by 38.

Table 2 - Allowances

Item No.	Clause No.	Brief Description	Amount from 8.10.2008 \$
	22(a)	Meal allowance per meal	18.00
	22(b)	Motor vehicle per kilometre	ATO/K
	22(c)	On call Allowance	
		Per period	22.00
		Maximum per week	154.40

2. This variation shall take effect from the first full pay period to commence on or after 8 October 2008.

A. W. MACDONALD, Commissioner.

Printed by the authority of the Industrial Registrar.

(1609)

SERIAL C6699

REAL ESTATE INDUSTRY (CLERICAL AND ADMINISTRATIVE) (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union, Industrial Organisation of Employees.

(No. IRC 1293 of 2008)

Before Commissioner Ritchie

21 August 2008

VARIATION

1. Delete subclause (m) of clause 5, Classification Structure and Wages, of the award published 24 October 2003 (341 I.G. 820) and insert in lieu thereof the following:
 - (m) The rates of pay in this award include the adjustments payable under State Wage Case 2008. 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 adjustment
2. Delete Part B Monetary Rates and insert in lieu the following:

PART B

MONETARY RATES

Table 1 - Wages

The following Minimum rates of wages shall take effect from the first pay period to commence on or after 14 August 2008.

- (i) Adults

Grade	Weekly Rate Pre SWC 2008 \$	SWC 2008 4%	Weekly Rate \$
1	563.60	22.54	586.10
2	584.50	23.38	607.90
3	618.20	24.73	642.90
4	659.90	26.39	686.30
5	720.50	28.82	749.30

(ii) Juniors

The minimum rates of wages per week for junior employees shall be as follows:

(a) Equivalent to grade 3 or above

Age	Weekly Rate Pre SWC 2008 \$	SWC 2008 %	Weekly Rate \$
At 17 years of age	297.50	4.0	309.40
At 18 years of age	367.60	4.0	382.30
At 19 years of age	420.15	4.0	436.95
At 20 years of age	496.05	4.0	515.90

(b) All other junior employees

Age	Weekly Rate Pre SWC 2008 \$	SWC2008 %	Weekly Rate \$
Under 17 years of age	223.30	4.0	232.25
At 17 years of age	279.55	4.0	290.75
At 18 years of age	342.65	4.0	356.35
At 19 years of age	388.50	4.0	404.05
At 20 years of age	457.20	4.0	475.50

Table 2 - Allowances

Item No.	Clause No.	Brief Description	Amount \$
1	13(a) and (b)	Meal allowance Overtime	12.20
2	17(c)	Own Car Allowance: For vehicle 1,500cc For a vehicle over 1,500cc	95.20 118.25
3	17(c)	Own Car Allowance For use on a casual or incidental basis	0.65/per km
4	19	First-aid Allowance	10.00

3. This variation shall take effect from the first pay period to commence on or after 14 August 2008.

D.W. RITCHIE, Commissioner

Printed by the authority of the Industrial Registrar.

INDUSTRIAL GAZETTE**VOLUME 366****INDEX****Key to Abbreviations Used:**

<i>(ACC)</i>	—	<i>Award of Conciliation Commissioner/Committee.</i>
<i>(AIC)</i>	—	<i>Award of Industrial Commission.</i>
<i>(AIRC)</i>	—	<i>Award of Industrial Relations Commission.</i>
<i>(AR)</i>	—	<i>Award Reprint (Consolidation).</i>
<i>(ART)</i>	—	<i>Award of Retail Trade Industrial Tribunal.</i>
<i>(CD)</i>	—	<i>Contract Determination.</i>
<i>(CORR)</i>	—	<i>Correction..</i>
<i>(ERR)</i>	—	<i>Erratum.</i>
<i>(OCC)</i>	—	<i>Order of Conciliation Commissioner.</i>
<i>(OIC)</i>	—	<i>Order of Industrial Commission.</i>
<i>(OIRC)</i>	—	<i>Order of Industrial Relations Commission.</i>
<i>(OIR)</i>	—	<i>Order of Industrial Registrar.</i>
<i>(RIRC)</i>	—	<i>Reviewed Award.</i>
<i>(RVIRC)</i>	—	<i>Variation - Reviewed Award.</i>
<i>(VCC)</i>	—	<i>Variation by Conciliation Commissioner/Committee.</i>
<i>(VCD)</i>	—	<i>Variation of Contract Determination.</i>
<i>(VIC)</i>	—	<i>Variation by Industrial Commission.</i>
<i>(VIR)</i>	—	<i>Variation by Industrial Registrar.</i>
<i>(VIRC)</i>	—	<i>Variation by Industrial Relations Commission.</i>
<i>(VRT)</i>	—	<i>Variation by Retail Trade Industrial Tribunal.</i>
<i>(VSW)</i>	—	<i>Variation following State Wage Case.</i>

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Motels, Accommodation and Resorts, &c. (State) Award	VSW	638
Nurseries Employees (State) Award	VSW	786
Nurses' (Department of Ageing, Disability & Home Care) (State) Award 2005	VIRC	239
Nurses' (Department of Ageing, Disability & Home Care) (State) Award 2008	RIRC	952
Nurses, Other Than in Hospitals, &c. (State) Award 2006	VSW	788
Nursing Homes Professional Employees (State) Award 2006	VSW	1586
Nursing Homes, &c., Nurses' (State) Award	VIRC	1317
Nursing Homes, &c., Nurses' (State) Award	RIRC	1320
Occupational Health Nurses' (State) Award 2006	VSW	790
Operational Ambulance Officers Interim (State) Award	VIRC	243
Oyster Farms, &c. (State) Award	VSW	792
Paint and Varnish Makers, &c. (State) Award	VSW	979
Parking Attendants, &c. (State) Consolidated Award	VSW	642
Parliamentary Reporting Staff (Salaries) Award	RIRC	644
Pastoral Employees (State) Award	RVIRC	245
Pastrycooks, &c. (State) Award	VSW	1368
Pest Control Industry (State) Award	VSW	794
Pet Food Manufacturers (State) Award	VSW	1589
Photographic Industry (State) Award	VSW	981
Plant, &c., Operators on Construction (State) Award	VSW	984
Plasterers, Shop Hands and Casters (State) Consolidated Award	VSW	987
Plastic Moulding, &c. (State) Award	VSW	651
Plumbers and Gasfitters (State) Award	CORR	989
Pottery Industry (State) Award	VSW	1371
Poultry Farm Employees (State) Award	VSW	796
Poultry Industry Livestock (State) Award	CORR	994
Poultry Industry Livestock (State) Award	VSW	995
Poultry Industry Preparation (State) Award	VSW	997
Private Hospital (Named Respondents) (State) Award	VSW	1591
Private Hospital Employees (State) Award 2006	VSW	1603
Private Hospital Professional Employees (State) Award 2006	VSW	1612
Private Medical Imaging (State) Award 2004	RIRC	798
Private Medical Imaging (State) Award 2004	VSW	1616
Private Pathology Laboratories (State) Award	VSW	830
Public Health System Nurses' and Midwives' (State) Award 2008	AIRC	999
Pyrotechnics, &c. (State) Award	VSW	653
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Recorded Music and Visual Entertainment Reproduction (State) Award	VSW	249
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Restaurants, &c., Employees (State) Award	VSW	1375
Retail Industry (State) Training Wage Award	RVIRC	251
Retail Industry (State) Training Wage Award	CORR	1096
Riverina Water Council Enterprise Award 2007	AIRC	655
Roofing Tile Makers (State) Award	VSW	1377
Rubber Workers (State) Award	VSW	1379
Saddlery, Leather, Canvas and Plastic Material Workers' (State) Award	VSW	832
Security Industry (State) Award	VSW	701
Senior Managers (National Parks and Wildlife Service) Award 2004	OIRC	703
Smallgoods Manufacturers (State) Award	VSW	1381

Soap and Candle Makers (State) Consolidated Award	RIRC	704
Starch Manufacturers, &c. (State) Award	VSW	1383
Strappers and Stable Hands (State) Award	RVIRC	252
Strappers and Stable Hands (State) Award	VSW	253
Sugar Field Workers (State) Consolidated Award	VSW	834
Supervisors, Breweries (State) Award	RIRC	255
Surveyors' Field Hands (State) Award	VSW	1385
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Sydney Olympic Park Aquatic, Athletics and Archery Centres (State) Award 2008	AIRC	1387
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