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NEW SOUTH WALES
INDUSTRIAL GAZETTE

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CONTENTS

Vol. 370, Part 5

29 October 2010

Pages 553 - 579

		Page
Awards and Determinations		
Crown Employees (NSW Police Force Administrative Officers and Temporary Employees) Award 2009	VIRC	553
Crown Employees (NSW TAFE Commission - Administrative and Support Staff Conditions of Employment) Award 2009	VIRC	554
Crown Employees (Police Officers - 2009) Award	VIRC	557
Crown Employees (Public Service Conditions of Employment) Award 2009	VIRC	561
Crown Employees (Roads and Traffic Authority of New South Wales - Salaried Staff) Award	VIRC	566
Crown Employees (School Administrative and Support Staff) Award	VIRC	568
Forestry Commission Division trading as Forests NSW Crown Employees Fieldwork and Other Staff Award 2008-2009	VIRC	572
Maritime Authority of New South Wales Award 2007	VIRC	576
Transport Industry - General Carriers Contract Determination	VCD	577
Enterprise Agreements Approved by the Industrial Relations Commission		
	CORR	578
		579

CROWN EMPLOYEES (NSW POLICE FORCE ADMINISTRATIVE OFFICERS AND TEMPORARY EMPLOYEES) AWARD 2009

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Commissioner of Police.

(No. IRC 1001 of 2010)

Before Commissioner Connor

29 September 2010

VARIATION

1. Delete subclause 78.6 of 78, Annual Leave Loading of the award published 28 August 2009 (368 I.G. 1421), and insert in lieu thereof the following:
 - 78.6 Payment of annual leave loading - Payment of the annual leave loading shall be made on the recreation leave accrued during the previous leave year and shall be subject to the following conditions:
 - 78.6.1 Annual leave loading for the previous leave year shall be paid in the first pay on or after 1 December in the subsequent leave year.
 - 78.6.2 Notwithstanding paragraph 78.6.1 above a staff member may, with appropriate notice, elect to defer the payment of annual leave loading to a subsequent pay period. Provided further that such deferral shall be limited to the last full pay period commencing on or before 31 January in the same leave year.
 - 78.6.3 While annual leave loading shall not be paid in the first leave year of employment it shall be paid in the subsequent leave year in accordance with paragraphs 78.6.1 and 78.6.2 of this sub clause.
 - 78.6.4 A staff member who has not been paid annual leave loading for the previous leave year, shall be paid annual leave loading on resignation, retirement or termination by the NSW Police Force for any reason other than the staff member's serious and intentional misconduct.
 - 78.6.5 Except in cases of voluntary redundancy, proportionate leave loading is not payable on cessation of employment.
2. This variation shall take effect from the beginning of the first pay period to commence on or after 29 September 2010.

P. J. CONNOR, Commissioner

**CROWN EMPLOYEES (NSW TAFE COMMISSION -
ADMINISTRATIVE AND SUPPORT STAFF CONDITIONS OF
EMPLOYMENT) AWARD 2009**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by NSW Department of Education and Training.

(No. IRC 864 of 2010)

Before The Honourable Justice Walton, Vice-President

31 August 2010

VARIATION

1. Insert a new paragraph (1) in subclause (g) of clause 78, Sick Leave - Workers Compensation of the award published 31 July 2009 (368 I.G. 793) the following new paragraph:

(1)

- (a) The Managing Director shall advise each staff member of the rights under the *Workers Compensation Act 1987*, as amended from time to time, and shall give such assistance and advice, as necessary, in the lodging of any claim.
 - (b) A staff member who is or becomes unable to attend for duty or to continue on duty in circumstances which may give the staff member a right to claim compensation under the *Workers Compensation Act 1987*, shall be required to lodge a claim for any such compensation.
 - (c) Where, due to the illness or injury, the staff member is unable to lodge such a claim in person, the Managing Director shall assist the staff member or the representative of the staff member, as required, to lodge a claim for any such compensation.
 - (d) The Managing Director will ensure that, once received by the NSW TAFE Commission, a staff member's workers compensation claim is lodged by the NSW TAFE Commission with the workers' compensation insurer within the statutory period prescribed in the *Workers Compensation Act 1987*.
 - (e) Pending the determination of that claim and on production of an acceptable medical certificate, the Managing Director shall grant sick leave on full pay for which the staff member is eligible followed, if necessary, by sick leave without pay or, at the staff member's election by accrued recreation leave or extended leave.
 - (f) If liability for the workers compensation claim is accepted, then an equivalent period of any sick leave taken by the staff member pending acceptance of the claim shall be restored to the credit of the staff member.
 - (g) A staff member who continues to receive compensation after the completion of the period of 26 weeks referred to in section 36 of the *Workers Compensation Act 1987* may use any accrued and untaken sick leave to make up the difference between the amount of compensation payable under that Act and the staff member's ordinary rate of pay. Sick leave utilised in this way shall be debited against the staff member.
- (1) Before approving the use of sick leave in this subclause, the Managing Director must be satisfied that the staff member is complying with the obligations imposed by the *Workplace Injury Management and Workers Compensation Act 1998* which requires that the staff member must:

- (i) participate and cooperate in the establishment of the required injury management plan for the staff member;
 - (ii) comply with obligations imposed on the staff member by or under the injury management plan established for the staff member;
 - (iii) when requested to do so, nominate as their treating doctor for the purposes of the injury management plan a medical practitioner who is prepared to participate in the development of, and in the arrangements under, the plan;
 - (iv) authorise the nominated treating doctor to provide relevant information to the insurer or the NSW TAFE Commission for the purposes of the injury management plan; and
 - (v) make all reasonable efforts to return to work as soon as possible, having regard to the nature of the injury.
- (h) If a staff member notifies the appropriate Managing Director that he or she does not intend to make a claim for any such compensation, the Managing Director shall consider the reasons for the staff member's decision and shall determine whether, in the circumstances, it is appropriate to grant sick leave in respect of any such absence.
- (i) A staff member may be required to submit to a medical examination under the *Workers Compensation Act 1987* in relation to a claim for compensation under that Act. If a staff member refuses to submit to a medical examination without an acceptable reason, the staff member shall not be granted available sick leave on full pay until the examination has occurred and a medical certificate is issued indicating that the staff member is not fit to resume employment.
- (j) If the Managing Director provides the staff member with employment which meets the terms and conditions specified in the medical certificate issued under the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* and, without good reason, the staff member fails, to resume or perform such duties, the staff member shall be ineligible for all payments in accordance with this clause from the date of the refusal or failure.
- (k) No further sick leave shall be granted on full pay if there is a commutation of weekly payments of compensation by the payment of a lump sum pursuant to section 51 of the *Workers Compensation Act 1987*.
- (l) Nothing in this clause prevents a staff member from appealing a decision or taking action under other legislation made in respect of:
- (1) the staff member's claim for workers compensation;
 - (2) the conduct of a medical examination by a Government or other Medical Officer;
 - (3) a medical certificate issued by the examining Government or other Medical Officer; or
 - (4) action taken by the Managing Director either under the *Workers Compensation Act 1987* or any other relevant legislation to a claim for workers' compensation, medical examination or medical certificate.

2. This variation shall take effect on and from 31 August 2010.

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

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(061)

SERIAL C7504

CROWN EMPLOYEES (POLICE OFFICERS - 2009) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 967 of 2010)

Before Commissioner Ritchie

8 September 2010

VARIATION

1. Delete Items 1 to 4 of Table 4 - Travelling Allowance and Motor Vehicle Allowances of Part B, Monetary Rates of the award published 26 February 2010 (369 I.G. 1233) and insert in lieu thereof the following:

Table 4 - Travelling Allowance and Motor Vehicle Allowances

Item 1

Capital Cities Per Day
\$

Sydney	293.35
Adelaide	267.35
Brisbane	311.35
Canberra	255.35
Darwin	282.35
Hobart	227.35
Melbourne	283.35
Perth	274.35

High Cost Country Centres Per Day
\$

Albany (WA)	228.55
Alice Springs (NT)	223.35
Ballarat (VIC)	232.85
Bendigo (VIC)	232.35
Bright (VIC)	223.35
Broome (WA)	324.35
Bunbury (WA)	232.85
Burnie (TAS)	235.35
Cairns (QLD)	233.35
Carnarvon	256.65
Christmas Island (WA)	260.35
Cocos (Keeling) Island	220.35
Dalby (QLD)	220.35
Damiper (WA)	284.75
Derby (WA)	291.85
Devonport (TAS)	238.85
Echuca (VIC)	232.65
Emerald (QLD)	229.85
Esperance (WA)	228.35
Exmouth (WA)	300.35

Geelong (VIC)	231.35
Geraldton (WA)	243.85
Gladstone (QLD)	228.85
Gold Coast (QLD)	245.35
Halls Creek (WA)	257.85
Hervey Bay (QLD)	229.35
Horn Island (QLD)	279.35
Horsham (VIC)	223.35
Jabiru (NT)	308.35
Kalgoorlie (WA)	248.85
Karratha (WA)	395.35
Katherine (NT)	230.85
Kununurra (WA)	292.35
Launceston (TAS)	225.85
Mackay (QLD)	242.85
Maitland (NSW)	221.85
Mount Isa (QLD)	268.85
Newcastle (NSW)	242.85
Newman (WA)	305.35
Norfolk Island	242.85
Port Headland (WA)	380.35
Port Lincoln (SA)	222.35
Port Macquarie (NSW)	225.35
Queanbeyan (NSW)	223.85
Tamworth (NSW)	221.35
Thursday Island (QLD)	290.35
Townsville (QLD)	234.35
Wagga Wagga (NSW)	227.85
Warrnambool (VIC)	224.55
Weipa (QLD)	248.35
Whyalla (SA)	228.35
Wilpena-Pound (SA)	252.35
Wonthaggi (VIC)	232.35
Yulara (NT)	441.35

Tier 2 Country Centres

Per Day
\$

Ararat (VIC)	208.75
Armidale (NSW)	208.75
Bairnsdale (VIC)	208.75
Bathurst (NSW)	208.75
Bordertown (SA)	208.75
Broken Hill (NSW)	208.75
Bundaberg (QLD)	208.75
Castlemaine (VIC)	208.75
Ceduna (SA)	208.75
Coffs Harbour (NSW)	208.75
Cooma (NSW)	208.75
Dubbo (NSW)	208.75
Gosford (NSW)	208.75
Goulburn (NSW)	208.75
Hamilton (VIC)	208.75
Innisfail (QLD)	208.75
Kadina (SA)	208.75
Kingaroy (QLD)	208.75

Mildura (VIC)	208.75
Mount Gambier (SA)	208.75
Mudgee (NSW)	208.75
Muswellbrook (NSW)	208.75
Naracoorte (SA)	208.75
Orange (NSW)	208.75
Port Augusta (SA)	208.75
Portland (VIC)	208.75
Renmark (SA)	208.75
Rockhampton (QLD)	208.75
Roma (QLD)	208.75
Seymour (VIC)	208.75
Swan Hill (VIC)	208.75
Toowoomba (QLD)	208.75
Wollongong (NSW)	208.75

Other country centres \$193.75

Item 2

Incidental expenses allowance - when claiming actual expenses - all locations 16.85

Item 3

Meal allowances - when claiming actual expenses on overnight stays

Capital cities and high cost country centres

	\$
Breakfast	23.10
Lunch	25.90
Dinner	44.50

Tier 2 and other country centres

Breakfast	20.65
Lunch	23.60
Dinner	40.65

Item 4

Use of Private Motor Vehicle

Official Business - Engine capacity Cents per kilometre

2601cc and over	75.0
1601cc 2600cc	74.0
1600cc or less	63.0

Casual Rate - Engine capacity

2601cc and over	30.0
1601cc 2600cc	29.6
1600cc or less	25.2

 Motor Cycle Allowance

(50% of the 1600cc or less official business rate)	31.5
--	------

2. Delete Items 1 and 2 of Table 5 - Remote Areas - Living Allowance and insert in lieu thereof the following:

Table 5 - Remote Areas - Living Allowance

Item 1

With Dependents	Per Annum \$
Grade A	1,750
Grade B	2,322
Grade C	3,100

Item 2

Without Dependents	Per Annum \$
Grade A	1,221
Grade B	1,627
Grade C	2,171

3. Delete Table 10 - Meal Allowances (Non-Commissioned Officers), and insert in lieu thereof the following:

Table 10 - Meal Allowances (Non-Commissioned Officers)

Where a Non-Commissioned Officers incur an expense in purchasing a meal;

when they have worked more than one half hour beyond the completion of a rostered shift or

where they have performed duty at a place where no reasonable meal facilities were available for partaking of a meal or

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

shall be paid the appropriate meal allowance in accordance with the following table:

Breakfast	\$25.80
Lunch	\$25.80
Dinner	\$25.80
Supper	\$9.50

4. This variation shall take effect from 1 July 2010.

D.W. RITCHIE, Commissioner

(1310)

SERIAL C7513

CROWN EMPLOYEES (PUBLIC SERVICE CONDITIONS OF EMPLOYMENT) AWARD 2009

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Director of Public Employment.

(No. IRC 1076 of 2010)

Before Mr Deputy President Grayson

11 October 2010

VARIATION

1. Delete Part B Monetary Rates of the award published 31 July 2009 (368 I.G. 884) and insert in lieu thereof the following:

PART B

MONETARY RATES

Table 1 - Allowances

Effective 1 July 2010¹

Item No	Clause No	Description	Amount
1		Meal expenses on one day journeys Capital cities and high cost country centres (see list in item 2)	
	29.1.1	Breakfast	\$23.10
	29.1.2	Dinner	\$44.50
	29.1.3	Lunch	\$25.90
		Tier 2 and other country centres (see list in item 2)	
	29.1.1	Breakfast	\$20.65
	29.1.2	Dinner	\$40.65
	29.1.3	Lunch	\$23.60
2		Travelling allowances	
	26.8.2	Capital cities	Per day
		Adelaide	\$267.35
		Brisbane	\$311.35
		Canberra	\$255.35
		Darwin	\$282.35
		Hobart	\$227.35
		Melbourne	\$283.35
		Perth	\$274.35
		Sydney	\$293.35
	26.8.2	High cost country centres	Per day
		Albany (WA)	\$228.55
		Alice Springs (NT)	\$223.35
		Ballarat (VIC)	\$232.85
		Bendigo (VIC)	\$232.35
		Bright (VIC)	\$223.35
		Broome (WA)	\$324.35
		Bunbury (WA)	\$232.85
		Burnie (TAS)	\$235.35

		Cairns (QLD)	\$233.35
		Carnarvon (WA)	\$256.65
		Christmas Island (WA)	\$260.35
		Cocos (Keeling) Island	\$220.35
		Dalby (QLD)	\$220.35
		Dampier (WA)	\$284.75
		Derby (WA)	\$291.85
		Devonport (TAS)	\$238.85
		Echuca (VIC)	\$232.65
		Emerald (QLD)	\$229.85
		Esperance (WA)	\$228.35
		Exmouth (WA)	\$300.35
		Geelong (VIC)	\$231.35
		Geraldton (WA)	\$243.85
		Gladstone (QLD)	\$228.85
		Gold Coast (QLD)	\$245.35
		Halls Creek (WA)	\$257.85
		Hervey Bay (QLD)	\$229.35
		Horn Island (QLD)	\$279.35
		Horsham (VIC)	\$223.35
		Jabiru (NT)	\$308.35
		Kalgoorlie (WA)	\$248.85
		Karratha (WA)	\$395.35
		Katherine (NT)	\$230.85
		Kununurra (WA)	\$292.35
		Launceston (TAS)	\$225.85
		Mackay (QLD)	\$242.85
		Maitland (NSW)	\$221.85
		Mount Isa (QLD)	\$268.85
		Newcastle (NSW)	\$242.85
		Newman (WA)	\$305.35
		Norfolk Island	\$242.85
		Port Hedland (WA)	\$380.35
		Port Lincoln (SA)	\$222.35
		Port Macquarie (NSW)	\$225.35
		Queanbeyan (NSW)	\$223.85
		Tamworth (NSW)	\$221.35
		Thursday Island (QLD)	\$290.35
		Townsville (QLD)	\$234.35
		Wagga Wagga (NSW)	\$227.85
		Warnambool (VIC)	\$224.55
		Weipa (QLD)	\$248.35
		Whyalla (SA)	\$228.35
		Wilpena-Pound (SA)	\$252.35
		Wonthaggi (VIC)	\$232.35
		Yulara (NT)	\$441.35
	26.8.2	Tier 2 country centres	Per day
		Ararat (VIC)	\$208.75
		Armidale (NSW)	\$208.75
		Bairnsdale (VIC)	\$208.75
		Bathurst (NSW)	\$208.75
		Bordertown (SA)	\$208.75
		Broken Hill (NSW)	\$208.75
		Bundaberg (QLD)	\$208.75
		Castlemaine (VIC)	\$208.75
		Ceduna (SA)	\$208.75

		Coffs Harbour (NSW)	\$208.75
		Cooma (NSW)	\$208.75
		Dubbo (NSW)	\$208.75
		Gosford (NSW)	\$208.75
		Goulburn (NSW)	\$208.75
		Hamilton (VIC)	\$208.75
		Innisfail (QLD)	\$208.75
		Kadina (SA)	\$208.75
		Kingaroy (QLD)	\$208.75
		Mildura (VIC)	\$208.75
		Mount Gambier (SA)	\$208.75
		Mudgee (NSW)	\$208.75
		Muswellbrook (NSW)	\$208.75
		Naracoorte (SA)	\$208.75
		Orange (NSW)	\$208.75
		Port Augusta (SA)	\$208.75
		Portland (VIC)	\$208.75
		Renmark (SA)	\$208.75
		Rockhampton (QLD)	\$208.75
		Roma (QLD)	\$208.75
		Seymour (VIC)	\$208.75
		Swan Hill (VIC)	\$208.75
		Toowoomba (QLD)	\$208.75
		Wollongong (NSW)	\$208.75
	26.8.2	Other country centres	Per Day \$193.75
	26.8.2	Incidental expenses when claiming actual expenses - all locations	\$16.85
	26.11	Daily allowance payable after 35 days and up to 6 months in the same location - all locations	50% of the appropriate location rate
3	26.8.1	Incidental expenses	\$16.85
4	34.2.1	Camping allowance	Per night
	34.2.1	Established camp	\$27.65
	34.2.2	Non established camp	\$36.55
		Additional allowance for staff who camp in excess of 40 nights per year	\$8.70
5	35.2	Composite allowance (per day)	\$131.85
6	36.3	Use of private motor vehicle	Cents per kilometre
		Official business	
		Engine capacity-	
		2601cc and over	75.0
		1601cc-2600cc	74.0
		1600cc or less	63.0
	36.3	Casual rate (40% of official business rate)	
		Engine capacity-	
		2601cc and over	30.0
		1601cc-2600cc	29.6
		1600cc or less	25.2
		Motor cycle allowance (50% of the 1600cc or less official business rate)	31.5
	36.7	Towing trailer or horse float (13% of the 2601cc and over official business rate)	9.75
7	38.2	Camping equipment allowance	Per night
	38.2	Camping equipment allowance	\$27.30
	38.3	Bedding and sleeping bag	\$4.55

8		Remote areas allowance	Per annum
		With dependants	
	39.2.1	- Grade A	\$1750 pa
	39.2.2	- Grade B	\$2322 pa
	39.2.3	- Grade C	\$3100 pa
		Without dependants	
	39.2.1	- Grade A	\$1221 pa
	39.2.2	- Grade B	\$1627 pa
	39.2.3	- Grade C	\$2171 pa
9	40.1	Assistance to staff members stationed in a remote area when travelling on recreation leave By private motor vehicle	Appropriate casual rate up to a maximum of 2850 kms less \$43.15 Actual reasonable expenses in excess of \$43.15 and up to \$289.00
		Other transport - with dependants	
		Other transport - without dependants	Actual reasonable expenses in excess of \$43.15 and up to \$142.70 Actual rail fare less \$43.15
		Rail travel	
10	41	Insurance cover	Up to \$A 1,173
11	42.2	Exchanges	Actual cost
12	43.1	Room at home used as office	\$797 pa
13	92.1.1	On-call (stand-by) and on-call allowance (effective ffpp on or after 1 July 2010)	0.82 per hour
14	45	Flying allowance (effective ffpp on or after 1 July 2010)	\$17.50 per hour
15	46.1	Uniforms, protective clothing and laundry allowance	\$4.20 per week
16	48.1	Garage and carport allowance	Per annum
		- Garage allowance - Carport allowance	\$564 pa \$125 pa
17	50.1	Community language allowance scheme (effective ffpp on or after 1 July 2008)	Per annum
		- Base Level Rate	\$1165 pa
		- Higher Level Rate	\$1750 pa
18	51.1	First aid allowance (effective ffpp on or after 1 July 2010)	Per annum
		- Holders of basic qualifications	\$750 pa
		- Holders of current occupational first aid certificate	\$1127 pa
19	94.1	Overtime meal allowances	Effective 1 July 2010
		Breakfast	\$25.80
		Lunch	\$25.80
		Dinner	\$25.80
		Supper	\$9.50

¹NB: In adjusting expense related and salary related allowances, annual rates are adjusted to the nearest dollar, weekly and daily rates are rounded to the nearest 5 cents, and hourly rates are moved to the nearest cent (except for the flying allowance which is moved to the nearest 10 cents).

2. This variation shall take effect from 27 September 2010.

J. P. GRAYSON *D.P.*

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CROWN EMPLOYEES (ROADS AND TRAFFIC AUTHORITY OF NEW SOUTH WALES - SALARIED STAFF) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales, Industrial Organisation of Employees.

(No. IRC 497 of 2010)

Before Commissioner Bishop

17 August 2010

VARIATION

1. Insert in the Arrangement of the award, published 9 May 2008 (365 I.G. 1395), the following new clause number and subject matter:

2A. Lactation Breaks

2. Insert after clause 2, Hours of Duty, the following new clause:

2A. Lactation Breaks

- 2A.1 A lactation break is provided to lactating mothers for the purposes of breastfeeding, expressing milk or other activity necessary to the act of breastfeeding or expressing milk and is in addition to any other rest period and meal break as provided in this Award.
- 2A.2 A full time staff member or a part time staff member working more than 4 hours per day is entitled to a maximum of two paid lactation breaks of up to 30 minutes each per day.
- 2A.3 A part time staff member working 4 hours or less per day is entitled to only one paid lactation break of up to 30 minutes on any day so worked.
- 2A.4 A flexible approach to the timing and general management of lactation breaks must be taken by the staff member and their manager provided the total lactation break time entitlement is not exceeded. When giving consideration to any such requests for flexibility, a manager needs to balance the operational requirements of the organisation with the lactating needs of the staff member.
- 2A.5 The RTA will provide access to a suitable, private space with comfortable seating for the purpose of breastfeeding or expressing milk. Other suitable facilities, such as refrigeration and a sink, will be provided where practicable.
- 2A.6 Where it is not practicable to provide the appropriate space or facilities, discussions between the manager and the staff member will take place to attempt to identify reasonable alternative arrangements for the staff member's lactating needs.
- 2A.7 The manager and staff member may be guided by the following considerations in determining the reasonableness and practicality of any proposed alternate arrangement:
 - (a) whether the employee is required to work at a site that is not operated or controlled by the RTA;
 - (b) whether the employee is regularly required to travel in the course of performing their duties;
 - (c) whether the employee performs field-based work where access to the facilities in subclause 2A.5 are not available or cannot reasonably be made available; and

- (d) the effect that the arrangements will have on the employee's lactating needs.
- 2A.8 Employees experiencing difficulties in effecting the transition from home-based breast feeding to the workplace will have reasonable telephone access to a free breastfeeding consultative service, such as that provided by the Australian Breastfeeding Association's Breastfeeding Helpline Service or the Public Health System. Access to the service.
- (a) shall be granted during paid time;
- (b) is limited to a reasonable period of time (i.e. if the employee requires extended periods of consultation, the employee may utilise the provisions of clause 2A9), and
- (c) must be at a time that is mutually convenient to both the employee and the RTA
- 2A9 Employees needing to leave the workplace during time normally required for duty to seek support or treatment in relation to breast feeding and the transition to the workplace may utilise sick leave in accordance with subclause 9K (Sick Leave) of this Award, or access the flexible working hours scheme provided in clause 2 (Hours of Duty) of this Award, where applicable.
3. This variation shall take effect on and from 17 August 2010.

E. A. R. BISHOP, Commissioner

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CROWN EMPLOYEES (SCHOOL ADMINISTRATIVE AND SUPPORT STAFF) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by NSW Department of Education and Training.

(No. IRC 1002 of 2010)

Before Commissioner Connor

24 September 2010

VARIATION

1. Delete paragraph 16.1.6 of subclause 16.1 Adoption, Maternity and Parental Leave, of clause 16 Leave, of the award published 31 October 2008 (366 I.G. 887), and insert in lieu thereof the following:

16.1.6 An employee who commences a subsequent period of maternity or adoption leave for another child within 24 months of commencing an initial period of maternity or adoption leave will be paid:

- (i) at the rate (full time or part time) they were paid before commencing the initial leave if they have not returned to work; or
- (ii) at a rate based on the hours worked before the initial leave was taken, where the staff member has returned to work and reduced their hours during the 24 month period; or
- (iii) at a rate based on the hours worked prior to the subsequent period of leave where the staff member has not reduced their hours.

2. Insert after paragraph 16.5.8 of subclause 16.5 Leave Without Pay, of clause 16, the following new paragraphs:

16.5.9 A permanent appointment may be made to the employee's position if:

- (i) the leave without pay has continued or is likely to continue beyond the original period of approval and is for a total period of more than 12 months; and
- (ii) the employee is advised of the Director-General's proposal to permanently backfill their position; and
- (iii) the employee is given a reasonable opportunity to end the leave without pay and return to their position; and
- (iv) the Director-General advised the employee at the time of the subsequent approval that the position will be filled on a permanent basis during the period of leave without pay.

16.5.10 The position cannot be filled permanently unless the above criteria are satisfied.

16.5.11 The employee does not cease to be employed by the Director-General if their position is permanently backfilled.

16.5.12 Paragraph 16.5.9 of this subclause does not apply to full time unpaid parental leave granted in accordance with subclause 16.1 Adoption, Maternity and Parental Leave or to military leave.

3. Delete paragraph 16.6.2 of subclause 16.6 Military Leave, of clause 16, and insert in lieu thereof the following:

16.6.2 Up to 24 working days' military leave per financial year may be granted by the Director-General to members of the Naval and Military Reserves and up to 28 working days per financial year to members of the Air Force Reserve for the activities specified in paragraph 16.7.1 of this subclause.

4. Delete subclause 16.7, Personal Carers Leave, of clause 16, and insert in lieu thereof the following:

16.7 Personal Carers Leave

Use of Sick Leave to Care for a Family Member

Where family and community service leave provided for in subclause 16.4 of this clause is exhausted or unavailable, a permanent or long-term temporary employee with responsibilities in relation to a category of person set out in paragraph 16.7.3 of this subclause who needs the employee's care and support, may elect to use available paid sick leave, subject to the conditions specified in this subclause, to provide such care and support when a family member is ill.

16.7.1 The sick leave shall initially be taken from the sick leave accumulated over the previous three years. In special circumstances, the Director-General may grant additional sick leave from the sick leave accumulated during the employee's eligible service.

16.7.2 If required by the Director-General to establish the illness of the person concerned, the employee must provide evidence consistent with paragraph 16.10.1 of this clause.

5. Delete paragraphs 16.9.2, 16.9.3, and 16.9.4 of subclause 16.9, Sick Leave, of clause 16, and insert in lieu thereof the following:

16.9.2 Payment for sick leave is subject to the employee:

- (i) informing their principal as soon as reasonably practicable that they are unable to perform duty because of illness. This must be done as close to the employee's starting time as possible; and
- (ii) providing evidence of illness as soon as practicable if required by subclause 16.10 of this clause.

16.9.3 The Director-General may direct an employee to participate in a return to work program if the employee has been absent on a long period of sick leave.

16.9.4 Entitlements. An employee appointed from the date of the commencement of this award variation will immediately commence accruing sick leave in accordance with this clause. Employees at the time of this award variation will accrue sick leave in accordance with this clause from the beginning of the 2011 school year.

- (i) At the commencement of employment with the Department, a full time employee is granted an accrual of five days sick leave.
- (ii) After the first four months of employment, the employee shall accrue sick leave at the rate of ten working days per year for the balance of the first year of service.
- (iii) After the first year of service, the employee shall accrue sick leave day to day at the rate of 15 working days per year of service.
- (iv) All continuous service as a permanent or long-term temporary employee shall be taken into account for the purpose of calculating sick leave due. Where the service is not

continuous, previous periods of service shall be taken into account for the purpose of calculating sick leave due if the previous sick leave records are available.

- (v) Sick leave without pay shall count as service for the accrual of recreation leave and paid sick leave.
- (vi) When determining the amount of sick leave accrued, sick leave granted on less than full pay shall be converted to its full pay equivalent.

16.9.5 Paid sick leave which may be granted to a permanent and long-term temporary employee in the first three months of service shall be limited to five days' paid sick leave, unless the Director-General approves otherwise. Paid sick leave in excess of five days granted in the first three months of service shall be supported by a satisfactory medical certificate.

16.9.6 No paid sick leave shall be granted to short-term temporary employees.

6. Delete subclause 16.10, Sick Leave - Requirements for Medical Certificate, and insert in lieu thereof the following:

16.10 Sick Leave - Requirements for Medical Certificate

- 16.10.1 A permanent or long-term temporary employee absent from duty for more than two consecutive working days because of illness must furnish evidence of illness to the Director-General in respect of the absence.
- 16.10.2 In addition to the requirements under sub-clause 16.9.2, an employee may absent themselves for a total of five working days due to illness without the provision of evidence of illness to the Director-General. Employees who absent themselves in excess of five working days in a calendar year may be required to furnish evidence of illness to the Director-General for each occasion absent for the balance of the calendar year.
- 16.10.3 As a general practice, backdated medical certificates will not be accepted. However, if an employee provides evidence of illness that only covers the latter part of the absence, they can be granted sick leave for the whole period if the Director-General is satisfied that the reason for the absence is genuine.
- 16.10.4 If an employee is required to provide evidence of illness for an absence of two consecutive working days or less, the Director-General will advise them in advance.
- 16.10.5 If the Director-General is concerned about the diagnosis described in the evidence of illness produced by the employee, after discussion with the employee, the evidence provided and the employee's application for leave can be referred to HealthQuest or its successor for advice.
 - (i) The type of leave granted to the employee will be determined by the Director-General based on the advice of HealthQuest' or its successor.
 - (ii) If sick leave is not granted, the Director-General will, as far as practicable, take into account the wishes of the employee when determining the type of leave granted.
- 16.10.6 The granting of paid sick leave shall be subject to the employee providing evidence which indicates the nature of the illness or injury and the estimated duration of the absence. If an employee is concerned about disclosing the nature of the illness to their principal they may elect to have the application for sick leave dealt with confidentially by an alternate supervisor or the human resources section of the Department.

- 16.10.7 The reference in this subclause to evidence of illness shall apply, as appropriate:
- (i) up to one week may provided by a registered dentist, optometrist, chiropractor, osteopath, physiotherapist, oral and maxillo facial surgeon or, at the Director-General's discretion, another registered health services provider; or
 - (ii) where the absence exceeds one week and, unless the health provider listed in (i) above is also a registered medical practitioner, applications for any further sick leave must be supported by a medical certificate from a registered medical practitioner; or
 - (iii) at the Director-General's discretion, other forms of evidence that satisfy that an employee had a genuine illness.
- 16.10.8 If a permanent or long-term temporary employee who is absent on recreation or extended leave furnishes to the Director-General a satisfactory medical certificate in respect of an illness which occurred during the leave, the Director-General may grant sick leave to the employee if the period set out in the medical certificate is five working days or more.
- 16.10.9 Paragraph 16.10.7 of this subclause applies to all permanent or long-term temporary employees other than those on leave prior to resignation or termination of services, unless the resignation or termination of services amounts to a retirement.
7. Insert a new paragraph 16.11.4 in subclause 16.11 Sick Leave - Workers Compensation, of clause 16, and renumber existing paragraphs 16.11.4 to 16.11.7 to read as 16.11.5 to 16.11.8
- 16.11.4 Before approving the use of sick leave in this subclause, the Department must be satisfied that the staff member is complying with the obligations imposed by the *Workplace Injury Management and Workers Compensation Act 1998* which requires that the staff member must:
- (i) participate and cooperate in the establishment of the required injury management plan for the staff member;
 - (ii) comply with obligations imposed on the staff member by or under the injury management plan established for the staff member;
 - (iii) when requested to do so, nominate as their treating doctor for the purposes of the injury management plan a medical practitioner who is prepared to participate in the development of, and in the arrangements under, the plan;
 - (iv) authorise the nominated treating doctor to provide relevant information to the insurer or the Department for the purposes of the injury management plan; and
 - (v) make all reasonable efforts to return to work as soon as possible, having regard to the nature of the injury.
8. This variation shall take effect from the beginning of the first full pay period to commence on or after 24 September 2010.

P. J. CONNOR, Commissioner

**FORESTRY COMMISSION DIVISION TRADING AS FORESTS NSW
CROWN EMPLOYEES FIELDWORK AND OTHER STAFF AWARD
2008-2009**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Forests New South Wales.

(No. IRC 394 of 2010)

Before Commissioner Bishop

31 May 2010

VARIATION

1. Insert in numerical order in the Contents of the award published 15 May 2009 (367 I.G.1800), the following new clause 29, Consultation clause and renumber the existing clause 29, Area, Incidence and Duration to read as clause 30.

29. Consultation Clause
30. Area, Incidence and Duration

2. Renumber clause 29, Area, Incidence and Duration, to read as clause 30 and insert after clause 28, Inclement Weather, the following new clause:

29. Consultation Clause

- 29.1 The parties to the Award agree to an ongoing consultation process involving management, employees and the unions regarding organisational, work methods and/or technological change of any directorate, region or business unit which has an impact upon employees covered by the Award.
- 29.2 It is recognised that the parties can contribute valuable ideas in the process of change.
- 29.3 The parties agree that the consultation process shall not be used as a basis to delay the introduction change. Any dispute arising from the implementation of this clause shall be dealt with in accordance with clause 9, Grievance and Dispute Resolution Procedures.
3. Delete Appendix 1 - Rates of Pay and Appendix 2 - Allowances, and insert in lieu thereof the following:

APPENDIX 1

RATES OF PAY

The minimum weekly rates for full-time employees covered by this Award are:

1/7/2008 Classification Rate		First Pay period on or after 1/7/2009 2.5% increase
Pay Step	Weekly wage	Weekly wage
1	\$684	\$701
2	\$705	\$723
3.1	\$734	\$752
3.2	\$738	\$756
4.1	\$769	\$788
4.2	\$784	\$804
4.3	\$802	\$822

4.4	\$817	\$837
5.1	\$850	\$871
5.2	\$867	\$889
5.3	\$876	\$898
6.1	\$962	\$986
6.2	\$991	\$1,016
6.3	\$1,019	\$1,044
6.4	\$1,045	\$1,071

Divisional Commander will be paid at the weekly equivalent of \$67,416 pa.

APPENDIX 2

ALLOWANCES

Past Entitlements Preserved within this Award (Grandfathered Entitlements):

First-aid

Distant places

Western allowance

Definition of Allowances:

"Tool Allowance"

All tools required by employees shall be provided free of charge by Forests NSW, other than in Workshops where a tool allowance of \$25.80 per week shall be paid to trades persons to cover the cost of work-related tools. This allowance is linked to movement in the Skilled Trades Award.

"Mileage"

Should Forests NSW be unable to provide transport and where no public transport is available to transport an employee from his/her residence to their headquarters, depot or centre, or if an employee is required to report at a place other than their headquarters, depot or centre, then Forests NSW shall pay the employee an allowance according to the following scale, viz; where the distance from their residence to the centre or such place is:

3-10 kms	\$4.30
10-20 kms	\$11.60
20-30 kms	\$14.90
30-40 kms	\$21.30
40+ kms	\$24.00

Headquarters, depot or centre means the place where the employee reports for work.

"Working in Sludge"

Those engaged in the handling and spreading of sewerage sludge on a given Forests NSW area will receive, for the period of application only, an allowance of 88¢ per hour.

"Chemical Handling Allowance"

An allowance of \$13.30 per day is payable to those employees directed to use pesticides and herbicides who are accredited chemical users and where they are required to wear full protection, ie: all of the following; face shields, overalls, elbow length gloves and boots for the application of pesticides and/ or herbicides.

"Accredited Assessor Allowance"

The allowance paid by Forests NSW for nationally accredited assessors will be \$6.80 per hour. This payment will be received for time spent in preparation, delivery, assessment and reporting of accredited courses.

This allowance is payable to nationally accredited assessors who deliver training. It is not restricted to nationally accredited courses but rather has application to any external or Forests NSW courses which result in some form of qualification or accreditation, with the exception of back care (ie those delivering back care training will receive the allowance for the life of this award). The parties agree to review the operation of this clause during the life of the award.

"Accredited Assessors Allowance - Task Based Assessments (FFHF)"

Field workers conducting task based assessments associated with the Fire Fighting Health and Fitness Program, who hold a certificate in task based assessment, will be paid \$6.80 per hour for time spent in preparation, delivery, assessment and reporting of Task Based Assessments.

This allowance will move in line with the general Accredited Assessors Allowance.

Workshops Allowances:

Note: All Workshops allowances, with the exception of "First Aid" and "Applying Obnoxious Substances", are linked to movement in the Crown Employees (Skilled Trades) Award.

"Applying Obnoxious Substances" is linked to movement in the General Construction and Maintenance, Civil and Mechanical Engineering &c., (State) Award as there is no comparable allowance under the Crown Employees (Skilled Trades) Award.

Tool Allowance - Tradespersons	\$25.80 per week
Confined spaces	81¢ per hour
Height money	63¢ per hour
Tower allowance	
Above 15 metres	63¢ per hour
Above each additional 15 metres	63¢ per hour
Spray Painting Application	62¢ per hour
Applying obnoxious substances	78¢ per hour
First-aid	\$13.60 per week
Accredited Assessor Allowance	\$6.80 per hour
Weekly On Call allowance	\$123.00 per week
Field Workers:	
Working in sludge	88¢ per hour
Chemical Handling Allowance	\$13.30 per day

Mileage	3-10 kms	\$4.30 per day
	10-20 kms	\$11.60 per day
	20-30 kms	\$14.90 per day
	30-40 kms	\$21.30 per day
	40+ kms	\$24.00 per day
Accredited Assessor Allowance		\$6.80 per hour
Accredited Assessor Allowance (FFHF TBA's)		\$6.80 per hour
Fire Fighting Fitness (TBA) Incentive Allowance		\$249.00 per annum
First-aid		\$13.60 per week
Weekly On Call Roster allowance		\$123.00 per week

4. This variation shall take effect on and from 31 May 2010.

E. A. R. BISHOP, Commissioner

Printed by the authority of the Industrial Registrar.

MARITIME AUTHORITY OF NEW SOUTH WALES AWARD 2007

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Australian Institute of Marine and Power Engineers New South Wales District, Industrial Organisation of Employees.

(No. IRC 200 of 2010)

Before The Honourable Mr Justice Staff

1 October 2010

VARIATION

1. Insert after "New South Wales Branch" in subclause (k) of clause 3, Definitions of the award published 15 February 2008 (364 I.G. 1327), the following words:

The Australian Institute of Marine and Power Engineers, NSW District.

2. Insert in clause 4, Application the following new paragraph:

The Australian Institute of Marine and Power Engineers, NSW District.

3. Insert after the letters and numbers "MUA (02) 9264 5024" in subclause 14.9 of clause 14, Grievance Handling and Dispute Resolution, the following:

AIMPE: (02) 9698 3999

4. This variation shall take effect on and from 1 October 2010.

C.G. STAFF J

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**TRANSPORT INDUSTRY - GENERAL CARRIERS CONTRACT
DETERMINATION**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Australian Road Transport Industrial Organization New South Wales.

(No. IRC 1086 of 2009)

Before The Honourable Justice Haylen

23 September 2010

AWARD

1. Delete Schedule 5 of the Contract Determination published 19 December 1984 (235 I.G. 1611), and renumber the existing Schedule 6, Exemption from Compliance with Provisions of clause 16, Remuneration, to read as Schedule 5.
2. This variation shall take effect from the first pay period on or after 1 January 2011.

W. R. HAYLEN *J*

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SERIAL C7512

**ENTERPRISE AGREEMENTS APPROVED
BY THE INDUSTRIAL RELATIONS COMMISSION**(Published pursuant to s.45(2) of the *Industrial Relations Act 1996*)**EA10/26 - Waverley Council Conditions Enterprise Agreement 2010**

Made Between: Waverley Council -&- the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union, The Development and Environmental Professionals' Association, The Local Government Engineers' Association of New South Wales.

New/Variation: Replaces EA05/143.

Approval and Commencement Date: Approved 6 September 2010 and commenced 31 August 2010.

Description of Employees: The agreement applies to all award employees employed by Waverley Council located at Cnr Paul Street and Bondi Road, Bondi Junction NSW who are members, or eligible to be members, of the USU, LGEA and DEPA. Some conditions in this Agreement only apply to certain categories of employees as indicated in clause 10 of this agreement who fall within the coverage of Local Government (State) Award 2007.

Nominal Term: 36 Months.

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INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Correction to Serial C7440 published 26 February 2010

(369 I.G. 1721)

CORRECTION

1. For the words:

"Nominal Term: 36 months"

appearing under "EA10/2 - Teachers Employed by the Catholic Education Office, Diocese of Wollongong, Enterprise Agreement 2010 - 2012", substitute the following:

"Nominal Term: 24 months"

G. M. GRIMSON *Industrial Registrar.*

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