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INDUSTRIAL GAZETTE

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(558)

SERIAL C1490**PUBLIC HOSPITAL NURSES' (STATE) INTERIM AWARD**INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by New South Wales Nurses' Association, industrial organisation of employees.

(No. IRC 3810 of 2000)

Before The Honourable Justice Wright, President
The Honourable Justice Boland
Commissioner Patterson

12 June 2002

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

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PART B

MONETARY RATES

Table 1 - Salaries

Table 2 - Other Rates and Allowances

2. No Extra Claims

It is a term of this award that the Association undertakes not to pursue any new salaries or conditions claims arising from negotiation of productivity and efficiency improvements covered by the Memorandum of Understanding between the NSW Government and the Association dated 2 March 2000.

3. Definitions

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

"ADA" means the adjusted daily average of occupied beds, calculated in accordance with the following formula:

ADA = Daily Average + Neo-natal Adjustment + Non-inpatient Adjustment

Where:

Daily Average =
$$\frac{\text{Total Occupied Bed Days for the Period Less Unqualified Baby Bed Days}}{\text{Number of Days in the Period}}$$

Neo-natal Adjustment =
$$\frac{\text{Total Bed Days of Unqualified Babies for the Period}}{2 \times \text{Number of Days in the Period}}$$

Non-inpatient =
$$\frac{\text{Total NIOOS Equivalents for the Period}}{10 \times \text{Number of Days in the Period}}$$

Note: Total NIOOS Equivalentents for the Period equals the individual NIOOS plus the equivalent number of Group NIOOS (Non-inpatient Group Sessions * 1.3) plus the equivalent number of Dental NIOOS (Non-inpatient Dental Flow * 3.8).

"Area Health Service" means an Area Health Service established pursuant to the provisions of the *Area Health Services Act* of 1986, including all hospitals, facilities and other health services under the control and management thereof.

"Area Manager, Nurse Education" - refer to Schedule 1, Nurse Managers.

"Assistant in Nursing" means a person, other than a registered nurse, trainee or enrolled nurse, who is employed in nursing duties in a hospital.

"Assistant Director of Nursing" - refer to Schedule 1, Nurse Managers.

"Association" means the New South Wales Nurses' Association.

"Board" means the Nurses' Registration Board of New South Wales.

"Clinical Nurse Educator" means a registered nurse with relevant post-registration certificate qualifications, who is required to implement and evaluate educational programs at the ward/unit level. The Clinical Nurse Educator shall cater for the delivery of clinical nurse education in the ward/unit level only.

A nurse will achieve Clinical Nurse Educator status on a personal basis by being required by the Hospital/Area Health Service to provide the educational programs detailed above. Nothing in this clause shall affect the role carried out by the Clinical Nurse Specialist as a specialist resource and the Clinical Nurse Consultant in the primary role of clinical consulting, researching, etc.

"Clinical Nurse Specialist" means:

A registered nurse with relevant post-basic qualifications and twelve months experience working in the clinical area of his/her specified post-basic qualification,

or

a minimum of four years post-basic registration experience, including three years experience in the relevant specialist field

and

who satisfies the local criteria.

"Clinical Nurse Consultant Grade 1" means: a registered nurse appointed as such to a position approved by the Area Health Service, who has at least 5 years full time equivalent post registration experience and in addition who has approved post registration nursing qualifications relevant to the field in which he/she is appointed, or such other qualifications or experience deemed appropriate by the Area Health Service.

"Clinical Nurse Consultant Grade 2" means: a registered nurse appointed as such to a position approved by the Area Health Service, who has at least 5 years full time equivalent post registration experience, with at least 3 years full time equivalent experience in the specialty field. In addition the nurse must have approved postgraduate nursing qualifications relevant to the field in which he/she is appointed or such other qualifications or experience deemed appropriate by the Area Health Service. An employer may also require a higher qualification in the specialist nursing field where such a qualification is considered essential for the performance of the individual position.

"Clinical Nurse Consultant Grade 3" means: a registered nurse appointed as such to a position approved by the Area Health Service, who has at least 7 years full time equivalent post registration experience, with at least 5

years full time equivalent experience in the specialty field. In addition the nurse must have approved postgraduate nursing qualifications relevant to the field in which he/she is appointed or such other qualifications or experience deemed appropriate by the Area Health Service. An employer may also require a higher qualification in the specialist nursing field where such a qualification is considered essential for the performance of the individual position.

"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.

"Corporation" means the Health Administration Corporation.

"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 am and before 10 am, otherwise than as part of the shift system.

"Department" means the Department of Health of New South Wales.

"Deputy Director of Nursing" - refer to Schedule 1, Nurse Managers.

"Enrolled Nurse" means a person enrolled by the Board as such.

"Enrolled Nurse - Special Grade" means an enrolled nurse, with an Advanced Certificate qualification and a minimum of six years full time equivalent post enrolment experience, including three years full time equivalent experience in the relevant clinical area. Such a nurse is appointed to a position established by an Area Health Service which satisfies the criteria as agreed between the Association and the New South Wales Health Department from time to time.

"Experience" in relation to a trainee enrolled nurse or assistant in nursing, means experience both before and/or after the commencement of this Award, whether within New South Wales or elsewhere and, in the case of a trainee enrolled nurse, enrolled nurse or assistant in nursing who was formerly a student nurse, includes experience as such student nurse.

"Hospital" means any institution or organisation established for the relief of persons to which any of the provisions of the *Public Hospitals Act 1929* apply.

"Industry of Nursing" means the industry of persons engaged in New South Wales in the profession of nursing in public hospitals and area health services.

"Manager, Nurse Education" - refer to Schedule 1, Nurse Managers.

"Nurse Educator" means a registered nurse with a post-registration certificate, who has relevant experience or other appropriate qualifications and who is appointed to a position of Nurse Educator.

A Nurse Educator shall be responsible for the development, implementation and delivery of nursing education programs within an area, group or hospital. Nurse education programs shall mean courses conducted such as post-registration certificates, continuing nurse education, new graduate orientation, post-registration enrolled nurses courses and, where applicable, general staff development courses.

A person appointed to a position of Nurse Educator who holds relevant tertiary qualifications in education or tertiary post-graduate specialist clinical nursing qualifications shall commence on the 3rd year rate of the salary scale.

A person appointed as a sole nurse educator in a hospital, district or region shall be paid at the 3rd year rate of the salary scale.

Incremental progression for Nurse Educators shall be on completion of 12 months satisfactory service, provided that progression shall not be beyond the 3rd year rate unless that person possesses the qualifications detailed in the two previous paragraphs. Persons appointed to the 3rd year rate by virtue of paragraphs 3 and 4 above shall progress to the 4th year rate after completion of 12 months satisfactory full-time service.

"Nurse Manager" means any employee who is allocated to a nurse manager grade in accordance with Clause 36 of this award.

"Nurse Practitioner" means a registered nurse appointed as such to a position approved by the Director General and who is authorised by the Nurses Registration Board, pursuant to Section 19A of the *Nurses Act 1991*, to practice as a nurse practitioner.

"Nursing Unit Manager" means a registered nurse in charge of a ward or unit or group of wards or units in a hospital or health service and shall include:

"Nursing Unit Manager Level 1", whose responsibilities include:

(a) Co-Ordination of Patient Services -

liaison with all health care disciplines for the provision of services to meet patient needs:

the orchestration of services to meet patient needs after discharge;

monitoring catering and transport services.

(b) Unit Management -

implementation of hospital/health service policy:

dissemination of information to all personnel;

ensuring environmental safety;

monitoring the use and maintenance of equipment;

monitoring the supply and use of stock and supplies;

monitoring cleaning services.

(c) Nursing Staff Management -

direction, co-ordination and supervision of nursing activities;

training, appraisal and counselling of nursing staff;

rostering and/or allocation of nursing staff;

development and/or implementation of new nursing practice according to patient need.

Provided that the classification of Nursing Unit Manager Level 1 shall include those registered nurses who, as at 27 June 1986, were appointed as Charge Nurses or Supervisors of 20 but less than 50 beds or who were appointed at a rate of pay equal to the latter.

"Nursing Unit Manager Level 2", whose responsibilities in relation to patient services, ward or unit management and staff management are in excess of those of a Nursing Unit Manager Level 1.

Provided that the classification of Nursing Unit Manager Level 2 shall include those registered nurses who, as at 27 June 1986, were appointed as Supervisors of 50-75 beds or at a rate of pay equal thereto.

"Nursing Unit Manager Level 3" whose responsibilities in relation to patient services, ward or unit management and staff management are in excess of those of a Nursing Unit Manager Level 2.

Provided that the classification of Nursing Unit Manager Level 3 shall include those registered nurses who, as at 27 June 1986, were appointed as Supervisors of 75-100 beds or at a rate of pay equal thereto.

Provided further, in relation to those nurses classified in accordance with this definition as Nursing Unit Managers on the basis of their former appointment as Charge Nurses or Supervisors, as the case may be, that nothing in this definition shall prevent them from being considered for regrading at any time after 27 June 1986.

"Registered Nurse" means a person registered by the Board as such.

"Residential Care Nurse" means a person other than a registered nurse or enrolled nurse, who is employed in the delivery of nursing care to clients in residential settings conducted by or on behalf of Hospitals or Area Health Services, and which are located either in the general community or in the grounds of hospitals, excepting any "off campus" or "satellite" group homes generated from the Weemala Unit of the Royal Rehabilitation Service. The duties performed by Residential Care Nurses shall comprise assisting with the care of residents which may include the supervision, training and assistance of residents in the performance of household tasks such as laundry, kitchen, general maintenance or other personal support tasks.

"Senior Nurse Educator" - refer to Schedule 1, Nurse Managers.

"Service" for the purpose of clause 8, Salaries, means service before or after the commencement of this award in New South Wales or elsewhere as a registered nurse, provided that all service recognised prior to the commencement of this award shall continue to be recognised.

To the foregoing shall be added any actual periods on and from 1 January 1971 during which a nurse undertook a post basic course whilst an employee of and rendering service in an institution or hospital and such course is recognised by the Board or acceptable to the Department, or one of the following certificate or diploma courses:

- Associate Diploma in Community Health -
College of Nursing, Australia; N.S.W. College of Nursing;
- Associate Diploma in Nursing Administration -
College of Nursing, Australia; N.S.W. College of Nursing;
- Associate Diploma in Nursing Education -
College of Nursing, Australia; N.S.W. College of Nursing,
Newcastle College of Advanced Education;
- Certificate in Operating Theatre Management -
N.S.W. College of Nursing;
- Certificate in Operating Theatre Technique -
College of Nursing, Australia;
- Certificate in Coronary Care -
N.S.W. College of Nursing;
- Certificate in Orthopaedic Nursing -
N.S.W. College of Nursing;
- Certificate in Ward Management -
N.S.W. College of Nursing;
- Midwife Tutor Diploma -
College of Nursing, Australia, or Central Midwives Board, London;
- Occupational Health Nursing Certificate -
N.S.W. College of Nursing;

provided that no more than three such courses shall count as service.

A reference to the New South Wales College of Nursing in this Award shall be deemed to be a reference also to the School of Nursing Studies, Cumberland College of Health Sciences.

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

"Trainee Enrolled Nurse" means a person who is being trained to become an enrolled nurse in a hospital recognised by the Board as a training school for enrolled nurses.

"Weekly rates" will be ascertained by dividing an annual amount by 52.17857 or a weekly rate can be multiplied by 52.17857 to obtain the annual amount.

4. Hours of Work and Free Time of Employees Other Than Directors of Nursing and Area Managers, Nurse Education

- (i) The ordinary hours of work for day workers, other than Directors of Nursing and Area Managers, Nurse Education, exclusive of meal times, shall be 152 hours per 28 calendar days to be worked Monday to Friday inclusive and to commence on such days at or after 6.00 am and before 10.00 am.
- (ii) The ordinary hours of work for shift workers, other than Directors of Nursing and Area Managers, Nurse Education, exclusive of meal times, shall not exceed an average of 38 hours per week in each roster cycle.
- (iii)
 - (a) The hours of work prescribed in subclauses (i) and (ii) of this clause shall, where possible, be arranged in such a manner that in each roster cycle of 28 calendar days each employee shall not work his/her ordinary hours of work on more than nineteen days in the cycle. Provided that employees who work 8 hour shifts are entitled to 12 additional days off duty per annum (as per Department of Health Circular No. 95/17 dated 13 March 1995), employees working 10 hour shifts are entitled to one additional day off duty each five weeks, employees working other combinations of shifts are entitled to such number of additional days off duty per annum as will ensure that their ordinary hours of work do not exceed an average of 38 hours per week.
 - (b) Notwithstanding the provisions of paragraph (a) of this subclause, employees may, with the agreement of the employer work shifts of less than 8 hours each over 20 days in each cycle of 28 days.
- (iv)
 - (a) Each shift shall consist of no more than 10 hours on a day shift or 11 hours on a night shift with not less than 10 hours break between each rostered shift, unless agreed otherwise between an employee and local nursing management. An employee shall not work more than 7 consecutive shifts unless the employee so requests and local nursing management agrees but in no case shall an employee be permitted to work more than 10 consecutive shifts. In any fortnightly pay period an employee shall not be rostered for more than three quick shifts, i.e. an evening shift followed by a morning shift, unless agreed otherwise between an employee and local nursing management.
 - (b) Where 10 hour night shifts are in operation in any health facility, at the commencement date of this award or subsequent thereto, the length of these shifts must not be altered without the consent of the Head Office of the Association.
- (v)
 - (a) The employee's additional day off duty prescribed in subclause (iii) of this clause (as a consequence of the implementation of the 38 hour week) shall be determined by mutual agreement between the employee and the employer having regard to the service requirements of the latter. Where practicable such additional day off duty shall be consecutive with the rostered days off duty prescribed in subclause (xv) of this clause.
 - (b) Employees shall not be entitled to the provisions of paragraph (a) of subclauses (iii) and (v) of this clause (i.e. an additional day off as a consequence of a 38 hour week) when undertaking block training.
- (vi) Once set, the additional day off duty may not be changed in a current cycle unless there are genuine unforeseen circumstances prevailing. Where such circumstances exist and the additional day off duty is changed, another day shall be substituted in the current cycle. Should this not be practicable the day must be given and taken in the next cycle immediately following.

- (vii)
- (a) Where an employee and her/his local nursing management agree, an employee's additional days off duty (ADOs) may be accumulated up to a total of seven. This limit on accumulation means that any employee who has already accumulated seven ADOs must take the next ADO accruing to her/him when it falls due in accordance with the roster.
 - (b) Employers must not unreasonably refuse to agree with an employee's request to accumulate ADOs or to take them off subsequent to such accumulation.
 - (c) Any ADOs accumulated but not taken as at the date of termination of the employee must be paid out at ordinary rates.
- (viii) Except for breaks for meals the hours of duty each day shall be continuous.
- (ix) Each employee who works in excess of five hours must have a break of not less than thirty minutes and not more than sixty minutes for each meal occurring on duty as follows:
- Breakfast - between 6 am and 9 am.
 - Midday Meal - between 12 noon and 2 pm.
 - Evening Meal - between 5 pm and 7 pm.
 - Night Meal - between 10 pm and 2 am.
- Employees must not be required to work during meal breaks as a matter of routine practice unless mutually agreed at the local level. Provided that any time worked during such break shall count as working time and unless the employee is permitted to finish duty early on the same shift then overtime becomes payable once the total ordinary work time of the shift has elapsed. Provided further that where practicable an employee engaged to work for five hours or less in any one shift may elect not to take a meal break as otherwise provided for in this subclause without penalty to the employer. The term "where practicable" encompasses regard being paid to the service requirements of the employer.
- (x)
- (a) One twenty minute interval (in addition to the meal break) shall be allowed each employee on duty for a tea break during each shift. Such interval shall count as working time. Part time and Casual employees who are engaged for less than a whole shift on any one day shall only be entitled to one tea break of 10 minutes.
 - (b) Where it is not possible due to the nature of the work performed to have one twenty minute break, the employee may take one ten minute break and be permitted to proceed off duty ten minutes prior to the rostered finishing time of that shift.
 - (c) Paragraph (b) of subclause (x) will only be exercised in special and exceptional circumstances and with the expressed approval of the employer in consultation with the employee.
- (xi) Subclauses (ix) and (x) of this clause, shall not apply to an employee who is allowed two intervals of twenty minutes each during the period of night duty but such intervals shall count as working time and shall be paid for as such.
- (xii) Changing time totalling ten minutes per shift to count as working time is to be allowed to nurses not permitted to travel in their work clothes.
- (xiii) Employees who are lactating shall be entitled to one paid break of 30 minutes per shift for the purpose of expressing their milk or breast feeding their child, and the employer shall provide access to suitable facilities for such purpose.
- (xiv)

- (a) Except in cases of emergency, an employee shall not be employed on night duty for a longer period than four consecutive weeks, unless agreed otherwise between an employee and local nursing management.
 - (b) Except in cases of emergency, after having served a period of night duty, an employee shall serve an equivalent period of time off night duty before again undertaking a period of night duty unless agreed otherwise between an employee and local nursing management.
 - (c) Except in cases of emergency, an employee shall not be required to perform night duty against their wishes during a period of one week prior to any formal end-of-semester examination in any course of study which has been accepted by her/his employer as meeting the requirements for the grant of study time.
 - (d) This subclause shall not apply to an Assistant Director of Nursing, a Nursing Unit Manager or to a registered nurse in charge as the case may be, who is employed permanently in charge at night.
 - (e) Except in cases of emergency, a trainee enrolled nurse shall not be employed on night duty for more than 10 weeks in any one year of training.
- (xv) Except in cases of emergency, an employee changing from night duty to day duty or from day duty to night duty shall be free from duty during the 20 hours immediately preceding the commencement of the changed duty.
- (xvi)
- (a) Each employee shall be free from duty for not less than two full days in each week or four full days in each fortnight and no duties shall be performed by the employee on any of such free days except for overtime. Where practicable, days off shall be consecutive and shall not be preceded by any evening shift or a night shift unless the employee is rostered on the same shift, i.e. evening shift or night shift, as the case may be, immediately upon his or her return to duty after days off, except by agreement between the employee and the local nursing management. An evening shift shall be one which commences at or after 1 pm and before 4 pm.
 - (b) An employee at his or her request, may be given time free from duty in one or more periods but no period shall be less than one full day.
 - (c) For the purpose of this subclause "full day" means from midnight to midnight or midday to midday.
- (xvii)
- (a) Employees may be required to remain on call. Any such time on call shall not be counted as time worked (except in so far as an employee may take up actual duty in response to a call) but shall be paid for in accordance with clause 10, Special Allowances. Provided, however, no employee shall be required to remain on call whilst on leave or the day before entering upon leave.
 - (b) Except as hereafter provided, no employee shall be required to remain on call whilst on a rostered day off or from the completion of the employees' shift on the day preceding a rostered day off.
 - (c) Paragraph (b) shall not apply where in extreme circumstances (which shall be agreed between the employer and the Head Office of the Association) it is necessary for a hospital in order to ensure the provision of services, to place staff on call on rostered days off.
- (xviii) All rostered time off duty occupied by a trainee enrolled nurse in attendance at lectures and demonstrations given in the course of instruction in the theory and practice of nursing or during the time necessarily occupied in attending at and sitting for prescribed examinations shall be deemed to be time worked.

- (xix) An employer shall not alter the period over which the ordinary hours of work of employees are balanced except upon giving one month's notice of his intention so to do to the Industrial Registrar and to the Association.

5. Pilot Roster Projects

- (i) Notwithstanding any other provision of this award, Pilot Roster Projects for the purposes of trialing flexible roster practices or 12 hour shifts may be implemented on the following basis:
- (a) The terms of the Pilot Roster Project shall be agreed in writing between the employer and the Association on behalf of the nurses participating in the project. Provided that the Association shall not unreasonably refuse to agree to, or unreasonably delay in responding to, a Pilot Roster Project proposed by an employer.
 - (b) The terms shall include
 - (1) the duration of the project; and
 - (2) the conditions of the project; and
 - (3) the award provisions required to be overridden in order to implement the project; and
 - (4) review mechanisms to assess the effectiveness of the project.
 - (c) Whilst the Pilot Roster Project is being conducted according to its terms, the employer shall not be deemed to be in breach of the award by reason alone of implementing the project.
 - (d) Any purported Pilot Roster Project which does not comply with this clause is not a Pilot Roster Project for the purposes of this clause and in particular no employer shall be able to claim the benefit of subclause (c) when implementing such project.
- (ii) The Association agrees to participate in a review of the operation of this clause, if requested by the Department.

6. Hours of Work and Free Time of Directors of Nursing and Area Managers, Nurse Education

- (i) A Director of Nursing or Area Manager, Nurse Education shall be free from duty for not less than 9 days in each twenty-eight consecutive days and such days free from duty may be taken in one or more periods.
- (ii) If any of the days mentioned in subclause (i) of this clause cannot be taken by reason of emergency, such day or days shall be given and taken within 28 days of becoming due.
- (iii) A Director of Nursing or Area Manager, Nurse Education shall, where practicable, inform his or her employer giving not less than 7 days' notice of the days he or she proposes to be free from duty; provided that such days shall be subject to the approval of the employer, and such approval shall not be unreasonably withheld.

7. Rosters

- (i) The ordinary hours of work for each employee, other than the Director of Nursing, shall be displayed on a roster in a place conveniently accessible to employees.
- (ii) The roster shall be displayed at least two weeks prior to the commencing date of the first working period in the roster.
- (iii) Notwithstanding the foregoing provisions of this clause, a roster may be altered at any time to enable the nursing service of the hospital to be carried on where another employee is absent from duty on account of illness or in an emergency: Provided that where any such alteration involves an employee working on

a day which would otherwise have been such employee's day off, the day off in lieu thereof shall be as mutually arranged.

- (iv) Prior to the date of the changed shift, such change of roster shall be notified verbally or in writing to the employee concerned.
- (v) Where an employee is entitled to an additional day off duty in accordance with clause 4, Hours of Work and Free Time of Employees other than Directors of Nursing, such day is to be shown on the roster of hours for that employee.
- (vi) All rosters shall be retained for at least six years.

8. Salaries

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

8A. Salary Sacrifice to Superannuation

- (i) Notwithstanding the salaries prescribed in Part B Monetary Rates of the Public Hospital Nurses (State) Award as varied by Clause 8 Salaries, an employee may elect, subject to the agreement of the employee's Employer, to sacrifice a portion of the salary payable under Clause 8 to additional employer superannuation contributions. Such election must be made prior to the commencement of the period of service to which the earnings relate. The amount sacrificed must not exceed thirty (30) percent of the salary payable under Clause 8 or thirty (30) percent of the currently applicable superannuable salary, whichever is the lesser. In this clause:
 - (a) "superannuable salary" means the employee's salary as notified from time to time to the New South Wales public sector superannuation trustee corporations.
 - (b) "Employer" shall mean the Health Administration Corporation of New South Wales.
- (ii) Where the employee has elected to sacrifice a portion of that payable salary to additional employer superannuation contributions:
 - (a) subject to Australian Taxation Law, the sacrificed portion of salary will reduce the salary subject to appropriate PAYE taxation deductions by the amount of that sacrificed portion; and
 - (b) any allowance, penalty rate, overtime, payment for unused leave entitlements, weekly worker's compensation, or other payment, other than any payments for leave taken in service, to which an employee is entitled under this award or any applicable Award, Act or Statute which is expressed to be determined by reference to an employee's salary, shall be calculated by reference to the salary which would have applied to the employee under Clause 8 of this Award in the absence of any salary sacrifice to superannuation made under this Award.
- (iii) The employee may elect to have the portion of payable salary which is sacrificed to additional employer superannuation contributions:
 - (a) paid into the superannuation scheme established under the *First State Superannuation Act 1992* as optional employer contributions; or
 - (b) subject to the Employers agreement, paid into private sector complying superannuation scheme as employer superannuation contributions.
- (iv) Where an employee elects to salary sacrifice in terms of subclause (iii) above, the Employer will pay the sacrificed amount into the relevant superannuation fund.
- (v) Where the employee is a member of a superannuation scheme established under:
 - (a) the *Police Regulation (Superannuation) Act 1906*;

- (b) the *Superannuation Act 1916*;
- (c) the *State Authorities Superannuation Act 1987*;
- (d) the *State Authorities Non-contributory Superannuation Act 1987*; or
- (e) the *First State Superannuation Act 1992*

the employee's Employer must ensure that the amount of any additional employer superannuation contributions specified in subclause (i) above is included in the employee's superannuable salary which is notified to the New South Wales public sector superannuation trustee corporations.

- (vi) Where, prior to electing to sacrifice a portion of his/her salary to superannuation, an employee had entered into an agreement with his/her Employer to have superannuation contributions made to a superannuation fund other than a fund established under legislation listed in subclause (v) above, the Employer will continue to base contributions to that fund on the salary payable under Clause 8 to the same extent as applied before the employee sacrificed portion of that salary to superannuation. This clause applies even though the superannuation contributions made by the Employer may be in excess of the superannuation guarantee requirements after the salary sacrifice is implemented.

9. Transitional Arrangements - Registered Nurse Incremental Scale

- (i) For the purposes of this clause "transitional date" means the first pay period commencing on or after 1 March 1997.
- (ii) The year of service for the purpose of the incremental scale for a registered nurse employed at the transitional date shall be determined by locating the registered nurse's current year of service on the incremental scale in Column A of the Transitional Table in subclause (iv). The registered nurse's incremental year of service shall be deemed to be the year of service appearing opposite in Column B of the Transitional Table. Provided that a registered nurse with eight or more actual years of service shall be placed on the eighth year of service in Column B of the Transitional Table.
- (iii) Registered nurses who commence employment with an employer after the transitional date shall have their year of service determined as if they were employed by the employer at the transitional date. That is; the transitional arrangements shall apply to all periods of employment under this award, which commence on or after the transitional date.
- (iv) Transitional Table:

Column A (Old incremental scale)	Column B (New incremental scale)
First year of service	First year of service
Second year of service	First year of service
Third year of service	Second year of service
Fourth year of service	Third year of service
Fifth year of service	Fourth year of service
Sixth year of service	Fifth year of service
Seventh year of service	Sixth year of service

Eighth year of service	Seventh year of service
UG1	Eighth year of service

Note: For the purposes of the old incremental scale only, a registered nurse who has obtained an appropriate degree in Nursing or Applied Science Nursing) or Health Studies (Nursing) (referred to for the purposes of this clause as a "UG1" qualification) shall enter the incremental scale on the second year of Service

- (v) The year of service determined by this clause shall be the year of service only for the purposes of clause 8, Salaries. In particular this clause shall not affect the definition of service for the purposes of clause 26, Annual Leave; clause 33, Sick Leave or clause 29, Long Service Leave.
- (vi) A registered nurse's anniversary date for the purpose of moving to the next year of service is not affected by this clause.

10. Special Allowances

- (i)
 - (a) A registered nurse in charge of a hospital of not more than 100 beds during the day, evening or night in the absence of a senior nurse shall be paid, in addition to his or her appropriate salary, whilst so in charge, the sum as set in Item 1, of Table 2 of Part B per shift.
 - (b) This subclause shall not apply to registered nurses holding positions of a higher grade than that of clinical nurse specialist.
- (ii)
 - (a) An employee required by his or her employer to be on call otherwise than as provided in (b) and (c) hereof shall be paid the sum as set in Item 2 of Table 2 of Part B for each hour or part thereof with a minimum payment of eight hours at that rate.
 - (b) An employee required to be on call on rostered days off in accordance with paragraph (c) of subclause (xvii) of Clause 4, Hours of Work and Free Time of Employees Other Than Directors of Nursing, shall be paid the sum as set in Item 3, of Table 2 of Part B for each hour or part thereof with a minimum payment of eight hours at that rate.
 - (c) An employee who is directed to remain on call during a meal break shall be paid an allowance as set out in Item 4, of Table 2 of Part B.
 - (d) Where an employee on call leaves the hospital and is recalled to duty, he or she shall be reimbursed all reasonable fares and expenses actually incurred provided that where an employee uses a motor car in these circumstances, the allowance payable shall be the rate prescribed from time to time by the Department for a "casual" user. The provisions of this paragraph shall apply to all employees.
 - (e) This subclause shall not apply to Nurse Managers classified at Grade 4 or above provided that the allowances prescribed in subclauses (a) and (b) of this subclause shall be paid to Nurse Managers classified at Grade 5 (c) and Grade 6 (a) when required to remain on call for the purpose of the performance of clinical duties.
- (iii)
 - (a) Where a Director of Nursing is required by the hospital to perform radiographic duties he/she shall be paid in addition to his/her appropriate salary an allowance as set in Item 5, of Table 2 of Part B per week.
 - (b) The allowance prescribed by paragraph (a) of this subclause shall apply to an employee who relieves the Director of Nursing for a period of one week or more.
 - (c) An employee who is performing radiographic duties in the absence of the Director of Nursing for a period of less than one week shall be paid in addition to his or her appropriate salary a daily allowance as set in Item 6, of Table 2 of Part B, provided that the maximum allowance per week payable in accordance with this paragraph shall not exceed the amount set in the said Item 6.
 - (d) The allowance prescribed by this subclause shall be regarded as part of the salary for the purpose of this award.

- (iv) An employee required to wear a lead apron shall be paid an allowance as set out in Item 7, of Table 2 of Part B for each hour or part thereof that he/she is required to wear the said apron. No employee shall be required to wear a lead apron for more than one hour without being allowed a paid break of 10 minutes.
- (v) A registered nurse who is designated to be in charge of a ward or unit during day, evening or night shifts, when the Nursing Unit Manager is not rostered for duty, shall be paid an allowance as set out in Item 8, of Table 2 of Part B per shift. Provided that the allowance shall also be paid when the Nursing Unit Manager is rostered on duty if the day to day clinical management role for the shift is delegated to a designated registered nurse.
- (vi) A registered nurse who is designated to be in-charge of a ward or unit when the Nursing Unit Manager is not rostered for duty and who is also designated to be in-charge of a hospital of less than 100 beds during the day, evening or night on the same shift shall be paid an allowance as set out in Item 9, of Table 2 of Part B per shift.
- (vii)
 - (a) An employee who makes their services available and participates in an approved roster to provide emergency telephone counselling outside their normal rostered ordinary hours shall receive the payments prescribed in paragraphs (b), (c) and (d) of this subclause.
 - (b) An employee rostered to be on call shall be paid the sum as set in Item 2 of Table 2 of Part B for each hour or part thereof with a minimum payment of eight hours at that rate. Provided that an employee rostered on call on rostered days off shall be paid the sum as set in Item 3, of Table 2 of Part B for each hour or part thereof with a minimum payment of eight hours at that rate.
 - (c) If during such an on call period prescribed in paragraph (b) of this subclause an employee is required to provide telephone counselling to a client, such employee shall be entitled in lieu of payments prescribed in the said paragraph (b) to payment at the rate of one-third of the employees normal hourly rate of pay up to a maximum of two and one half hours for periods rostered on call between 8 hours and 16 hours and a maximum of one and a quarter hours for periods rostered up to 8 hours.
 - (d) An employee called out during the period of on call shall be entitled to the prescriptions of clause 21, Overtime.
- (viii) An enrolled nurse employed in the central sterile supply department of a hospital, in possession of a Sterilising Technology Certificate issued by the Sterilising Research and Advisory Council of Australia shall be paid an allowance as set out in Item 18 of Table 2 of Part B.

11. Climatic and Isolation Allowances

- (i) Subject to subclause (ii) of this clause, persons employed in hospitals in places situated upon or to the west of a line drawn as herein specified shall be paid an allowance as set in Item 10, of Table 2 of Part B per week, in addition to the salary to which they are otherwise entitled. The line shall be drawn as follows: Commencing at Tocumwal and thence to the following towns in the order stated - namely Lockhart, Narrandera, Leeton, Peak Hill, Gilgandra, Dunedoo, Coolah, Boggabri, Inverell and Bonshaw.
- (ii) Persons employed in hospitals in places situated upon or to the west of a line drawn as herein specified shall be paid an allowance as set in the said Item 10 per week, in addition to the salary to which they are otherwise entitled. The line shall be drawn as follows: Commencing at a point on the right bank of the Murray River opposite Swan Hill (Victoria), and then to the following towns in the order stated - namely, Hay, Hillston, Nyngan, Walgett, Collarenebri and Mungindi.
- (iii) Except for the computation of overtime the allowances prescribed by this clause shall be regarded as part of the salary for the purposes of this award.
- (iv) The allowances prescribed by this clause are not cumulative.

- (v) An employee who works less than 38 hours per week shall be entitled to the allowances prescribed by this clause in the same proportion as the average hours worked each week bears to thirty eight ordinary hours.

12. Penalty Rates for Shift Work and Weekend Work

- (i) Employees working afternoon or night shift shall be paid the following percentages in addition to the ordinary rate for such shift: Provided that employees who work less than 38 hours per week shall only be entitled to the additional rates where their shifts commence prior to 6 am or finish subsequent to 6 pm.

Afternoon shift commencing at 10 am and before 1 pm - 10%.

Afternoon shift commencing at 1 pm and before 4 pm - 12.5%.

Nightshift commencing at 4 pm and before 4 am - 15%.

Nightshift commencing at 4 am and before 6 am - 10%.

- (ii) "Ordinary rate" and "ordinary time" shall not include any percentage addition by reason of the fact that an employee works less than 38 hours per week.

- (iii) For the purpose of this clause day, afternoon and night shifts shall be defined as follows:

"Day shift" means a shift which commences at or after 6 am and before 10 am.

"Afternoon shift" means a shift which commences at or after 10 am and before 4 pm.

"Night shift" means a shift which commences at or after 4 pm and before 6 am on the day following.

- (iv) Employees whose ordinary working hours include work on a Saturday and/or Sunday, shall be paid for ordinary working hours worked between midnight on Friday and midnight on Saturday at the rate of time and one half and for ordinary hours worked between midnight on Saturday and midnight on Sunday at the rate of time and three quarters. These extra rates shall be in substitution for and not cumulative upon the shift premiums prescribed in the preceding subclause (i) of this clause.

The foregoing paragraph shall apply to employees who work less than 38 hours per week, but such employees shall not be entitled to be paid in addition any allowance prescribed by clause 25, Part-time, Casual and Temporary Employees, in respect of their employment between midnight on Friday and midnight on Sunday.

- (v) The additional payments prescribed by this clause shall not form part of the employee's ordinary pay for the purposes of this Award, except as provided in clause 26, Annual Leave.

- (vi) This clause shall not apply to Nurse Managers classified Grade 4 or above.

13. Fares and Expenses

- (i) A trainee enrolled nurse sitting for an examination prescribed by the Board and required to travel from the home centre to an examination centre shall be paid by the employer all fares necessarily incurred in such travelling and, if it is reasonably necessary, for each student nurse or trainee enrolled nurse to sleep away from such home centre, the travelling allowance prescribed from time to time by clause 46 of the Public Sector Management (General) Regulation 1996 shall apply. "Home Centre" means the town in which is situated the hospital at which such trainee enrolled nurse is employed.

- (ii) An employee required to travel in the performance of duty shall be reimbursed first-class fares (including sleeper accommodation) and all reasonable out-of-pocket expenses.

- (iii)
- (a) An employee who is engaged for an indefinite period and who remains in the employment for at least six months shall be reimbursed forward fares from the place of engagement; provided that the distance of normal travel therefrom to the employment exceeds 40 kilometres.
 - (b) An employee who is engaged for an indefinite period and who is dismissed within six months for any reason, other than misconduct or inefficiency shall be reimbursed forward fares from the place of engagement; provided that the distance of normal travel therefrom to the employment exceeds 40 kilometres and shall also be reimbursed return fares to such place of engagement or the employee's immediate destination whichever is the cheaper.
- (iv) An employee who is engaged for a definite period and who completes the period of engagement or who is dismissed before completing such period for any reason other than misconduct or inefficiency, shall be reimbursed forward fares from the place of engagement provided that the distance of normal travel therefrom to the employment exceeds 40 kilometres and shall be reimbursed return fares to such place of engagement or to the employee's immediate destination, whichever is the cheaper.
- (v) Subclauses (iii) and (iv) of this clause shall not apply to trainee enrolled nurses or to nurses travelling to a midwifery training school to enter upon midwifery training or to nurses travelling to a hospital for post-graduate training.
- (vi) Fares within the meaning of this clause shall include only fares incurred in respect of travel within New South Wales.
- (vii) An employee who claims reimbursement of fares, pursuant to this clause, shall furnish to the employer, if so required, satisfactory proof that she or he has not received from another employer reimbursement in respect to those fares.

14. Special Rates and Conditions

- (i) In addition to the rates prescribed by clause 8, Salaries, the additional rates as set in Item 11, of Table 2 of Part B shall be payable to the undermentioned employees of the Tibooburra and Ivanhoe District Hospitals:

Registered Nurses;
 Enrolled Nurses;
 Trainee Enrolled Nurses; or
 Assistants in Nursing.

(NOTE: These additional rates are compensation for overtime and adverse conditions.)

- (ii) In addition to the annual leave prescribed by clause 26, Annual Leave, the Director of Nursing and registered nurses at the Tibooburra District Hospital and Ivanhoe District Hospital shall be allowed seven days leave of absence annually on full pay.
- (iii) All nurses employed by the Corrections Health Service shall be paid a special environmental allowance as set out in item 11A of Table 2 of Part B. Such allowance shall be adjusted from time to time in accordance with any State Wage Case increase covering work-related allowances. Part time and Casual employees shall be paid this allowance on a pro rata basis. This allowance shall be considered as salary for all purposes of this award (including the calculation of overtime and penalty rates).

This allowance shall be treated as having been adjusted by relevant State Wage Case adjustments up to and including the State Wage Case 2000 (2000) 97 IR 348.

- (iv) All nurses employed by the Corrections Health Service shall be paid a productivity allowance as set out in item 11B of Table 2 of Part B. Such allowance shall allowance shall be considered as salary for all purposes of this award (including the calculation of overtime and penalty rates), and shall be adjusted

from time to time in accordance with any general wage movements in this award. Part time and Casual employees shall be paid this allowance on a pro rata basis.

This allowance shall be treated as having been adjusted by relevant State Wage Case adjustments up to and including the State Wage Case 2000 (2000) 97 IR 348.

15. Telephone Allowance

If an employee is required by his or her employer to have a telephone installed at his or her residence for the purposes of his or her employment, the employer shall be responsible for the payment of -

- (a) the cost of installation of the telephone
- (b) three quarters of the cost of the rental of that telephone
- (c) the cost of all official calls.

16. Nurses on Secondment

Trainee Enrolled Nurses who are required to travel to a TAFE campus to attend the theoretical component of the Enrolled Nurse course or who are seconded on a full-time basis to another hospital for purposes of training shall be granted conditions in accordance with Circular No. 95/82 of 13 October 1995, as amended from time to time.

17. Mobility, Excess Fares and Travelling

For the purpose of this clause accustomed place of work shall mean the location where an employee is regularly required to commence duty by the employer.

- (i) An employee shall be required to proceed to the accustomed place of work and return home once on each ordinary working day or shift in the employee's own time and at the employee's own expense.
- (ii)
 - (a) Where an employee is directed to report for duty to a place of work other than the employee's accustomed place of work the employee shall travel to and from the alternative place of work in the employer's time for those periods in excess of time normally taken to travel to and from the accustomed place of work.
 - (b) If the excess of travelling time on a particular day or shift is greater than the prescribed ordinary hours of duty for the particular category of staff for that day or shift, then the excess of hours, shall be paid at the ordinary rate of pay to the extent of the excess of travelling time.
 - (c) Fares incurred by such employee in excess of the fares normally incurred in travelling to the employee's accustomed place of work and returning home from the accustomed place of work, shall be reimbursed.
 - (d) Where the employee is required to report to an alternative place of work and has the prior approval of the employer to travel by his/her own mode of conveyance, the employee shall be paid a kilometre allowance for kilometres travelled in excess of the kilometres the employee normally travels between the accustomed place of work and home. The kilometre allowance will be as prescribed from time to time by Clause 50 of the Public Sector Management (General) Regulation 1996.
- (iii)
 - (a) Where an employer has determined that an employee or employees should report to a new accustomed place of work on a permanent basis, the decision must be discussed with the affected employee(s) and the local branch of the relevant union(s) prior to notice of changed accustomed

place of work being given. An employer shall only make such a determination where it is reasonable in all the circumstances to do so.

- (b) The employer shall give the employee reasonable notice of the requirement to report to a new accustomed place of work. For the purpose of this sub-clause, "reasonable notice" shall be one calendar month prior to the date the employee is first required to report to the new accustomed place of work.
 - (c) Where the accustomed place of work is changed on a permanent basis by the employer, the employee shall report to the new accustomed place of work on the date specified by the employer.
 - (d) If there is disagreement about such decision after such discussion or if a significant number of employees are involved, the matter should be referred to the Department of Health, which will discuss the matter with the appropriate union(s) and will determine the date upon which notice will be given to employee(s).
- (iv)
- (a) The provision of this clause shall not apply to an employee appointed to regularly perform relief duties or to employees specifically employed to perform duties at more than one place of work except as provided in (b) hereunder.
 - (b) If a reliever incurs fares in excess of the amount as set in Item 12 of Table 2 - Other Rates and Allowances per day in travelling to and from the relief site, the excess shall be reimbursed.
 - (c) Where a reliever, with the prior approval of the employer, travels by his/her own mode of conveyance and incurs travelling costs in excess of the amount as set in Item 12 per day to and from the relief site, such excess shall be reimbursed. The rate applicable shall be the kilometre allowance prescribed from time to time by Clause 50 of the Public Sector Management (General) Regulation 1996 less the said amount. This amount shall be reviewed annually by the Corporation.
- (v) No payment shall be made under this clause unless the employer is satisfied that the employee has incurred additional expenditure in having to report to an alternative place of work, at the direction of the employer.
- (vi) Travel to an alternative place of work, either by public transport or own mode of conveyance, shall in all instances be by the most direct route.

18. Car Allowance

An employee who, with the approval of the Chief Executive Officer or his/her nominee, uses on official business a motor vehicle maintained primarily for other than official business, shall be paid an allowance based on the rates prescribed by the Department's Transport Allowance in force from time to time.

18A. Provision of Communication Device

- (i) An employee who is required to visit clients away from a secure working environment shall, during the performance of such duties, be provided with a suitable and effective communication device. The provision of this equipment is intended to improve service delivery, together with enhancing the safety and wellbeing of the employee.

19. Uniform and Laundry Allowances

- (i) Subject to subclause (ii) of this clause, sufficient, suitable and serviceable uniforms, including one pair of shoes per annum which shall be of a recognised acceptable standard for the performance of nursing duties, shall be supplied free of cost to each employee required to wear a uniform. An employee to

whom a new uniform or part of a uniform has been issued who, without good reason, fails to return the corresponding article last supplied shall not be entitled to have such article replaced without payment therefore at a reasonable price.

- (ii) An employee, on leaving the service of an employer, shall return any uniform or part thereof supplied by that employer which is still in use immediately prior to leaving.
- (iii)
 - (a) In lieu of supplying uniforms and shoes to an employee, an employer shall pay the said employee the sum as set in Item 13 of Table 2 of Part B per week, which includes a sum as set in the said Item 13 per week for shoes. Provided, however, that if a uniform includes a cardigan or jacket an additional amount as set in the said Item 13 per week shall also be paid.
 - (b) In lieu of supplying stockings to a female employee an employer shall pay the said employee the sum as set in the said Item 13 per week.
 - (c) In lieu of supplying socks to an employee, an employer shall pay the said employee the sum as set in the said Item 13 per week.
 - (d) The allowances prescribed in this subclause continue to be payable during any period of paid leave.
- (iv)
 - (a) If, in any hospital, the uniforms of an employee are not laundered at the expense of the hospital an allowance as set in Item 14, of Table 2 of Part B per week shall be paid to the said employee. Provided that this allowance is not payable during any period of leave which exceeds one continuous week.
 - (b) This allowance is also payable to employees providing direct clinical care and who are not required to wear a uniform.
- (v) Where the employer requires any employee to wear headgear, the hospital shall provide headgear free of charge to the employee.
- (vi) Each employee whose duties regularly require them to work out of doors shall be supplied with a suitable waterproof coat, hat and overboots. Sufficient waterproof clothing shall be made available for use by other employees who in the course of their duties are exposed to wet weather.

20. Higher Grade Duty

- (i) An employee who is called upon to relieve an employee in a higher classification or is called upon to act in a vacant position of a higher classification shall be entitled to receive for the period of relief or the period during which he/she so acts the minimum payment for such higher classification.
- (ii) The provisions of subclause (i) of this clause shall not apply where the employee of the higher classification is off duty pursuant to clause 6, Hours of Work and Free Time of Directors of Nursing and Area Managers, Nurse Education, except in so far as a Director of Nursing accumulates days off for a continuous period of one week or more or when an employee in a higher grade is absent from duty by reason of his/her additional day off duty as a consequence of working a 38 hour week.

21. Overtime

- (i) Employees shall work reasonable overtime when required by the employer.
- (ii)

- (a) Subject to paragraph (b) of this subclause all time worked by employees in excess of the rostered daily ordinary hours of work shall be overtime and shall be paid for at the rate of time and one half for the first two hours and double time thereafter in respect of each overtime shift worked or in respect of overtime worked prior to or at the conclusion of a normal shift. Provided that overtime worked on Sundays shall be paid for at the rate of double time and on public holidays at the rate of double time and one half.
- (b) Employees employed pursuant to Part 1 of Clause 25, Part Time, Casual and Temporary Employees, (i.e. Permanent Part-Time Employees) shall be entitled to payment for overtime in accordance with the arrangements set out in Department of Health Circular No. 94/121 dated 5th December 1994, as amended from time to time. Overtime shall be paid for at the rate of time and one half for the first two hours and double time thereafter except that on Sundays such overtime shall be paid for at the rate of double time and on public holidays at the rate of double time and one half.
- (iii) An employee recalled to work overtime after leaving the employer's premises shall be paid for a minimum of four hours work at the appropriate rate each time so recalled. If the work required is completed in less than four hours, the employee shall be released from duty.
- (iv) In lieu of the conditions specified in subclauses (ii) and (iii) of this clause, a nurse who works overtime may be compensated by way of time off in lieu of overtime, subject to the following requirements:
 - (a) Time off in lieu must be taken within three months of it being accrued at ordinary rates.
 - (b) Where it is not possible for a nurse to take the time off in lieu within the three month period, it is to be paid out at the appropriate overtime rate based on the rates of pay applying at the time payment is made.
 - (c) Nurses cannot be compelled to take time off in lieu of overtime.
 - (d) Time off in lieu of overtime should only be considered as an option in those circumstances where the employer is able to provide adequate replacement staff to ensure that the level of quality of service that would otherwise have been provided had overtime been worked, is in fact provided.
 - (e) Records of all time off in lieu owing to nurses and taken by nurses must be maintained.
- (v) An employee required to work overtime following on the completion of his or her normal shift for more than two hours shall be allowed twenty minutes for the partaking of a meal and a further twenty minutes after each subsequent four hours overtime; all such time shall be counted as time worked. Provided that the benefits of this subclause shall not apply to an employee employed pursuant to Part 1 of clause 25, Part-Time, Casual and Temporary Employees, until the expiration of the normal shift for a majority of the full-time employees employed on that shift in the ward or section concerned.
- (vi) An employee recalled to work overtime after leaving the employer's premises and who is required to work for more than four hours shall be allowed twenty minutes for the partaking of a meal and further twenty minutes after each subsequent four hours overtime; all such time shall be counted as time worked.
- (vii)
 - (a) The meals referred to in subclause (v) and (vi) of this clause shall be allowed to the employee free of charge. Where the hospital is unable to provide such meals, an allowance per meal as calculated hereunder shall be paid to the employee concerned.
 - (b) The value of payments for meals shall be varied in accordance with variations to Division 3 of the Public Sector Management (General) Regulation 1996. However, such allowance is to be the average of the allowances outlined for the 3 meals specified.

- (viii) Where an employee is required to work an overtime shift on his or her rostered day off, the appropriate meal breaks for that shift, as prescribed by clause 4, Hours of Work and Free Time of Employees other than Directors of Nursing, shall apply.
- (ix) An employee who works so much overtime:
- (a) between the termination of his or her ordinary work on any day or shift and the commencement of his or her ordinary work on the next day or shift that he or she has not had at least ten consecutive hours off duty between these times; or
 - (b) on a Saturday, a Sunday and a holiday, 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 his or her ordinary commencing time on his or her next day or shift; shall, subject to this subclause, be released after completion of such overtime until he or she has had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence. If on the instruction of the employer such an employee resumes or continues to work without having had such ten consecutive hours off duty he or she shall be paid at double rates until released from duty for such period and he or she then shall be entitled to be absent until he or she has had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.
 - (c) The requirement for an employee to have at least ten consecutive hours off duty before or after overtime shall be reduced to eight hours in the following circumstances:
 - (i) Where the employee and local nursing management have agreed to an eight-hour break between each rostered shift;
 - (ii) Where an employee has exchanged the shift rostered before or after the overtime period with another employee.
 - (d) Periods rostered on-call or periods attracting the prescriptions of paragraph (c) of subclause (vii) of clause 10, Special Allowances regarding telephone counselling are to be regarded as forming part of the ten consecutive hours off duty pursuant to paragraphs (a) and (b) of this sub-clause.
- (x) Where an employee has been rostered to work overtime and is subsequently notified by the employer with less than 24 hours notice that the overtime has been cancelled, the employee shall be entitled to payment of four hours pay at ordinary time, i.e. at the employee's base rate of pay.
- (xi) This clause shall not apply to Nurse Managers classified at Grade 4 or above, except where all of the following criteria are met:
- (a) the Nurse Manager is employed in a small hospital that does not employ Nurse Managers to supervise the nursing services on evenings, nights and/or weekends; and
 - (b) the Nurse Manager is required to work overtime due to the hospital having insufficient nursing staff available to be rostered on duty at the relevant time; and
 - (c) the Nurse Manager is required to work overtime in order to personally provide "hands on" clinical care of patients.

22. Escort Duty

- (i) Periods during which an employee, other than a Director of Nursing, is engaged in nursing duties, viz., in attendance on a patient, shall be paid as working time under this award. Where applicable, overtime shall be payable.
- (ii) All reasonable out of pocket expenses shall be reimbursed.
- (iii) Rostered time shall be paid as such even though an employee may be travelling, in hotel/motel accommodation or waiting for transport.

- (iv) In respect of non-rostered time not spent in nursing duties:
 - (a) Periods in hotel/motel accommodation or waiting time for transport shall not be counted as working time.
 - (b) Periods in travelling shall count as working time.

23. Payment and Particulars of Salaries

- (i) All salaries and other payments shall be paid fortnightly provided that payment for any overtime and/or shift penalties worked may be deferred to the pay day next following the completion of the working cycle within which such overtime and or shift penalties is worked, but for no longer. Provided further that any proposal to alter the day on which wages are to be paid or the number of days pay kept in hand by the employer, must be the subject of consultation with the Head Office of the Association.
- (ii) Employees shall have their salary paid into one account with a bank or other financial institution in New South Wales as nominated by the employee. Salaries shall be deposited by hospitals in sufficient time to ensure that wages are available for withdrawal by employees by no later than payday, provided that this requirement shall not apply where employees nominate accounts with non-bank financial institutions which lack the technological or other facilities to process salary deposits within 24 hours of hospitals making their deposits with such financial institutions but in such cases hospitals shall take all reasonable steps to ensure that the wages of such employees are available for withdrawal by no later than payday.
- (iii) Notwithstanding the provisions of subclause (ii) of this clause, an employee who has given or has been given the required notice of termination of employment, in accordance with clause 41, Termination of Employment, shall be paid all monies due to him/her prior to ceasing duty on the last day of employment. Where an employee is summarily dismissed or his/her services are terminated without due notice, any monies due to him/her shall be paid as soon as possible after such dismissal or termination but in any case not more than three days thereafter.
- (iv) On each payday an employee, in respect of the payment then due, shall be furnished with a written statement containing the following particulars; namely, name, the amount of ordinary salary, the total number of hours of overtime worked, if any, the amount of any overtime payment, the amount of any other monies paid and the purpose for which they are paid, and the amount of the deductions made from the total earnings and the nature thereof.

24. Registration Or Enrolment Pending

- (i) A student nurse or trainee enrolled nurse who has passed the examination prescribed by the Board, completed the course of training and applied for registration or enrolment shall, upon registration or enrolment, be paid as from the date of application for registration or enrolment the salary to which she or he would have been entitled if registered or enrolled.
- (ii) A nurse or enrolled nurse who has trained outside New South Wales shall be paid as a registered nurse or enrolled nurse as and from the date she or he is notified that she or he is eligible for registration or enrolment as a registered nurse or enrolled nurse provided that she or he makes application for registration within seven days after being so notified.

25. Part-Time, Casual and Temporary Employees

PART I

Permanent Part-time Employees

- (i) A permanent part-time employee is one who is permanently appointed by a hospital to work a specified number of hours which are less than those prescribed for a full-time employee. Provided that employers must not utilise this provision in a manner which has the effect of subverting the intentions of the 38-hour week arrangements whereby full-time employees work on no more than 19 days in each 28 day roster cycle.

- (ii) The number of persons employed under Part 1 of this clause shall be limited so that the proportion of a hospital's permanent part-time nursing workforce, expressed in full-time equivalents, shall not exceed 33 1/3 per cent of the hospital's total nursing workforce, expressed in full-time equivalents. Provided that where the consent of the Association is first obtained, the figure of 33 1/3 per cent permanent part-time employees may be exceeded. Should the Association not consent to a higher percentage of permanent part-time employees at a hospital, resort may be had to the dispute settling procedures provided for in clause 44, Disputes. The parties agree that they will take account of the Government's flexible work practices policy.
- (iii) Subject to subclause (iv) of this clause employees engaged under Part 1 of this clause shall be paid an hourly rate calculated on the basis of one thirty-eighth of the appropriate rate prescribed by clause 8, Salaries, with a minimum payment of 2 hours for each start, and one thirty-eighth of the appropriate allowances prescribed by clause 19, Uniform and Laundry Allowances, but shall not be entitled to an additional day off or part thereof as prescribed by subclauses (iii) and (v) of Clause 4, Hours of Work and Free Time of Employees other than Directors of Nursing and Area Managers, Nurse Education.
- (iv) Four weeks annual leave on ordinary pay is to be granted on completion of each twelve months service, The provisions of subclauses (v) to (xi) of clause 26, Annual Leave, and clause 27, Annual Leave Loading, shall apply to employees engaged under Part 1 of this clause. The remaining provisions of clause 26 shall not apply.
- (v) A public holiday occurring on an ordinary working day shall be allowed to employees without loss of pay; provided that an employee who is required to and does work on a public holiday shall 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. Such payment is 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. In lieu of adding to annual leave under this paragraph an employee may elect to be paid for the time actually worked at the rate of time and one half in addition to his/her ordinary weekly rate. Where payment is made in lieu of leave in respect of time worked on a public holiday, payment shall be made for a minimum of 4 hours work, and any balance of the day or shift not worked shall be paid at ordinary rates. For employees who work less than five days per week, when a public holiday occurs on a day of the week on which an employee regularly works, that employee shall be entitled to observe the public holiday without loss of pay, i.e. the employee's roster must not be changed to avoid payment of the public holiday.
- (vi) To the leave prescribed by subclause (iv) of this Part there shall be added one working day for each public holiday or one-half working day for each half public holiday which occurs on what would have been an ordinary working day during a period of annual leave.
- (vii) For the purpose of this Part of this clause the following are to be public holidays, viz., New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Queen's Birthday, Local Labour Day, Christmas Day, Boxing Day and any other day duly proclaimed and observed as a public holiday within the area in which the hospital is situated.
- (viii) In addition to those public holidays prescribed in subclause (vii) of this Part, there shall be an extra public holiday each year. Such public holiday will occur on the August Bank Holiday or a date which is determined by the Area Health Service following consultation with the Association. This subclause shall apply in substitution for any additional local public holiday or half public holiday proclaimed in a local government area.
- (ix) In this Part, ordinary pay, for the purposes of sick leave and annual leave, shall be calculated on the basis of the average weekly ordinary hours worked over the 12 months' qualifying period.
- (x) Employees engaged under this Part shall be entitled to all other benefits of this award not otherwise expressly provided for herein in the same proportion as their ordinary hours of work bear to full-time hours.

- (xi) Where a permanent part-time employee has been rostered to work any additional shift and is subsequently notified by the employer with less than 24 hours notice that the shift has been cancelled, the employee shall be entitled to payment of four hours pay at ordinary time, i.e. at the employee's base rate of pay.

PART II

Casual Employees

- (i) A casual employee is one engaged on an hourly basis otherwise than as a permanent part-time or full-time employee.
- (ii) A casual employee shall be paid an hourly rate calculated on the basis of one thirty-eighth of the appropriate rate, prescribed by clause 8, Salaries, plus 10 per centum thereof, with a minimum payment of 2 hours for each start, and one thirty-eighth of the appropriate allowances prescribed by clause 19, Uniform and Laundry Allowances.
- (iii) With respect to a casual employee the provisions of clause 37, Deputy Directors of Nursing, Assistant Directors of Nursing; clause 6, Hours of Work and Free Time of Directors of Nursing and Area Managers, Nurse Education; clause 21, Overtime; clause 26, Annual Leave; clause 13, Fares and Expenses; clause 17, Mobility, Excess Fares and Travelling and sub-clause (vii) of clause 34, Accommodation and Board, shall not apply.

Further, casual employees shall not be entitled to an additional day off or part thereof as prescribed by subclauses (iii) and (v) of clause 4, Hours of Work and Free Time of Employees Other Than Directors of Nursing and Area Managers, Nurse Education.

- (iv) For the entitlement to payment in respect of annual leave, see *Annual Holidays Act*, 1944.
- (v) A casual employee who is required to and does work on a public holiday as defined in sub-clauses (iii) and (iv) of clause 26, Annual Leave, shall be paid for the time actually worked at the rate of double time and one-half such payment being in lieu of weekend or shift allowances which would otherwise be payable had the day not been a public holiday; provided that a casual employee shall not be entitled to be paid in addition the allowance of 10 per centum prescribed in subclause (ii) of Part III in respect of such work.
- (vi) Where a casual employee has been notified by an employer of a time to commence an engagement and that engagement is subsequently cancelled by the employer with less than 2 hours notice the casual employee must be paid a minimum payment of 2 hours calculated at the rate which would have applied had the cancellation not occurred.
- (vii) A casual employee must not be required to work more than 12 consecutive hours unless the casual employee consents to do so.

PART III

Temporary Employees

- (i) A temporary employee is one engaged for a set period not exceeding 13 weeks, provided that fixed term contracts of employment, whether for periods greater or lesser than 13 weeks, must not be offered in preference to ongoing contracts unless they are necessary to meet the genuine operational requirements of the employer, which may include but not be limited to parental leave, limited term funding arrangements, long term leave relief, forthcoming service reductions, and anticipated peak demand times.
- (ii) A temporary employee shall be paid in addition to all rates and allowances to which the said employee is entitled under this award, an allowance equal to 10 per centum of the rates prescribed for his or her classification by clause 8, Salaries, of this award, provided that this subclause shall cease to apply upon:

- (a) the said period of engagement being extended after the said period of 13 weeks;
 - (b) the employer and the employee agreeing during the said period of 13 weeks, that the employee shall be employed on a permanent part-time or full-time basis.
- (iii) For entitlement to payment in respect of annual leave, see *Annual Holidays Act*, 1944.

PART IV

Savings Provisions

- (i) Employees engaged as part-time employees as at 30 June 1986 shall be entitled to exercise the option of receiving the benefits of employment specified in Part 1 of this clause or in lieu thereof the following:
- (ii) Such part-time employee shall be paid an hourly rate calculated on the basis of one thirty-eighth of the appropriate rate prescribed by clause 8, Salaries, plus 10 per centum thereof with a minimum payment of two hours for each start, and one thirty-eighth of the appropriate allowance prescribed by clause 19, Uniform and Laundry Allowances.
- (iii) With respect to such part-time employees, the provisions of clause 37, Deputy Directors of Nursing, Assistant Directors of Nursing; clause 6, Hours of Work and Free Time of Directors of Nursing and Area Managers, Nurse Education; clause 21, Overtime; clause 26, Annual Leave; clause 13, Fares and Expenses; clause 17, Mobility, Excess Fares and Travelling and subclause (vii) of clause 34, Accommodation and Board, of this award shall not apply. Further, part-time employees shall not be entitled to an additional day off or part thereof as prescribed by subclauses (iii) and (v) of clause 4, Hours of Work and Free Time of Employees Other Than Director of Nursing and Area Managers, Nurse Education
- (iv) For entitlement to payment in respect of annual leave, see *Annual Holidays Act*, 1944.
- (v) Such part-time employee who is required to and does work on a public holiday as defined in subclause (iii) and (iv) of clause 26, Annual Leave, shall be paid for the time actually worked at the rate of double time and one half such payment being in lieu of weekend or shift allowances which would otherwise be payable had the day not been a public holiday; Provided that a part-time employee shall not be entitled to be paid in addition the allowance of 10 per cent prescribed in subclause (ii) of this Part in respect of such work.
- (vi) The provisions of subclauses (i) and (ii) of clause 29, Long Service Leave of this award shall not apply to such part-time employees who shall be entitled to long service leave in accordance with the provisions of the *Long Service Leave Act*, 1955.

26. Annual Leave

- (i) Annual leave on full pay is to be granted on completion of each twelve months' service as follows:
 - (a) Employees required to work on a 7 day basis - 6 weeks annual leave.
 - (b) All other employees - 4 weeks annual leave.
- (ii)
 - (a) An employee to whom paragraph (a) of subclause (i) applies and who is required to and does work on a public holiday shall be paid, in addition to the appropriate ordinary weekly rate of pay, at the rate of one half time extra for the time actually worked on such holiday. 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.

- (b) To leave prescribed by paragraph (a) of subclause (i) there shall be added one working day or one half working day for each special public holiday or half public holiday (not being one of the 10 specifically named public holidays prescribed by subclause (iii) of this clause, or a special day proclaimed in lieu of any of them) which may occur during the qualifying period for annual leave or during the period of annual leave.
- (c) A public holiday occurring on an ordinary working day shall be allowed to employees covered by paragraph (b) of subclause (i) on full pay; provided that an employee who is required to and does work on a public holiday shall 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. Such payment is 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.
- In lieu of adding to annual leave under this paragraph an employee may elect to be paid for the time actually worked at the rate of time and one half in addition to his/her ordinary weekly rate. Where payment is made in lieu of leave in respect of the time worked on a public holiday, payment shall be made for a minimum of 4 hours work, and any balance of the day or shift not worked shall be paid at ordinary rates.
- (d) Where a public holiday falls on a rostered day off of a shift worker as defined in clause 3, Definitions, and who receives four weeks annual leave in accordance with paragraph (b) of subclause (i) of this clause, such shift worker shall be paid one day's pay in addition to the weekly rate or if the employee so elects shall have one day added to the period of annual leave.
- (e) To the leave prescribed by paragraph (b) of subclause (i) there shall be added one working day for each public holiday or one half working day of each half public holiday which occurs on what would have been an ordinary working day during a period of annual leave; provided that in the case of a shift worker referred to in paragraph (d) of this subclause the provisions of this paragraph shall apply to any public holiday falling during the period of annual leave.
- (iii) For the purpose of this subclause the following are to be public holidays viz., New Years Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Queen's Birthday, local Labor Day, Christmas Day, Boxing Day and any other day duly proclaimed and observed as a public holiday within the area in which the hospital is situated.
- (iv) In addition to those public holidays prescribed in subclause (iii) of this clause, employees are entitled to an extra public holiday each year. Such public holiday will occur on a day between Christmas Day and New Year's Day as determined by the employer following consultation with the Association. This subclause shall apply in substitution for any additional local public holiday or half public holiday proclaimed in a local government area.
- (v) An employee shall be eligible for annual leave when 12 months have elapsed since the date on which the first annual leave would have begun if taken immediately it had become due, or if the employee has not previously had annual leave, since the commencement of employment.
- (vi) Annual leave shall be given and taken either in one consecutive period or two periods, or if the employer and employee so agree, in either two, three, or four separate periods but not otherwise. Provided that up to five single days per year may be taken at times convenient to both the employer and the employee.
- (vii)
- (a) Annual leave shall be given and shall be taken within a period of 6 months after the date when the right to annual leave accrued; provided that the giving and taking of such leave may be postponed, by mutual agreement between the parties for a further period not exceeding 6 months.
- (b) Nothing in this subclause shall prevent an employer by agreement with the employee, from allowing annual leave to an employee before the right thereto has accrued but where leave is taken in such a case a further period of annual leave will not commence to accrue until the expiration of the 12 months in respect of which annual leave was taken before it accrued.

- (c) The employer shall give each employee, where practicable, 3 months notice of the date upon which he or she shall enter upon leave and in any event, such notice shall not be less than 28 days.

(viii)

- (a) Each employee before going on leave shall be paid for the period of the leave at the ordinary rate of salary to which he or she is entitled under this award.
- (b) For the purpose of this subclause "ordinary rate of salary" means the award salary without any deduction for accommodation and/or board, provided that the employer is entitled to make such deduction for accommodation as is authorised by clause 34, Accommodation and Board, of this award, if the employee, having been requested by the employer to leave his or her room completely vacant during the period of annual leave, fails to do so.
- (c) An employee to whom paragraph (a) of subclause (i) applies shall be paid during the first 28 consecutive days whilst on annual leave his or her ordinary rate of salary plus shift allowances and weekend penalties relating to ordinary time the employee would have worked if he or she had not been on annual leave. Additional annual leave accrued under subclause (xi) attracts shift allowances and weekend penalties relating to ordinary time the employee would have worked if he or she had not been on annual leave.

Provided that, the provisions of the preceding paragraphs of this subclause shall not apply to public holidays which occur during a period of annual leave or days which have been added to annual leave in accordance with paragraph (b) of subclause (ii) and subclause (iv) of this clause.

- (ix) Except as provided in subclause (x) and (xi) of this clause payment for annual leave shall not be made or accepted in lieu of annual leave.
- (x) Where the employment of an employee is terminated, the employee shall be entitled to receive, in addition to all other amounts due, in respect of service of less than one year a n amount equal to one twelfth (6/46ths in respect of employees rostered to work on a 7 day basis) of his or her ordinary pay for that period of employment together with payment for any days added to annual leave in accordance with subclause (ii) of this clause and in calculating such payment no deduction is to be made for accommodation or board. Provided that this subclause shall not apply to an employee who elects to transfer his or her leave entitlement in accordance with Department of Health Circular No. 93/90, dated 23/9/93, as amended from time to time, dealing with public sector staff mobility.

(xi)

- (a) In addition to the leave prescribed by subclause (i) employees who work their ordinary hours on Sundays and/or public holidays are entitled to receive additional annual leave as follows:

Number of ordinary shifts worked on Sundays and/or public holidays during qualifying period of employment for annual leave purposes.	Additional Annual Leave
4 to 10	1 day
11 to 17	2 days
18 to 24	3 days
25 to 31	4 days
32 or more	5 days

provided that an employee may elect to be paid when proceeding on annual leave an amount equivalent to the value of his or her additional leave entitlement in lieu of taking the additional

annual leave. Such election is to be made in writing by the employee at the commencement of each year of employment and is irrevocable during the currency of that year of employment.

- (b) On termination of employment, employees are to be paid for untaken annual leave due under this subclause together with payment for any leave in respect of an uncompleted year of employment calculated in accordance with this subclause together with payment for any untaken leave due in accordance with subclause (x). Provided that this subclause shall not apply to an employee who elects to transfer his or her leave entitlement in accordance with Department of Health Circular No. 93/90, dated 23/9/93, as amended from time to time, dealing with public sector staff mobility.

27. Annual Leave Loading

Employees shall be paid an annual leave loading in accordance with the Department Circular No. 82/14 of 11.1.1982, as amended from time to time.

28. Personal Carer's Leave, Family and Community Services Leave

The provisions of Department of Health Circular No. 97/11, as amended from time to time, shall apply.

29. Long Service Leave

- (i)
- (a) Each employee shall be entitled to two months long service leave on full pay or four months long service leave on half pay after ten years service; thereafter additional long service leave shall accrue on the basis of five months long service leave on full pay or ten months on half pay for each ten years service.
- (b) Where the services of an employee with at least five years service as an adult and less than ten years service are terminated by the employer for any reason other than the employee's serious and wilful misconduct, or by the employee on account of illness, incapacity or domestic or other pressing necessity, he or she shall be entitled to be paid a proportionate amount for long service leave on the basis of two months' long service leave for ten years service. For the purpose of this subclause "service as an adult" means service with an employer during which the employee received a rate of pay not less than the lowest rates fixed under this award for an adult in the same classification as the employee. Where some of the service of an employee has not been under this award "service as an adult" means - in the case of a worker employed to do work for which the price, rate or wage has been fixed by an award made with the *Commonwealth Workplace Relations Act 1996* or made under the *Industrial Relations Act 1996*, or has been fixed by an industrial agreement made pursuant to or registered under the said Acts or an agreement or determination made pursuant to the *Public Sector Management Act 1988* - the period of service during which the remuneration applicable to the officer was at a rate not less than the lowest rate fixed under the award, industrial agreement, agreement or determination for an adult male or adult female in the same classification as the employee.
- (ii) For the purposes of subclause (i) of this clause-
- (a) "Service" shall mean service in one or more hospitals or area health services
- (b) Service shall not include-
- (1) any period of leave without pay except in the case of employees who have completed at least ten years service (any period of absence without pay being excluded therefrom) in which case service shall include any period of leave without pay not exceeding six months taken after the 12 March 1975;

- (2) any period of part-time service arising from service under Part IV, Savings Provisions, of clause 25, Part-time Casual and Temporary Employees, except as provided for in subclause (vii).
- (iii) Long service leave shall be taken at a time mutually arranged between the employer and employee.
- (iv) When a licensed private hospital becomes a public hospital and an employee of the private hospital thereupon is employed by the public hospital such employee, for the purpose of calculating service for long service leave shall be deemed to have served in the industry of nursing for a period equal to 75 per cent of the actual continuous service with the employer in the private hospital immediately prior to the hospital becoming a public hospital.
- (v) Full pay shall mean the award salary without any deduction for accommodation and/or board; provided that an employer shall be entitled to make such deduction for accommodation as is authorised by clause 34, Accommodation and Board, if the employee having been requested by the employer to leave his or her room completely vacant during the period of long service leave, fails to do so.
- (vi)
- (a) On the termination of employment of an employee otherwise than by his or her death, an employer shall pay to the employee the monetary value of all long service leave accrued and not taken at the date of such termination, unless the employee elects to transfer his or her leave entitlement in accordance with Department of Health Circular No 93/90, as amended from time to time.
- (b) Where an employee who has acquired a right to long service leave, or after having had five years of service as an adult and less than ten years service, dies, the widow or the widower of such employee or if there is no such widow or widower the children of such employee or if there is no widow, widower or children, such person who, in the opinion of the employer, was at the time of the death of such officer, a dependant relative of such employee, shall be entitled to receive the monetary value of the leave not taken or which would have accrued to such employee had his or her services been terminated as referred to in paragraph (b) of subclause (i) of this clause and such monetary value shall be determined according to the salary payable to the employee at the time of his or her death. Where there is a guardian of any children entitled under this paragraph the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement. Where there is no person entitled under this paragraph to receive the monetary value of any leave payable under the foregoing provisions payment in respect thereof shall be made to the legal personal representative of such officer.
- (vii) An employee shall be entitled to have previous part-time service which is the equivalent of at least two full days' duty per week taken into account for long service leave purposes in conjunction with full-time or permanent part-time service on the basis of the proportion that the actual number of hours worked each week bears to 38 hours, provided that the part-time service merges without break with the subsequent full-time or permanent part-time service.
- (viii) Except as provided for in subclause (ix) of this clause, rights to long service leave under this clause shall be in replacement of rights to long service leave, if any, which at 12 March 1975, may have accrued or may be accruing to an employee and shall apply only to persons in the employ of the employer on or after 12 March 1975. Where an employee has been granted long service leave or has been paid its monetary value prior to 12 March, 1975, the employer shall be entitled to debit such leave against any leave to which the employee may be entitled pursuant to this clause.
- (ix) The following provisions apply only to employees employed in a hospital as at 12 March 1975:
- (a) An employee who -
- (i) has had service in a hospital, to which clause 11 Climatic and Isolation Allowances, applies, prior to 12 March 1975, or

- (ii) is employed in a hospital, to which clause 11, Climatic and Isolation Allowances, applies as at 12 March 1975:

shall be granted long service leave in accordance with the long service leave provisions in force prior to 12 March, 1975, in lieu of the provisions provided by this award where such benefits are more favourable to the employee.

- (b) An employee employed -

- (i) on a part time basis as at 12 March 1975, may be allowed long service leave in accordance with the long service leave provisions in force prior to 12 March 1975, in lieu of the provisions of the *Long Service Leave Act*, 1955, as provided for in subclause (vii) of this clause;
- (ii) on a full time basis as at 12 March 1975 but who has had prior part time service may be allowed to continue to be granted long service leave in accordance with the long service leave provisions in force prior to 12 March 1975, in lieu of the provisions provided by this award where such benefits are more favourable to the employee.

30. Parental Leave

- A. Maternity Leave -

- (i) Eligibility:

To be eligible for paid maternity leave an employee must have completed at least 40 weeks continuous service of not less than 3 1/4 hours per week prior to the expected date of birth or be a permanent part-time employee as specified.

An employee who has once met the conditions for paid maternity leave will not be required to work again in the 40 weeks continuous service in order to qualify for a further period of paid maternity leave, unless:

- (a) there has been a break in service where the employee has been re-employed or re-appointed after a resignation, medical retirement, or after her services have been otherwise dispensed with; or
- (b) the employee has completed a period of leave without pay of more than 40 weeks. In this context, leave without pay does not include sick leave without pay, maternity leave without pay, or leave without pay associated with an illness or injury compensable under the *Workers' Compensation Act*, 1987.

- (ii) Portability of Service for Paid Maternity Leave:

Portability of service for paid maternity leave involves the recognition of service in public sector organisations for the purpose of determining an employee's eligibility to receive paid maternity leave. For example, where an employee moves between a public sector department and a public hospital, previous continuous service will be counted towards the service prerequisite for paid maternity leave.

When determining an employee's eligibility for paid maternity leave, continuous service with New South Wales public sector organisations which are included in the schedule of the *Transferred Officers' Extended Leave Act*, 1961, will be recognised, provided that:

- (a) service was on a full-time or permanent part-time (as specified) basis;
- (b) cessation of service with the former employer was not by reason of dismissal on any ground, except retrenchment or reduction of work;
- (c) the employee commences duty with the new employer on the next working day after ceasing employment with the former employer (there may be a break in service of up to two months

before commencing duty with the new employer provided that the new position was secured before ceasing duty with the former employer. However, such a break in service will not be counted as service for the purpose of calculating any prior service prerequisite for paid maternity leave).

NOTE: These conditions reflect Circulars 87/98 and 87/235.

(iii) Entitlement:

Eligible employees are entitled to paid maternity leave as follows -

- (a) Paid Maternity Leave - an employee is entitled to nine weeks at the ordinary rate of pay from the date maternity leave commences. This leave may commence up to nine weeks prior to the expected date of birth.

It is not compulsory for an employee to take this period off work. However, if an employee decides to work during this period it is subject to the employee being able to perform satisfactorily the full range of normal duties.

Paid maternity leave may be paid:

- on a normal fortnightly basis
- in advance in a lump sum
- at the rate of half pay over a period of eighteen weeks on a regular fortnightly basis.

Recreation and/or long service leave credits can be combined with periods of maternity leave on half pay to enable an employee to remain on full pay for that period.

- (b) Unpaid Maternity Leave - an employee is entitled to a further period of unpaid maternity leave of not more than 12 months after the actual date of birth.

(iv) Applications:

An employee who intends to proceed on maternity leave should formally notify her employer of such intention as early as possible, so that arrangements associated with her absence can be made.

Written notice of not less than eight weeks prior to the commencement of the leave should accordingly be given. This notice must include a medical certificate stating the expected date of birth and should also indicate the period of leave desired.

(v) Variation after Commencement of Leave:

After commencing maternity leave, an employee may vary the period of her maternity leave, once without the consent of her employer and otherwise with the consent of her employer. A minimum of 4 weeks notice must be given, although an employer may accept less notice if convenient.

The conditions relating to variation of maternity leave are derived from Section 64 of the *Industrial Relations Act 1996*.

(vi) Staffing Provisions:

In accordance with obligations established by the Section 69 of the *Industrial Relations Act 1996*, any person who occupies the position of an employee on maternity leave must be informed that the employee has the right to return to her former position. Additionally, since an employee has the right to vary the period of her maternity leave, offers of temporary employment should be in writing, stating clearly the temporary nature of the contract of employment. The duration of employment should be also set down clearly; to a fixed date or until the employee elects to return to duty, whichever occurs first.

(vii) Effect of Maternity Leave on Accrual of Leave, Increments etc.:

When the employee has resumed duties, any period of full pay leave is counted in full for the accrual of recreation leave and any period of maternity leave on half pay is taken into account to the extent of one half thereof when determining the accrual of recreation leave.

Except in the case of employees who have completed ten years' service the period of maternity leave without pay does not count as service for long service leave purposes. Where the employee has completed ten years' service the period of maternity leave without pay shall count as service provided such leave does not exceed six months.

Maternity leave without pay does not count as service for incremental purposes. Periods of maternity leave at full pay and at half pay are to be regarded as service for incremental progression on a pro-rata basis.

Where public holidays occur during the period of paid maternity leave, payment is at the rate of maternity leave received i.e., public holidays occurring in a period of full pay maternity leave are paid at full rate and those occurring during a period of half pay leave are paid at half rate.

(viii) Illness Associated with Pregnancy:

If, because of an illness associated with her pregnancy an employee is unable to continue to work then she can elect to use any available paid leave (sick, recreation and/or long service leave) or to take sick leave without pay.

Where an employee is entitled to paid maternity leave, but because of illness, is on sick, recreation, long service leave, or sick leave without pay prior to the birth, such leave ceases nine weeks prior to the expected date of birth. The employee then commences maternity leave with the normal provisions applying.

(ix) Transfer to a More Suitable Position:

Where, because of an illness or risk associated with her pregnancy, an employee cannot carry out the duties of her position, an employer is obliged, as far as practicable, to provide employment in some other position that she is able to satisfactorily perform. This obligation arises from section 70 of the *Industrial Relations Act 1996*. A position to which an employee is transferred under these circumstances must be as close as possible in status and salary to her substantive position.

(x) Miscarriages:

In the event of a miscarriage any absence from work is to be covered by the current sick leave provisions

(xi) Stillbirth:

In the case of a stillbirth, (as classified by the Registry of Births, Deaths and Marriages) an employee may elect to take sick leave, subject to production of a medical certificate, or maternity leave. She may resume duty at any time provided she produces a doctor's certificate as to her fitness.

(xii) Effect of Premature Birth on Payment of Maternity Leave:

An employee who gives birth prematurely, and prior to proceeding on maternity leave shall be treated as being on maternity leave from the date leave is commenced to have the child. Should an employee return to duty during the period of paid maternity leave, such paid leave ceases from the date duties are resumed.

(xiii) Right to Return to Previous Position:

In accordance with the obligations set out in section 66 of the *Industrial Relations Act, 1996* an employee returning from maternity leave has the right to resume her former position.

Where this position no longer exists the employee is entitled to be placed in a position nearest in status and salary to that of her former position and for which the employee is capable or qualified.

(xiv) Return for Less than Full Time Hours:

Employees may make application to their employer to return to duty for less than the full time hours they previously worked by taking weekly leave without pay. All such applications are to be considered having regard to the terms of Department of Health Circular No 99/66 dated 30 July 1999, as amended from time to time.

Salary and other conditions of employment are to be adjusted on a basis proportionate to the employee's full-time hours of work; i.e., for long service leave the period of service is to be converted to the full-time equivalent, and credited accordingly.

It should be noted that employees who return from maternity leave under this arrangement remain full-time employees. Therefore the payment of any part-time allowance to such employees does not arise.

(xv) Further Pregnancy While on Maternity Leave:

Where an employee becomes pregnant whilst on maternity leave, a further period of maternity leave may be granted. Should this second period of maternity leave commence during the currency of the existing period of maternity leave, then any residual maternity leave from the existing entitlement lapses.

B. Adoption Leave -

(i) Eligibility:

To be eligible for paid adoption leave an employee must have completed at least 40 weeks continuous service of not less than 3 1/4 hours per week (or 40 weeks continuous service for permanent part-time employees as specified) prior to the date of taking custody of the child.

An employee who has once met the conditions of paid adoption leave, will not be required to again work the 40 weeks continuous service in order to qualify for further periods of paid adoption leave, unless:

- (a) there has been a break in service where the employee has been re-employed or re-appointed after a resignation, medical retirement, or after their services have been otherwise dispensed with; or
- (b) the employee has completed a period of leave without pay of more than 40 weeks. In this context, leave without pay does not include sick leave without pay, maternity leave without pay, or leave without pay associated with an illness or injury compensable under the *Workers Compensation Act, 1987*.

(ii) Entitlement:

(a) Paid Adoption Leave -

Eligible employees are entitled to paid adoption leave of three weeks at the ordinary rate of pay from and including the date of taking custody of the child.

Paid adoption leave may be paid:

- on a normal fortnightly basis
- in advance in a lump sum
- at the rate of half pay over a period of six weeks on a regular fortnightly basis.

Recreation and/or long service leave credits can be combined with periods of adoption leave at half pay to enable an employee to remain on full pay for that period.

(b) Unpaid Adoption Leave -

Eligible employees are entitled to unpaid adoption leave as follows:

where the child is under the age of 12 months - a period of not more than 12 months from the date of taking custody;

where the child is over the age of 12 months - a period of up to 12 months, such period to be agreed upon by both the employee and the employer.

(iii) Applications:

Due to the fact that an employee may be given little notice of the date of taking custody of a child, employees who believe that, in the reasonably near future, they will take custody of a child, should formally notify the employer as early as practicable of the intention to take adoption leave. This will allow arrangements associated with the adoption leave to be made.

(iv) Variation after Commencement of Leave:

After commencing adoption leave, an employee may vary the period of leave, once without the consent of the employer and otherwise with the consent of the employer. A minimum of four week's notice must be given, although an employer may accept less notice if convenient.

(v) Staffing Provisions:

As per maternity leave conditions

(vi) Effect of Adoption Leave on Accrual of Leave, Increments, etc;

As per maternity leave conditions

(vii) Return for Less than Full Time Hours:

As per maternity leave conditions

Liability for Superannuation Contributions;

During a period of unpaid maternity leave or unpaid adoption leave, the employee will not be required to meet the employer's superannuation liability.

Note:

(i) The condition applying to part-time employees remain unchanged and are to be found in Circular No. 80/336 of 5 November, 1980.

(ii) Permanent part-time employees as defined in clause 25, Part-time, Casual and Temporary Employees, of this award (viz., employees engaged on a permanent part-time basis for less than the full-time hours of work) who do not receive the part-time loading but instead receive proportionate full-time conditions of employment are covered by this clause.

As such, these permanent part-time employees (as specified) are entitled to pro-rata paid maternity leave after 40 weeks continuous service.

C. Paternity Leave -

The paternity leave provisions of the *Industrial Relations Act 1996*, as amended from time to time, shall apply. At the commencement of this award, the Act provides that an employee is entitled to a total of 52 weeks unpaid paternity leave, consisting of:

- (i) an unbroken period of up to one week at the time of the birth of the child or other termination of the pregnancy (short paternity leave), and
- (ii) a further unbroken period in order to be the primary care-giver of the child (extended paternity leave).

An employee resuming duty after a period of paternity leave shall be entitled to return for less than full time hours, on the same basis as applies to employees returning from maternity leave.

31. Military Leave

Employees shall be granted military leave in accordance with Health Commission Circular No. 80/285 of 15 September, 1980 as amended from time to time.

32. Repatriation Leave

Ex-servicemen/women shall be granted repatriation leave in accordance with the Department's General Instructions No. 1732 of 10 December 1968 as amended from time to time.

33. Sick Leave

- (i) Subject to the following limitation and conditions an employee shall be entitled to sick leave on full pay calculated by allowing 76 rostered ordinary hours of work for each year of continuous service less any sick leave on full pay already taken:

- (a) An employee shall not be entitled to sick leave until after three months continuous service.
- (b) An employee shall not be entitled to sick leave on full pay for any period in respect of which such employee is entitled to accident pay, or workers' compensation; provided, however that where an employee is not in receipt of accident pay, an employer shall pay to an employee, who has sick leave entitlements under this clause, the difference between the amount received as workers compensation and full pay.

The employee's sick leave entitlement under this clause shall, for each week during which such difference is paid, be reduced by the proportion of hours which the difference bears to full pay. On the expiration of available sick leave, weekly compensation payments only shall be payable.

- (c) All periods of sickness shall be certified to by the Medical Superintendent or Director of Nursing of the hospital or by the employee's own legally qualified medical practitioner or dentist. The employer may dispense with the requirement of a medical certificate where the absence does not exceed 2 consecutive days or where, in the employer's opinion, the circumstances are such as not to warrant such requirement.
- (d) Each employee shall, as soon as reasonably practicable and in any case within 24 hours of the commencement of such absence, inform the employer of his or her inability to attend for duty and as far as possible state the nature of the injury or illness and the estimated duration of the absence.
- (e) Where an employee is absent on sick leave for a total of 10 working days in any one year of service and has no sick leave entitlement carried over from previous years, that employee will continue to be paid for an additional 4 hours even though no sick leave credit might exist. Such additional payment will not affect the subsequent year's sick leave entitlement, i.e. it is "special sick leave", not "sick leave in advance" (see Department of Health Circulars Nos. 89/111 and 95/17 as amended from time to time).

- (ii) The employer shall not change the rostered hours of an employee fixed by the roster or rosters applicable to the fourteen days immediately following the commencement of sick leave merely by reason of the fact that she or he is on sick leave.
- (iii) For the purpose of this clause "Service" means service in the industry of nursing.
- (iv) For the purpose of this clause continuity of service in the industry of nursing shall not be broken by:
 - (a) absences from such industry on account of illness;
 - (b) periods of absences from such industry immediately following termination of employment, in respect of which employment a pro rata payment has been made for annual leave or long service leave, but not exceeding the period the employee would have been required to work to earn as salary an amount equal to such pro rata payment;
 - (c) absence from such industry for the purpose of pursuing a post-graduate course in nursing (i.e. a course which results in obtaining a certificate, diploma or qualification) whether in Australia or elsewhere; and where the course is pursued outside Australia an employee shall be deemed to be absent for the purpose of pursuing the course throughout the time reasonably occupied travelling to the place of study and return to Australia, the actual duration of the course, a period of three months after completion of the course and before returning to Australia and a period of one month after returning to Australia;
 - (d) any reasonable absence from the industry occasioned by an employee transferring from one employer to another in such industry but not exceeding 14 days on any one occasion;
 - (e) periods of employment nursing in hospitals in New South Wales other than the hospitals covered by this Award and in the Canberra Community Hospital and Woden Valley Hospital; provided that this period of absence shall not be counted as service for the purpose of calculating sick leave.
- (v) Part Time Employees: a part time employee shall be entitled to sick leave in the same proportion of the seventy six hours as the average weekly hours worked over the preceding twelve months or from the time of the commencement of employment, whichever is the lesser, bears to thirty-eight ordinary hours. Such entitlements shall be subject to all the above conditions applying to full time employees. Provided that only part time service on and from the beginning of the first pay period to commence on or after 1 January 1970, shall count for the purpose of this subclause.
- (vi) Subject to the provision of a satisfactory medical certificate and sick leave being due, annual leave or long service leave (extended leave) shall be recredited where an illness of at least one week's duration occurs during the period of annual or long service leave: Provided that the period of leave does not occur prior to retirement, resignation or termination of services, and provided further that the employer is satisfied on the circumstances and the nature of the incapacity.

34. Accommodation and Board

- (i) The employer shall where practicable provide for the use of employees who live in:
 - (a) Directors of Nursing: In a hospital of which the registered number of beds is 9 or more, private quarters which shall comprise a bedroom, sitting room, bathroom, and toilet with appropriate furniture and fittings including a washing machine, refrigerator and stove or stovette and facilities for preparing light refreshments; provided that where the normal nursing staff does not exceed 7, it shall not be necessary to provide for the Director of Nursing a separate bathroom and toilet facilities, a washing machine, refrigerator and a stove or stovette.
 - (b) Employees other than Directors of Nursing:
 - (1) Dining facilities suitable to the reasonable needs of the nursing staff.

- (2) A lounge room suitable to the reasonable needs of the staff.
 - (3) A study for student nurses; provided that this provision shall apply only to hospitals which are registered training schools.
 - (4) At least one plunge bath (with shower) for each 12 (or fraction thereof) employees and in addition at least one separate shower cubicle for each 12 (or fraction thereof) employees.
 - (5) At least one lavatory (if in a bathroom adequately partitioned off from the bathing facilities) for each 8 (or fraction thereof) employees.
 - (6) A kitchen or kitchenette equipped with reasonable facilities for storing and preparing light refreshments and with normal kitchen utensils, stove or stovette, refrigerator, china, crockery and cutlery.
 - (7) Suitable facilities including a washing machine for the laundering and drying of personal clothing.
 - (8) A separate bedroom of such dimensions as to provide a floor area of not less than 100 square feet and which contains suitable floor coverings and a bedside lamp and fittings and shall be furnished with a bed, a dressing table, a wardrobe (built-in cupboard) of adequate size and a chair.
 - (9) Where it is necessary for 2 or more employees to sleep in a bedroom 750 cubic feet of space shall be provided for each employee. Such bedroom shall contain suitable floor coverings and for each employee the employer shall provide a bed, a dressing table, a wardrobe (built-in cupboard) of adequate size and a chair.
 - (10) In respect of subparagraphs (2), (4), (5), and (6) of this paragraph separate provision shall be made for trained and untrained staff; provided that as to subparagraphs (2), (4) and (5) of this paragraph this provision shall not apply in a hospital in which the normal number of nursing staff is less than 12.
 - (11) Adequate heating suitable to the reasonable needs of the staff present shall be provided in the lounge room during the winter time.
- (ii) The employer shall provide such domestic staff as is necessary to maintain the accommodation in a proper condition at all times.
- (iii) The following deductions from salary shall be made by an employer for accommodation:
- (a) Directors of Nursing and employees occupying separate bedroom accommodation of a reasonable standard: an amount as set in Item 15 of Table 2 of Part B per week.
 - (b) Directors of Nursing provided with a self contained flat attached to the hospital's nurses home; an amount as set in the said Item 15 per week.
- (iv) An employer shall provide for employees who live in, full board of 21 meals per week and the meals shall consist of an adequate quantity of wholesome well-cooked and well-prepared food-stuffs including green vegetables and fruit in season and in addition the employer shall provide tea, coffee, milk and sugar for morning and afternoon tea and supper and early morning tea for employees on night or early morning duty. An employer who complies with the foregoing provisions of this subclause may make a deduction of as set in Item 16 of table 2 of Part B per week.
- (v)
- (a) The employer shall provide for the use of employees who live out:

- (1) a suitable change room and adequate washing and toilet facilities; provided that the washing and toilet facilities need not be distinct from those provided for employees who live in and this provision shall not apply to a hospital the registered number of beds of which is less than 9;
 - (2) a full-length locker fitted with lock and key or other suitable place for the safe keeping of clothing and personal effects of such employee;
- (b) An employer shall provide for an employee who lives out, tea, coffee, milk and sugar for morning and afternoon tea, supper and early morning tea when the employee is on duty at times appropriate for the partaking thereof and shall provide also for such an employee who requires them, meals of the standard specified in subclause (iv) of this clause, which fall during the duty period and for such meals so provided may make a charge, provided that the charge for breakfast and other meals shall be as set in Item 17 of Table 2 of Part B.
- (vi) The charges referred to in subclauses (iii), (iv) and (v) to be adjusted in accordance with any general movement in wage rates in this award. The Corporation may apply for additional adjustments from time to time based on the differences between such wage increases and the actual cost of providing these services. Provided that an employer may waive all or part of these charges at its discretion as an incentive to recruitment of nurses.
- (vii) Where an employee partakes of a meal from a cafeteria service provided by a hospital, he or she shall be required to pay the charge fixed for such meal in lieu of the meal charges prescribed in subclauses (iv) or (v) of this clause.

35. Grading Committee

A Committee consisting of two representatives of the employer and two representatives of the Association shall be constituted to consider and make recommendations to the employer in relation to:

- (a) any request or proposal to establish or alter the grading of positions of Nursing Unit Manager;
- (b) the date of effect of any grading recommended.

Provided that:

- (i) an employee shall, whilst the grading or remuneration of his or her position is under consideration, be ineligible to be a member of the Committee;
- (ii) the Committee shall not, without sufficient reason, recommend the retrospective operation of any grading or remuneration; and
- (iii) where a retrospective date of effect is recommended, such date shall not be earlier than a date six months prior to the date on which the matter was referred to the Committee.

36. Gradings of Positions of Nurse Manager

- (i) All positions of Nurse Manager, as defined in Clause 3, Definitions of this award shall be graded by Health Services in accordance with the Work Level Statements set out in Schedule 1 to this award.
- (ii) Health Services may determine a higher grading including a multi-grade, eg. Grade 4-5, Grade 6-7, etc., than provided for under the Work Level Statements where the requirements of the position involve a higher level of complexity and/or an extended role to that generally comprehended by the otherwise applicable Work Level Statement.
- (iii) Progression to the second salary point in each grade will occur after 12 months satisfactory service in that grade. Provided that accelerated progression within the 12 month period, or on commencement of employment, may occur where the employer is satisfied that such progression is warranted in an individual case.

- (iv) If dissatisfied with the grade as determined in any individual case, the Association may discuss the matter with the local Health Service management and, if still dissatisfied, may apply for a review of the grading by the Department of Health and the Association at a central level.
- (v) No employee is to suffer a reduction in salary as a result of the implementation of the new structure. Where an employee would ordinarily be classified at a grade which carries a salary less than his or her current salary he or she shall retain his or her current salary, including all future increases thereto, on a strictly personal basis, while ever he or she remains in the current position.
- (vi) Employees seeking appointment to positions of Nurse Manager are generally expected to possess the core knowledge and skills appropriate to the respective grades as set out in Schedule 1 to this award.

37. Deputy Directors of Nursing, Assistant Directors of Nursing

- (i) The following appointments shall be made in hospitals with a adjusted daily averages of occupied beds as specified hereunder:
 - Less than 150 beds - a Deputy Director of Nursing
 - 150 beds and over - a Deputy Director of Nursing, Assistant Directors of Nursing.
- (ii) Appointments under subclause (i) of this clause shall be made within two calendar months of the date this award becomes operative and thereafter within two calendar months of the occurrence of a vacancy. In default of appointment within the said period of two calendar months, the registered nurse employed as such or in a higher classification who has customarily relieved in the vacant position, or if no one has so customarily relieved, the registered nurse employed in the same or the next senior classification below the vacant position with the longest service in such classification at the hospital, shall be deemed to be appointed until such time as another appointment is made by the hospital.
- (iii) This clause shall not apply to a hospital using members, novices or aspirants of religious orders where a member of an order carries out the duties under this clause of an Assistant Director of Nursing or Deputy Director of Nursing.

38. Proportion

Except in cases of emergency not more than four enrolled nurses and/or assistants in nursing to each registered nurse shall be employed in a hospital and for this purpose a Director of Nursing shall count.

39. Medical Examination of Nurses

See Department of Health Circular No. 83/362 of 7 December 1983 as varied, from time to time by agreement.

40. Domestic Work

Except as hereinafter provided, nurses shall not be required to perform, as a matter of routine, the following duties: viz.; washing, sweeping, polishing and/or dusting of floors, walls or windows of wards, corridors, annexes, bathrooms or verandahs or any duties which are generally performed by classifications other than nursing staff, but this provision shall not preclude the employment of nurses on any such duties in an isolation block or where the performance of those duties involves disinfection.

41. Termination of Employment

- (i) Except for misconduct justifying summary dismissal, the services of an employee shall be terminated only by fourteen days notice or by payment of fourteen days salary in lieu thereof in the case of an employee other than a Director of Nursing, and by twenty eight days notice or by the payment of twenty eight days salary in lieu thereof in the case of a Director of Nursing.
- (ii) No employee shall, without the consent of the employer, resign without having given fourteen days notice (or in the case of a Director of Nursing, twenty eight days notice) of intention so to do or

forfeiting salary earned during the pay period current at the time of resignation; provided that in no circumstances shall the employee forfeit more than fourteen days pay at the rate prescribed for his or her classification by clause 8, Salaries.

- (iii) Employees who have accrued additional days off duty pursuant to subclause (vii) of clause 4, Hours of Work and Free Time of Employees Other Than Directors of Nursing and Area Managers, Nurse Education, shall be paid for such accrued time at ordinary rate of pay upon termination.
- (iv) Upon the termination of the services of an employee, the employer shall furnish the employee with a written statement, duly signed by or on behalf of the employer, setting out the period of the employment and the capacity in which the employee was employed.

42. Labour Flexibility

- (i) An employer may direct an employee to carry out such duties as are reasonable and within the limits of the employee's skill, competence and training provided that such duties are not designed to promote deskilling.
- (ii) An employer may direct an employee to carry out such duties and use such tools and equipment as may be required provided that the employee has been properly trained or has otherwise acquired the necessary skills in the use of such tools and equipment.
- (iii) Any direction issued by an employer pursuant to sub-clause (i) and (ii) shall be consistent with the employer's responsibilities to provide a safe and healthy working environment.
- (iv) Existing provisions with respect to the payment of mixed functions/higher duties allowances shall apply in such circumstances.

43. Right of Entry

See Section 297 of the *Industrial Relations Act 1996*.

44. Disputes

- (i) All parties must use their best endeavours to cooperate in order to avoid any grievances and/or disputes.
- (ii) Where a dispute arises in any hospital or health facility, regardless of whether it relates to an individual nurse or to a group of nurses, the matter must be discussed in the first instance by the nurse(s) (or the Association on behalf of the nurse(s) if the nurse(s) so request(s)) and the immediate supervisor of that nurse(s).
- (iii) If the matter is not resolved within a reasonable time it must be referred by the nurse(s)' immediate supervisor to the Chief Executive Officer of the employer (or his or her nominee) and may be referred by the nurse(s) to the Association's Head Office. Discussions at this level must take place and be concluded within 2 working days of referral or such extended period as may be agreed.
- (iv) If the matter remains unresolved, the Association must then confer with the appropriate level of management (i.e. at Hospital/Area Health Service/Department level, depending on the nature and extent of the matter). Discussions at this level must take place and be concluded within 2 working days of referral or such extended period as may be agreed.
- (v) If these procedures are exhausted without the matter being resolved, or if any of the time limits set out in those procedures 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* (NSW) to the Industrial Relations Commission for its assistance in resolving the issue.
- (vi) 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.

- (vii) 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:
- (a) immediately before the issue arose; or
 - (b) 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.

- (viii) Throughout all stages of these procedures, adequate records must be kept of all discussions.
- (ix) 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.

44A. Anti-Discrimination

- (i) It is the intention of the parties bound by this award to seek to achieve the object of 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 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".

45. Exemption

This award shall not apply to -

- (i) members, novices or aspirants of religious orders in hospitals;
- (ii) the United Dental Hospital of Sydney, provided that nurses employed thereat are paid not less than the appropriate salaries prescribed by this award.

46. Salary Packaging

- (i) By agreement with their employer, employees may elect to package a portion (but no more than 50%) of their salary in accordance with this clause, to obtain a range of benefits as set out in the NSW Health Services Salary Packaging Policy and Procedure Manual, as amended from time to time. Such election must be made prior to the commencement of the period of service to which the earnings relate. Where an employee also elects to salary sacrifice to superannuation under this award, the combined amount of salary packaging/sacrificing shall not exceed 50% of salary.
- (ii) Where an employee elects to package a portion of salary:
 - (a) Subject to Australian taxation law, the packaged portion of salary will reduce the salary subject to appropriate PAYG taxation deductions by the amount of that packaged portion.
 - (b) Any allowance, penalty rate, overtime payment, payment for unused leave entitlements, weekly worker's compensation, or other payment other than any payment for leave taken in service, to which an employee is entitled under this award or statute which is expressed to be determined by reference to an employee's salary, shall be calculated by reference to the salary which would have applied to the employee under this award in the absence of any salary packaging or salary sacrificing made under this award.
 - (c) "Salary" for the purpose of this clause, for superannuation purposes, and for the calculation of award entitlements, shall mean the award salary as specified in Clause 8 Salaries, and which shall include "approved employment benefits" which refer to fringe benefit savings, administration costs, and the value of packaged benefits.
- (iii) The salary packaging scheme utilises the Public Benevolent Institution (PBI) taxation status, which provides for a fringe benefits tax exemption cap of \$17,000 per annum. The maximum amount of fringe benefits-free tax savings that can be achieved under the scheme is where the value of benefits when grossed-up, equal the fringe benefits exemption cap of \$17,000. Where the grossed-up value exceeds the cap, the employer is liable to pay fringe benefits tax on the amount in excess of \$17,000, but will pass on this cost on to the employee. The employer's share of savings, the combined administration cost, and the value of the packaged benefits, are deducted from the pre tax dollars.
- (iv) The parties agree that the application of the fringe benefits exemption cap and the PBI status of the NSW Health Services are subject to the prevailing Australian taxation laws.
- (v) If an employee wishes to withdraw from the salary packaging scheme, the employee may only do so in accordance with the required period of notice as set out in the Salary Packaging Policy and Procedure Manual.
- (vi) Where an employee ceases to salary package, arrangements will be made to convert the agreed package amount to salary. Any costs associated with the conversion will be borne by the employee, and the employer shall not be liable to make up any salary lost as a consequence of the employee's decision to convert to salary.
- (vii) Employees accepting the offer to salary package do so voluntarily. Employees are advised to seek independent financial advice and counselling to apprise them of the implications of salary packaging on their individual personal financial situations.

- (viii) The employer and the employee shall comply with the procedures set out in the NSW Health Services Salary Packaging Policy and Procedure Manual as amended from time to time.

47. Deduction of Union Membership Fees

- (i) The union shall provide the employer with a schedule setting out union fortnightly membership fees payable by members of the union in accordance with the union's rules.
- (ii) The union shall advise the employer of any change to the amount of fortnightly membership fees made under its rules. Any variation to the schedule of union fortnightly membership fees payable shall be provided to the employer at least one month in advance of the variation taking effect.
- (iii) Subject to (i) and (ii) above, the employer shall deduct union fortnightly membership fees from the pay of any employee who is a member of the union in accordance with the union's rules, provided that the employee has authorised the employer to make such deductions.
- (iv) Monies so deducted from employees' pay shall be forwarded regularly to the union together with all the necessary information to enable the union to reconcile and credit subscriptions to employees' union membership accounts.

"Regularly" shall be defined as monthly except where practice and protocol of a Health Service or Hospital at the time of this variation (March 2002) was fortnightly.

- (v) Unless other arrangements are agreed to by the employer and the union, all union membership fees shall be deducted on a fortnightly basis.
- (vi) 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 fresh authorisation in order for such deductions to continue.

48. Leave Reserved

Leave is reserved to the New South Wales Nurses' Association to apply with respect to the following matters -

Clause 4 - Hours of Work and Free Time of Employees Other Than Directors of Nursing and Area Managers, Nurse Education:

Subclauses (i), (ii) and (iii) (a) with respect to the ordinary hours of work;
Ordinary hours of work for employees who work night duty.

Clause 10 - Special Allowances:

Subclause (i) (a) with respect to the registered nurse in charge of a hospital of less than 100 beds in the absence of a medical officer.

Clause 12 - Penalty Rates for Shift Work and Weekend Work:

Subclause (i) with respect to the penalty rate for a night shift.

Clause 25 - Part Time, Temporary and Casual Employees:

Part 1, Subclause (iv) with respect to the quantum of annual leave.

Clause 26 - Annual Leave

Subclause (i) with respect to the quantum of annual leave;
Subclause (viii) (c) with respect to the payment of shift allowances.

Clause 28 - Personal/Carer's Leave:

With respect to the quantum of leave.

Clause 30 - Parental Leave:

C Paternity Leave with respect to the payment for leave.

Clause 33 - Sick Leave:

Subclause (i) with respect to the quantum of leave.

Clause 37 - Deputy Directors of Nursing, Assistant Directors of Nursing:

With respect to after hours Nurse Managers.

Clause 38 - Proportion:

With respect to trainee enrolled nurses.

Study Leave and Career Development Activities.

Inservice Education.

Critical Incident Counselling.

Filling of Promotional Positions.

49. Area, Incidence and Duration

- (i) This award rescinds and replaces the Public Hospital Nurses' (State) Award published 5 September 1997 (300 I.G. 1033), and all variations thereof.
- (ii) It shall apply to persons engaged in the industry of nursing as defined herein, within the State of New South Wales, within the jurisdiction of the Public Hospital Nurses' (State) Industrial Committee.
- (iii) It shall take effect from the beginning of the first pay period commencing on or after 12 June 2002 except for the provisions in Clause 21 Overtime, subclause (ix), which shall take effect from 12 September 2002. The award shall remain in force thereafter until 12 June 2003.

PART B

MONETARY RATES

Table 1 - Salaries

Classification	Column 1 01/01/2002 Per Week \$
Assistant in Nursing - Under 18 years of age - First year of experience	388.90
Second year of experience	406.10
Thereafter	422.30
18 years of age and over - First year of experience	458.80
Second year of experience	473.50
Third year of experience	488.30

Thereafter	503.60
Trainee Enrolled Nurse - Under 18 years of age - First year of experience Second year of experience Thereafter	388.90 406.10 422.30
18 years of age and over - First year of experience Second year of experience Third year of experience Thereafter	458.80 473.50 488.30 503.60
Enrolled Nurse First year of experience Second year of experience Third year of experience Fourth year of experience Thereafter	563.20 575.50 587.90 600.30 612.90
Enrolled Nurse - Special Grade	632.00
Residential Care Nurse - First year of experience Second year of experience Third year of experience Fourth year of experience Thereafter	549.40 560.50 571.30 584.50 595.30

Mothercraft Nurse - First year of service Second year of service Third year of service	605.40 624.70 647.10
Fourth year of service Fifth year of service Sixth year of service Seventh year of service Eight year of service Ninth year of service	669.00 691.20 713.90 729.20 745.40 761.00
The mothercraft classification applies only to persons employed in this classification as at 31 December 1988. Persons employed after that date are classified as enrolled nurses.	
Nurse undergoing pre-registration training otherwise than as a student.	550.50
Registered Nurse - First year of service Second year of service Third year of service Fourth year of service Fifth year of service Sixth year of service Seventh year of service Eight year of service	638.50 673.30 708.00 745.20 782.10 819.10 861.20 896.60
Clinical Nurse Specialist	933.30

Clinical Nurse Educator	933.30
Nurse Educator - First year	1035.20
Second year	1064.30
Third year	1090.50
Fourth year	1147.40
Clinical Nurse Consultant (appointed prior to 31/12/99)	1147.40
Clinical Nurse Consultant Grade 1 First year of service	1121.70
Second year of service	1144.50
Clinical Nurse Consultant Grade 2 First year of service	1167.30
Second year of service	1190.40
Clinical Nurse Consultant Grade 3 First year of service	1236.10
Second year of service	1259.00
Nurse Practitioner First year of service	1236.10
Second year of service	1259.00

Nursing Unit Manager - Level 1	1124.70
Level 2	1178.30
Level 3	1209.80
Nurse Manager - Grade 1 First year	1121.70
Second year	1144.50
Grade 2 First year	1167.30
Second year	1190.40
Grade 3 First year	1236.10
Second year	1259.00
Grade 4 First year	1304.80
Second year	1327.70
Nurse Managers - (cont.) Grade 5 First Year	1373.30
Second year	1396.40
Grade 6 First year	1442.20
Second year	1465.10

Grade 7	
First year	1556.50
Second year	1579.50
Grade 8	
First year	1671.00
Second year	1693.80
Grade 9	
First year	1785.40
Second year	1808.50

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Description	Column 1 01/01/2002	Column 2 FPP 12/6/2002
1	10(i)(a)	General nurse in charge of hospital	\$15.60 per shift	\$18.25 per shift
2	10(ii)(a)	On call allowance	\$14.02 per 24 hours	\$2.00 per hour with a minimum payment of \$16.00
3	10(ii)(b)	On call allowance on rostered day off	\$27.70 per 24 hours	\$4.00 per hour with a minimum payment of \$32.00
4.	10(ii)(c)	On call during meal break	\$7.86 per break	\$7.86 per break
5	10(iii)(a)	Director of Nursing performing radiographic duties	\$22.27 per week	\$22.27 per week
6	10(iii)(c)	Employees performing radiographic duties in the absence of Director of Nursing	\$4.54 per day, maximum of \$22.27 per week	\$4.54 per day, maximum of \$22.27 per week
7	10(iv)	Employee wearing lead apron	\$1.11 per hour	\$1.11 per hour
8	10(v)	Registered Nurse in charge of ward	\$15.60 per shift	\$18.25 per shift
9	10(vi)	Registered Nurse in charge of ward, Also in charge of hospital of less than 100 beds	\$23.38 per shift	\$27.40 per shift
10	11(i)	Climatic Allowance	\$3.60 per week	\$3.60 per week
	11(ii)	Isolation Allowance	\$7.09 per week	\$7.09 per week
11	14(i)	Special rates for Tibooburra and Ivanhoe District Hospitals- Registered Nurse	\$31.81 per week	\$31.81 per week
		Enrolled, Trainee Enrolled, Assistant in Nursing	\$13.86 per week	\$13.86 per week
11A	14(iii)	Corrections Health Service Environment Allowance	\$1854 per annum	\$1854 per annum
11B	14(iv)	Corrections Health Service Productivity Allowance	\$39.40 per week	\$39.40 per week
12	17(iv)(b)	Excess Fares	\$5.20 per week	\$5.20 per week
13	19(ii)(a)	Uniform Allowance	(a) Uniform \$6.57 Per week including \$1.55 per week for Shoes. Cardigan or jacket \$1.51 per week.	(a) Uniform \$6.57 per week including \$1.55 per week for Shoes. Cardigan or jacket \$1.51 per week.
	(b)(c)			

			(b) Stockings \$2.60 per week	(b) Stockings \$2.60 per week
			(c) Socks \$0.51 per week	(c) Socks \$0.51 per week
14	19(iv)	Laundry Allowance	\$4.18 per week	\$4.18 per week
15	34(iii) (a) (b)	Deduction for accommodation- Separate bedroom Self contained flat	\$38.22 per week \$46.58 per week	\$38.22 per week \$46.58 per week
16	34(iv)	Deduction for meals	\$82.52 per week	\$82.52 per week
17	34(v) (b)	Charge for meals- Breakfast Other meals	\$2.80 per meal \$5.08 per meal	\$2.80 per meal \$5.08 per meal
18	10(viii)	Enrolled nurse employed in the CSSD of a hospital and in possession of a Sterilising Technology Certificate issued by the Sterilising Research and Advisory Council of Australia	\$8.70 per week	\$8.70 per week

SCHEDULE 1

NURSE MANAGERS

A registered nurse who:

Grade 1

- (a) participates in the management of the nursing service as the Deputy Nurse Manager in a small health facility or hospital and is responsible to an on-site Nurse Manager;
- (b) supervises the nursing services in a small health facility or hospital on evenings, nights and/or weekends (where such a position exists as a separate and substantive position).

Grade 2

- (a) supervises the nursing services in a health facility or hospital greater than 100 ADA on evenings, nights and/or weekends;
- (b) participates in the management of the nursing service of a small health facility or hospital as the Deputy Nurse Manager, and is responsible to a nurse manager who has responsibility for the management of two or more hospitals;
- (c) co-ordinates and manages a function, service or section (including a ward and/or unit or community nursing service) within a health facility or hospital.

Grade 3

- (a) co-ordinates and manages a nurse education service of a hospital or group of hospitals or health facility, supervising at least one other nurse educator (provided that the requirement to be responsible for one or

more nurse educators shall not apply in the case of an employee who is regarded by his or her employer as a resource person for other nurse educators or who is a sole educator for that nurse education service);

- (b) participates in the management of nursing services as the Deputy Nurse Manager in a medium-sized health facility or hospital (other than a tertiary referral teaching hospital);
- (c) is responsible for the management of nursing services in a small health facility or hospital;
- (d) is the on-site executive officer in addition to responsibility for the management of nursing services in a facility or hospital generally not exceeding 10 ADA.
- (e) co-ordinates and manages a complex function, service or section (including a large and/or complex ward and/or unit or community nursing service) within a health facility or hospital.

Grade 4

- (a) participates in the management of nursing services as the Deputy Nurse Manager in a complex hospital (other than a tertiary referral teaching hospital);
- (b) is responsible for the overall management of nursing services across a group of small hospitals or facilities or health services;
- (c) co-ordinates and manages a hospital wide function or service in a tertiary referral teaching hospital.

Grade 5

- (a) is responsible for nursing operations in a major clinical division (for example, surgery or medicine) of a teaching hospital (other than a tertiary referral teaching hospital);
- (b) co-ordinates and manages a complex nurse education function;
- (c) is the on-site executive officer in addition to responsibility for the management of nursing services in a facility or hospital (or group) generally greater than 10 ADA and generally not exceeding 30 ADA.
- (d) is responsible for management of nursing services in a medium sized health facility or hospital.

Grade 6

- (a) is the on-site executive officer in addition to responsibility for the management of nursing services in a facility or hospital (or group) generally greater than 30 ADA and generally not exceeding 75 ADA.
- (b) is responsible for the management of nurse education in an area health service where the largest hospital in the area is less than 250 ADA;
- (c) participates in the management of the nursing services as the Deputy Nurse Manager in a tertiary referral teaching hospital;
- (d) is responsible for nursing operations in a major clinical division of a tertiary referral teaching hospital;
- (e) is responsible for management of nursing services in a medium sized health facility or hospital.

Grade 7

- (a) is responsible for the management of nursing services in a complex hospital;

- (b) is responsible for the management of nursing services across a group of medium-sized hospitals or facilities or health services;
- (c) is responsible for the management of nurse education in an Area Health Service where the largest hospital in the area has an ADA greater than 250.

Grade 8

- (a) is responsible for the overall management of nursing services across a group of complex hospitals or facilities or health services;

Grade 9

- (a) is the Area Director of Nursing Services in a rural Area Health Service;
- (b) is responsible for the nursing services in a major teaching hospital providing tertiary referral services.

CORE KNOWLEDGE AND SKILLS

GROUP	Leadership	Communication	Knowledge	Performance Management	Planning	Resource Management
Grade 1	Ability to provide leadership as a resource person and role model in the clinical setting and in professional relationships and act as a mentor for less Experienced staff.	Ability to represent nurses and consult with staff and other health professionals appropriately. Ability to identify to and mediate potential and actual conflict between individuals.	Ability to utilise and share knowledge and skills relating to nursing practice. Ability to contribute to and utilise research.	Ability to assess the competence of staff, and identify strengths and limitations. Ability to facilitate professional development of staff. Ability to facilitate activities which enhance the practice of staff.	Ability to set goals, formulate and implement plans to achieve identified outcomes. Ability to contribute to the implementation of organisational change.	Ability to effectively allocate and manage nursing resources and set nursing priorities
Grade 2	Ability to lead the development of policy relating to nursing practice and provide leadership through direction and support to staff.		Ability to acquire and utilise a sound and contemporary knowledge of nursing professional and management issues.		Ability to contribute to an operational plan for the nursing service and coordinate the process of organisational change.	Ability to develop, monitor and evaluate nursing resource allocation.
Grade 3	Ability to develop leadership and management potential in staff. Ability to identify the need for and initiate the development of policy relating to the nursing service.	Ability to utilise a broad range of communication skills selectively in a variety of settings.	Ability to facilitate the acquisition of knowledge by individuals and groups.	Ability to undertake planning for and monitor performance in areas of responsibility for both individuals and teams. Ability to undertake a range of performance management appropriately.	Ability to develop an operational plan for the nursing service.	Ability to develop a staffing profile appropriate to service needs. Ability to develop nursing service budget within prescribed parameters.

Grade 4	Ability to evaluate and	Ability to represent the	Ability to acquire and	Ability to develop	Ability to coordinate	Ability to identify
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	adjust policy.	nursing service inside and outside the organisation at a local level. Ability to identify and mediate potential and actual conflict between groups.	utilise a sound and contemporary knowledge of health management and organisational issues. Ability to foster quality research activities.	performance assessment indicators and skill development tools.	planning across a range of services. Ability to manage the process of organisational change, evaluate the outcome and adjust direction.	nursing and/or health service budget requirements and negotiate for funding allocation.
Grade 5	Ability to develop an environment which promotes continuous improvement in practice.	Ability to manage media relations related to local issues within a policy framework. Ability to represent the organisation at a local level.	Ability to identify, evaluate and incorporate where appropriate emerging trends within the profession of nursing.	Ability to coordinate performance management activities within a range of services.	Ability to contribute to a strategic plan for the nursing service.	
Grade 6	Ability to develop a culture within the organisation which is open to critical reflection and change.			Ability to monitor and evaluate performance management across the organisation and identify opportunities to realise enhanced performance.	Ability to develop a strategic plan for the nursing service and contribute to the development of a of a strategic plan for the organisation.	Ability to assess nursing and/or health service resource utilisation and make recommendations.
Grade 7		Ability to represent the nursing service in a range of forums including State and National.	Ability to identify, evaluate and incorporate where appropriate emerging trends within health care.	Ability to enhance organisational performance through collaboration with other health facilities.		

Grade 8	Ability to vision and articulate the potential	Ability to represent the organisation at a State	Ability to identify, evaluate and		Ability to generate and develop a strategic plan	
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	For the organisation.	and National level.	incorporate where appropriate emerging trends within the broader service and business industry which have the potential to enhance nursing and/or health services.		for the organisation.	
Grade 9	Ability to contribute to and influence emerging trends within nursing and health.	Ability to negotiate on behalf of the organisation		Ability to enhance organisational performance through collaboration with other organisations both within and outside the area of health.	Ability to analyse the strategic plan of the organisation for continuing relevance and adjust direction. Ability to contribute to a strategic plan for health care in a range of forums including at a State and National level.	Ability to identify additional funding sources and negotiate funding as required.

Represents core knowledge and skills. Each grade represents a higher level of function than those beneath. An assumption is made that those at Grade 8 (for example) will already have the knowledge and skills outlined in Grades 1-7.

F. L. WRIGHT *J, President.*
 R. P. BOLAND *J.*
 R. J. PATTERSON, Commissioner.

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(630)

SERIAL C1424

STRAPPERS AND STABLE HANDS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by The Australian Workers' Union, New South Wales, industrial organisation of employees.

(No. IRC 5140 of 2001)

Before The Honourable Justice Wright, President
The Honourable Justice Walton, Vice-President
Commissioner Redman

25 June 2002

14 September 2001

The Honourable Justice Walton, Vice-President

29 October 2001

VARIATION

1. Delete subclause (b) of clause 4, Rates of Pay of the award published 9 November 2001 (329 I.G. 366) and insert in lieu thereof the following:

(b)

The rates of pay in this award include the adjustments payable under the State Wage Case - June 1999, May 2000 and May 2001. These adjustments may be offset against:

(A) any equivalent overaward payment; 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 - Rates of Pay and Table 2 - Other Allowances of Part B, Monetary Rates and insert in lieu thereof the following:

PART B

MONETARY RATES

Table 1 - Rates Of Pay

Level	Base Rate of Pay \$	SWC June 1999 \$	Total Rate of Pay \$
(1) Stablehand			
(a) with less than one year's previous experience	353.20	12.00	365.20
(b) with one years' previous experience	357.65	12.00	369.65
(c) with two years' previous experience	367.85	12.00	379.85
(d) with five years' previous experience	379.10	12.00	391.85
(2) Stablehand Rider	459.95	12.00	471.95

The above rates shall take effect on the first full pay period to commence on or after 14 September 2001.

	Base Rate	SWC June	Total Rate
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Level	of Pay \$	2000 \$	of Pay \$
(1) Stablehand			
(a) with less than one year's previous experience	365.20	15.00	380.20
(b) with one years' previous experience	369.65	15.00	384.65
(c) with two years' previous experience	379.85	15.00	394.85
(d) with five years' previous experience	391.85	15.00	406.85
(2) Stablehand Rider	471.95	15.00	486.95

The above rates shall take effect on the first full pay period to commence on or after 14 December 2001.

Level	Base Rate of Pay \$	SWC June 2001 \$	Total Rate of Pay \$
(1) Stablehand			
(a) with less than one year's previous experience	380.20	13.00	393.20
(b) with one years' previous experience	384.65	13.00	397.65
(c) with two years' previous experience	394.85	13.00	407.65
(d) with five years' previous experience	406.85	13.00	419.85
(2) Stablehand Rider	486.95	13.00	499.95

The above rates shall take effect on the first full pay period to commence on or after 14 March 2002.

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Existing Allowance \$	Amount Effective 14/9/01 \$
1	7(i)	Racecourse within 75 Kilometres	20.30	22.10
2	7(ii)	For each 50 kilometres beyond 75 kilometres or part thereof	4.70 extra	5.10 extra
3	10(iii)	Overtime (meal allowance) per meal	6.45 per meal	7.55 per meal
4	14	Full Board and Lodging with cook supplied	51.10	51.10
5	14	Full Board and Lodging without cook supplied	18.00	18.00
6	22(i)(b)	Meal allowance whilst at racecourse	6.45 per meal	7.55 per meal
7	24(iv)	Riding Boots and skullcaps per week	1.50	1.55

3. This variation shall take effect from the first full pay period to commence on or after 14 September 2001.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

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(005)

SERIAL C1472

AERATED WATERS, &c. (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Australian Liquor, Hospitality and Miscellaneous Workers Union, New South Wales Branch, industrial organisation of employees.

(No. IRC 4550 of 2001)

Before Commissioner Patterson

6 August 2001

VARIATION

1. Delete clause 1, Definitions, of the award published 22 February 2002 (331 I.G. 498), and insert in lieu thereof the following:

1. Definitions

"Storeman" means a person primarily concerned with materials used in manufacturing operations and whose duties include receiving and/or issuing of materials into or out of a store in accordance with requisitions.

"Store assistant" means a person who stacks, loads, unloads and does general work in a store.

"Assistant Syrup Maker" means a person other than one covered in Classifications 1, 2 or 9 for establishments with a flow rate of 7000 litres per hour or more or Classifications Grade 1B Soft Drink Industry Employee or Grade 4B Soft Drink Industry Employee for establishments with a flow rate of less than 7000 litres per hour, as the case may be, who is involved in the syrup process after the preparation of simple syrup.

"Routine In-line Tester" means an employee who in the course of or in addition to, other duties pursuant to this award shall perform product test of a routine and/or simple nature as prescribed by the employer. This classification shall not refer to persons under the control of the quality control section or in the laboratory.

"Union" means the Australian Liquor, Hospitality and Miscellaneous Workers Union, New South Wales Branch.

"Grade 1B Soft Drink Industry Employee" is an employee who is undertaking up to 38 hours induction training which may include information on the enterprise, conditions of employment, introduction to supervisor(s) and fellow workers, training and career path opportunities, plant layout, occupational health and safety and quality control. An employee of this level performs routine/basic duties essentially of a manual nature and to the level of their training including general labouring and cleaning duties, exercising minimal judgement and working under direct supervision.

"Grade 2B Soft Drink Industry Employee" is an employee who has been trained to enable performance of work coming within the scope of this classification level. An employee at this level performs work above and beyond the skills of a Soft Drink Industry Employee Grade 1B and to the level of their training working under direct supervision, but where necessary is capable of performing specified duties without direct supervision in accordance with training received, understands and undertakes basic quality control/assurance procedures including the ability to recognise basic quality deviations/faults, removing empty bottles from cases, placing empty bottles on conveyors, performing repetitious work on automatic, semi-automatic or single purpose machines or equipment including attending, feeding or taking away from washing machines sighting, inspecting, attending or operating sealing machines or labelling machines, operating filler and/or plastic blow moulding machines, attending, operating and feeding shrink wrapping machines, filling cases with full bottles, stacking cases on pallets, extracting fruit juice, assisting in cordial and/or syrup rooms, loading on or off motor trucks, using hand trolleys and/or pallet trucks, performing basic warehouse duties, repairing cases, crates, boxes or pallets, assisting with on the job training of employees and reclassification of Soft Drink Industry Employee Grade 1B.

"Grade 3B Soft Drink Industry Employee" is an employee who has completed sufficient training to enable him/her to perform work within the scope of this classification level. An employee at this level performs work above and beyond the level of a Soft Drink Industry Employee Grade 2 and to the level of their training is responsible for the quality of their own work subject to routine supervision, operating machinery and equipment

which is more complex than those operated by a Soft Drink Industry Employee Grade 2B, is responsible for running adjustments or running maintenance of automatic carbonating, fruit juice or aerated waters machinery or plant, is responsible for basic in-line testing, assisting in syrup making, assisting with the training of employees in classifications of Soft Drink Industry Employee Grades 1B and 2B.

"Grade 4B Soft Drink Industry Employee" is an employee who has completed a significant level of training to enable performance of work within the scope of this classification level. An employee at this level performs work above and beyond the skills of the Soft Drink Industry Employee Grade 3B and to the level of their training including working with instructions, recipes and formulae, using precision measuring equipment, holding necessary licence and/or certificate and operates fork-lift or other materials handling equipment, making cordial and/or syrup using recipes and formulae, assisting in the provision of on-the-job training to employees in lower classification levels.

- 2. Delete clause 6, State Wage Case Adjustments, and insert in lieu thereof the following:

6. State Wage Case Adjustments

The rates of pay in this award include the adjustments payable under the State Wage Case 2001. 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.

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

PART B

MONETARY RATES

Table 1 - Wages

No.	Classification For establishments with a flow rate of 7000 litres per hour or more	Wage Total \$
1.	Syrup maker whose syrup room operations are computerised	453.30
2.	Cordial and/or syrup maker using recipes or formulae	444.80
3.	Pre-mixer filler operator	434.10
4.	Employees who, under the direction of the employer or manager or foreman, are in charge of the running adjustment or running maintenance of automatic carbonating and/or fruit juice or aerated waters machinery or plant and/or syrup filler operator	420.90
5.	Assistant syrup maker	420.90
6.	Employee engaged on routine in-line testing	420.90
7.	Employee operating labelling palletising or de-palletising, case packing or unpacking or carton packing machines	419.30
8.	Storeman (as defined)	413.40

9.	Employees engaged on bottling or canning line operations including operating bottle washer, removing empty bottles from cases, or placing empty bottles on conveyors, sight inspecting, filling cases with full bottles, and stacking cases on pallets, fruit juice extracting cordial and/or syrup room (other than in Classification No. 1, 2 and 5), loader on or off	
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	motor trucks, cleaner, storeman and warehouse employee, store assistant (as defined), plastic blow moulding machines operator and/or employee attending, feeding or operating shrink wrap machine.	413.40
10	Case, crate, box and/or pallet repairer	413.40
11.	Fork lift driver with lifting capacity of: (a) up to and including 5000 kg (b) Over 5000 kg and/or including twin forklift	432.90 444.30
12.	All other adult employees	413.40
13.	Trainee - first four weeks of service	413.40
	Motor wagon drivers - The rate of wages prescribed by the Transport Industry (State) Award, as varied from time to time, shall be applicable to employees classified as motor wagon drivers.	
	For establishments with a flow rate of less than 7000 litres per hour	
14.	Grade 1B Soft Drink Industry Employee	413.40
15.	Grade 2B Soft Drink Industry Employee	430.10
16.	Grade 3B Soft Drink Industry Employee	458.60
17.	Grade 4B Soft Drink Industry Employee	473.50

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount \$
1	5(iii)	Employees handling caustic soda	0.58 per hour extra
2	5(iv)	Employees working in a cold room	0.48 per hour extra
3	5(v)	Leading Hands - 3 to 10 employees More than 10 employees	16.60 per week extra 26.50 per week extra
4	5(vi)	First-aid Attendant	2.04 per day or shift

4. This variation shall take effect from the first full pay period to commence on or after 6 August 2001.

R. J. PATTERSON, Commissioner.

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(005)

SERIAL C1484

AERATED WATERS, &c. (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Australian Liquor, Hospitality and Miscellaneous Workers Union, New South Wales Branch, industrial organisation of employees.

(No. IRC 3445 of 2002)

Before The Honourable Justice Haylen

28 July 2002

VARIATION

1. Delete clause 6, State Wage Case Adjustments, of the award published 22 February 2002 (331 I.G. 498), as varied, and insert in lieu thereof the following:

6. State Wage Case Adjustments

The rates of pay in this award include the adjustments payable under the State Wage Case 2002. These adjustments may be offset against:

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

PART B

MONETARY RATES

Table 1 - Wages

No.	Classification For establishments with a flow rate of 7000 litres per hour or more	Wage Total \$
1.	Syrup maker whose syrup room operations are computerised	471.30
2.	Cordial and/or syrup maker using recipes or formulae	462.80
3.	Pre-mixer filler operator	452.10
4.	Employees who, under the direction of the employer or manager or foreman, are in charge of the running adjustment or running maintenance of automatic carbonating and/or fruit juice or aerated waters machinery or plant and/or syrup filler operator	438.90
5.	Assistant syrup maker	438.90
6.	Employee engaged on routine in-line testing	438.90
7.	Employee operating labelling palletising or de-palletising, case packing or unpacking or carton packing machines	437.30
8.	Storeman (as defined)	431.40

9.	Employees engaged on bottling or canning line operations including operating bottle washer, removing empty bottles from cases, or placing empty bottles on conveyors, sight inspecting, filling cases with full bottles, and stacking cases on pallets, fruit juice extracting cordial and/or syrup room (other than in Classification No. 1, 2 and 5), loader on or off motor trucks, cleaner, storeman and warehouse employee, store assistant (as	
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	defined), plastic blow moulding machines operator and/or employee attending, feeding or operating shrink wrap machine.	431.40
10	Case, crate, box and/or pallet repairer	431.40
11.	Fork lift driver with lifting capacity of: (a) up to and including 5000 kg (b) Over 5000 kg and/or including twin forklift	450.90 462.30
12.	All other adult employees	431.40
13.	Trainee - first four weeks of service	431.40
	Motor wagon drivers - The rate of wages prescribed by the Transport Industry (State) Award, as varied from time to time, shall be applicable to employees classified as motor wagon drivers.	
	For establishments with a flow rate of less than 7000 litres per hour	
14.	Grade 1B Soft Drink Industry Employee	431.40
15.	Grade 2B Soft Drink Industry Employee	448.10
16.	Grade 3B Soft Drink Industry Employee	476.60
17.	Grade 4B Soft Drink Industry Employee	491.50

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount \$
1	5(iii)	Employees handling caustic soda	0.60 per hour extra
2	5(iv)	Employees working in a cold room	0.50 per hour extra
3	5(v)	Leading Hands - 3 to 10 employees More than 10 employees	17.20 per week extra 27.40 per week extra
4	5(vi)	First-aid Attendant	2.11 per day or shift

3. This variation shall take effect from the first full pay period to commence on or after 6 August 2002.

W. R. HAYLEN J.

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(515)

SERIAL C1485

PAINT AND VARNISH MAKERS, &c. (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Australian Liquor, Hospitality and Miscellaneous Workers Union, New South Wales Branch, industrial organisation of employees.

(No. IRC 3934 of 2001)

Before Commissioner Patterson

25 June 2001

VARIATION

1. Delete clause 4, Wages, of the award published 2 November 2001 (329 I.G. 131), and insert in lieu thereof the following:

4. Wages

The minimum rates of pay for weekly employees shall be as set out in Table 1 and Table 2 of Part B Monetary Rates.

The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:

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

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

PART B

MONETARY RATES

Table 1 - Wage Rates

Classification Grade	Former rate of pay per week \$	SWC - 2001 \$	Total rate per week \$
1	450.20	13.00	463.20
2	462.20	13.00	475.20
3	473.70	13.00	486.70
4	492.60	15.00	507.60
5	520.30	15.00	535.30

Table 2 - Wage Rates - Laboratory Employees

Classification Grade	Former rate of pay per week \$	SWC - 2001 \$	Total rate per week \$
1	450.20	13.00	463.20
1A	462.20	13.00	475.20
2A	473.70	13.00	486.70
2B	533.90	15.00	548.90
2C	552.80	15.00	567.80
3	573.60	15.00	588.60
4	592.50	17.00	609.50
5	634.20	17.00	651.20
6	675.90	17.00	692.90
7	696.80	17.00	713.80

Table 3 - Allowances

Item No.	Clause No.	Brief Description	Amount (\$)
1	5(i)(a)	Leading Hand: 1-10 employees	24.85
2	5(i)(b)	Leading Hand: 11 or more employees	35.25
3	5(ii)	Storeperson Working Singly	13.29
4	8(ii)	First Aid Allowance	12.72
5	17	Meal Allowance	10.70
6	39(i)	Excess fares - transfer	0.55 per km
7	39(ii)	Excess fares normal work site	0.55 per km

3. This variation shall take effect from the beginning of the first pay period to commence on or after 2 September 2001.

R. J. PATTERSON, Commissioner.

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(515)

SERIAL C1486

PAINT AND VARNISH MAKERS, &c. (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Australian Liquor, Hospitality and Miscellaneous Workers Union, New South Wales Branch, industrial organisation of employees.

(No. IRC 4289 of 2002)

Before The Honourable Justice Haylen

5 August 2002

VARIATION

1. Delete clause 4, Wages, of the award published 2 November 2001 (329 I.G. 131), as varied, and insert in lieu thereof the following:

4. Wages

The minimum rates of pay for weekly employees shall be as set out in Table 1 and Table 2 of Part B Monetary Rates.

The rates of pay in this award include the adjustments payable under the State Wage Case 2002. These adjustments may be offset against:

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

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

PART B

MONETARY RATES

Table 1 - Wage Rates

Classification Grade	Former rate of pay per week \$	SWC - 2002 \$	Total rate per week \$
1	463.20	18.00	481.20
2	475.20	18.00	493.20
3	486.70	18.00	504.70
4	507.60	18.00	525.60
5	535.30	18.00	553.30

Table 2 - Wage Rates - Laboratory Employees

Classification Grade	Former rate of pay per week \$	SWC - 2002 \$	Total rate per week \$
1	463.20	18.00	481.20
1A	475.20	18.00	493.20
2A	486.70	18.00	504.70
2B	548.90	18.00	566.90
2C	567.80	18.00	585.80
3	588.60	18.00	606.60
4	609.50	18.00	627.50
5	651.20	18.00	669.20
6	692.90	18.00	710.90
7	713.80	18.00	731.80

Table 3 - Allowances

Item No.	Clause No.	Brief Description	Amount (\$)
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1	5(i)(a)	Leading Hand: 1-10 employees	25.72
2	5(i)(b)	Leading Hand: 11 or more employees	36.48
3	5(ii)	Storeperson Working Singly	13.76
4	8(ii)	First Aid Allowance	13.17
5	17	Meal Allowance	10.70
6	39(i)	Excess fares - transfer	0.55 per km
7	39(ii)	Excess fares normal work site	0.55 per km

3. This variation shall take effect from the beginning of the first pay period to commence on or after 2 September 2002.

W. R. HAYLEN *J.*

Printed by the authority of the Industrial Registrar.

(1052)

SERIAL C1423

COAL SUPERINTENDING SAMPLERS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by The Australian Workers' Union, New South Wales, industrial organisation of employees.

(No. IRC 5042 of 2001)

Before The Honourable Justice Wright, President

25 June 2002

The Honourable Justice Walton, Vice-President
Commissioner Redman

14 September 2002

The Honourable Justice Walton, Vice-President

29 October 2001

AWARD

1. Delete clause 2E, State Wage Case Adjustments of the award published 28 September 2001 (328 I.G. 218) and insert in lieu thereof the following:

The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:

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

PART B

MONETARY RATES

Table 1 - Wages

Item No.	Clause No.	Classification	Old Rate Per Week \$	SWC May 2001 \$	New Rate Per Week \$
1	2	Trainee Sampler	419.50	13.00	432.50
2	2	Sampler	540.30	15.00	555.30
3	2	Senior Sampler	564.60	15.00	579.60
4	2	Supervising Sampler	624.30	17.00	641.30
5	2	Leading Hand 3-5 (p/hr)	0.38		0.39
6	2	Leading Hand 6-10 (p/hr)	0.52		0.54
7	2	Leading Hand over 10 (p/hr)	0.63		0.65

Table 2 - Other Allowances

Item No.	Clause No.	Brief Description	Existing Allowance \$	New Allowance \$
1	6	Meal Allowance	8.80	8.85
2	19 (iv)	First Aid Allowance	1.90 per day	1.95 per day
3	27 (i)	Travel Allowance	4.30 per day	4.30 per day
4	27 (ii)	KM Allowance	0.47 km	0.47 km
5	28	Living Away Allowance	48.40 per day	48.40 per day

3. This variation shall take effect from the first full pay period to commence on or after 31 December 2001.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

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(387)

SERIAL C1399

**ICE CREAM CARTERS AND VAN SALESPERSONS
(STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by the Transport Workers' Union of Australia, New South Wales Branch, industrial organisation of employees.

(No. IRC 5170 of 2001)

Before The Honourable Justice Wright, President
The Honourable Justice Walton, Vice-President

25 June 2002

Commissioner Redman

14 September 2001

The Honourable Justice Walton, Vice-President

29 October 2001

VARIATION

1. Delete clause 31, Arbitrated Safety Net Adjustments of the award published 8 December 2000 (320 I.G 1114), as varied and insert in lieu thereof the following:

31. Arbitrated Safety Net Adjustments

The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:

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

PART B

MONETARY RATES

Table 1 - Rates of Pay

Classification	Former Total Wage Rate Per Week \$	State Wage Case 2001 \$	New Total Wage Rate Per Week \$
Van Salesperson on rounds	478.70	13.00	491.70
Motor Wagon Driver	473.60	13.00	486.60
Checker/Loader	446.10	13.00	459.10
Checker	445.20	13.00	458.20
General Hand	426.30	13.00	439.30

Junior Assistants	Former Rate \$	New Rate (SWC - 3%) \$
Under 17 years of age	173.73	178.94
At 17 years of age	213.11	219.50
At 18 years of age	260.33	268.14
At 19 years of age	301.22	310.26
At 20 years of age	372.88	384.07

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Former Amount \$	New Amount (SWC-3%*) \$
1	9.1.2 (1)	Semi-trailer with single axle	25.20 per wk	25.96 per wk
	9.1.2 (2)	Semi-trailer with two axle	32.06 per wk	33.02 per wk

	9.1.2 (3)	Semi-trailer with more than two axles	37.80 per wk	38.93 per wk
2	9.3.1	Junior employee- required to drive vehicle from time to time with Class 1 driving licence	25.08 per wk	25.83 per wk
3	10.4	Meal Allowance	8.05	8.05
4	11.1	Morning shift Afternoon shift Night shift Permanent afternoon shift or permanent night shift	7.56 per shift 9.90 per shift 12.48 per shift 3.32 per shift extra	7.79 per shift 10.20 per shift 12.85 per shift 3.42 per shift extra
5	29.1	Laundry Allowance	5.95 per week	5.95 per week

*NB: Items 3 and 5 are CPI based allowances

3. This variation shall operate from the first pay period commencing on or after 1 November 2001.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

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(218)

SERIAL C1583

SECURITY INDUSTRY (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by Australian Liquor, Hospitality and Miscellaneous Workers Union, New South Wales Branch, industrial organisation of employees.

(No. IRC 5087 of 2001)

Before The Honourable Justice Wright, President
The Honourable Justice Walton, Vice-President
Commissioner Redman

25 June 2002

14 September 2001

The Honourable Justice Walton, Vice-President

29 October 2001

VARIATION

1. Delete the clause number and subject matter "9, No Extra Claims" from clause 2, Arrangement, of the award published 2 November 2001 (329 I.G. 1), as varied and insert in lieu thereof the following:

9. Safety Net Adjustments

2. Delete clause 9, No Extra Claims, and insert in lieu thereof the following:

9. Safety Net Adjustments

The rates of pay in this award include the adjustments payable under the State Wage Cases 2000 and 2001. These adjustments may be offset against:

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

PART B

MONETARY RATES

Table 1 - Rates Of Pay Per 38-Hour Week

Classification	SWC 2000 \$	SWC 2001 \$
Grade 1	479.50	492.50
Grade 2	495.80	510.80
Grade 3	507.10	522.10
Grade 4	518.30	533.30
Grade 5	540.50	555.50

Table 2 - Other Rates and Allowances

Item No	Clause No	Brief Description	Rates Per Week		Rate Per Shift	
			SWC 2000 \$	SWC 2001 \$	SWC 2000 \$	SWC 2001 \$
	12.1	Leading Hand Allowance			Casuals only	
1		Up to 5 employees	21.09	21.65	4.21	4.32
2		6 to 10 employees	23.92	24.56	4.78	4.90
3		11 to 15 employees	31.27	32.11	6.25	6.42
4		16 to 20 employees	36.08	37.05	7.22	7.41
5		Over 20 employees	36.08	37.05	7.22	7.41
6		For each employee exceeding 20, extra	0.57	0.58	0.11	0.12
7	12.2	Relieving Officer	21.07	21.63		
8	12.3	First Aid Allowance			Casuals only	
		Industrial	11.89	12.21	2.37	2.44
9	12.4	Gun Allowance	8.20	8.42	1.63	1.67
10	12.5	Locomotion Allowance			20.77	21.33
11		Motor Vehicle/cycle			2.19	2.24
		Bicycle				

12	12.6	Meal Allowance			6.55	Subject to adjustment
13	12.7	Fares Allowance			5.66	Subject to adjustment
14	12.8	Overnight Meal Allowance			53.30	Subject to adjustment

4. This variation shall take effect from the first full pay period to commence on or after:
1. 14 September 2001 with respect to the State Wage Case 2000 column appearing in Table 1 - Rates of Pay per 38-Hour Week and Table 2 Other Rates and Allowances.
 2. 14 December 2001 with respect to the State Wage Case 2001 column appearing in the said Tables 1 and 2.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

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(420)

SERIAL C1411

LANDSCAPE GARDENERS, &c. (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by The Australian Workers' Union, New South Wales, industrial organisation of employees.

(No. IRC 5141 of 2001)

Before The Honourable Justice Wright, President
The Honourable Justice Walton, Vice-President
Commissioner Redman

25 June 2002

14 September 2001

The Honourable Justice Walton, Vice-President

29 October 2001

VARIATION

1. Delete subclause (vii) of clause 2, Rates of Pay of the award published 25 May 2001 (324 I.G. 1275), as varied, and insert in lieu thereof the following:

- (vii) The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:
- (i) any equivalent overaward payment; and/or
 - (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.
2. Delete Table 1 - Rates of Pay and Table 2 - Other Rates and Allowances of Part B, Monetary Rates and insert in lieu thereof the following:

PART B

MONETARY RATES

Table 1 - Rates of Pay

Classification	Base Rate Per Week \$	May 2001 SWC \$	Total Rate Per Week \$
Landscape Gardener (100%)	492.20	15.00	507.20
Landscape Gardener (Assistant Tradesperson) (92%)	458.80	13.00	471.80
Labourer (83%)	421.30	13.00	434.30

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Existing Allowance \$	Amount \$
1	2(ii)	Leading Hand Allowance	14.50 per week	14.95 per week
2	6(i)	Meal Allowance	8.80 per meal	9.80 per meal
3	9	First Aid Allowance	8.90 per week	9.15 per week
4	14(iv) (a)	Country Work Allowance	271.50	280.20
5	14(vi)	Travelling Allowance Meals Accommodation	8.80 per meal 39.70 per night	9.80 per meal 41.00 per night

"Note": These allowances are contemporary for expense related allowances as at 30 March 2001, and for work related allowances are inclusive of adjustment in accordance with the May 2001 State Wage Case Decision of the Industrial Relations Commission of New South Wales.

3. This variation shall take effect from the first full pay period to commence on or after 1 November 2001.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

(669)

SERIAL C1422

TOYMAKERS' EMPLOYEES (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by The Australian Workers' Union, New South Wales, industrial organisation of employees.

(No. IRC 5143 of 2001)

Before The Honourable Justice Wright, President
The Honourable Justice Walton, Vice-President
Commissioner Redman

25 June 2002

14 September 2001

The Honourable Justice Walton, Vice-President

29 October 2001

VARIATION

1. Delete subclause (i) of clause 3, Wages of the award published 8 June 2001 (325 I.G. 404), as varied, and insert in lieu thereof the following:
 - (i) Adults - The minimum rates of pay for the classifications in this Award are set out hereunder.

- (a) Employees engaged in the manufacture or preparation of soft toys and or dolls of all descriptions (including clay, rubber and sawdust) shall be paid the following rates of pay:

Classification	Existing Rate \$	SWC May 2001 \$	Rate Per Week \$
Cutter - out	408.70	13.00	421.70
Press operator - all materials except cloth	406.70	13.00	419.70
Mould reproducer	403.30	13.00	416.30
Spray gun operator	403.30	13.00	416.30
Grinder or Buffer	402.10	13.00	415.10
All other adult employees	400.40	13.00	413.40

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

Classification	Rate Per Week 10/12/01 \$	SWC May 2001 \$	Rate Per Week 31/3/02 \$
Sawyer	408.70	13.00	421.70
Sanding machine operator	403.30	13.00	416.30
Spray gun Operator	403.30	13.00	416.30
All other employees	400.40	13.00	413.40

2. Insert after subclause (vi), Juniors of clause 3, Wages the following new subclause:

- (vii) The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:

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

3. This variation shall take effect from the first full pay period to commence on or after 31 March 2002.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

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(570)

SERIAL C1418

RACE CLUBS EMPLOYEES (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by The Australian Workers' Union, New South Wales, industrial organisation of employees.

(No. IRC 5070 of 2001)

Before The Honourable Justice Wright, President
The Honourable Justice Walton, Vice-President
Commissioner Redman

25 June 2002

14 September 2001

The Honourable Justice Walton, Vice-President

29 October 2001

VARIATION

1. Delete subclause (1) of clause 2, Arbitrated Safety Net Adjustment of the award published 24 August 2001 (327 I.G. 95) and insert in lieu thereof the following:
 - (1) The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:
 - (i) any equivalent overaward payment; and/or

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

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

PART B

MONETARY RATES

Table 1 - Rates of Wages

Classification	Base Rate \$	SWC May 2001 \$	Total Rate \$
Race Club Employee 1 - 110%			
Track Foreman	534.00	15.00	549.00
Foreman Gardener	534.00	15.00	549.00
Race Club Employee 2 - 100%			
Tradesman	492.20	15.00	507.20
Race Club Employee 3 - 92.4%			
Leading Hand (Track and Maintenance)	460.50	13.00	473.50
Leading Hand (Gardener)	460.50	13.00	473.50
Race Club Employee 4 - 89%			
Track Crossing Attendant	446.30	13.00	459.30
Propagator	446.30	13.00	459.30
Race Club Employee 5 - 86%			
Gardener (as defined)	433.80	13.00	446.80
Fettler	433.80	13.00	446.80
General Track or Maintenance Hand	433.80	13.00	446.80
Race Club Employee 6 - 82%			
General Maintenance Labourer and Cleaner	417.10	13.00	430.10
Employee not elsewhere classified	417.10	13.00	430.10
Race Club Employee 7 - 78%			
Employee undertaking up to 3 months on the job training	400.40	13.00	413.40
Plant Operators			
Plant Operator 1 - (92.4%)	460.50	13.00	473.50
Plant Operator 2 - (87.4%)	439.70	13.00	452.70

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Existing Allowance \$	Amount \$
1	3 (2) (a)	Employee other than a Plant Operator, required to use a scythe or operate a power mower	1.65 per day or part thereof	1.70 per day or part thereof
2	3 (2) (b)	Employee other than a Plant Operator, required to operate a tractor with or without attachments and/or front end loader	1.65 per day or part thereof	1.70 per day or part thereof
3	3 (2) (c)	Employees required to use pesticides, weedicides or poisonous sprays	1.75 per day	1.80 per day
4	3 (2) (d)	First-aid Allowance	2.27 per day	2.34 per day
5	3 (2) (e)	Meal Allowance for overtime	6.45	7.20
6	3 (2) (f)	Horse handling allowance	1.65 per day or part thereof	1.70 per day or part thereof

"Note": These allowances are contemporary for expense related allowances as at 30 March 2001, and for work related allowances are inclusive of adjustment in accordance with the May 2001 State Wage Case Decision of the Industrial Relations Commission of New South Wales.

3. This variation shall take effect from the first full pay period to commence on or after 1 November 2001.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

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(511)

SERIAL C1419

NUT FOOD MAKERS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by The Australian Workers' Union, New South Wales, industrial organisation of employees.

(No. IRC 4655 of 2001)

Before The Honourable Justice Wright, President	25 June 2002
The Honourable Justice Walton, Vice-President	
Commissioner Redman	14 September 2001
The Honourable Justice Walton, Vice-President	29 October 2001

VARIATION

1. Delete subclause (v) of clause 4, Rates of Pay of the award published 15 February 2002 (331 I.G. 357), as varied and insert in lieu thereof the following:
 - (v) The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:
 - (i) any equivalent overaward payment; and/or

- (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.
2. Delete Table 1 - Wages and Table 2 - Other Rates and Allowances of Part B, Monetary Rates and insert in lieu thereof the following:

PART B

MONETARY RATES

Table 1 - Wages

- (i) Adult Employees -

Classification	Base Rate \$	SWC May 2001 \$	Total Rate Per Week \$
Roaster and/or fryer (96%)	460.75	13.00	473.75
Mayonnaise Plant Operator (96%)	460.75	13.00	473.75
Distributor and Dispatcher (92.4%)	447.90	13.00	460.90
All other adult employee*	432.60	13.00	445.60

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Existing Allowance \$	Amount Per Week \$
1	4 (iii)	Leading Hands: In charge of 3 to 6 employees In charge of 7 to 10 employee In charge of 11 to 15 employees In charge of more than 15 employees	19.45 22.80 28.90 35.50	20.05 23.50 29.75 36.55
2	14 (i) & (iii)	Meal Allowance	7.60	8.45
3	26 (ii)	First-aid Allowance	2.40	2.45

"Note": These allowances are contemporary for expense related allowances as at 30 March 2001, and for work related allowances are inclusive of adjustment in accordance with the May 2001 State Wage Case Decision of the Industrial Relations Commission of New South Wales.

3. This variation shall take effect from the first full pay period to commence on or after 31 December 2001.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

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(347)

SERIAL C1410

**LANDSCAPE GARDENERS, &c., ON BUILDING AND GENERAL
CONSTRUCTION AND MAINTENANCE, CIVIL AND
MECHANICAL ENGINEERING (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by The Australian Workers Union, New South Wales, industrial organisation of employees.

(No. IRC 5069 of 2001)

Before The Honourable Justice Wright, President
The Honourable Justice Walton, Vice-President
Commissioner Redman

25 June 2002

14 September 2001

The Honourable Justice Walton, Vice-President

29 October 2001

VARIATION

1. Delete subclause (viii) of clause 3, Wages of the award published 4 May 2001 (324 I.G. 540) and insert in lieu thereof the following:
 - (viii) The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:
 - (i) any equivalent overaward payment; and/or

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

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

PART B

MONETARY RATES

Table 1 - Wages

Classification	Base Rate per week \$	SWC May 2001 \$	Total Rate per week \$	Rate per Hour \$
Landscape Gardener	492.30	15.00	507.30	15.04
Labourer	462.70	13.00	475.70	13.63

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Existing Allowance \$	Amount \$
1	3(ii)	Leading Hands Allowance - Loaded hourly rate In charge of not more than one person In charge of two and not more than five persons In charge of six and not more than ten persons In charge of over ten persons	 11.99 pw (0.33 ph) 26.17 pw (0.71 ph) 33.35 pw (0.91 ph) 44.38 pw (1.21 ph)	 12.35 pw (0.34 ph) 26.95 pw (0.73 ph) 34.35 pw (0.94 ph) 45.71 pw (1.25 ph)
2	3(iii)	Landscape Gardeners' Tool Allowance	19.70	19.70
3	3(iv)	Disabilities Allowance	18.40	18.95
4	3(v)	Travel Pattern Loading	7.70 pw	7.70 pw
5	3(vii)	Sick Leave Payment	0.5318	0.5478
6	5(i)	Fares and Travelling Time Allowance	12.60	13.30
7	5(i)	Excess fare - where transport provided to and from a point at not more than 3.2 km from the employee's residence	4.80	5.10
8	5(ii) 5(ii) (a) (1) 5(ii) (a) (3) (A) (B) 5(ii) (b)	Wet Places and Slurry Allowances Employees working in wet places Employees required to work in water to a depth of: - over 45.7 cm - over 91.4 cm Employees working in slurry	 0.42 ph 2.79/day 3.38 /day 0.42 ph	 0.43 ph 2.87/day 3.48/day 0.43 ph
9	5(iii)	Confined Spaces Allowance	0.51 ph	0.53 ph
10	5(iv)	Distant Places Allowance - Working in		

	(a)	Districts west and north of an excluding State Highway No. 17 from Tocumwal to Gilgandra, State Highway No. 11 to Tamworth, Yetman, Boggabilla etc	0.89/day	0.92/day
	(b)	Western Division of the State Area bounded by Snowy River to Dalgety, Berridale, Adaminable, Blowering, Walaregang and on to the Murray River	1.46/day	1.50/day
11	5(v)	Height money allowance	0.42/hr	0.43/hr
12	5(vi)	Employees lifting other than standard bricks - Where blocks weigh over 5.5 kg and under 9 kg 9 kg or over and up to 18 kg 18 kg	0.42 ph 0.75 ph 1.06 ph	0.43 ph 0.77 ph 1.09 ph
13	5(vii)	Cleaning Down Brickwork Allowance	0.39 ph	0.40 ph
14	5(viii)	Kosciusko National Park - Site Allowance	1.73 ph	1.78 ph
15	14	Meal Allowance - After working one and a half hours overtime After the completion of each four hours on continuous overtime	8.25 6.85	9.20 7.65
16	20(iv) (a) (b) (c) (i)	Distant Work Allowance (seven days) Broken parts of the week	303.80 pw 35.80	313.50 pw 37.50
17	20(vi)	Meal whilst travelling	8.25	9.20
18	20(vi)	Bed Allowance whilst travelling	43.15	44.55
19	21(b)	First-Aid Allowance	1.90/day	1.95/day

"Note": These allowances are contemporary for expense related allowances as at 30 March 2001, other than Items 6 and 7 which are adjusted in accordance with the NBCIA, and for work related allowances are inclusive of adjustment in accordance with the May 2001 State Wage Case Decision of the Industrial Relations Commission of New South Wales.

3. This variation shall take effect from the first full pay period to commence on or after 1 November 2001.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

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(378)

SERIAL C1403**HORTICULTURAL INDUSTRY (STATE) CONSOLIDATED AWARD**INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by The Australian Workers' Union, New South Wales, industrial organisation of employees.

(No. IRC 5142 of 2001)

Before The Honourable Justice Wright, President
The Honourable Justice Walton, Vice-President
Commissioner Redman

25 June 2002

14 September 2001

The Honourable Justice Walton, Vice-President

29 October 2001

VARIATION

1. Delete clause 6, Safety Net Commitments of the award published 25 February 2000 (313 I.G. 783), as varied, and insert in lieu thereof the following:

6. Safety Net Commitments

- (i) The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:
 - (a) any equivalent overaward payments, and/or
 - (b) a award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.
2. Delete Section 1 - Adult Employees and Section 2 - Leading Hands of Table 1 - Rates of Pay, and Table 2 - Allowances of Part B, Monetary Rates and insert in lieu thereof the following:

Section 1 - Adult Employees

Farm Employee	Wage Rate per week \$	Ordinary Time Base Hourly Rate \$	Casual Ordinary Time Incl. 1/12 loading \$	Casual Ordinary Time Saturday \$	Casual Ordinary Time Sunday \$
Level 6	513.40	13.51	16.60	20.75	24.90
Level 5	507.20	13.35	16.41	20.51	24.62
Level 4	484.00	12.74	15.66	19.58	24.83
Level 3	476.00	12.53	15.40	19.25	23.10
Level 2	455.20	11.98	14.73	18.41	22.10
Level 1	434.30	11.43	14.05	17.56	21.08

The above rates of pay shall take effect from the first full pay period to commence on or after 1 November 2001.

Farm Employee	Wage Rate per week \$	Ordinary Time Base Hourly Rate \$	Casual Ordinary Time Incl. 1/12 loading \$	Casual Ordinary Time Saturday \$	Casual Ordinary Time Sunday \$
Level 6	513.40	13.51	16.83	21.04	25.25
Level 5	507.20	13.35	16.63	20.79	24.95
Level 4	484.00	12.74	15.87	19.84	23.81
Level 3	476.00	12.53	15.61	19.51	23.42
Level 2	455.20	11.98	14.93	18.66	22.40
Level 1	434.30	11.43	14.24	17.80	21.36

The above rates of pay shall take effect from the first full pay period to commence on or after 1 March 2002.

Section 2 - Leading Hands

Leading Hand Allowance:

More than 2 and not more than 10 employees	\$21.35 per week	22.00 per week
10 or more employees	\$32.15 per week	33.10 per week

Table 2 - Allowances

Item No	Clause No	Brief Description	Existing Allowance \$	Total Amount \$
1	2(c)	Meal Allowance (per meal)	7.90	8.80
2	22(b)	Sleeping away from home (per night)	39.00	40.25
3	23(b)	Wet Money (per day)	3.20	3.30
4	25	First-aid Allowance (per day)	2.00	2.05

NOTE: These allowances are contemporary for expense related allowances as at 30 March 2001 and for work related allowances are inclusive of adjustment in accordance with the May 2001 State Wage Case decision of the Industrial Relations Commission of New South Wales.

3. This variation shall take effect from the first full pay period to commence on or after 1 November 2001.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

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(696)

SERIAL C1408

VEGETABLE OILS, &c., EMPLOYEES (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by The Australian Workers' Union of New South Wales, industrial organisation of employees.

(No. IRC 5144 of 2001)

Before The Honourable Justice Wright, President	25 June 2002
The Honourable Justice Walton, Vice-President	
Commissioner Redman	14 September 2001
The Honourable Justice Walton, Vice-President	29 October 2002

VARIATION

1. Delete clause 4, State Wage Case Adjustments of the award published 24 August 2001 (327 I.G. 183), as varied, and insert in lieu thereof the following:

4. State Wage Case Adjustments

The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:

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

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

PART B

MONETARY RATES

Table 1 - Rates of Pay

- (i) Adult Employees -

Classification	Base Rate \$	May 2001 SWC \$	Total Rate \$
Level One: (96%) Solvent Extractor, Refiner	475.50	13.00	488.50
Level Two: (89.9%) Machine Operators, Assistant Refiner, Press Person, Employee Working Expellers, Oil Pumperson, Delinter and/or Dehuller Operator, Forklift Operator, Meat Packer and Sewer	450.10	13.00	463.10
Level Three: (87.4%) Crusher Feeder, Solvent Extractor Hand, Baler Operator, Seed Intake Operator	439.70	13.00	452.70
Level Four: (83%) All Others	421.40	13.00	434.40

Table 2 - Other Rates and Allowances

Item No.	Clauses No.	Brief Description	Existing Allowance \$	Amount \$
	3(iii)	Leading Hand Allowance	Per Week	Per Week
1		In charge of 3 to 6 employees	17.10	17.60
2		In charge of 7 to 10 employees	21.10	21.70
3		In charge of 11 to 15 employees	25.40	26.20
4		In charge of over 15 employees	31.80	32.80
5	3(v)	During Cotton Seed Operations	0.20 per hour	0.21 per hour
6	9	Meal Allowance	7.60	8.45
7	20	First-Aid Allowance	2.00 per day or shift	2.05 per day or shift

"Note": These allowances are contemporary for expense related allowances as at 30 March 2001 and for work related allowances are inclusive of adjustment in accordance with the May 2001 State Wage Case Decision of the Industrial Relations Commission of New South Wales.

3. This variation shall take effect from the first full pay period to commence on or after 17 November 2001.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*

J. N. REDMAN, Commissioner.

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(440)

SERIAL C1406

MARGARINE MAKERS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES
FULL BENCH

Application by The Australian Workers' Union, New South Wales, industrial organisation of employees.

(No. IRC 5146 of 2001)

Before The Honourable Justice Wright, President
The Honourable Justice Walton, Vice-President
Commissioner Redman

25 June 2002

14 September 2001

The Honourable Justice Walton, Vice-President

29 October 2001

VARIATION

1. Delete subclause (viii) of clause 2, Rates of Pay of the award published 24 August 2001 (327 I.G. 163) and insert in lieu thereof the following:
 - (viii) The rates of pay in this award include the adjustments payable under the State Wage Case 2001. These adjustments may be offset against:
 - (i) any equivalent overaward payment; and/or
 - (ii) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

PART B

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

Classification	Base Rate \$	May 2001 SWC \$	Total Weekly Rate \$
Refinery Operator and Process Operator (96%)	475.50	13.00	488.50
Assistant Refinery Operator and Seeding Plant Operator (92.4%)	460.50	13.00	473.50
Assistant Seeding Plant Operator, Assistant Process Plant Operator and Packaging Plant Operator (89.9%)	450.10	13.00	463.10
All Others (83%)	421.90	13.00	434.90

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Existing Allowance \$	Amount \$
1	2(iv)	Removing grease by Anderson Kerrick or similar steam method per hour	0.36	0.37
2	2(v) (a) 2(v) (b)	Cleaning pits, tanks, vats, sumps and / or drains per hour Continuously employed in the above per week	0.62 14.40	0.64 14.80
3	2(vi)	Clothing Allowance per week	1.80	2.00
4	2(iii)	Leading Hands (per week) (a) in charge of 3 to 6 employees (b) in charge of 7 to 10 employees (c) in charge of 11 to 15 employees (d) in charge of more than 15 employees	16.00 19.80 23.70 29.60	16.50 20.40 24.40 30.50
5	7(i)	Meal Allowance (a) in excess of 1 hours overtime (b) in excess of four hours overtime (c) with notice of overtime	6.45	7.20
6	19(ii)	First Aid Allowance per day or shift	2.05	2.10

"Note": All expense related allowances in this award have been varied in accordance with CPI adjustments up to and including the March quarter 2001.

3. This variation shall take effect from the first full pay period to commence on or after 12 November 2001.

F. L. WRIGHT *J, President.*
M. J. WALTON *J, Vice-President.*
J. N. REDMAN, Commissioner.

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