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NEW SOUTH WALES
INDUSTRIAL GAZETTE

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(1699)

SERIAL C2157**QCM (OZROCK) PTY LTD AND AUSTRALIAN WORKERS' UNION,
PORT KEMBLA (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by QCM Pty Ltd.

(No. IRC 4030 of 2003)

Before Mr Deputy President Grayson

24 July 2003

AWARD

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1. General

This award, made on 24 July 2003 pursuant to section 11 of the *Industrial Relations Act* 1996, is between QCM Pty Ltd. (the Company) and The Australian Workers' Union, New South Wales (the Union)

2. Purpose

The purpose of this document is to describe the working relationship between the manager and operators of the Rocky Lite Plant, to ensure a balanced, comprehensive, integrated approach is taken to achieve safety, quality and productivity.

3. Scope

This award applies to all operators (members of The Australian Workers' Union, New South Wales) employed at the RLP.

4. References

RL.03.01 Position Description.

5. Definitions

RLP - Rocky Lite Plant

AWU - The Australian Workers' Union, New South Wales

6. Award

6.1 Administration

This award will operate from 1 December 2002 and will continue in force until 1 December 2004. Authorisation of the award will be by the Manager and the AWU Branch Secretary.

6.2 Terms of Employment

6.2.1 Employment of operators will be by the week.

6.2.2 Employment can be terminated by either party on one week's notice. Where the manager terminates an operator, one week's salary in lieu of notice can be paid. Where the operator leaves without notice, they forfeit one week's salary.

6.3 Remuneration

6.3.1 Salary will be paid into bank account(s) fortnightly as nominated by the operator.

6.3.2 The following base salaries are applicable:

Refer Appendix 1

6.3.3 Operators will be covered by an accredited superannuation fund.

6.4 Hours of Work

6.4.1 Hours of work will be mutually agreed between the manager and operators, taking due account of the needs of the business. The hours will be based on an average of 38 ordinary hours per week, to be worked Monday to Friday.

6.4.2 Operators will maintain their own rosters for accomplishing work required in the agreed hours of work.

6.4.3 Operators required to work regular afternoon or night shift will be entitled to an allowance of 15% of base salary.

6.5 Overtime and Meals

6.5.1 All work performed outside the agreed working hours (except Sundays and public holidays) will be paid at the rate of time and a half for the first two hours and double time thereafter. Sundays will be paid at double time and public holidays at double time and one half.

6.5.2 When operators work overtime and it extends beyond normal meal times, meals will be provided by QCM.

6.5.3 The operators' salary includes four hours' pre-paid overtime per week. This paragraph, whilst agreed, is on a 'leave reserved' basis to examine it through the life of the award should the overtime situation change.

6.6 Public Holidays

Public holidays are those gazetted in New South Wales.

6.7 Annual Leave

Operators are entitled to four weeks' annual leave for each year of service. A loading of 20% of base salary will apply.

6.8 Representative

Operators shall elect a representative to act only as the focal point for any required Union business. This representative is not the communication channel between the manager and other operators.

6.9 Resolution of Issues

Any issues not covered within or by this award are to be resolved by the manager and operators. If necessary, qualified, professional advice will be sought in order to resolve the issue.

7. Document Authorisation

This award has been signed for and on behalf of QCM and The Australian Workers' Union, Port Kembla, South Coast & Southern Highlands Branch, pursuant to the *Industrial Relations Act* 1996 between QCM Pty Ltd (the Company) and The Australian Workers' Union, New South Wales (the Union)

It has been agreed by the Company and the Union that this award shall be called the QCM (OzRock) Pty Ltd. and Australian Workers' Union, Port Kembla (State) Award.

8. Classification

The parties to this award are committed to a classification structure which will create a highly skilled workforce with a clearly defined career path which is appropriate to the efficient conduct of the Company's business.

The parties recognise that, for the efficiency of the business, employees shall work in accordance with flexible work practices, including any work the employee is competent to perform within the agreed classifications/groupings and that the employee will be paid for skills possessed and not for actual work he or she performs.

9. Casual Employees

- (i) Casual employees are engaged by the hour
- (ii) Casual employees shall be paid for each hour worked, 1/38th of the appropriate weekly wage prescribed by Appendix 1, plus 25%.

10. Training Rates

- (i) Employees, during training, shall be paid at the rate immediately below that for which they are training.
- (ii) Training periods are not to exceed 30 full working days.

11. Mixed Functions

- (i) An employee who is required to do work carrying a higher rate than his ordinary classification for two hours or more on any day or shift shall be paid at the higher rate for the whole of the day or shift.
- (ii) Subject to subclause (i) of this clause, an employee who on any day or shift is required to do work of a higher paid classification for at least one hour shall be paid the rate prescribed for such work whilst so engaged.

12. Hours of Duty

- (i) All Employees

Ordinary working hours shall be an average of 38 hours per week over the full cycle of the relevant work roster. Ordinary working hours shall not exceed:

- (a) Eight during any consecutive 24 hours; or
- (b) 152 in 28 consecutive days

except in the case of rostering arrangements which provide for the weekly average of 38 ordinary hours to be achieved over a period which exceeds 28 consecutive days.

The starting and finishing times of ordinary work and shifts shall be determined by the Company and may be varied by consultation with employee representatives.

- (ii) Day Workers

- (a) Ordinary working hours shall be worked Monday to Friday inclusive, between the hours of 6.00am and 6.00pm.
 - (b) On each day worked, Monday to Friday inclusive, not less than 30 minutes nor more than 45 minutes shall be allowed to day workers for a meal and, except in the case of urgent breakdown work necessary to secure an immediate resumption of operations, shall be allowed between the hours of 11.30am and 1.20pm.
- (iii) Shift Workers

20 minutes shall be allowed each shift for crib which shall be counted as time worked.

13. Shift Work Allowances for Shift Workers

- (i) Shift workers shall be paid, in addition to the rates payable under this award, shift work allowances.
- (a) Shift workers whilst working rotating shifts (day shift, night shift, afternoon shift), with regular weekly changes - at the rate of \$35.10 per 38-hour week in respect of all shifts worked.

Provided that each such rotating shift worker, when engaged under a roster system which does not provide for at least one-third of his working time in the full cycle of the roster being on day shift, shall be paid an additional shift allowance at the rate of \$23.00 per 38-hour week in respect of each of any number of afternoon and/or night shifts more than two thirds of his working time in the roster worked by him.

Provided further that working time on day shift shall, if necessary, include shifts rostered off on day shift not exceeding an average over the full cycle of the roster of one per week.

- (b) Adult shift workers whilst working shift work which involves regular weekly changes as follows:

	Shift	Rate per 38-hour week \$
(1)	day shift, night shift	35.10
(2)	day shift, afternoon shift	29.30
(3)	day shift, day shift, afternoon shift	29.30
(4)	day shift, day shift, night shift	29.30

- (c) Junior shift workers when working under any of the shift systems set out in paragraph (b) of this subclause - at the rate of \$35.10 per 38-hour week.
 - (d) Adult shift workers whilst working shift work on shift systems as follows:
 - (1) night shift, afternoon shift
 - (2) night shift only
 - (3) afternoon shift only

at the rate of \$46.90 per 38 hour week.
 - (e) Shift workers who work any after noon or night shift other than under the shift systems set out in subparagraphs (a), (b) and (d) of this subclause, and are not paid in respect of any day shift worked shall be paid at the rate of \$13.90 per shift for each afternoon or night shift worked.
- (ii) 'Night Shift' means any shift finishing subsequent to midnight and at or before 8.00am and 'Afternoon Shift' means any shift finishing after 6.00pm and at or before midnight.
- (iii) A shift shall be determined as being a Saturday, Sunday or public holiday if the major portion of that shift is worked on that day.

14. Saturday Rates for Shift Workers

Shift workers for their ordinary shift of eight hours performed on Saturday shall be paid at the rate of time and a half.

15. Night Work for Day Workers and Day Shift Workers

- (i) Subject to clause 22, Maximum Payment, of this award, but otherwise notwithstanding anything contained herein:

(a) a day worker who is required in lieu of ordinary day work; or

(b) a day shift worker who is required in lieu of a day shift on which he would ordinarily be rostered

to work at night for periods of not less than eight hours on less than five consecutive nights or on less than four consecutive nights when the fifth night is his 38-hour week rostered off night shall be paid at the rate of time and one half of the ordinary rate of pay under Appendix 1 of this award, or the corresponding clause of a Federal award, except:

(c) on Saturdays, Sundays, 38-hour week rostered off days and holidays; and

(d) in respect of any night of which he has not been given at least 48 hours' notice

when he shall be paid at overtime rates for day workers. No shift allowance is payable in respect of night work under this clause.

- (ii) In this clause 'night' means any hours between 4.00pm and 6.00am, and 'day shift workers' means a shift worker employed on a shift system involving day shift only.

16. Transfer of Day Workers from Day Work to Shift Work

Day workers may be employed as and become shift workers for a period of not less than five shifts or not less than four shifts when the fifth shift is his 38-hour week rostered off shift and shall be paid accordingly.

Provided that an employee shall be paid overtime rates for any shift upon which he is employed as a shift worker under this clause in respect of which he has not been given at least 48 hours' notice.

17. Transfer of Shift Workers

A shift worker is who is required to work on a shift other than the shift on which he would ordinarily be rostered shall be paid at overtime rates for any such shift in respect of which he has not been given at least 48 hours' notice.

This provision shall not apply when the employee reverts to the shift on which he would ordinarily have been rostered.

18. Overtime

- (i) Day Workers

- (a) Day workers for all time worked in excess of or outside the ordinary working hours and times prescribed by this award shall be paid at the rate of time and one half for the first two hours and at the rate of double time thereafter.
- (b) Except in the case of urgent breakdown work necessary to secure an immediate resumption of operations, overtime shall be paid for all time worked in excess of five hours without a meal break.

(ii) Shift Workers

For all time worked:

- (a) in excess of the ordinary working shift hours prescribed by this award; or
- (b) on more than 11 shifts in 12 consecutive days; or
- (c) on a rostered shift off; or
- (d) in excess of five and one half hours without a crib break

shall be paid at the rate of time and one half for the first two hours and at the rate of double time thereafter. This clause shall not apply when the time is worked:

- (1) by arrangement between the employees themselves; or
- (2) for the purpose of effecting the customary rotation of shifts.

(iii) General

- (a) When overtime work is necessary, it shall, wherever reasonably practicable, be so arranged that employees have at least eight consecutive hours off duty between work of successive days. An employee who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he has not had at least eight consecutive hours off duty between those times shall, subject to this subclause, be released after completion of such overtime until he has had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence. If on the instructions of the Company such an employee resumes or continues working without having had eight consecutive hours off duty, he shall be paid at double rates until he is released from duty for such period and he then shall be entitled to be absent until he has had eight consecutive hours off duty, without loss of pay, for ordinary working time occurring during such period. Where, immediately after taking an eight-hour rest period pursuant to this subclause, an employee is required to report for work at other than his ordinary day or shift commencing time and reasonable means of transport are not available to him, the Company shall convey him or supply him with conveyance to the works.
- (b) A day worker required to work on a Saturday, Sunday, a 38-hour week rostered day off, or a holiday, or a Monday to Saturday shift worker required to work on a Sunday, a 38-hour week rostered day off, or a holiday, shall be paid for a minimum of four hours' work. Provided that an employee recalled from his home to work overtime shall be paid for a minimum of four hours' work. Where the actual time worked is of shorter duration than the applicable minimum specified in this paragraph, the working period shall not be regarded as overtime for the purpose of paragraph (a) of this subclause.
- (c) An employee required to continue at work on overtime for more than one and a half hours after his ordinary ceasing time without having been notified before leaving his work on the previous day that he would be required to work overtime shall, at the employee's option:
 - (1) be provided, free of cost, with a suitable meal and another meal for each subsequent meal break into which the work extends; or

- (2) be paid \$7.30 for each meal.
- (d) If an employee, pursuant to notice, has provided a meal and is not required to work overtime or is required to work for less than one and a half hours, he shall be recompensed suitably for the meal which he has provided but which is surplus.
- (e) A fraction of a quarter of an hour of overtime shall count as a quarter of an hour if more than five minutes thereof have been worked.
- (f) Where an employee working overtime finishes work at a time when reasonable means of transport are not available to him the Company shall:
 - (1) within a reasonable time convey him or supply him with conveyance to:
 - (a) a reasonable distance from his home; or
 - (b) a place to which he usually travels by public conveyance when returning home from work; or
 - (c) a place from which he can, within a reasonable time, obtain public conveyance to reasonable distance from his home or the place to which he usually travels by public conveyance when returning home from work, or
 - (2) pay him his current rate of pay for the time reasonably occupied in reaching his home.
- (g) An employee who is recalled from his home to work overtime shall, at the employee's option:
 - (1) be provided, free of cost, with a suitable meal for each normal meal break falling during the overtime for which he was called out; or
 - (2) be paid \$7.30 for each such meal.
- (iv) For the purposes of this clause, a recall from home to work overtime takes place when an employee is notified at home of the requirement to return to work.

19. Requirement to Work in Accordance with the Needs of the Industry

- (i) For the purpose of meeting the needs of the industry, the Company may require an employee to work reasonable overtime, including work on a Sunday and a holiday, at the rate prescribed by this award and, unless reasonable excuse exists, the employee shall work in accordance with such requirement.
- (ii) Subject to clause 16, Transfer of Day Workers from Day Work to Shift Work, and clause 17, Transfer of Shift Workers, of this award, for the purpose of meeting the needs of the industry the Company may require any employee to transfer from one system of work to another system of work prescribed by this award at the rate applicable thereto and, unless reasonable cause exists, an employee shall transfer in accordance with such requirement.

20. Holidays

- (i) The days on which New Year's Day, Good Friday, the Saturday following Good Friday, Easter Monday, Anzac Day, Queen's Birthday, the local Eight-hour Day, Christmas Day and Boxing Day and the picnic day of The Federal Ironworkers' Association of Australia, Port Kembla Branch, if any, are observed and special days appointed by proclamation as public holidays throughout the State shall be holidays and day workers and Monday to Saturday shift workers not required to work on a holiday shall be paid for the holiday at the ordinary rates of pay under Appendix 1.
- (ii) This provision for payment does not apply to:

- (a) employees whose rostered shift off falls on a holiday (subject to the provisions of paragraph (b) of subclause (ii) of clause 26, Days Added to the Period of Annual Leave or Long Service Leave, of this award);
- (b) employees absent without leave or reasonable excuse on the working day preceding or the working day succeeding a holiday.

21. Sunday and Holiday Rates

- (i) Employees shall be paid at the rate of double time for all work done on Sundays and at the rate of double time and one half for all work done on the holidays prescribed by this award.

22. Maximum Payment

- (i) Shift allowance and special rates shall not be subject to any premium or penalty additions.
- (ii) All rates prescribed by this award shall not exceed double the rate prescribed by Appendix 1 of this award, provided that this subclause shall not apply to any excess due to payments under clause 13, Shift Work Allowance for Shift Workers, or clause 21, Sunday and Holiday Rates (in respect of work done on holidays) of this award.

23. Employees Presenting Themselves for Work and Not Required

Subject to the provisions of clause 30, Contract of Employment, of this award, an employee who presents himself for his ordinary work without notice that he will not be required shall be paid at least four hours' pay.

24. Sick Pay

- (i) An employee who is unable to attend for duty during his ordinary working hours by reason of personal illness or personal incapacity not due to his own serious and wilful misconduct shall be entitled to be paid at ordinary time rates of pay and which would have been payable if he had attended for duty, for the time of such non-attendance subject to the following:
 - (a) he/she shall not be entitled to be paid leave of absence for any period in respect of which he/she is entitled to workers' compensation;
 - (b) he/she shall, within 24 hours of commencement of such absence, inform the Company of his/her inability to attend for duty and, as far as possible, state the nature of the illness or incapacity and the estimated duration of the same;
 - (c) any absence for which payment under this clause is claimed will require a medical certificate as proof of illness or injury;
 - (d) he/she shall not be entitled in respect of any year of continued employment to sick pay for more than the number of ordinary working hours specified in paragraph (e) of this subclause. Any period of paid sick leave allowed by the Company to an employee in any such year shall be deducted from the period of sick leave which may be allowed of may be carried forward under this award in or in respect of the earliest year of employment for which the employee has an accumulated or accrued right;
 - (e) the number of ordinary working hours referred to in paragraph (d) of this subclause shall be:
 - (1) in the case of an employee with less than one year's continued employment: 40
 - (2) in the case of an employee with one or more year's continued employment: 80
- (ii)

- (a) The rights under this clause shall accumulate from year to year so long as the employment continues with the Company, whether under this or any other award, so that any part of the number of ordinary working hours specified in paragraph (e) of subclause (i) of this clause which has not been allowed in any year may be claimed by the employee and shall be allowed by the Company, subject to the conditions prescribed by this clause, in a subsequent year of such continued employment.
- (iii) In the case of an employee who otherwise is entitled to payment under this clause but who, at the time the absence concerned, has not given three months' continuous service in his current employment with the Company, the right to receive payment shall not arise until he has given such service.
- (iv) For the purpose of this clause, continuous service shall be deemed not to have been broken by:
 - (a) any absence from work on leave granted by the Company; or
 - (b) any absence from work by reason of personal illness, injury or other reasonable cause, proof whereof shall be in each case be upon the employee;

provided that any time so lost shall not be taken into account in computing the qualifying period of three months.

25. Annual Leave

- (i) Day workers and Monday to Saturday shift workers:
For annual leave provision, see *Annual Holidays Act 1944*.
- (ii) Shift workers whose working period includes Sundays and holidays as ordinary working days:
 - (a) In addition to the benefits provided by section 3 of the *Annual Holidays Act 1944*, with respect to an annual holiday of four weeks, an employee who, during the year of his employment with the Company with the respect to which he becomes entitled to the said annual holiday of four weeks, gives service to the Company as a seven-day shift worker, shall be entitled to the additional leave as below specified:
 - (1) If during the year of his employment he has served the Company continuously as such seven-day shift worker, the additional leave with respect to that year shall be one week;
 - (2) Subject to subparagraph (4) of this paragraph, if during the year of his employment he has served for only portion of it as such seven-day shift worker, the additional leave shall be one day for every 33 ordinary shifts worked as a seven-day shift worker;
 - (3) Subject to the said subparagraph (4), an employee shall be paid for such additional leave at the annual leave rate of pay, for the number of ordinary hours of work for which such employee would have been rostered for duty during the period of additional leave had such employee not been on such additional leave;
 - (4) Where the additional leave calculated under this subclause is or includes a fraction of a day, such fraction shall not form part of the leave period and any such fraction shall be discharged by payment only.
 - (5) In this clause reference to one week and one day includes holidays and non-working days.
 - (b) Where the employment of a worker has been terminated and he thereby becomes entitled under section 4 of the *Annual Holidays Act 1944* to payment in lieu of an annual holiday with respect to a period of employment, he also shall be entitled to an additional payment of three and one half hours at the annual leave rate of pay with respect to such 21 shifts of service as such seven-day shift worker which he has rendered during such period of employment.

- (iii) Monday to Saturday shift workers who are regularly rostered for duty on Saturdays as ordinary working days:

In addition to the benefits provided by section 3 of the *Annual Holidays Act 1944*, with regard to an annual holiday of four weeks, an employee who, during the year of his employment with the Company with respect to which he becomes entitled to the said annual holiday of four weeks, gives service to the Company as a Monday to Saturday shift worker who is regularly rostered for duty on Saturdays as ordinary working days, shall be entitled to the additional leave as hereunder specified:

- (a) For every 13 Saturdays upon which the employee worked an ordinary shift as a Monday to Saturday shift worker who is rostered for duty on Saturdays as ordinary working days, the additional leave with respect to that year shall be one day.
 - (b) Where the additional leave calculated under this subclause is or includes a fraction of a day, such fraction shall not form part of the leave period and any such fraction shall be discharged by payment only.
- (iv) All Employees - Annual Leave Loading

- (a) In respect of a period of annual leave an employee shall be paid a loading, namely 20%, or
 - (1) His ordinary pay pursuant to the *Annual Holidays Act 1944* and, where applicable, his annual leave rate of pay pursuant to this clause and clause 24, Days Added to the Period of Annual Leave or Long Service Leave, of this award; or
 - (2) The sum of his award rate of pay for ordinary time at the commencement of his annual leave as prescribed by Appendix 1, provided that an employee who would have worked on shift work had he not been on annual leave shall be paid whichever is the greater of the said loading, or the shift work allowance pursuant to clause 13, Shift Work Allowances for Shift Workers, and the weekend penalty rates pursuant to clause 14, Saturday Rates for Shift Workers, and (in respect of Sundays only), clause 21, Sunday and Holiday Rates, that would have been payable to him in respect of ordinary time during his period of annual leave had he not been on annual leave.
 - (b) The loading prescribed by this subclause shall apply to payment in lieu of a fully due annual holiday on termination of employment, but shall not apply to proportionate annual holiday payment on termination of employment.

26. Days Added to the Period of Annual Leave or Long Service Leave

- (i) In the case of an employee who was, at the commencement of his annual leave or long service leave, employed as a seven-day shift worker and whose working period includes Sundays and holidays as ordinary working days, one day shall be added to his annual leave or long service leave period in respect of any holiday prescribed by this award which falls within the period of annual leave or long service leave to which he is entitled under this award.
- (ii) An employee who is rostered off duty on a day which is a holiday prescribed by this award and who is not required to work on that day shall:
 - (a) have one day added to his annual leave or long service leave period; or
 - (b) by mutual consent, be paid, in the pay for the period in which the holiday falls, for the holiday at the rate payable pursuant to subclause (i) of clause 20, Holidays, of this award.

This subclause shall not apply when the holiday falls:

- (1) on a Saturday or Sunday except in the case of employees employed as seven-day shift workers; or

- (2) on a Sunday in the case of employees employed as Monday to Saturday shift workers who are regularly rostered for duty on Saturdays as ordinary working days.
- (iii) Any day or days added shall be paid for at the annual leave rate of pay and in the case of long service leave shall be paid for at the long service leave rate of pay.
- (iv) Any day or days added in accordance with subclauses (i) or (ii) of this clause shall be the working day or working days immediately following the period of annual leave of long service leave to which the employee is entitled under clause 25, Annual Leave or clause 27, Long Service Leave, of this award.
- (v) For the purposes of subclause (iv) of this clause, working days shall be:
 - (a) In the case of an employee who, at the commencement of his period of annual leave or long service leave, was employed as a day worker - any day of the week, including a day on which the employee concerned would have been rostered off duty if he were not of annual leave or long service leave, but excluding a Saturday, a Sunday, or a holiday prescribed by this award.
 - (b) In the case of an employee who, at the commencement of his period of annual leave or long service leave, as the case may be, was employed as a Monday to Saturday shift worker - any day of the week other than a Sunday or a holiday prescribed by this award including a day on which the employee concerned would have been rostered off duty if he were not on annual leave or long service leave.
 - (c) In the case of an employee who, at the commencement of his period of annual leave or long service leave, as the case may be, was employed as a seven-day shift worker - any day of the week, including a day on which the employee concerned would have been rostered off duty if he were not on annual leave or long service leave.
- (vi) Where the employment of a worker has been terminated and he thereby becomes entitled under section 4 of the *Annual Holidays Act* 1944 to payment in lieu of an annual holiday with respect to a period of employment, he also shall be entitled to an additional payment for each day accrued to him under subclause (ii) of this clause, at the annual leave rate of pay.
- (vii) An employee who is employed as a seven-day shift worker who:
 - (a) has a day added to his annual leave or long service leave pursuant to subclauses (i) and (ii) of this clause; and
 - (b) such a day falls on a holiday prescribed by clause 20, Holidays, of this award, on which the employee would have been rostered to work an ordinary shift were it not for his entitlement to an added day,

shall be paid for such day, in addition to his entitlement under subclause (iii) of this clause, at the rate prescribed by subclause (i) of the said clause 20.

27. Long Service Leave

13 weeks after ten years. Pro rata after five years.

28. Jury Service

An employee required to attend for jury service:

- (i) during ordinary working hours; or

- (ii) immediately following an ordinary night shift or immediately preceding an ordinary afternoon shift on which the employee is rostered to work and, as a result of attending jury service, is not reasonably able to report for work on the night shift or afternoon shift, as the case may be,

shall be reimbursed by the Company an amount equal to the difference between the amount paid in respect of his attendance for such jury service and his ordinary time rate of pay.

An employee shall notify the Company as soon as possible of the date upon which he is required to attend for jury service. Further, the employee shall give the Company proof of his attendance, the duration of such attendance and the amount received in respect of such jury service.

29. Compassionate Leave

An employee shall, on production of acceptable proof of the death of a person prescribed for the purposes of personal/carer's leave in subparagraph (ii) of paragraph (c) of subclause (1) of clause 42, or of a step-parent, parent-in-law or grandparent-in-law, be entitled on notice to compassionate leave without deduction from ordinary wages for such a period not exceeding five days as is reasonable in the circumstances.

Compassionate leave will not be granted if the period of leave coincides with any period of paid leave.

Compassionate leave may be taken in conjunction with other leave available under subclauses (2), (3), (4), (5) and (6) of the said clause 42.

30. Contract of Employment

- (i) Subject as provided for elsewhere in this award, employment shall be on a weekly basis.
- (ii) Employment of employees on probation for the first eight weeks of service shall be from day to day at the weekly rate fixed determinable at a day's notice.
- (iii) Employees shall perform such work as the Company shall, from time to time, reasonably require and an employee not attending for or not performing his duty shall, except as provided by clause 24, Sick Pay, of this award, lose his pay for the actual time of such non-attendance or non-performance.
- (iv) Subject as aforesaid, employment shall be terminated by a week's notice on either side, given at any time during the week, or by the payment of forfeiture of a week's wages, as the case may be. Where an employee has given notice or has been given notice by the Company, he shall, upon request, be granted leave of absence without pay for one day or shift during the period of notice in order to look for alternative employment.
- (v) Notwithstanding the provisions of this clause, the Company shall have the right to suspend an employee for refusal of duty, malingering, inefficiency, neglect of duty or misconduct on the part of the employee and to deduct payment for any day or portion of a day during which the employee is so suspended, provided that:
 - (a) No employee shall be suspended before an adequate investigation of the circumstances of the alleged offence has been made or, except in the case of a group suspension, before he has had an opportunity to state his case and adduce witnesses to the facts.
 - (b) Where the superintendent is on duty, any decision as to the suspension of the employee shall be made by him.
 - (c) Where no superintendent is on duty in the department, a foreman may suspend an employee for a period not exceeding the balance of the shift where the employee refuses duty or where the foreman reasonable is of the opinion that the continued presence of the employee on the plant would be likely to:
 - (1) constitute a hazard either to the employee himself or to other employees or to plant and equipment; or

- (2) interfere with normal and orderly functioning of the Company's operations; or
- (3) be prejudicial to discipline.
- (d) Where a foreman suspends an employee, he shall arrange for the employee to be interviewed by the superintendent not later than the commencement of the employee's next rostered shift of duty or at such other time as may be arranged mutually and the superintendent after reviewing the case shall inform the employee of his decision on the matter.
- (e) An employee shall be entitled to appeal against any decision of the superintendent but the decision shall take effect pending the determination of the appeal.
- (f) Superintendent shall include:
 - (1) any officer with authority higher than the superintendent
 - (2) any officer acting as a superintendent's deputy in the absence of the superintendent.
- (g) Group suspension shall mean the suspension under this clause of a group of not less than four employees who have refused duty or who have committed misconduct whilst acting in concert.
- (vi) This clause shall not affect the right of the Company to deduct payment for any day during which an employee cannot be employed usefully because of any strike or through any breakdown of machinery or due to any cause for which the Company reasonably cannot be held responsible.
- (vii) This clause shall not affect the right of the Company to dismiss an employee without notice for refusal of duty, malingering, inefficiency, neglect of duty or misconduct and in such cases wages shall be payable up to the time of dismissal only, provided that:
 - (a) No employee shall be dismissed without notice before an adequate investigation of the circumstances of the alleged offence has been made.
 - (b) Any decision as to the dismissal of an employee without notice shall be made by the superintendent.
 - (c) When a superintendent decides to dismiss an employee without notice, the superintendent shall so tell the employee and give the employee the reasons for the dismissal without notice.
 - (d) If immediately following a dismissal without notice, the dismissed employee, or his delegate, tells the superintendent that the dismissal will be contested:
 - (1) The dismissal shall take effect seven calendar days from the time that the employee was told of his dismissal; and
 - (2) During these seven days, notwithstanding the provisions of subclause (v) of this clause, the employee shall be suspended without pay.
- (viii) Abandonment of Employment
 - (a) The absence of an employee from work for a continuous period exceeding three working days without the consent of the employer and without notification to the employer shall be prima facie evidence that the employee has abandoned his/her employment.
 - (b) Provided that, if within a period of 14 days from his last attendance at work or the date of his last absence in respect of which notification has been given of consent has been granted, an employee

has not established to the satisfaction of his employer that he/she was absent for reasonable cause, he/she shall be deemed to have abandoned his employment.

- (c) Termination of employment by abandonment in accordance with this subclause shall operate as from the date of the last attendance at work or the last day's absence in respect of which notification was given to the employer, whichever is the later.

31. Automation

- (i) Notwithstanding the provisions of clause 30, Contract of Employment, of this award where, on account of the introduction or proposed introduction by the Company of mechanisation or technological changes in the industry covered by this award, the Company proposes to terminate the employment of an employee who has been employed by it for the preceding 12 months, it shall give the employee three months' notice of the termination of his employment; provided that, if the employment of such employee is terminated on that account and the Company fails to give such notice in full:
- (a) the Company shall pay the employee at the ordinary rate of pay for the employee's classification in Appendix 1 of this award, for a period equal to the difference between three months and the period of the notice given; and
- (b) the period of notice required by this clause to be given shall be deemed to be service with the Company for the purpose of the *Long Service Leave Act* 1955, the *Annual Holidays Act* 1944, or any Act amending or replacing either of those Acts; and provided further that the right of the Company to dismiss an employee for the reasons specified in the said clause 30 shall not be prejudiced by the fact that the employee has been given notice pursuant to this clause of the termination of his employment.
- (ii) Where the Company proposes to introduce into the industry covered by this award mechanisation or technological changes which will result in one or more employees becoming redundant, the Company shall give notification in accordance with this subclause at least six months before the introduction of such mechanisation or technological changes and, if it is not practicable for the Company to give such notifications at least six months before such introduction, then the Company shall give the notifications as early as it is practicable for the Company to give them.

The notification to be given in accordance with this subclause are notifications in writing to the Industrial Registrar, the Director of the Vocational Guidance Bureau, the Director of Technical and Further Education and the State Secretaries of the relevant unions, of the number of employees who may become redundant on account of the introduction or proposed introduction of mechanisation or technological changes by the Company in the industry covered by this award, and of their occupation and of the approximate date when their employment is likely to terminate on account of such introduction.

32. Retrenchment

This clause shall apply to collective dismissals by way of retrenchment, whether made at the same time or over a period of time and where the dismissals relate to circumstances affecting the employer's enterprise and not to the conduct of the employees.

- (i) The following payment shall be made by way of severance pay in addition to other pay entitlements:
- (a) Four weeks' basic pay as defined in Appendix 1;
- (b) Payments related to age and service, according to the following table:

Age at the time of termination	Less than 6 months	Benefit after 6 months' continuous service
Under 45	No Payment	1.25 weeks' basic pay for each year of continuous service, or part thereof on a pro rata basis.

45 or older	No Payment	1.5 weeks' basic pay for each year of continuous service, or part thereof on a pro rata basis.
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- (ii) With the respect to retrenchments other than those falling within subclause (i) of this clause:
- (a) the Company is obliged to inform the unions party to the award and the Company's employees who may be affected by any retrenchments, as soon as the Company becomes aware that the retrenchments are necessary, of the facts and circumstances of the proposed retrenchments;
 - (b) notwithstanding anything elsewhere in this award, four weeks' notice in writing of dismissal shall be given to any persons being dismissed under this clause, or four weeks' pay on lieu of notice made;
 - (c) where the said four weeks of notice are required to be worked out, the employee shall be entitled to one day's leave with pay in each of the four weeks to enable him to look for alternative employment;
 - (d) the following payments shall be made by way of severance pay in addition to any other pay entitlements:
 - (1) four weeks' basic pay as defined;
 - (2) payments related to age and service, according to the table set out in paragraph (b) of subclause (i) of this clause.
- (iii) Nothing in this clause shall require the payment of any sums by way of severance pay where the employee retrenched has less than six months' continuous service.
- (iv) This clause shall not apply to the termination of employment on account of the introduction of mechanisation or technological change.

33. Retention of Rate

- (1) Where, as a result of the rationalisation of the Company's operations, the introduction of technological change or changes in work practices and employee is appointed to a classification or classifications which receive lower earnings than did his classification immediately prior to the appointment or the first appointment ("the previous classification"):
- (a) if the employee has two or more years' continuous service with the Company, he shall retain the rate of pay applicable to the previous classification subject to the following adjustments:
 - (i) in the first and second years after the date of his appointment, all changes in pay applicable to the previous classification;
 - (ii) in the third year after the date of appointment, half of any changes in pay applicable to the previous classification;
 - (iii) thereafter, no further adjustments.

Provided that, when the pay of the employee's new classification exceeds the pay, he then receives he shall thereafter receive payment according to his new classification.
 - (b) if the employee has less than two years' continuous service with the Company, he shall retain the rate of pay applicable to the previous classification subject to the following adjustments:
 - (i) in the first year after the date of appointment half of all changes in pay applicable to the previous classification;

- (ii) thereafter, no further adjustment.

Provided that, when the rate of pay of the employee's new classification exceeds the pay he then receives, he shall thereafter receive payment according to his new classification.

- (2) Where, as a result of a market change affecting the Company's operations, an employee is appointed to a classification or classifications which receive lower earnings than did his classification immediately prior to the appointment or the first appointment ("the previous classification"), if the employee has two or more years' continuous service with the Company, he shall retain the pay applicable to the previous classification subject to the following adjustments:
 - (a) in the first year after the date of his appointment, all changes in pay applicable to the previous classification;
 - (b) in the second year after the date of his appointment, half of any changes in pay applicable to the previous classification;
 - (c) thereafter, no further adjustments.

Provided that, when the rate of pay of the employee's new classification exceeds the pay he then receives, he shall thereafter receive payment according to his new classification.

34. Definitions

- (i) Day workers are employees, other than shift workers, and include employees on night shift work within clause 15, Night Work for Day Workers and Day Shift Workers, of this award.
- (ii) Shift workers are employees working on a one, two or three shift system.
- (iii) Monday to Saturday shift workers are shift workers whose ordinary working hours are worked between Monday and Saturday.
- (iv) Annual leave rate of pay means:
 - (a) In the case of:
 - (1) annual leave under clause 25, Annual Leave, of this award and days added to the period of annual leave under clause 26, Days Added to the Period of Annual Leave or Long Service Leave, of this award taken by an employee immediately before or after leave under the *Annual Holidays Act 1944*;
 - (2) payment in respect of annual leave or days added to the period of annual leave being made to an employee under the said clauses 25 and 26 of this award upon the termination of the employment of an employee at the same time as payment is being made under the *Annual Holidays Act 1944* in respect of such termination;

the ordinary pay of the employee calculated in accordance with the *Annual Holidays Act 1944* for the leave taken or payment made under that Act.

- (b) In the case of annual leave under the said clause 25 and days added to the period of annual leave under the said clause 26 of this award being taken otherwise than immediately before or after leave under the *Annual Holidays Act 1944*, as if such leave had been taken under the Act.

35. Time and Payment of Wages

At the Company's option, all wages shall be paid monthly by Electronic Funds Transfer. Funds shall be deposited into employees' accounts by the 15th of each month except in circumstances beyond the Company's control.

36. Shop Delegates or Stewards

The Company shall give recognition to an employee who is the delegate representing the employees in a shop or department where he is employed and he shall be allowed the necessary time to interview the Company or its representatives, during working hours, in case of a dispute affecting employees in his shop or department, provided that the Company shall not be bound to give recognition as delegate to any employee in respect of whom a written notification has been received from the Union concerned that the Union does not recognise that employee as a delegate. The Company shall, upon request, provide each recognised delegate with a suitable locker for the purpose of storing relevant material at the workplace.

37. Procedure for Resolving Claims, Issues and Disputes

The following procedure shall be complied with for handling grievances and settling disputes. The objective of the procedure is to promote the resolution of disputes and grievances by consultation, co-operation and discussion.

- (i) In the event of an employee having a grievance, he/she will discuss the matter with the immediate supervisor and with a Union representative if desired.
- (ii) If the matter is not resolved, the employee and/or the delegate will discuss the grievance with the manager and/or a Company personnel officer. A reply will be given as soon as possible. If a reply cannot be given within 24 hours, a progress report will be given.
- (iii) If the matter is still not resolved, an official of the Union will be involved.
- (iv) If the matter is still not resolved, the grievance will be referred to the Industrial Relations Commission of New South Wales for resolution.

In pressing circumstances, the Commission may be notified before step (i) to (iv) have been completed.

- (v) Without prejudice to either party and except where a bona fide safety issue is involved, work shall continue in accordance with this award while matters in dispute are being negotiated in good faith. Where a bona fide safety issue is involved, an attempt should be made to notify the appropriate safety authority.

38. Maternity Leave

See the *Industrial Relations Act 1996*.

39. Clothing and Footwear

- (i) The Company will supply two pairs of overalls per year or two pairs of pant/shirt combinations.
- (ii) Commencing employees shall be issued with one pair of safety boots, one pair of gloves, one safety helmet, non-prescription safety glasses. Safety boots will be re-issued on a "needs" basis whereby employees shall tender old articles in exchange for the new.
- (iii) The Company will supply a jacket every two years.

40. Area, Incidence and Duration

- (i) This award shall apply to all employees of the Company classified in it at the Company's B.H.P - S.P.D. Port Kembla plant.

- (ii) This award shall take effect from the beginning of the first pay period to commence on or after 1 December 2002 and shall remain in force for two years.

41. No Extra Claims

It is a term of this award (arising from the judgment of the Industrial Relations Commission of New South Wales in Court Session for the State Wage Case of 4 October 1989) that the Union undertakes, for the duration of the principles determined by the decision, not to pursue any extra claims, award or over-award, except when consistent with those principles.

42. Personal/Carer's Leave Case

(1) Use of Sick Leave

- (a) An employee, other than a casual employee, with responsibilities in relation to a class of person set out in subparagraph (ii) of paragraph (c) of this subclause, who needs the employee's care and support, shall be entitled to use, in accordance with this subclause, any current or accrued sick leave entitlement provided for in clause 24, Sick Pay, for absences to provide care and support for such persons when they are ill. Such leave may be taken for part of a single day.
- (b) The employee shall, if required, establish, either by production of a medical certificate or statutory declaration, the illness of the person concerned and that the illness is such as to require care by another person. In normal circumstances, an employee must not take carer's leave under this subclause where another person has taken leave to care for the same person.
- (c) The entitlement to use sick leave in accordance with this subclause is subject to:
 - (i) the employee being responsible for the care of the person concerned; and
 - (ii) the person concerned being:
 - (a) a spouse of the employee; or
 - (b) a de facto spouse who, in relation to a person, is a person of the opposite sex to the first-mentioned person who lives with the first-mentioned person as the husband or wife of that person on a bona fide domestic basis although not legally married to that person; or
 - (c) a child or an adult child (including an adopted child, a stepchild, a foster child or an ex nuptial child), parent (including a foster parent and legal guardian), grandparent, grandchild or sibling of the employee or spouse or de facto spouse of the employee; or
 - (d) a same sex partner who lives with the employee as the de facto partner of that employee on a bona fide domestic basis; or
 - (e) a relative of the employee who is a member of the same household where, for the purposes of this subparagraph:
 - (1) "relative" means a person related by blood, marriage or affinity;
 - (2) "affinity" means a relationship that one spouse, because of marriage, has to blood relatives of the other; and
 - (3) "household" means a family group living in the same domestic dwelling.
- (d) An employee shall, wherever practicable, give the employer notice, prior to the absence, of the intention to take leave, the name of the person requiring care and that person's relationship to the

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

(2) Unpaid Leave for Family Purpose

- (a) An employee may elect, with the consent of the employer, to take unpaid leave for the purpose of providing care and support to a member of a class of person set out in subparagraph (ii) of paragraph (c) of subclause (1) of this clause who is ill.

(3) Annual Leave

- (a) An employee may elect with the consent of the employer, subject to the *Annual Holidays Act* 1944, to take annual leave not exceeding five days in single-day periods or part thereof in any calendar year at a time or times agreed by the parties.
- (b) Access to annual leave, as prescribed in paragraph (a) of this subclause, shall be exclusive of any shutdown period provided for elsewhere under this award.
- (c) An employee and employer may agree to defer payment of the annual leave loading in respect of single-day absences until at least five consecutive annual leave days are taken.

(4) Time Off in Lieu of Payment for Overtime

- (a) An employee may elect, with the consent of the employer, to take time off in lieu of payment for overtime at a time or times agreed with the employer within 12 months of the said election.
- (b) Overtime taken as time off during ordinary-time hours shall be taken at the ordinary-time rate, that is, an hour for each hour worked.
- (c) If, having elected to take time as leave in accordance with paragraph (a) of this subclause, the leave is not taken for whatever reason, payment for time accrued at overtime rates shall be made at the expiry of the 12-month period or on termination.
- (d) Where no election is made in accordance with the said paragraph (a), the employee shall be paid overtime rates in accordance with the award.

(5) Make-up Time

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

(6) Rostered Days Off

- (a) An employee may elect, with the consent of the employer, to take a rostered day off at any time.
- (b) An employee may elect, with the consent of the employer, to take rostered days off in part day amounts.
- (c) An employee may elect, with the consent of the employer, to accrue some or all rostered days off for the purpose of creating a bank to be drawn upon at a time mutually agreed between the employer and employee, or subject to reasonable notice by the employee or the employer.

- (d) This subclause is subject to the employer informing each Union which is both party to the award and which has members employed at the particular enterprise of its intention to introduce an enterprise system of RDO flexibility and providing a reasonable opportunity for the Union(s) to participate in negotiations.

43. Anti-Discrimination

- (1) It is the intention of the parties bound by this award to seek to achieve the object in section 3(f) of the *Industrial Relations Act 1996* to prevent and eliminate discrimination in the workplace. This includes discrimination on the grounds of race, sex, marital status, disability, homosexuality, transgender identity, age and responsibilities as a carer.
- (2) It follows that, in fulfilling their obligations under the dispute resolution procedure prescribed by this award, the parties have obligations to take all reasonable steps to ensure that the operation of the provisions of this award are not directly or indirectly discriminatory in their effects. It will be consistent with the fulfilment of these obligations for the parties to make application to vary any provision of the award which, by its terms or operation, has a direct or indirect discriminatory effect.
- (3) Under the *Anti-Discrimination Act 1977*, it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.
- (4) Nothing in this clause is to be taken to affect:
 - (a) any conduct or act which is specifically exempted from anti-discrimination legislation;
 - (b) offering or providing junior rates of pay to persons under 21 years of age;
 - (c) any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
 - (d) a party to this award from pursuing matters of unlawful discrimination in any State or Federal jurisdiction.
- (5) This clause does not create legal rights or obligations in addition to those imposed upon the parties by 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.”

APPENDIX 1

WAGES

	As of Oct. 2002 \$	As of Dec. 2002 \$	As of Dec. 2003 \$
Operator in Training (during 3 months' probationary training)			
Gross p/w	720.00	747.00	777.00
Base Rate	606.00	628.00	653.00
Overtime	114.00	119.00	124.00
Operator Thereafter			
Gross p/w	814.00	844.00	878.00

Base Rate	685.00	710.00	739.00
Overtime	129.00	134.00	139.00

All pay rises as per BHP timing and amount.

All salaries contain four hours per week, built in overtime (does not include overtime worked on public holidays)

This clause to stay open for life of award for further negotiation.

J. P. GRAYSON *D.P.*

Printed by the authority of the Industrial Registrar.

(001)

SERIAL C2052

BUILDING AND CONSTRUCTION INDUSTRY (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), industrial organisation of employees.

(No. IRC 3227 of 2003)

Before The Honourable Justice Walton, Vice-President

30 June 2003

VARIATION

1. Delete the table appearing in clause 18.1.2(a), of clause 18, Classifications and Wage Rates, of the award published 31 August 2001 (327 I.G. 279), and insert in lieu thereof the following:

18.1.2(a)

Tradespersons				
Classification	Base Rate Per Week \$	Suppl. Payment Per Week \$	State Wage Case Adjustments \$	Total Weekly Rate \$
Carpenter diver	489.80	52.10	123.00	664.90
Carver	395.90	52.10	125.00	573.00
Special Class Tradespersons	385.00	52.10	125.00	562.10
Letter Cutter	378.60	52.10	125.00	555.70
Marker or Setter Out	378.60	52.10	125.00	555.70
Signwriter	374.70	52.10	125.00	551.80
Artificial Stoneworker, Bricklayer, Bridge and Wharf Carpenter, Carpenter and/or Joiner, Caster, Fixer, Floorlayer Specialist, Marble and Slateworker, Painter, Plasterer, Quarryperson, Roof Tiler, Slater Ridger or Roof, Fixer, Shophand, Stonemason, Tilelayer, Hard Floor Coverer	365.20	52.10	125.00	542.30
Machinist	347.90	52.10	106.00	523.00
Plasterer/Terrazzo Assistant	335.10	52.10	106.00	510.20

2. Delete the table appearing in clause 18.1.2(b) and insert in lieu thereof the following:

18.1.2(b)

Labourers				
Classification	Base Rate Per Week \$	Suppl. Payment Per Week \$	State Wage case Adjustments \$	Total Weekly Rate \$
Group 1 Rigger, Dogger	362.30	52.10	123.00	537.40

Group 2 Scaffolder (as defined), Powder Monkey, Hoist or Winch Driver, Foundation Shaftsperson (as defined), Steel Fixer, including Tack Welder, Concrete Finisher (as defined)	346.70	52.10	123.00	521.80
Group 3 Bricklayer's Labourer, Plasterer's Labourer, Assistant Rigger (as defined), Assistant Powder Monkey (as defined) demolition work (after three months experience), Gear Hand, Jack-Hammerperson, Mixer Driver (concrete), Steel Erector, Aluminium Alloy Structural Erectors (whether prefabricated or otherwise), Gantry Hand or Crane Hand, Crane Chaser, Cement Gun Operator, Concrete Cutting or Drilling Machine	335.10	52.10	123.00	510.20

Operator Concrete Gang including Concrete Floater (as defined), Roof Layer(Malthoid or similar material), Dump Cart Operator, Concrete Formwork Stripper, Concrete Pump Hoseperson or Line Hand				
Group 4 Builders' Labourers other than as specified in classifications (1), (2) and (3) of this paragraph	306.60	52.10	123.00	481.70

3. Delete subparagraph 18.1.2(d) Apprentices, of clause 18, and insert in lieu thereof the following:

18.1.2

(d) Apprentices -

- (1) Carpenters, Joiners, Bricklayers, Painters, etc., Plasterers, etc., Roof Tilers, Fibrous Plasterer, Plasterboard Fixer, Stonemasons, Tilelayers, Floorlaying.

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

	Base Rate Per Week \$	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st Year	180.30	20.40	17.10	217.80
2nd Year	263.30	20.40	25.30	309.00
3rd Year	348.90	20.40	32.50	401.80
4th Year	408.70	20.40	38.70	467.80

(ii) Trainee Apprentices -

	Base Rate Per Week \$	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st Year	202.40	20.40	18.40	241.20
2nd Year	295.80	20.40	27.80	344.00
3rd Year	383.80	20.40	35.30	439.50
4th Year	431.00	20.40	40.10	491.50

(2) Civil Engineering Construction Carpenters

	Base Rate Per Week \$	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st Year	219.60	20.40	20.00	260.00
2nd Year	313.10	20.40	28.10	361.60
3rd Year	388.20	20.40	35.30	443.90
4th Year	459.70	20.40	41.40	521.50

(3) Pilot Three Year Bricklayers' Course -

- (a) These rates apply to apprentices who are engaged through the Master Builders' Association of New South Wales and the Housing Industry Group Apprenticeship Schemes and who are enrolled or to be enrolled in the pilot three year Technical and Further Education course.
- (b) These rates shall also apply whilst the apprentice is attending college in the following fashion:

Year I -	First 8 weeks - full time at 35 hours per week 28 weeks - 1 day per week
Year II -	36 weeks - 1 day per week

- (c) The above provisions relating to the pilot bricklayers course, the course itself, and the rates herein prescribed shall only apply to employed apprentices.
- (d) Leave is reserved in relation to the payment applicable during attendance at college for the advanced modules (30 weeks - 1 day per week, i.e., 6 x 40 hour modules) for those apprentices who have successfully completed the requirements of year II.
- (i) Indentured: The minimum rate of wages for three year apprentice bricklayers shall be as follows:

	Base Rate Per Week \$	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st Year				
1st six months	176.30	20.40	16.80	213.50
2nd six months	256.60	20.40	24.80	301.80
2nd Year	340.10	20.40	31.90	392.40
3rd Year	398.90	20.40	37.90	457.20

- (ii) Trainee Apprentices - The minimum rate of wages for three year apprentice bricklayers shall be as follows:

	Base Rate Per Week \$	Industry Allowance Per Week \$	Special Allowance Per Week \$	Total Per Week \$
1st Year				
1st six months	192.20	20.40	18.00	230.60
2nd six months	280.20	20.40	27.30	327.90
2nd Year	363.70	20.40	34.60	418.70
3rd Year	408.30	20.40	39.30	468.00

4. Delete subparagraph 18.1.2(f), Adult Apprentices, of the said clause 18 and insert in lieu thereof the following:

18.1.2

- (f) Adult Apprentices -

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

- (1) Carpenters, Joiners, Bricklayers, Painters, etc., Plasterers, etc., Roof Tilers, Fibrous Plasterer, Plasterboard Fixer, Stonemasons, Tilelayers, Floorlaying.

(i) Indentured Apprentices

	Base Rate Per Week	Industry Allowance Per Week	Special Allowance Per Week	Total Per Week
	\$	\$	\$	\$
1st Year	298.80	20.40	17.10	336.30
2nd Year	298.80	20.40	25.30	344.50
3rd Year	353.20	20.40	32.50	406.10
4th Year	411.40	20.40	38.70	470.50

(ii) Trainee Apprentices

	Base Rate Per Week	Industry Allowance Per Week	Special Allowance Per Week	Total Per Week
	\$	\$	\$	\$
1st Year	298.80	20.40	18.40	337.60
2nd Year	301.40	20.40	27.80	349.60
3rd Year	387.60	20.40	35.30	443.30
4th Year	433.20	20.40	40.10	493.70

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

	Base Rate Per Week	Industry Allowance Per Week	Special Allowance Per Week	Total Per Week
	\$	\$	\$	\$
1st Year	298.80	20.40	20.00	339.20
2nd Year	316.90	20.40	28.10	365.40
3rd Year	392.00	20.40	35.30	447.70
4th Year	461.10	20.40	41.40	522.90

5. Delete the table appearing in subclause 18.4, Leading Hands, and insert in lieu thereof the following:

Item No.	Description	Weekly Base \$	Amount per hour \$
(i)	In charge of not more than 1 person	13.00	0.35
(ii)	In charge of 2 and not more than 5 persons	28.70	0.78
(iii)	In charge of 6 and not more than 10 persons	36.60	0.99
(iv)	In charge of more than 10 persons	48.80	1.32

6. Delete the table appearing in clause 18.5, Foreperson - Bridge and Wharf Carpenter, and insert in lieu thereof the following:

	Per Week of 38 Hours
--	----------------------

	\$
General or supervising foreperson	712.40
Subforeperson	673.40

7. Delete clause 19, State Wage Case Adjustments, and insert in lieu thereof the following:

19. State Wage Case Adjustments

The rates of pay in this award include the adjustments payable under the State Wage Case 2003. 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.
8. Delete the amount of "\$19.80" appearing in subclause 24.1, Industry Allowance, of clause 24, Allowances, and insert in lieu thereof the amount of "\$20.40".
9. Delete the amounts of "\$9.66" and "\$1.93" appearing in subclause 24.2, Underground Allowance, of the said clause 24, and insert in lieu thereof the amounts of "\$9.97" and "\$1.99".
10. Delete the table appearing in paragraph 24.5.3 of clause 24 and insert in lieu thereof the following:

Floor Levels	Amount per hour extra \$
From commencement of building to fifteenth floor level	0.37
From sixteenth floor level to thirtieth floor level	0.44
From thirty-first floor level to forty-fifth floor level	0.69
From forty-sixth floor level to sixtieth floor level	0.88
From sixty-first floor level onwards	1.10

11. Delete the table appearing in subclause 25.5 of clause 25, Special Rates, and insert in lieu thereof the following:

Height of Bracing	First Four Hours \$	Each additional Hour \$
0 - 15 storeys	3.33	0.69
16 - 30 storeys	4.30	0.89
31 - 45 storeys	5.07	1.03
46 - 60 storeys	8.32	1.72
greater than 60 storeys	10.61	2.19
solid plasterers when working off a swing scaffold	0.11 per hour	

12. Delete the table appearing in subclause 25.15 of the said clause 25 and insert in lieu thereof the following:

	Amount Per Hour \$
Where the blocks weigh over 5.5 kg and under 9 kg	0.46 p/h
Where the blocks weigh 9 kg or over up to 18 kg	0.83 p/h
Where the blocks weigh over 18 kg	1.17 p/h

13. Delete the table appearing in subclause 25.41, and insert in lieu thereof the following:

Item No.	Clause No.	Description	Amount \$
1	25.1	Insulation Work	0.57 p/h

2	25.2	Hot Work Between 46° and 54° Beyond 54°	0.46 p/h 0.57 p/h
3	25.3	Cold Work	0.46 p/h
4	25.4	Confined Space	0.57 p/h
5	25.6	Explosive Powered tools	1.09 p/d
6	25.7	Wet Work	0.46 p/h
7	25.8	Dirty Work	0.46 p/h
8	25.9	Towers Allowance Work above 15 metres Each further 15 metres	0.46 p/h 0.46 p/h
9	25.10	Toxic Substances Using toxic substances In close proximity	0.57 p/h 0.46 p/h
10	25.12	Materials containing asbestos	0.57 p/h
11	25.13	Furnace Work	1.22 p/h
12	25.14	Acid Work	1.22 p/h
13	25.16	Cleaning down brickwork	0.42 p/h
14	25.17	Bagging	0.42 p/h
15	25.18	Bitumen Work	0.57 p/h
16	25.19	Plaster or composition spray	0.46 p/h
17	25.20	Slushing	0.46 p/h
18	25.21	Dry polishing of tiles	0.57 p/h
19	25.22	Cutting tiles	0.57 p/h
20	25.23	Second hand timber	1.81 p/d
21	25.24	Roof repairs - Employees other than slaters and roof tilers	0.57 p/h

22	25.24(i)	Roof Repairs - Slaters and roof tilers Height over 15 metres	0.42 p/h
	25.24(ii)	35° pitch 40° pitch	0.57 p/h 0.83 p/h
23	25.25	Computing quantities	3.33 p/d
24	25.26	Height work - painting tradespersons	0.42 p/h
25	25.27	Height work - bridge and wharf carpenters 8 metres from ground, deck, etc. Each additional 3 metres	0.46 p/h 0.10 p/h
26	25.28	Grindstone Allowance	4.90 p/w
27	25.30	Certificate Allowance	0.46 p/h
28	25.31	Spray Application - painters	0.46 p/h
29	25.32	Cutting bricks	0.57 p/h
30	25.33(a)	District Allowances Districts west and north Western Division	0.68 p/d 1.11 p/d
31	25.33(b)	District Allowances NSW border to Dalgety	1.11 p/d
32	25.33(c)	District Allowances Road and bridge construction and repair	0.35 p/d
33	25.34	Pneumatic tools - stonemason	2.50 p/d
34	25.35	Asbestos Eradication	1.54 p/h
35	25.36	Laser safety officer	1.90 p/d
36	25.37	Illawarra road and general construction	0.46 p/h
37	25.38	Suspended Perimeter Work Platform	0.71 p/h
38	25.39	Labourers on refractory brickwork	3.43 per call back

39	25.40	First-aid Allowances	
		Minimum qualification	1.96 p/d
		Higher qualification	3.08 p/d

14. This variation shall take effect from the beginning of the first pay period to commence on or after 10 July 2003.

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

Printed by the authority of the Industrial Registrar.

(058)

SERIAL C2054

BUILDING EMPLOYEES MIXED INDUSTRIES (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), industrial organisation of employees.

(No. IRC 3227 of 2003)

Before The Honourable Justice Walton, Vice-President

30 June 2003

VARIATION

1. Delete subclause 16.8 of clause 16, Wages, of the award published 16 November 2001 (329 I.G. 577), and insert in lieu thereof the following:
 - 16.8 The rates of pay in this award include the adjustments payable under the State Wage Case 2003. 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**

	Base Rate	Supplementary Payment	SWC Adjustments	Tool Allowance	Ordinary Weekly Rate
	\$	\$	\$	\$	\$
Carpenters & Joiners	367.30	38.20	117.00	21.50	544.00
Bricklayers	367.30	38.20	115.00	15.20	535.70
Plumbers including: Gasfitters & Drainers	369.60	38.00	117.00	21.50	n/a
Painters, including: Signwriters Marblers, Grainers & Artworkers	367.30	38.00	117.00	5.30	n/a

Builders Labourer

Classification	Previous Ordinary Weekly Rate	SWC Adjustment 2001 - 2003	Current Ordinary Weekly Rate
1. Rigger, Dogman	431.40	48.00	479.40
2. Scaffolder (as defined), powder monkey hoist or winch driver, foundation shaftman (as defined), concrete finisher (as defined), steel fixer including tack welder	420.20	48.00	468.20
3. Bricklayer's labourer, plaster's labourer, assistant rigger (as defined), assistant powder monkey (as defined) demolition work (after 3 months experience) gear hand, pile driver (concrete), hammerman, mixer driver (concrete), steel erector, aluminium alloy structural erectors, (whether pre-fabricated or otherwise), gantry hand or crane hand, crane chaser, cement gun operator, concrete cutting Or drilling machine operator, concrete gang including concrete floater (as defined), roof layer (malthoid or similar material) dump cart operator, under pinner, steel or bar bender to pattern or plan, concrete formwork stripper	408.00	48.00	456.00
4. Builder's labourer employed on work other than that specified in (1) to (3) hereof	384.20	48.00	432.20

Apprentices

Carpenters/Joiners/Bricklayers/Painters

	Indentured	Trainees
1st Year	181.10	203.00
2nd Year	264.70	297.10
3rd Year	350.50	385.10
4th Year	409.90	432.70

Plumbers

1st Year	182.70	206.40
2nd Year	267.10	300.20
3rd Year	351.80	388.20
4th Year	413.80	436.80

Table 2 - Allowances

Item	Clause	Description	Amount
1	16.1	Tool Allowance	
	16.1	Carpenter/Joiner	\$21.50 per week
	16.2	Bricklayer	\$15.20 per week
	16.3	Plumber	\$21.50 per week
	16.4	Painter	\$5.30 per week
		Plumber - Registration Allowance	\$0.50 per hour
2		Adjustments	
	16.2.2	Ships Plumber	\$0.23 per hour
	16.2.3	Drainer (amount to be deducted)	\$0.05 per hour
	16.3.2	Signwriter	\$0.37 per hour
	16.3.3	Marbler and Grainer	\$0.37 per hour
	16.3.4	Ship Painter	\$0.30 per hour
	16.3.5	Casual Ships Painter	\$11.66 per day
	16.3.6	Signwriter, Grainer, Gilder on Ship work	\$0.64 per hour
	16.3.7(a)	Artworker Grade 2	\$0.36 per hour
	16.3.7(b)	Artworker Grade 1	\$0.66 per hour
All Employees			
3	17.2.1	Insulation	\$0.57 per hour
4	17.2.2	Hot Work	
		between 46 and 54 degrees	\$0.46 per hour
		exceeding 54 degrees	\$0.57 per hour
5	17.2.3	Cold Work	\$0.46 per hour
6	17.2.4	Confined Spaces	\$0.57 per hour
7	17.2.5	Swing Scaffold	
		first four hours	\$3.33
		every hour after	\$0.65 per hour
8	17.2.6	Wet Work	\$0.46 per hour
9	17.2.7	Dirty Work	\$0.46 per hour
10	17.2.8	Towers Allowance	
		above 15 meters in height	\$0.46 per hour
		each additional 15 meters	\$0.46 per hour
11	17.2.9	Toxic Substances	
		preparation and application	\$0.57 per hour
		when air conditioning plant not operating	\$0.37 per hour
		Close Proximity to employees so engaged	\$0.46 per hour
12	17.2.11	Computing Quantities	
		All Trades except Plumbers	\$3.33 per day

		Plumbers	\$0.46 per hour
13	17.2.12	Asbestos Eradication	\$1.54 per hour
Carpenters, Joiners and Bricklayers Only			
14	17.3.1	Roof Work	\$0.57 per hour
15	17.3.2	Ship Repair	\$11.18 per week
16	17.3.3	Second Hand Timber	\$1.81 per day
17	17.3.4	Acid Work	\$1.22 per hour
18	17.3.5	Cleaning Down Brick Work	\$0.42 per hour
19	17.3.6	Bagging	\$0.42 per hour
20	17.3.7	Brick Cutting Machine	\$0.57 per hour
21	17.3.8	Heavy Blocks weighting over 5.5 kg and under 9 kg weighting over 9 kg and under 18 kg weighting over 18 kg	\$0.46 per hour \$0.83 per hour \$1.17 per hour
Carpenters, Joiners, Bricklayers and Painters			
22	17.4.1	Tunnel and Shaft	\$0.57 per hour
23	17.4.2	Furnace Work	\$1.22 per hour
24	17.4.3	Explosive Power Tools	\$1.09 per hour
Plumbers Only			
25	17.5.1	Chokages	\$5.25 per day
26	17.5.2	WC's Urinals	\$0.57 per hour
27	17.5.3	Height Work	\$0.46 per hour

28	17.5.4	Lead Burner Lead Burner in Chemical Works Oxyacetelyne or Electric Welding Certificate Welding in Compliance with AS4041-1998 Welding other than under 17.5.4(c)	\$0.58 per hour \$0.78 per hour \$0.42 per hour \$0.60 per hour Min per day \$4.67 \$0.12 per hour
29	17.5.5	Using or in close proximity to Asbestos	\$0.57 per hour
30	17.5.6	Slaughter Yards	\$1.09 per hour
31	17.5.7	Roof Work	\$0.64 per hour
32	17.5.8	Use of Licences Plumber's Licence Gasfitter's Licence Drainer's Licence Plumber's and Drainer's Licence Plumber's and Gasfitter's Licence Gasfitter and Drainers Licence	\$0.71 per hour \$0.71 per hour \$0.61 per hour \$0.95 per hour \$0.95 per hour \$1.31 per hour
33	17.5.9 (a) (b) (c)	District Allowance	\$0.75 per day \$1.22 per day \$1.22 per day
Ship Plumbers			
34	17.6.1	Blast and Oil Tanks	\$0.57 per hour
35	17.6.2	Bilges	\$0.42 per hour
36	17.6.3	Diesel Engines	\$0.42 per hour
Painters			
37	17.7.2	Height Work	\$0.42 per hour
38	17.7.3	Use of Rigging or Scaffold Certificate	\$0.46 per hour
39	17.7.4	Spray Allowance	\$0.46 per hour
40	17.7.5	Power Tools	\$0.46 per hour
Builders Labours			
41	16.4.2	Builders Labour on engaged on maintenance	\$12.11 per week

	16.4.3	Builders Labour other than on maintenance	\$8.12 per week
42	17.8.1	Work on Acid Resistant Brick Work	\$0.43 per hour
	17.8.2	Boilers, furnaces, Kilns, etc	\$0.43 per hour
43	17.9.1	Apprentices use of Rigging or Scaffold Certificate	\$0.46 per hour
44	18	Leading Hand	Per week
		Carpenters and Bricklayers	
		In charge of:	
		not more than 1 person	\$13.00 per week
		more than 2 but not more than 5 persons	\$28.70 per week
		more than 5 but not more than 10 persons	\$36.60 per week
		more than 10 persons	\$48.80 per week
		Plumbers In charge of:	
		up to 2 journeymen	\$0.62 per hour
		3 to 5 journeymen	\$0.74 per hour
		5 to 10 journeymen	\$0.95 per hour
		over 10 journeymen	\$1.22 per hour
		Painters	
		In charge of:	
		1 to 5 journeymen (and/or apprentices)	\$5.75 per day
		6 to 15 journeymen (and/or apprentices)	\$7.18 per day
		more than 15 journeymen (and/or apprentices)	\$9.82 per day

		Builders' Labourers	
		In charge of	
		not less than 2 nor more than 5 persons	\$23.80 per week
		not less than 5 nor more than 10 persons	\$29.80 per week
		more than 10 persons	\$40.20 per week
45	20.3.2	Ships Work - Special Places	\$0.42 per hour
46	20.3.3	Insulations with granulated cork	\$0.42 per hour
47	20.4	Removal Bitumus Compounds	\$0.42 per hour
48		Industry Allowance	\$20.40 per week
49	15.2	Overtime Meal Allowance	\$9.60 per meal
50	22.3.1(b)	Living Away from Home - Weekly	\$335.60 p/week
51	22.3.1(c)	Living Away from Home - Daily	\$48.00 per day
52	22.4.1(a)(iii)	Travel Expenses - Meal	\$9.60 per meal
53	22.4.1(b)(i)	Return Journey	\$16.10 per occasion
54	22.6.5	Weekend Return Home	\$27.10 per occasion
55	24.1.1	First Aid Allowance	\$1.96 per day
56	26.2.1	Loss of Tools and Clothing	\$1249.00

3. This variation shall take effect from the beginning of the first pay period to commence on or after 10 July 2003.

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

(354)

SERIAL C2055**GLASS WORKERS (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), industrial organisation.

(No. IRC 3227 of 2003)

Before The Honourable Justice Walton, Vice-President

30 June 2003

VARIATION

1. Delete subclauses (3), (9), (11) and (12) of clause 51, Wages, of the award published 20 April 2001 (324 I.G. 84) and insert in lieu thereof the following:
 - (3) The rates of pay in this award include the adjustment payable under the State Wage Case 2003. These adjustments may be offset against:
 - (a) any equivalent overaward payments; and/or
 - (b) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.

Junior Employees -

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

	Percentage	From the first full pay period commencing on or after 11 July 2003

At 16 years and under 17 years of age	50	\$285.60
At 17 years and under 18 years of age	60	\$342.70
At 18 years and under 19 years of age	75	\$428.40
At 19 years and under 20 years of age	90	\$514.00

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

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

Minor Apprentices -

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

	Percentage	From the first full pay period commencing on or after 11 July 2003
1st year	50	\$313.90
2nd year	65	\$408.00
3rd year	80	\$502.20
4th year	90	\$565.00

Adult Apprentices -

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

	Percentage	From the first full pay period commencing on or after 11 July 2003
1st year	85	\$533.60
2nd year	90	\$565.00
3rd year	95	\$596.40

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

PART B

MONETARY RATES

Table 1 - Wage Rates

Competency Level	SWC 2003 \$	Award Rate \$
One	17.00	460.80
Two	17.00	484.50
Three	17.00	495.00
Four	17.00	529.30
Five	17.00	551.60
Six	17.00	576.10
Seven	17.00	598.70

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

Table 2 - Other Rates and Allowances**Work Related Allowances**

1. Call Out and Availability Allowance (Clause 10)
 - (i) \$19.00
 - (ii) \$64.40
 - (iii) \$72.40
 - (iv) \$80.40
2. Leading Hand (Clause 51)
 - (i) 2 and up to 5 employees \$4.79
 - (ii) 5 and up to 10 employees \$6.02
 - (iii) more than 10 employees \$8.07
3. Construction Work (Clause 15)
 - (i) per day \$4.06
 - (ii) per week \$20.30
4. Special Loading \$76.16 (Clause 51)

Expense Related Allowances

5. Meal Allowance (Clause 29)
 - (i) \$10.10
 - (ii) \$10.10
6. Country Work (Clause 17)
 - (i) \$13.10
 - (ii) \$59.00
 - (iii) \$16.50
7. Compensation for Clothes & Tools (Clause 14)

\$1,249.00
8. Tool Allowance (Clause 49)
 - (i) \$5.30 per week
 - (ii) \$5.30 per week
9. Car Allowance per km (Clause 11)

\$0.73
10. First Aid Allowance (Clause 20)

\$2.10 per day

General Conditions (Clause 21)

11. Work at Height (Clause 21(1))
 - (i) \$2.69
 - (ii) \$2.69

- (iii) \$4.80
- (iv) \$9.05
- (v) \$3.07
- (vi) \$2.69
- (vii) \$2.35
- (viii) \$4.80
- (ix) \$9.05

12. Multi-storey Allowance (Clause 21(2))

- (i) \$0.35
- (ii) \$0.42
- (iii) \$0.65
- (iv) \$0.84
- (v) \$1.04

13. General (clause 21(3))

- (i) \$0.43
- (ii) \$0.53
- (iii) \$0.43 between 46°C and 54°C/\$0.51 exceeding 54°C
- (iv) \$0.43
- (v) \$0.53
- (vi) \$0.43

14. Collecting Monies (clause 21(3))

- (i) \$7.00

3. This variation shall take effect from the beginning of the first pay period to commence on or after 11 July 2003.

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

Printed by the authority of the Industrial Registrar.

(046)

SERIAL C2056

JOINERS (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), industrial organisation of employees.

(No. IRC 3227 of 2003)

Before The Honourable Justice Walton, Vice-President

30 June 2003

VARIATION

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

(9.3) The rates of pay in this award include the adjustments payable under the State Wage Case 2003. 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**

Broad Banded Group	Percentage	Former Weekly Rate \$	State Wage Case 2001 & 2003 Adjustment \$	New Weekly Rate \$
Group 7	110	533.90	50.00	583.90

Group 6	105	513.10	50.00	563.10
Group 5	100	492.20	50.00	542.20
Group 4	92.4	460.50	48.00	508.50
Group 3	87.4	439.60	48.00	487.60
Group 2	82	417.00	48.00	465.00
Group 1	78	400.40	48.00	448.40

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

Age	Base Rate Per Week \$	Industry allowance Per Week \$	Amount Per Week \$
At 16 years of age	186.20	20.40	206.60
At 17 years of age	227.80	20.40	248.20
At 18 years of age	268.70	20.40	289.10
At 19 years of age	330.80	20.40	351.20
At 20 years of age	372.30	20.40	392.70

Rates of Pay - Indentured Apprentices -

Year	Base Rate Per Week \$	Industry Allowance Per Week \$	Amount Per Week \$
1st Year	200.90	20.40	221.30
2nd Year	272.20	20.40	292.60
3rd Year	356.30	20.40	376.70
4th Year	432.80	20.40	453.20

Rates of Pay - Trainee Apprentices -

Year	Base Rate Per Week \$	Industry Allowance Per Week \$	Amount Per Week \$
1st Year	224.60	20.40	245.00
2nd Year	302.00	20.40	322.40
3rd Year	391.10	20.40	411.50
4th Year	456.70	20.40	477.10

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount \$
1	9.4	Leading Hands: In charge of not more than 1 person In charge of 2 and not more than 5 persons In charge of 6 and not more than 10 persons In charge of more than 10 persons	13.00 per week 28.70 per week 36.60 per week 48.80 per week
2	17	Industry Allowance	20.40 per week
3	18.1	Tool Allowance: Carpenter and/or Joiner, Shopfitter or Shopfitter and Joiner Carpenter and Joiner Joiner Special Class Joiner - Setter Out Joiner Assembler A	21.50 per week 21.50 per week 21.50 per week 21.50 per week 21.50 per week 6.30 per week
4	18.1	Shopfitter and/or Joiner Apprentices: Tool Allowance	21.50 per week

5	20.1(a)	Handling insulating material or working in its immediate vicinity.	0.57 per hour
6	20.1(b)	Working where temperature raised by artificial means to between 46 and 54 degrees Celsius Exceeding 54 degrees Celsius	0.46 per hour 0.57 per hour
7	20.1(c)	Working where temperature is reduced by artificial means to below 0 degrees Celsius	0.46 per hour
8	20.1(d)	Working in a confined space	0.57 per hour
9	20.1(e)	Engaged in unusually dirty work	0.46 per hour
10	20.1(f)	Whilst working with secondhand timber, an employee's tools are damaged by nails, dumps or other foreign matter	1.81 per day
11	20.1(g)	Required to compute or estimate quantities of materials in respect to work performed by other employees	3.33 per day
12	20.1(i)	Using an explosive-powered tool	1.09 per day.

13	20.1(j)(iii)	Using toxic substances or like materials Working in close proximity to employees so engaged	0.57 per hour 0.46 per hour
14	20.1(k)	Using materials containing asbestos or working in close proximity to employees using such materials	0.57 per hour
15	20.1(l)	If a grindstone or wheel is not made available, the employer shall pay each joiner	4.90 per week
16	20.1(m) (iii)	Engaged in asbestos eradication	1.55 per hour
17	27	Meal allowance after working one and a half hours overtime	9.60
18	39.1	First-aid - Minimum qualifications	1.96 per day
19	41.2(a)	Maximum amount of reimbursement for loss of tools or clothes	1,249.00

3. This variation shall take effect from the beginning of the first pay period to commence on or after 10 July 2003.

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

Printed by the authority of the Industrial Registrar.

(357)

SERIAL C2057

GOVERNMENT RAILWAYS (BUILDING TRADES CONSTRUCTION STAFF) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), industrial organisation of employees.

(No. IRC 3227 of 2003)

Before The Honourable Justice Walton, Vice-President

30 June 2003

VARIATION

1. Delete clause 6, Rates of Wages, Tools and Special Allowances, of the award published 14 June 2002 (334 I.G. 483) and insert in lieu thereof the following:

6. Rates of Wages, Tools and Special Allowances

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

Classification	Base* Rate per wk \$	Tool Allowance per wk \$	Special Allowance per wk \$	Additional Loading per wk \$	Tradesmen's Allowance per wk \$	SWC 2000- 2003 \$	Total per wk \$
Bricklayer	366.00	15.20	12.88	59.87	16.25	63.00	533.20
Bridge Carpenter	366.00	21.50	12.88	59.87	16.25	63.00	539.50
Carpenter and Joiner	366.00	21.50	12.88	59.87	16.25	63.00	539.50
Painter	366.00	5.30	12.88	59.87	16.25	63.00	523.30
Signwriter	375.80	5.30	12.88	59.87	16.25	63.00	533.10
Plaster and Fibrous Plaster Fixer	366.00	17.70	12.88	59.87	16.25	63.00	535.70
Plumber and Gasfitter	369.10	21.50	12.88	59.87	16.25	65.00	544.60

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

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

- (ii) Without limiting the general meaning, signwriting work shall include making of stencils and stencilling by screen or any other method, and the making and/or fixing of transfers.
- (iii) The ordinary hourly rates for employees engaged on leadburning shall be calculated by adding to the hourly rate prescribed for journeymen plumbers an amount of 50 cents per hour.
- (iv) The ordinary hourly rates for employees in the following classifications shall be calculated by adding to the hourly rate prescribed for journeyman plumbers in this clause and subclause (vi) of this clause, the following rates:
 - (a) When required to act on a plumbers licence 66 cents
 - (b) When required to act on a gasfitters licence 66 cents
 - (c) When required to act on a drainers licence 56 cents
 - (d) When required to act on a plumbers and gasfitters licence 88 cents
 - (e) When required to act on a plumbers and drainers licence 88 cents
 - (f) When required to act on a gasfitters and drainers licence 88 cents
 - (g) When required to act on a plumbers gasfitter and drainers licence \$1.22
 - (h) When required to act on a Pressure Welding Certificate 38 cents

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

- (v) Tradesmen covered by this award when employed on large construction projects being constructed by the Public Transport Commission of NSW shall be paid not less than the amount paid to tradesmen of the same class under the Building and Construction Industry (State) Award in respect of wage rate, tool allowance, industry allowance and special allowance. Any disputes between the parties concerning construction work being defined as a large construction project shall be referred to the Industrial Commission of New South Wales for determination.
- (vi) A plumber and/or gasfitter and/or drainer who is or will be required to be the holder of a certificate of registration shall be paid 51 cents per hour in addition to his ordinary rate of pay.

This allowance shall be paid for all purposes of the Award with the exception of Clause 5 Overtime, in which case it shall be paid at the flat rate and not subject to penalty provisions.

- (vii) The allowances contained in subclause (iv) and (vi) of this Clause are applicable to employees working a 40 hour week. Where employees work an average of 38 hours per week in a four week work cycle, the hourly rate indicated is to be multiplied by 40 and divided by 38 to obtain the appropriate hourly rate.

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

6B. State Wage Case Adjustments

The rates of pay in this award include the adjustments payable under the State Wage Case 2003. 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 clause 7, Charge Hands and insert in lieu thereof the following:

7. Charge Hands

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

	Per week
When in charge of not less than one and not more than nine employees	66.70
When in charge of ten and not more than fifteen employees	77.80
When in charge of sixteen or more employees	89.00

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

8. Special Rates

In addition to the ordinary rates of wages:

- (i) High places: A bridge carpenter when required to work at a height of 7.62 metres from the ground, deck floor or water level shall be paid at the rate of 46 cents per hour extra, and 9 cents per hour extra for every additional 3.048 metres. Height shall be calculated from where it is necessary for the employee to place his hands or tools in order to carry out the work to the ground deck, floor or water level.

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

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

- (ii) An employee required to work on the construction of chimneys and air shafts where the construction exceeds 15.24 metres in height, shall be paid for all work above 15.24 metres 43 cents per hour with 11 cents per hour additional for work above each further 15.24 metres.
- (iii) Tunnels and sewers: In the case of all employees whose craft award contains a similar provision an employee when engaged in tunnel and sewer work in an underground shaft exceeding 3.048 metres in depth shall be paid such additional minimum rate as is provided for in such craft award.
- (iv) Secondhand timber: A bridge carpenter or a carpenter and joiner who, whilst working on secondhand timber has their tools damaged by nails, dumps or other foreign matter in the timber shall be paid an allowance of \$1.79 for each day upon which his tools are so damaged: Provided that no allowance shall be payable under this paragraph unless the damage is immediately reported to the Commission's representative on the job in order that he may have an opportunity to properly investigate the matter.
- (v) Wet places: An employee when working in any place where his clothing or boots become saturated, whether by water, oil or otherwise shall be paid at the rate of 46 cents per hour extra: provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable and effective protective clothing and/or footwear; provided further that any employee who becomes entitled to this extra rate shall continue to be paid such extra rate for such part of the day or shift as he is required to work in wet clothing or boots.

(vi) Chokages: A plumber who is employed upon any chokage or oil chokage (other than domestic) and is required to open up any soil pipe, waste pipe or drain conveying offensive material, or scupper containing sewage shall be paid an additional \$4.82 per day or part of a day thereof.

(vii) Swing scaffold: A payment of \$3.32 for the first four hours or any portion thereof and 66 cents for each hour thereafter on any day shall be made to any person employed:

- (a) on any type of swing scaffold or any scaffold suspended by rope or cable, bosuns chair etc.
- (b) on a suspended scaffold requiring the use of steel or iron hooks or angle irons at a height of 6 metres or more above the nearest horizontal plane.

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

(viii) Insulation: Employee who is called upon to handle charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool, or other recognised insulation material of a like nature or working in the immediate vicinity so as to be offended by the use thereof, 51 cents per hour or part thereof.

(ix) Hotwork: An employee who works in a place where the temperature has been raised by artificial means to between 46 degrees and 54 degrees Celsius 41 cents per hour or part thereof, exceeding 54 degrees Celsius - 58 cents per hour or part thereof.

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

(x) An employee who works in a place the dimensions or nature of which necessitates working in a cramped position or without sufficient ventilation shall be paid 58 cents per hour extra.

(xi) Roof repairs: Employees engaged on repairs to roofs shall be paid 58 cents per hour.

(xii) An employee who is an authorised operator of explosive power tools shall be paid \$1.08 for each day on which he uses such a tool.

(xiii) An employee working on any structure at a height of more than 9.144 metres where an adequate fixed support not less than .762 metres wide is not provided shall be paid 46 cents per hour in addition to ordinary rates. This sub-clause shall not apply to an employee working on a bosuns chair or swinging stage.

(xiv) A painter engaged on all spray application carried out in other than a properly constructed booth, approved by the Department of Industrial Relations shall be paid 46 cents per hour extra.

(xv) Computing quantities: Employees who are regularly required to compute or estimate quantities of materials in respect to the work performed by other employees shall be paid an additional \$3.32 per day or part thereof, provided that, this allowance shall not apply to an employee classified as a leading hand and receiving allowance prescribed in Clause 7, Charge Hands of this award.

(xvi) Where an employee is a qualified first-aid person and is employed to carry out the duties of a qualified first-aid man he shall be paid an additional rate of \$1.99 per day.

(xvii) Applying obnoxious substances:

- (a) An employee engaged in either the preparation and/or application of epoxy based materials or materials of a like nature shall be paid 58 cents per hour extra.
- (b) In addition employees applying such material in buildings which are normally air-conditioned shall be paid 36 cents per hour extra for any time worked when the air conditioning plant is not operating.

- (c) Where there is an absence of adequate natural ventilation the employer shall provide ventilation by artificial means and/or supply an approved type of respirator and in addition, protective clothing shall be supplied where recommended by the Health Commission of New South Wales.
 - (d) Employees working in close proximity to employees so engaged shall be paid 46 cents per hour extra.
 - (e) For the purpose of this clause all materials which include or require the addition of a catalyst hardener and reactive additives or two pack catalyst system shall be deemed to be materials of a like nature.
- (xviii) Marking-setting-out: A building tradesperson mainly employed marking and/or setting out work for other employees shall be paid an additional margin of \$17.47 per week.
- (xix) Cleaning down brickwork: A bricklayer required to clean down bricks using acids or other corrosive substances shall be paid 41 cents per hour extra. Whilst so employed employees will be supplied with gloves.
- (xx) Bricklayers laying other than standard bricks: Bricklayers employed laying block (other than cinder concrete blocks for plugging purposes) shall be paid the following additional rates:
- Where the blocks with over 5.5 kg and under 9 kg - 46 cents per hour.
- Where the blocks with 9 kg or over up to 18 kg - 82 cents per hour.
- Where the blocks weigh over 18 kg - \$1.17 per hour.
- An employee shall not be required to lift a building block in excess of 20kg unless such employee is provided with a mechanical aid or with an assisting employee; provided that, an employee shall not be required to manually lift any building block in excess of 20kg in weight to a height of more than 1.2 metres above the working platform.
- (xxi) Asbestos: Employees required to use materials containing asbestos or to work in close proximity to employees using such materials shall be provided with, and shall use, all necessary safeguards as required by the appropriate occupational health authority and where such safeguards include the mandatory wearing of protective equipment (ie combination overalls and breathing equipment or similar apparatus) such employees shall be paid 58 cents per hour extra while so engaged.
- (xxii) Bagging: Employees engaged upon bagging brick or concrete structures shall be paid 41 cents per hour.
- (xxiii) Rates not cumulative: Where more than one of the above special rates provides payment for disabilities of substantially the same nature then only the highest of such rates shall be payable. The above rates shall not form part of the ordinary rates of wages for the purpose of calculation of overtime.
5. This variation shall take effect from the beginning of the first pay period to commence on or after 10 July 2003.

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

(358)

SERIAL C2059

GOVERNMENT RAILWAYS (BUILDING TRADES MAINTENANCE STAFF) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), industrial organisation of employees.

(No. IRC 3227 of 2003)

Before The Honourable Justice Walton, Vice-President

30 June 2003

VARIATION

1. Delete clauses 5, Rates of Wages, Tool and Special Allowances, 6, Leading Hands and 7, Special Rates, of the award published 14 June 2002 (334 I.G. 465), and insert in lieu thereof the following:

5. Rates of Wages, Tool and Special Allowances

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

Classification	Base* Rate per wk \$	Tool Allowance per wk \$	Special Allowance per wk \$	Additional loading per wk \$	Tradesmen's Allowance Per wk \$	SWC 2000- 2003 \$	Total per wk \$
Bricklayer	366.00	15.20	12.88	59.87	16.25	63.00	533.20
Bridge Carpenter	366.00	21.50	12.88	59.87	16.25	63.00	539.50
Carpenter and Joiner	366.00	21.50	12.88	59.87	16.25	63.00	539.50
Painter	366.00	5.30	12.88	59.87	16.25	63.00	523.30
Signwriter	375.80	5.30	12.88	59.87	16.25	63.00	533.10
Plasterer and Fibrous Plaster Fixer	366.00	17.70	12.88	59.87	16.25	63.00	535.70
Plumber and gasfitter	369.10	21.50	12.88	59.87	16.25	65.00	544.60

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

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

- (ii) Without limiting the general meaning, signwriting work shall include making of stencils and stencilling by screen or any other method, and the making and/or fixing of transfers.

- (iii) The ordinary hourly rates for employees engaged on leadburning shall be calculated by adding to the hourly rate prescribed for journeymen plumbers an amount of 54 cents per hour.
- (iv) The ordinary hourly rates for employees in the following classifications shall be calculated by adding to the hourly rate prescribed for journeyman plumbers in this clause and sub-clause (vi) of this clause, the following rates:

		Cents per hour
(a)	When required to act on their plumbers licence	68
(b)	When required to act on their gasfitters licence	68
(c)	When required to act on their drainers licence	58
(d)	When required to act on their plumbers and gasfitters licence	90
(e)	When required to act on their plumbers and drainers licence	90
(f)	When required to act on their gasfitters and drainers licence	90
(g)	When required to act on their plumbers gasfitter and drainers licence	1.25
(h)	When required to act on Pressure Welding Certificate	39

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

- (v) A plumber and or gasfitter and/or drainer who is or will be required to be the holder of a certificate of Registration shall be paid 52 cents per hour in addition to their ordinary rate of pay.

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

- (vi) The allowances contained in subclause (iv) and (v) of this clause are applicable to employees working a 40 hour week. Where employees work an average of 38 hours per week in a four week work cycle the hourly rate indicated is to be multiplied by 40 and divided by 38 to obtain an appropriate hourly rate.
- (vii) The rates of pay in this award include the adjustments payable under the State Wage Case 2003. These adjustments may be offset against:
- any equivalent overaward payments, and/or
 - award wage increases since 29 May 1991 other than safety net, State Wage Case, and minimum rates adjustments.

6. Leading Hands

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

	Per Week \$
When in charge of not less than three and not more than ten employees	23.00
When in charge of more than ten and not more than twenty employees	34.40
When in charge of more than twenty employees	43.70

7. Special Rates

In addition to the ordinary rates of wages.

- (i) Tunnels: An employee when working in a tunnel 402.34 metres or over in length or in the Eveleigh Engine dive shall be paid at the rate of 37 cents per hour extra.
- (ii) Wet places: An employee when working in any place where his clothing or boots become saturated whether by water, oil or otherwise shall be paid at the rate of 47 cents per hour extra; provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable and effective protective clothing and/or footwear; provided further that any employee who becomes entitled to this extra rate shall continue to be paid such extra rate for such part of the day or shift as he is required to work in wet clothing or boots.
- (iii) Chokages: A plumber who is employed upon any chokage or oil chokage (other than domestic and is required to open up any soil pipe, waste pipe or drain pipe conveying offensive material or scupper containing sewage shall be paid an additional \$4.95 per day or part of a day thereof.
- (iv) Boilers, flues, etc: An employee when engaged in alteration of repairs to boilers, flues, furnaces, retorts and kilns shall be paid at the rate of \$1.41 per hour extra.
- (v) Swinging scaffold - a payment of \$3.42 for the first four hours or any portion thereof and 68 cents for each hour thereafter on any day shall be made to any person employed:
 - (a) On any type of swing scaffold or any scaffold suspended by rope of cable, bosuns chair etc.
 - (b) On a suspended scaffold requiring the use of steel or iron hooks or angle irons at a height of 6 metres or more above the nearest horizontal plane.

And further provided that solid plasterers when working off a swing scaffold shall receive an additional 11 cents per hour.
- (vi) An employee who is called upon to handle charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool, or other recognised insulation material of a like nature or working in the immediate vicinity so as to be offended by the use thereof, 60 cents per hour or part thereof.
- (vii) Hotwork: An employee who works in a place where the temperature has been artificially raised to between 46 degrees and 54 degrees Celsius shall be paid 47 cents per hour or part thereof exceeding 54 degrees Celsius - 60 cents per hour or part thereof.

Where such work continues for more than two hours the employee shall be entitled to 20 minutes rest after every two hours work without loss of pay, not including the special rate provided by this subclause.
- (viii) An employee who works in a place the dimensions or nature of which necessitate working in a cramped position or without sufficient ventilation shall be paid 60cents per hour extra.
- (ix) Roof Repairs: Employees engaged on repairs to roofs shall be paid 60 cents per hour.
- (x) An employee who is an authorised operator of explosive power tools shall be paid \$1.11 for each day on which he uses such a tool.
- (xi) An employee working on any structure at a height of more than 9.144 metres where an adequate fixed support not less than .762 metres wide is not provided shall be paid 47 cents per hour in addition to ordinary rates. This subclause shall not apply to an employee working on a bosuns chair or swinging stage.
- (xii) An employee being the holder of a Department of Industrial Relations oxyacetylene or electric welding certificate or equivalent qualifications recognised by the Employer when required by the Employer to act on either of his certificates or equivalent qualifications during the course of his employment shall be entitled to be paid for every hour of his employment on work the nature of which is such that it is done by or under the supervision of the holder of a certificate or while not performing but supervising such work the sum of 41 cents per hour for each certificate in addition to the rates for journeyman plumbers.

- (xiii) A painter engaged on all spray applications carried out in other than a properly constructed booth approved by the Department of Industrial Relations shall be paid 47 cents per hour extra.
- (xiv) Computing quantities- Employees who are regularly required to compute or estimate quantities of materials in respect to the work performed by other employees shall be paid an additional \$3.42 per day or part thereof, provided that, this allowance shall not apply to an employee classified as a leading hand and receiving allowance prescribed in clause 6, Leading Hands, of this award.
- (xv) Applying obnoxious substances:
- (a) An employee engaged in either the preparation and/or the application of epoxy based materials or materials of a like nature shall be paid 59 cents per hour extra.
 - (b) In addition employees applying such material in buildings which are normally air-conditioned shall be paid 37 cents per hour extra for any time worked when the air-conditioning plant is not operated.
 - (c) Where there is an absence of adequate natural ventilation the employer shall provide ventilation by artificial means and/or supply an approved type of respirator and in addition protective clothing shall be supplied where recommended by the WorkCover Authority of New South Wales.
 - (d) Employees working in close proximity to employees so engaged shall be paid 47 cents per hour extra.
 - (e) For the purpose of this clause all materials which include or require the addition of a catalyst hardener and reactive additives or two pack catalyst system shall be deemed to be materials of a like nature.
- (xvii) Cleaning down brickwork: A bricklayer required to clean down bricks using acids or other corrosive substances shall be paid 42 cents per hour extra. While so employed employees will be supplied with gloves.
- (xviii) Bricklayers laying other than standard bricks - bricklayers employed laying blocks (other than concrete blocks for plugging purposes shall be paid the following additional rates:
- Where the blocks weigh over 5.5 kg and under 9 kg: 47 cents
- Where the blocks weigh 9 kg or over up to 18 kg: 84 cents
- Where the blocks weigh over 18 kg: \$1.20
- An employee shall not be required to lift a building block in excess of 20 kg in weight unless such employee is provided with a mechanical aid or with an assisting employee; provided that, an employee shall not be required to manually lift any building block in excess of 20 kg in weight to a height of more than 1.2 metres above the working platform.
- (xix) Plumbers engaged on electric welding applicable to plumbing other than those covered by subclause (xii) of this clause shall be paid 14 cents per hour extra for the time so worked.
- (xx) Asbestos: Employees required to use materials containing asbestos or to work in close proximity to employees using such materials shall be provided with, and shall use, all necessary safeguards as required by the appropriate occupational health authority and where such safeguards include the mandatory wearing of protective equipment (ie combination overalls and breathing equipment or similar apparatus) such employees shall be paid 60 cents per hour whilst so engaged.
- (xxi) Bagging: Employees engaged upon bagging brick or concrete structures shall be paid 42 cents per hour.

- (xxii) Secondhand timber: A carpenter and joiner who, whilst working on second hand timber has his tools damaged by nails, dumps or other foreign matter in the timber shall be paid an allowance of \$1.84 for each day upon which his tools are so damaged. Provided that no allowance shall be payable under this paragraph unless the damage is immediately reported to the commission's representative on the job in order that he may have an opportunity to properly investigate the matter.
- (xxiii) Marking setting out - A building tradesman mainly employed marking and/or setting out work for other employees shall be paid an additional margin of \$18.00 per week.
- (xxiv) Rates not cumulative: Where more than one of the above special rates provide payments for disabilities of substantially the same nature then only the highest of such rates shall be payable.

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

2. This variation shall take effect from the beginning of the first pay period to commence on or after 10th July 2003.

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

Printed by the authority of the Industrial Registrar.

(534)

SERIAL C2060**PLANT, &c., OPERATORS ON CONSTRUCTION (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), industrial organisation of employees.

(No. IRC 3227 of 2003)

Before The Honourable Justice Walton, Vice-President

30 June 2003

VARIATION

1. Delete subclause (ii) of clause 5, Wage Rates, of the award published 16 November 2001 (329 I.G. 625), and insert in lieu thereof the following:
 - (ii) The rates of pay in this award include adjustments payable under the State Wage 2003. 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 Part B, Monetary Rates, and insert in lieu thereof the following:

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

Item	Clause	Brief Description	Base Rate Per Week	Safety Net Adjust. Per Week	Total Amount Per Week
Building and Construction Worker (Operators)					
1	5(i)(c)	Group A, base weekly rate	392.80	123.00	515.80
2	5(i)(c)	Group B, base weekly rate	410.60	123.00	533.60
3	5(i)(c)	Group C, base weekly rate	426.50	125.00	551.50
4	5(i)(c)	Group D, base weekly rate	433.90	125.00	558.90
5	5(i)(c)	Group E, base weekly rate	442.60	125.00	567.60
6	5(i)(c)	Group F, base weekly rate	448.00	125.00	573.00
7	5(i)(c)	Group G, base weekly rate	457.20	125.00	582.20
8	5(i)(c)	Group H, base weekly rate	469.60	123.00	592.60
9	5(i)(b)	Floating/Mobile/other cranes for every 5 tonnes in excess of 20 tonnes			\$1.73

Table 2 - Other Rates and Allowances

Item	Clause	Brief Description	Amount
1	5(iii)	Operator in charge of plant	\$12.77 per week
2	5(iv)(a)	Industry allowance	\$20.40 per week
3	5(iv)(b)	Employees working on civil and/or mechanical engineering projects	\$19.71* per week
4	5(iv)(c)	Employees engaged in waste disposal depots	\$0.95 per hour
5	5(viii)	Leading hands - In charge of more than 2 and up to 5 Employees In charge of more than 5 and up to 10 Employees In charge of more than 10 employees	\$18.00 per week \$25.40 per week \$32.40 per week
6	5(ix)	Special Allowance - Employees within A.I. & S, Port Kembla	\$0.72 per hour
7	5(x)	Employees involved in road construction work in the Illawarra region near coal wash	\$0.46 per hour
8	14(ii)	Meal Allowance each subsequent meal	\$9.60 \$7.80
10	31(i)(a)	Excess Fares Per Day	\$13.30
		Small Fares Per Day	\$5.10
	31(i)(b)	Travel Pattern Loading Per Week	\$7.25
11	31(iv)(a)	Travel in excess of 40 kilometres from the depot - payment per kilometre	\$0.73
		Minimum Payment	\$13.30
	31(iv)(b)	Use of Own Vehicle	\$0.73
	31(iv)(c)	Road Escort - Own Vehicle	\$0.73
	31(iv)(d)	Transfer - One job to another Own Vehicle	\$0.73
12	31(v)	Carrying of Fuels of Oils and/or grease	\$7.70
13	33(iii)(a)	Country Work Allowance - Unbroken Week	\$335.60
	33(iii)(b)	Broken Week	\$48.00
14	33(iii)(c)(i)	Travel Allowance - Weekend Return	\$27.10 per occasion
15	33(v)	Meal Allowance whilst travelling	\$9.60
16	34(xv)(a)	Camping Area - Weekend return	\$27.10
17	35(ii)	Caravan Allowance - Unbroken Week	\$156.70
		Broken Week	\$22.40
18	38(x)(c)(1)(v) (A)	First Aid Allowance	\$1.96
19	38(x)(c)(1)(v) (B)	First Aid Allowance	\$3.08

3. This variation shall take effect from the beginning of the first pay period to commence on or after 10 July 2003.

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

(084)

SERIAL C2062**BUILDING CRANE DRIVERS (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), industrial organisation of employees.

(No. IRC 3227 of 2003)

Before The Honourable Justice Walton, Vice-President

30 June 2003

VARIATION

1. Delete subclause (ii) of clause 4, Rates of Pay, of the award published 26 October 2001 (328 I.G. 1275), and insert in lieu thereof the following:
 - (ii) The rates of pay in this award include the State Wage Case - May 2003 adjustment as set out in Table 1 - Wages, of Part B, Monetary Rates, payable under the State Wage Case - May 2003 decision. This adjustment may be offset against:
 - (A) any equivalent overaward payments, and/or
 - (B) award wage increases since 29 May 1991 other than safety net adjustments and minimum rates adjustments.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

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

Classification	Base Rate Per Week \$	Safety Net Adjustment Per Week \$	Total Margin Per Week \$
Lofty Crane Driver	495.20	123.00	618.20

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	Amount \$
1	8(iii)	Overtime meal allowance	9.60 per week
2	8(iii)(a)	Meal interval	9.60 per meal
3	10A(i)	Travel Allowance	12.40 per day
4	10A(ii)	Travel within 50 km from depot	12.40 per day
5	10D(i)(b)	Travelling outside radial areas	0.37 cents per km
6	10I(ii)	Transfer of work sites	0.69 cents per km
7	10M	Travelling time allowance	8.55 per week
8	11(ii)(b)	Living away from home weekly rate	335.60 per week
9	11(ii)(b)	Living away from home daily rate	48.00 per day
10	11(v)(c)(iii)	Meals while travelling	9.60 p/meal
11	11(vi)	Return journey	16.10
12	11(xi)(b)	Weekly camping rate	131.40 per week

13	11(xi)(b)	Daily camping rate	18.90 per day
14	12A	Industry Allowance	20.40 per week
15	12B	Multi Storey Allowance From 4th floor level to 10th floor level From 11th floor level to 15th floor level From 16th floor level to 20th floor level From 21st floor level to 25th floor level From 26th floor level to 30th floor level From 31st floor level to 40th floor level From 41st floor level to 50th floor level From 51st floor level to 60th floor level From 61st floor level onwards	0.41 per hour extra 0.46 per hour extra 0.54 per hour extra 0.69 per hour extra 0.83 per hour extra 0.88 per hour extra 1.01 per hour extra 1.16 per hour extra 1.23 per hour extra
16	12C	Towers Allowance Up to 15 metres For every additional 15 metres	0.46 per hour 0.46 per hour
17	12D(ii)	Dirty work	0.46 per hour extra

2. This variation shall take effect from the beginning of the first pay period to commence on or after 10 July 2003.

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

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

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), industrial organisation of employees.

(No. IRC 3227 of 2003)

Before The Honourable Justice Walton, Vice-President

30 June 2003

VARIATION

1. Delete subclause 5.4 of clause 5, Rates of Pay, of the award published 2 November 2001 (329 I.G 164), and insert in lieu thereof the following:
 - 5.4 The rates of pay in this award include the adjustments payable under the State Wage Case 2003. These adjustments may be offset against:
 - (i) any equivalent overaward payments; and/or
 - (ii) award wage increases since 29 May 1991, other than safety net, State Wage Case, and minimum rates adjustments.
2. Delete Part B, Monetary Rates, and insert in lieu thereof the following:

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

Wage Group	Total Award Wage Per week 25/02/03 \$	SWC 2003 \$	Total Award Wage Per week 25/02/04 \$
Level 13 -			
A	431.40	17.00	448.40
B	434.60	17.00	451.60
Level 12 -			
D	439.10	17.00	456.10
C	446.00	17.00	463.00
B	449.20	17.00	466.20
A	452.20	17.00	469.20
Level 11 -			
C	457.00	17.00	474.00
B	463.60	17.00	480.60
A	467.00	17.00	484.00
A(ii)	475.70	17.00	492.70
Level 10 -			
C	482.60	17.00	499.60
B	485.90	17.00	502.90
A	497.00	17.00	514.00

Level 9 -			
C	502.60	17.00	519.60
B	510.80	17.00	527.80

A	514.90	17.00	531.90
Level 8	527.40	17.00	544.40
Level 7	536.20	17.00	553.20

Table 2 - Other Rates and Allowances

Item No.	Clause No.	Brief Description	SWC 2002 Eff. 25/02/03 \$	SWC 2003 Eff. 25/02/04 \$
1	5.1(d)	Mobile cranes - 2 or more forklifts/cranes engaged on any lift	1.98 p/d	2.04 p/d
2	6.1	Boiler cleaner allowance	1.08 p/h	1.11 p/h
3	5.2	Special work	0.12 p/h	0.12 p/h
4	5.3(a)	Attending to refrigerator compressors Attending to electric generator or dynamo exceeding 10 kW capacity In charge of plant	21.62 p/w 21.62 p/w 21.62 p/w	22.31 p/w 22.31 p/w 22.31 p/w
5	5.3(b)	Attending switchboard (350 kW or over)	6.70 p/w	6.91 p/w
6	5.3(c)	Ship repairing	8.19 p/w	8.45 p/w
7	6.2	Cold Places	0.45 p/h	0.46 p/h
8	6.3	Wet Places Allowance	0.45 p/h	0.46 p/h
9	6.5	Construction Allowance	25.25 p/w	26.06 p/w
10	6.6	Quarries Pty Ltd Allowance	0.45 p/h	0.46 p/h
11	6.4	Dirty Work Allowance	0.45 p/h	0.46 p/h
12	15.2	Stop-Start Engine Allowance	25.90 p/w	26.70 p/w
13	23.3(a)	Overtime Meal Allowance	Effective 11/9/02 9.60 per occasion	

3. This variation shall take effect from the beginning of the first pay period to commence on or after 25 February 2004.

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

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**PLASTERERS, SHOP HANDS AND CASTERS (STATE)
CONSOLIDATED AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Construction, Forestry, Mining and Energy Union (New South Wales Branch), industrial organisation of employees.

(No. IRC 3227 of 2003)

Before The Honourable Justice Walton, Vice-President

30 June 2003

VARIATION

1. Delete clause 3, Wages of the award published 15 February 2002 (331 I.G. 387), and insert in lieu thereof the following:

3. Wages

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

Classification	Total Rate eff. 01/06/02	SWC 2002 \$	Total Rate eff. 10/07/03
Shop Hand	507.30	18.00	525.30
Caster	421.90	18.00	439.90
Mechanical Cornice Attendant & Operator	413.40	18.00	431.40
Cornice Machine Attendant	413.40	18.00	431.40
All Others	413.40	18.00	431.40

Tool Allowances	(\$)
Shop Hand	2.92
Caster	1.22

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

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

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

- (iii) Casual Employees: A casual employee, that is an employee engaged for less than forty hours per week, shall be paid one-fifth of the weekly rate plus 10 per centum per day or portion thereof.
- (iv) Leading Hands:
- An employee appointed to be in charge of more than two and up to and including five employees shall be a leading hand and shall be paid \$13.50 per week extra.
 - An employee appointed to be in charge of more than five and up to and including ten employees shall be a leading hand and shall be paid \$17.05 per week extra.
 - An employee appointed to be in charge of more than ten employees shall be a leading hand and shall be paid \$24.02 per week extra.
- (v) Where an employee is sent from a shop to a job to perform casters and/or fibrous fixers and gypsum plasterboard fixers' work the worker shall be paid the hourly rates and conditions applying to fixers in

the Building and Construction Industry (State) Award whilst he or she is actually employed on this work and this hourly rate shall be paid in lieu of normal pay.

2. Delete clause 4, State Wage Case Adjustments, of the award and insert in lieu thereof the following:

4. State Wage Case Adjustments

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

- (i) any equivalent over-award payments and/or
 - (ii) award wage increases since 29 May, 1991 other than Safety Net, State Wage Case and minimum rates adjustments
3. This variation shall take effect from the beginning of the first pay period to commence on or after 10 July 2003.

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

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