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(997)

SERIAL C2892

**CROWN EMPLOYEES (MUSEUM OF APPLIED ARTS AND SCIENCES - CASUAL GUIDE LECTURERS) AWARD 2004**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 1825 of 2004)

Before The Honourable Mr Deputy President Harrison

22 June 2004

**REVIEWED AWARD****PART A**

| Clause No. | Subject Matter                              |
|------------|---------------------------------------------|
| 1.         | Title                                       |
| 2.         | Definitions                                 |
| 3.         | Intention                                   |
| 4.         | Wage Rates                                  |
| 5.         | Deduction of Association Membership Fees    |
| 6.         | Grievance and Dispute Resolution Procedures |
| 7.         | Anti-Discrimination                         |
| 8.         | Parties to this Award                       |
| 9.         | Area, Incidence and Duration                |

**PART B****MONETARY RATES**

Table 1-Wages

**PART A****1. Title**

This award shall be known as the Crown Employees (Museum of Applied Arts and Sciences - Casual Guide Lecturers) Award 2004.

**2. Definitions**

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

"Award" means this award.

"Association" means the Public Service Association and Professional Officers Association Amalgamated Association of New South Wales

"Organisation" means the Museum of Applied Arts and Sciences (MAAS).

"Director" means the Chief Executive Officer of the Museum of Applied Arts and Sciences.

"Staff" means all persons who are permanently, temporarily or casually employed under the Act and who, as at 24 April 1996, were occupying one of the positions covered by this award or who, after that date, are appointed to or employed in one of such positions.

### **3. Intention**

The purpose of this award is to partially regulate the rates of pay and conditions of employment of casual guide lecturers.

### **4. Wage Rates**

Table 1-Wages, of Part B, Monetary Rates, of this consent award contains applicable wage rates.

### **5. Deduction of Association Membership Fees**

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

### **6. Grievance and Dispute Resolution Procedures**

The aim of this grievance handling and dispute resolution is to encourage the resolution of grievances and/or disputes as quickly as possible within the immediate work context wherever possible. The procedure involves consultation, co-operation and discussion to achieve this aim.

There are six steps in the procedure. At each step all those involved are encouraged to seek advice with regard to the procedure and how best to - undertake its various elements. Advice can be sought from appropriate staff, as identified in the Museum's policy and procedures for resolving grievances and disputes. Sources of advice include Grievance Receivers, HRM Manager and/or Association delegates.

Step 1 - In the first instance the employee shall inform their-immediate supervisor, or other appropriate person, of the existence of a grievance/dispute, request a meeting to discuss the matter and attempt to resolve it with the supervisor.

It is recognised that the employee may wish to exercise the right to consult with and be accompanied by their Association representative, who may participate in discussions during this or any subsequent stage.

Discussions should take place within two working days and this step of the procedure should be completed within seven days.

Where the grievance or dispute involves confidential or other sensitive material (including issues of harassment or discrimination under the *Anti Discrimination Act 1977*) that makes it impractical for the employee to advise their immediate manager the notification may occur to the next appropriate level of management, including where required, to the Department Head or delegate.

Step 2 - If the grievance/dispute remains unresolved, the employee refers the matter to the next in line management (the manager). The manager will consult with all parties.

Discussions should take place within two working days and this step of the procedure should be completed within seven days.

Step 3 - If the grievance/dispute remains unresolved, the matter should be referred to the senior management group.

Discussions should take place within two working days and this step of the procedure should be completed within seven days.

Step 4 - In the event that the matter remains unresolved, senior management will discuss the matter with representatives of the relevant Association and/or other nominated representatives identified by the employee lodging the grievance/dispute.

Such discussions should take place within two working days.

Step 5 - In the event that the matter is still unresolved, the director shall provide a written response to the employee who lodged the grievance/dispute and any other relevant party involved in the grievance/dispute.

The response will indicate action to be taken or the reasons for not taking action in relation to the matter.

This step is to be completed seven days following notification in writing to the director by the employee lodging the grievance/dispute that the matter remains unresolved.

Step 6 - The employee, or their Association representative on their behalf, or the director may refer the matter to the Industrial Relations Commission of New South Wales if the matter is still unresolved after the completion of step 5.

NOTE: Whilst the grievance procedure is being followed, normal work shall continue, except where a genuine health and safety issue is involved. Such circumstances may require some interim modification to work practices until the matter is resolved.

For further details regarding the operation of the grievance and dispute resolution procedure, refer to the Museum's policy and procedures for resolving grievances and disputes.

## **6. 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 carer's responsibilities.
- (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 that, by its terms or operation, has a direct or indirect discriminatory effect.
- (3) Under the *Anti-Discrimination Act* 1977, it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.
- (4) Nothing in this clause is to be taken to affect:
  - (a) any conduct or act which is specifically exempted from anti-discrimination legislation;
  - (b) offering or providing junior rates of pay to persons under 21 years of age;

- (c) any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
  - (d) a party to this award from pursuing matters of unlawful discrimination in any State or federal jurisdiction.
- (5) This clause does not create legal rights or obligations in addition to those imposed upon the parties by the legislation referred to in this clause.
- (a) Employers and employees may also be subject to Commonwealth anti-discrimination legislation.
  - (b) Section 56(d) of the *Anti-Discrimination Act 1977* provides:  
  
"Nothing in the Act affects ... any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion."

### 7. Parties to the Award

This award is made between the following parties:

Public Employment Office.

Public Service Association and Professional Officers Association Amalgamated Association of New South Wales.

### 8. Area, Incidence and Duration

This award applies to those staff employed as casual guide lecturers by the Museum of Applied Arts and Sciences.

This award is made following a review under section 19 of the *Industrial Relations Act 1996* and replaces the Crown Employees (Museum of Applied Arts and Sciences Casual Guide Lecturers) Award published 5 April 2002 (332 I.G. 658) and all variations thereof.

The award published 5 April 2002 took effect from 14 June 2001.

The changes made to the award pursuant to the Award Review pursuant to section 19 (6) of the *Industrial Relations Act 1996* and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of the New South Wales on 18 December 1998 (308 IG 307) take effect on and from 22 June 2004.

This award remains in force until varied or rescinded for the period for which it was made already having expired.

## PART B

### MONETARY RATES

**Table 1 - Wages**

| Classification | Rate of pay per hour |
|----------------|----------------------|
|----------------|----------------------|

|                       |                 |
|-----------------------|-----------------|
|                       | As 1/7/03<br>\$ |
| Casual Guide Lecturer | 29.30           |

R. W. HARRISON *D.P.*

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(109)

**SERIAL C2909****CROWN EMPLOYEES (OFFICER IN CHARGE ALLOWANCE - NSW  
AGRICULTURE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 1822 of 2004)

Before The Honourable Mr Deputy President Harrison

22 June 2004

**REVIEWED AWARD****PART A****Arrangement****PART A**

| Clause No. | Subject Matter               |
|------------|------------------------------|
| 1.         | Definitions                  |
| 2.         | Officer in Charge Allowance  |
| 3.         | Saving of Rights             |
| 4.         | Dispute Handling Procedures  |
| 5.         | Anti-Discrimination          |
| 6.         | Area, Incidence and Duration |

**PART B****MONETARY RATES****Table 1 - Allowances****Appendix 1 - Responsibility of an Officer in Charge****1. Definitions**

- (i) "Officer in Charge" means an Officer who is appointed as such by the Department and carries out the duties of Officer in Charge and as determined from time to time, in an advisory office of the NSW Department of Agriculture.
- (ii) "Association" means the Public Service Association and the Professional Officers' Association Amalgamated Union of New South Wales.
- (iii) "Department" means the New South Wales Department of Agriculture.
- (iv) "Staff" shall mean all permanent and temporary staff employed at the advisory office location by the Department, pursuant to the *Public Sector Employment and Management Act 2002*. Casuals, contractors or those working for work experience are not included for the purpose of this award.
- (v) "OIC duties" shall be determined from time to time by the Department. As a guide, Appendix 1 indicates the current range of responsibilities that are required to be performed by an officer in charge.
- (vi) "Location" shall mean an advisory office as determined by the Department. Only one OIC shall be appointed to each location.
- (vii) "OIC term" shall be determined by merit selection and by an expression of interest. The period of appointment shall be a two (2) year term or as determined by the Department.

**2. Officer in Charge Allowance**

An Officer in Charge shall be paid an allowance of an amount as set out in Table 1 - Allowances, of Part B, Monetary Rates.

### 3. Saving of Rights

- (i) At the time of making of this Award, no member of staff covered by this Award will suffer a reduction in their rate of pay or any loss or diminution in his or her conditions of employment as a consequence of the making of this Award.
- (ii) Should there be a variation to the Crown Employees (Public Sector Salaries - January, 2002) Award, or an Award replacing it, staff under this award will maintain the same salary relationship to the rest of the Public Service.

### 4. Dispute Handling Procedures

All grievances, disputes, or difficulties relating to the provisions of this Award shall initially be dealt with as close to the source as possible, with graduated steps for further attempts at resolution at higher levels of authority within the Department, if required.

- (i) A member of staff is required to notify (in writing or otherwise) their immediate supervisor or manager, as to the substance of the grievance, dispute or difficulty, request a meeting to discuss the matter, and if possible state the remedy sought.
- (ii) Where the grievance or dispute involves confidential or other sensitive material (including issues of harassment or discrimination under the *Anti Discrimination Act 1977*) that makes it impractical for the staff member to advise their immediate manager the notification may occur to the next appropriate level of management, including where required, to the Department Head or delegate.
- (iii) The immediate supervisor or manager shall convene a meeting in order to resolve the grievance, dispute or difficulty within two (2) working days, or as soon as practicable, of the matter being brought to attention.
- (iv) If the matter remains unresolved with the immediate supervisor or manager, the member of staff may request to meet with the appropriate person at the next level of management in order to resolve the matter. This manager shall respond within two (2) working days, or as soon as practicable. This sequence of reference to successive levels of management may be pursued by the member of staff until the matter is referred to the Director-General.
- (v) In the event that the matter remains unresolved, the Director-General or his/her nominee shall provide a written response to the member of staff and any other party involved in the grievance, dispute or difficulty, concerning action to be taken, or the reasons for not taking action, in relation to the matter.
- (vi) A member of staff may request to be represented by an Association representative.
- (vii) The member of staff or Association on their behalf, or the Director-General may refer the matter to the Industrial Relations Commission of New South Wales if the matter is unresolved following the use of these procedures.
- (viii) The member of staff, Association and Department agree to be bound by any lawful order or determination by the Industrial Relations Commission of New South Wales in relation to the grievance, dispute or difficulty.
- (ix) Whilst the procedures are being followed, normal work undertaken prior to notification of the grievance or dispute shall continue unless otherwise agreed between the parties. In the case of a dispute involving Occupational Health and Safety, normal work shall proceed in such a manner as to avoid any risk to an officer of the Department or member of the public. If practicable, normal work shall proceed in such a manner to avoid any risk to the health and safety of any officer or member of the public.

### 5. Anti-Discrimination

- (1) It is the intention of the parties bound by this award to seek to achieve the object in section 3(f) of the *Industrial Relations Act 1996* to prevent and eliminate discrimination in the workplace. This includes

discrimination on the grounds of race, sex, marital status, disability, homosexuality, transgender identity, age and responsibilities as a carer.

- (2) It follows that in fulfilling their obligations under the dispute resolution procedure prescribed by this award the parties have obligations to take all reasonable steps to ensure that the operation of the provisions of this award are not directly or indirectly discriminatory in their effects. It will be consistent with the fulfilment of these obligations for the parties to make application to vary any provision of the award which, by its terms or operation, has a direct or indirect discriminatory effect.
- (3) Under the *Anti-Discrimination Act 1977*, it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.
- (4) Nothing in this clause is to be taken to affect:
  - (a) any conduct or act which is specifically exempted from anti-discrimination legislation;
  - (b) offering or providing junior rates of pay to persons under 21 years of age;
  - (c) any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
  - (d) a party to this award from pursuing matters of unlawful discrimination in any State or federal jurisdiction.
- (5) This clause does not create legal rights or obligations in addition to those imposed upon the parties by the legislation referred to in this clause.
  - (a) Employers and employees may also be subject to Commonwealth anti-discrimination legislation.
  - (b) Section 56(d) of the *Anti-Discrimination Act 1977* provides:
 

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

## 6. Area, Incidence and Duration

- (i) This Award is made following a review under section 19 of the *Industrial Relations Act 1996* and rescinds and replaces the Crown Employees (New South Wales Department of Agriculture Officer in Charge Allowance) Award published 13 July, 2001 (326 I.G. 169).
- (ii) The Award published 13 July, 2001 took effect from the first full pay period to commence on or after 7 May 2001.
- (iii) The changes made to this award pursuant to the Award Review under Section 19(6) of the *Industrial Relations Act 1996* and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of New South Wales on 18 December 1998 (308 I.G. 307) take effect on and from 22 June 2004.
- (iv) The Award remains in force until varied or rescinded, the period for which it was made having already expired.

## PART B

### MONETARY RATES

**Table 1 - Allowances**

| Clause No. | Brief Description | Amount |
|------------|-------------------|--------|
|------------|-------------------|--------|

|   |                                                  | Effective<br>4.7.2003<br>\$ |
|---|--------------------------------------------------|-----------------------------|
| 2 | Administrative responsibility for up to 3 staff  | 1,558                       |
| 2 | Administrative responsibility for up to 6 staff  | 2,335                       |
| 2 | Administrative responsibility for up to 10 staff | 3,113                       |
| 2 | Administrative responsibility more than 10 staff | 4,673                       |

## APPENDIX 1

### Responsibility of an Officer in Charge

An Officer in Charge (OIC) is responsible for the effective and economic co-ordination and management of staff, finances, resources, two way communication (i.e. communication to staff under their control and from the staff to the appropriate Regional Director) and accommodation matters in a district advisory office. Those responsibilities and the decision making process must have regard to Departmental policy and practices and any relevant legislation.

The duties of an OIC are defined as:

#### 1. Staff

Day to day co-ordination, leadership and supervision of staff;

Processing leave applications and approving them within delegation limits;

Advice of entry on duty and cessation of duty;

Supervision of staff appointed under Government training and Employment schemes;

Determining work priorities for office and support staff;

Ensuring compliance with flexitime or other attendance requirements;

Provision of office relief;

Approving travel claims and authorities to travel;

Exercising appropriate administrative delegations.

#### 2. Finances

Supervision of office priorities, estimate and budgets;

Acknowledging receipt of goods received in the office;

Oversighting maintenance of assets register, library records, petty cash, saleable publications, accountable books and registers;

Approve petty cash purchases;

Approve pro-forms within limits of delegation.

#### 3. Resources

Initiate action for suppliers and services;

Reporting lost, stolen, unserviceable or transferred property;

Oversighting the use of official vehicles in accordance with Department policy;

Co-ordination of Department facilities in time of local nature disaster or other crises in the rural industries.

4. Communication

Co-ordinate the issues of publicity material to meet local office commitments;

To be contract officer for Departmental staff, Members of Parliament, Local agricultural matters in the area;

Adviser to the appropriate Regional Director on any local matter which should be brought to his/her attention;

Maintenance of a diary of coming events and press clipping service.

5. Accommodation

Organise office, garage and storage in the District Office in respect of staff changes, maintenance requirements and provision of facilities;

Where appropriate, liaise with the owner or building manager or Government Supply Office in respect of cleaning requirements;

Maintenance of appropriate housekeeping standards;

Ensuring appropriate security is maintained;

Ensuring confidentiality of documents and Departmental information.

R. W. HARRISON *D.P.*

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(1258)

**SERIAL C2985**

**DOUGLASS HANLY MOIR, BARRATT & SMITH AND SOUTHERN  
PATHOLOGY (STATE) AWARD 2004**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Douglass Hanly Moir Pathology Pty Limited.

(No. IRC 4394 of 2004)

Before The Honourable Mr Justice Staff

2 August 2004

**AWARD**

**PART A**

## 1. Arrangement

### PART A

| Clause No. | Subject Matter                  |
|------------|---------------------------------|
| 1.         | Arrangement                     |
| 2.         | Title                           |
| 3.         | Definitions                     |
| 4.         | Wages                           |
| 5.         | Conditions of Employment        |
| 6.         | Core Values and Code of Conduct |
| 7.         | Commitment of the Parties       |
| 8.         | Application of Parent Award     |
| 9.         | Area, Incidence and Duration    |

### PART B

#### MONETARY RATES

Table 1 - Wages

## 2. Title

This Award shall be known as the Douglass Hanly Moir, Barratt & Smith and Southern Pathology (State) Award 2004.

## 3. Definitions

- (i) "Union" means the Australian Liquor, Hospitality and Miscellaneous Workers Union, New South Wales Branch.
- (ii) "Company" means Douglass Hanly Moir Pathology Pty Limited trading as Douglass Hanly Moir Pathology and Barratt & Smith Pathology, and Southern Pathology Services Pty Ltd.
- (iii) "Parent Award" means the Private Pathology Laboratories (State) Award, as varied from time to time.
- (iv) "Award Rates of Pay" means those rates of pay identified in Table 1 - Wages of Part B, Monetary Rates, of this Award.
- (v) "Award allowances" means those allowances contained in Table 2 - Allowances of Part B, Monetary Rates as defined in the relevant Parent Award.
- (vi) "Employee" means an employee of the Company as defined.

## 4. Wages

- (i) The minimum rates of pay for employees in the classifications contained in this Award shall be in accordance with the rates in Table 1 of Part B, Monetary Rates.
- (ii) The rates of pay in this award include the adjustments payable under the State Wage Case 2004. These adjustments may be offset against:
  - (a) any equivalent over award payments, and/or
  - (b) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.

## 5. Conditions of Employment

The following conditions of employment shall apply to all employees of the Company:

- (i) All new employees classified at Grade 4.2 Technical Officer or Grade 4.2 Scientific Officer shall be subject to a probationary period of six months and either party may only terminate the employment during this period by one fortnight's notice or by the payment by the employer or forfeiture by the employee of one fortnight's wages in lieu of notice.
- (ii) Where an employee becomes entitled to the payment of a meal allowance in accordance with the provisions of Clause 8, Overtime of the Parent Award, such employee may choose either the payment of a meal allowance or the provision of an appropriate meal supplied by the Company.
- (iii) Where the operational needs of the business require appropriate staffing levels during any public holiday period, the Company shall develop a roster which meets those requirements. Provided that such rostering arrangements shall apply on a rotational basis to employees to ensure that the requirement to work on a public holiday is shared fairly among employees.

Employees who are rostered to work on such public holiday may elect to:

- (a) be paid time and one half for such time worked plus accrue an additional day off to be taken at a mutually agreed time; or
- (b) be paid at double and one half time ordinary rates.
- (iv) Rostered times of ordinary hours of work, once notified, shall not be changed, except by a week's notice or, where mutually agreed between the Company and the employee, such notice period may be waived altogether. Provided that where the employer requests the change without the employee's consent to the change, the employee shall be paid at overtime rates for the hours worked outside the previous rostered times for the period of the notice.
- (v) Subject to the provisions of the Private Pathology Laboratories (State) Award, as varied, the Company is entitled to offer part-time employees additional hours of work up to 38 ordinary hours per week. Where an employee works such additional hours, such hours are to be paid at the ordinary time rate of pay.
- (vi) Where at the employer's discretion, the employer has granted leave without pay, employees proceeding on leave without pay shall not accrue any entitlements to forms of paid leave.

## 6. Core Values and Code of Conduct

- (i) Core Values

The Core Values of the Company are as follows:

- (a) Commit to Service Excellence

Willingly to serve all those with whom we deal with unsurpassed excellence;

- (b) Treat each other with Respect and Honesty

To grow a workplace where trust, team spirit and equity are in integral part of everything we do.

- (c) Demonstrate Responsibility and Accountability

To set an example, to take ownership of each situation to the best of our ability and to seek help when needed.

- (d) Be Enthusiastic about Continuous Improvement

Never to be complacent, to recognise limitations and opportunities for ourselves and processes and to learn through these.
- (e) Maintain Confidentiality

With regard to patient records and all information pertaining to patients as well as other professional and commercial issues.
- (ii) Code of Conduct
  - (a) The Company is committed to creating and maintaining an environment for all employees that is free from workplace harassment.
  - (b) The Company will not tolerate harassment at work or work-related events by its staff against other people or property.
  - (c) For the purpose of this clause, workplace harassment includes, but is not limited to:
    - 1. any act that is physically or psychologically an assault;
    - 2. Any threat or behaviour or action that is interpreted by a reasonable person as having the potential to:
      - harm or endanger the safety of others
      - result in an act of aggression, or
      - destroy or damage property.
  - (d) Any employee who commits an act of harassment or threatens to harass other persons or property at work or a work-related event will be the subject of disciplinary action, up to and including dismissal from employment.
  - (e) It is the responsibility of every employee, supervisor and manager to take any threat or form of workplace harassment seriously, and report acts or threats of harassment to the appropriate supervisor/manager/authorities.

#### **7. Commitment of the Parties**

The increases identified in Clause 4, Wages, represent the conclusion of the State Wage Case from 4 June 2004 (Matter Number IRC 2672 of 2004).

#### **8. Application of Parent Award**

This Award shall be read in conjunction with the Parent Award and insofar as the terms of this Award vary from the Parent Award, the terms of this Award shall prevail.

#### **9. Area, Incidence and Duration**

This Award rescinds and replaces the Douglass Hanly Moir, Barratt and Smith and Southern Pathology (State) Award 2003 published 31 October 2003 (341 I.G. 879) and all variations thereof.

This Award shall apply to all employees of the Company employed in the classifications contained in the Private Pathology Laboratories (State) Award, and shall apply from the beginning of the first full pay period to commence on or after 12 August 2004.

**PART B**  
**MONETARY RATES**

**Table 1 - Wages**

| Classification                                          | Former Rate<br>Per Week<br>\$ | SWC2004<br>\$ | Total Rate<br>Per Week<br>\$ |
|---------------------------------------------------------|-------------------------------|---------------|------------------------------|
| Pathology Aide - Laboratory                             |                               |               |                              |
| Grade 3 - on commencement                               | 471.70                        | 19.00         | 490.70                       |
| Grade 2 - after 12 months                               | 489.80                        | 19.00         | 508.80                       |
| Grade 1 - on appointment                                | 524.70                        | 19.00         | 543.70                       |
| Pathology Aide - Ancillary                              |                               |               |                              |
| Grade 3 - on commencement                               | 471.70                        | 19.00         | 490.70                       |
| Grade 2 - after 12 months                               | 489.80                        | 19.00         | 508.80                       |
| Grade 1 - on appointment                                | 524.70                        | 19.00         | 543.70                       |
| Pathology Aide - Courier                                |                               |               |                              |
| On commencement                                         | 539.20                        | 19.00         | 558.20                       |
| Pathology Collector -                                   |                               |               |                              |
| Grade 4 - in training                                   | 499.90                        | 19.00         | 518.90                       |
| Grade 3 - on appointment                                | 544.90                        | 19.00         | 563.90                       |
| Grade 2 - on appointment                                | 573.60                        | 19.00         | 592.60                       |
| Grade 1 - Educator/Co-coordinator                       | 608.20                        | 19.00         | 627.20                       |
| Practice Trainee - Scientific and<br>Technical Officers |                               |               |                              |
| Stage 1 -                                               | 363.00                        | 19.00         | 382.00                       |
| Stage 2 -                                               | 398.60                        | 19.00         | 417.60                       |
| Stage 3 -                                               | 449.20                        | 19.00         | 468.20                       |
| Stage 4 -                                               | 481.80                        | 19.00         | 500.80                       |
| Stage 5 -                                               | 523.40                        | 19.00         | 542.40                       |
| Stage 6 -                                               | 550.50                        | 19.00         | 569.50                       |
| And Thereafter                                          | 579.30                        | 19.00         | 598.30                       |

|                                                                 |        |       |        |
|-----------------------------------------------------------------|--------|-------|--------|
| Technical Officers                                              |        |       |        |
| Grade 4.2 - on commencement                                     | 596.90 | 19.00 | 615.90 |
| Grade 4.1 - after 12 months                                     | 619.90 | 19.00 | 638.90 |
| Grade 3.3 - on appointment                                      | 654.60 | 19.00 | 673.60 |
| Grade 3.2 - after 12 months                                     | 675.50 | 19.00 | 694.50 |
| Grade 3.1 - after 2 years                                       | 692.70 | 19.00 | 711.70 |
| Grade 2.2 - on appointment after at least 4 years at<br>Grade 3 | 715.70 | 19.00 | 734.70 |
| Grade 2.1 - after 2 years                                       | 733.60 | 19.00 | 752.60 |
| Grade 1.2 - on appointment                                      | 771.50 | 19.00 | 790.50 |
| Grade 1.1 - after 3 years                                       | 794.50 | 19.00 | 813.50 |
| Scientific Officers -                                           |        |       |        |
| Grade 4.2 - on commencement                                     | 608.40 | 19.00 | 627.40 |
| Grade 4.1 - after 12 months                                     | 654.60 | 19.00 | 673.60 |
| Grade 3.3 - on appointment                                      | 721.60 | 19.00 | 740.60 |
| Grade 3.2 - after 12 months                                     | 744.70 | 19.00 | 763.70 |
| Grade 3.1 - after 2 years                                       | 771.50 | 19.00 | 790.50 |
| Grade 2.2 - on appointment after at least 4 years at<br>Grade 3 | 794.50 | 19.00 | 813.50 |
| Grade 2.1 - after 2 years                                       | 829.10 | 19.00 | 848.10 |
| Grade 1.2 - on appointment                                      | 861.50 | 19.00 | 880.50 |

|                           |        |       |        |
|---------------------------|--------|-------|--------|
| Grade 1.1 - after 3 years | 896.00 | 19.00 | 915.00 |
|---------------------------|--------|-------|--------|

C. G. Staff *J.*

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(1209)

**SERIAL C2983**

**WOOLWORTHS LIMITED AND WOOLSTAR PTY LIMITED  
YENNORA, MOOREBANK, HELLES AVE D.C. AWARD 2003**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by National Union of Workers, New South Wales Branch, industrial organisation of employees.

(No. IRC 2739 of 2004)

Before The Honourable Justice Staunton

28 May 2004

**AWARD**

**Arrangement**

**PART A**

Clause No.      Subject Matter

16.      Annual Leave

1. Anti-Discrimination
3. Area, Incidence And Duration
29. Attendance At Repatriation Centres
19. Bereavement Leave
9. Casual Employees
4. Definitions
28. Dirty Work
22. Family Leave
24. Fares And Travelling Time
27. First-Aid
35. Flexibility
30. General Conditions
15. Holidays
5. Hours Of Work
23. Jury Service
17. Long Service Leave
14. Meal Allowance
13. Meal And Rest Breaks
11. Mixed Functions
34. No Extra Claims
12. Overtime
21. Parental Leave
10. Part-Time Employees
2. Parties
8. Payment Of Wages
33. Right Of Entry
36. Redundancy
31. Settlement Of Disputes
6. Shift Work
18. Sick Leave
26. Superannuation
25. Terms Of Engagement
32. Union Delegates
7. Wages
20. Workers' Compensation

#### PART B

#### MONETARY RATES

Table 1 - Wages

Table 2 - Other Rates and Allowances

### PART A

#### 1. Anti-Discrimination

- 1.1 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 responsibility as a carer.
- 1.2 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.
- 1.3 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.

1.4 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.

1.5 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".

## 2. Parties

The parties to this award are:

The National Union of Workers, New South Wales Branch; and

Woolworths Limited; and

Woolstar Pty Limited.

## 3. Area, Incidence and Duration

This award regulates, in whole and exclusively, the conditions of employment of all storepersons employed by Woolworths Limited or Woolstar Pty Limited at:

Moorebank Warehouse, situated at 7 Centenary Avenue, Moorebank, N.S.W; Helles Avenue Warehouse, Helles Avenue Moorebank; Yennora Warehouse, situated at cnr Dursley and Fairfield Roads, Yennora, N.S.W.

The award is in full settlement of all rights between the parties and all pre-existing disputes are subsumed within it.

This award rescinds and replaces Woolworths Limited and Woolstar Pty Limited Yennora, Moorebank, D.C. Award 2001 published on 5 July 2002 (334 I.G. 1052) and all variations thereof. This award shall take effect from the beginning of the first pay period to commence on or after 24 September 2003 and shall remain in force thereafter for a period of 36 months.

## 4. Definitions

4.1 "Full-time Employee" - An employee who works on a regular roster totalling 36 hours per week averaged over a two-week cycle.

- 4.2 "Part-time Employee" - An employee who works on a regular roster, a minimum of 16 hours and a maximum of 32 hours per week. Part-time employees may work additional hours to their rostered shift or additional hours on a non-rostered day, up to 9 hours per day or 36 hours per week. These additional hours will be paid at the applicable ordinary time rate for that day.
- 4.3 "Casual Employee" - An employee who works on an on-call basis.
- 4.4 "Fixed-term Employee" - An employee engaged as either a full-time or part-time employee for a specific period in replacement of an employee on authorised leave. A fixed-term employee shall be advised, in writing upon commencement, of the date of termination of such employment.
- 4.5 "Day Worker" - An employee who commences and completes a rostered shift between the hours of 6.00 a.m. and 6.00 p.m., Monday to Sunday, inclusive.
- 4.6 "Shift Worker" - An employee who commences a rostered shift before 6.00 a.m. or completes a rostered shift later than 6.00 p.m., Monday to Sunday, inclusive.
- 4.7 "Afternoon Shift" - A shift finishing during the period after 6.00 p.m. and at or before midnight.
- 4.8 "Night Shift" - A shift finishing during the period after midnight or before 8.00 a.m.
- 4.9 "Early Morning Shift" - A shift commencing during the period between 4.30 a.m. and 6.00 a.m.
- 4.10 "Storeperson Grade 4" - An employee who is a new employee and is serving a probationary period of three months, which period will include training and supervision to develop the person to Grade 3 status.
- 4.11 "Storeperson Grade 3" - A Storeperson Grade 3 will be required but will not be restricted to, the duties of receiving/selecting/replenishment/assembling, loading and unloading goods, cleaning and utilising mechanical, computer technology and electrical devices for the movement, control and documentation of goods.
- 4.12 "Storeperson Grade 2" - An employee who, in addition to performing the duties of a Storeperson Grade 3:
- (a) is principally engaged in the operation of materials handling equipment requiring licensing or certification issued under the relevant WorkCover Regulation; or
  - (b) is principally engaged in the co-ordination and control of office despatching duties.
- 4.13 "Storeperson Grade 1" - An employee who, in addition to performing the duties of a Storeperson Grade 2 or 3:
- (a) may utilise computer technology for the receipt and control of goods;
  - (b) may authorise transactions within a delegated scope on behalf of the Company; and
  - (c) works principally with minimal supervision and may be responsible for the quality of work of other storepersons without being responsible for their direction.
- 4.14 "Leading Hand" - An employee who, in addition to performing the duties of a Storeperson Grade 1, Grade 2 (if licensed) and/or Grade 3:
- (a) shall be appointed by the employer to assist in the good order of work flow in an operating area by:
    - (i) receiving instructions and allocating the work flow to employees;
    - (ii) determining shortages in labour, or material or equipment failures, and bringing any deficiencies to the employer for consideration;

- (b) shall, where a failure in training or behaviour occurs, disengage himself/herself from further action and refer the matter to the employer. Provided that this does not preclude a leading hand from giving training but only on the general instructions of the employer;
  - (c) shall not become involved in planning annual leave rosters or rostered days off, except by consultation with the employer to ensure an orderly overview of work cover;
  - (d) shall not become involved in disciplining of employees for behaviour, absenteeism or performance;
  - (e) shall give advice to the employer or other staff to assist with each of the above, but only to the extent of ensuring good order and work flow.
- 4.15 "A Week" - For all purposes of this award, a week shall be an average of 36 hours over a two-week cycle, Monday to Sunday, inclusive.
- 4.16 "Work Roster" - A schedule indicating the days and hours an employee is to report for duty to complete a two-week work cycle.
- 4.17 "Rostered Shift" - A shift forming part of the work roster where an employee is required to report for duty.

## **5. Hours of Work**

- 5.1 Ordinary Hours - Full-time Employees - Full-time employees' ordinary hours shall not be less than six hours per day or more than nine hours per day either worked as 36 hours per week, rostered over a 4-day week or an average of 36 hours per week over a two week cycle. The number of shifts per week will not exceed five, Monday to Sunday, inclusive. The shifts shall be worked consecutively, unless by mutual agreement.
- 5.2 Ordinary Hours - Part-time Employees - Part-time employees' ordinary hours shall not be less than four hours per day or more than nine hours per day. The number of shifts per week will not exceed five, Monday to Sunday, inclusive.
- 5.3 Casuals - A casual employee's ordinary hours shall not be less than four hours per working shift or more than nine hours in each working shift or more than 36 hours per week.
- 5.4 Day Worker - A day worker's ordinary hours is exclusive of meal breaks.
- 5.5 Shift Worker - A shift worker's ordinary hours is inclusive of meal breaks.
- 5.6 Commencing and Ceasing Times - The time of commencing and ceasing shift, having been determined, may be varied by mutual agreement or, in the absence of agreement, by seven days' notice of the alteration given by the Company to the employee.
- 5.7 Saturday and Sunday Work - Saturday and Sunday shall form part of an employee's work roster; provided the existing full-time employees, as at 19 June 1995, shall retain the right to work Saturday and Sunday on a roster based on mutual agreement between the Company and the employee.
- 5.8 Saturday Allowance - A day worker while working Saturday as part of their work roster shall be paid an allowance of 60 per cent in addition to the ordinary rate provided for in clause 7, Wages.
- 5.9 Sunday Allowance - A day worker whilst working Sunday as part of their work roster shall be paid an allowance of 100 per cent in addition to the ordinary rate provided for in the said clause 7.
- 5.10 Public Holiday Allowance - A day worker while working a public holiday as part of their work roster shall be paid an allowance of 200 per cent in addition to the ordinary rate provided for in the said clause 7.

- 5.11 Exceptions - The allowances provided for in subclauses 5.8, 5.9 and 5.10 of this clause shall not apply to any employee whilst absent on accrued sick leave.

## **6. Shift Work**

- 6.1 A shift worker while on afternoon shift shall be paid a shift allowance of 17.5 per cent in addition to the ordinary rate provided for in clause 7, Wages.
- 6.2 A shift worker while on night shift shall be paid a shift allowance of 27.5 per cent in addition to the ordinary rate provided for in the said clause 7.
- 6.3 A shift worker while on early morning shift shall be paid a shift allowance of 12.5 per cent in addition to the ordinary rate provided for in the said clause 7.
- 6.4 A shift worker working on a Saturday early morning, afternoon or night shift as part of their normal work roster shall be paid, in addition to the ordinary hourly rate, an allowance of 60 per cent in addition to the shift allowances in subclauses 6.1, 6.2 and 6.3 of this clause.
- 6.5 A shift worker working on a Sunday early morning, afternoon or night shift as part of their normal work roster shall be paid, in addition to the ordinary hourly rate, an allowance of 100 per cent which substitutes for the shift allowances in subclauses 6.1, 6.2 and 6.3.
- 6.6 Where shifts commence between 11.00 p.m. and midnight, the time so worked before midnight shall not entitle the employee to any allowances applicable to that day, provided that the time worked between 11.00 p.m. and midnight is applied to any allowance applicable to the day in which the majority of the shift is worked. Where shifts fall partly on two days, the day on which the major portion of the shift falls shall be regarded as that day.
- 6.7 Shift allowances provided in subclauses 6.4 and 6.5 of this clause shall not apply to any employee whilst absent on accrued sick leave. All other shift allowances prescribed by this clause shall apply to any employee absent on accrued sick leave.
- 6.8 Shift allowances shall be payable for absence on annual leave in accordance with clause 16, Annual Leave.

## **7. Wages**

- 7.1 The wages payable from the beginning of the first pay period to commence on or after 24 September 2003 and thereafter, are set out in Table 1 - Wages, of Part B, Monetary Rates.
- 7.2 The wages prescribed herein include a consideration for dress and uniform. These wages will be referred to as the ordinary rates.
- 7.3 The following employees shall receive per hour an allowance as set out in Item 1 of Table 2 - Other Rates and Allowances, of Part B, Monetary Rates, for all time worked in cleaning duties (excluding employees engaged in dirty work - see clause 28, Dirty Work) at the Yennora Warehouse:

Mr R. Archipov, Mr P. Paulic, Mr J. Pinochet, Mr L. Gentile, Mr D. Jacobs, Mr E. Mathers, Mr R. Waters, and Mr D. Stanivukovic.

## **8. Payment of Wages**

- 8.1 Wages shall be paid weekly on a day not later than Thursday of each week, for the pay week finishing the previous Sunday.
- 8.2 Payment for all employees shall be via electronic funds transfer to an acceptable financial institution.

- 8.3 Employees shall advise a financial institution and account number at the time of employment and may nominate a second account for a standard deduction.
- 8.4 Where employment is terminated, an employee shall be paid forthwith all ordinary wages due and shall be paid all overtime and other monies due within seven days of the date of the termination of employment.
- 8.5 The employer has the right to introduce a Fortnightly Pay Cycle to replace the conditions of 8.1 during the life of the agreement. The introduction will be on the basis that no employee would be financially disadvantaged at the time of the transition. Transitional arrangements are to be agreed prior to the introduction of the new pay cycle at 8.1

### **9. Casual Employees**

- 9.1 A casual employee may be employed for not less than four hours each start and not more than nine hours at the ordinary hourly rate which is equivalent to one thirty-sixth of the ordinary weekly rate, plus 15 per cent casual loading. A casual employee shall be paid overtime for any hours in excess of 36 hours per week.
- 9.2 Casual employees shall be paid in accordance with the provisions of the award with respect to shift allowances, weekend allowances and public holiday allowances in addition to the 15 per cent casual loading.
- 9.3 In accordance with the *Annual Holidays Act* 1944, casuals will receive one-twelfth of their ordinary hourly rate in lieu of annual leave.

### **10. Part-Time Employees**

- 10.1 Part-time employees shall be paid an ordinary hourly rate equal to the appropriate ordinary weekly rate divided by 36. The provisions of this award with respect to sick leave, annual leave, bereavement leave and holidays shall apply on a pro rata basis.
- 10.2 The provisions of this award with respect to shift allowance, weekend allowances, public holiday allowances and overtime shall apply as for full-time employees.

### **11. Mixed Functions**

- 11.1 An employee employed for 4.5 hours or more per day or 18 hours or more per week for work other than on which the employee regularly is employed and for which a higher rate of pay is provided herein, shall receive such higher rate of pay for the whole day or the whole week, as the case may be, whilst so employed. If employed for less than 4.5 hours on any day, he/she shall receive such higher rate of pay whilst so employed.
- 11.2 No employee shall suffer any reduction in wages if temporarily employed on work other than that on which the employee is regularly employed and for which a lower rate of pay is provided for herein.
- 11.3 Employees who perform higher functions for more than 100 whole days during a 12 month period (from the date of operation of this agreement) shall be eligible for reclassification to that higher function.

### **12. Overtime**

- 12.1 Overtime shall mean all time worked before the fixed starting time or after the fixed ceasing time, or in excess of 36 hours per week or an average of 36 hours per week over a two week cycle.
- 12.2 Casual employees shall be paid at overtime rates for all work:-
- (a) In excess of 9 hours per day;

- (b) In excess of 36 hours per week or an average of 36 hours per week over a two week cycle.

12.3 Overtime shall be paid for at the following rates:

- (a) Overtime worked between Monday and Friday 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) Overtime on a Saturday will be paid at the rate of time and one-half for the first two hours and double time thereafter, with a minimum payment of four hours, for those workers not working as part of their normal rostered shift.
- (c) Overtime on a Sunday shall be paid for at the rate of double time and a half, with a minimum payment of four hours, for those workers not working as part of their normal rostered shift.

12.4 The employer may require employees to work reasonable overtime to meet the needs of the business.

12.5 When overtime is worked it shall, wherever reasonably practicable, be so arranged that employees have at least ten consecutive hours off duty between the work of successive days.

An employee who works so much overtime between the termination of ordinary hours on one day and the commencement of ordinary work on the next day that the employee has not had at least ten consecutive hours off duty between those times, shall be released after completion of such overtime until the employee has had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

If, on the instructions of the employer, such an employee resumes or continues work without having had such ten consecutive hours off duty, the employee shall be paid at overtime rates until released from duty for such period.

This subclause shall not apply in respect to overtime worked on days when the employee is not rostered to work.

### 13. Meal and Rest Breaks

13.1 Meal Break - All employees working in excess of five hours shall be allowed a 30- minute period for a meal break. The time shall be fixed by the employer but once having been fixed shall not be altered without seven days' notice or by mutual agreement. The meal break will be an unpaid break for day workers and will be a paid break for shift workers.

13.2 Rest Break - Employees working six hours will be allowed a paid rest break at a time set by the employer in addition to the meal break. Employees entitled to a meal break working less than six hours will be allowed a meal break only.

This clause seeks to fully describe the circumstances in which rest breaks are taken so as to record present practices as at 24 September 1998. Present practices at both sites are agreed and confirmed in this subclause.

Moorebank and Yennora -

Day Work - One 12-minute rest break taken in the first half of the rostered shift and one ten-minute paid rest break taken at the end of the shift (allowing employees to finish their rostered shifts ten minutes early).

Shift Work - One 12-minute paid rest break in the first half of the shift.

Moorebank Afternoon Shift - Shall have a further paid ten-minute rest break at the end of the shift (allowing employees to finish their rostered shifts ten minutes early).

Overtime Moorebank -

Day Shift - When working two hours or more overtime before their normal shift will be allowed a paid 12-minute rest break before the commencement of their shift.

Afternoon Shift - When working two hours or more overtime before their normal shift will be allowed a paid ten-minute rest break before the commencement of their shift.

Moorebank and Yennora -

Breaks Adjacent to Overtime - Subject to the above, rest breaks adjacent to overtime for both day work and shift work are unpaid.

- 13.3 An employee working overtime shall be allowed a paid meal break of 20 minutes after each five hours of overtime worked.
- 13.4 Should overtime continue in excess of five hours, a paid meal break of 20 minutes shall be allowed for each subsequent completed five hours worked, the said five hours to be calculated from the time of each recommencement of work.
- 13.5 An employee required to work eight hours or more overtime on a rostered day off or a non-rostered public holiday shall be allowed one 12-minute rest break and one 30-minute paid meal break
- 13.6 Provided that the employer and employees may mutually agree to any variation of this clause to meet the circumstances of the work in hand.
- 13.7 The rest breaks and meal breaks are inclusive of wash-up time with no wash-up time permitted at the end of each shift.

#### **14. Meal Allowance**

- 14.1 An employee who works overtime for more than one hour before the fixed starting time or after the fixed ceasing time of their regular rostered shift shall be paid for such day a meal allowance of an amount set out in Item 2 of Table 2 - Other Rates and Allowances, of Part B, Monetary Rates. Such payment shall be paid by EFT and be included in the payment of weekly wages, as an after tax payment. This allowance will be indexed with future wage increases.
- 14.2 An employee who undertakes to work overtime nominated by their employer, then fails to work the full period of nominated overtime, shall forfeit the right to payment of the meal allowance.

#### **15. Holidays**

- 15.1 All statutory or gazetted public holidays observed generally throughout the State of New South Wales, being New Year's Day, Australia Day, Easter Saturday, Easter Monday, Anzac Day, Queen's Birthday, Eight-hour Day, Boxing Day and an agreed picnic day being 30 August, shall be worked if they form part of an employee's normal working roster.
- 15.2 The statutory or gazetted public holidays of Christmas Day and Good Friday will be observed as public holidays.
- 15.3 If employees are rostered to work on a public holiday, seven days' notice will be provided if their employer does not require the employee to work. Notwithstanding the giving of such notice, employees rostered to work on a public holiday shall be paid their ordinary rate of pay for that day.
- 15.4 Employees working on public holidays as part of their normal work roster, other than Good Friday and Christmas Day, shall be paid 200 per cent for hours worked in addition to the ordinary hourly rate with a minimum of six hours, unless the employee's rostered shift is less than six hours. This rate shall substitute for any shift or weekend allowances.

By mutual agreement employees may be rostered for 4 hour shifts on Public Holidays.

- 15.5 Employees working on Christmas Day or Good Friday shall be paid 300 per cent for hours worked in addition to the ordinary hourly rate with a minimum of six hours, unless the employee's rostered shift is less than six hours. This rate shall substitute for any shift or weekend allowances.
- 15.6 Where a full-time employee who is entitled to an RDO and such RDO falls on a public holiday, they shall be entitled to one of the following:
- (a) payment of an additional day's wage;
  - (b) a substitute day which shall be a similar day eg Friday for Friday, provided that the day taken as a substitute RDO shall be determined by the employer, within a period of four weeks prior or subsequent to the public holiday occurring.
- 15.7 An employee absent without leave on the day before or the day after any holiday shall forfeit payment for such holiday, except where the employer is satisfied by a medical certificate the employee's absence was caused by illness; provided an employee absent on one day only either before or after a group of holidays shall forfeit wages for only one holiday.
- 15.8 The picnic day is not to be considered a closed day for the industry. Those full-time employees who are employed as at 30 August with the mutual agreement between the employer and the employee, elect to:
- (a) receive one extra day's pay;
  - (b) have one day added to annual leave; or
  - (c) take an alternative day in lieu.
- 15.9 Part-time employees who are employed as at 30 August will be paid for the picnic day on a pro rata basis.

#### **16. Annual Leave**

- 16.1 See *Annual Holidays Act 1944*.
- 16.2 Employees engaged in seven-day continuous shift work (that is, full-time employees who may be rostered to work ordinary hours on any days of the week including Saturdays, Sundays and public holidays) will receive one week's leave in addition to that prescribed by the *Annual Holidays Act 1944*.
- 16.3 An employee at the time of commencing annual leave, in accordance with the said Act, shall be entitled to an additional payment in respect of the period of employment to which the said leave is referable of 25 per cent, calculated on the ordinary weekly time rate of pay and shall include any shift allowances but shall not include commissions, bonuses, incentive payments, overtime rates or any other payments prescribed by this award.
- 16.4 The loading prescribed herein shall be paid on termination of employment where the annual leave which has become due to the employee is outstanding at the time of termination.
- 16.5 The provisions of subclause 16.4 of this clause shall not apply where an employee is dismissed for misconduct, nor shall it apply to pro rata holiday pay paid on termination of employment.

#### **17. Long Service Leave**

- 17.1 See *Long Service Leave Act 1955*.

#### **18. Sick Leave**

- 18.1 An employee who, after not less than three months' continuous service with the employer, is unable to attend for duty during their ordinary working hours by reason of personal illness or incapacity, including incapacity resulting from injury within the meaning of the *Workplace Injury Management & Workers*

*Compensation Act 1998 or Workers Compensation Act 1988, not due to their own serious and wilful misconduct, shall be entitled to be paid at ordinary time rates of pay for the time of such non-attendances. Provided that once an employee has had three months' continuous service with an employer, they shall be paid for the time of such non-attendance during the first three months. Provided, however, that they shall not be entitled to paid leave of absence for any period in respect of which they are entitled to workers' compensation.*

- 18.2 The employee shall, prior to the commencement of such absence or as soon as possible, inform the employer of their inability to attend for duty and, as far as possible, state the nature of the injury or illness and the estimated duration of the incapacity.
- 18.3 The employee shall not be entitled to payment unless the employee provides proof, satisfactory to their employer, that the employee was unable on account of such illness to attend for duty on the day or days for which payment under this clause is claimed.
- 18.4 The employee shall not be entitled to sick leave in excess of the following:  
  
In the first year - 44 hours.  
  
In the second year and up to and including the fourth year of employment - 60 hours.  
  
In the fifth year and thereafter - 72 hours.  
The rights under this clause accumulate from year to year so that any part of a week which has not been allowed in any year may, subject to the conditions prescribed by this clause, be claimed by the employee and shall be allowed by the employer in a subsequent year of employment.
- 18.5 An employee who is absent without leave on the working day before or after a rostered day off shall be liable to forfeit wages for the working day except where the employee produces medical evidence that is satisfactory to the employer, to the extent that the absence was caused through personal illness or injury.
- 18.6 No employee shall be retired on the grounds of ill health until their accumulated sick leave credits have been exhausted or unless the cash value of the accumulated sick leave credit has been paid to the employee on termination of employment.
- 18.7 Entitlements within this clause do not extend to an employee on their rostered days off.
- 18.8 Employees under this award shall in any year of employment, be allowed three separate single days absence on account of personal illness or injury without production of proof of such illness or injury.
- 18.9 All other sick leave shall be subject to proof as provided in subclause 18.3 of this clause.
- 18.10 All Employees Shall, When Returning to Work After an Absence, Report to Their Respective Supervisor and, Where Necessary, Inform the Supervisor of the Reason for the Absence.
- 18.11 Provided that where an employer has reasonable proof to suspect that an employee has abused their entitlements under this subclause, the employer and the Union shall investigate and discuss the matter.

## **19. Bereavement Leave**

- 19.1 An employee on the death of a person prescribed in subclause 22.1(c) will be entitled on notice to leave including the day of the funeral of such relation, and such leave shall be without deduction of pay for a period not exceeding the number of hours worked by the employee in three ordinary days work. In the case of attendance of a funeral of such relation outside Australia, such leave shall be without deduction of pay for a period not exceeding the number of hours worked by the employee in five ordinary days' work. Proof of such death shall be furnished by the employee to the satisfaction of their employer, if so requested, together with proof of attendance in the case of a funeral outside Australia.

- 19.2 Where the death of a named relative herein occurs outside Australia and the employee does not attend the funeral, the employee shall be entitled to one day only, unless they can demonstrate to their employer that additional time up to a period of three days was justified.
- 19.3 Provided that this clause shall have no operation while the period of entitlement to leave under it coincides with any other period of entitlement to leave.
- 19.4 For the purpose of this clause, the word spouse shall not include a wife or husband from whom the employee is legally separated but shall include a person who lives with the employee as a de facto wife or husband.
- 19.5 Entitlements under this clause do not extend to an employee on their rostered day off.

## **20. Workers' Compensation**

- 20.1 See *Workplace Injury Management and Workers Compensation Act 1998* or *Workers Compensation Act 1987* or any Act that may replace the said Acts.

## **21. Parental Leave**

- 21.1 See Parental Leave Provisions of the *Industrial Relations Act 1996*.

## **22. Family Leave**

- 22.1 Use of Sick Leave

- (a) An employee with responsibilities in relation to a class of person set out in section (2) of subparagraph (c) of this subclause who needs their care and support shall be entitled to use, in accordance with this subclause, any sick leave entitlement which accrues after 20 March 1996 for absences to provide care and support for such persons when they are ill.
- (b) The employee shall, if required, establish by production of a medical certificate or statutory declaration the illness of the person concerned.
- (c) The entitlement to use sick leave in accordance with this subclause is subject to:
- (1) the employee being responsible for the care and support of the person concerned; and
- (2) 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 and 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 paragraph:

"relative" means a person related by blood, marriage, affinity;

"affinity" means a relationship that one spouse, because of marriage, has to blood relatives of the other; and

"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 their 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.

## 22.2 Unpaid Leave for Family Purpose

- (a) An employee may elect, with the consent of the employer, to take unpaid leave for the purpose of providing care and support to a class of person, set out in section (2) of subparagraph (c), who is ill.

## 22.3 Annual Leave

- (a) To give effect to this clause, but subject to the *Annual Holidays Act 1944* an employee may elect, with the consent of the employer, to take annual leave not exceeding five days in any calendar year at a time or times agreed upon by the parties.
  - (i) Access to annual leave, as prescribed in this subclause shall be exclusive of any shutdown period provided for elsewhere under the award.
  - (ii) 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.

## 22.4 Time Off in Lieu of Payment for Overtime

- (a) An employee may elect, with the consent of the employer, to take time in lieu of payment for overtime at a time or times agreed upon with employer.
- (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) An employer shall, if requested by an employee, provide payment at the rate provided for the payment of overtime in the award for any overtime worked under paragraph (a) of this subclause where such time has not been taken within four weeks of accrual. Notwithstanding anything contained elsewhere in this subclause, on notice from the employer an employee must elect, within six months of accrual, whether to take overtime worked under the said paragraph (a) as an overtime payment or as time off worked at the ordinary-time rate of pay.

## 22.5 Make-Up Time

An employee may elect, with the consent of their 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.

## 22.6 Grievance Process

In the event of any dispute arising in connection with any part of this clause, such dispute shall be processed in accordance with clause 31, Settlement of Disputes.

### **23. Jury Service**

- 23.1 An employee shall be allowed leave of absence during any period when required to attend for jury service. During such leave of absence, an employee shall be paid the difference between the jury service fees received and the employee's ordinary rate of pay as if working.
- 23.2 An employee shall be required to produce to their employer proof of jury service fees received and proof of requirement to attend and attendance on jury service and shall give their employer notice of such requirements as soon as practicable after receiving notification to attend for jury service.
- 23.3 Entitlements under this clause do not apply to an employee on a rostered day off.

### **24. Fares and Travelling Time**

- 24.1 Employees temporarily transferred shall be reimbursed any extra fares or expenses involved, together with payment for all extra time spent travelling.

### **25. Terms of Engagement**

- 25.1 Employment shall be on a weekly basis, except casuals who shall be on an hourly basis.
- 25.2 Employment of full-time, part-time and casual employees during the first three months of service shall be probationary and from day to day at the pro rata weekly rate, terminable by a day's notice on either side, but the employer shall indicate clearly to an employee at the time of engagement whether the employee is being engaged as a casual employee, a full-time or part-time employee.
- 25.3 Subject to subclause 25.5, employment after the first three months shall be terminable upon the giving of one week's notice or payment in lieu thereof.
- 25.4 Formal Counselling Procedure - Employees, other than probationary employees will be subject to a formal counselling procedure before termination of employment may take place. The procedure being:
- (a) First Counselling - explaining reasons with a Union Delegate present if so requested by the employee.
  - (b) Second Counselling - explaining reasons with a Union Delegate present if so requested by the employee.
  - (c) Dismissal - explaining reasons with a Union Delegate present if so requested by the employee.
  - (d) Written details will be kept of all meetings.
  - (e) A copy of the written details referred to in paragraph (d) of this subclause will be forwarded to the employee and the Secretary of the Union in respect of employees who are members of the Union.
  - (f) The employer will, if requested to by the Union, discuss with the Union the length of time the employer regards the warning as being current for the purposes of the first and second steps of the procedure referred to above.
- 25.5 In the case of misconduct justifying instant dismissal, an employee may be instantly dismissed.

### **26. Superannuation**

- 26.1 See the Storemen and Packers - Grocery and Variety Warehouse (State) Superannuation Award, published 22 February 1991 (261 I.G. 426).

### **27. First-Aid**

- 27.1 See *Occupational Health and Safety Act* 2000, and Regulations as amended from time to time.
- 27.2 A qualified first-aid attendant who is appointed to carry out the duties of a qualified first-aid attendant shall be paid per week as set out in Item 3 of Table 2 - Other Rates and Allowances, of Part B, Monetary Rates, in addition to the appropriate rate. This allowance will be indexed with future wage increases.
- 27.3 When a relief qualified first-aid attendant is required to be appointed under the Act they shall be paid the said additional allowance whilst engaged on such relief on a pro rata basis.

### **28. Dirty Work**

- 28.1 An employee engaged in the physical handling, sorting and attempted recovery of broken and damaged stock within the recognised central damaged stock area shall be paid per hour for each hour so employed a dirty work allowance of an amount as set out in Item 4 of Table 2 - Other Rates and Allowances, of Part B, Monetary Rates.
- 28.2 This special rate is a flat payment and shall not be taken into account when calculating any other payments to which the employee may be entitled.
- 28.3 This special rate will be indexed with future wage increases.

### **29. Attendance at Repatriation Centres**

- 29.1 Employees being ex-service personnel, shall be allowed as time worked, lost time incurred whilst attending repatriation centres for medical examination and/or treatment; provided that:
- (a) such lost time does not exceed four hours on each occasion;
  - (b) payment shall be limited to the difference between ordinary wage rates for time lost and any payment received from the Department of Veteran Affairs as a result of each such visit;
  - (c) the employee produces satisfactory evidence to their employer that the employee is so required to and subsequently does attend a repatriation centre.
- 29.2 Entitlements under this clause do not extend to an employee on a rostered day off.

### **30. General Conditions**

- 30.1 Each employee on the termination of engagement shall, on request, be given a statement, in writing, stating the position held by the employee and the length of service.
- 30.2 Employees shall be provided with reasonable dining accommodation, locker change rooms, adequate washing and toilet facilities and a plentiful supply of hot water and refrigerated water for drinking.
- 30.3 Adequate waterproof clothing shall be supplied to all employees working in the rain.

### **31. Settlement of Disputes**

- 31.1 Any dispute arising out of employment shall be referred by the Union Delegate to the employers' representatives appointed for this purpose.
- 31.2 Failing settlement at this level between the employer and the Union Delegate on the job, the Union Delegate shall refer the dispute within 24 hours to the Union Organiser, who will take up the matter with the employer.
- 31.3 All efforts shall be made by the employer and the Union Organiser to settle the matter but, failing settlement, the Union Organiser shall refer the dispute to the Union Secretary and the employer shall refer the dispute to the Australian Retailers Association, NSW Division (ARA-NSW) and the Union Secretary shall take the matter up with the ARA-NSW.

- 31.4 During the discussions, the status quo shall remain and work shall proceed normally. "Status quo" shall mean the situation existing immediately prior to the dispute or the matter giving rise to the dispute.
- 31.5 At any time either party shall have the right to notify the dispute to the Industrial Registrar.

### 32. Union Delegates

- 32.1 Where an employee is elected as a Union Delegate by their fellow employees and the Union notifies the employer, the Union Delegate shall be allowed by the employer such time as is necessary to interview the employer or its representatives on matters affecting the employees represented.
- 32.2 Union Delegates elected in accordance with clause 32.1, will be able to attend approved union training courses aimed at improving their role as site/shift delegates. The number of days will be 10 (collectively) per Distribution Centre per year.

### 33. Right of Entry

- 33.1 See *Industrial Relations Act* 1996, Chapter 5, Part 7 (entry and inspection by officers of industrial organisations) or any legislation replacing that provision.

### 34. No Extra Claims

- 34.1 It is a term of this award that both parties undertake for the duration of the award not to pursue any extra claims unless in accordance with the State Wage Case. Both parties recognise that the wages as expressed incorporate payments due under the Minimum Rates Principle.

### 35. Flexibility

- 35.1 An employer may direct an employee to carry out such duties as are within the limits of the employee's skill, competence and training.
- 35.2 Employees shall take all reasonable steps to achieve quality, accuracy and completion of any job or task assigned to the employee.
- 35.3 Employees shall not impose any restrictions or limitations on a reasonable review of work methods. All reviews carried out by the employer will take into account the potential impact on occupational health and safety.

### 36. Redundancy

The company and the union agree that leave is reserved for the parties to reach agreement in relation to a redundancy package during the nominal term of this award.

## PART B

### MONETARY RATES

**Adult Basic Wage: \$121.40 Per Week**

**Table 1 - Wages**

| Classification      | As at<br>24.9.2003<br>\$ | As at<br>24.3.2004<br>\$ | As at<br>24.9.2004<br>\$ | As at<br>24.9.2005<br>\$ |
|---------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Storeperson Grade 4 | 669.90                   | 683.30                   | 717.47                   | 753.34                   |
| Storeperson Grade 3 | 669.90                   | 683.30                   | 717.47                   | 753.34                   |

|                     |        |        |        |        |
|---------------------|--------|--------|--------|--------|
| Storeperson Grade 2 | 685.57 | 699.28 | 734.24 | 770.96 |
| Storeperson Grade 1 | 710.17 | 724.38 | 760.60 | 798.63 |
| Leading Hand        | 741.44 | 756.26 | 794.07 | 833.78 |

**Table 2 - Other Rates and Allowances**

| Item.<br>No | Clause<br>No. | Brief Description                                   | As at<br>24.9.2003<br>\$ | As at<br>24.3.2004<br>\$ | As at<br>24.9.2004<br>\$ | As at<br>24.9.2005<br>\$ |
|-------------|---------------|-----------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1           | 7.3           | Cleaning duties<br>Allowance (Yennora<br>Warehouse) | 0.36<br>per hour         | 0.37<br>per hour         | 0.39<br>per hour         | 0.41<br>per hour         |
| 2           | 14.1          | Meal Allowance                                      | 9.64                     | 9.83                     | 10.32                    | 10.84                    |
| 3           | 27.2          | First Aid Allowance                                 | 17.61<br>per week        | 17.97<br>per week        | 18.87<br>per week        | 19.81<br>per week        |
| 4           | 28.1          | Dirty Work<br>Allowance                             | 0.41<br>per hour         | 0.42<br>per hour         | 0.44<br>per hour         | 0.46<br>per hour         |

This award has not been entered into under duress.

P. J. STAUNTON *J.*

Printed by the authority of the Industrial Registrar.

(565)

SERIAL C2657

**PYROTECHNICS, &c. (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 5688 of 2003)

Before Commissioner McLeay

26 February 2004

**REVIEWED AWARD**

1. Renumber in the Arrangement the existing clauses 25A, Traineeships, and clause 26, Area, Incidence and Duration of the award published 25 January 2001 (321 I.G. 1043) to read as follows:
  26. Traineeships
  27. Area, Incidence and Duration
2. Delete the reference to "(d)" in clause 4, Implementation of 38-Hour Week, of subclause (ii) and replace with (iii). Delete the reference to (i), (ii), (iii) and (iv) and replace with (a), (b), (c) and (d).
3. Delete the words "Rostering" of subclause (iii) of clause 5, Rostered Days Off Duty.
4. Delete the word "each" of paragraph (d) of subclause (6) Rostered Days Off, of clause 19, Personal/Carer's Leave, and insert in lieu thereof the following:

"the"
5. Delete paragraph (b) of clause 24, Enterprise Arrangements, and insert in lieu thereof the following:

(b) Refer to the Enterprise Arrangements Principle of the Wage Fixing Principles.
6. The changes made to the award pursuant to the Award Review under section 19(6) of the *Industrial Relations Act* 1996 and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of New South Wales on 28 April 1999 (310 I.G. 359) take effect on and from 26 February 2004.

This award remains in force until varied or rescinded, the period for which it was made already having expired.

J. McLEAY, Commissioner.

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(514)

**SERIAL C2576**

**OYSTER FARMERS, &c (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 5590 of 2003)

Before The Honourable Mr Deputy President Harrison

12 February 2004

**REVIEWED AWARD**

1. Renumber in the Arrangement of the award published 11 May 2001 (324 I.G. 757) clause 23A, Deduction of Union Membership Fees to read as clause 24 and renumber the existing clause 24, Area, Incidence and Duration to read as clause 25

24. Deduction of Union Membership Fees  
25. Area, Incidence and Duration

2. Insert in clause 24, Area, Incidence and Duration the following new paragraphs:

The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act* 1996 and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of NSW on 28 April 1999 (310 I.G. 359) and take effect on 12 February 2004.

This award remains in force until varied or rescinded, the period for which it was made already having expired.

R. W. HARRISON *D.P.*

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(5044)

SERIAL C2618

**CLERKS REDUNDANCY (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 5783 of 2003)

Before Mr Deputy President Grayson

15 December 2003

**REVIEWED AWARD**

1. Delete subclause (i) of clause 3, Application, of the award published 30 June 2000 (316 I.G. 1054) and insert in lieu thereof the following:
  - (i) This Award shall apply in respect of full-time and part-time persons employed in the classifications specified in the following Awards:

Armaguard NSW (Clerical and Administrative) Enterprise Award, 2002 - 2004.

Mirror and Telegraph Publications Clerical Award 2000.

Clerical and Administrative Employees (John Fairfax Publications) Award 2000.
2. The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act* 1996 and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of NSW on 28 April 1999 (310 I.G. 359) and take effect on 15 December 2003.

This award remains in force until varied or rescinded, the period for which it was made already having expired.

J. P. GRAYSON *D.P.*

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(770)

SERIAL C2601

## HEALTH PROFESSIONAL AND MEDICAL SALARIES (STATE) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 5756 of 2003)

Before Mr Deputy President Grayson

12 December 2003

### REVIEWED AWARD

1. Delete the definition of "Association" in clause 1, Definitions of the award published 3 December 1999 (312 I.G. 516) and insert in lieu thereof the following:

"Union" means the Health Services Union and, in relation to Career Medical Officers only, the Health Services Union and The Australian Salaried Medical Officers' Federation (New South Wales).

2. Delete clause 4, No Extra Claims and insert in lieu thereof the following:

#### 4. No Extra Claims

The Union undertakes not to pursue any new salaries or conditions claims arising from negotiations of productivity and efficiency improvements covered by the Memorandum of Understanding between the New South Wales Government and the Union dated 2 March, 2000.

3. The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act* 1996 and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of NSW on 28 April 1999 (310 I.G. 359) and take effect on 12 December 2003.

This award remains in force until varied or rescinded, the period for which it was made already having expired.

J. P. GRAYSON D.P.

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(515)

**SERIAL C2872****PAINT AND VARNISH MAKERS, &c. (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 3852 of 2004)

Before The Honourable Justice Kavanagh

8 July 2004

**VARIATION**

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

**4. Wages**

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

The rates of pay in this award include the adjustments payable under the State Wage Case 2004. These adjustments may be offset against:

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

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

| Classification Grade | Former rate of pay per week<br>\$ | SWC - 2004<br>\$ | Total rate per week<br>\$ |
|----------------------|-----------------------------------|------------------|---------------------------|
| 1                    | 498.20                            | 19.00            | 517.20                    |
| 2                    | 510.20                            | 19.00            | 529.20                    |
| 3                    | 521.70                            | 19.00            | 540.70                    |
| 4                    | 542.60                            | 19.00            | 561.60                    |
| 5                    | 570.30                            | 19.00            | 589.30                    |

**Table 2 - Wage Rates - Laboratory Employees**

| Classification Grade | Former rate of pay per week<br>\$ | SWC - 2004<br>\$ | Total rate per week<br>\$ |
|----------------------|-----------------------------------|------------------|---------------------------|
| 1                    | 498.20                            | 19.00            | 517.20                    |
| 1A                   | 510.20                            | 19.00            | 529.20                    |
| 2A                   | 521.70                            | 19.00            | 540.70                    |
| 2B                   | 583.90                            | 19.00            | 602.90                    |
| 2C                   | 602.80                            | 19.00            | 621.80                    |
| 3                    | 623.60                            | 19.00            | 642.60                    |
| 4                    | 644.50                            | 19.00            | 663.50                    |
| 5                    | 686.20                            | 19.00            | 705.20                    |
| 6                    | 727.90                            | 19.00            | 746.90                    |
| 7                    | 748.80                            | 19.00            | 767.80                    |

**Table 3 - Allowances**

| Item No. | Clause No. | Brief Description                  | Amount<br>(\$) |
|----------|------------|------------------------------------|----------------|
| 1        | 5(i)(a)    | Leading Hand: 1-10 employees       | 27.47          |
| 2        | 5(i)(b)    | Leading Hand: 11 or more employees | 38.97          |
| 3        | 5(ii)      | Storeperson Working Singly         | 14.70          |
| 4        | 8(ii)      | First Aid Allowance                | 14.07          |
| 5        | 17         | Meal Allowance                     | 11.42          |
| 6        | 39(i)      | Excess fares - transfer            | 0.58 per km    |
| 7        | 39(ii)     | Excess fares normal work site      | 0.58 per km    |

3. This variation shall take effect from the beginning of the first pay period to commence on or after 2 September 2004.

T. M. KAVANAGH *J.*

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(518)

SERIAL C2896

**PARKING ATTENDANTS, &c. (STATE) CONSOLIDATED AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 3849 of 2004)

Before The Honourable Mr Justice Staff

9 July 2004

**VARIATION**

1. Delete clause 6, Wages, of the award published 8 December 2000 (320 I.G. 1171) and insert in lieu thereof the following:

**6. Wages**

- (i) The minimum adult weekly rates of pay for each classification, are as set out in Table 1 - Wages, of Part B, Monetary Rates.
- (ii) The rates of pay in this award include the adjustments payable under the State Wage Case 2004. These adjustments may be offset against:
- (a) any equivalent over-award payments; and/or
- (b) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.
- (iii) Junior Employees - The minimum rates of pay to be paid to junior employees shall be the following percentages of the appropriate adult rate of pay as prescribes in subclause (i) of this clause:

|                       | Percentage per week |
|-----------------------|---------------------|
| Under 18 years of age | 70                  |
| At 18 years of age    | 100                 |

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

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

|  |  |                                      |
|--|--|--------------------------------------|
|  |  | Weekly Rates for Full Time Employees |
|--|--|--------------------------------------|

|                      |                                           | A                        | B                    | C                       |
|----------------------|-------------------------------------------|--------------------------|----------------------|-------------------------|
| Award Classification | Relativity to Metal Industry Tradesperson | Former Rates per week \$ | SWC 2004 per week \$ | Total Rates per week \$ |
| Parking Attendant    | 82.0%                                     | 465.10                   | 19.00                | 484.10                  |

**Table 2 - Other Rates and Allowances**

| Item | Clause No. | Brief Description                      | Amount Payable \$ |
|------|------------|----------------------------------------|-------------------|
| 1    | 6A         | Meal Allowance                         | 7.50 per meal     |
| 2    | 6A         | Employee in Charge Allowance           | 28.30 per week    |
| 3    | 6A         | First Aid Allowance - Weekly Employee  | 12.70 per week    |
| 4    | 6A         | First Aid Allowance - Other Employee   | 2.50 per shift    |
| 5    | 6A         | Laundering Allowance - Weekly Employee | 9.75 per week     |
| 6    | 6A         | Laundering Allowance - Other Employee  | 1.90 per shift    |

3. This variation shall take effect from the beginning of the first pay period to commence on or after 11 July 2004.

C. G. STAFF J.

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1258)

SERIAL C3019

## DOUGLASS HANLY MOIR, BARRATT & SMITH AND SOUTHERN PATHOLOGY (STATE) AWARD 2004

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 3846 of 2004)

Before The Honourable Mr Justice Staff

2 August 2004

### VARIATION

1. Insert a new subclause (i) in clause 4, Wages, of the award published 31 October 2003 (341 I.G. 879), and insert in lieu thereof the following:
  - (i) The rates of pay in this award include the adjustments payable under the State Wage Case 2004. These adjustments may be offset against:
    - (a) any equivalent over award payments, and/or
    - (b) award wage increases since 29 May 1991 other than safety net, State Wage Case and minimum rates adjustments.
2. Delete Table 1, Wages of Part B, Monetary Rates, and insert in lieu thereof the following:

### PART B

#### MONETARY RATES

**Table 1 - Wages**

| Classification              | Former Rate<br>Per Week<br>\$ | SWC 2004<br>\$ | Total Rate<br>Per Week<br>\$ |
|-----------------------------|-------------------------------|----------------|------------------------------|
| Pathology Aide - Laboratory |                               |                |                              |
| Grade 3 - on commencement   | 471.70                        | 19.00          | 490.70                       |
| Grade 2 - after 12 months   | 489.80                        | 19.00          | 508.80                       |
| Grade 1 - on appointment    | 524.70                        | 19.00          | 543.70                       |
| Pathology Aide - Ancillary  |                               |                |                              |
| Grade 3 - on commencement   | 471.70                        | 19.00          | 490.70                       |
| Grade 2 - after 12 months   | 489.80                        | 19.00          | 508.80                       |
| Grade 1 - on appointment    | 524.70                        | 19.00          | 543.70                       |
| Pathology Aide - Courier    |                               |                |                              |
| On commencement             | 539.20                        | 19.00          | 558.20                       |
| Pathology Collector -       |                               |                |                              |
| Grade 4 - in training       | 499.90                        | 19.00          | 518.90                       |
| Grade 3 - on appointment    | 544.90                        | 19.00          | 563.90                       |

|                                   |        |       |        |
|-----------------------------------|--------|-------|--------|
| Grade 2 - on appointment          | 573.60 | 19.00 | 592.60 |
| Grade 1 - Educator/Co-coordinator | 608.20 | 19.00 | 627.20 |

|                                                              |        |       |        |
|--------------------------------------------------------------|--------|-------|--------|
| Practice Trainee - Scientific and Technical Officers         |        |       |        |
| Stage 1 -                                                    | 363.00 | 19.00 | 382.00 |
| Stage 2 -                                                    | 398.60 | 19.00 | 417.60 |
| Stage 3 -                                                    | 449.20 | 19.00 | 468.20 |
| Stage 4 -                                                    | 481.80 | 19.00 | 500.80 |
| Stage 5 -                                                    | 523.40 | 19.00 | 542.40 |
| Stage 6 -                                                    | 550.50 | 19.00 | 569.50 |
| And Thereafter                                               | 579.30 | 19.00 | 598.30 |
| Technical Officers                                           |        |       |        |
| Grade 4.2 - on commencement                                  | 596.90 | 19.00 | 615.90 |
| Grade 4.1 - after 12 months                                  | 619.90 | 19.00 | 638.90 |
| Grade 3.3 - on appointment                                   | 654.60 | 19.00 | 673.60 |
| Grade 3.2 - after 12 months                                  | 675.50 | 19.00 | 694.50 |
| Grade 3.1 - after 2 years                                    | 692.70 | 19.00 | 711.70 |
| Grade 2.2 - on appointment after at least 4 years at Grade 3 | 715.70 | 19.00 | 734.70 |
| Grade 2.1 - after 2 years                                    | 733.60 | 19.00 | 752.60 |
| Grade 1.2 - on appointment                                   | 771.50 | 19.00 | 790.50 |
| Grade 1.1 - after 3 years                                    | 794.50 | 19.00 | 813.50 |
| Scientific Officers -                                        |        |       |        |
| Grade 4.2 - on commencement                                  | 608.40 | 19.00 | 627.40 |
| Grade 4.1 - after 12 months                                  | 654.60 | 19.00 | 673.60 |
| Grade 3.3 - on appointment                                   | 721.60 | 19.00 | 740.60 |
| Grade 3.2 - after 12 months                                  | 744.70 | 19.00 | 763.70 |
| Grade 3.1 - after 2 years                                    | 771.50 | 19.00 | 790.50 |
| Grade 2.2 - on appointment after at least 4 years at Grade 3 | 794.50 | 19.00 | 813.50 |
| Grade 2.1 - after 2 years                                    | 829.10 | 19.00 | 848.10 |
| Grade 1.2 - on appointment                                   | 861.50 | 19.00 | 880.50 |
| Grade 1.1 - after 3 years                                    | 896.00 | 19.00 | 915.00 |

3. This variation shall take effect on and from the first full pay period to commence on or after 12 August 2004.

C. G. Staff J.

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(293)

**SERIAL C3016****ELECTRICIANS, &c. (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Electrical Trades Union of Australia, New South Wales Branch, industrial organisation of employees.

(No. IRC 3405 of 2004)

Before Commissioner O'Neill

2 July 2004

**VARIATION**

1. Delete subclause 8.7 of clause 8, Wage Rates, of the award published 29 June 2001 (325 I.G. 808), and insert in lieu thereof the following:
  - 8.7 The rates of pay in this award include the adjustments payable under the State Wage Case 2004. 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 Tables 1, 2, 3, and 5 of Part B, Monetary Rates, and insert in lieu thereof the following:

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

|                                                                                                                                                                             | Former<br>Rate<br>per week<br><br>\$ | SWC 2004<br>Arbitrated<br>Safety Net<br>Adjustment<br>\$ | Total<br>per week<br><br>\$ | *Supplementary<br>Payment<br>per week<br><br>\$ |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------|-----------------------------|-------------------------------------------------|
| Electrical Mechanic                                                                                                                                                         | 516.00                               | 19.00                                                    | 535.00                      | 30.10                                           |
| Electric Fitter                                                                                                                                                             | 516.00                               | 19.00                                                    | 535.00                      | 30.10                                           |
| Electrical Instrument Fitter                                                                                                                                                | 540.80                               | 19.00                                                    | 559.80                      | 32.40                                           |
| Electronics Tradesperson                                                                                                                                                    | 587.10                               | 19.00                                                    | 606.10                      | 55.60                                           |
| Plant Electrician shall be paid the same rate of pay as a Leading Hand Electrical Mechanic.<br>NOTE: The margin for a Plant Electrician, calculated as prescribed above, is | 552.40                               | 19.00                                                    | 571.40                      | 32.70                                           |
| Radio Mechanic or Fitter                                                                                                                                                    | 516.00                               | 19.00                                                    | 535.00                      | 30.10                                           |
| Refrigeration and/or Air Conditioning Mechanic or Fitter                                                                                                                    | 516.00                               | 19.00                                                    | 535.00                      | 30.10                                           |
| Battery Fitter                                                                                                                                                              | 516.00                               | 19.00                                                    | 535.00                      | 30.10                                           |
| Electrician in charge of plant having a capacity of less than 75kw                                                                                                          | 525.10                               | 19.00                                                    | 544.10                      | 31.30                                           |

|                                                                   |        |       |        |       |
|-------------------------------------------------------------------|--------|-------|--------|-------|
| Electrician in charge of plant having a capacity of 75 kW or more | 549.50 | 19.00 | 568.50 | 33.00 |
| Linesworker                                                       | 488.20 | 19.00 | 507.20 | 27.90 |
| Linesworker special class                                         | 507.40 | 19.00 | 526.40 | 29.40 |
| Tradesperson and/or Linesworkers Assistant                        | 445.60 | 19.00 | 464.60 | 24.40 |

\*Note: The supplementary payment prescribed shall be paid to all employees other than employees engaged on construction work.

**Table 2 - Additional Margins**

| Item No. | Clause No. | Brief Description                                                                                                             | Amount \$                                    |
|----------|------------|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| 1        | 4.1.1      | Qualified Supervisor Certificate (Electrician)                                                                                | 28.75 per week                               |
| 2        | 4.1.1      | Certificate of Registration (Electrician)                                                                                     | 15.55 per week                               |
| 3        | 4.1.1      | Licence Reimbursement Allowance - NSW "Qualified Supervisor Certificate"                                                      | 0.45 (N/C)                                   |
| 4        | 4.1.2      | Leading Hand Allowance                                                                                                        | 38.85 per week                               |
| 5        | 4.1.3.1    | Construction Work - In conditions peculiar to such work, i.e., dust blowing in the wind, etc.                                 | 20.55 per week                               |
| 6        | 4.1.4.1    | Construction Work - Special Allowance                                                                                         | 72.65 per week                               |
| 7        | 4.1.5      | Ship Repair Work -<br>Tradespersons<br>All other labour                                                                       | 11.50 per week<br>9.30 per week              |
| 8        | 4.1.6      | Tradesperson and their assistants employed in large operating power houses                                                    | 15.15 per week                               |
| 9        | 4.1.7      | Electrical Tradespersons employed at Australian Gypsum Ltd., Camellia                                                         | 18.25 per week                               |
| 10       | 4.2.1.1    | Apprentices engaged on construction work - In conditions peculiar to such work, i.e., dust blowing in the wind, etc.          | 20.55 per week                               |
| 11       | 4.2.1.2    | Apprentices engaged on ship repairs                                                                                           | 11.50 per week                               |
| 12       | 4.2.1.3    | Apprentices engaged on construction work -<br>Year of Apprenticeship<br>1st year<br>2nd year<br>3rd year<br>4th year          | Per Week<br>20.15<br>29.40<br>38.00<br>45.05 |
| 13       | 4.2.2.1    | Trainee apprentices engaged on construction work in conditions peculiar to such work, i.e., dust blowing in the wind, etc.    | 20.55 per week                               |
| 14       | 4.2.2.2    | Trainee Apprentices engaged on ship repairs                                                                                   | 11.50 per week                               |
| 15       | 4.2.2.3    | Trainee apprentices engaged on construction work -<br>Year of Apprenticeship:<br>1st year<br>2nd year<br>3rd year<br>4th year | Per week<br>21.35<br>32.75<br>41.40<br>46.85 |
| 16       | 7.3.1      | Tool Allowance                                                                                                                | 11.90 per week                               |

**Table 3 - Apprentice Rates**

| (i) Indentured Apprentices                                                         |                         |                                                    |                   |
|------------------------------------------------------------------------------------|-------------------------|----------------------------------------------------|-------------------|
| (a) The minimum weekly rates of wages for Apprentices shall be as follows:         |                         |                                                    |                   |
|                                                                                    | Former Rate<br>per week | SWC 2004<br>Arbitrated<br>Safety Net<br>Adjustment | Total<br>per week |
|                                                                                    | \$                      | \$                                                 | \$                |
| 1st year                                                                           | 196.10                  | 6.85                                               | 202.95            |
| 2nd year                                                                           | 266.15                  | 9.30                                               | 275.45            |
| 3rd year                                                                           | 384.40                  | 13.45                                              | 397.85            |
| 4th year                                                                           | 441.35                  | 15.45                                              | 456.80            |
| (ii) Trainee Apprentices                                                           |                         |                                                    |                   |
| (a) The minimum weekly rates of wages for trainee apprentices shall be as follows: |                         |                                                    |                   |
|                                                                                    | Former Rate<br>per week | SWC 2004<br>Arbitrated<br>Safety Net<br>Adjustment | Total<br>per week |
|                                                                                    | \$                      | \$                                                 | \$                |
| 1st year                                                                           | 226.00                  | 7.90                                               | 233.90            |
| 2nd year                                                                           | 302.80                  | 10.60                                              | 313.40            |
| 3rd year                                                                           | 423.60                  | 14.85                                              | 438.45            |
| 4th year                                                                           | 464.70                  | 16.25                                              | 480.95            |

**Table 5 -Work Related Allowances**

| Item No. | Clause No. | Brief Description                                                                                                     | Amount \$                          |
|----------|------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 1        | 14.1.1     | Dirty Work Allowance                                                                                                  | 0.42 per hour                      |
| 2        | 14.1.1.3   | Ship Repair - Dirty Work Allowance                                                                                    | 0.54 per hour                      |
| 3        | 14.1.2     | Confined Space Allowance                                                                                              | 0.54 per hour                      |
| 4        | 14.1.3     | Insulation Material Allowance                                                                                         | 0.54 per hour                      |
| 5        | 14.1.4.1   | Height Allowance -<br>for each further 15 meters increase in height                                                   | 0.46 per hour<br>0.46 per hour     |
|          | 14.1.4.2   | Bosun's chair or swinging scaffold allowance -<br>for each further 15 meters increase in height                       | 0.46 per hour<br>0.46 per hour     |
| 6        | 14.1.5.1   | Wet Allowance                                                                                                         | 0.42 per hour                      |
| 7        | 14.1.6.1   | Hot Places Allowance<br>- 46 degrees Celsius to 54 degrees Celsius<br>- Where temperature exceeds 54 degrees Celsius  | 0.42 per hour<br>0.54 per hour     |
| 8        | 14.1.7     | Cold Places Allowance                                                                                                 | 0.42 per hour                      |
| 9        | 14.1.8     | Explosive Powered Tool Allowance<br>- minimum payment per day                                                         | 1.13 per day                       |
| 10       | 14.1.9.3   | Toxic Substance Allowance<br><br>Employees working in close proximity to employees<br>so engaged with such substances | 0.55 per hour<br><br>0.46 per hour |
| 11       | 14.1.10.1  | Underground Work Allowance                                                                                            | 9.73 per week                      |
|          | 14.1.10.5  | Underground Work Allowance maximum 4 days or<br>shifts per week                                                       | 1.95 per day or<br>shift           |

|    |           |                                            |               |
|----|-----------|--------------------------------------------|---------------|
| 12 | 14.1.11.1 | Submarine Allowance - for work inside hull | 0.77 per hour |
|----|-----------|--------------------------------------------|---------------|

|    |           |                                                            |                   |
|----|-----------|------------------------------------------------------------|-------------------|
|    | 14.1.11.2 | For work in other compartments listed in 4.1.11.2          | 1.27 per hour     |
|    | 14.1.11.3 | For work inside "D", "O" and "R" tanks                     | 1.51 per hour     |
| 13 | 14.1.12.4 | Asbestos Allowance                                         | 1.51 per week     |
| 14 | 14.2.1    | Pilkington - A.C.I. Operations Pty Ltd                     |                   |
|    |           | Electrical Workers Allowance                               | 25.82 per week    |
|    |           | Electrical Tradesmen's Assistants Allowance                | 23.34 per week    |
| 15 | 14.2.2.1  | AIS, JLA and BHP Construction Allowance                    | 40.15 per week    |
| 16 | 14.2.2    | Corrective Establishment Allowance                         | 1.14 per hour     |
| 17 | 15.4.3    | Up to and including 4 storey levels                        | Nil               |
|    |           | From 5 storey levels up to and including 15 storey levels  | 37 cents per hour |
|    |           | From 16 storey levels up to and including 30 storey levels | 41 cents per hour |
|    |           | From 31 storey levels up to and including 45 storey levels | 49 cents per hour |
|    |           | From 46 storey levels up to and including 60 storey levels | 59 cents per hour |
|    |           | From 61 storey levels and above                            | 66 cents per hour |
| 18 |           | Distant Places Allowance -                                 |                   |
|    | 16.1      | Central Section                                            | 0.93 per day      |
|    | 16.2      | Western Division                                           | 1.56 per day      |
|    | 16.3      | Snowy Mountains Section                                    | 1.56 per day      |
| 19 | 29        | First-aid Allowance                                        | 2.16 per day      |

3. This variation shall take effect from the first pay period to commence on or after 2 July 2004.

B. W. O'NEILL, Commissioner.

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## PLUMBERS AND GASFITTERS (STATE) AWARD

### INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by The New South Wales Plumbers and Gasfitters Employees' Union, industrial organisation of employees.

(No. IRC 1070 of 2004)

Before Commissioner Tabbaa

26 March 2004

### VARIATION

1. Delete paragraph (e) of subclause (2) of clause 6, Wages, of the award published 25 February 2000 (313 I.G. 709), and insert in lieu thereof the following:
  - (e) 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 Table 1 - Rates of Pay of Part B, Monetary Rates, and insert in lieu thereof the following:

**Table 1 - Rates of Pay**

- (i) Wages -

Effective first full pay period on or after 26 March 2004

| Classification                          | Amount<br>\$ |
|-----------------------------------------|--------------|
| Journey person Plumber Margin for skill | 369.10       |
| Arbitrated Safety Net adjustment        | 123.00       |
| Hourly Rate -                           | 16.60        |
| Ships Plumber Margin for Skill          | 369.10       |
| Arbitrated Safety Net Adjustment        | 123.00       |
| Hourly Rate -                           | 16.33        |

- (ii) Wages Apprentices - Indentured Apprentices- For apprentices employed by employers bound by this award, other than those employed in ship's plumbing, the following wage rates apply:

| Years of service  | Former Rate<br>Per week<br>\$ | Industry<br>allowance<br>\$ | Special<br>allowance<br>\$ | SWC 2003<br>\$ | Total per<br>week<br>\$ |
|-------------------|-------------------------------|-----------------------------|----------------------------|----------------|-------------------------|
| Building Industry |                               |                             |                            |                |                         |
| 1st year          | 177.00                        | 20.30                       | 17.10                      | 5.66           | 220.10                  |
| 2nd year          | 258.80                        | 20.30                       | 25.30                      | 8.28           | 312.70                  |
| 3rd year          | 340.90                        | 20.30                       | 32.50                      | 10.91          | 404.60                  |
| 4th year          | 401.00                        | 20.30                       | 38.70                      | 12.83          | 472.80                  |

|                       |        |  |  |      |        |
|-----------------------|--------|--|--|------|--------|
| All other apprentices |        |  |  |      |        |
| 1st year              | 177.00 |  |  | 5.66 | 182.70 |
| 2nd year              | 258.80 |  |  | 8.28 | 267.10 |

|          |        |  |  |       |        |
|----------|--------|--|--|-------|--------|
| 3rd year | 340.90 |  |  | 10.91 | 351.80 |
| 4th year | 401.00 |  |  | 12.83 | 413.80 |

## Trainee Apprentice- Building Industry

| Years of Service                 | Former Rate<br>Per Week<br>\$ | Industry<br>allowance<br>\$ | Special<br>allowance<br>\$ | SWC 2003<br>\$ | Total Per<br>Week<br>\$ |
|----------------------------------|-------------------------------|-----------------------------|----------------------------|----------------|-------------------------|
| <b>Building Industry</b>         |                               |                             |                            |                |                         |
| 1st year                         | 200.00                        | 20.30                       | 18.40                      | 6.40           | 245.10                  |
| 2nd year                         | 290.90                        | 20.30                       | 27.90                      | 9.31           | 348.40                  |
| 3rd year                         | 376.20                        | 20.30                       | 35.30                      | 12.04          | 443.80                  |
| 4th year                         | 423.30                        | 20.30                       | 43.10                      | 13.55          | 500.30                  |
| <b>All other<br/>Apprentices</b> |                               |                             |                            |                |                         |
| 1st year                         | 200.00                        |                             |                            | 6.40           | 206.40                  |
| 2nd year                         | 290.90                        |                             |                            | 9.31           | 300.20                  |
| 3rd year                         | 376.20                        |                             |                            | 12.04          | 388.20                  |
| 4th year                         | 423.30                        |                             |                            | 13.55          | 436.90                  |

3. Delete Item Nos. 1 to 54 and 73 of Table 2 - Other Rates and Allowances, of Part B, Monetary Rates, and insert in lieu thereof the following:

**Table 2 - Other Rates and Allowances**

Effective first full pay period on or after 26 March 2004.

| Item No. | Clause No.                                                 | Brief Description                                                                                                                                                                                                                         | Amount \$                                                                                             |
|----------|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 1        | 6(2) (a) (i),<br>(ii), (iii)<br><br>6(2) (b)               | Journeyperson Plumber (Other than Ship Plumber)-<br>Industry Allowance<br>Tool Allowance<br>Supplementary Payment<br>Special Allowance<br>Registration Allowance<br>Amount deducted from hourly rate of journeyperson plumber for drainer | 20.30 per week<br>20.30 per week<br>52.10 per week<br>7.70 per week<br>0.54 per hour<br>0.05          |
| 2        | 6(2)(c)(i),<br>(ii),(iii),(iv)<br><br>6 (2)<br>(d)(iii)(a) | Ships Plumber -<br>Industry Allowance<br>Tool allowance<br>Supplementary payments<br>Special allowance<br>Registration Allowance<br>Ship Plumbers Apprentice                                                                              | 10.70 per week<br>20.30 per week<br>52.10 per week<br>7.70 per week<br>0.54 per hour<br>4.49 per week |
| 3        | 7(i) (a)                                                   | Plumbers Licence                                                                                                                                                                                                                          | 0.70 per hour                                                                                         |
| 4        | 7(i)(b)                                                    | Gasfitter's Licence                                                                                                                                                                                                                       | 0.70 per hour                                                                                         |
| 5        | 7(i)(c)                                                    | Drainers Licence                                                                                                                                                                                                                          | 0.60 per hour                                                                                         |
| 6        | 7(i)(d)                                                    | Plumbers and Gasfitter Licence                                                                                                                                                                                                            | 0.94 per hour                                                                                         |
| 7        | 7(i)(e)                                                    | Plumber and Drainer's Licence                                                                                                                                                                                                             | 0.94 per hour                                                                                         |
| 8        | 7(i)(f)                                                    | Gasfitter and Drainer Licence                                                                                                                                                                                                             | 0.94 per hour                                                                                         |
| 9        | 7(i)(g)                                                    | Plumber's, Gasfitter and Drainer's Licence                                                                                                                                                                                                | 1.29 per hour                                                                                         |
| 10       | 7(ii)                                                      | Licensed Drainer                                                                                                                                                                                                                          | 0.60 per hour                                                                                         |
| 11       | 7(iii)(a)                                                  | Lead Burner                                                                                                                                                                                                                               | 0.61 per hour                                                                                         |
| 12       | 7(iii)(b)                                                  | Lead Burner in Chemical Works                                                                                                                                                                                                             | 0.84 per hour                                                                                         |
| 13       | 7(iii)(c)(1)                                               | Oxyacetylene or Electric Welding Certificate<br>Minimum Payment                                                                                                                                                                           | 0.43 per hour<br>3.04 per day                                                                         |
| 14       | 7(iii)(c)(2)                                               | Certificate Holder performing welding to AS4041 - 1998                                                                                                                                                                                    | 0.63 per hour                                                                                         |

|    |             |                                                                                                                                                                        |                                                                  |
|----|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
|    |             | Minimum                                                                                                                                                                | 4.83 per day                                                     |
| 15 | 7(iii)(d)   | Computing quantities or make-up estimates                                                                                                                              | 0.46 per hour                                                    |
| 17 | 9           | Leading Hands -<br>In charge of up to two employees<br>In charge of three to five employees<br>In charge of six to ten employees<br>In charge of ten or more employees | 0.63 per hour<br>0.75 per hour<br>0.98 per hour<br>1.24 per hour |
| 18 | 10          | Employed on any chokage or oil chokage etc.                                                                                                                            | 5.21 per day                                                     |
| 19 | 11(i)       | Wet Work                                                                                                                                                               | 0.46 per hour                                                    |
| 20 | 11(ii)      | Insulation Material                                                                                                                                                    | 0.57 per hour                                                    |
| 21 | 11(iii)     | Cold Work                                                                                                                                                              | 0.46 per hour                                                    |
| 22 | 11(iv)      | Work on WC's, urinals, soil or waste pipes where used principally by venereal patients                                                                                 | 0.57 per hour                                                    |
| 23 | 11(v)       | Hot Work -<br>Between 46 and 54 degrees Celsius<br>Exceeding 54 degrees Celsius                                                                                        | 0.44 per hour<br>0.57 per hour                                   |
| 24 | 11(vi)      | Work with second hand materials of an unusually dirty of offensive nature                                                                                              | 0.46 per day                                                     |
| 25 | 11(vii)     | Employed inside buildings where chlorine gas and/or hydrogen sulphide gas re-manufactured                                                                              | 0.58 per day                                                     |
| 26 | 11(viii)    | Engaged on electric welding applicable to plumbing                                                                                                                     | 0.12 per hour                                                    |
| 27 | 11(ix)      | Operator of explosive powered tools                                                                                                                                    | 1.09 per day                                                     |
| 28 | 11(x)(a)    | Work in Maximum Security                                                                                                                                               | 1.17 per hour                                                    |
| 29 | 11(x)(b)    | Work in Geriatric Hospital                                                                                                                                             | 0.32 per hour                                                    |
| 30 | 11(xi)      | Roof Repairs<br>Minimum payment                                                                                                                                        | 0.65 per hour<br>0.65                                            |
| 31 | 11(xiii)    | Employed in Mental Institutions                                                                                                                                        | 0.39 per hour                                                    |
| 32 | 11(xiv)     | Engaged in tunnel and sewer work and in underground shafts exceeding 3 metres in depth                                                                                 | 0.47 per hour                                                    |
| 33 | 11(xv)      | Engaged on alterations or repairs to boilers, flues, furnaces, retorts and kilns                                                                                       | 1.23 per hour                                                    |
| 34 | 11(xvi)     | Engaged on the construction of chimneys and air shafts where construction exceeded 15 metres in height<br>Additional amount for work above each further 15 metres      | 0.46 per hour<br>0.46 per hour                                   |
| 35 | 11(xvii)    | Employees required to work in a bosun's chair or on a swinging scaffold -<br>First four hours<br>For each hour thereafter                                              | 3.33<br>0.69 per hour                                            |
| 36 | 11(xviii)   | Work on any structure at a height of more than 12.2 metres                                                                                                             | 0.46 per hour                                                    |
| 37 | 11(xix)     | Employees in sanitary works                                                                                                                                            | 5.11 per day                                                     |
| 38 | 11(xx)      | Employees in slaughtering yards                                                                                                                                        | 0.31 per hour                                                    |
| 39 | 11(xxii)(a) | Employees working West and North of an excluding State highway No. 17 etc. up to the Western Division                                                                  | 0.75 per day                                                     |
| 40 | 11(xxii)(b) | Employees working in the Western Division                                                                                                                              | 1.23 per day                                                     |
| 41 | 11(xxii)(c) | Employees working in the Southern Districts                                                                                                                            | 1.23 per day                                                     |
| 42 | 11(xxiii)   | Engaged in cramped position or without sufficient ventilation                                                                                                          | 0.57 per hour                                                    |
| 43 | 11(xxiv)    | Employees required to use materials containing asbestos or to work near asbestos                                                                                       | 0.57 per hour                                                    |
| 44 | 11(xxv)     | Towers allowance -<br>Exceeding 15 metres - for all work above 15 metres<br>For work above each further 15 metres                                                      | 0.46 per hour<br>0.46 per hour                                   |
| 45 | 11(xxvi)(c) | Toxic Substances -<br>Employees Using<br>Employee working in close proximity                                                                                           | 0.57 per hour<br>0.46 per hour                                   |

|     |            |                                                                                                                                                                         |                                                                                   |
|-----|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 46  | 11(xxx)(d) | Engaged in asbestos eradication                                                                                                                                         | 1.54 per hour                                                                     |
| 47  | 12(i)      | Employees working in ballast tanks, oil tanks and side tanks                                                                                                            | 0.57 per hour                                                                     |
| 48  | 12(ii)     | Employees working in ships bilges or under engine room or boiler room flooring                                                                                          | 0.42 per hour                                                                     |
| 49  | 12(iii)    | Employees working in or around diesel engines                                                                                                                           | 0.42 per hour                                                                     |
| 50. | 12(iv)     | Employees working in a confined space                                                                                                                                   | 0.60 per hour                                                                     |
| 51  | 12(v)(1)   | Employees working inside a hull                                                                                                                                         | 0.72 per hour                                                                     |
| 52  | 12(v)(2)   | Employees working in torpedo compartments, ballast tanks, oil tanks or below floor plates                                                                               | 1.30 per hour                                                                     |
| 53  | 12(vi)     | Plumber in pipe laundry                                                                                                                                                 | 0.93 per hour                                                                     |
| 54  | 13(iii)    | Multi-Storey Allowance -<br>from commencement to 15th floor<br>from 16th to 30th floor<br>from 31st to 45th floor<br>from 46th to 60th floor<br>from 61st floor onwards | 0.37 per hour<br>0.44 per hour<br>0.69 per hour<br>0.88 per hour<br>1.10 per hour |
| 73  | 43(ii)     | First Aid Allowance                                                                                                                                                     | 1.96                                                                              |

4. This variation shall take effect from the first pay period to commence on or after 26 March 2004.

I. TABBAA, Commissioner.

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(001)

SERIAL C2734

## 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 4558 of 2003)

Before The Honourable Justice Walton, Vice-President

30 March 2004

### VARIATION

1. Delete clause 19, State Wage Case Adjustments, of clause 2, Arrangement, of the award published 31 August 2001 (327 I.G. 279), and insert in lieu thereof the following new clause:

19. Award Restructuring in the Building and Construction Industry

2. Insert in clause 2, Arrangement, the following new clause number and subject matter:

26. Superannuation

3. Renumber in clause 2 Arrangement, clause 26, Accident Pay, to read as clause 26A.

26A. Accident Pay

4. Delete clause 4, Classification Definitions, and insert in lieu thereof the following:

#### 4. Classification Definitions

For the purpose of this award:

- 4.1 The Act means the *Industrial Relations Act* 1996, as it may be amended from time to time.
- 4.2 Bricklayer means an employee employed on bricklaying or tuck pointing work. Without limiting the generality of the foregoing the work of bricklayers may include: bricklaying, cleaning down brickwork, brick cutting, tiling, setting pointed brickwork, firework, setting coke slabs, coke bricks, cutting openings in brickwork, stone setting and the laying of all types of blocks including concrete, masonry, terracotta, glass, plaster, plastic and synthetic or reconstituted material blocks or bricks, paving bricks and bricks, blocks or tiles laid in sand.
- 4.3 Bridge and wharf carpentry means the carrying out or responsibility for, with or without supervision, the marking out and the measurement of all timber including the jointing, connecting and final dressing to size of hewn, sawn, round or dressed timber, for the checking and seating of girders and corbels and other work involving final measurement, cutting accurately to size and fitting of timber, with or without plans, in or in connection with the erection, maintenance, alteration, renovation or demolition of:
  - 4.3.1 bridges, culverts, wharves, piers, jetties, dolphins and similar types of work of heavy engineering construction;
  - 4.3.2 timber and timber composite coal or metal storage bins and hoppers;
  - 4.3.3 timber work on gantries, towers, flying fox towers, swimming baths, tank stands, dam and reservoirs on which an axe or adze is used in the preparation or fitting;
  - 4.3.4 coffer-dams apart from shipping;
  - 4.3.5 cattle stops and rabbit stops, ramps, buffer stops, water races, pits and heavy timber work in railway platforms, trucking yards and stockyards;
  - 4.3.6 generally all heavy construction work which necessitates the use of an axe or adze in the preparation and fitting of such carpentry work;

- 4.3.7 all false work and concrete formwork in connection with any of the above-mentioned structures except concrete formwork of special design or finish which requires the special skill of a carpenter and joiner. In each case the employer shall determine which portion of the formwork requires the special skill of a carpenter and joiner;
- 4.3.8 bridge and wharf carpentry shall not include any work in connection with the construction or erection of buildings.
- 4.4 Carpenter and joiner means an employee employed as a carpenter and/or joiner upon shop fitting work or construction work as defined in this clause. Without limiting the generality of the foregoing the work of carpenters may include:
- 4.4.1 work in connection with prefabricated units;
- 4.4.2 the marking out, lining, plumbing and levelling of steel formwork and supports thereto;
- 4.4.3 the stripping of steel formwork shutters or boxing;
- 4.4.4 the erection of curtain walling and the fixing of external wall cladding;
- 4.4.5 the erection of suspended ceilings except where wet plaster is used;
- 4.4.6 the erection of metal windows or doors;
- 4.4.7 the manufacture, installation, alteration and/or repair of shopfronts, showcases, exhibitors stands and interior fittings and fixtures in or on buildings,
- Provided that:
- (a) the drawing or shaping of metal is not required in respect of 4.4.4, 4.4.5, 4.4.6 and 4.4.7 hereof; and
- (b) nothing in this definition shall be construed as giving a carpenter an exclusive right to work specified in 4.4.3, 4.4.4, 4.4.5 and 4.4.6 hereof.
- 4.5 Carpenter-diver means an employee engaged to do work (not being work specifically provided for in the General Construction and Maintenance, Civil and Mechanical Engineering (State) Award, as varied, from time to time, under water, requiring the use of a recognised diving dress, which work, if done on the surface, would be the work of a bridge and wharf carpenter as provided in and by this award and such other work, if not done on the surface, as is ordinarily done by carpenter-divers under water and is generally recognised to be their work in, for example, and for example only, the construction, repair, demolition or inspection of wharves, and/or bridges, piers, jetties, dolphins, slipways, dams, reservoirs, coffer dams, bulkheads cylinders and caissons, (provided that in the case of slipways, coffer dams, bulkheads and caissons they are not in a recognised shipyard or dock,) the inspection of or salvage work on ships, boats, barges, punts or pontoons and the removal of any obstructions or fouling on such vessels. But without prejudice to the present rights respecting salvage work and the removal of obstructions or fouling on the described vessels of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, New South Wales Branch.
- 4.6 Commission means the Industrial Relations Commission of NSW.
- 4.7 Concrete finisher means an employee other than a concrete floater engaged in the finishing of concrete or cement work by hand not being a finish in marble mosaic or terrazzo.
- 4.8 Concrete floater means an employee engaged in concrete or cement work and using a wooden or rubber screeder or mechanical trowel or wooden float or engaged in bagging off or broom finishing or patching.
- 4.9 Construction work

- 4.9.1 Means all work performed under this award in connection with the erection, repair, renovation, maintenance, ornamentation or demolition of buildings or structures, including the making, assembling or fixing of woodwork and fittings in connection therewith, the making, preparing, assembling, and fixing of any material necessitating the use of tradesperson's tools or machines including all work performed by stonemasonry classifications and the prefabricating of a building in an open yard.
- 4.9.2 For the purpose of this definition maintenance is confined to employees employed by building and construction industry employers respondent to this award.
- 4.10 Foreperson means a Bridge and Wharf Carpenter who is given by the employer, or employer's agent, the responsibility for supervising the programming of work.
- 4.11 Foundation shafts worker means a builder's labourer employed on the sinking of shafts which will exceed six metres in depth for foundations of buildings or upon consequential steel fixing, timbering and concreting therein.
- 4.12 Hard Floor Coverer shall mean without limiting the generality of the foregoing, persons employed in the preparation and laying to walls and floors of vinyl tiles and sheeting, cork tiles and sheeting, parquetry, and in the process of floor-sanding (but not including French polishing) and all related work and substitute or similar coverings but excluding carpet and linoleum.
- 4.13 Leading hand means an employee who is given by the employer, or their agent, the responsibility of directing and/or supervising the work of other persons, or in the case of only one person the specific responsibility of directing and/or supervising the work of that person.
- 4.14 Assistant Powder Monkey" means a person assisting under the direct supervision of a powder monkey in placing and firing explosive charges excluding the operation of explosive power tools.
- 4.14.1 Assistant Rigger -
- (a) means a person assisting under the direct supervision of a rigger in erecting or placing in position the members of any type of structure (other than scaffolding and aluminium alloy structures) and for the manner of ensuring the stability of such members, for dismantling such structure or for setting up cranes or hoists other than those attached to scaffolding and who has attained the national uniform occupational health and safety certificate of competency.
- Shall include an employee either performing rigging work that is an integral part of, or is incidental to a tradesperson's work or work that is an integral part of or is incidental to, crane operations.
- (b) An employee classified or employed as an assistant rigger shall be assisted by their employer in the completion of their WorkCover Authority Training Logbook or equivalent paperwork, needed towards the attainment of the national uniform occupational health and safety certificate of competency by signing authentic daily entries.
  - (c) Not more than one assistant rigger shall be employed in any rigging gang (including leading hand and dogger ) when the number of employees in the gang does not exceed five.
- 4.15 Marker or setter out means an employee mainly employed marking and/or setting out work for other employees.
- 4.16 Operator of explosive-powered tools means an employee qualified in accordance with the laws and regulations to operate explosive-powered tools.
- 4.17 Painter means an employee engaged in any manner whatsoever in:

4.17.1 The painting and/or decorating of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise).

4.17.2 The painting of or in connection with prefabricated buildings and structures, plant machinery and equipment (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as a forementioned.

4.17.3 Without limiting the generality of the foregoing the work of painters includes:

- (a) the painting of pipe lines, conduits, valves, condensers, cocks, control and/or regulating stations or substations, and/or pumping, suction siphon, or booster stations or sub-stations and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water land or sea, used or to be used for the purpose of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;
- (b) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering and the replacement of glass;
- (c) the mixing of and/or application of and/or fixing of paint or like matter or substitute or mixtures or compositions or compounds texture or plastic coating and finishes or other decorative or protective coating and/or finishes, or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings, or coverings, coatings, and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coating and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings, or coverings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical mechanical, air-powered or hand tools or by grit, shot or other abrasives or by any other means and the preparation of the work and materials required in any of the a forementioned branches of the trade.

4.18 Ordinary time means rates as calculated in accordance with 18.1 - Wage rates of this award.

Time and one half means ordinary time plus 50%.

Double time means ordinary time plus 100%.

Double time and one half means ordinary time plus 150%.

4.19 Plasterer means an employee employed on internal and/or external plastering and/or cement, including without limiting the generality of the foregoing, finishing and/or topdressing and/or patching concrete work, rendering with all forms of plaster including applying and finishing acoustic, insulating or fireproofing materials bonded with plaster, plastic, cementations or similar substances, waterproofing work in cement, bitumen or similar substances, waterproofing work in cement, bitumen, plaster or patent material, granolithic floor laying (i.e. floors laid with material or aggregate consisting of marble chips, blue stone toppings, crushed slag or similar material), press cement work, cement floors (including magnesite and/or composition floors), marble mosaic paving, terrazzo and similar work texture or pebble finish work formed in cement, plaster, asbestos, vermiculite, perlite or other expanded aggregate or patent materials, sewer and/or tunnel plastering including the rendering of manholes, pits, sumps, tanks and filter beds, lathing for plastering work scagliola and similar work, plaster, fibrous plaster, plaster glass casting and fixing, ceiling fixing, plaster board fixing and plaster board cornice manufacture and fixing, whether all of the foregoing is done by manual or mechanical means together with any of the work defined for the following specialist categories:

4.19.1 Assistant means an employee engaged in assisting or labouring and who is otherwise not classified, in 4.19., 4.19.2, 4.19.3, 4.19.4, 4.19.5.

- 4.19.2 Caster means an employee employed in any or all of the following duties: The cleaning and greasing of benches and moulds, the gauging of plaster, plastic or cement, the bedding of fibre and all reinforcements, ruling and trowelling of casts, used for the purpose of making and/or casting fibrous plaster, plaster glass, plastic or pressed cement work.
- 4.19.3 Fixer means an employee employed on the work of fixing or finishing of fibrous plaster, plaster glass or similar material, gypsum plasterboard, and other composite boards when flush joined or plaster products and includes the spraying by manual or mechanical means of light-weight aggregates when used for decorative and fire prevention purposes. Fixing of acoustic tiles, in-fill panels and cornices of an earth base including all necessary suspensions and fixings.
- 4.19.4 Floor layer specialist means an employee employed on the work of the top-dressing on concrete work, whether finished in cement, terrazzo, marble, granolithic, bitumen, magnesite, and similar substances by manual or mechanical means and all such concrete work incidental to the preparation and laying of such floors steps or risers.
- 4.19.5 Shophand means an employee who performs any or all of the following duties: The interpretation of plans and detailing of any work from them in the preparation of work for the modeller, the making of all plaster or cement piece moulds, wax moulds, fibreglass mounts, or moulds of any description used for the purpose of making and/or casting fibrous plaster, plaster glass, plaster, plastic, fibreglass, or pressed cement work.
- 4.20 Refractory bricklayer means a bricklayer skilled in the performance of the work required in the laying of refractory brickwork, the use of pliable, castable, ramable, moulding and insulating materials and the use of tools and machines necessary for the carrying out of this work with refractory materials, including the use of hand held nozzle or gunite type of appliance other than by cement gun or shotcreter, in the construction or alteration of repairs to boilers, flues, furnaces, retorts, kilns, ovens, ladles and similar structures and instruments used in refractory work, together with refractory work associated with acid stills, acid furnaces, acid towers and all other acid resisting brickwork.
- 4.21 Refractory bricklayer's assistant means an employee wholly or substantially assisting a Refractory bricklayer (as defined).
- 4.22 Roof tiler, slater, shingler, ridger or roof fixer
- 4.22.1 means an employee of the trade or calling of tiling roofs or fixing roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, sisal Kraft, pabcotile and all accessories made of the same materials and which, without limiting the meaning of the above shall include: terracotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibrolite, fibro, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, and work incidental to the above work including battening for tiles, tying, nailing or carrying tiles, etc, and the laying and/or pointing of ridges and barges.
- 4.22.2 this definition shall not extend to fixing or applying to, or in connection with roofs, malthoid and all bituminous roofing materials and all accessories.
- 4.23 Scaffolder
- 4.23.1 means a person engaged substantially in the erecting or altering or dismantling of any structure or framework used or intended to be used in building operations:
- (a) to support workers or material; or
  - (b) to support framework; or
  - (c) as a temporary support for members or parts of a building.

Where such structure or frame work is composed of standards and/or ledgers and/or padlocks or any combination of these components normally used in scaffolding work.

4.23.2 Nothing in this definition shall extend to:

- (a) any scaffolding used or intended to be used to support workers or materials which is not intended to be erected to a height over five metres; or
- (b) any work relating to formwork which consists solely of the tying together of occasional pieces of scaffolding tube to acrow or similar type props; or
- (c) any work which consists of a structure or framework composed solely of timber.

4.24 Signwriter means an employee who in addition to having a knowledge of painting, staining and varnishing, does any of the following work:

4.24.1 signwriting, designing and/or lettering of price tickets and show cards;

4.24.2 pictorial and scenic paintings, or production of signs and posters by means of stencils screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial scenic or lettering;

4.24.3 and without limiting the generality of the foregoing shall include:

- (a) lettering of every description, size or shape applied by brush on any surface or material which, without limiting its meaning shall include stone, wood, iron, metal, brick, cement, glass (plain or fancy), canvas, paper, calico, sheeting, bunting, silk, satin, wire blinds;
- (b) designing for windows, posters, show window and theatre displays, honour rolls, illuminated addresses, neon signs, stencils, display banners.
- (c) gilding, i.e. the application of gold, silver, aluminium or any metal leaf to any surface;
- (d) designing and laying out of cut-out displays of all descriptions, either pictorial, scenic or lettering;
- (e) screen process work, i.e. the designing, setting up and the operation for duplication of signs on any material, whether on paper, fabric, metal, wood, glass or any similar material.

4.24.4 Without limiting the general meaning, signwriting work shall include the making of stencils and stencilling by screens or any other method and the making and/or fixing of transfers.

4.25 Special class tradesperson

4.25.1 means a tradesperson carpenter and/or joiner, bricklayer, plasterer or stonemason who is engaged on work or restoration, renovation, preservation or reconstruction of historical or National Trust type buildings, the performance of which requires the use of complex, high quality trade skills and experience which are not generally exercised in normal construction work.

4.25.2 For the purpose of this definition complex and high quality trade skills and experience shall be deemed to be acquired by the tradesperson:

- (a) having had not less than twelve months on-the-job experience of such skilled work; and
- (b) having, by satisfactory completion of a prescribed post trade course, or other approved course, or the achievement of knowledge and competency by other means, including the on-the-job experience in 4.25.2(a) hereof, as will enable the tradesperson to perform such

work unsupervised where necessary and practical, to the required standard of skilful execution.

4.25.3 For the purpose of this definition the following are deemed to be prescribed post trade courses and recognised throughout the locality of this award:

Building Certificate Course - New South Wales.

4.25.4 Provided that nothing in this subclause shall prevent the parties proceeding to have the matter determined in accordance with clause 11 - Disputes resolution procedure of this award.

#### 4.26 Stonemasonry

4.26.1 Carver means an employee on construction work (as defined) who carves any kind of stonework, which does not come within the definition of stonemason in clause 4.26.7 of this award for the decoration of buildings or other stonework from a model or freehand design.

4.26.2 A dimension stone quarry means any place from which stone to a stated size is excavated, but shall not include a place where stone is excavated for the purpose of being used as ballast filling or random rubble, nor does it include the excavation of basements or the excavation of the foundations of buildings.

4.26.3 Floor layer means an employee who lays floors in terrazzo or similar composition in which marble, slate, or similar stones are used in the making thereof, and shall include persons casting or laying down precast work, but shall not include persons assisting or labouring in the operation.

4.26.4 Letter cutter means an employee on construction work (as defined) who marks out, cuts or finishes letters in any kind of stone or artificial or reconstituted stone.

4.26.5 Machinist means an employee on construction work (as defined) who operates a machine for the sawing, gritting, dressing, facing or polishing of all kinds of stone, composition or reconstituted stone, terrazzo or similar compositions.

4.26.6 A quarry worker means an employee engaged in a dimension stone quarry and who in the course of this work performs toe-grooving, block lifting, scabbling or cutting stones to size by the use of hammers, picks, gads, wedges and/or machines.

#### 4.26.7 Stonemason

(a) means an employee on construction work (as defined) engaged in the dressing, setting, fixing, coping, drilling or boxing up of any kind of stone, including terrazzo, composition or other reconstituted stone, by hand or machine, that has to be cut to a mould or template, or which has to be proven by a square or straight edge or set to a line or level, and includes a worker who fixes manufactured stone to the facade of a building or the building of stone veneer in random or ashlar; the restoration and colouration of decayed stone including the preparation and use of materials or liquids of any sort necessary for such work.

(b) The dressing and/or setting of all kinds of masonry shall be regarded as masons' work, but if no mason be immediately available, a competent tradesperson may set plain sills, steps, templates, windows or door heads.

4.26.8 Stonemason's assistant means a person employed in the industry assisting or labouring and who otherwise is not classified in 4.26.

4.26.9 Stoneworker means a worker who does all or any of the following classes of work, whether hammer dressed or sawn:

(a) Foundation work;

- (b) Building random rubble uncoursed or building squared rubble in courses or regular coursed rubble and dressing quoins or shoddies in connection with any such work;

But this definition shall not itself be taken to prejudice or affect the right of any other classes of tradesperson to do any class or kind of work they have hitherto been accustomed to do.

4.27 Tile layer means, without limiting the meaning of the word tile layers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite, and the like not exceeding in measurement 930 square centimetres when such opalite and the like is fixed with cement composition.

- 4.27.1 Aggregate means the material forming the bulk or mass of a mixture.
- 4.27.2 Architrave means the moulding at the top and sides of a door or a window opening.
- 4.27.3 Dado means the lower part of a wall.
- 4.27.4 Encaustic tile means an inlaid tile of two or more colours.
- 4.27.5 Faience means glazed terracotta.
- 4.27.6 Grout means the liquid for filling joints.
- 4.27.7 Matrix, means that in which the aggregate is bedded.
- 4.27.8 Nosing means a round edge tile.
- 4.27.9 Rendering means a coating of mortar.
- 4.27.10 Reveal means the return into a window or a door jamb.
- 4.27.11 Rise means the height of a step; the height of an arch from the springing line to the crown.
- 4.27.12 Scratch coat means a coating of mortar well scratched to give a good key.
- 4.27.13 Ceramic means an article made of baked clay. In the tile trade the word is used to designate a tile made of compressed clay and silica which is rather glassy or vitreous in nature and will not absorb water.
- 4.27.14 Chipping off means cutting away mortar or concrete, with a sharp edge tool, such as a hammer or chisel.
- 4.27.15 Mortar means a combination of sand, cement, either fireclay or lime, and water.
- 4.27.16 Mosaic means small bits of tile, stone, glass etc, which form a surface designed of intricate pattern. Often laid over mortar or metal.
- 4.27.17 Pointing means filling joints with mortar or repairing holes. (see tuck pointing).
- 4.27.18 Quarry means tiles which are large and thick similar to slabs of stone cut in a quarry. These are vitreous tiles and require no soaking.
- 4.27.19 Riser means the upright portion of a stair step which supports the front of the tread. The part which keeps the toe from getting under the tread.
- 4.27.20 Screed means a strip of wood, often two inches by four inches, set down a guide for attaining a level surface of concrete. In the tile trade it refers to a piece of wood used as a straight edge.

- 4.27.21 Terrazzo means a type of floor or wall finish obtained by imbedding small sized pebbles or crushed rock in concrete and grinding and polishing the surface to a smooth finish.
- 4.27.22 Tuck pointing means filling in crevices, as with mortar, mastics, etc.
- 4.27.23 Unglazed means without a glaze referring to pressed and baked tiles, with a smooth earthy surface.
- 4.27.24 Vitreous means glassy in texture and containing sand which has been melted. Vitreous tiles will not absorb water.
- 4.27.25 Sill means the bottom part of a window opening.
- 4.27.26 Skirting means the lowest part of a wall.
- 4.27.27 Soffit means the top of a window or door opening.
- 4.27.28 String course means a course of tiles running parallel to the step nosing in a staircase.
- 4.27.29 Terracotta means a kind of hard pottery, mostly used for facing buildings.
- 4.27.30 Tread means the top of a step, exclusive of the nosing.
- 4.28 Union shall mean the Construction, Forestry, Mining and Energy Union, Construction & General Division (New South Wales Branch).
- 5. Delete clause 5, General Definitions, and insert in lieu thereof the following:
  - 5.1 Direct Supervision means in relation to 4.14.1 and 4.14.2 that the powder monkey or rigger, as the case may be, must be present on the job to guide the work during its progress.
  - 5.2 Employee means a person employed by an employer (as defined) under this award performing the work within the scope of this award and includes an apprentice.
  - 5.3 Employer means an employer covered by this Award.
  - 5.4 Trainee Apprentice means an employee who, under conditions prescribed by this award, is serving a period of training without an indenture of apprenticeship for the purpose of rendering them fit to be a qualified worker in that calling.
  - 5.5 Indentured Apprentice means an employee who is serving a period of training under an indenture for the purpose of rendering them fit to be a qualified worker in a trade.
  - 5.6 Probationer" means a person employed in a trade with a view to ascertaining their suitability for engagement as an indentured apprentice.
  - 5.7 "Apprentice" includes trainee apprentice.
  - 5.8 "New South Wales" shall be taken as the State of New South Wales excluding the Country of Yancowinna.
  - 5.9 Notes in the text of this award do not form part of this award.
- 6. Delete clauses 18, Classifications and Wage Rates, and insert in lieu thereof the following:

### **18. Classifications and Wage Rates**

- 18.1 Wage Rates - Tradespersons and Labourers

## (a) Wage Rates - New Classification Structure

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

| Classification                       | Weekly Rate<br>\$ | Relativity<br>% |
|--------------------------------------|-------------------|-----------------|
| Construction Worker Level 8 (CW8)    | 646.60            | 125             |
| Construction Worker Level 7 (CW7)    | 623.70            | 120             |
| Construction Worker Level 6 (CW6)    | 602.90            | 115             |
| Construction Worker Level 5 (CW5)    | 584.00            | 110             |
| Construction Worker Level 4 (CW4)    | 563.20            | 105             |
| Construction Worker Level 3 (CW3)    | 542.30            | 100             |
| Construction Worker Level 2 (CW2)    | 523.60            | 96              |
| Construction Worker Level 1 (CW1(d)) | 510.20            | 92.4            |
| Construction Worker Level 1 (CW1(c)) | 498.60            | 90              |
| Construction Worker Level 1 (CW1(b)) | 490.20            | 88              |
| Construction Worker Level 1 (CW1(a)) | 477.70            | 85              |

- (b) All wages shall be paid on a weekly basis provided that it shall be an implied term in any contract that an employer shall be at liberty to deduct from the weekly wage of an employee an amount proportionate to the time lost by an employee arriving late for work

## (c) Wage Rates - Guide to Translated Classifications and Transitional Arrangements

- (i) The following provisions shall apply employees of an employer at the time of the introduction of the New Classification Structure, and to any new employees engaged during the phase-in of the new classification structure.
- (ii) An employer shall classify existing employees in accordance with the following table. That is, an employee employed by an employer at the time of the introduction of the new classification structure shall have their new classification and corresponding hourly rate determined in accordance with the table.
- (iii) Employees engaged by an employer after the introduction of the new classification structure shall be classified in accordance with the relevant provisions of clause 19. The hourly rates in the table below shall apply during the phase-in of the new classification structure.
- (iv) The following hourly rates have been calculated in accordance with 18.3 of this award. These rates include industry allowance, the relevant tool allowance (where applicable) foreperson and sub-foreperson allowance, carpenter-diver allowance, special allowance and the follow-the-job loading. The parties shall review the hourly rates as the weekly rates in subclause (a) of this clause are adjusted.

| Old Wage Group                                                   | New Wage Group | Hourly Rate on making of new structure | 2nd instalment at time of SWC increase | Hourly Rate on completion of phase-in* (11/12/04) |
|------------------------------------------------------------------|----------------|----------------------------------------|----------------------------------------|---------------------------------------------------|
|                                                                  | \$             | \$                                     | \$                                     | \$                                                |
| Carpenter Diver                                                  | CW8            | 23.83                                  | 23.83                                  | 23.83                                             |
| Foreperson (as defined)                                          | CW8            | 20.88                                  | 20.88                                  | 20.88                                             |
| Sub-Foreperson                                                   | CW7            | 19.69                                  | 19.69                                  | 19.69                                             |
| Carver                                                           | CW5            | 17.06                                  | 17.21                                  | 17.21                                             |
| Special Class Tradesperson (Carpenter and/or Joiner, Stonemason) | CW5            | 16.82                                  | 17.02                                  | 17.21                                             |
| Special Class Tradesperson (Plasterer)                           | CW5            | 16.71                                  | 16.91                                  | 17.11                                             |

|                                                                                                                                                                                        |     |       |       |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------|-------|-------|
| Special Class Tradesperson (Bricklayer)                                                                                                                                                | CW5 | 16.64 | 16.84 | 17.04 |
| Marker or Setter Out (Artificial Stoneworker, Stonemason, Bridge and Wharf Carpenter, Carpenter and/or Joiner, Marble and Slate worker)                                                | CW4 | 16.65 | 16.65 | 16.65 |
| Marker or Setter Out (Caster, Fixer, Floor layer Specialist, Plasterer )                                                                                                               | CW4 | 16.54 | 16.54 | 16.54 |
| Marker or Setter Out (Bricklayer, Tile layer, Hard Floor Coverer)                                                                                                                      | CW4 | 16.47 | 16.47 | 16.47 |
| Marker or Setter Out (Roof Tiler, Slate Ridger or Roof Fixer)                                                                                                                          | CW4 | 16.36 | 16.36 | 16.36 |
| Marker or Setter Out (Painter)                                                                                                                                                         | CW4 | 16.19 | 16.19 | 16.19 |
| Letter Cutter                                                                                                                                                                          | CW4 | 16.65 | 16.65 | 16.65 |
| Signwriter                                                                                                                                                                             | CW4 | 16.04 | 16.19 | 16.19 |
| Artificial Stoneworker, Carpenter and/or Joiner, Bridge and Wharf Carpenter, Marble and Slate Worker, Stonemason                                                                       | CW3 | 16.08 | 16.08 | 16.08 |
| Caster, Fixer, Floor layer Specialist, Plasterer                                                                                                                                       | CW3 | 15.97 | 15.97 | 15.97 |
| Bricklayer, Tile layer                                                                                                                                                                 | CW3 | 15.90 | 15.90 | 15.90 |
| Roof Tiler, Slate Ridger, Roof Fixer                                                                                                                                                   | CW3 | 15.79 | 15.79 | 15.79 |
| Painter,                                                                                                                                                                               | CW3 | 15.63 | 15.63 | 15.63 |
| Shophand                                                                                                                                                                               | CW3 | 15.48 | 15.48 | 15.48 |
| Quarry worker                                                                                                                                                                          | CW3 | 15.48 | 15.48 | 15.48 |
| Labourer (1) - Rigger, Dogger                                                                                                                                                          | CW3 | 15.48 | 15.48 | 15.48 |
| Machinist                                                                                                                                                                              | CW3 | 15.14 | 15.31 | 15.48 |
| Labourer (2) - Scaffolder (as defined), Powder Monkey, Hoist or Winch Driver, Foundation Shafts worker (as defined), Steel Fixer including Tack Welder, Concrete Finisher (as defined) | CW2 | 14.97 | 14.97 | 14.97 |

|                                                                                                                                                                                                                                                                                                                                                                                   |        |       |       |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|-------|-------|
| Labourer (3) - Trades labourer, Jack Hammer man, Mixer Driver(concrete), Gantry Hand or Crane Hand, Crane Chaser, Cement Gun Operator, Concrete Cutting or Drilling Machine Operator, Concrete Gang including Concrete Floater (as defined), Roof Layer (malthoid or similar material), Dump Cart Operator, Concrete Formwork stripper, Mobile Concrete Pump Hoseman or Line Hand | CW1(d) | 14.61 | 14.61 | 14.61 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|-------|-------|

|                                                                        |        |       |       |       |
|------------------------------------------------------------------------|--------|-------|-------|-------|
| Plasterer's Assistant                                                  | CW1(d) | 14.61 | 14.61 | 14.61 |
| Terrazzo Assistant                                                     | CW1(d) | 14.61 | 14.61 | 14.61 |
| Labourer (4) - Builders<br>Labourer other than as<br>specified herein) | CW1(c) | 13.99 | 14.14 | 14.29 |

- (d) Supplementary payments as set out in this clause represent payments in lieu of equivalent overaward payments.
- (e) Overaward payment means the amount in rates of pay which an employee would receive in excess of the minimum award wage (i.e. base rate, arbitrated safety net and supplementary payment) as prescribed in this award for the classification in which such employee is engaged. Provided that this definition shall exclude overtime, shift allowances, penalty rates, expense related allowances, industry allowances, tool allowances, disability allowances, location allowances, special rates or allowances, responsibility allowances and any other ancillary payments of a like nature prescribed by this award.
- (f) The rates of pay in this award include the adjustments payable under 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

#### 18.1.2 Wage Rates - Apprentices

18.1.2.1 Carpenters, Joiners, Bricklayers, Painters, etc., Plasterers, etc., Roof Tilers, Fibrous Plasterer, Plasterboard Fixer, Stonemasons, Tile layers, Floor laying.

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

|          | Base Rate<br>Per Week<br>\$ | Industry<br>Allowance<br>Per Week<br>\$ | Special<br>Allowance<br>Per Week<br>\$ | Total Per<br>Week<br>\$ |
|----------|-----------------------------|-----------------------------------------|----------------------------------------|-------------------------|
| 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 Apprentice

|          | Base Rate<br>Per Week<br>\$ | Industry<br>Allowance<br>Per Week<br>\$ | Special<br>Allowance<br>Per Week<br>\$ | Total Per<br>Week<br>\$ |
|----------|-----------------------------|-----------------------------------------|----------------------------------------|-------------------------|
| 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                  |

18.1.2.2 Civil Engineering Construction Carpenters:

|  | Base Rate<br>Per Week | Industry<br>Allowance<br>Per Week | Special<br>Allowance<br>Per Week | Total Per<br>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 |

#### 18.1.2.3 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 Apprentices:

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

|                | Base Rate<br>Per Week<br>\$ | Industry<br>Allowance<br>Per Week<br>\$ | Special<br>Allowance<br>Per Week<br>\$ | Total Per<br>Week<br>\$ |
|----------------|-----------------------------|-----------------------------------------|----------------------------------------|-------------------------|
| 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<br>Per Week<br>\$ | Industry<br>Allowance<br>Per Week<br>\$ | Special<br>Allowance<br>Per Week<br>\$ | Total Per<br>Week<br>\$ |
|----------------|-----------------------------|-----------------------------------------|----------------------------------------|-------------------------|
| 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                  |

#### 18.1.2.4 Pre-apprenticeship credits

- (1) Bricklaying, Carpentry and Joinery

- (a) Any person under 21 years of age entering the trade of bricklaying who has successfully completed the pre-apprenticeship course of 18 weeks' duration conducted by the Department of Technical and Further Education shall serve a three-year period of apprenticeship and the wage shall commence at the second year rate of pay and shall continue for a period of twelve months, at which time the apprentice shall be progressed to the third year rate.
- (b) Any person under 21 years of age entering the trade of bricklaying or carpentry and joinery who have successfully completed the pre-apprenticeship course in either of those trades of 36 weeks' duration conducted by the Department of Technical and Further Education shall serve a 33-months period of apprenticeship and the wage shall commence at the second year rate and continue for a period of nine months, at which time the apprentice shall be progressed to the third year rate.
- (c) Any person under 21 years of age entering the trade of carpentry and joinery who has successfully completed the pre-apprenticeship course in that trade of 54 weeks' duration conducted by the Department of Technical and Further Education shall serve a 30-month period of apprenticeship, commencing at the second year rate and progressing to the third year rate after 6 months.
- (d) A person who is regarded by the Department of Technical and Further Education as not having completed all of the requirements of a pre-apprenticeship course but as having successfully completed the equivalent of at least one stage of the trade course shall be entitled to have his/her period of apprenticeship shortened by six months, provided that the application is supported by a statement from the Department of Technical and Further Education that the student is regarded as having successfully completed that stage and as a consequence is entitled to proceed to stage two of the trade course.

For the purposes of determining wages payable under the scale of rates fixed for a four-year term, the credit to which an apprentice is entitled, subject to this subclause, shall be counted as part of the apprenticeship term completed.

(2) Painting, decorating and Signwriting

- (a) Any person under the age of 21 years entering the trade of Painting and Decorating, Painting, Decorating and Signwriting or Signwriting, who has successfully completed the pre-employment course Stage 1 conducted by the Department of Technical and Further Education, shall serve a three-year apprenticeship and the wage shall commence at the second year rate.
- (b) Any person under 21 years of age entering the trade of Painting and Decorating, Painting, Decorating and Signwriters or Signwriting, who has completed the pre-apprenticeship course Stages I and II conducted by the Department of Technical and Further Education shall serve a two and one-half year period of apprenticeship and the wage shall commence at the second year rate for a period of six months, at which time the apprentice shall be progressed to the third year rate.

(3) Tile laying

- (a) Any person under 21 years of age entering the trade of tile laying who has successfully completed the pre-apprenticeship course of 18 weeks' duration conducted by the Department of Technical and Further Education shall serve a 3-year period of apprenticeship and the wage shall commence at the second year rate.
- (b) Any person under 21 years of age entering the trade of tile laying who has successfully completed the pre-apprenticeship course of 36 weeks' duration conducted by the Department of Technical and Further Education shall serve a two and a half year period of apprenticeship commencing at the 2nd year rate and continuing for a period of six months, at which time the apprentice shall be progressed to the 3rd year rate.
- (c) A person who is regarded by the Department of Technical and Further Education as not having completed all of the requirements of a pre-apprenticeship course but as having successfully completed the equivalent of at least one stage of the trade course shall be entitled to have his/her period of apprenticeship shortened by six months, provided that the application is supported by a statement from the Department of Technical and Further Education that the student is regarded as having successfully completed that stage and as a consequence is entitled to proceed to stage two of the trade course.

### 18.1.3 Adult Apprentices

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

18.1.3.1 Carpenters, Joiners, Bricklayers, Painters, etc., Plasterers, etc., Roof Tilers, Fibrous Plasterer, Plasterboard Fixer, Stonemasons, Tile layers, Floor laying

#### (i) Indentured Apprentices:

|          | Base Rate<br>Per Week<br>\$ | Industry<br>Allowance<br>Per Week<br>\$ | Special<br>Allowance<br>Per Week<br>\$ | Total Per<br>Week<br>\$ |
|----------|-----------------------------|-----------------------------------------|----------------------------------------|-------------------------|
| 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<br>Per Week<br>\$ | Industry<br>Allowance<br>Per Week<br>\$ | Special<br>Allowance<br>Per Week<br>\$ | Total Per<br>Week<br>\$ |
|----------|-----------------------------|-----------------------------------------|----------------------------------------|-------------------------|
| 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                  |

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

|  | Base Rate<br>Per Week | Industry<br>Allowance | Special<br>Allowance | Total Per |
|--|-----------------------|-----------------------|----------------------|-----------|
|--|-----------------------|-----------------------|----------------------|-----------|

|          | \$     | Per Week<br>\$ | Per Week<br>\$ | Week<br>\$ |
|----------|--------|----------------|----------------|------------|
| 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     |

### 18.2 Special allowance

- (a) Tradespersons and Labourers shall be paid a special allowance of \$7.70 to compensate for the following matters:
- (i) The non-incidence of overaward payments in the building industry.
  - (ii) Excess travelling time incurred by employees in the Building Industry.
  - (iii) The removal of loadings from various Building awards consequent upon the introduction of this award in the industry.
- (b) The apprentice rates of pay in clauses 18.1.2 & 18.1.3 include a special allowance. The special allowance is to compensate for the following matters.
- (i) The non-incidence of overaward payments in the building industry.
  - (ii) Excess travelling time incurred by employees in the building industry.
  - (iii) The removal of loadings from this award consequent upon the introduction of paid rates awards in the industry.

### 18.3 Hourly rate calculation - Follow the Job Loading

The calculation of the hourly rate for employees other than apprentices shall take into account a factor of eight days in respect of the incidence of loss of wages for periods of unemployment between jobs.

For this purpose the hourly rate, calculated to the nearest cent (less than half a cent to be disregarded) shall be calculated by multiplying the sum of the appropriate amounts prescribed in Clauses 18.1.1(a) - Weekly Rates, Clause 24.1 - Industry Allowance, Clause 24.2 - Underground Allowance (where applicable), Clause 24.3 - Tool Allowance (where applicable) and clause 18.7 - Foreperson and Sub foreperson Allowance, of this award by fifty-two over fifty point four, rounded to the nearest cent, adding to that subtotal the amount prescribed in 18.2 - Special Allowance herein and dividing the total by thirty-eight, provided that in the case of a carpenter/diver, the divisor shall be thirty-one.

### 18.4 Leading hands

18.4.1 A person specifically appointed to be a leading hand (as defined) shall be paid at the rate of the undermentioned hourly amounts above the hourly rates of the highest classification supervised, or the employees own rate, whichever is the highest in accordance with the number of persons in the employees charge.

|                                                 | Weekly base<br>\$ | Per hour<br>\$ |
|-------------------------------------------------|-------------------|----------------|
| In charge of not more than one person           | 13.00             | 0.35           |
| In charge of two and not more than five persons | 28.70             | 0.78           |
| In charge of six and not more than ten persons  | 36.60             | 0.99           |
| In charge of more than ten persons              | 48.80             | 1.32           |

18.4.2 The hourly rate prescribed herein is calculated to the nearest cent, less than half a cent to be disregarded, by multiplying the weekly base amount by 52 over fifty point four (52/50.4) and

dividing by 38 and the said amount shall apply for all purposes of this award (provided that in the case of a carpenter-diver the divisor shall be 31). The conditions to the payment of the base rate set out in 18.1 hereof shall apply, the necessary changes being made, to payments under this subclause.

#### 18.5 Carpenter - Diver allowance

Employees undertaking work normally performed by a carpenter-diver shall be paid 65 cents per hour in addition to the amount prescribed by clause 18.3 which shall be regarded as part of the wage rates for all purposes of the award

#### 18.6 Differential for re-paint work

The hourly rate for painters on re-paint work shall be calculated at five cents per hour less than the hourly rate prescribed in 18.3 hereof for painters on other than re-paint work.

#### 18.7 Foreperson and Sub-Foreperson Allowances

A Bridge and Wharf carpenter engaged or employed as a foreperson or sub-foreperson upon civil engineering construction projects in the supervision of maintenance, demolition, or removal of such work.

| Classification          | Per Week<br>\$ |
|-------------------------|----------------|
| Foreperson (as defined) | 72.40          |
| Sub-Foreperson          | 52.10          |

#### 18.8 Refractory work

##### 18.8.1 Application

This subclause shall apply to employers with respect to employees engaged in the construction, alteration or repairs to:

- (a) Boilers, flues, furnaces, retorts, kilns, ovens, ladles and similar refractory work;
- (b) Acid furnaces, acid stills, acid towers and all other acid resisting brickwork.

##### 18.8.2 Refractory bricklaying allowance

A special allowance to compensate for disabilities associated with the work of refractory bricklaying shall be paid as follows:

| Classification                    | Per hour<br>\$ |
|-----------------------------------|----------------|
| Refractory Bricklayer             | 1.42           |
| Refractory Bricklayer's Assistant | 1.22           |

This allowance shall be paid in lieu of all special rates prescribed in clause 25 of this award except 25.2 Hot Work and 25.3 Cold Work, and shall be regarded as part of the wage for all purposes of the award.

##### 18.8.3 Apprentices

An apprentice refractory bricklayer shall be paid the bricklayer's apprenticeship wage rate prescribed in 18.1.2 if a junior apprentice or 18.1.3 if an adult apprentice and the Refractory Bricklayer's allowance prescribed by 18.8.2 hereof.

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

**19. Award Restructuring in the Building and Construction Industry**

**19.1 Guidelines for implementation**

19.1.1 Clause 18.1 of the National Building and Construction Industry Award 2000 contains a new classification structure consistent with the August 1989 National Wage Case decision (Print H9100). That new classification structure implements the decisions of the Australian Industrial Relations Commission in Prints K3850, K7300, L2207, L8499, PR912836 and PR921120 of the Australian Industrial Relations Commission. The new classification structure has been inserted into this Award as a result of the provisions of clause 8 of this Award.

19.1.2 The new classification structure in 18.1 shall be read in conjunction with this clause.

19.1.3 No existing employee's rate of pay shall be reduced as a result of the introduction of the new classification structure.

19.1.4 Any increase in an employee's rate of pay arising from minimum rates adjustments may be absorbed into existing over award payments (within the meaning of the Commission's Principles).

19.1.5 Wherever possible, consultative committees comprising equal numbers of employee and employer representatives shall be established. Matters raised for consideration of the consultative committee shall be related to implementation of the new classification structure, the facilitative provisions contained in this award and matters concerning training.

**19.2 Definition of key concepts and terms**

19.2.1 Australian qualifications framework or AQF refers to the system of competency based training and certification.

19.2.2 Civil Construction Stream includes all related skills involved in earthmoving and associated activity and does not extend beyond the scope of this award.

19.2.3 Fields of work means a defined grouping of logically related skills based on an efficient organisation of work.

19.2.4 General Construction Stream includes all fields of work principally concerned with the erection of new structures or buildings (including demolition and pre-construction) and fit out and finishing activities relating to newly constructed or existing buildings or structures, and does not extend beyond the scope of this award.

19.2.5 Industry accredited course or nationally accredited course is a course which has been constructed to reflect a group of standards which the CTA has endorsed as being appropriate combinations of skills to be available to the industry.

19.2.6 CTA means Construction Training Australia. CTA shall be the recognised authority (for the purposes of this subclause) responsible for developing competency standards for consideration and endorsement by the National Training Board/Australian National Training Authority.

19.2.7 New entrant means an employee who has never previously worked within the scope of any of the following awards:

National Building and Construction Industry Award 2000;

Building and Construction Industry (ACT) Award 1991, The (Print K0679 (B0171));

Building and Construction Industry (Northern Territory) Award 1996 (Print N6856 (B0035));

National Metal and Engineering (On-site) Construction Industry Award 1989 (Print H8482 (N0100));

Australian Workers' Union Construction and Maintenance Award 1989 (Print J0179 (A0516));

Plumbing Trades (Southern States) Construction Award 1999 (Print R5910 (P0092));

Plumbing Industry (New South Wales) Award 1999 (Print R5904 (P0111));

Plumbing Industry (Qld and WA) Award 1999 (Print R5911 (P0090));

Sprinkler Pipe Fitters' Award 1998; The (Print Q5148 (S0091));

Building Crane Drivers (State) Award.

including any federal award which was superseded by the making of these awards, or any state counterpart award covering the same industries and/or callings as the federal awards cited. If there is any doubt as to the status of an employee in this regard, the following documentation may be regarded as prima facie evidence that an employee is not a new entrant:

documentary evidence concerning registration with any of the construction industry portable long service leave schemes;

documentary evidence concerning contributions into an approved industry superannuation fund (e.g. C+BUS);

documentary evidence concerning membership of a union party to any of the above awards in the building and construction industry.

- (a) The new entrant classification does not apply to persons who were employed in the building and construction industry prior to the introduction of this subclause. Existing employees are subject to the translation arrangements set out in 19.6 hereof.
- (b) As the purpose of introducing the new entrant level is not to displace existing employees, but to facilitate the introduction of a career path, an employer shall not purposely "turn over" employees within the new entrant classification as an alternative to engaging employees on an ongoing basis.

Provided that nothing contained in this clause shall prevent a party from submitting a dispute about the status of an employee in this regard under the disputes procedure contained in this award.

- 19.2.8 Recognition of Prior Learning or RPL means the formal recognition of skill attained through on the job experience and/or training and may include formal qualifications (such as overseas qualifications), which have hitherto been unrecognised.
- 19.2.9 Self-directed Work Area Team or WAT means a group of employees who work as a team to plan and execute functions relevant to their employers business. Work Area Teams are generally autonomous of direct managerial supervision and perform their tasks in a way which maximises productivity and the utilisation of skills.
- 19.2.10 Streams or Skill streams means a broad grouping of skills related to a particular phase or aspect of production and does not extend beyond the scope of this award.

19.2.11 Supervision: This subclause recognises two levels of supervision which are as follows:

(a) General Supervision applies to a person who:

receives general instructions, usually covering only the broader technical aspects of the work; and

may be subject to progress checks but such checks are usually confined to ensuring that, in broad terms, satisfactory progress is being made; and

has their assignments reviewed on completion; and

although technically competent and well experienced there may be occasions on which the person will receive more detailed instructions.

(b) Limited Supervision applies to a person who:

receives only limited instructions normally confined to a clear statement of objectives; and

has their work usually measured in terms of the achievement of stated objectives; and

is fully competent and very experienced in a technical sense and requires little guidance in the performance of work.

### 19.3 Classifications and related issues

#### 19.3.1 Classifications

(a) Construction Worker Level 1 (CW1)

|                                                                                                         | Relativity to tradesperson |
|---------------------------------------------------------------------------------------------------------|----------------------------|
| CW1 (a): (new entrant):<br>Upon commencement in the industry                                            | 85%                        |
| CW1 (b):<br>After three months in the industry                                                          | 88%                        |
| CW1 (c):<br>After twelve months in the industry                                                         | 90%                        |
| CW1 (d):<br>Upon fulfilling the substantive requirements of Construction<br>Worker 1, as detailed below | 92.4%                      |

(i) A Construction Worker Level 1 (CW1) works under general supervision in one or more skill streams contained within this award. An employee at CW1(d) will:

have successfully completed, in accordance with RPL principles, a construction skills test equivalent to the required competency standards; or

have successfully completed a relevant structured training program equivalent to the required competency standards.

(ii) Skills and duties

An employee at CW1 level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the two main skill streams contained within this award. An employee at this level:

works from instructions and procedures;

assists in the provision of on-the-job training to a limited degree;

coordinates work in a team environment or works individually under general supervision;

is responsible for assuring the quality of their own work;

has a qualification in first aid.

- (iii) Indicative of the tasks which an employee at this level may perform include the following:

uses precision measuring instruments;

basic material handling functions;

operate small plant and pneumatic machinery;

inventory and store control;

operate a range of hand tools and oxy welding equipment;

has a knowledge of the construction process and understands the sequencing of construction functions;

is able to provide first aid assistance to other employees.

- (iv) The CW1 classification incorporates the following broad banded award classifications:

Builders' Labourer Group 4;

Plasterer, Terrazzo or Stonemason's Assistant;

Trades Labourer;

Jackhammer person;

Gear Hand;

Assistant Rigger;

Assistant Powder Monkey;

Steel Erector;

Aluminium Alloy Structural Erector (whether prefabricated or otherwise);

Mixer Driver (concrete);

Gantry Hand or Crane Hand;

Crane Chaser;

Cement Gun Operator;

Drilling Machine Operator;

Concrete Gang, including concrete floater (as defined);

Roof Layer (Malthoid or similar material);

Dump Cart Operator;

Concrete Pump Hoseperson or Line Hand;

Concrete Formwork Stripper.

- (v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 1(d) or 2. Where possible, an employee at Levels 1(a), 1(b) and 1(c) shall be provided with access to accredited structured training approved by CTA.

(b) Construction Worker Level 2 (CW2) - Relativity to tradesperson - 96%

- (i) A Construction Worker Level 2 (CW2) works under limited supervision in one or more skill streams contained within this award. A CW2 will:

have completed in accordance with RPL principles a Construction Skills Test equivalent to the required competency standards; or

have completed relevant structured training equivalent to the required competency standards.

- (ii) Skills and duties

An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT) and be may responsible for the supervision of one or more employees working at CW1 level.

An employee at this level:

can interpret plans and drawings relevant to their functions;

assists with the provision of on-the-job training;

assumes responsibility for allocating tasks within a Work Area Team within the area of the employees skill competence and training;

has some responsibility for the order and purchase of materials within defined parameters;

is able to sequence functions relevant to the employee's Work Area Team;

applies quality control techniques to the employee's own work and other employees within the Work Area Team.

- (iii) Indicative of the tasks which an employee at this level may perform include the following:

- calculates safe loads and stress factors;
  - measures accurately using specialised equipment;
  - non-trades maintenance of relevant plant and equipment;
  - anticipates and plans for constant changes to the work environment.
- (iv) The CW2 classification incorporates the following broad banded award classifications:
- Scaffolder (as defined);
  - Powder Monkey;
  - Hoist or Winch Driver;
  - Foundation Shafts worker (as defined);
  - Steel fixer;
  - Tack Welder;
  - Concrete Finisher.
- (v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 3.
- (c) Construction Worker Level 3 (CW3) - Relativity to tradesperson - 100%
- (i) A Construction Worker Level 3 (CW3) works individually or in a team environment in one or more skill streams contained within this award. A CW3 will:
- have successfully completed a relevant trade apprenticeship or its AQF equivalent;
  - or
  - have successfully completed, in accordance with RPL principles, a Construction Skills Test for this level; or
  - have successfully completed the required competency standards.
- any one of which shall qualify the employee as a Construction Worker Level 3.
- (ii) Skills and duties
- An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.
- An employee at this level may be responsible for the supervision of one or more employees working at CW1 or CW2 level.
- An employee at this level:
- understands and applies quality control techniques;

- exercises good interpersonal and communication skills;
  - exercises measuring and calculation skills at a higher level than CW2;
  - exercises discretion within the scope of this grade;
  - performs work of a trades or non-trades nature which is incidental or peripheral to the employees main function and facilitates the completion of the whole task;
  - is able to inspect products
  - and/or materials for conformity with established operational standards;
  - assists in the provision of on-the-job training.
- (iii) Indicative tasks which an employee may perform at this level include the following:
- allocates functions within a Work Area Team;
  - production sequencing and materials handling of a level more advanced than CW2;
  - trade skills associated with certificated trades within the scope of this award;
  - has a sound understanding of the construction process.
- (iv) The CW3 classification incorporates the following broad banded award classifications:
- Rigger-Dogger;
  - Artificial Stoneworkers;
  - Bricklayers;
  - Bridge and Wharf Carpenter;
  - Carpenter and/or Joiner;
  - Caster;
  - Fixer;
  - Floor Layer Specialist;
  - Glazier;
  - Marble and Slate worker;
  - Painter;
  - Plasterer;
  - Quarry worker;
  - Roof tiler;

Slate Ridge or Roof Fixer;

Stonemason;

Roof Fixer;

Tile layer;

Hard Floor Coverer.

- (v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 4.

(d) Construction Worker Level 4 (CW4) - Relativity to tradesperson - 105%

- (i) A Construction Worker Level 4 (CW4) works in one or more skill streams contained within this award. A CW4 will:

have successfully completed the relevant structured training in addition to the requirements of CW3; or

have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level;

either of which shall qualify the employee as a Construction Worker Level 4.

- (ii) Skills and duties

An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the two main construction skill streams contained within this award.

An employee at this level:

exercises skills attained through satisfactory completion of the training prescribed for this classification;

exercises discretion within the scope of this grade;

works under limited supervision either individually or in a team environment;

understands and implements quality control techniques;

provides guidance and assistance as part of a work team;

exercises advanced trades and non-trade skills relevant to the specific requirements of the industry or enterprise at a higher level than CW3.

- (iii) Indicative tasks which an employee may perform at this level include the following:

exercises precision trade and non-trade skills using various materials and specialised techniques at a higher level than CW3;

operates, and maintains plant and machinery;

is able to plan construction sequencing.

- (iv) The CW4 classification incorporates the following broad banded award classifications:

Marker-Setter Out;

Letter Cutter;

Signwriter.

- (v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 5.

- (e) Construction Worker Level 5 (CW5) - Relativity to tradesperson - 110%

- (i) A Construction Worker Level 5 (CW5) works in one or more skill streams contained within this award. A CW5 will:

have successfully completed the relevant structured training in addition to the requirements of CW4; or

have successfully completed, in accordance with RPL principles, a Skills Test equivalent to the requirements;

either of which shall qualify the employee for a Construction Worker Level 5.

- (ii) Skills and duties

An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the two skill streams contained in this award.

An employee at this level:

exercises skills attained through satisfactory completion of the training prescribed for this classification;

exercises discretion within the scope of this grade;

provides trades guidance and assistance as part of a work team;

assists in the provision of training in conjunction with supervisors and trainers;

understand and implements quality control techniques;

works under limited supervision either individually or in a team environment.

- (iii) Indicative tasks which an employee may perform at this level include the following:

exercises precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW4;

operates, and maintains complex plant and machinery;

is able to plan complex construction sequencing.

- (iv) The CW5 classification incorporates the following broad banded award classifications:

Special Class Trades;

Carver;

And includes a refractory bricklayer

- (v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 6.

- (f) Construction Worker Level 6 (CW6) - Relativity to tradesperson - 115%

- (i) A Construction Worker Level 6 (CW6) works in one or more skill streams contained within this award. A CW6 will:

have successfully completed the relevant structured training in addition to the requirements of CW5; or

have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level;

either of which shall qualify the employee for a Construction Worker Level 6.

- (ii) Skills and duties

An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the skill streams contained within this award.

An employee at this level:

exercises skills attained through satisfactory completion of the training prescribed for this classification;

exercises discretion within the scope of this grade;

provides trades guidance and assistance as part of a work team;

provides training in conjunction with supervisors and trainers;

works under limited supervision either individually or in a team environment;

- (iii) Indicative tasks which an employee may perform at this level include the following:

operates plant and equipment at a higher level of skill than CW5;

exercises high precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW5;

implements quality control techniques;

plans complex construction sequencing.

(iv) The CW6 classification does not incorporate any of the broad banded award classifications.

(v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 7.

(g) Construction Worker Level 7 (CW7) - Relativity to tradesperson - 120%

(i) A Construction Worker Level 7 (CW7) works in one or more skill streams contained within this award. A CW7 will:

have successfully completed the relevant structured training in addition to the requirements of CW6; or

have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level;

either of which shall qualify the employee for a Construction Worker Level 7.

(ii) Skills and duties

An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the skill streams contained within this award.

An employee at this level:

exercises skills attained through satisfactory completion of the training prescribed for this classification;

exercises discretion within the scope of this grade;

provides training in conjunction with supervisors and trainers;

understand and applies quality control techniques;

prepares complex reports;

contributes to the design of work, and the application of labour;

assists in the supervision or organisation of Work Area Teams.

(iii) Indicative tasks which an employee may perform at this level include the following:

works on plant and equipment at a higher level of skill than CW6;

exercises high precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW6;

implements quality control techniques;

plans complex construction sequencing.

- (iv) The CW7 classification incorporates the following broad banded award classifications:

Sub-Foreperson

- (v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 8.

- (h) Construction Worker Level 8 (CW8) - Relativity to tradesperson - 125%

- (i) A Construction Worker Level 8 (CW8) works in one or more skill streams contained within this award. A CW8 will:

have successfully completed the relevant structured training in addition to the requirements of CW7; or

have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level;

either of which shall qualify the employee for a Construction Worker Level 8.

- (ii) Skills and duties

An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the three skill streams contained within this award.

An employee at this level:

exercises skills attained through satisfactory completion of the training prescribed for this classification;

exercises discretion within the scope of this grade;

designs training programs in conjunction with relevant supervisors and trainers;

understand and applies quality control techniques;

prepares complex reports;

contributes to the design of work and the application of labour.

- (iii) Indicative tasks which an employee may perform at this level include the following:

works on plant and equipment at a higher level of skill than CW7;

exercises high precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW7;

implements quality control programs;

plans complex construction sequencing.

- (iv) The CW8 classification incorporates the following broad banded award classifications:

Carpenter-Diver

Foreperson (as defined)

#### 19.3.2 Allocation to skill streams contained within this award

- (a) Workers from Level 2 to Level 8 inclusive shall be primarily employed in either the General Construction or the Civil Construction Stream.
- (b) As the purpose of streams is not to create demarcations but to facilitate appropriate combinations of training within the industry, employees shall work across streams provided that the appropriate training, where required, has been provided.

#### 19.3.3 Classification disputes

- (a) It is recognised that from time to time disputes may arise as to the proper classification of a position or job to be filled by an employee. In the event that a dispute as to the proper classification or reclassification of a position or job does arise Clause 11 - Settlement of Disputes, shall apply.
- (b) In any case, in determining the appropriate classification of a position or job to be filled by an employee, an employer will pay full regard to:

the nature and skill requirements of the position to be filled;

the skill level and certification of the employee;

the experience and qualifications of the employee in:

relevant indicative tasks nominated in this subclause; and/or

competency standards against which an employee is accredited.

Any agreed national procedures established for testing the validity of an employees claim for reclassification.

#### 19.3.4 Skill based career structure

- (a) Existing employees shall transfer to the new classification structure on the basis of existing award rates of pay in accordance with the translation in 19.4.1 hereof. Upon translation existing employees shall be regarded as satisfying the requirements of the new skill level to which they translate. However, in seeking upward reclassification an employee shall be required to demonstrate that the employee meets the full requirements of the higher skill level in accordance with the criteria outlined in this paragraph.
- (b) The classification structure is designed to facilitate the improvement of the level of skills of the workforce and to provide a career path for all employees. It is drafted to achieve the objectives of the 1989 National Wage Case Principles.
- (c) Accordingly, each classification level builds upon the previous level so that the value of an employee to the industry and their employer increases as the employee progresses through the structure. Skills are built up in a sequential manner through job learnt skills and structured training and the new industry training framework developed by CTA reflects this intent.

- (d) Under the new classification structure, an employee's building and construction industry skills are to be formally recognised, industry wide, at all levels from new entrant to Construction Worker Level 8. Employees will move up the classification structure as they acquire additional accredited skills. Payment will be on the basis of the level of skills required to perform the work of a particular position or job offered by an employer.

#### 19.3.5 Training

- (a) In order to facilitate the operation of the classification structure in 19.3.1 hereof an employer shall, in cooperation with the consultative committee develop a training programme consistent with:

the size, structure and scope of the activities of the employer;

the need to develop vocational skills relevant to the enterprise and the building and construction industry generally through courses conducted by accredited educational institutions and providers.

- (b) Where, as a result of consultation in accordance with this clause it is agreed that additional training should be undertaken by the employee, that training may be taken either on or off the job. Provided that if the training is undertaken during normal working hours the employee concerned shall not suffer any loss of pay. The employer shall not unreasonably withhold such paid training leave.
- (c) Any costs associated with standard fees for prescribed course and prescribed textbooks (excluding those textbooks which are contained in the employers technical library) incurred in connection with the undertaking of training pursuant to 19.3.5(b) hereof shall be reimbursed by the employer upon the production of evidence of such expenditure. Provided that reimbursement shall be subject to the presentation of reports of satisfactory progress.
- (d) Travel costs incurred by an employee undertaking training in accordance with this clause pursuant to 19.3.5(b) hereof which exceed those normally incurred travelling to and from work shall be reimbursed by the employer.
- (e) Any disputes arising from the operation of this clause shall be subject to the disputes resolution procedure contained in clause 11 of this award.

#### 19.4 Translation and rates of pay

##### 19.4.1 Translation

- (a) All employees who are not already classified under the new classification structure shall transfer from their current classification to the new classification structure on the basis of their existing award classification rate in accordance with 18.1.1(c) of this award.
- (b) No employee shall unreasonably refuse to undertake training provided by the employer in paid work time which would enable the employee to fulfil the substantive requirements of the skill level to which they have translated as a result of the introduction of this subclause. In seeking upward reclassification an employee shall be required to demonstrate that the employee meets the full requirements of the higher skill level in accordance with the criteria outlined in this section.

##### 19.4.2 Rates of pay

- (a) This section details the rates of pay applicable under this subclause. Payment is for skills used, and employees performing work in a job at their skills classification in that field of work shall be entitled to the minimum rates of pay contained herein by virtue of

translation to the new structure as detailed in 18.1.1(c) hereof; or

by having fulfilled the criteria outlined in the skills classification definitions.

- (b) Clause 19.6.2 hereof shows the rate of pay applicable upon translation.

#### 19.4.3 Hourly rates of pay

For the purposes of this subclause, the hourly rates of pay are set out in 18.1.2 of this award.

8. Delete subclause 21.5 Transfers, of clause 21, Inclement Weather, and insert in lieu thereof the following:

#### 21.5 Transfers

Employees shall accept transfer to an area or site not affected by inclement weather if, in the opinion of the employer, useful work is available in that area or site, and that work is within the scope of the employees skill, competence and training consistent with the classification structure contained in this subclause and the employer provides, where necessary, transport.

9. Insert after clause 25, Special Rates, the following new clause:

### 26. Superannuation

Superannuation Legislation - The subject of superannuation is dealt with extensively by federal legislation including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth) (collectively the superannuation legislation) and s.124 of the *Industrial Relations Act 1996*. This legislation, as varied from time to time, governs the superannuation rights and obligations of the parties.

#### 26.1 Definitions

For the purposes of this clause:

26.1.1 "Fund" means a complying superannuation fund, as that term is used in the Superannuation legislation.

26.1.2 "Ordinary time earnings" means the actual ordinary rate of pay the employee receives for ordinary hours of work including tool allowances, industry allowance, trade allowance, shift loading, special rates, qualification allowances (e.g. first aid, laser safety officer), multi-storey allowance, district/location allowance, piecework rates, underground allowance, award site allowances, asbestos eradication allowance, leading hand allowances and supervisory allowances, together with those fares and travel allowances (as contained in clauses 38.1, 38.2, 38.3, 38.6.2 and 38.11) paid for days where ordinary time is worked, where applicable. The term includes any regular over-award pay as well as casual rates received for ordinary hours of work. All other allowances and payments are excluded. (Note: for the purposes of this subclause "ordinary hours of work" includes ordinary hours of shiftwork where applicable).

#### 26.2 Employer Contributions

An employer must, in accordance with the governing rules of the relevant fund, make such superannuation contributions for the benefit of an employee in accordance with the superannuation legislation. For the purposes of the superannuation legislation, an employee's ordinary time earnings are intended to provide that employee's notional earnings base.

#### 26.3 Voluntary Employee Contributions

26.3.1 Subject to the governing rules of the relevant fund, an employee who wishes to make contributions to the Fund may either forward his or her own contribution directly to the Fund administrators or authorise the employer to pay into the Fund from the employee's wages, amounts specified by the employee.

26.3.2 Employee contributions to the Fund deducted by the employer at the employee's request shall be held on the employee's behalf and subject to individual agreement shall meet the following conditions:

- (a) the amount of contributions shall be expressed in whole dollars.
- (b) An employee shall have the right to adjust the level of contribution made on his or her own behalf from the first of the month following the giving of three months' written notice to the employer.
- (c) Contributions deducted under this clause shall be forwarded to the Fund at the same time as contributions under 26.2.

#### 26.4 Superannuation Fund

26.4.1 An employer must, in accordance with the governing rules of the relevant Fund, make superannuation contributions to any of the following funds:

- (a) C+BUS, ASSET, STA, Building Employees Superannuation Trust.
- (b) any fund agreed between the employer and an employee.
- (c) any fund which has application to employees in the principal business of the employer, where employees covered by this award are a minority of award-covered employees; or any other Fund to which and employer or employee who is a member of the religious fellowship known as The Exclusive Brethren elects to contribute.
- (d) any Fund the employer was contributing to as at 1 December 1991 or at the date of becoming bound by this award, provided that the level of contribution satisfies the award requirements.

26.4.2 An employer is not required to contribute to more than one Fund in respect of an employee employed under this Award.

#### 26.5 Absence from Work

Subject to the governing rules of the fund of which an employee is a member, the following provisions shall apply:

##### 26.5.1 Paid Leave

Contributions shall continue whilst an employee is absent on annual leave, sick leave, personal/carers leave, bereavement leave, long service leave, public holidays, jury service, or other paid leave.

##### 26.5.2 Work Related Injury or Illness

In the event of an employee's absence from work being due to work related injury or illness, contributions at the normal rate shall continue for the period of the absence provided that:

- (a) the person remains an employee of the employer; and
- (b) the employee is receiving workers compensation payments or is receiving regular payments directly from the employer in accordance with statutory requirements or the provisions of this award.

10. Renumber clause 26 Accident Pay, to read as 26A.
11. This variation shall come into effect on the first pay period commencing on or after 1 April 2004 the rates of remuneration shall be phased in and take effect from the periods indicated in the relevant tables.

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

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(534)

**SERIAL C2735**

## **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 4558 of 2003)

Before The Honourable Justice Walton, Vice-President

30 March 2004

### **VARIATION**

1. Delete clause 1, Arrangement, of the award published 16 November 2001 (329 I.G. 625) and insert in lieu thereof the following:

#### **1. Arrangement**

| Clause No. | Subject Matter                                                |
|------------|---------------------------------------------------------------|
| 1.         | Arrangement                                                   |
| 2.         | Interpretation                                                |
| 3.         | Anti-Discrimination                                           |
| 4.         | Definitions                                                   |
| 5.         | Wage Rates                                                    |
| 5A.        | Award restructuring in the Building and Construction Industry |
| 6.         | Structural Efficiency Exercise                                |
| 7.         | Award Modernisation                                           |
| 8.         | Casual Employees                                              |
| 9.         | Contract of Employment                                        |
| 10.        | Termination of Employment                                     |
| 11.        | Hours, Day Workers                                            |
| 12.        | Hours of Work - Part Time Employment                          |
| 13.        | Meal Interval                                                 |
| 14.        | Meal Interval During Overtime                                 |

15. Overtime
16. Public Holidays and Holiday Work
17. Weekend Work
18. Shift Work
19. Sick Leave
20. Personal/Carer's Leave
21. Jury Service
22. Annual Leave
23. Long Service Leave
24. Parental Leave
25. Mixed Functions
26. Superannuation
27. Right of Entry
28. Payment of Wages
29. Annual Leave Loading
30. Redundancy
31. Fares and travel Pattern Allowance
32. Union Representative
33. Country Work
34. Camping Area
35. Caravan Allowance
36. Automation and Mechanisation
37. Distant Place Allowance
38. Miscellaneous
39. Bereavement Leave
40. Trade Union Training Leave
41. Exemptions
42. Leave Reserved
43. Settlement of Disputes
44. Prohibition of Bans, Limitations and Restrictions
- 44A. Deduction of Union Membership Fees
- 44B. Traineeships
45. Area, Incidence and Duration

#### PART B

#### MONETARY RATES

Table 1 - Rates of Pay

Table 2 - Other Rates and Allowances

2. Delete clause 5, Wage Rates, and insert in lieu thereof the following:

#### **5. Wage Rates**

##### (1) New Classification Structure

- (a) This award contains a new classification structure. The new classification structure shall be subject to transitional provisions and a phase-in of increases to weekly rates of pay resulting from the new classification structure.
- (b) Clause 5A sets out the transitional arrangements to be applied with respect to the new classification structure.
- (c) Existing employees shall have their new classification determined by reference to the CW classification into which the employee's Group has been incorporated pursuant to clause 5(3).
- (d) New employees shall be classified in accordance with the relevant provisions of clause 5A.

- (e) During the transitional period of the new classification structure, employees who were existing employees at the introduction of the new classification structure shall have their weekly rates of pay determined in accordance with the following table:

| Broad banded Award Classification | Old rate per week<br>\$ | New CW Classification | Rate per week on commencement<br>\$ | 11 Sept. 2004<br>\$ | Anniversary of commencement<br>\$ | 11 Sept. 2005<br>\$ |
|-----------------------------------|-------------------------|-----------------------|-------------------------------------|---------------------|-----------------------------------|---------------------|
| Group A                           | 515.80                  | CW3                   | 522.80                              | 529.80              | 536.80                            | 542.30              |
| Group B                           | 533.60                  | CW4                   | 541.10                              | 548.60              | 556.10                            | 563.20              |
| Group C                           | 551.50                  | CW5                   | 560.00                              | 568.50              | 577.00                            | 584.00              |
| Group D                           | 558.90                  | CW5                   | 565.40                              | 571.90              | 578.40                            | 584.00              |
| Group E                           | 567.60                  | CW5                   | 571.70                              | 575.80              | 579.90                            | 584.00              |
| Group F                           | 573.00                  | CW6                   | 580.50                              | 588.00              | 595.50                            | 602.90              |
| Group G                           | 582.20                  | CW6                   | 587.70                              | 593.20              | 598.70                            | 602.90              |
| Group H                           | 592.60                  | CW7                   | 600.60                              | 608.60              | 616.60                            | 623.70              |

- (f) Employees engaged by an employer after the introduction of the new classification structure but before the completion of the phase-in of the rates of pay resulting from the new classification structure, shall have their weekly rates of pay determined in accordance with the following table:

| Classification | On commencement of new structure<br>\$ | 11 Sept 2004<br>\$ | Anniversary of commencement<br>\$ | 11 Sept 2005<br>\$ |
|----------------|----------------------------------------|--------------------|-----------------------------------|--------------------|
| CW8            | 600.60                                 | 616.00             | 631.40                            | 646.60             |
| CW7            | 600.60                                 | 608.60             | 616.60                            | 623.70             |
| CW6            | 580.50                                 | 588.00             | 595.50                            | 602.90             |
| CW5            | 560.00                                 | 568.50             | 577.00                            | 584.00             |
| CW4            | 541.10                                 | 548.60             | 556.10                            | 563.20             |
| CW3            | 522.80                                 | 529.80             | 536.80                            | 542.30             |
| CW2            | 515.80                                 | 519.00             | 523.60                            | 523.60             |
| CW1(d)         | 510.20                                 | 510.20             | 510.20                            | 510.20             |
| CW1(c)         | 498.60                                 | 498.60             | 498.60                            | 498.60             |
| CW1(b)         | 490.20                                 | 490.20             | 490.20                            | 490.20             |
| CW1(a)         | 477.70                                 | 477.70             | 477.70                            | 477.70             |

- (g) Upon the completion of the phase-in of the increased rates of pay resulting from the new classification structure, employees under this award shall be paid, as a minimum, the relevant rate as prescribed in Table 1 of Part B, Monetary Rates.
- (2) Floating/Mobile/Other Crane Capacity Adjustment - For every five tonnes in excess of 20 tonnes an amount as set out in Item 9 of Table 2 of Part B, Monetary Rates shall be added to the base rate for Group D below.
- (3) Index to Groups - The following table represents the index to the various groups of operators prior to the introduction of the new classification structure and the corresponding CW classification for the purposes of clause 5(1)(c) herein.

| Broad banded Award Classification                                                                                                                                                                       | New CW Classification |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Group A<br>Air Compressor Operators<br>Electric Motor Attendants<br>All Winch Drivers<br>Service People<br>Operators of other cranes up to and including 5 tonnes<br>Mobile concrete Line Pump Operator | CW3                   |
| Group B                                                                                                                                                                                                 | CW4                   |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Operator of Tractor - up to but not exceeding 48kw (65hp)<br>Operator of Skid Steer Tractor - up to but not exceeding 48kw (65hp)<br>Operator of Compactor - up to but not exceeding 48kw (65hp)<br>Operator of Fork Lift - up to but not exceeding 48kw (65hp)<br>Operator of Mobile Crane - up to and including 10 tonnes<br>Operator of Floating Crane - up to and including 10 tonnes<br>Operator of Other Cranes - over 5 and not exceeding 15 tonnes<br>Operator of Road Roller<br>Operator of Road Sealing and Surfacing Plant<br>Mobile Concrete Boom Pump Operator                                                                                                                                                                                                                                                                                                         |     |
| Group C<br>Operator of Tractor - from 48kw (65hp) up to but not exceeding 96kw (130hp)<br>Operator of Loader - front-end and overhead - from 48kw (65hp) up to but not exceeding 96kw (130hp)<br>Operator of Dragline/Shovel Excavator - up to 0.5 cubic metres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | CW5 |
| Operator of Dumper - up to but not exceeding 25 tonnes<br>Operator of Grader - up to and including 90kw (120hp)<br>Operator of Compactor - from 48kw (65hp) but not exceeding 96kw (130hp)<br>Operator of Skid Steer Tractor - from 48kw (65hp) up to but not exceeding 96kw (130hp)<br>Operator of Fork Lift - from 48kw (65hp) up to but not exceeding 96kw (130hp)<br>Operator of Mobile Crane - over 10 but not exceeding 20 tonnes<br>Operator of Floating Crane - over 10 but not exceeding 20 tonnes<br>Operator of Other Cranes - over 15 but not exceeding 20 tonnes                                                                                                                                                                                                                                                                                                       |     |
| Group D<br>Operator of Tractor - from 96kw (130hp) up to but not exceeding 220kw (295hp)<br>Operator of Excavator - Hydraulic Telescopic Boom Type<br>Operator of Dragline/Shovel Excavator - from 0.5 cubic metres up to but not exceeding 1.5 cubic metres<br>Operator of Fork Lift - from 96kw (130hp) up to but not exceeding 220kw (295hp)<br>Operator of Dumper - from 25 tonnes up to but not exceeding 40 tonnes<br>Operator of Grader - from 96kw (130hp) up to but not exceeding 148kw (200hp)<br>Operator of Loader - front end and overhead from 96kw (130hp) up to but not exceeding 220kw (295hp) capacity<br>Operator of Slide Boom/Pipe Layer - up to but not exceeding 96kw (130hp)<br>Operator of Compactor - from 96kw (130hp) up to but not exceeding 220kw (295hp)<br>Operator of Skid Steer Tractor - from 96kw (130hp) up to but not exceeding 220kw (295hp) |     |
| Group E<br>Operator of Grader - from 148kw (200hp)<br>Operator of Tractor - from 220kw (295hp) up to but not exceeding 370kw (500hp)<br>Operator of Dumper - from 40 tonnes up to but not exceeding 100 tonnes<br>Operator of Loader - front end and overhead, from 220kw (295 hp) up to but not exceeding 370kw (500hp)<br>Operator of Compactor - from 220kw (295hp)<br>Operator of Skid Steer Tractor from 220kw (295hp)<br>Operator of Dragline/Shovel Excavator - from 1.5 metres up to but not exceeding 3.0 metre capacity<br>Operator of Side Boom/Pipe Layer - from 96kw (130hp) but not exceeding 220kw (295hp)                                                                                                                                                                                                                                                           | CW5 |
| Group F<br>Operator of Tractor - from 370kw (500hp) up to but not exceeding 450kw (600hp)<br>Operator of Dragline/Shovel Excavator - from 3.0 cubic metres up to but not exceeding 5 cubic metres<br>Operator of Dumper - from 100 tonnes truck capacity<br>Operator of Loader - front end and overhead, from 370kw (500hp) up to but not exceeding 450kw (600hp)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | CW6 |
| Group G                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | CW6 |

|                                                                                                                      |     |
|----------------------------------------------------------------------------------------------------------------------|-----|
| Operator of Dragline/Shovel Excavator - from 5 cubic metres<br>Operator of Side Boom/Pipe Layer - from 220kw (295hp) |     |
| Group H<br>Operator of Tractor - from 450kw (600hp)Operator of Tower Crane                                           | CW7 |

- (4) 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.

- (5) Additions to the Total Weekly Wage

- (i) An employee in charge of plant shall be paid an amount as set out in Item 1 of Table 2 - Other Rates and Allowances of Part B, Monetary Rates.

An employee shall be deemed to be in charge of his plant item where -

- (a) when two or more employees are employed at the plant at the one time, the employee who is invested with the superintendence and responsibility or who has to accept the superintendence and responsibility; or
- (b) an employee who is invested with the superintendence and responsibility or who has to accept the superintendence and responsibility over one or more other employees; or
- (c) when the employee is the only person of that class employed on the plant the employee who does the general repair work of the plant in addition to the work of operating, but not when the employee merely assists a fitter or engineer to do such work; or
- (d) where shifts are worked the employee who is directed to carry out the general repair work of the plant in addition to the work of operating, but not when the employee merely assists a fitter or engineer to do such work.

- (ii) Industry Allowance -

Employees shall be paid an allowance as set out in Item 2 of the said Table 2 per week to compensate for the following disabilities associated with work on civil and/or mechanical engineering projects:

being subject to climatic conditions, that is, dust blowing in the wind, drippings from newly-poured concrete, sloppy and muddy conditions,

the lack of usual amenities associated with factory work (for example, meal rooms, change rooms, lockers, etc)

being required to work when exposed to inclement weather and for working in isolated and undeveloped locations;

sloppy and muddy conditions associated with the initial stages of the erection of a building;

For the purpose of this clause "inclement weather" means wet weather and for working in isolated and undeveloped locations and/or abnormal climatic conditions such as hail, cold, high winds, severe dust storms, extreme high temperatures or any combination thereof.

- (iii) **Waste Disposal** - In addition to the allowances prescribed in paragraphs (a) and (b) of this subclause, employees engaged in waste disposal depots shall be paid a disability allowance as set out in Item 4 of Table 2 for each hour worked with a minimum payment of three hours each day. This allowance is to compensate for the special disabilities associated with the offensive and obnoxious nature of the duties of solid and liquid waste and garbage disposal. The allowance prescribed by this paragraph shall be paid for each hour the employees are suffering the disabilities and shall not form part of ordinary wage for all purposes of the award.
- (iv) **Leading Hands** - An employee appointed as a leading hand shall be paid in addition to the wage rate otherwise prescribed, an amount as set out in Item 5 of Table 2.  
  
Leading hand shall mean an employee who shall be in charge of any number of employees and who shall, if required, keep a record of the times of employees under his control.
- (v) **Special Allowance** - Employees within the Steel Works at Australian Iron & Steel, Port Kembla, shall be paid an additional amount as set out in Item 6 of Table 2 when loading/handling manganese.
- (vi) Employees involved in road construction work in the Illawarra region working in areas where coal wash is being unloaded, handled or spread shall be paid the sum as set out in Item 7 of Table 2. This allowance shall be paid in substitution for any rate which might otherwise be payable for dirty, wet confined spaces or similar disability.

#### **5A. Award Restructuring in the Building and Construction Industry**

##### **5A.1 Guidelines for implementation**

- 5A.1.1 Clause 5.1 of this award contains a new classification structure consistent with the August 1989 National Wage Case decision (Print H9100). This new classification structure implements the decisions of the Australian Industrial Relations Commission in Prints K3850, K7300, L2207, L8499, PR12836 and PR921120.
- 5A.1.2 The new classification structure in 5.1 shall be read in conjunction with this clause
- 5A.1.3 No existing employee's rate of pay shall be reduced as a result of the introduction of the new classification structure.
- 5A.1.4 Any increase in an employee's rate of pay arising from minimum rates adjustments may be absorbed into existing over award payments (within the meaning of the Commission's Principles).
- 5A.1.5 Wherever possible, consultative committees comprising equal numbers of employee and employer representatives shall be established. Matters raised for consideration of the consultative committee shall be related to implementation of the new classification structure, the facilitative provisions contained in this award and matters concerning training.

##### **5A.2 Definition of key concepts and terms**

- 5A.2.1 Australian qualifications framework or AQF refers to the system of competency based training and certification.
- 5A.2.2 Civil Construction Stream includes all related skills involved in earthmoving and associated activity and does not extend beyond the scope of this award.
- 5A.2.3 Fields of work means a defined grouping of logically related skills based on an efficient organisation of work.

- 5A.2.4 General Construction Stream includes all fields of work principally concerned with the erection of new structures or buildings (including demolition and pre-construction) and fit out and finishing activities relating to newly constructed or existing buildings or structures, and does not extend beyond the scope of this award.
- 5A.2.5 Industry accredited course or nationally accredited course is a course which has been constructed to reflect a group of standards which the CTA has endorsed as being appropriate combinations of skills to be available to the industry.
- 5A.2.6 CTA means Construction Training Australia. CTA shall be the recognised authority (for the purposes of this subclause) responsible for developing competency standards for consideration and endorsement by the National Training Board/Australian National Training Authority.
- 5A.2.7 New entrant means an employee who has never previously worked within the scope of any of the following awards:
- National Building and Construction Industry Award 2000;
- Building and Construction Industry (ACT) Award 1991, The (Print K0679 (B0171));
- Building and Construction Industry (Northern Territory) Award 1996 (Print N6856 (B0035));
- National Metal and Engineering (On-site) Construction Industry Award 1989 (Print H8482 (N0100));
- Australian Workers' Union Construction and Maintenance Award 1989 (Print J0179 (A0516));
- Plumbing Trades (Southern States) Construction Award 1999 (Print R5910 (P0092));
- Plumbing Industry (New South Wales) Award 1999 (Print R5904 (P0111));
- Plumbing Industry (Qld and WA) Award 1999 (Print R5911 (P0090));
- Sprinkler Pipe Fitters' Award 1998; The (Print Q5148 (S0091));
- Building Crane Drivers (State) Award.
- Including any federal award which was superseded by the making of these awards, or any state counterpart award covering the same industries and/or callings as the federal awards cited. If there is any doubt as to the status of an employee in this regard, the following documentation may be regarded as prima facie evidence that an employee is not a new entrant:
- Documentary evidence concerning registration with any of the construction industry portable long service leave schemes;
- Documentary evidence concerning contributions into an approved industry superannuation fund (e.g. C+BUS);
- Documentary evidence concerning membership of a union party to any of the above awards in the building and construction industry.
- (a) The new entrant classification does not apply to persons who were employed in the building and construction industry prior to the introduction of this subclause. Existing employees are subject to the translation arrangements set out in 5A.6 hereof.

- (b) As the purpose of introducing the new entrant level is not to displace existing employees, but to facilitate the introduction of a career path, an employer shall not purposely "turn over" employees within the new entrant classification as an alternative to engaging employees on an ongoing basis

Provided that nothing contained in this clause shall prevent a party from submitting a dispute about the status of an employee in this regard to the Reclassification Disputes Board outlined in 5A.3.3 hereof.

5A.2.8 Recognition of Prior Learning or RPL means the formal recognition of skill attained through on the job experience and/or training and may include formal qualifications (such as overseas qualifications), which have hitherto been unrecognised.

5A.2.9 Self-directed Work Area Team or WAT means a group of employees who work as a team to plan and execute functions relevant to their employers business. Work Area Teams are generally autonomous of direct managerial supervision and perform their tasks in a way which maximises productivity and the utilisation of skills.

5A.2.10 Streams or Skill streams means a broad grouping of skills related to a particular phase or aspect of production and does not extend beyond the scope of this award.

5A.2.11 Supervision: This subclause recognises two levels of supervision which are as follows:

- (a) General Supervision applies to a person who:

receives general instructions, usually covering only the broader technical aspects of the work; and

may be subject to progress checks but such checks are usually confined to ensuring that, in broad terms, satisfactory progress is being made; and

has their assignments reviewed on completion; and

although technically competent and well experienced there may be occasions on which the person will receive more detailed instructions.

- (b) Limited Supervision applies to a person who:

receives only limited instructions normally confined to a clear statement of objectives; and

has their work usually measured in terms of the achievement of stated objectives; and

is fully competent and very experienced in a technical sense and requires little guidance in the performance of work.

### 5A.3 Classifications and related issues

#### 5A.3.1 Classifications

- (a) Construction Worker Level 1 (CW1)

|                                                              | Relativity<br>to tradesperson |
|--------------------------------------------------------------|-------------------------------|
| CW1 (a): (new entrant):<br>Upon commencement in the industry | 85%                           |
| CW1 (b):<br>After three months in the industry               | 88%                           |
| CW1 (c):<br>After twelve months in the industry              | 90%                           |

|                                                                                          |       |
|------------------------------------------------------------------------------------------|-------|
| CW1 (d):                                                                                 |       |
| Upon fulfilling the substantive requirements of Construction Worker 1, as detailed below | 92.4% |

- (i) A Construction Worker Level 1 (CW1) works under general supervision in one or more skill streams contained within this award. An employee at CW1(d) will:

have successfully completed, in accordance with RPL principles, a construction skills test equivalent to the required competency standards; or

have successfully completed a relevant structured training program equivalent to the required competency standards.

- (ii) Skills and duties

An employee at CW1 level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the two main skill streams contained within this award. An employee at this level:

works from instructions and procedures;

assists in the provision of on-the-job training to a limited degree;

coordinates work in a team environment or works individually under general supervision;

is responsible for assuring the quality of their own work;

has a qualification in first aid.

- (iii) Indicative of the tasks which an employee at this level may perform include the following:

uses precision measuring instruments;

basic material handling functions;

operate small plant and pneumatic machinery;

inventory and store control;

operate a range of hand tools and oxy welding equipment;

has a knowledge of the construction process and understands the sequencing of construction functions;

is able to provide first aid assistance to other employees.

- (iv) The CW1 classification does not incorporate any broad banded award classifications.

- (v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 1(d) or 2. Where possible, an employee at Levels 1(a), 1(b) and 1(c) shall be provided with access to accredited structured training approved by CTA.

- (b) Construction Worker Level 2 (CW2) Relativity to tradesperson - 96%

- (i) A Construction Worker Level 2 (CW2) works under limited supervision in one or more skill streams contained within this award. A CW2 will:
    - have completed in accordance with RPL principles a Construction Skills Test equivalent to the required competency standards; or
    - have completed relevant structured training equivalent to the required competency standards.
  - (ii) Skills and duties
    - An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.
    - An employee at this level may be part of a self-directed Work Area Team (WAT) and be responsible for the supervision of one or more employees working at CW1 level.
    - An employee at this level:
      - can interpret plans and drawings relevant to their functions;
      - assists with the provision of on-the-job training;
      - assumes responsibility for allocating tasks within a Work Area Team within the area of the employees skill competence and training;
      - has some responsibility for the order and purchase of materials within defined parameters;
      - is able to sequence functions relevant to the employee's Work Area Team;
      - applies quality control techniques to the employee's own work and other employees within the Work Area Team.
  - (iii) Indicative of the tasks which an employee at this level may perform include the following:
    - calculates safe loads and stress factors;
    - measures accurately using specialised equipment;
    - non-trades maintenance of relevant plant and equipment;
    - anticipates and plans for constant changes to the work environment.
  - (iv) The CW2 classification does not incorporate any broadbanded award classifications.
  - (v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 3.
- (c) Construction Worker Level 3 (CW3) Relativity to tradesperson - 100%
- (i) A Construction Worker Level 3 (CW3) works individually or in a team environment in one or more skill streams contained within this award. A CW3 will:
    - have successfully completed a relevant trade apprenticeship or its AQF equivalent; or

have successfully completed, in accordance with RPL principles, a Construction Skills Test for this level; or

have successfully completed the required competency standards.

any one of which shall qualify the employee as a Construction Worker Level 3.

(ii) Skills and duties

An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be responsible for the supervision of one or more employees working at CW1 or CW2 level.

An employee at this level:

understands and applies quality control techniques;

exercises good interpersonal and communication skills;

exercises measuring and calculation skills at a higher level than CW2;

exercises discretion within the scope of this grade;

performs work of a trades or non-trades nature which is incidental or peripheral to the employees main function and facilitates the completion of the whole task;

is able to inspect products

and/or materials for conformity with established operational standards;

assists in the provision of on-the-job training.

(iii) Indicative tasks which an employee may perform at this level include the following:

allocates functions within a Work Area Team;

production sequencing and materials handling of a level more advanced than CW2;

trade skills associated with certificated trades within the scope of this award;

has a sound understanding of the construction process.

(iv) The CW3 classification incorporates the following broad banded award classifications:

Plant Operator Group A.

(v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 4.

(d) Construction Worker Level 4 (CW4) Relativity to tradesperson - 105%

- (i) A Construction Worker Level 4 (CW4) works in one or more skill streams contained within this award. A CW4 will:
    - have successfully completed the relevant structured training in addition to the requirements of CW3; or
    - have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level;
    - either of which shall qualify the employee as a Construction Worker Level 4.
  - (ii) Skills and duties
    - An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.
    - An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the two main construction skill streams contained within this award.
    - An employee at this level:
      - exercises skills attained through satisfactory completion of the training prescribed for this classification;
      - exercises discretion within the scope of this grade;
      - works under limited supervision either individually or in a team environment;
      - understands and implements quality control techniques;
      - provides guidance and assistance as part of a work team;
      - exercises advanced trades and non-trade skills relevant to the specific requirements of the industry or enterprise at a higher level than CW3.
  - (iii) Indicative tasks which an employee may perform at this level include the following:
    - exercises precision trade and non-trade skills using various materials and specialised techniques at a higher level than CW3;
    - operates, and maintains plant and machinery;
    - is able to plan construction sequencing.
  - (iv) The CW4 classification incorporates the following broad banded award classifications:
    - Operator Group B;
  - (v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 5.
- (e) Construction Worker Level 5 (CW5) Relativity to tradesperson - 110%
- (i) A Construction Worker Level 5 (CW5) works in one or more skill streams contained within this award. A CW5 will:

have successfully completed the relevant structured training in addition to the requirements of CW4; or

have successfully completed, in accordance with RPL principles, a Skills Test equivalent to the requirements;

either of which shall qualify the employee for a Construction Worker Level 5.

(ii) Skills and duties

An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the two skill streams contained in this award.

An employee at this level:

exercises skills attained through satisfactory completion of the training prescribed for this classification;

exercises discretion within the scope of this grade;

provides trades guidance and assistance as part of a work team;

assists in the provision of training in conjunction with supervisors and trainers;

understand and implements quality control techniques;

works under limited supervision either individually or in a team environment.

(iii) Indicative tasks which an employee may perform at this level include the following:

exercises precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW4;

operates, and maintains complex plant and machinery;

is able to plan complex construction sequencing.

(iv) The CW5 classification incorporates the following broad banded award classifications:

Operator Group C;

Operator Group D;

Operator Group E;

(v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 6.

(f) Construction Worker Level 6 (CW6) Relativity to tradesperson - 115%

- (i) A Construction Worker Level 6 (CW6) works in one or more skill streams contained within this award. A CW6 will:
    - have successfully completed the relevant structured training in addition to the requirements of CW5; or
    - have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level;
    - either of which shall qualify the employee for a Construction Worker Level 6.
  - (ii) Skills and duties
    - An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.
    - An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the skill streams contained within this award.
    - An employee at this level:
      - exercises skills attained through satisfactory completion of the training prescribed for this classification;
      - exercises discretion within the scope of this grade;
      - provides trades guidance and assistance as part of a work team;
      - provides training in conjunction with supervisors and trainers;
      - works under limited supervision either individually or in a team environment;
  - (iii) Indicative tasks which an employee may perform at this level include the following:
    - operates plant and equipment at a higher level of skill than CW5;
    - exercises high precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW5;
    - implements quality control techniques;
    - plans complex construction sequencing.
  - (iv) The CW6 classification incorporates the following broad banded award classifications:
    - Operator Group F;
    - Operator Group G.
  - (v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 7.
- (g) Construction Worker Level 7 (CW7) Relativity to tradesperson - 120%
- (i) A Construction Worker Level 7 (CW7) works in one or more skill streams contained within this award. A CW7 will:

have successfully completed the relevant structured training in addition to the requirements of CW6; or

have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level;

either of which shall qualify the employee for a Construction Worker Level 7.

(ii) Skills and duties

An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the skill streams contained within this award.

An employee at this level:

exercises skills attained through satisfactory completion of the training prescribed for this classification;

exercises discretion within the scope of this grade;

provides training in conjunction with supervisors and trainers;

understand and applies quality control techniques;

prepares complex reports;

contributes to the design of work, and the application of labour;

assists in the supervision or organisation of Work Area Teams.

(iii) Indicative tasks which an employee may perform at this level include the following:

works on plant and equipment at a higher level of skill than CW6;

exercises high precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW6;

implements quality control techniques;

plans complex construction sequencing.

(iv) The CW7 classification incorporates the following broad banded award classifications:

Operator Group H;

(v) An employee at this level may be undergoing training so as to qualify as a Construction Worker Level 8.

(h) Construction Worker Level 8 (CW8) Relativity to tradesperson - 125%

(i) A Construction Worker Level 8 (CW8) works in one or more skill streams contained within this award. A CW8 will:

have successfully completed the relevant structured training in addition to the requirements of CW7; or

have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level;

either of which shall qualify the employee for a Construction Worker Level 8.

(ii) Skills and duties

An employee at this level performs work to the extent of their skills competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

An employee at this level may be part of a self-directed Work Area Team (WAT), and may be required to perform a range of duties across the three skill streams contained within this award.

An employee at this level:

exercises skills attained through satisfactory completion of the training prescribed for this classification;

exercises discretion within the scope of this grade;

designs training programs in conjunction with relevant supervisors and trainers;

understand and applies quality control techniques;

prepares complex reports;

contributes to the design of work and the application of labour.

(iii) Indicative tasks which an employee may perform at this level include the following:

works on plant and equipment at a higher level of skill than CW7;

exercises high precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW7;

implements quality control programs;

plans complex construction sequencing.

(iv) The CW8 classification does not incorporate any broadbanded award classifications.

5A.3.2 Allocation to skill streams contained within this award

(a) Workers from Level 2 to Level 8 inclusive shall be primarily employed in either the General Construction or the Civil Construction Stream.

(b) As the purpose of streams is not to create demarcations but to facilitate appropriate combinations of training within the industry, employees shall work across streams provided that the appropriate training, where required, has been provided.

5A.3.3 Classification disputes

- (a) It is recognised that from time to time disputes may arise as to the proper classification of a position or job to be filled by an employee. In the event that a dispute as to the proper classification or reclassification of a position or job does arise the dispute settlement procedure of this award shall apply.
- (b) In any case, in determining the appropriate classification of a position or job to be filled by an employee, an employer will pay full regard to:
  - the nature and skill requirements of the position to be filled;
  - the skill level and certification of the employee;
  - the experience and qualifications of the employee in:
  - relevant indicative tasks nominated in this subclause; and/or
  - competency standards against which an employee is accredited.
  - any agreed national procedures established for testing the validity of an employees claim for reclassification.

#### 5A.3.4 Skill based career structure

- (a) Existing employees shall transfer to the new classification structure on the basis of existing award rates of pay in accordance with the translation in 5A.4.1 hereof. Upon translation existing employees shall be regarded as satisfying the requirements of the new skill level to which they translate. However, in seeking upward reclassification an employee shall be required to demonstrate that the employee meets the full requirements of the higher skill level in accordance with the criteria outlined in this paragraph.
- (b) The classification structure is designed to facilitate the improvement of the level of skills of the workforce and to provide a career path for all employees. It is drafted to achieve the objectives of the 1989 National Wage Case Principles.
- (c) Accordingly, each classification level builds upon the previous level so that the value of an employee to the industry and their employer increases as the employee progresses through the structure. Skills are built up in a sequential manner through job learnt skills and structured training and the new industry training framework developed by CTA reflects this intent.
- (d) Under the new classification structure, an employee's building and construction industry skills are to be formally recognised, industry wide, at all levels from new entrant to Construction Worker Level 8. Employees will move up the classification structure as they acquire additional accredited skills. Payment will be on the basis of the level of skills required to perform the work of a particular position or job offered by an employer.

#### 5A.3.5 Training

- (a) In order to facilitate the operation of the classification structure in 5A.3.1 hereof an employer shall, in cooperation with the consultative committee develop a training programme consistent with:
  - the size, structure and scope of the activities of the employer;
  - the need to develop vocational skills relevant to the enterprise and the building and construction industry generally through courses conducted by accredited educational institutions and providers.

- (b) Where, as a result of consultation in accordance with this clause it is agreed that additional training should be undertaken by the employee, that training may be taken either on or off the job. Provided that if the training is undertaken during normal working hours the employee concerned shall not suffer any loss of pay. The employer shall not unreasonably withhold such paid training leave.
- (c) Any costs associated with standard fees for prescribed course and prescribed textbooks (excluding those textbooks which are contained in the employers technical library) incurred in connection with the undertaking of training pursuant to 5A.3.5(b) hereof shall be reimbursed by the employer upon the production of evidence of such expenditure. Provided that reimbursement shall be subject to the presentation of reports of satisfactory progress.
- (d) Travel costs incurred by an employee undertaking training in accordance with this clause pursuant to 5A.3.5(b) hereof which exceed those normally incurred travelling to and from work shall be reimbursed by the employer.
- (e) Any disputes arising from the operation of this clause shall be subject to the disputes resolution procedure contained in clause 11 of this award.

#### 5A.4 Translation and rates of pay

##### 5A.4.1 Translation

- (a) All employees who are not already classified under the new classification structure shall transfer from their current classification to the new classification structure on the basis of their existing award classification rate in accordance with 5(3) of this award.
- (b) No employee shall unreasonably refuse to undertake training provided by the employer in paid work time which would enable the employee to fulfil the substantive requirements of the skill level to which they have translated as a result of the introduction of this subclause. In seeking upward reclassification an employee shall be required to demonstrate that the employee meets the full requirements of the higher skill level in accordance with the criteria outlined in this section.

##### 5A.4.2 Rates of pay

- (a) This section details the rates of pay applicable under this subclause. Payment is for skills used, and employees performing work in a job at their skills classification in that field of work shall be entitled to the minimum rates of pay contained herein by virtue of  
  
translation to the new structure as detailed in subclause 5(3); or  
  
by having fulfilled the criteria outlined in the skills classification definitions.
- (b) Clause 5(1)(e) shows the rate of pay applicable upon translation.

#### 3. Delete clause 26, Superannuation, and insert in lieu thereof the following:

### **26. Superannuation**

Superannuation Legislation - The subject of superannuation is dealt with extensively by federal legislation including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth) (collectively the superannuation legislation) and s.124 of the *Industrial Relations Act 1996*. This legislation, as varied from time to time, governs the superannuation rights and obligations of the parties.

#### 26.1 Definitions

For the purposes of this clause:

- 26.1.1 "Fund" means a complying superannuation fund, as that term is used in the Superannuation legislation.
- 26.1.2 "Ordinary time earnings" means the actual ordinary rate of pay the employee receives for ordinary hours of work including tool allowances, industry allowance, trade allowance, shift loading, special rates, qualification allowances (e.g. first aid, laser safety officer), multi-storey allowance, district/location allowance, piecework rates, underground allowance, award site allowances, asbestos eradication allowance, leading hand allowances and supervisory allowances, together with those fares and travel allowances (as contained in clause 31) paid for days where ordinary time is worked, where applicable. The term includes any regular over-award pay as well as casual rates received for ordinary hours of work. All other allowances and payments are excluded. (Note: for the purposes of this subclause "ordinary hours of work" includes ordinary hours of shiftwork where applicable).

## 26.2 Employer Contributions

An employer must, in accordance with the governing rules of the relevant fund, make such superannuation contributions for the benefit of an employee in accordance with the superannuation legislation. For the purposes of the superannuation legislation, an employee's ordinary time earnings are intended to provide that employee's notional earnings base.

## 26.3 Voluntary Employee Contributions

- 26.3.1 Subject to the governing rules of the relevant fund, an employee who wishes to make contributions to the Fund may either forward his or her own contribution directly to the Fund administrators or authorise the employer to pay into the Fund from the employee's wages, amounts specified by the employee.
- 26.3.2 Employee contributions to the Fund deducted by the employer at the employee's request shall be held on the employee's behalf and subject to individual agreement shall meet the following conditions:
- (a) the amount of contributions shall be expressed in whole dollars.
  - (b) An employee shall have the right to adjust the level of contribution made on his or her own behalf from the first of the month following the giving of three months' written notice to the employer.
  - (c) Contributions deducted under this clause shall be forwarded to the Fund at the same time as contributions under 26.2.

## 26.4 Superannuation Fund

- 26.4.1 An employer must, in accordance with the governing rules of the relevant Fund, make superannuation contributions to any of the following funds:
- (a) C+BUS, CTRF, APS, ASSET, STA, Building Employees Superannuation Trust.
  - (b) any fund agreed between the employer and an employee.
  - (c) any fund which has application to employees in the principal business of the employer, where employees covered by this award are a minority of award-covered employees; or any other Fund to which and employer or employee who is a member of the religious fellowship known as The Exclusive Brethren elects to contribute.

- (d) any Fund the employer was contributing to as at 1 December 1991 or at the date of becoming bound by this award, provided that the level of contribution satisfies the award requirements.

26.4.2 An employer is not required to contribute to more than one Fund in respect of an employee employed under this Award.

## 26.5 Absence from Work

Subject to the governing rules of the fund of which an employee is a member, the following provisions shall apply:

### 26.5.1 Paid Leave

Contributions shall continue whilst an employee is absent on annual leave, sick leave, personal/carers leave, bereavement leave, long service leave, public holidays, jury service, or other paid leave.

### 26.5.2 Work Related Injury or Illness

In the event of an employee's absence from work being due to work related injury or illness, contributions at the normal rate shall continue for the period of the absence provided that:

- (a) the person remains an employee of the employer; and
- (b) the employee is receiving workers compensation payments or is receiving regular payments directly from the employer in accordance with statutory requirements or the provisions of this award.

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

## PART B

### MONETARY RATES

**Table 1 - Rates of Pay**

| Classification                                                                                                                                                                                                                                                                                                                                                                                                                                              | Rate per week |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$            |
| The rates of pay in this table represent the rates applicable to employees covered by this award and come about as a result of the insertion of the new classification structure. The new classification structure is subject to a transitional period. Accordingly, the rates of pay in this table do not apply until the transitional period is complete. See clauses 5(1)(e) and 5(1)(f) for the rates of pay applicable during the transitional period. |               |
| Construction Worker Level 8 - CW8                                                                                                                                                                                                                                                                                                                                                                                                                           | 646.60        |
| Construction Worker Level 7 - CW7                                                                                                                                                                                                                                                                                                                                                                                                                           | 623.70        |
| Construction Worker Level 6 - CW6                                                                                                                                                                                                                                                                                                                                                                                                                           | 602.90        |
| Construction Worker Level 5 - CW5                                                                                                                                                                                                                                                                                                                                                                                                                           | 584.00        |
| Construction Worker Level 4 - CW4                                                                                                                                                                                                                                                                                                                                                                                                                           | 563.20        |
| Construction Worker Level 3 - CW3                                                                                                                                                                                                                                                                                                                                                                                                                           | 542.30        |
| Construction Worker Level 2 - CW2                                                                                                                                                                                                                                                                                                                                                                                                                           | 523.60        |
| Construction Worker Level 1 - CW1(d)                                                                                                                                                                                                                                                                                                                                                                                                                        | 510.20        |
| Construction Worker Level 1 - CW1(c)                                                                                                                                                                                                                                                                                                                                                                                                                        | 498.60        |
| Construction Worker Level 1 - CW1(b)                                                                                                                                                                                                                                                                                                                                                                                                                        | 490.20        |
| Construction Worker Level 1 - CW1(a)                                                                                                                                                                                                                                                                                                                                                                                                                        | 477.70        |

**Table 2 - Other Rates and Allowances**

| Item | Clause         | Brief Description                                                                                                                                           | Amount                                             |
|------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 1    | 5(5)(i)        | Operator in charge of plant                                                                                                                                 | 12.77 per week                                     |
| 2    | 5(5)(ii)(a)    | Industry allowance                                                                                                                                          | 20.40 per week                                     |
| 4    | 5(5)(iii)      | Employees engaged in waste disposal depots                                                                                                                  | 0.95 per hour                                      |
| 5    | 5(5)(iv)       | Leading hands -<br>In charge of more than 2 and up to 5 employees<br>In charge of more than 5 and up to 10 employees<br>In charge of more than 10 employees | 18.00 per week<br>25.40 per week<br>32.40 per week |
| 6    | 5(5)(v)        | Special Allowance - Employees within A.I. & S, Port Kembla                                                                                                  | 0.72 per hour                                      |
| 7    | 5(5)(vi)       | Employees involved in road construction work in the Illawarra region near coal wash                                                                         | 0.46 per hour                                      |
| 8    | 14(ii)         | Meal Allowance<br>each subsequent meal                                                                                                                      | 9.90 per meal<br>8.10 per meal                     |
| 10   | 31(i)(a)       | Excess Fares<br>Small Fares                                                                                                                                 | 13.30 per day<br>5.10 per day                      |
| 9    | 5(2)           | Floating/Mobile/other cranes for every 5 tonnes in excess of 20 tonnes                                                                                      | 1.73                                               |
| 11   | 31(i)(b)       | Travel Pattern Loading                                                                                                                                      | 7.25 per week                                      |
| 12   | 31(iv)(a)      | Travel in excess of 40 kilometres from the depot                                                                                                            | 0.73 per km                                        |
|      | 31(iv)(b)      | Minimum Payment                                                                                                                                             | 13.30 per day                                      |
|      | 31(iv)(b)      | Use of Own Vehicle                                                                                                                                          | 0.73 per km                                        |
|      | 31(iv)(c)      | Road Escort - Own Vehicle                                                                                                                                   | 0.73 per km                                        |
|      | 31(iv)(d)      | Transfer - One job to another Own Vehicle                                                                                                                   | 0.73 per km                                        |
| 13   | 31(v)          | Carrying of Fuels Oils and/or grease                                                                                                                        | 7.70 per day                                       |
| 14   | 33(iii)(a)     | Country Work Allowance<br>Unbroken Week                                                                                                                     | 338.60 per week                                    |
|      | 33(iii)(b)     | Broken Week                                                                                                                                                 | 48.40 per day                                      |
| 15   | 33(iii)(c)(i)  | Travel Allowance - Weekend Return                                                                                                                           | 27.10 per occasion                                 |
| 16   | 33(v)          | Meal Allowance whilst travelling                                                                                                                            | 9.90 per meal                                      |
| 17   | 34(xv)(a)      | Camping Area - Weekend return                                                                                                                               | 27.10 per occasion                                 |
|      | 35(ii)         | Caravan Allowance<br>Unbroken Week<br>Broken Week                                                                                                           | 158.10 per week<br>22.60 per day                   |
| 18   | 38(x)(c)(v)(A) | First-Aid Allowance                                                                                                                                         | 1.96 per day                                       |
| 19   | 38(x)(c)(v)(B) | First-Aid Allowance                                                                                                                                         | 3.08 per day                                       |

4. This variation shall come into effect on the first pay period commencing on or after 1 April 2004 the rates of remuneration shall be phased in and take effect from the periods indicated in the relevant tables.

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

(1208)

**SERIAL C3027**

**CROWN EMPLOYEES (REGIONAL DIRECTORS AND VALUERS -  
ALL CLASSES - VALUER GENERAL'S OFFICE, DEPARTMENT OF  
INFORMATION TECHNOLOGY AND MANAGEMENT) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 1819 of 2004)

Before The Honourable Mr Deputy President Harrison

29 July 2004

**ORDER OF RESCISSION**

The Industrial Relations Commission of New South Wales orders that the Crown Employees (Regional Directors and Valuers - All Classes - Valuer General's Office, Department of Information Technology and Management) Award, published 28 April 2000 (315 I.G. 238) as varied, be rescinded on and from 29 July 2004.

R. W. HARRISON *D.P.*

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Printed by the authority of the Industrial Registrar.

SERIAL C3208

## ENTERPRISE AGREEMENTS APPROVED BY THE INDUSTRIAL RELATIONS COMMISSION

(Published pursuant to s.45(2) of the *Industrial Relations Act 1996*)

**EA04/267 - Cutlets Traffic Pty Ltd Enterprise Agreement 2004-2006**

**Made Between:** Cutlets Traffic Pty Ltd -&- The Australian Workers' Union, New South Wales.

**New/Variation:** New.

**Approval and Commencement Date:** Approved and commenced 16 September 2004.

**Description of Employees:** The agreement applies to all employees employed by Cutlets Traffic Pty Ltd, 5, Nineteenth Avenue, Hoxton Park, NSW 2171, who fall within the coverage of the General Construction and Maintenance, Civil and Mechanical Engineering, &c. (State) Award.

**Nominal Term:** 24 months.

**EA04/268 - Plastics Workers AEP Industries (Australia) Pty Ltd Resinite Division Agreement**

**Made Between:** AEP Industries (Australia) Pty Limited -&- The Australian Workers' Union, New South Wales.

**New/Variation:** New.

**Approval and Commencement Date:** Approved 27 July 2004 and commenced 1 July 2003

**Description of Employees:** The agreement applies to employees employed in the classifications as set out in the Chemical Workers (Borden Australia Pty Limited) Consolidated award, and employees employed in the classifications as set out in Graphic Arts Award 2000, who are employed in the AEP Industries (Australia) Pty Limited situated at 162, Garnet Road, Kirrawee NSW 2226.

**Nominal Term:** 36 months.

**EA04/269 - Metromix Pty Ltd - Concrete Production Employees Enterprise Agreement 2004**

**Made Between:** Metromix Pty Limited -&- The Australian Workers' Union, New South Wales.

**New/Variation:** New.

**Approval and Commencement Date:** Approved and commenced 14 September 2004.

**Description of Employees:** The agreement applies to all employees employed by Metromix Pty Ltd, 144 Marsden Street, Parramatta NSW 2150, who fall within the coverage of the Cement Mixers and Concrete Workers, Central Batch Plants (State) Consolidated Award.

**Nominal Term:** 24 months.

**EA04/270 - CSR Limited - Cecil Park Electrical Maintenance Personnel Enterprise Agreement 2004 - 2007**

**Made Between:** CSR Limited -&- the Electrical Trades Union of Australia, New South Wales Branch.

**New/Variation:** New.

**Approval and Commencement Date:** Approved 25 August 2004.and commenced 17 March 2004

**Description of Employees:** The agreement applies to all electrical maintenance employees at Cecil Park site employed by CSR Limited, who fall within the coverage of the Electricians, &c. (State) Award.

**Nominal Term:** 36 months.

**EA04/271 - CSR Limited - Cecil Park Maintenance Personnel Enterprise Agreement 2004**

**Made Between:** CSR Limited -&- the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, New South Wales Branch.

**New/Variation:** Replaces EA02/215

**Approval and Commencement Date:** Approved 25 August 2004.and commenced 17 March 2004

**Description of Employees:** The agreement applies to maintenance employees employed by CSR Limited, located at Cecil Park Site, who fall within the coverage of the Metal, Engineering and Associated Industries (State) Award.

**Nominal Term:** 36 months.

**EA04/272 - Garde Pty Ltd Enterprise Agreement 2004-2005**

**Made Between:** Garde Pty Limited -&- the Electrical Trades Union of Australia, New South Wales Branch.

**New/Variation:** New.

**Approval and Commencement Date:** Approved and commenced 17 September 2004.

**Description of Employees:** The agreement applies to employees employed by Garde Pty Ltd, 126 Beaconfield Street, who are engaged upon work within the Electricity Supply, who fall within the coverage of the Electrical, Electronic and Communications Contracting Industry (State) Award.

**Nominal Term:** 13 months.

**EA04/273 - Group Newsagency Supplies Enterprise Agreement 2004**

**Made Between:** Group Newsagency Supplies -&- the National Union of Workers, New South Wales Branch.

**New/Variation:** Replaces EA01/326

**Approval and Commencement Date:** Approved 2 August 2004.and commenced 10 June 2004

**Description of Employees:** The agreement applies to employees employed by Group Newsagency Supplies, located at Fairford Road, Padstow, New South Wales, who fall within the coverage of the Storemen, and Packers General (State) Award

**Nominal Term:** 12 months.

**EA04/274 - All State Electrical Pty Ltd Central Coast, NSW Construction Enterprise Agreement 2004-2006**

**Made Between:** All State Electrical Services Pty Ltd -&- the Electrical Trades Union of Australia, New South Wales Branch.

**New/Variation:** New.

**Approval and Commencement Date:** Approved 26 August 2004.and commenced 1 January 2004

**Description of Employees:** The agreement applies to all employees employed by All State Electrical Pty Ltd, who are engaged upon construction work within the Central Coast, the boundaries of this area shall be the Hawkesbury River, the F3 Freeway and the Swansea Bridge, who fall within the coverage of the Electrical, Electronic and Communications Contracting Industry (State) Award.

**Nominal Term:** 25 months.