



NEW SOUTH WALES  
**INDUSTRIAL GAZETTE**

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NEW SOUTH WALES

**INDUSTRIAL GAZETTE**

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**INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES**

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Commissioner D. SLOAN

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**INDUSTRIAL REGISTRAR**

MS M. MORGAN

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**LOCAL GOVERNMENT (STATE) AWARD 2020**

## INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Local Government and Shires Association of New South Wales, Industrial Organisation of Employers.

(Case No. 244396 of 2020)

Before Chief Commissioner Constant

2 September 2020

**VARIATION**

1. Delete subclause C(viii) of clause 20, Overtime, of the Local Government (State) Award 2020 published 3 July 2020 (388 I.G. 1038) and insert in lieu thereof the following:

(viii) Unless otherwise provided, the overtime paid to an employee that is required to return to work whilst on-call shall not be less than thirty (30) minutes per day on which they are called out inclusive of paid travel time.

2. Insert after subclause C(viii) of clause 20, Overtime, the following new subclause:

(ix) On call employees are not subject to the minimum payment provisions of a public holiday. For each public holiday an employee is required to be on-call, the employee shall be granted one-half day's leave to be taken at an agreed time, provided that where there is prior agreement the employer may pay the employee an additional one-half day's pay in lieu of the one-half day's leave.

3. Delete subclause J(v), of clause 22, Leave Provisions, and insert in lieu thereof the following:

(v) Bereavement Entitlements for Casual Employees

(a) Subject to providing satisfactory evidence to the employer, casual employees are entitled to not be available to attend work, or to leave work upon the death of a person as provided in subclauses (i) to (iv) of this subclause 22J, Bereavement Leave.

(b) The casual employee is not entitled to any payment for the period of non-attendance.

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

3. Delete clause 27, Casual Employment, and insert in lieu thereof the following:

**27. Casual Employment**

(i) A casual employee shall mean an employee engaged on a day to day basis.

(ii)

(a) A casual employee shall not:

(1) replace an employee of the employer on a permanent basis; or

(2) be engaged by the employer on a permanent basis.

- (b) An employee engaged under this clause for a period in excess of 12 months may request that the employer review the nature of their engagement.
- (1) A review under paragraph (ii)(b) shall examine whether or not the position is more appropriately filled by a permanent employee. In undertaking this review the employer shall have regard to the following matters:
- the genuine operational reasons that align with the nature of the role;
  - the service requirements of the position;
  - the seasonal nature of the role;
  - if the position is contingent upon external funding; and
  - any other relevant matter.
- (2) As a result of a review conducted under paragraph (ii)(b) an employee may be invited to apply for a permanent position with the employer.
- (iii) A casual employee shall be paid the hourly rate for ordinary hours worked in accordance with clause 19, Hours of Work.
- (iv) Casual employees who work on Saturday and/or Sunday are entitled to penalty rates prescribed by subclause 19B. The penalties are calculated on the ordinary hourly rate.
- (v) Casual employees who work outside the relevant spread of hours identified at subclause 19C(i), (ii) and (iii) are entitled to a shift penalty. The penalty is calculated on the ordinary hourly rate.
- (vi) Subject to subclause 20A(viii), a casual employee will not be offered to work overtime in a position held by a permanent employee of the employer, if such permanent employee is available to work that overtime. Overtime shall be paid where a casual employee works outside the ordinary hours for that position. In cases where there are no ordinary hours for the position, overtime shall be paid for the hours worked in excess of those prescribed in Clause 19, Hours of Work.
- (vii) In addition to the amounts prescribed by subclause (iii) of this clause, a twenty-five percent loading, calculated on the ordinary hourly rate, shall be paid. This loading shall not attract any penalty. This loading shall be paid in lieu of all leave (including but not limited to annual leave, long service leave and sick leave) and severance pay, except for paid parental leave prescribed by the Award. Casual loading is not payable on overtime.
- (viii) Casual employees engaged on a regular and systematic basis shall:
- (a) Have access to annual assessment under the employer's salary system.
- (b) Have their service as a casual counted as service for the purpose of calculating long service leave where the service as a casual employee is continuous with their appointment to a permanent position on employer's structure. In calculating the long service leave entitlement in such cases there shall be a deduction of the long service leave accrued whilst the employee was employed as a casual.
- (ix) A casual employee shall not replace an employee of the employer on a permanent basis.
- (x) Carer's entitlements shall be available for casual employees as set out in subclause B(viii) of clause 22, Leave Provisions, of this Award.
- (xi) Bereavement entitlements shall be available for casual employees as set out in subclause 22J(v) of this Award."

4. Delete paragraph (i) of subclause (i) of clause 35, Term Contracts, and insert in lieu thereof the following:
  - (i) to perform seasonal work (also see subclause 22E(xii) of this Award).
5. Delete paragraph (b) of subclause (iii) of clause 41, Workplace Change, and insert in lieu thereof the following:
  - (b) Notice of proposed workplace change under paragraph (iii)(a) shall include:
    - (1) the nature of the proposed change;
    - (2) the reasons for the proposed change;
    - (3) the positions likely to be affected; and
    - (4) such other information as is reasonable in the circumstances.
6. Delete subclause (ii) of clause 44, Savings and Transitional, and insert in lieu thereof the following:
  - (ii)
    - (a) No employee shall receive a reduction in pay as a result of the implementation of this Award or transfer to a salary system.
    - (b) Unless otherwise agreed, employees, including seasonal workers, who are in regular receipt of penalty rates and/or shift penalties, aggregate rates of pay or other arrangements that compensate for hours of work shall either continue to receive such benefits or the payments prescribed by clause 19, whichever is the higher.
    - (c) The provisions in paragraph (b) shall apply where council and enterprise agreements are terminated.
    - (d) The provisions in paragraph (b) shall apply in addition to the Award increases prescribed by clause 46.
7. This variation shall take effect on and from 2 September 2020.

N. CONSTANT, *Chief Commissioner*

## PARAMEDICS AND CONTROL CENTRE OFFICERS (STATE) AWARD 2019

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Ministry of Health.

(Case No. 229087 of 2018)

Before Commissioner Sloan

30 October 2019

### VARIATION

1. Delete paragraphs (xx), (xxi) and (xxii) of subclause (b) of clause 5, Classifications, of the award published 20 March 2020 (387 I.G. 125), and insert in lieu thereof the following:

- (xx) Duty Control Centre Officer means an employee who has successfully completed the requirements as set out for an Ambulance Control Centre Officer and who has successfully completed the requirements for and is appointed to a Duty Control Centre Officer position identified as such by the Service.

This category of employee will be involved in the dispatch and movement of emergency and non-emergency ambulances utilising the Service's Computer Aided Dispatch and Telecommunication systems utilising management skills.

This category of employee will be required to give advice regarding emergency and non-emergency ambulance care and may be required to be involved in emergency and routine patient transport utilising management skills in addition to emergency and basic life support skills.

Provided that such an officer shall be required to undertake and successfully complete further instruction/in service courses and certification examinations as required by the Service every 3 years.

- (xxi) Duty Control Centre Officer - Paramedic

Paramedic officers are paid at the rates specified in Table 1B of Section 8 Monetary Rates.

- (xxii) Duty Control Centre Officer - Non Paramedic

Non paramedic officers are paid at the rates specified in Table 1B of Section 8 Monetary Rates.

- (xxii) Senior Control Centre Officer means an employee who has successfully completed the requirements as set out for a Paramedic and who has successfully completed the requirements for and is appointed to a Senior Control Centre Officer position identified as such by the Service.

This category of employee will be involved in the dispatch and movement of emergency and non-emergency ambulances utilising the Service's Computer Aided Dispatch and Telecommunication systems utilising management skills.

This category of employee will be required to give advice regarding emergency and non-emergency ambulance care and may be required to be involved in emergency and routine patient transport utilising management skills in addition to emergency and basic life support skills.

Provided that such an officer shall be required to undertake and successfully complete further instruction/in service courses and certification examinations as required by the Service every 3 years.



(xxiv) Aeromedical Control Centre Officer means an employee who has successfully completed the requirements for and is appointed to an Aeromedical Control Centre Officer position identified as such by the Service. Provided that such an officer shall be required to undertake and successfully complete further instruction/in service courses and certification examinations as required by the Service every 3 years.

2. Delete Table 1B - Control Centre Staff - Wages of Section 8, Monetary Rates, and insert in lieu thereof the following:

**Table 1B - Control Centre Staff - Wages**

Classification	Rate from 01/07/2019 2.5% \$ per week	Rate from first full pay period on or after 01/07/2019 2.5% \$ per week
Ambulance Control Centre Officer - Non Paramedic		
Trainee	1229.89	1,260.64
Year 1	1264.75	1,296.37
Year 2	1289.03	1,321.26
Ambulance Control Centre Officer - Paramedic		
Year 1	1371.34	1,405.63
Year 2	1470.87	1,507.64
Ambulance Control Centre Officer - Paramedic Specialist		
Year 1	1505.73	1,543.37
Year 2	1556.98	1,595.90
Year 3	1605.44	1,645.59
Duty Control Centre Officer - Non Paramedic		
One Salary Rate	1765.36	1,809.49
Duty Control Centre Officer - Paramedic		
One Salary Rate	1814.25	1,859.61
Senior Control Centre Officer		
One Salary Rate	1865.59	1,912.23
Aeromedical Control Centre Officer		
One Salary Rate	1885.24	1,901.62

3. This variation shall take effect from the first full pay period on and from 30 October 2019.

D. SLOAN, *Commissioner*

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**ROADS AND MARITIME SERVICES (TRAFFIC SIGNALS STAFF)  
AWARD 2019**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Roads and Maritime Services.

(Case No. 265156 of 2019)

Before Chief Commissioner Kite

9 September 2019

**VARIATION**

1. Delete the definition of "RMS Group" in subclause 3.4 of clause 1, Definitions, of the award published 20 March 2020 (387 I.G. 271) and insert in lieu thereof the following
- 3.4 "RMS Group" – means the group of staff designated by the Secretary of the Department of Transport in accordance with the *Transport Administration Act 1988* as being part of the RMS Group who are not part of any other Group of Staff. A Memorandum of Understanding dated 31 July 2019 between the Secretary of the Department of Transport and the Secretary of Unions NSW applies to any proposed changes to an employee's designation as being part of the RMS Group throughout the life of this Award. In the event of any dispute about the MOU, clause 5 Disputes Settlement Procedure applies.
2. This variation shall take effect on and from 9 September 2019.

P. KITE, *Chief Commissioner*

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**TRANSPORT INDUSTRY (STATE) AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Transport Workers' Union of New South Wales, Industrial Organisation of Employees.

(Case No. 174666 of 2020)

Before Commissioner Sloan

7 September 2020

**VARIATION**

1. Delete Part B, Monetary Rates, of award published 20 April 2000 (315 I.G. 192) and in lieu thereof insert the following:

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

	Former Rate Per Week \$	SWC 2019 %	New Rate Per Week \$
Transport Worker Grade One	815.28	2.5	835.66
Transport Worker Grade Two	838.46	2.5	859.42
Transport Worker Grade Three	854.58	2.5	875.94
Transport Worker Grade Four	868.71	2.5	890.43
Transport Worker Grade Five	904.79	2.5	927.41
Transport Worker Grade Six	913.85	2.5	936.70
Transport Worker Grade Seven	941.22	2.5	964.75
Transport Worker Grade Eight	997.51	2.5	1022.45

Table 2 - Wages (Clause 1.2 Mobile Cranes &amp;c., Rates)

	Former Rate Per Week \$	SWC 2019 %	New Rate Per Week \$
(i) Mobile Cranes			
Grade A	989.79	2.5	1014.53
Grade B	1012.31	2.5	1037.62
Grade C	1034.49	2.5	1060.35
Grade D	1056.68	2.5	1083.10
Additional Amount	22.41	2.5	22.97
(ii) Mobile Hydraulic Platforms			
Grade A	903.03	2.5	925.60
Grade B	908.00	2.5	930.70
Grade C	940.78	2.5	964.30
Grade D	963.41	2.5	987.50
Grade E	989.79	2.5	1014.53
Additional Amount	2.10	2.5	2.15
Grade F	989.79	2.5	1014.53
(iii) Crane Offsider	989.79	2.5	1014.53
(iv) Advanced Crane Offsider	1034.49	2.5	1060.35

Table 3 - Wages (Clause 1.3 - Ancillary Plant Drivers)			
	Former Rate Per Week	SWC 2019	New Rate Per Week
	\$	%	\$
Grade A	919.92	2.5	942.92
Grade B	946.96	2.5	970.63
Grade C	963.07	2.5	987.15
Grade D	974.45	2.5	998.81
Grade E	983.72	2.5	1008.31
Grade F	1021.03	2.5	1046.56

Table 4 - Wages (Clause 1.4 - Mobile Concrete Pump Driver/Operators)			
	Former Rate Per Week	SWC 2018	New Rate Per Week
	\$	%	\$
Grade A	889.46	2.5	911.70
Grade B	908.00	2.5	930.70
Grade C	940.78	2.5	964.30
Grade D	963.41	2.5	987.50
Grade E	989.79	2.5	1014.53
Additional Amount	2.10	2.5	2.15

Table 5 - Wages (Clause 1.5 Furniture Removals)			
	Former Rate Per Week	SWC 2018	New Rate Per Week
	\$	%	\$
Furniture Removalist Offsider	823.67	2.5	844.26

Table 6 - Wages (Clause 1.6 - Chauffeurs)			
	Former Rate Per Week	SWC 2018	New Rate Per Week
	\$	%	\$
Chauffeurs/drivers of vehicles used for the purpose of carrying persons	822.12	2.5	842.67

Table 7 - Allowances					
Item No.	Clause No.	Brief Description	Former Rate	SWC2019	New Rate
			\$	%	\$
1	2.1	Furniture Removals	35.96 per week	2.5	36.86
2	2.2.1	Driving agitator trucks	0.70 per hour	2.5	0.72
3	2.2.1	Maximum Payment - agitator trucks	27.55 per week	2.5	28.24
4	2.2.2	Delivery/placement of concrete rate	2.19 per week	2.5	2.24
5	2.3	Leading Hands	43.40 per week	2.5	44.49
6	2.4	Collecting Butcher Bones, Fat, etc.	9.07 per week	2.5	9.30
7	2.5	Extra Horses	22.52 per horse	2.5	23.08
8	2.6	Working in Forests	28.42 per week	2.5	29.13
9	2.7.1.2	Long/wide loads	2.19 per hour or part thereof	2.5	2.24
10	2.7.1.2	Long/wide loads - minimum payments	9.07 per day	2.5	9.30
11	2.7.1.3	Long/wide loads	4.26 per hour or part thereof	2.5	4.37
12	2.7.1.3	Long/wide loads - minimum payment	16.83 per day	2.5	17.25
13	2.7.2	Rear-end steering	6.12 per day	2.5	6.27
14	2.7.2	Rear-end steering - minimum payment	24.60 per day	2.5	25.22

15	2.8	HIAB cranes, etc.	39.46 per day	2.5	40.45
16	2.9	Removal and Delivery of Furniture, etc.	7.22 per day	2.5	7.40
17	2.1	Handling diapers - weekly employees	3.06 per week	2.5	3.14
18	2.1	Handling diapers - casual employees	0.58 per day	2.5	0.59
19	2.11	In charge of plant	21.10 per week	2.5	21.63
20	2.12.1	Collecting moneys -> \$30 - \$150	6.77 per week	2.5	6.94
21	2.12.2	Collecting moneys -> \$150 - \$250	9.51 per week	2.5	9.75
22	2.12.3	Collecting moneys -> \$250 - \$400	13.77 per week	2.5	14.11
23	2.12.4	Collecting moneys -> \$400 - \$600	20.12 per week	2.5	20.62
24	2.12.5	Collecting moneys - \$600	26.78 per week	2.5	27.45
25	2.13.1	Carrying goods - on the level	1.31 per tonne	2.5	1.34
26	2.13.2	Carrying goods - upstairs	1.97 per tonne	2.5	2.02
27	2.14	Carrying salt	1.31 per tonne	2.5	1.34
28	2.15.1.1	Obnoxious materials - soda, ash, etc.	1.21 per hour	2.5	1.24
29	2.15.1.2	Obnoxious materials - oxides	0.87 per hour	2.5	0.89
30	2.15.2	Obnoxious materials - loading and unloading	1.21 per hour	2.5	1.24
31	2.15.3	Obnoxious materials - transportation	0.66 per hour	2.5	0.68
32	2.15.7	Obnoxious materials - blast furnaces, etc.	0.98 per hour	2.5	1.00
33	2.16	First Aid	2.95 per day	2.5	3.02
34	2.17	Garaging	27.65 per week	2.5	28.34

Table 8 - Travelling and Living Away Allowance (Clause 7)

Item No.	Clause No.	Brief Description	Former Rate \$	SWC 2019 %	New Rate \$
1	7.4.3	Overnight Expenses	48.42 per day	2.5	49.63
2	7.6	Weekend/Holiday Expenses	44.93 per day	2.5	46.05
3	7.7	Camping out - weekly	104.38 per week	2.5	106.99
4	7.7	Camping out - daily	15.09 per day	2.5	15.47

Table 9 - Meal Allowances (Clause 8)

Clause No.	Brief Description	Former Amount \$	SWC 2019 %	New Amount \$
8.2.1	Meal Allowance	14.75	2.5	15.12

Table 10 - Long Distance Rates (Clause 14)

Item No.	Classification	Former Amount (cents/km)	SWC 2019 %	New Amount (cents/km)
1	Transport Workers Grade 7 and below	38.30	2.5	39.26
2	Transport Worker Grade 8	40.07	2.5	41.07

Table 11 - Income Protection On Six Day Rosters - Saturday (Clause 3.2.1)			
	Former Rate	SWC2019	Rate Per
	Per Week		Week
	\$	%	\$
Transport Worker Grade One	658.10	2.5	674.55
Transport Worker Grade Two	681.17	2.5	698.20
Transport Worker Grade Three	697.06	2.5	714.49
Transport Worker Grade Four	710.41	2.5	728.17
Transport Worker Grade Five	746.73	2.5	765.40
Transport Worker Grade Six	755.23	2.5	774.11
Transport Worker Grade Seven	782.05	2.5	801.60
Transport Worker Grade Eight	837.80	2.5	858.75

Table 12 - Income Protection On Six Day Rosters - Sunday (Clause 3.2.2)			
	Former Rate	SWC 2019	Rate Per
	Per Week		Week
	\$	%	\$
Transport Worker Grade One	733.71	2.5	752.05
Transport Worker Grade Two	759.32	2.5	778.30
Transport Worker Grade Three	777.08	2.5	796.50
Transport Worker Grade Four	792.54	2.5	812.35
Transport Worker Grade Five	832.27	2.5	853.08
Transport Worker Grade Six	842.32	2.5	863.38
Transport Worker Grade Seven	872.68	2.5	894.50
Transport Worker Grade Eight	934.71	2.5	958.08

Table 13 - Income Protection On Seven Day Rosters - Saturday And Sunday (Clause 3.2.3)			
	Former Rate	SWC 2019	Rate Per
	Per Week		Week
	\$	%	\$
Transport Worker Grade One	984.83	2.5	1009.45
Transport Worker Grade Two	1019.27	2.5	1044.75
Transport Worker Grade Three	1043.11	2.5	1069.19
Transport Worker Grade Four	1063.86	2.5	1090.46
Transport Worker Grade Five	1117.28	2.5	1145.21
Transport Worker Grade Six	1130.75	2.5	1159.02
Transport Worker Grade Seven	1171.70	2.5	1200.99
Transport Worker Grade Eight	1254.71	2.5	1286.08

2. This variation shall take effect on and from 7 September 2020.

D. SLOAN, *Commissioner*

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**NURSES' (DEPARTMENT OF COMMUNITIES AND JUSTICE -  
AGEING, DISABILITY AND HOME CARE) (STATE) AWARD 2019**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Correction to Serial C8925 published 25 October 2019

(385 I.G. 455)

(Case No. 201235 of 2019)

**CORRECTION**

1. Delete title of award published 25 October 2019 and insert in lieu thereof the following:

**NURSES' (DEPARTMENT OF COMMUNITIES AND JUSTICE -  
AGEING, DISABILITY AND HOME CARE) (STATE) AWARD 2019**

M. MORGAN *Industrial Registrar.*

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**ENTERPRISE AGREEMENTS APPROVED  
BY THE INDUSTRIAL RELATIONS COMMISSION**

(Published pursuant to s.331(2) of the *Industrial Relations Act 1996*)

**EA20/08 - Blacktown City Council Minimum Conditions and Benefits Employment Agreement 2018 - 2021**

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

**New/Variation:** Variation to EA19/09.

**Approval and Commencement Date:** Approved 17 August 2020 and commenced 17 August 2020.

**Description of Employees:** The agreement applies to all employees employed by Blacktown City Council located at 62, Flushcombe Road, Blacktown NSW 2148, who fall within the coverage of the Local Government (State) Award 2017.

**Nominal Term:** N/A.

**EA20/09 - Blacktown City Council Minimum Conditions and Benefits Employment Agreement 2018 - 2021**

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

**New/Variation:** Replaces EA19/09

**Approval and Commencement Date:** Approved 17 August 2020 and commenced 17 August 2020.

**Description of Employees:** The agreement applies to all employees employed by Blacktown City Council located at 62, Flushcombe Road, Blacktown NSW 2148, who fall within the coverage of the Local Government (State) Award 2017.

**Nominal Term:** 36 Months.



**CONTRACT AGREEMENTS APPROVED  
BY THE INDUSTRIAL RELATIONS COMMISSION**

(Published pursuant to s.331(2) of the *Industrial Relations Act 1996*)

**CA20/01 - Owens Transport Pty Ltd - TWU New South Wales Contract Carriers Agreement 2020**

**Made Between:** Owens Transport Pty Ltd-&- the Transport Workers' Union of New South Wales.

**New/Variation:** Replaces CA04/2.

**Approval and Commencement Date:** Approved 11 September 2020 and commenced 11 September 2020

**Description of Employees:** The agreement applies to all contract carriers employed by Owens Transport Pty Ltd located at 2 Coal Pier Road, Banksmeadow NSW 2019, who fall within the coverage of the Transport Industry - General Carriers Contract Determination 2017.

**Nominal Term:** 12 Months.

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