

## **CROWN EMPLOYEES (PUBLIC SERVICE CONDITIONS OF EMPLOYMENT) REVIEWED AWARD 2009**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES  
FULL BENCH

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

(Case No. 6216 of 2016)

Before Actg. Chief Commissioner Tabbaa  
Commissioner Stanton  
Commissioner Newall

3 March 2017

### **VARIATION**

1. Delete clause 6, Coverage of the award published 21 October 2016 (380 I.G. 1292) and insert in lieu thereof the following:

#### **6. Coverage**

- (a) The provisions of this award shall, subject to cl 6(b) below, apply to all non-executive public service employees as defined in the *Government Sector Employment Act, 2013* employed in Departments, Public Service executive agencies related to Departments, and separate Public Service agencies, listed in Schedule 1 to the *Government Sector Employment Act, 2013*.
- (b) Where another industrial instrument or arrangement applies to a group of employees covered by this Award the following interaction rules apply:
  - (i) If the other industrial instrument or arrangement expressly displaces the entirety of this Award then this Award shall have no application to those employees;
  - (ii) If the other industrial instrument or arrangement expressly displaces one or more provisions of this Award then:
    - (a) this Award shall not apply to those employees covered by the other instrument or arrangement in relation to those provisions,
    - (b) but the balance of this Award shall apply to those employees; and
  - (iii) If the other industrial instrument or arrangement comprehensively determines conditions of employment for a group of employees then this Award shall have no application in relation to that group of employees;
  - (iv) If the other industrial instrument or arrangement comprehensively determines a particular class of conditions of employment for a group of employees, then this Award shall have no application in relation to that group of employees in relation to that class of conditions;
  - (v) If none of subclauses 6(b)(i)-(iv) apply, and the other industrial instrument or arrangement is silent as to its interaction with this Award, then:
    - a. if the application of the other industrial instrument or arrangement is inconsistent with the application of this Award, the other industrial instrument or arrangement applies to the extent of the inconsistency; otherwise

- b. this Award applies.
- (c) Any officer, Departmental temporary employee and casual employee who, as at 23 February 2014, was employed in a Department listed in Schedule 1, Part 1, of the *Public Sector Employment and Management Act, 2002* and who was covered by this award on that date will continue to be covered by this award.

NOTATION: This clause was amended in 2014 and again in 2017 with the agreed intention of the parties to maintain the status quo of industrial coverage, by award, other industrial instrument or arrangement, following the commencement of the *Government Sector Employment Act 2013* on 24 February 2014.

2. The variation to the Award takes effect on and from 3 March 2017.

I. TABBAA, Actg. Chief Commissioner  
J. D. STANTON, Commissioner  
P. J. NEWALL, Commissioner

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