

## LANDCOM (SALARIES 2004) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by Landcom for a new award.

(No. IRC 82 of 2005)

Before Commissioner Cambridge

28 January 2005

### AWARD

#### 1. Arrangement

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#### 2. Title

This award shall be known as the Landcom (Salaries 2004) Award.

#### 3. Area, Incidence and Duration

- (1) This award shall apply to all staff members employed by Landcom in accordance with the Act and replaces in full the following:
  - (i) Crown Employees (Public Sector Salaries 2002) Award published 7 June 2002 (334 I.G. 1).
  - (ii) Crown Employees (Environmental Planning Officers 2003) Award published 27 August 2004 (346 I.G. 107).
  - (iii) Crown Employees (Senior Officers 1997) Award published 11 March 2005 (349 I.G. ).
  - (iv) Any other award, agreement or determination that affected Landcom as a Division of the Department of Urban Affairs and Planning within the NSW Public Service.
- (2) Where there may be inconsistencies between this award and conditions of employment affecting staff of Landcom in previous, or other otherwise applicable, awards or agreements, the arrangements in this award shall prevail.
- (3) This award shall take effect from 1 July 2004 and shall remain in force until 30 June 2007.
- (4) This award complies with Section 19 of the *Industrial Relations Act 1996*.

#### **4. Parties and Coverage**

- (1) The parties to this award are Landcom and the Public Service Association and Professional Officer's Association Amalgamated Union of New South Wales.
- (2) The provisions of this award shall apply to staff members employed by Landcom.

#### **5. Definitions**

"Act" means the *Landcom Corporation Act 2001*.

"Association" means the Public Service Association and the Professional Officer's Association Amalgamated Union of New South Wales (PSA).

"Corporation" means Landcom as established by the Act.

"Chief Executive Officer" means the Managing Director of Landcom or a person authorised by the Managing Director.

"Staff member" means an employee, including a casual, temporary or term employee, of Landcom and, unless otherwise specified in this award, includes both full-time and part-time staff members.

"Supervisor" means the immediate supervisor or manager of the area in which a staff member is employed or any other staff member authorised by the Chief Executive Officer to fulfil the role of a supervisor or manager, other than a person employed as a consultant or contractor.

"Workplace" means the whole of the organisation or, as the case may be, a branch or section of the organisation in which the staff member is employed.

#### **6. Salaries**

- (a) All staff members will be paid in accordance with the salary structures and rates set out in this award.
- (b) The employer shall pay salaries and other moneys to staff members on a fortnightly basis into a nominated account.

#### **7. Classifications**

The Salaries Schedule to this award contains a single Landcom Officer classification, divided into the three categories of Officer, Management and Senior Management.

Titles of Positions

All staff member shall have titles reflect their functional responsibility as determined from time to time by the Corporation.

Senior Management Category

- (a) The inclusion of positions in the Senior Management Category shall be at the discretion of the Chief Executive Officer of the Corporation.
- (b) Staff members appointed by the Chief Executive Officer to positions in the Senior Management Category shall require either one or more of the following:
  - (i) a degree qualification;
  - (ii) a qualification deemed to be equivalent,

- (iii) an accredited property related qualification as well as demonstrated expertise and experience developed from a range of property disciplines and backgrounds such as, but not limited to, engineering, surveying, valuing, real estate, land economics, and architecture;
- (iv) equivalent demonstrated successful work experience;
- (c) Positions identified by the Corporation as having special requirements may not require the staff member appointed to have a degree qualification.
- (d) The Corporation shall from time to time undertake a formal review of positions included in the Senior Management classification to ensure the Corporation's needs are met.

### **8. Annual Leave Loading**

- (a) From the first pay period on or after 1 March 2002, the base salary of all positions was increased by 1.35 per cent as compensation for the inclusion annual leave loading as an all purpose component of salary payments. This salary increase was made in lieu of separately payable annual leave loading.
- (b) Accrued Annual Leave Loading was fully paid, including pro-rata entitlements accrued prior to the date of effect of the Landcom (Salaries 2002) Award.

### **9. 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."

## **10. Dispute Resolution**

- (1) Subject to the provisions of the *Industrial Relations Act 1996*, all grievances and disputes 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 Landcom, if required.
- (2) A staff member is required to notify, preferably in writing, 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.
- (3) 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, the Chief Executive Officer or delegate.
- (4) The immediate supervisor or other appropriate manager shall convene a meeting in order to resolve the grievance, dispute or difficulty within two working days, or as soon as practicable, of the matter being brought to attention.
- (5) If the matter remains unresolved with the immediate supervisor or manager, the staff member may request to meet the appropriate person at the next level of management in order to resolve the matter. This supervisor or manager shall respond within two working days, or as soon as practicable. This sequence of reference to successive levels of management may be pursued by the staff member until the matter is referred to the appropriate General Manager or their nominated representative.
- (6) If the matter remains unresolved, the General Manager or their nominated representative shall provide a written response to the staff member and any other party involved in the grievance, dispute or difficulty, concerning action to be taken, or the reason for not taking action, in relation to the matter.
- (7) A staff member may, at any stage of these procedures, request to be represented by the Association and Landcom will agree to such request.
- (8) Should the matter not be resolved within a reasonable time, any of the parties may refer it to the New South Wales Industrial Relations Commission for settlement. The staff member, Association and Landcom shall agree to be bound by any order or determination by the New South Wales Industrial Relations Commission in relation to the dispute.

Whilst the procedures outlined in subclauses (1) to (8) of this clause are being followed, normal work undertaken prior to notification of the dispute or difficulty shall continue unless otherwise agreed between the parties, or, in a case involving occupational health and safety, if practicable, normal work shall proceed in a manner which avoids any risk to the health and safety of any Landcom staff member or member of the public.

For the purposes of this clause, a "General Manager" is a Landcom manager reporting directly to the Chief Executive Officer.

## **11. No Extra Claims**

This award is made on the basis that there will be no new salaries or condition claims arising from negotiation of productivity and efficiency improvements covered by this award or the Landcom (Conditions of Employment 2004) Award.

## **12. Savings of Entitlements**

No staff member covered by this Award shall suffer a reduction in the rate of pay or any loss or diminution of any conditions of employment as a consequence of the making of this Award.

### 13. Salary Increases

Salaries will be increased in accordance with the following table:

Date	Amount
2 July 2004	4 per cent
1 July 2005	4 per cent
14 July 2006	4 per cent

### 14. Salaries Schedule

Landcom Officer classification	From 4 July 2003 \$ per annum	From 2 July 2004 \$ per annum	From 1 July 2005 \$ per annum	From 14 July 2006 \$ per annum
Officer				
Level 1 Salary point 1	32,715	34,024	35,385	36,800
Level 1 Salary point 2	34,779	36,170	37,617	39,122
Level 1 Salary point 3	36,310	37,762	39,272	40,843
Level 1 Salary point 4	38,034	39,555	41,137	42,782
Level 2 Salary point 5	40,889	42,525	44,226	45,995
Level 2 Salary point 6	42,460	44,158	45,924	47,761
Level 2 Salary point 7	44,424	46,201	48,049	49,971
Level 3 Salary point 8	46,650	48,516	50,457	52,475
Level 3 Salary point 9	48,626	50,571	52,594	54,698
Level 3 Salary point 10	51,050	53,092	55,216	57,425
Level 4 Salary point 11	54,000	56,160	58,406	60,742
Level 4 Salary point 12	56,162	58,408	60,744	63,174
Level 4 Salary point 13	59,590	61,974	64,453	67,031
Management				
Level 5 Salary point 14	64,567	67,150	69,836	72,629
Level 5 Salary point 15	67,946	70,664	73,491	76,431
Level 5 Salary point 16	71,251	74,101	77,065	80,148
Level 6 Salary point 17	75,600	78,624	81,769	85,040
Level 6 Salary point 18	78,577	81,720	84,989	88,389
Level 6 Salary point 19	81,821	85,094	88,498	92,038
Level 7 Salary point 20	86,001	89,441	93,019	96,740
Level 7 Salary point 21	89,745	93,335	97,068	100,951
Level 7 Salary point 22	94,616	98,401	102,337	106,430
Senior Management				
Level 8 Salary point 23	102,678	106,785	111,056	115,498
Level 8 Salary point 24	107,200	111,488	115,948	120,586
Level 8 Salary point 25	112,285	116,776	121,447	126,305
Level 9 Salary point 26	112,511	117,011	121,691	126,559
Level 9 Salary point 27	120,443	125,261	130,271	135,482
Level 10 Salary point 28	124,473	129,452	134,630	140,015
Level 10 Salary point 29	136,637	142,102	147,786	153,697

I. W. CAMBRIDGE, Commissioner.