

**CROWN EMPLOYEES (NSW DEPARTMENT OF TRADE AND INVESTMENT, REGIONAL INFRASTRUCTURE AND SERVICES) LOCAL COORDINATOR ALLOWANCE AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 236 of 2012)

Before The Honourable Mr Justice Staff

4 May 2012

**REVIEWED AWARD**

**Arrangement**

**PART A**

Clause No.	Subject Matter
1.	Definitions
2.	Local Coordinator Allowance
3.	Saving of Rights
4.	Grievance and Dispute Settling Procedures
5.	Anti-Discrimination
6.	Area, Incidence and Duration

**PART B**

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Table 1 - Allowances

Appendix 1 - Responsibility of a Local Coordinator

**PART A**

**1. Definitions**

- (i) "Local Coordinator" means an Officer who is appointed as such by the Department and carries out the duties of Local Coordinator as determined from time to time in a location.
- (ii) "Local Coordinator duties" shall be determined from time to time by the Department. As a guide, Appendix 1 indicates the current duties that are required to be performed by a Local Coordinator.
- (iii) "Facilities Coordinator" means a Local Coordinator who undertakes the duties listed under the heading of "Facilities Coordination" in Appendix 1.
- (iv) "Personnel Coordinator" means a Local Coordinator who undertakes the duties listed under the heading of "Personnel Coordination" in Appendix 1.
- (v) "Association" means the Public Service Association and the Professional Officers' Association Amalgamated Union of New South Wales.
- (vi) "Department" means the NSW Department of Trade and Investment, Regional Infrastructure and Services.

- (vii) "Department Head" means the Director General, Department of Trade and Investment, Regional Infrastructure and Services, as specified in Schedule 1 of the *Public Sector Employment and Management Act 2002*.
- (viii) "Director General" means the Director General, NSW Department of Premier and Cabinet, as specified in Schedule 1 of the *Public Sector Employment and Management Act 2002*.
- (ix) "Staff" means all permanent and temporary staff employed 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.
- (x) "Location" means an office, site or facility as determined by the Department.
- (xi) "Appointment" shall be determined by merit selection and by an expression of interest. The period of appointment shall be a three (3) year term or as determined by the Department.
- (xii) "Staff Administered by Local Coordinator" shall be the number of staff at the location for which the Local Coordinator is assigned responsibility. For the purpose of determining the applicable allowance payable for the ensuing year this number shall be reassessed on the first day of March each year.

## **2. Local Coordinator Allowance**

A Local Coordinator shall be paid an allowance of an amount as set out in Table 1 - Allowances, of Part B, Monetary Rates.

- (i) Full allowance rates shall apply where the Department requires the officer to undertake both the Facilities Coordination and the Personnel Coordination duties.
- (ii) Partial allowance rates shall apply where the Department requires the officer to undertake either the Facilities Coordination or the Personnel Coordination duties but not both.
- (iii) Where the Department determines that the responsibilities of Local Coordinator are fundamental to an officer's substantive duties no allowance shall apply.

## **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 2008) Award, or an Award replacing it, staff under this award will maintain the same salary relationship to the rest of the Public Service.

## **4. Grievance and Dispute Settling Procedures**

- (i) 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 the appropriate Department, if required.
- (ii) A member of staff is required to notify in writing their immediate 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.
- (iii) 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 member of staff 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.

- (iv) The immediate manager, or other appropriate officer, 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.
- (v) If the matter remains unresolved with the immediate manager, the member of staff may request to meet 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. The member of staff may pursue the sequence of reference to successive levels of management until the matter is referred to the Department Head.
- (vi) The Department Head may refer the matter to the Director General for consideration.
- (vii) If the matter remains unresolved, the Department Head 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 reason for not taking action, in relation to the matter.
- (viii) A member of staff, at any stage, may request to be represented by the Association.
- (ix) The member of staff or the Association on their behalf, or the Department Head may refer the matter to the New South Wales Industrial Relations Commission if the matter is unresolved following the use of these procedures.
- (x) The member of staff, Association, Department and Director General shall agree to be bound by any order or determination by the New South Wales Industrial Relations Commission in relation to the dispute.
- (xi) Whilst the procedures outlined in subclauses (i) to (x) 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 the 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 member of staff 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) The members of staff regulated by this award shall be entitled to the conditions of employment as set out in this award and, except where specifically varied by this award, existing conditions are provided for under the *Public Sector Employment and Management Act 2002*, the *Public Sector Employment and Management Regulation 2009*, *Crown Employees (Public Service Conditions of Employment) Award 2009* and the *Crown Employees (Public Sector - Salaries 2008) Award* or any awards replacing these awards.
- (ii) 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 28 April 1999 (310 I.G. 359) take effect on and from 4 May 2012.

Changes made to this award subsequent to it first being published on 9 November 2007 (364 I.G. 285) have been incorporated into this award as part of the review.

- (iii) 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**

Effective from the beginning of the first pay period to commence on or after 1.07.2011

Staff Administered by Local Coordinator	Annual Rates	
	Full Allowance	Partial Allowance
Up to three staff	2,101	1,050
Up to six staff	3,149	1,575
Up to ten staff	4,201	2,101
More than ten staff	6,302	3,151

## **APPENDIX 1**

The duties of a Local Coordinator are defined as:

1. Facilities Coordination:

A Local Coordinator who is appointed as facilities coordinator will be responsible for:

- 1.1 Acting as the local contact for all matters relating to facilities management and administration

- 1.2 Ensuring that facilities such as office accommodation, buildings, infrastructure, motor vehicles, assets and storage facilities are maintained and managed in accordance with Departmental policies and procedures.
  - 1.3 Ensuring that shared services are delivered and managed efficiently within the available resources and in accordance with Departmental policies and procedures.
  - 1.4 Approving financial and administrative matters under delegation.
  - 1.5 Ensuring the facility is managed and operated in accordance with the requirements of the *NSW Workplace Health and Safety Act 2011*.
  - 1.6 Other facilities coordination duties as reasonably determined by the Department from time to time.
2. Personnel Coordination:
- A Local Coordinator who is appointed as personnel coordinator will be responsible for:
- 2.1 Coordinating the compliance of staff with Departmental and NSW Government policies and guidelines in relation to personnel matters such as attendance, conduct and ethical behaviour.
  - 2.2 Advising relevant managers and line supervisors of breaches of policies and guidelines in relation to personnel matters and assisting to address these breaches when requested.
  - 2.3 Coordinating matters relating to the induction, entry onto duty and last day of duty of staff.
  - 2.4 Coordinating work priorities and supervision of support staff servicing multiple programs.
  - 2.5 Other personnel coordination duties as reasonably determined by the Department from time to time.

C.G. STAFF J

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