

**CROWN EMPLOYEES (DEPARTMENT OF INDUSTRY, SKILLS AND REGIONAL DEVELOPMENT) FOOD SAFETY OFFICERS AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 731 of 2015)

Before Commissioner Stanton

28 October 2015

**REVIEWED AWARD**

**PART A**

Arrangement

Clause No.      Subject Matter

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**1. Title**

This Award shall be known as the Crown Employees (Department of Industry, Skills and Regional Development) Food Safety Officers Award.

## 2. Parties to the Award

The parties to this Award are the Industrial Relations Secretary and the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales.

## 3. Definitions

- (a) "Association" means - the Public Service Association and the Professional Officers' Association Amalgamated Union of New South Wales.
- (b) "Authority" means - the Office of the NSW Food Authority
- (c) "Chief Executive Officer" means - the Chief Executive Officer of the Office of the NSW Food Authority.
- (d) "Code of Practice" means - requirements and guidelines to ensure a premises or activity complies with statutory requirements.
- (e) "Compliance, Investigation & Enforcement Branch" means - a Branch of the NSW Food Authority consisting of the Compliance Investigation Team, the Audit Systems & Verification Team, the Food Complaints & Incident Response Team and the Accreditation Systems Team.
- (f) "Department" means - The Department of Industry, Skills and Regional Development.
- (g) "Food Safety Officer" means - a staff member employed by the Authority in the capacity of Food Safety Officer.
- (h) "HACCP" means - Hazard Analysis and Critical Control Point System - an international food safety management system.
- (i) "Industrial Relation Secretary" means – the Secretary of the Treasury, as established under the *Government Sector Employment Act 2013*.
- (j) "Job Evaluation" means - an accredited job evaluation system used to grade roles in NSW Food Authority.
- (k) "National Food Safety Standards" means - uniform food hygiene and safety regulations set out in the Food Standard Code to ensure a nationally consistent approach to food safety.
- (l) "Normal Work", in respect of clause 20, Grievance and Dispute Settling Procedures, means - the duties, responsibilities and capabilities contained in the role description of a staff member, or staff members, at the time a grievance, dispute or difficulty is notified. within the NSW Food Authority.
- (m) "Role" means - a staff member employed in a role as defined in the *Government Sector Employment Act 2013*, *Government Sector Regulation 2014* and *Government Sector Rules 2014*.
- (n) "Secretary" means - the Secretary of the Department of Industry, Skills and Regional Development.
- (o) "Science Business Operations and Strategy Branch" means - a Branch of the NSW Food Authority consisting of the Science and Technical Unit, Shellfish Unit and Business Operations support unit.
- (p) "Temporary Employee" means - a person employed on a temporary basis.

## 4. Coverage

The provisions of this Award shall apply to staff members employed in the Compliance, Investigation & Enforcement Branch and the Science Business Operations and Strategy Branch of the NSW Food Authority in the capacity of Food Safety Officer.

## **5. Statement of Intent**

This Award seeks to maintain equity in salary and conditions between field staff of the former Meat, Dairy, and Seafood Branches of NSW Food Authority and facilitate recruitment and retention of Food Safety Officers.

## **6. Grading and Evaluation of Roles**

Roles will be graded and evaluated from time to time in the following circumstances:

- (a) Where the nature of the role is significantly changed or where a new role is created.
- (b) Where a role falls vacant and the Secretary seeks to determine whether it is necessary to evaluate the role prior to advertising the vacancy.
- (c) At the request of any party to this Award, or staff member under the Award, provided that the role(s) have not been reviewed for grading for at least (12) twelve months prior to the request.

## **7. Scope of Employment**

- (a) Employment will be either on an ongoing full time or ongoing part time basis.
- (b) Temporary employees may be employed from time to time should the need arise.

## **8. Savings of Rights**

No staff member of the Authority will suffer a reduction in his or her salary or any loss or diminution in his or her conditions of employment at the time of or as a consequence of the making of this Award.

## **9. Salaries**

- (a) Staff members will be assigned to a role in one of the grades outlined in Table 1 of Part B, Monetary Rates of this Award.
- (b) The rates of pay set out in Table 1 do not include payment for annual leave loading.
- (c) The salary rates set out in Table 1 will move in accordance with the Crown Employees (Public Sector - Salaries 2015) Award or any variation or replacement Award.

## **10. Conditions of Employment - General**

Except as otherwise provided in this Award, the provisions of:

- (a) The Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 or any variation or replacement Award, and
- (b) The Crown Employees (Transferred Employees Compensation) Award 2009 or any variation or replacement Award will apply.
- (c) Conditions of employment other than those fixed by this Award are determined by the *Government Sector Employment Act 2013*, the *Government Sector Employment Regulation 2014* and the *Government Sector Employment Rules 2014*.

## **11. Employment of Food Safety Officers**

- (a) Except as provided in subclause (b) of this clause, staff members will be employed with a commencement salary at the first salary point in the grade of the role to which they are assigned.

- (b) The Secretary may employ a person at a higher salary level within the grade. In determining commencing salary, regard will be had to:
  - (i) The person's skills, experience and qualifications,
  - (ii) The rate required to attract the person, and
  - (iii) The remuneration of existing staff performing similar work.
- (c) Except for deemed qualifications upon transition to the Award in 2002, the essential qualifications for employment covered by this Award will be a tertiary qualification, relevant to the role the person is to be employed in by the Authority, in Food Science, Environmental Health, Aquatic or Animal Health, Law, Investigations or appropriate qualification combined with relevant industry experience (as determined by the Secretary).

## **12. Salary Progression**

There shall be 6 levels of Food Safety Officer, with salary levels as prescribed in Table 1.

- (a) Progression within each grade will be by annual increment, provided the manager is satisfied with the conduct and manner of performance of the staff member and the requirements of the staff member's Performance Development Plan have been satisfied.
- (b) The Secretary may approve the accelerated progression of a staff member through the incremental scale for the role occupied by the staff member, in accordance with assessments made through their Performance Development Plan.
- (d) There will be competency barriers for progression from Trainee Food Safety Officer (Food Safety Officer Grade 1) to Food Safety Officer (Food Safety Officer Grade 2), and from Food Safety Officer to Senior Food Safety Officer (Food Safety Officer Grade 3)
- (e) Employment of a Food Safety Officer above Grade 3 will be subject to comparative assessment and the role being advertised externally.

## **13. Performance and Competency Standard Development**

- (a) The parties to this Award will participate in ongoing discussions to further develop the staff members covered by the Award and the performance of NSW Food Authority. The Chief Executive Officer will provide training and work opportunities for staff development.
- (b) The parties will participate in:
  - (i) Development and review of the Department's Performance Development Plan.
  - (ii) Discussion and review of the qualifications, requirements and competencies detailed variously in clause 10, Employment of Food Safety Officers, clause 11, Salary Progression and Schedule 1 to this Award to ensure that they conform with national food safety standards as they change and develop from time to time. These discussions will continue as a matter of priority.

## **14. Competency Assessment Panel**

A Competency Assessment Panel will be formed consisting of the staff members occupying the roles of Group Director and unit Manager of the branch where the staff member to be assessed is employed and a Senior Technical Officer from within the Authority. The Panel will assess competency of staff members seeking progression from Trainee Food Safety Officer to Food Safety Officer or Food Safety Officer to Senior Food Safety Officer.

## **15. Appeals**

- (a) A staff member, who fails to satisfy the requirements of the competencies for progression from Trainee Food Safety Officer to Food Safety Officer or Food Safety Officer to Senior Food Safety Officer, as determined by the Competency Assessment Panel, may appeal the decision of that panel.
- (b) The staff member, following the decision of the competency assessment panel, may lodge an appeal in writing with the Secretary or delegate within ten (10) working days of the panel advising the staff member of its decision. The appeal must set out the grounds for the appeal.
- (c) The Secretary or delegate shall convene an Assessment Appeals Panel within ten (10) working days of an appeal being lodged and advise the staff member of the members of the panel.
- (d) The Assessment Appeals Panel shall allow the appellant to appear before it during its determination of the appeal if so requested by the appellant.
- (e) The Secretary or delegate shall advise the staff member of the decision of the Assessment Appeals Panel within five (5) days of the appeal being heard.

## **16. Above Level Assignment Allowance**

- (a) Staff members assigned to perform the duties of a higher role for more than five consecutive working days will be paid an allowance.
- (b) The allowance will be agreed following discussion with the staff member and will be a proportion of the difference between the staff member's salary and the salary for the minimum rate of the higher role depending on the range of duties undertaken and the level of responsibility accepted.

## **17. Consultative Arrangements**

The parties agree to continue consultation to ensure that the implementation of this Award realises improvements in service delivery, productivity, efficiency and job satisfaction. The parties will consult on such issues as training and development, work environment, restructuring, job evaluation, performance management, succession planning, multi-skilling, and cross training in different food commodities. Consultation on these matters should occur as close as possible to the source.

## **18. Multi-Skilling**

The parties to the Award recognise that multi-skilling is a condition of this Award. The parties agree that Food Safety Officers will undertake training and development activities as provided by the NSW Food Authority from time to time.

## **19. Anti-Discrimination**

- (a) 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.
- (b) 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.
- (c) Under the *Anti-Discrimination Act* 1977, it is unlawful to victimise a staff member because the staff member has made or may make or has been involved in a complaint of unlawful discrimination or harassment.

- (d) Nothing in this clause is to be taken to affect:
  - (i) Any conduct or act which is specifically exempted from anti-discrimination legislation;
  - (ii) Offering or providing junior rates of pay to persons under 21 years of age;
  - (iii) Any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
  - (iv) A party to this Award from pursuing matters of unlawful discrimination in any State or federal jurisdiction.
- (e) 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.

NOTES -

- (a) Employers and staff members 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."

**20. Area, Incidence and Duration**

- (a) This Award applies to staff members employed by the Department in the capacity of Food Safety Officer.
- (b) 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 *Government Sector Employment Act 2013*, the *Government Sector Employment Regulation 2014*, the *Government Sector Rules 2014* the Crown Employees (Public Service Conditions of Employment) Award 2009 and the Crown Employees (Public Sector - Salaries 2015) Award or any replacement awards.
- (c) 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 New South Wales on 28 April 1999 (310 IG 359) take effect on and from 28 October 2015.
- (d) 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 - Salaries**

Food Safety Officers			
Classification and Grades		Common Salary Point	First pay period on or after the 1.7.15 Per annum 2.5% \$
Grade 1	Year 1	-	59,549
	Year 2	-	61,254
	Year 3	55	63,801
Grade 2	Year 1	-	67,655
	Year 2	-	73,573
	Year 3	82	83,022
Grade 3	Year 1	-	89,331
	Year 2	-	92,534
	Year 3	98	97,426
Grade 4	Year 1	-	101,737
	Year 2	-	105,255
	Year 3	111	110,530
Grade 5	Year 1	116	116,042
	Year 2	120	120,961
Grade 6	Year 1	126	128,538
	Year 2	130	134,202

**SCHEDULE 1**

Food Safety Officer - Progression Requirements

The current NSW Food Authority training program assesses and documents staff competencies. A Competency Assessment Panel will consider the following progression criteria in the Compliance, Investigation & Enforcement and the Science, Business Operations and Strategy Branches.

The provisions of clauses 13 and 14 of this Award will apply in relation to progression requirements.

Progression from Trainee Food Safety Officer (FSO 1) to Food Safety Officer (FSO 2):

- (a) Tertiary qualifications in Food Science or appropriate qualifications combined with relevant industry experience (as determined by the Secretary ) in respect of Compliance, Investigation & Enforcement Branch and the Science, Business Operations and Strategy Branch,
- (b) Tertiary qualifications in Environmental Health, Aquatic or Animal Health or appropriate qualifications with relevant industry experience (as determined by the Secretary) in respect of the Shellfish Unit.
- (c) Demonstrated knowledge of industry and technology and in respect of Compliance, Investigation and Enforcement Branch, two or more years' experience in auditing at least two commodity sectors covered by the Food Safety Schemes in the *Food Regulation 2010*.
- (d) Working knowledge of relevant *Codes of Practice, Acts and Regulations*, and Procedure Manuals.
- (e) Demonstrated knowledge of NSW Food Authority licensing system.

- (f) Good written and verbal communication skills and ability to communicate at various levels to advise, guide, explain and motivate industry personnel.
- (g) Driver's Licence.
- (h) Competence in the use of computers for preparation of reports and for electronic communication (word processing, Excel, Internet, e-mail, and, in respect of the Shellfish Unit, Access).
- (i) Demonstrated ability to conduct Food Safety Audits and Inspections in respect of Compliance, Investigation and Enforcement Branch.
- (j) Demonstrated ability to design and implement environmental monitoring programs in shellfish harvesting areas in respect of the Shellfish Unit.
- (k) Completed Food Safety Auditor's Course and meets auditor certification criteria in respect of Compliance, Investigation & Enforcement Branch.
- (l) Completed recognised training in one or more of the following areas in respect of the Shellfish Unit: geographic information systems (GIS), hydrology, depuration systems, epidemiology, marine algal biotoxins, virology or related disciplines.
- (m) Demonstrated capacity to organise time and work with minimal supervision.
- (n) Satisfactory completion of HACCP based training.

Progression from Food Safety Officer (FSO 2) to Senior Food Safety Officer (FSO 3):

- (a) High level of technical understanding of food safety issues.
- (b) Detailed knowledge of *Codes of Practice, Acts and Regulations* and the intent of legislation.
- (c) Capacity to provide advice, training and education to industry and applicants.
- (d) High level of verbal and written communication skills.
- (e) Proven ability to provide comment or advice to NSW Food Authority on topical food safety issues.
- (f) Demonstrated ability to conduct investigations, collect evidence, conduct prosecutions, and gather information for reports.
- (g) Capacity to act as Lead Auditor in audits and make decisions on a range of technical matters in respect of Compliance, Investigation & Enforcement Branch.
- (h) Capacity to interpret results of environmental monitoring programs (microbiological, phytoplankton, heavy metal and pesticide) and make decisions on related technical issues in respect of the Shellfish Unit.
- (i) Ability to provide constructive advice and guidance to Trainee Food Safety Officers and Food Safety Officers in a team environment.

J. D. STANTON, Commissioner