

CROWN EMPLOYEES (DEPARTMENT OF FINANCE, SERVICES AND INNOVATION) AWARD 2015

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 759 of 2015)

Before Commissioner Stanton

24 November 2015

REVIEWED AWARD

PART A

Clause No.	Subject Matter
1.	Title
2.	Definitions
3.	Parties to the Award
4.	Classifications and Salaries
5.	Leave Loading included in Salary
6.	Savings of Rights
7.	Conditions of Employment
8.	Assistance with Public Transport
9.	Private Use of Business Vehicles
10.	Career Development
11.	Child Care
12.	Tailored Benefits for Relocation
13.	Grievance and Dispute Settling Procedures
14.	Consultative Arrangements
15.	Anti-Discrimination
16.	Area, Incidence and Duration

PART B

MONETARY RATES

Table 1 - Classification Schedules

1. Title

This award shall be known as the Crown Employees (Department of Finance, Services and Innovation) Award 2015.

2. Definitions

"Act" means the *Government Sector Employment Act 2013*.

"Department" means the NSW Department of Finance, Services and Innovation, as specified in Schedule 1 of the *Government Sector Employment Act 2013*.

"Secretary" means the Secretary of the NSW Department of Finance, Services and Innovation.

"Secretary of Treasury" means the Secretary of Treasury established as the employer for industrial purposes under the *Government Sector Employment Act 2013*.

“Salaried staff”, “staff member”, “staff” and “employee” mean people employed in the Department of Finance, Services and Innovation who are paid by salary. These terms exclude those employed in the Senior Executive Service and Ministerial (Wages) Staff.

“Salary” excludes the employer’s contribution to superannuation. Salary may take the form of a salary package including non-monetary compensation.

“Salary Point” means a salary nominated within a grade or level.

“Union” means the Public Service Association and Professional Officers’ Association Amalgamated Union of New South Wales (PSA) or Professionals Australia (NSW Branch) (PA) having regard to their respective coverage.

3. Parties to the Award

The parties to this award are the Secretary of Treasury, the Department of Finance, Services and Innovation, the Public Service Association and Professional Officers’ Association Amalgamated Union of New South Wales (PSA) and Association of Professional Engineers, Scientists and Managers, Australia (NSW Branch) known as “Professionals Australia”.

4. Classifications and Salaries

- (1) The classifications are set out in Table 1 of Part B, Monetary Rates of this award.
- (2) The corresponding salary rates are set out in the Crown Employees (Public Sector - Salaries 2015) Award or any variation or replacement award.

5. Leave Loading Included in Salary

In accordance with the arrangement commencing 1 December 1995 in the former Department of Public Works and Services, the classifications salary rates referred to in this award include an additional 1.35% payment in lieu of a recreation leave loading.

6. Saving of Rights

At the time of making of this award, no staff member 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. This clause is not intended to give rise to further claim.

7. Conditions of Employment

The staff members 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, Government Sector Employment Rules 2014, the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 and the Crown Employees (Public Sector - Salaries 2015) Award or any awards replacing these awards.

8. Assistance with Public Transport

The Department will provide funds for the purchase of yearly rail, bus and ferry tickets (or combinations of these) for staff members who require them.

Staff members will repay the cost of the ticket over 12 months through regular fortnightly deductions from after tax salary.

9. Private Use of Business Vehicles

Staff members, subject to availability of motor vehicles and Management approval, may use departmental vehicles for private purposes. Such staff members can negotiate to include private use of a vehicle in a salary package.

Private use of vehicles is determined by business need, not remuneration level, and all vehicles must be fully available for business use during normal working hours.

Salary packaging is not compulsory and vehicles remain the property of the Department Finance, Services and Innovation. Costs and payments are to be the same as those applying to the Senior Executive Service, as applied from time to time.

The arrangements set out in this clause do not promote, or allow, casual and short-term use of departmental vehicles for private use.

10. Career Development

The Department is committed to the ongoing learning and development of its staff members. Staff members shall be provided with equitable opportunities for career and professional development.

It is recognised that training and development shall not be limited to internal and external training courses and may include staff member exchange programs, secondments, attendance at conferences, seminars or short-term study courses which have been approved by the Department and permission granted for the staff members to attend. The Department will continue to meet the cost of such training and development initiatives.

The Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 provisions for Study Assistance and Staff Development and Training Activities will apply to staff members with the following additional provisions:

The Department will make reasonable contributions towards compulsory fees (tuition fees or course changes, other than the Higher Education Contribution Surcharge), where the Deputy Secretaries, Divisional Directors or Group General Managers approve payments because they are justified by the relevance of studies to the current and future skills requirements of the Department.

Study leave will be granted for post-graduate studies directly related to the Department's core business, at the discretion of the Secretary.

11. Child Care

The Department will continue to sponsor child care places in the Family Day Care Scheme throughout New South Wales. Family Day Care provides small group care in a family environment and caters for children aged up to 12.

12. Tailored Benefits for Relocation

- (1) A package will provide tailored benefits for staff required to relocate. The benefits will be equal to, or better than, the current provisions of the Crown Employees (Transferred Employees Compensation) Award.
- (2) A package of variable, individually negotiated benefits will be established to compensate for the expenses and associated dislocation experienced by staff required to relocate their residence as a consequence of promotion, transfer (for other than disciplinary reasons) or exchange to a new work location.
- (3) The scope of the package will be defined prior to time of acceptance of the new position and will include:
 - (a) Reimbursement of up to 100% of relocation expenses associated directly with the transfer or promotion

- (b) Reimbursement of up to 100% for temporary accommodation and/or excess rental costs up to a period of 6 months
 - (c) Payment of a relocation allowance of up to \$5,000.00 (dependent on individual circumstances) to compensate for items not directly recoverable.
- (4) These provisions are available to all staff, subject to negotiation and approval on an individual basis.

13. Grievance and Dispute Handling Procedures

- (1) 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 Department, if required.
- (2) A staff member 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.
- (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, to the Secretary or delegate.
- (4) 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.
- (5) If the matter remains unresolved with the immediate manager, the staff member 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 staff member may pursue the sequence of reference to successive levels of management until the matter is referred to the Secretary.
- (6) The Secretary may refer the matter to the Secretary of Treasury for consideration.
- (7) If the matter remains unresolved, the Secretary 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.
- (8) A staff member, at any stage, may request to be represented by their Union.
- (9) The staff member or the Union on their behalf, or the Secretary may refer the matter to the New South Wales Industrial Relations Commission if the matter is unresolved following the use of these procedures.
- (10) The staff member, Union, Department and Secretary of Treasury shall agree to be bound by any order or determination by the New South Wales Industrial Relations Commission in relation to the dispute.
- (11) Whilst the procedures outlined in subclauses (1) to (10) 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 staff member or member of the public.

14. Consultative Arrangements

The Consultative Arrangements for the Department are governed by the Consultative Committee Terms of Reference and Memorandum of Understanding.

15. 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."

16. Area, Incidence and Duration

- (1) This award applies to staff of the Department of Finance, Services and Innovation in the classifications listed in Table 1 of Part B, Monetary Rates excluding staff employed in NSW Fair Trading, Lands and Property Information, Office of State Revenue, Waste Assets Management Corporation and Government Property NSW.
- (2) 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 of 28 April 1999 (310 I.G 359) take effect on and from 24 November 2015.
- (3) Changes made to this award subsequent to it first being published on 11 July 2008 (366 I.G. 149) have been incorporated into this award as part of the review.

PART B

MONETARY RATES

Table 1 - Classification Schedules

Salary Rates aligning to the classifications set out below can be found in the Crown Employees (Public Sector - Salaries 2015) Award or any variation or replacement award.

PROFESSIONAL STAFF

Grade	Year	
General Scale	1	
General Scale	HSC 19 yrs	
General Scale	2 or age 20	
General Scale	3 or age 21	
General Scale	4	
General Scale	5	
General Scale	6	
General Scale	7	
General Scale	8	
General Scale	9	
General Scale	10	
General Scale	11	
General Scale	12	
General Scale	13	
1	1	
	2	
	3	
	4	
	5	
2	1	
	2	
	3	
	4	
3	1	
	2	
	3	
	4	
4	1	
	2	
	3	

SENIOR PROFESSIONAL STAFF

Level	Year	
Senior 1	1	
	2	
Senior 2	1	
	2	
Senior 3	1	
	2	

PROJECT STAFF

Grade	Year	
1	1 2	
2	1 2	
3	1 2	
4	1	

SENIOR MANAGEMENT

Grade	Year	
1	1 2	
2	1 2	

DFS STAFF

Grade	Year	
General Scale	1	
General Scale	HSC 19 yrs	
General Scale	2 or age 20	
General Scale	3 or age 21	
General Scale	4	
General Scale	5	
General Scale	6	
General Scale	7	
General Scale	8	
General Scale	9	
General Scale	10	
* Personal		
Grade	Year	
1	1 2	
2	1 2	
3	1 2	
4	1 2	
5	1 2	
6	1 2	
7	1 2	
8	1 2	
9	1 2	

10	1 2	
11	1 2	
12	1 2	

TECHNICAL STAFF (A)

Grade	Year	
General Scale	1 or 16 yrs	
General Scale	2 or 17 yrs	
General Scale	3 or 18 yrs	
General Scale	4 or 20 yrs	
General Scale	5 or 21 yrs	
General Scale	6	
General Scale	7	
General Scale	8	
General Scale	9	
General Scale	10	
General Scale	11	
General Scale	12	
General Scale	13	
General Scale	14	
I	1 2 3 4 5	
II	1 2 3 4	
III	1	

SENIOR TECHNICAL (A)

Grade	Year	
Senior I	1 2 3	
Senior II	1 2	
Senior III	1	

SENIOR OFFICER

Grade	Year	
1	1 2	
2	1 2	
3	1 2	

J. D. STANTON, Commissioner

Printed by the authority of the Industrial Registrar.