

CROWN EMPLOYEES (SHERIFF'S OFFICERS) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(Case No. 2016/00007087)

Before Commissioner Stanton

2 August 2016

REVIEWED AWARD

PART A

1. Arrangement

PART A

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2. Title

This Award shall be known as the Crown Employees (Sheriff's Officers) Award.

3. Definitions

"Act" means the Government Sector Employment Act 2013 and its Regulations and Rules.

Department means the Department of Justice (Courts and Tribunal Services Division).

"Association" means the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales.

"Public Service Commissioner" has the same meaning as in the Government Sector Employment Act 2013.

"Officer" means and includes all persons permanently or temporarily employed under the provisions of the Government Sector Employment Act 2013, and who as at the operative date of this award were occupying one of the positions covered by this Award or who, after that date, are appointed to one of such positions.

4. Salary

The weekly salary payable to officers shall be as set out in Table 1 - Salaries, of Part B, Monetary Rates.

5. Crown Employees (Public Service Conditions of Employment) Award 2009 to Apply

The provisions of the Crown Employees (Public Service Conditions of Employment) Award 2009 apply to this award except clause 29, Meal Expenses on One Day Journeys, and clause 46, Uniforms Protective Clothing and Laundry Allowance.

6. Meal Allowance for Staff Who Are Required to Travel

- (i) For the purposes of this clause "region" means the sheriff's office region to which an officer is from time to time assigned.
- (ii) An officer who is required to travel to perform duty outside the officer's region and who is not required to obtain overnight accommodation at a place other than the officer's residence shall be paid the following allowances as set out in Table 2 of Part B Monetary Rates for:
 - (a) breakfast when required to commence travel at or before 6.00am and at least 1 hour before the prescribed starting time;
 - (b) an evening meal when required to travel until or beyond 6.30pm; and
 - (c) lunch when unable to take lunch within the officer's region and, as a result, incurs additional expense for lunch. In such instances, the officer shall be paid the amount equivalent to the additional expense or the allowance specified for lunch in Table 2 of Part B Monetary Rates, whichever is the lesser.

7. Uniforms, Laundering and Grooming

The uniform requirements of Sheriff's Officers are determined by the Sheriff. Officers who are required to wear complete uniform in accordance with those determinations are responsible at their own cost for the care and laundering of all uniform items provided to them. Officers are required to be personally well-groomed, neat and tidy at all times when on duty.

8. Vehicle Maintenance

Sheriff's Officers are responsible for the care, maintenance and cleaning of official vehicles and suitable equipment and materials are to be supplied for those purposes.

9. Skill Development, Training and Promotion

To be eligible to be appointed to any promotional positions an officer will be required to satisfactorily complete the minimum training courses determined by the Sheriff from time to time to become eligible to apply for promotion on a competitive merit basis.

The Sheriff may from time to time prescribe those courses to be satisfactorily completed by all applicants at each promotional rank, and the frequency of continuing refresher training. Without limiting the foregoing a course or courses may be prescribed in the areas of:

- (i) ethical practice skills;
- (ii) client service skills;

- (iii) tactical and self defence competencies;
- (iv) conflict management and resolution;
- (v) information technology skills;
- (vi) operational management;
- (vii) leadership and management.

10. 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 Department, if required.
- (ii) An officer is required to notify in writing their immediate supervisor, 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 officer to advise their immediate manager the notification may occur to the next appropriate level of management, including where required, to the Agency Head or delegate
- (iv) The immediate supervisor, 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 supervisor, the officer 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. This sequence of reference to successive levels of management may be pursued by the officer until the matter is referred to the Agency Head.
- (vi) The Agency Head may refer the matter to the Industrial Relations Secretary for consideration.
- (vii) If the matter remains unresolved, the Agency Head shall provide a written response to the officer 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) An officer, at any stage, may request to be represented by their union.
- (ix) The officer, or the Association on their behalf, or the Agency 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 officer, Association, Department and the Industrial Relations Secretary 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 health and safety, if practicable, normal work shall proceed in a manner which avoids any risk to the health and safety of any officer or member of the public.

11. Anti-Discrimination

- (i) 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.
- (ii) It follows that in fulfilling their obligations under the dispute resolution procedure prescribed by this award, the parties have an obligation 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.
- (iii) 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.
- (iv) Nothing in this clause is to be taken to affect:
 - 1. any conduct or act which is specifically exempted from anti-discrimination legislation;
 - 2. offering or providing junior rates of pay to persons under 21 years of age;
 - 3. any act or practice of a body established to propagate religion which is exempted under section 56(d) of the Anti-Discrimination Act 1977;
 - 4. 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.

12. Work Practice Reform

The parties are to work diligently, cooperatively and in good faith to achieve ongoing work practice reforms to improve the efficiency and effectiveness of Sheriff's Office operations.

13. Area Incidence and Duration

- (i) This award will apply to Sheriff's Officers of the Department of Justice (Courts and Tribunal Services Division).
- (ii) 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 I.G. 359) take effect on and from 2 August 2016.
- (iii) Changes made to this award subsequent to it first being published on 14 March 2008 have been incorporated into this award as part of the review.

PART B
MONETARY RATES

Table 1 - Salary Rates - Sheriff's Officers

The salary rates are set in accordance with the Crown Employees (Public Sector - Salaries 2015) Award effective from the beginning of the first pay period to commence on or after 1 July 2016

Position	Salary \$
Chief Inspector	
Year 2	87,591
Year 1	85,098
Inspector	
Year 2	81,888
Year 1	79,384
Sergeant	
Year 4	73,635
Year 3	71,438
Year 2	69,276
Year 1	67,248
Sheriff's officer	
Year 4	65,396
Year 3	63,649
Year 2	61,921
Year 1	60,154
Probationary Sheriffs officer	54,983

Table 2 - Meal Allowance

Capital cities and the following country centres:

Maitland
Newcastle
Port Macquarie
Wagga Wagga
Wollongong

Breakfast	\$24.90
Lunch	\$28.00
Dinner	\$47.75

All other NSW Country Centres

Breakfast	\$22.30
Lunch	\$25.85
Dinner	\$43.85

J. D. STANTON, Commissioner