

**CROWN EMPLOYEES (OFFICE OF SPORT - CENTRE MANAGERS)  
AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(No. IRC 706 of 2015)

Before Commissioner Stanton

17 November 2015

**REVIEWED AWARD**

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Arrangement

PART A

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**1. Title**

1.1 This award will be known as the Crown Employees (Office of Sport - Centre Managers) Award.

## **2. Definitions**

“Agency” refers to the Office of Sport.

“Agency Head” refers to the Chief Executive of the Office of Sport.

"Centre" refers to a departmental residential or non-residential venue (as listed at Appendix 1). It also includes any place designated as part of, or as annex to, such a venue.

"Centre Manager" refers to an employee occupying a role of Centre Manager in a residential Centre.

"Chief Executive" refers to the Chief Executive of the Office of Sport.

"Director Commercial Services" refers to the Director Commercial Services of the Sport and Recreation Division of the Office of Sport.

"Industrial Relations Secretary" has the same meaning as in the *Government Sector Employment Act 2013*.

"Employee" refers to and includes all persons 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 roles covered by this award or who, after that date, are appointed to or employed in any of such roles.

"Events Manager" refers to an employee occupying a role of Events Manager at a non-residential Centre

"Operations Manager" refers to an employee occupying a role of Operations Manager at a non-residential Centre.

"Program Coordinator" refers to an employee occupying a role of Program Coordinator in a Centre.

"Service" refers to continuous service with the Agency in a role covered by the award.

"Service Co-ordinator" refers to an employee occupying a role of Services Co-ordinator in a Centre.

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

"Venue Manager" refers to an employee occupying a role of Venue Manager at a non-residential Centre

## **3. Parties**

3.1 This award has been made between the following parties:

Industrial Relations Secretary

Office of Sport

Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales

## **4. Classifications**

4.1 The classifications covered by this award are:

Centre Manager (formerly known as General Manager)

Venue Manager

Program Coordinator (formerly known as Client Services Coordinator)

Operations Manager

Events Manager

Service Co-ordinator

Roles at Centres which have rostered and/or on-call responsibilities as determined by the relevant Director excluding Program Staff, Catering Officers and Services Officers.

- 4.2 Roles are classified in accordance with the classification and grading system approved by the Industrial Relations Secretary.

### **5. Appointment and Qualification Requirements**

- 5.1 The appointment or employment of employees to vacant roles will be in accordance with the principles of merit. Employees appointed to roles covered by this Award must possess relevant knowledge, skills and experience.
- 5.2 In addition to relevant knowledge, skills and experience, Program Coordinators are required to possess tertiary qualifications in a relevant field as determined by the Executive Director Sport and Recreation. Relevant fields include, but are not limited to, Education, Arts, Social Sciences, Applied Science, Health and Human Movement. The minimum entry level qualification required is a degree or alternatively, Certificate IV (Australian Qualifications Framework - AQF) Outdoor Recreation and relevant industry experience.

### **6. Salaries**

- 6.1 Salaries payable to employees covered by this Award shall be in accordance with the *Crown Employees (Public Sector – Salaries 2015) Award* or any replacement award.

### **7. General Conditions of Employment**

- 7.1 Employees shall be entitled to conditions of employment as set out in this award or, where this award is silent, conditions of employment as provided for under the *Government Sector Employment Act 2013*, the *Government Sector Employment Regulation 2014*, the *Government Sector Employment Rules 2014* and the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* or any replacement award.

### **8. Saving of Rights**

- 8.1 At the time of making of this Award, no employee covered by this Award will suffer a reduction of their rate of pay or diminution in his or her conditions of employment as a consequence of the making of this Award.

### **9. Hours of Duty**

- 9.1 The contract working hours will be 35 hours per week averaged over a four week period. Rostered hours of duty may include any day of the week including Saturday, Sunday and public holidays.
- 9.2 Employees shall be rostered for 19 days within a four week roster cycle.
- 9.3 Employees shall not be rostered for more than 10 consecutive calendar days over any period.
- 9.4 Employees are entitled to nine days rostered off duty including a minimum of two x two consecutive rostered days off in any four week roster cycle. Where it is not possible to roster 9 days off in a four week roster cycle, the days not taken may be carried over and utilised in the next two roster cycles. If not taken in the next two roster cycles the entitlement shall be forfeited, subject to the provisions of subclause 9.5 of this Award.

- 9.5 Where exceptional circumstances arise and it appears that the employee will not be able to take rostered days off carried over in accordance with subclause 9.4 or subclause 11.8 of this Award, the Director Commercial Services may approve the rostered days off being carried forward provided the employee and their supervisor devise a strategy in writing to ensure that the rostered days off are taken. The identified strategy must be reported to and authorised by the Director Commercial Services.
- 9.6 Hours of duty shall be determined by way of roster, which shall be displayed in an area available to all employees not less than seven days prior to the commencement of the four week roster cycle.
- 9.7 Weekend and public holiday duty is based on client demand at the Centre and shall be allocated equitably between the employees covered by this Award.

#### **10. Residential Requirements**

- 10.1 Employees employed under this Award at residential venues may be required to reside on-site. However, the Director Commercial Services has the authority to consider exemptions from this requirement.
- 10.2 The manner in which accommodation and food/meals are administered for employees shall be consistent with the Agency's Centre meals and accommodation policies.

#### **11. Compensation for on-Call, Out-of-Hours, Weekend and Public Holiday Duty**

- 11.1 Employees are entitled to an annual allowance as specified in Table 2 - Annual Allowance, of Part B, Monetary Rates, and 25 days' recreation leave as compensation for out-of-hours, weekend and public holiday work, for being on-call and for duty undertaken after being "called" for duty. Recreation leave will be administered consistent with general public sector provisions.
- 11.2 The annual allowance will be adjusted in accordance with the *Crown Employees (Public Sector - Salaries 2015) Award* or any replacement award.
- 11.3 "On call" is defined as being available for additional duties, when not on duty performing rostered weekly contract hours. Employees are required to be on call to perform such additional duties (e.g. emergencies) on a rostered basis.
- 11.4 On-call duty shall be rostered equitably at each Centre between the employees covered by this Award.
- 11.5 A Centre Manager of a residential Centre may call for expressions of interest from employees in roles other than those roles covered by this award who wish to be considered as alternative on-call employees. This may only be instituted on a long-term basis where there are only two roles covered by this award in the staffing structure. No alternative employee can be forced to assume on-call responsibilities. Any such arrangement must be by agreement between the individual employee and the Centre Manager and will be subject to the approval of the Director Commercial Services. The Director Commercial Services will determine if the nominated employee is required to reside on-site.
- 11.6 The annual allowance may also be paid on a short-term temporary basis to an employee in a role other than those roles covered by this award when the normal recipient is on leave for a period of at least one week. The allowance is payable for the whole period of leave and not only for those days that the temporary recipient is rostered on-call.
- 11.7 All on-call conditions as determined by this clause shall apply to those employees elected. If an employee already receives an allowance for similar after-hours responsibilities under another industrial instrument, the total of their on-call duties will not exceed the total of their duties under the first instrument.
- 11.8 Employees required to be called for duty whilst not rostered on duty and not rostered on call shall be entitled to the equivalent time off within the roster cycle. Where it is not possible for time off within that cycle, the time may be carried forward for a maximum of two roster cycles and must be taken in

that period. If not taken the entitlement shall be forfeited, subject to the provisions of subclause 9.5 of clause 9 Hours of Duty of this Award.

11.9 The annual allowance is an all-inclusive payment that represents compensation for all incidences of employment.

11.10 No additional entitlement accrues for employees who are called to perform duty whilst on call.

## **12. Annual Leave Loading**

12.1 Employees are entitled to an annual leave loading of 17.5% calculated on four weeks recreation leave.

## **13. Deduction of Union Membership Fees**

13.1 The union shall provide the Agency with a schedule setting out union fortnightly membership fees payable by members of the union in accordance with the union's rules.

13.2 The union shall advise the Agency of any change to the amount of fortnightly membership fees made under its rules. Any variation to the schedule of union fortnightly membership fees payable shall be provided to the Agency at least one month in advance of the variation taking effect.

13.3 Subject to subclauses 13.1 and 13.2, the Agency shall deduct union fortnightly membership fees from the pay of any employee who is a member of the union in accordance with the union's rules, provided that the employee has authorised the Agency to make such deductions.

13.4 Monies so deducted from the employee's pay shall be forwarded regularly to the union together with all necessary information to enable the union to reconcile and credit subscriptions to employees' union membership accounts.

13.5 Unless other arrangements are agreed to by the Agency and the union, all union membership fees shall be deducted on a fortnightly basis.

13.6 Where an employee has already authorised the deduction of union membership fees from his or her pay prior to this clause taking effect, nothing in this clause shall be read as requiring the employee to make a fresh authorisation in order for such deduction to continue.

## **14. Anti-Discrimination**

14.1 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.

14.2 It follows that, in fulfilling their obligations under the Grievance and Dispute Settling Procedures prescribed by the *Crown Employees (Public Sector – Salaries 2015) 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.

14.3 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.

14.4 Nothing in this clause is to be taken to affect:

14.4.1 Any conduct or act which is specifically exempted from anti-discrimination legislation;

14.4.2 Offering or providing junior rates of pay to persons under 21 years of age;

14.4.3 Any act or practice of a body established to propagate religion which is exempted under section 56(d) of the Anti Discrimination Act 1977;

14.4.4 A party to this award from pursuing matters of unlawful discrimination in any State or federal jurisdiction.

14.5 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.

14.5.1 Employers and employees may also be subject to Commonwealth anti-discrimination legislation.

14.5.2 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."

### **15. No Extra Claims**

15.1 The no extra claims clause (clause 8) contained in the *Crown Employees (Public Sector – Salaries 2015) Award* shall apply to employees covered by this award.

### **16. Area, Incidence and Duration**

16.1 This award shall apply to all employees employed by the Office of Sport who, at the operative date of this award, are employed in the classifications specified in Clause 4, Classifications at the locations specified at Appendix 1 of this award.

16.2 The employees regulated by this award will be entitled to the conditions of employment as set out in this award and, except where specifically varied by this award, existing conditions provided for by the *Government Sector Employment Act 2013* and *Government Sector Employment Regulation 2014*, the *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 replacement awards.

16.3 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 17 November 2015.

16.4 Changes made to this award subsequent to it first being published on published 26 December 2008 (366 I.G. 1492) have been incorporated into this award as part of the review.

16.5 The award remains in force until varied or rescinded, the period for which it was made having already expired.

## **PART B**

### **MONETARY RATES**

Grades and salary rates for classifications in this award are in accordance with the *Crown Employees Administrative and Clerical Officers - Salaries) Award 2007* Grades 4 to 12.

Allowance	1.7.15 Per annum 2.50% \$
Annual allowance (Clause 11)	10,775

## APPENDIX 1

### Centre Locations

#### Residential Venues

Berry Sport and Recreation Centre  
BERRY 2535

Borambola Sport and Recreation Centre  
WAGGA WAGGA 2650

Broken Bay Sport and Recreation Centre  
BROOKLYN 2083

Lake Ainsworth Sport and Recreation Centre  
LENNOX HEAD 2478

Lake Burrendong Sport and Recreation Centre  
MUMBIL 2820

Jindabyne Sport and Recreation Centre  
JINDABYNE 2627

Lake Keepit Sport and Recreation Centre  
GUNNEDAH 2380

Milson Island Sport and Recreation Centre  
BROOKLYN 2083

Myuna Bay Sport and Recreation Centre  
DORA CREEK 2264

Point Wolstoncroft Sport and Recreation Centre  
GWANDALAN 2259

Sydney Academy of Sport and Recreation  
NARRABEEN 2101

#### Non-Residential Venues

Sydney International Equestrian Centre  
HORSLEY PARK 2164  
NSW

Sydney International Shooting Centre  
CECIL PARK NSW 2171

J. D. STANTON, Commissioner