

**CROWN EMPLOYEES (TECHNICAL OFFICERS - TREASURY)  
AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

(Case No. 2016/00006299)

Before Commissioner Stanton

2 August 2016

**REVIEWED AWARD**

**PART A**

Clause No.	Subject Matter
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5.	Dispute Resolution Procedure
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**PART B**

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**PART A**

**1. Title**

This award shall be known as the Crown Employees (Technical Officers - Treasury) Award.

**2. Definitions**

"Act" shall mean the *Government Sector Employment Act 2013*.

"Award" shall mean the Crown Employees (Technical Officers - Treasury) Award

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

"Officer" means and includes all persons in ongoing or temporary employment under the provisions of the *Government Sector Employment Act 2013*, or other appropriate Acts, 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 or employed in one such position.

"Treasury" refers to New South Wales Treasury

### **3. Salaries**

- (i) All officers shall be paid in accordance with the salary structure set out in Table 1 - Salaries, of Part B, Monetary Rates.
- (ii) Work value alone is not sufficient to have a position classified and graded as a Grade 1 or Grade 2 Technical Officer - Treasury. Other factors must also be satisfied such as skill shortage, specialist skills and use on the job of higher level competencies.
- (iii) Pay movements within each grade will be based on a pre-defined matrix comprised of competency, performance, market relationship and degree of speciality.
- (iv) Progression is not incremental in nature.

### **4. Salary Packaging Arrangements, Including Salary Sacrifice to Superannuation**

- (i) An employee may elect, subject to the agreement of Treasury, to enter into a Salary Packaging Arrangement in accordance with the provisions of Clause 5 of the Crown Employees (Public Sector - Salaries 2016) Award or any variation or replacement Award.
- (ii) Officers are eligible for salary packaging of the private use component of motor vehicles subject to the benefit's monetary value being determined in accordance with the methodology applicable to Public Service Senior Executives.

### **5. Dispute Resolution Procedure**

- (i) All disputes or difficulties 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 Treasury, if required.
- (ii) An officer is required to notify (in writing or otherwise) their Director 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 staff member to advise their immediate manager, the notification may occur to the next appropriate level of management, including, where required, to the appropriate Division Head or Delegate.
- (iv) The Director shall convene a meeting in order to resolve the grievance, dispute or difficulty within two (2) days, or as soon as practicable, of the matter being brought to attention.
- (v) If the matter remains unresolved with the Director, the officer may request to meet the appropriate Executive Director in order to resolve the matter. This manager shall respond within two (2) days, or as soon as practicable. This sequence of reference to successive levels of management may be pursued by the member of staff until the matter is referred to the Secretary, NSW Treasury.
- (vi) The Secretary, NSW Treasury may refer the matter to the Industrial Relations Secretary for consideration.
- (vii) In the event that the matter remains unresolved, the Secretary, NSW Treasury 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 reasons for not taking action, in relation to the matter.
- (viii) An officer may request to be represented by an Association representative.

- (ix) The officer or Association on their behalf, or the Secretary, NSW Treasury may refer the matter to the Industrial Relations Commission of New South Wales if the matter is unresolved following the use of these procedures.
- (x) The officer, Association, Treasury and the Industrial Relations Secretary shall agree to be bound by any lawful recommendation, order or determination by the Industrial Relations Commission of New South Wales in relation to the grievance, dispute or difficulty.
- (xi) Whilst the procedures are being followed, normal work undertaken prior to notification of the grievance or dispute shall continue unless otherwise agreed between the parties, or in the case of a dispute involving Occupational Health and Safety. If practicable, normal work shall proceed in such a manner as to avoid any risk to the health and safety of any officer or member of the public.

## **6. 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 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.
- (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:
  - (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.
- (v) This clause does not create legal rights or obligations in addition to those imposed upon the parties by 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 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."

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

- (i) This Award shall apply to all staff employed as Technical Officers in New South Wales Treasury.
- (ii) Technical Officers are entitled to the conditions of employment provided by this Award, the *Government Sector Employment Act 2013* and the *Government Sector Employment Regulation 2014*. The provisions of the *Crown Employees (Public Service Conditions of Employment) Reviewed Award*

2009 and the Crown Employees (Public Sector - Salaries 2016) Award or any replacement award, also apply to officers covered by this Award, except where specifically varied by this Award.

- (iii) 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.
- (iv) Changes made to this award subsequent to it first being published on 26 October 2007 (364 I.G. 39) have been incorporated into this award as part of the review.
- (v) 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**

Technical Officers - Treasury	
Classification and Grades	1.7.16 Per annum 2.50% \$
Technical Officers - Treasury Grade 1	145,996 152,505 159,227 165,847
Technical Officers - Treasury Grade 2	168,546 175,272

J. D. STANTON, Commissioner

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