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CONTENTS APPEAR AT THE END OF THIS PUBLICATION

PUBLIC SERVICE ARBITRATOR—Awards/Agreements—Variation of—

2005 WAIRC 00599

CHILDREN'S SERVICES (GOVERNMENT) AWARD 1989

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	HON MIN FOR COMMUNITY SERVICES AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 620 OF 2003
CITATION NO.	2005 WAIRC 00599

Result	Award varied
Representation	
Applicant	Ms C. Kazakoff
Respondents	Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Children's Services (Government) Award 1989* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
Chief Commissioner.

[L.S.]

SCHEDULE

1. Clause 10. – Overtime: Delete subclause (4)(a) of this clause and insert the following in lieu thereof:

(4) (a) An employee required to work continuous overtime for more than one hour shall be supplied with a meal by the employer or be paid $9.20 for a meal, and if, owing to the amount of overtime worked, a second or subsequent meal is required he/she shall be supplied with each meal by the employer or be paid $5.35 for each meal so required.

And further, with the consent of the parties, the Commission records the following basis for variations:

For Expense Related Allowances:

- Clause 10. – Overtime has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses Catalogue No: 6455.0.40.001

EXPENSE RELATED ALLOWANCES

CPI Meals Out and Take Away Foods - Perth

Clause		**A**	**B**	**C**
Clause 10 - Overtime	(4)(a)	$8.60	$9.21	$9.20
		$5.00	$5.36	$5.35

2005 WAIRC 00335

INSTITUTION OFFICERS ALLOWANCES AND CONDITIONS AWARD 1977, NO. 3 OF 1977

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES CIVIL SERVICE ASSOCIATION OF WESTERN AUSTRALIA INCORPORATED

APPLICANT

-v-

ATTORNEY GENERAL DEPARTMENT OF JUSTICE

RESPONDENT

CORAM COMMISSIONER S J KENNER
PUBLIC SERVICE ARBITRATOR

DATE THURSDAY 17 FEBRUARY 2005

FILE NO/S P 1A OF 2005

CITATION NO. 2005 WAIRC 00335

Result Award varied. Order issued.

Representation

Applicant Mr M Finnegan

Respondent Mr N Cinquina

Order

HAVING heard Mr M Finnegan on behalf of the applicant and Mr N Cinquina on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the Industrial Relations Act 1979, hereby orders -

(1) THAT the herein application be and is hereby divided with the consent variations re-numbered as application P 1A of 2005 and matters pertaining to s 40B of the Act be application P 1B of 2005.

(2) THAT the Institution Officers Allowances and Conditions Award 1977, No 3 of 1997 be varied in accordance with the following schedule and that such variation shall have effect from the first pay period on or after the date hereof.

(Sgd.) S J KENNER,
[L.S.] Commissioner.

SCHEDULE

1. - TITLE

This award shall be known as the Institution Officers Allowances and Conditions Award 1977, No. 3 of 1977 and supersedes and replaces the Institution Officers (Child Welfare Department) Award 1968 No. 34 of 1968 insofar as it refers to allowances and conditions.

1B. - MINIMUM ADULT AWARD WAGE

(1) No adult employee shall be paid less than the Minimum Adult Award Wage unless otherwise provided by this clause.

(2) The Minimum Adult Award Wage for full time adult employees is $467.40 per week payable on and from 4th June 2004.

(3) The Minimum Adult Award Wage of $467.40 per week is deemed to include all arbitrated safety net adjustments from State Wage Case decisions.

(4) Unless otherwise provided in this clause adults employed as casuals, part time employees or pieceworkers or employees who are remunerated wholly on the basis of payment by result shall not be paid less than pro rata the Minimum Adult Award Wage according to the hours worked.

(5) Juniors shall be paid no less than the wage determined by applying the percentage prescribed in the junior rates provision in this award to the Minimum Adult Award Wage of $467.40 per week.

(6) (a) The Minimum Adult Award Wage shall not apply to apprentices, employees engaged on traineeships or Jobskill placements or employed under the Commonwealth Government Supported Wage System or to other categories of employees who by prescription are paid less than the minimum award rate.

(b) Liberty to apply is reserved in relation to any special categories of employees not included here or otherwise in relation to the application of the Minimum Adult Award Wage.

(7) Subject to this clause the Minimum Adult Award Wage shall -

(a) Apply to all work in ordinary hours.

(b) Apply to the calculation of overtime and all other penalty rates, superannuation, payments during any period of paid leave and for all purposes of this award.

(8) Minimum Adult Award Wage

The rates of pay in this award include the minimum weekly wage for adult employees payable under the 2004 State Wage Case Decision. Any increase arising from the insertion of the minimum adult award wage will be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employment are regulated by this award which are above the wage rates prescribed in the award. Such above award payments include wages payable pursuant to enterprise agreements, consent awards or award variations to give effect to enterprise agreements and over award arrangements. Absorption which is contrary to the terms of an agreement is not required.

Increases under previous State Wage Case Principles or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset the minimum adult award wage.

(9) Adult Apprentices

(a) Notwithstanding the provisions of this clause, an apprentice, 21 years of age or over, shall not be paid less than $406.70 per week.

(b) The rate paid in paragraph (a) above is payable on superannuation and during any period of paid leave prescribed by this Award.

(c) Where in this award an additional rate is expressed as a percentage, fraction or multiple of the ordinary rate of pay, it shall be calculated upon the rate prescribed in this award for the actual year of apprenticeship.

(d) Nothing in this clause shall operate to reduce the rate of pay fixed by this award for an adult apprentice in force immediately prior to 5th June 2003.

2. - ARRANGEMENT

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3. – AREA OF OPERATION

This Award shall apply throughout the State of Western Australia.

4. - SCOPE

This Award shall apply to all Government Officers employed as Group Workers, and/or Senior Group workers, in the Department of Family and Children's Services and/or the Ministry of Justice.

5. – TERM OF AWARD

This Award shall operate as from and including the first day of July 1976 and shall remain in force for a period of three years.

6. - DEFINITIONS

In this Award, the following expressions shall have the following meaning:

"Accrued Day(s) Off"' (ADOs) means the paid day(s) off accruing to an employee resulting from an entitlement to the 38 hour week as prescribed in Clause 15 of this Award.

"Employer" and "Employing Authority" means Minister for Justice.

"Headquarters" means the place in which the principal work of an officer is carried out, as defined by the Employer.

"Metropolitan Area" means that area within a radius of fifty (50) kilometres from the Perth City Railway Station.

"Minister" means the Minster for Justice.

"Officer" means an employee covered by this Award.

"Partner" means either spouse or de facto partner.

"De Facto Partner" means a relationship (other than a legal marriage) between two persons who live together in a 'marriage-like' relationship and includes same sex partners.

"Spouse" means a person who is lawfully married to that person.

"The Association" means the Civil Service Association of Western Australia Incorporated.

7. – CERTIFICATE OF SERVICE

On request, the Employer shall issue a Certificate of Service containing full information as to the period of service, and nature of duties performed by the officer to the officer on redundancy, retirement, resignation or where contracts of service expire through the effluxion of time.

8. – CONTRACT OF SERVICE

(1) (a) No officer shall leave the employ of the Minister until the expiration of one month's written notice of intention so to do without the approval of the Minister.

(b) One month's written notice shall be given by the Minister to an officer whose services are no longer required.

Provided that the Minister may summarily dismiss an officer deemed guilty of gross misconduct or neglect of duty and the officer shall not be entitled to any notice or payment in lieu.

(c) An officer, having attained the age of 55 years, shall be entitled to retire from the employ of the Minister.

9. - SALARIES

(1) The annual salaries applicable to officers covered by this Award shall be as per Schedule A Salaries.

(2) An adult Group Worker employed pursuant to Level 2 shall commence employment at Level 2.1. Provided that at the discretion of the Employer, the officer may be appointed to a higher incremental level subject to previous relevant knowledge and experience.

(3) Payment of Salaries

(a) Salaries shall be paid fortnightly but, where the usual payday falls on a public holiday, payment shall be made on the previous working day.

(b) Dividing the annual salary by 313 and multiplying the result by 12 shall compute a fortnight's salary.

(c) The hourly rate shall be computed as one seventy-sixth of the fortnight's salary.

(d) Salaries shall be paid by direct funds transfer to the credit of an account nominated by the officer at a bank, building society or credit union approved by the Under Treasurer or an Accountable Officer.

(e) Provided that where such form of payment is impracticable or where some exceptional circumstances exist, and by agreement between the Employer and the Association, payment by cheque may be made.

(4) Arbitrated Safety Net Adjustments

(a) The rates of pay in this Award include arbitrated safety net adjustments available since December 1993, under the Arbitrated Safety Net Adjustment Principle.

(b) These arbitrated safety net adjustments may be offset against any equivalent amount in the rate of pay received by officers since 1 November 1991 above the rate prescribed in the Award, except where such absorption is contrary to the terms of an industrial agreement.

(c) Increases in rates of pay otherwise made under the State Wage Case Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated safety net adjustments.

(5) Special Allowances

The Employer shall not be prohibited from granting special allowances based on additional duties and responsibilities undertaken by an officer due to expertise and knowledge of the officer.

(6) Amalgamation of Salary Classes

In allocating salaries or salary ranges the Employer may amalgamate any two or more levels or, allocate specific salary points from a level or levels prescribed by this Award.

10. –PURCHASED LEAVE - 48/52 SALARY ARRANGEMENT

(1) The Employer and an officer may agree to enter into an arrangement whereby the officer can purchase up to four weeks additional leave.

(2) The Employer will assess each application for 48/52-salary arrangement on its merits and give consideration to the personal circumstances of the officer seeking the arrangement.

(3) Access to this entitlement will be subject to the officer having satisfied the Agency's accrued leave management policy.

(4) The officer can agree to take a reduced salary spread over the 52 weeks of the year and receive the following amounts of additional purchased leave:

Number of weeks' salary spread over 52 weeks	Number of weeks' additional purchased leave.
48 weeks	4 weeks
49 weeks	3 weeks
50 weeks	2 weeks
51 weeks	1 week

(5) The additional purchased leave will not be able to be accrued. The officer is to be entitled to pay in lieu of the additional leave not taken. In the event that the officer is unable to take such purchased leave, his/her salary will be adjusted on the last pay period in January to take account the fact that time worked during the year was not included in the salary.

(6) Where an officer who is in receipt of an allowance provided for in Clause 14. - Higher Duties Allowance, of this Award proceeds on any period of additional purchased leave the officer shall not be entitled to receive payment of the allowance for any period of additional purchased leave. When not on a period of purchased leave the officer shall receive the full entitlement to Higher Duties Allowance in accordance with Clause 14.

(7) In the event that a part time officer's ordinary working hours are varied during the year, the salary paid for such leave taken will be adjusted on the last pay in January to take into account any variations to the officer's ordinary working hours during the previous year.

11. – PURCHASED LEAVE - DEFERRED SALARY ARRANGEMENT

(1) With the written agreement of the Employer, an officer may elect to receive, over a four-year period, 80% of the salary they would otherwise be entitled to receive in accordance with the Award.

(2) The Employer will assess each application for deferred salary on its merits and give consideration to the personal circumstances of the officer seeking the leave.

(3) On completion of the fourth year, an officer will be entitled to 12 months leave and will receive an amount equal to 80% of the salary they were otherwise entitled to in the fourth year of deferment.

(4) Where an officer completes four (4) years of deferred salary service and is not required to attend duty in the following year, the period of non-attendance shall not constitute a break in service and shall count as service on a pro-rata basis for all purposes.

(5) An officer may withdraw from this arrangement prior to completing a four-year period by written notice. The officer will receive a lump sum payment of salary forgone to that time but will not be entitled to equivalent absence from duty.

(6) The Employer will ensure that superannuation arrangements and taxation effects are fully explained to the officer by the Employing Authority. The Employer will put any necessary arrangements into place.

12. - SALARY PACKAGING ARRANGEMENT

(1) An officer may, by agreement with the Employer, enter into a salary packaging arrangement in accordance with this clause and Australian Taxation Office requirements.

(2) Salary packaging is an arrangement whereby the entitlements and benefits under this Award, contributing toward the Total Employment Cost (TEC) (as defined in subclause (3) of this clause) of an officer, can be reduced by and substituted with another or other benefits.

(3) The TEC for salary packaging purposes is calculated by adding the following entitlements and benefits:

(a) the base salary;

(b) other cash allowances;

(c) non cash benefits;

(d) any Fringe Benefit Tax liabilities currently paid; and

(e) any variable components.

(4) Where an officer enters into a salary packaging arrangement the officer will be required to enter into a separate written agreement with the Employer setting out the terms and conditions of the salary packaging arrangement.

(5) Notwithstanding any salary packaging arrangement, the salary rate as specified in this Award, is the basis for calculating salary related entitlements specified in the Award.

(6) Compulsory Employer Superannuation Guarantee contributions are to be calculated in accordance with applicable federal and state legislation. Compulsory Employer contributions made to superannuation schemes established under the *State Superannuation Act 2001* are calculated on the gross (pre packaged) salary amount regardless of whether an officer participates in a salary packaging arrangement with their Employer.

(7) A salary packaging arrangement cannot increase the costs to the Employer of employing an individual.

(8) A salary packaging arrangement is to provide that the amount of any taxes, penalties or other costs for which the Employer or officer is or may become liable for and are related to the salary packaging arrangement, shall be borne in full by the officer.

(9) In the event of any increase in taxes, penalties or costs relating to a salary packaging arrangement, the officer may vary or cancel that salary packaging arrangement.

13. – ANNUAL INCREMENTS

(1) Officers shall proceed to the maximum of their salary range by annual increments subject to a satisfactory report on the officer's level of performance and conduct.

(2) The following procedure will apply prior to the payment of an increment:

(a) Their manager will produce a report on the officer's performance and conduct no later than 12 months since the officer's last incremental advance.

(b) Where the report is satisfactory, the increment will be paid.

(c) Where the report is unsatisfactory:

(i) The officer will be shown the report and required to initial it.

(ii) The officer will be provided with an opportunity to comment in writing.

(iii) The officer's comments will be considered immediately by the Employer and a decision made as to whether to approve the payment of the increment or withhold payment for a specific period.

(iv) Where the increment is withheld, the Employer before the expiry of the specified period will complete a further report and the above provisions will apply.

(3) The non-payment of an increment will not change the normal anniversary date of any further increment payments.

(4) For the purposes of this clause "continuous service", except where an increment is payable according to age, shall not include:

(a) any period exceeding 14 calendar days during which an officer is absent on leave without pay. In the case of leave without pay which exceeds 14 calendar days the entire period of such leave without pay is excised in full;

(b) any period which exceeds six months in one continuous period during which an officer is absent on workers' compensation. Provided that only that portion of such continuous absence which exceeds six months shall not count as "continuous service";

(c) any period which exceeds three months in one continuous period during which an officer is absent on sick leave without pay. Provided that only that portion of such continuous absence which exceeds three months shall not count as "continuous service".

14. – HIGHER DUTIES ALLOWANCE

(1) An officer who is directed by the Employer to act in an office which is classified higher than the officer's own substantive office and who performs the full duties and accepts the full responsibility of the higher office for a continuous period of five (5) consecutive working days or more, shall, subject to the provisions of this clause, be paid an allowance equal to the difference between the officer's own salary and the salary the officer would receive if the officer was permanently appointed to the office in which the officer is so directed to act.

Provided that where the hours of duty of an officer performing shift work are greater than 8 hours per day as provided for in this Award the allowance shall be payable after the completion of 38 consecutive working hours in the higher classified position. This period shall not include any time worked as overtime.

(2) Where the full duties of a higher office are temporarily performed by two (2) or more officers they shall each be paid an allowance as determined by the Employer.

(3) An officer who is directed to act in a higher classified office but who is not required to carry out the full duties of the position and/or accept the full responsibilities, shall be paid such proportion of the allowance provided for in subclause (1) of this clause as the duties and responsibilities performed bear to the full duties and responsibilities of the higher office. Provided that the officer shall be informed, prior to the commencement of acting in the higher classified office, of the duties to be carried out, the responsibilities to be accepted and the allowance to be paid.

The allowance paid may be adjusted during the period of higher duties.

(4) Where an officer who has qualified for payment of higher duties allowance under this clause is required to act in another office or other offices classified higher than the officer's own for periods less than five consecutive working days without any break in acting service, such officer shall be paid a higher duties allowance for such periods: provided that payment shall be made at the highest rate the officer has been paid during the term of continuous acting or at the rate applicable to the office in which the officer is currently acting - whichever is the lesser.

(5) Where an officer is directed to act in an office which has an incremental range of salaries such an officer shall be entitled to receive an increase in the higher duties allowance equivalent to the annual increment the officer would have received had the officer been permanently appointed to such office; provided that acting service with allowances for acting in offices for the same classification or higher than the office during the eighteen (18) months preceding the commencement of such acting shall aggregate as qualifying service towards such an increase in the allowance.

(6) Where an officer who is in receipt of an allowance granted under this clause and has been so for a continuous period of twelve (12) months or more, proceeds on -

(a) a period of normal annual leave; or

(b) a period of any other approved leave of absence of not more than five (5) weeks,

the officer shall continue to receive the allowance for the period of leave: provided that this subclause shall also apply to an officer who has been in receipt of an allowance for less than twelve (12) months if during the officer's absence no other officer acts in the office in which the officer was acting immediately prior to proceeding on leave and the officer resumes in the office immediately on return from leave.

(7) For the purpose of this subclause the expression "normal annual leave" shall mean the annual period of recreation leave as referred to in Clause 17. - Annual Leave of this Award and shall include any public holidays and leave in lieu accrued during the preceding twelve (12) months taken in conjunction with such annual leave.

(8) Where officers in receipt of an allowance granted under this clause and proceeds on a period of annual leave in excess of the normal, such officers shall only receive payment of such allowance for the period of normal annual leave; and a period of any other approved leave of absence of more than five (5) weeks, such officers shall not be entitled to receive payment of such allowance for the whole or any part of the period of such leave.

15. - HOURS

(1) Ordinary Hours

(a) From 1st June 1986 the ordinary hours of duty shall be an average of 38 per week with the hours actually worked being 160 in any period of 28 days.

(b) Such hours shall be worked in not more than twenty shifts in any roster period and shall where practicable be worked in shifts of eight hour duration.

(c) The ordinary hours shall be worked with 2 hours of each week's work accruing as an entitlement to a maximum of 12 Accrued Days Off in each twelve month period. The Accrued Days Off shall be taken as a minimum period of five consecutive days off in conjunction with annual leave or at a time mutually acceptable to the Employer and employee.

(d) There shall be at least an eight-hour break between the finishing time of one shift and the commencement of the following shift. In cases where such a break is not given payment at double the normal rate shall be made until such break is taken.

(2) Accrued Days Off

(a) An Employer and officer may by agreement substitute the Accrued Day Off the officer is to take off for another day in which case the Accrued Day Off shall become an ordinary working day.

(b) A roster for Accrued Days Off shall be posted at least four weeks before the time it comes into operation.

(c) By agreement between the Employer and an officer Accrued Days Off may be rostered for and taken in advance of the due date.

(d) Accrued Days Off must be cleared in the calendar year in which they accrue. If, to meet the convenience of the Employer, an employee cannot clear Accrued Days Off in the aforementioned calendar year then they shall be cleared in the next succeeding six months.

(e) Part time officers working sixteen hours and under per week will not accrue time off, but will be paid for all hours worked. Part-time officers working over sixteen hours per week will accrue days off on the same basis as full time officers, but all benefits therefore will be pro-rata in the proportion that the number of hours worked bears to the hours worked by full time officers. This provision may be renegotiated if job sharing arrangements are introduced for Group Workers.

(f) Time off will not be accrued whilst officers are on annual leave and long service leave.

(g) Probationary Group Workers will not accrue time off whilst on day or block study leave release. Probationary Group Workers on day or study leave release will work a 38 hour week.

16. – OVERTIME

(1) Except as provided in subclauses (2) and (4) provisions of the Public Service Overtime Agreement 1973, No.9 of 1973 as amended shall apply mutatis mutandis to officers covered by this Award.

(2) The provisions of Clause 5 of the Public Service Overtime Agreement 1973, No.9 of 1973 do not apply to rostered officers. Overtime for these officers will be paid for a the following rates:

(a) Monday to Saturday -

All time worked outside of or in excess of the ordinary working hours or on a shift other than a rostered shift shall be paid for at the rate of time and one half for the first three hours and double time thereafter.

(b) Sundays -

All time worked outside of or in excess of the ordinary working hours or on a shift other than a rostered shift shall be paid for at the rate of double the ordinary rate.

(c) Public Holidays -

All time worked outside of or in excess of the ordinary working hours or on a shift other than a rostered shift shall be paid for at a rate of double time and one half the ordinary rate.

(3) An officer who reports for duty at the rostered time for either a normal or overtime shift and is advised that the commencing time for such duty has altered since he was last on duty, or the duty is not required shall be paid a minimum of two hours at the rate applicable for that duty, but this shall not apply to an officer who was absent from duty on his last rostered shift.

(4) Overtime payments shall not apply until after eight hours have been worked that day or more than 160 hours have been worked in each 28 day period.

17. – ANNUAL LEAVE

(1) (a) Subject to the provision of subclause 2 of this clause, the provisions of the Public Service Act, 1978, the Public Service Regulations, 1979 and Administrative Instructions made pursuant to Section 19 of the said Act relating to Annual Recreation Leave shall apply mutatis mutandis to officers covered by this Award.

(b) When an officer proceeds on the first four weeks of any annual leave there will be no accrual towards an Accrued Day Off.

Accrual towards an Accrued Day Off will continue during any other period such as the extra week for shift workers.

(c) Any annual leave entitlements as at June 1st 1986 shall be adjusted in hours in the ratio of 38 to 40.

(2) Each officer shall be entitled to five weeks, being 35 days of duty, annual leave per annum.

18. – PUBLIC HOLIDAYS

(1) The following days shall be allowed as holidays with pay:

(a) New Year's Day, Australia Day, Good Friday, Easter Monday, Christmas Day, Boxing Day, Anzac Day, Sovereign's Birthday, Foundation Day, Labour Day, provided that the Employer may approve another day to be taken as a holiday in lieu of any of the above mentioned days.

(2) When any of the days mentioned in subclause (1) of this clause falls on a Saturday or on a Sunday, the holiday shall be observed on the next succeeding Monday.

When Boxing Day falls on a Sunday or Monday, the holiday shall be observed on the next succeeding Tuesday.

In each case the substituted day shall be a holiday without deduction of pay and the day for which it is substituted shall not be a holiday.

(3) An officer whilst on a public holiday prescribed by this Award shall continue to accrue an entitlement to an Accrued Day Off. When any of the days observed as a public holiday fall on a day when an officer is on an Accrued Day Off the officer shall be allowed to take a day's holiday in lieu of the holiday on a day immediately following the officer's annual leave or at a time mutually acceptable to the Employer and the officer.

19. – LONG SERVICE LEAVE

(1) Each officer who has completed a period of 7 years of continuous service in a permanent and/or fixed term contract capacity shall be entitled to 13 weeks of long service leave on full pay.

Officers may by agreement with their Employer, clear any accrued entitlement to long service leave in one-week periods.

(2) Each officer is entitled to an additional 13 weeks of long service leave on full pay for each subsequent period of 7 years of continuous service.

(3) A part-time officer shall have the same entitlement to long service leave, as full time officers however payment made during such periods of long service leave shall be adjusted according to the hours worked by the officer during that accrual period.

(4) For the purpose of determining an officer's long service leave entitlement, the expression "continuous service" includes any period during which the officer is absent on full pay or part pay from duties but does not include:

(a) any period exceeding two weeks during which the officer is absent on leave without pay or unpaid parental leave, except where leave without pay is approved for the purpose of fulfilling an obligation by the Government of Western Australia to provide staff for a particular assignment external to the Public Sector of Western Australia;

(b) any period during which an officer is taking long service leave entitlement or any portion thereof except in the case of subclause (9) when the period excised will equate to a full entitlement of 13 weeks;

(c) any service by an officer who resigns, is dismissed or whose services are otherwise terminated other than service prior to such resignation, dismissal or termination when that prior service has actually entitled the officer to the long service leave under this clause;

(d) any period of service that was taken into account in ascertaining the amount of a lump sum payment in lieu of long service leave;

(e) any service of a Cadet whilst undertaking full time studies.

(5) A long service leave entitlement, which fell due prior to March 16, 1988, amounted to three months. A long service leave entitlement, which falls due on or after that date, shall amount to thirteen weeks.

(6) Any Public Holiday or days in lieu of the repealed public service holidays occurring during an officers absence on long service leave shall be deemed to be a portion of the long service leave and extra days in lieu thereof shall not be granted.

(7) The Employer may direct an officer to take accrued long service leave and may determine the date on which such leave shall commence. Should the officer not comply with the direction, disciplinary action may be taken against the officer.

(8) An officer who has elected to retire at or over the age of 55 years and who will complete not less than 12 months continuous service before the date of retirement may take application to the Employer to take pro rata long service leave before the date of retirement, based on continuous service of a lesser period than that prescribed by this clause for a long service entitlement.

(9) Compaction of leave

(a) An officer who, during an accrual period was subject to variations in ordinary working hours or whose ordinary working hours during the accrual period are less than the officer's ordinary working hours at the time of commencement of long service leave, may elect to take a lesser period of long service leave calculated by converting the average ordinary working hours during the accrual period to the equivalent ordinary hours at the time of commencement of long service leave.

(b) Notwithstanding subclause (6) of this clause, an officer who has elected to compact an accrued entitlement to long service leave in accordance with paragraph (10)(a) of this clause, shall only take such leave in any period on full pay, and the period excised as "continuous service" shall be 13 weeks.

(10) Portability

(a) Where an officer immediately prior to being employed, was employed in the service of:

- The West Australian Public Service, or
- The Commonwealth of Australia, or
- Any other State Government of Australia, or
- Any Western Australian State body or statutory authority

and the period between the date when the officer ceased previous employment and the date of commencing employment does not exceed one week, that officer shall be entitled to long service leave determined in the following manner:

(i) the pro rata portion of long service leave to which the officer would have been entitled up to the date of appointment shall be calculated in accordance with the provisions that applied to the previous employment referred to, but in calculating that period of pro rata long service leave, any long service leave taken or any benefit granted in lieu of any such long service leave during that employment shall be deducted from any long service leave to which the officer may become entitled under this clause; and

(ii) the balance of the long service leave entitlement of the officer shall be calculated upon appointment in accordance with the provisions of this clause.

(b) Nothing in this clause confers or shall be deemed to confer on any officer previously employed by the Commonwealth or by any other State of Australia any entitlement to a complete period of long service leave that accrued in the officer's favour prior to the date on which the officer commenced employment.

(11) Half Pay

Subject to the Employer's convenience, an Employer may approve an officer's application to take long service leave on full pay or half pay. In the case of long service leave which falls due on or after March 16, 1988 portions in excess of four weeks shall be in multiples of one week's entitlement.

(12) When an officer proceeds on long service leave there will be no accrual towards an Accrued Day Off. Payment for long service leave will continue to be at the ordinary weekly rate.

(13) Any long service leave accumulated as at June 1st 1986 shall be adjusted in hours in the ratio of 38 to 40.

(14) Lump Sum Payments

(a) On application to the employing authority, a lump sum payment for the money equivalent of any -

(i) Long service leave entitlement for continuous service as prescribed by subclause (1) and (2) of this clause shall be made to employee who resigns, retires, is retired or is dismissed or in respect of an officer who dies;

(ii) pro rata long service leave based on continuous service of a lesser period than that prescribed by subclause (1) and (2) of this clause for a long service leave entitlement shall be made -

(aa) to an employee who retires at or over the age of 55 years or who is retired on the grounds of ill health, if the officer has completed not less than 12 months continuous service before the date of retirement;

(bb) to an employee who, not having resigned, is retired by the employing authority for any other cause, if the employee has completed not less than 3 years continuous service before the date of retirement;

(cc) in respect of an officer who dies, if the officer has completed not less than 12 months continuous service before the date of death.

(b) In the case of a deceased employee, payment shall be made to the estate of the employee unless the employee is survived by a legal dependant, approved by the Employer, in which case payment shall be made to the legal dependant.

(c) The calculation of the amount due for long service leave accrued and for pro rata long service leave shall be made at the rate of salary of an officer at the date of retirement or resignation or death, whichever applies.

20. – SICK LEAVE

(1) Entitlement

(a) The Employer shall credit each permanent officer with the following sick leave credits, which shall be cumulative:

	Sick Leave on full pay	Sick Leave on half pay
On the day of initial appointment	38 hours	15.2 hours
On completion of 6 months continuous service	38 hours	22.8 hours
On the completion of 12 months continuous service	76 hours	38 hours
On the completion of each further period of 12 months continuous service	76 hours	38 hours

(b) An officer employed on a fixed term contract for a period greater than 12 months, shall be credited with the same entitlement as a permanent officer. An officer employed on a fixed term contract for a period less than 12 months, shall be credited with the same entitlement on a pro rata basis for the period of the contract.

(c) A part-time officer shall be entitled to the same sick leave credits, on a pro rata basis according to the number of hours worked each fortnight. Payment for sick leave shall only be made for those hours that would normally have been worked had the officer not been on sick leave.

(d) The provisions of this clause do not apply to casual officers.

(2) Evidence

(a) An application for sick leave exceeding two consecutive working days shall be supported by evidence to satisfy a reasonable person.

(b) The amount of sick leave granted without the production of evidence to satisfy a reasonable person required in paragraph (a) of this subclause shall not exceed, in the aggregate, 5 working days in any one-credit year.

(3) Where an application for leave is supported by the certificate of a registered medical practitioner, a further certificate from a registered medical practitioner nominated by the Employer may be required and if that certificate does not confirm or substantially confirm the certificate of the medical practitioner, the officer making the application for sick leave shall pay the fee due to the nominated medical practitioner in respect of the certificate.

(4) Where the Employer has occasion for doubt as to the cause of the illness or the reason for the absence, the Employer may arrange for a registered medical practitioner to visit and examine the officer, or may direct the officer to attend the medical practitioner for examination. If the report of the medical practitioner does not confirm that the officer is ill, or if the officer is not available for examination at the time of the visit of the medical practitioner, or fails, without reasonable cause, to attend the medical practitioner when directed to do so, the fee payable for the examination, appointment or visit shall be paid by the officer.

(5) If the Employer has reason to believe that an officer is in such a state of health as to render a danger to fellow officers or the public, the officer may be required to obtain and furnish a report as to their condition from registered medical practitioner nominated by the Employer. The fee for any such examination shall be paid by the Employer.

(6) Where an officer is ill during the period of annual leave and produces at the time, or as soon as practicable thereafter, medical evidence to the satisfaction of the Employer that as a result of the illness the officer was confined to their place of residence or a hospital for a period of at least seven consecutive calendar days, the Employer may grant sick leave for the period during which the officer was so confined and reinstate annual leave equivalent to the period of confinement.

(7) Where an officer is ill during the period of long service leave and produces at the time, or as soon as practicable thereafter, medical evidence to the satisfaction of the Employer that as a result of illness the officer was confined to their place of residence or a hospital for a period of at least 14 consecutive calendar days, the Employer may grant sick leave for the period during which the officer was so confined and reinstate long service leave equivalent to the period of confinement.

(8) An officer who is absent on leave without pay is not eligible for sick leave during the currency of that leave without pay.

(9) No sick leave shall be granted with pay, if the illness has been caused by the misconduct of the officer or in any case of absence from duty without sufficient cause.

(10) Where an officer who has been retired on medical grounds resumes duty therein, sick leave credits at the date of retirement shall be reinstated. This provision does not apply to an officer who has resigned and is subsequently reappointed.

(11) Workers' Compensation

Where an officer suffers a disability within the meaning of section 5 of the *Workers' Compensation & Rehabilitation Act 1981*, which necessitates that officer being absent from duty, sick leave with pay shall be granted to the extent of sick leave credits. In accordance with section 80(2) of the *Workers' Compensation & Rehabilitation Act 1981* where the claim for workers' compensation is decided in favour of the officer, sick leave credit is to be reinstated and the period of absence shall be granted as sick leave without pay.

(12) War Caused Illnesses

(a) An officer who produces a certificate from the Department of Veterans' Affairs stating that the officer suffers from war caused illness may be granted special sick leave credits of 114 hours (15 standard hour days) per annum on full pay in respect of that war caused illness. These credits shall accumulate up to a maximum credit of 342 hours and (45 standard hour days), and shall be recorded separately to the officer's normal sick leave credit.

(b) Every application for sick leave for war caused illness shall be supported by a certificate from a registered medical practitioner as to the nature of the illness.

(13) Portability

(a) The Employer shall credit an officer additional sick leave credits up to those held at the date that officer ceased previous employment provided:

(i) immediately prior to commencing employment the officer was employed in the service of:

(aa) The West Australian Public Service, or

(bb) The Commonwealth Government of Australia, or

(cc) Any other State of Australia, or

(dd) In a Western Australian State body or statutory authority.

(ii) the officer's employment commenced no later than one week after ceasing previous employment.

(b) The maximum break in employment permitted by subparagraph (a)(ii) of this subclause, may be varied by the approval of the Employer provided that where employment commenced more than one week after ceasing the previous employment, the period in excess of one week does not exceed the amount of accrued and pro rata annual leave paid out at the date the officer ceased with the previous Employer.

(14) Paid sick leave cannot be claimed in respect of any time the officer is on an Accrued Day Off.

(15) An officer whilst on paid sick leave shall continue to accrue an entitlement to an Accrued Day Off.

(16) Whilst on paid sick leave an officer shall receive the wages they would have received had they not proceeded on sick leave and shall have the accrued entitlement to paid sick leave reduced by the time the officer is absent from work on account of paid sick leave.

(17) Any sick leave accumulated as at June 1st, 1986 shall be adjusted in hours in the ratio of 38 to 40.

(18) For the purposes of this clause "service" shall not include:

(a) any period exceeding 14 calendar days during which an officer is absent on leave without pay. In the case of leave without pay which exceeds 14 calendar days, the entire period of such leave without pay is excised in full;

(b) any period which exceeds six months in one continuous period during which an officer is absent on workers' compensation. Provided that only that portion of such continuous absence which exceeds six months shall not count as "service";

(c) any period which exceeds three months in one continuous period during which an officer is absent on sick leave without pay. Provided that only that portion of such continuous absence which exceeds three months shall not count as "service".

21. - CARERS LEAVE

(1) An officer is entitled to use, each year, up to five (5) days of the officers sick leave entitlement per year to be the primary care giver of a member of the officer's family or household who is ill or injured and in need of immediate care and attention.

(2) Officers shall, wherever practical, give the Employer notice of the intention to take carers leave and the estimated length of absence. If it is not practicable to give prior notice of absence officers shall notify the Employer as soon as possible on the first day of absence.

(3) Officers shall provide, where required by the Employer, evidence to establish the requirement to take carers leave. An application for carers leave exceeding two (2) consecutive working days shall be supported by evidence that would satisfy a reasonable person of the entitlement.

(4) The definition of family shall be a person who is related to the officer by blood, marriage, affinity or adoption and includes a person who is wholly or mainly dependent on, or is a member of the household of, the officer.

(5) Carers leave may be taken on an hourly basis or part thereof.

22. - PARENTAL LEAVE

(1) Definition:

"Officer" includes full time, part time, permanent and fixed term contract officers.

"Primary Care Giver" is the officer who will assume the principal role for the care and attention of a child/children. The Employer may require confirmation of primary care giver status.

"Replacement Officer" is an officer specifically engaged to replace an officer proceeding on parental leave.

"Partner" means a person who is a spouse or de facto partner.

"Public sector" means an employing authority as defined in Section 5 of the *Public Sector Management Act 1994.*

(2) Entitlement to Parental and Partner Leave

(a) An officer is entitled to a period of up to 52 weeks unpaid parental leave in respect of the:

(i) birth of a child to the officer or the officer's partner; or

(ii) adoption of a child who is not the child or the stepchild of the officer or the officer's partner; is under the age of five (5); and has not lived continuously with the officer for six (6) months or longer.

(b) An officer identified as the primary care giver of a child and who has completed twelve months continuous service in the Western Australian public sector shall be entitled to six (6) weeks paid parental leave. Paid parental leave will form part of the 52-week entitlement provided in subclause (2) (a) of this clause.

(c) A pregnant officer can commence the period of paid parental leave any time up to six (6) weeks before the expected date of birth and no later than four (4) weeks after the birth. Any other primary care giver can commence the period of paid parental leave from the birth date or for the purposes of adoption from the placement of the child but no later than four (4) weeks after the birth or placement of the child.

(d) Paid parental leave for primary care purposes for any one birth or adoption shall not exceed six (6) weeks.

(e) The paid and unpaid parental leave entitlement up to a maximum of 52 weeks may be shared between partners assuming the role of primary care giver.

(f) Parental leave may not be taken concurrently by an officer and his or her partner except under special circumstances and with the approval of the Employer.

(g) Where less than the standard parental leave is taken the unused portion of the period of paid or unpaid leave cannot be preserved in any way.

(h) An officer may elect to receive pay in advance for the period of paid parental leave at the time the parental leave commences, or may elect to be paid the entitlement on a fortnightly basis over the period of the paid parental leave.

(i) An officer is eligible, without resuming duty, for subsequent periods of parental leave in accordance with the provisions of this clause.

(3) Partner Leave

An officer who is not a primary care giver shall be entitled to a period of unpaid partner leave of up to one (1) week at the time of the birth of a child/children to his or her partner. In the case of adoption of a child this period shall be increased to up to three (3) weeks unpaid leave.

(4) Birth of a child

(a) An officer shall provide the Employer with a medical certificate from a registered medical practitioner naming the officer, or the officer's partner confirming the pregnancy and the estimated date of birth.

(b) If the pregnancy results in other than a live child or the child dies in the six weeks immediately after the birth, the entitlement to paid parental leave remains intact.

(5) Adoption of a child

(a) An officer seeking to adopt a child shall be entitled to two (2) days unpaid leave to attend interviews or examinations required for the adoption procedure. Officers working or residing outside the Perth metropolitan area are entitled to an additional day's unpaid leave. The officer may take any paid leave entitlement in lieu of this leave.

(b) If an application for parental leave has been granted for the adoption of a child, which does not eventuate, then the period of paid or unpaid parental leave is terminated. Officers may take any other paid leave entitlement in lieu of the terminated parental leave or return to work.

(6) Other leave entitlements

(a) An officer proceeding on unpaid parental leave may elect to substitute any part of that leave with accrued annual leave or long service leave for the whole or part of the period of unpaid parental leave.

(b) Subject to all other leave entitlements being exhausted an officer shall be entitled to apply for leave without pay following parental leave to extend their leave by up to two (2) years. The Employer's approval is required for such an extension.

(c) Any period of leave without pay must be applied for and approved in advance and will be granted on a year-by-year basis. Where both partners work for the Employer the total combined period of leave without pay following parental leave will not exceed two (2) years.

(d) An officer on parental leave is not entitled to paid sick leave and other paid absences other than as specified in subclause (6) (a) and (6) (e).

(e) Should the birth or adoption result in other than the arrival of a living child, the officer shall be entitled to such period of paid sick leave or unpaid leave for a period certified as necessary by a registered medical practitioner. Such paid sick leave cannot be taken concurrently with paid parental leave.

(f) Where a pregnant officer not on parental leave suffers illness related to the pregnancy or is required to undergo a pregnancy related medical procedure the officer may take any paid sick leave to which the officer is entitled or unpaid leave for a period as certified necessary by a registered medical practitioner.

(7) Notice and Variation

(a) The officer shall give not less than four (4) weeks notice in writing to the Employer of the date the officer proposes to commence paid or unpaid parental leave stating the period of leave to be taken.

(b) An officer seeking to adopt a child shall not be in breach of subclause (7) (a) by failing to give the required period of notice if such failure is due to the requirement of the adoption agency to accept earlier or later placement of a child, or other compelling circumstances.

(c) An officer proceeding on parental leave may elect to take a shorter period of parental leave and may at any time during that period elect to reduce or extend the period stated in the original application, provided four (4) weeks written notice is provided.

(8) Transfer to a Safe Job

Where illness or risks arising out of pregnancy or hazards connected with the work assigned to the pregnant officer make it inadvisable for the officer to continue in her present duties, the duties shall be modified or the officer may be transferred to a safe position at the same classification level until the commencement of parental leave.

(9) Replacement Officer

Prior to engaging a replacement officer the Employer shall inform the person of the temporary nature of the employment and the entitlements relating to the return to work of the officer on parental leave.

(10) Return to Work

(a) An officer shall confirm the intention to return to work by notice in writing to the Employer not less than four (4) weeks prior to the expiration of parental leave.

(b) Where an Employer has made a definite decision to introduce major changes that are likely to have a significant effect on the officer's position the Employer shall notify the officer while they are on parental leave.

(c) An officer on return to work from parental leave will be entitled to the same position or a position equivalent in pay, conditions and status and commensurate with the officer's skill and abilities as the substantive position held immediately prior to proceeding on parental leave. Where the officer was transferred to a safe job the officer is entitled to return to the position occupied immediately prior to transfer.

(d) An officer may return on a part time or job-share basis to the substantive position occupied prior to the commencement of leave or to a different position at the same classification level in accordance with the part time provisions of the Award.

(e) Subject to the employer's approval an officers who has returned to work on a part time basis may revert to full time work at the same classification level within two (2) years of the recommencement of work.

(11) Effect of Parental Leave on the Contract of Employment

(a) An officer employed for a fixed term contract shall have the same entitlement to parental leave, however the period of leave granted shall not extend beyond the term of that contract.

(b) Paid parental leave will count as qualifying service for all purposes under the relevant award and agreement. Absence on unpaid parental leave shall not break the continuity of service of officers but shall not be taken into account in calculating the period of service for any purpose under the Award.

(c) An officer on parental leave may terminate employment at any time during the period of leave by written notice in accordance with the relevant award and agreement.

(d) An Employer shall not terminate the employment of an officer on the grounds of the officer's application for parental leave or absence on parental leave but otherwise the rights of the Employer in respect of termination of employment are not affected.

23. - LEAVE WITHOUT PAY

(1) Subject to the provisions of subclause (2) of this clause, the Employer may grant an officer leave without pay for any period and is responsible for that officer on their return.

(2) Every application for leave without pay will be considered on its merits and may be granted provided that the following conditions are met:

(a) The work of the Employer is not inconvenienced; and

(b) All other leave credits of the officer are exhausted.

(3) An officer on a fixed term contract may not be granted leave without pay for any period beyond that officer's approved period of engagement.

(4) An officer who is absent on any form of leave without pay for less than a total of five days in any 12 month work cycle shall not have payment reduced when proceeding on Accrued Days Off.

(5) An officer who is absent on any form of leave without pay for a total of five days or more in any 12 month work cycle will have such period of leave added to the work cycle.

24. – STUDY LEAVE

(1) Conditions for Granting Time Off

(a) An officer may be granted time off with pay for study purposes at the discretion of the Employer.

(b) Part-time officers are entitled to study leave on the same basis as full time officers. Officers working shift work or on fixed term contracts have the same access to study leave as all other officers

(c) Time off with pay may be granted up to a maximum of five hours per week including travelling time, where subjects of approved courses are available during normal working hours, or where approved study by correspondence is undertaken.

(d) Officers who are obliged to attend educational institutions for compulsory block sessions, may be granted time off with pay including travelling time up to the maximum annual amount allowed in subclause (1)(c) of this clause.

(e) Officers shall be granted sufficient time off with pay to travel to and sit for the examinations of any approved course of study.

(f) In every case the approval of time off to attend lectures and tutorials will be subject to:

(i) agency convenience;

(ii) the course being undertaken on a part-time basis;

(iii) officers undertaking an acceptable formal study load in their own time;

(iv) officers making satisfactory progress with their studies;

(v) the course being of value to the agency; and

(vi) the Employer's discretion when the course is only relevant to the officer's career in the Service and being of value to the State.

(g) A service agreement or bond will not be required.

(2) Payment of Fees

(a) Cadets and Trainees

(i) Agencies are to meet the payment of higher education administrative charges for cadets and trainees who, as a condition of their employment, are required to undertake studies at a University or College of Advanced Education. Officers who of their own volition attend such institutions to gain higher qualifications will be responsible for the payment of fees.

(ii) This assistance does not include payment of text books or guild and society fees.

(iii) An officer who is required to repeat a full academic year of the course will be responsible for payment of the higher education fees for that particular year

(b) All Officers

The Employer has the discretion to reimburse an officer for the full or part of any reasonable costs of enrolment fees, Higher Education Contribution Surcharge, compulsory textbooks, compulsory computer software, and other necessary study materials. Half of the value of the agreed costs shall be reimbursed immediately following production of written evidence of enrolment and costs incurred, and the remaining half shall be reimbursed following production of written evidence of successful completion of the subject for which reimbursement has been claimed. The Employer and officer may agree to alternative reimbursement arrangements.

(3) (a) Approved Courses

(i) First-degree or associate diploma courses at a University within the state of Western Australia.

(ii) First degree or associate diploma courses at a college of advanced education.

(iii) Diploma courses at Technical and Further Education (TAFE).

(iv) Two-year full time Certificate courses at TAFE.

(v) Courses recognised by the National Authority for the Accreditation of Translators and Interpreters (NAATI) in a language relevant to the needs of the Public Sector.

(b) Except as outlined in subclause (3)(d) of this clause, officers are not eligible for study assistance if they already possess one of the qualifications specified in subclause (3)(a)(i) and 3(a)(ii) of this clause.

(c) An officer who has completed a Diploma through TAFE is eligible for study assistance to undertake a degree course at a University within the state of Western Australia or a College of Advanced Education. An officer who has completed a two year full time Certificate through TAFE is eligible for study assistance to undertake a Diploma course specified in subclause (3)(a)(iii) or a degree or associate diploma course specified in subclause (3)(a)(i) or (3)(a)(ii) of this clause.

(d) Assistance towards additional qualifications including second or higher degrees may be granted in special cases, at the discretion of the Employer.

(4) (a) An acceptable part-time study load should be regarded as not less than five hours per week of formal tuition with at least half of the total formal study commitment being undertaken in the officer's own time, except in special cases such as where the officer is in the final year of study and requires less time to complete the course, or the officer is undertaking the recommended part-time year or stage and this does not entail five hours formal study.

(b) A first degree or Associate Diploma course does not include the continuation of a degree or Associate Diploma towards a higher postgraduate qualification.

(c) In cases where officers are studying subjects which require fortnightly classes the weekly study load should be calculated by averaging over two weeks the total fortnightly commitment.

(d) In agencies which are operating on flexi-time, time spent attending or travelling to or from formal classes for approved courses between 8.15 am and 4.30 pm, less the usual lunch break, and for which "time off" would usually be granted, is to be counted as credit time for the purpose of calculating total hours worked per week.

(e) Travelling time returning home after lectures or tutorials is to be calculated as the excess time taken to travel home from such classes, compared with the time usually taken to travel home from the officer's normal place of work.

(f) An officer shall not be granted more than 5 hours time off with pay per week except in exceptional circumstances where the Employer may decide otherwise.

(g) Time off with pay for those who have failed a unit or units may be considered for one repeat year only.

(5) Subject to the provisions of subclause (6) of this clause, the Employer may grant an officer full time study leave with pay to undertake:

(a) post graduate degree studies at Australian or overseas tertiary education institutions; or

(b) study tours involving observations and/or investigations; or

(c) a combination of postgraduate studies and study tour.

(6) Applications for full time study leave with pay are to be considered on their merits and may be granted provided that the following conditions are met:

(a) The course or a similar course is not available locally. Where the course of study is available locally, applications are to be considered in accordance with the provisions of subclause (1) to (5) of this clause and the Leave Without Pay provisions of this Award.

(b) It must be a highly specialised course with direct relevance to the officer's profession.

(c) It must be highly relevant to the agency's corporate strategies and goals.

(d) The expertise or specialisation offered by the course of study should not already be available through other officers employed within the agency.

(e) If the applicant was previously granted study leave, studies must have been successfully completed at that time. Where an officer is still under a bond, this does not preclude approval being granted to take further study leave if all the necessary criteria are met.

(f) A fixed term contract officer may not be granted study leave with pay for any period beyond that officer's approved period of engagement.

(7) Full time study leave with pay may be approved for more than 12 months subject to a yearly review of satisfactory performance.

(8) Where an outside award is granted and the studies to be undertaken are considered highly desirable by an Employer, financial assistance to the extent of the difference between the officer's normal salary and the value of the award may be considered. Where no outside award is granted and where a request meets all the necessary criteria then part or full payment of salary may be approved at the discretion of the Employer.

(9) The Employer supports recipients of coveted awards and fellowships by providing study leave with pay. Recipients normally receive as part of the award or fellowship; return airfares, payment of fees, allowance for books, accommodation or a contribution towards accommodation.

(10) Where recipients are in receipt of a living allowance, this amount should be deducted from the officer's salary for that period.

(11) Where the Employer approves full time study leave with pay the actual salary contribution forms part of the agency's approved average staffing level funding allocation. Employers should bear this in mind if considering temporary relief.

(12) Where study leave with pay is approved and the Employer also supports the payment of transit costs and/or an accommodation allowance, the Employer will gain approval for the transit and accommodation costs as required.

(13) Where officers travelling overseas at their own expense wish to participate in a study tour or convention whilst on tour, study leave with pay may be approved by the Employer together with some local transit and accommodation expenses providing it meets the requirements of subclause (6) of this clause. Each case is to be considered on its merits.

(14) The period of full time study leave with pay is accepted as qualifying service for leave entitlements and other privileges and conditions of service prescribed for officers under this Award.

(15) When an officer proceeds on study leave there will be an accrual towards an Accrued Day Off.

25. – SHORT LEAVE

(1) (a) An Employer may, upon sufficient cause being shown, grant an officer short leave on full pay not exceeding 2 consecutive working days, but any leave granted under the provisions of this clause shall not exceed, in the aggregate, 22.8 working hours in any one calendar year.

(b) Part-time officers are eligible for short leave in accordance with this clause, on a pro rata basis calculated in accordance with the following formula:

$$\frac{\text{Hours worked per fortnight}}{76} \times \frac{22.8 \text{ hours}}{1}$$

(c) An officer employed on a fixed term contract of less than twelve months shall be eligible for pro rata short leave in accordance with this clause.

(2) Subject to the prior approval of the supervisor, officers located outside a radius of fifty (50) kilometres from the Perth City Railway Station shall be allowed Short Leave where pressing personal matters can only be dealt with within the required hours of duty.

(3) An officer shall not be entitled to claim payment for short leave on a day when that officer is absent on an Accrued Day Off. An officer whilst on short leave shall continue to accrue an entitlement to an Accrued Day Off.

26. - BEREAVEMENT LEAVE

(1) Officers including casuals shall on the death of:

the spouse or de-facto partner of the officer;

the child or step-child of the officer;

the parent or step-parent of the officer;

the brother, sister, step brother or step sister; or

any other person who, immediately before that person's death, lived with the officer as a member of the officer's family;

be eligible for up to two (2) days paid bereavement leave, provided that at the request of an officer the Employer may exercise a discretion to grant bereavement leave to an officer in respect of some other person with whom the officer has a special relationship.

(2) The two (2) days need not be consecutive.

(3) Bereavement leave is not to be taken during any other period of leave.

(4) Payment of such leave may be subject to the officer providing evidence of the death or relationship to the deceased, satisfactory to the Employer.

(5) An officer requiring more than two days bereavement leave in order to travel overseas in the event of the death overseas of a member of the officer's immediate family may, upon providing adequate proof, in addition to any bereavement leave to which the officer is eligible, have immediate access to annual leave and/or accrued long service leave in weekly multiples and/or leave without pay provided all accrued leave is exhausted.

27. - CULTURAL/CEREMONIAL LEAVE

(1) Cultural/ceremonial leave shall be available to all officers.

(2) Such leave shall include leave to meet the officer's customs, traditional law and to participate in cultural and ceremonial activities.

(3) Officers are entitled to time off without loss of pay for cultural /ceremonial purposes, subject to agreement between the Employer and officer and sufficient leave credits being available.

(4) The Employer will assess each application for ceremonial /cultural leave on its merits and give consideration to the personal circumstances of the officer seeking the leave.

(5) The Employer may request reasonable evidence of the legitimate need for the officer to be allowed time off.

(6) Cultural /ceremonial leave may be taken as whole or part days off. Each day or part thereof, shall be deducted from:

(a) the officer's annual leave entitlements;

(b) accrued days off or time in lieu; or

(c) short leave when entitlements under subclauses (a) and (b) have been fully exhausted.

(7) Time off without pay may be granted by arrangement between the Employer and the officer for cultural/ceremonial purposes.

28. - BLOOD/PLASMA DONORS LEAVE

(1) Subject to operational requirements, officers shall be entitled to absent themselves from the workplace in order to donate blood or plasma in accordance with the following general conditions:

(a) prior arrangements with the supervisor has been made and at least two (2) days' notice has been provided; or

(b) the officer is called upon by the Red Cross Blood Centre.

(2) The notification period shall be waived or reduced where the supervisor is satisfied that operations would not be unduly affected by the officer's absence.

(3) The officer shall be required to provide proof of attendance at the Red Cross Blood Centre upon return to work.

(4) Officers shall be entitled to two (2) hours of paid leave per donation for the purpose of donating blood to the Red Cross Blood Centre.

29. - EMERGENCY SERVICE LEAVE

(1) Subject to operational requirements, paid leave of absence shall be granted by the Employer to an officer who is an active volunteer member of State Emergency Service Units, St John Ambulance Brigade, Volunteer Fire and Rescue Service Brigades, Bush Fire Brigades, Volunteer Marine Rescue Services Groups or FESA Units, in order to allow for attendance at emergencies as declared by the recognised authority.

(2) The Employer shall be advised as soon as possible by the officer, the emergency service, or other person as to the absence and, where possible, the expected duration of leave.

(3) The officer must complete a leave of absence form immediately upon return to work.

(4) The application form must be accompanied by a certificate from the emergency organisation certifying that the officer was required for the specified period.

(5) An officer, who during the course of an emergency, volunteers their services to an emergency organisation, shall comply with subclauses (2), (3) and (4).

30. - UNION FACILITIES FOR UNION REPRESENTATIVES

(1) The Employer recognises the rights of the union to organise and represent its members. Union representatives in the agency have a legitimate role and function in assisting the union in the tasks of recruitment, organising, communication and representing members' interests in the workplace, agency and union electorate.

(2) The Employer recognises that, under the union's rules, union representatives are members of an Electorate Delegates Committee representing members within a union electorate. A union electorate may cover more than one agency.

(3) The Employer will recognise union representatives in the agency and will allow them to carry out their role and functions.

(4) The union will advise the Employer in writing of the names of the union representatives in the agency.

(5) The Employer shall recognise the authorisation of each union representative in the agency and shall provide them with the following:

(a) Paid time off from normal duties to perform their functions as a union representative such as organising, recruiting, individual grievance handling, collective bargaining, involvement in the electorate delegates committee and to attend union business in accordance with Clause 31. - Leave to Attend Association Business of this Award.

(b) Access to facilities required for the purpose of carrying out their duties. Facilities may include but not be limited to, the use of filing cabinets, meeting rooms, telephones, fax, email, internet, photocopiers and stationery. Such access to facilities shall not unreasonably affect the operation of the organisation and shall be in accordance with normal agency protocols.

(c) A noticeboard for the display of union materials including broadcast email facilities.

(d) Paid access to periods of leave for the purpose of attending union training courses in accordance with Clause 32. - Trade Union Training Leave of this Award. Country representatives will be provided with appropriate travel time.

(e) Notification of the commencement of new officers, and as part of their induction, time to discuss the benefits of union membership with them.

(f) Access to awards, agreements, policies and procedures.

(g) The names of any Equal Employment Opportunity and Occupational Health, Safety and Welfare representatives.

(6) The Employer recognises that it is paramount that union representatives in the workplace are not threatened or disadvantaged in any way as a result of their role as a union representative.

31. – LEAVE TO ATTEND ASSOCIATION BUSINESS

(1) The Employer shall grant paid leave at the ordinary rate of pay during normal working hours to an officer:

(a) who is required to attend or give evidence before any Industrial Tribunal;

(b) who as a Union-nominated representative is required to attend any negotiations and/or proceedings before an Industrial Tribunal and/or meetings with Ministers of the Crown, their staff or any other representative of Government;

(c) when prior arrangement has been made between the Union and the Employer for the officer to attend official Union meetings preliminary to negotiations and/or Industrial Tribunal proceedings; and

(d) who as a Union-nominated representative is required to attend joint union/management consultative committees or working parties.

(2) The granting of leave is subject to convenience and shall only be approved:

(a) where reasonable notice is given for the application for leave;

(b) for the minimum period necessary to enable the union business to be conducted or evidence to be given; and

(c) for those officers whose attendance is essential.

(3) The Employer shall not be liable for any expenses associated with an officer attending to union business.

(4) Leave of absence granted under this clause shall include any necessary travelling time in normal working hours.

(5) An officer shall not be entitled to paid leave to attend to union business other than as prescribed by this Clause.

(6) The provisions of the Clause shall not apply to:

(a) special arrangements made with the union which provide for unpaid leave for officers to conduct union business;

(b) when an officer is absent from work without the approval of the Employer; and

(c) casual officers.

32. – TRADE UNION TRAINING LEAVE

(1) Subject to Employers convenience and the provisions of this clause:

(a) The Employer shall grant paid leave of absence to officers who are nominated by the Association to attend short courses relevant to the public sector or the role of union workplace representative, conducted by the Association.

(b) The Employer shall grant paid leave of absence to attend similar courses or seminars as from time to time approved by agreement between the Employer and the Association.

(2) An officer shall be granted up to a maximum of five (5) days paid leave per calendar year for trade union training or similar courses or seminars as approved. However, leave of absence in excess of five (5) days and up to ten (10) days may be granted in any one calendar year provided that the total leave being granted in that year and in the subsequent year does not exceed ten (10) days.

(3) (a) Leave of absence will be granted at the ordinary rate of pay and shall not include shift allowances, penalty rates or overtime.

(b) Where a Public Holiday or rostered day off falls during the duration of a course, a day off in lieu of that day will not be granted.

(c) Subject to paragraph (3)(a) of this clause, shift workers attending a course shall be deemed to have worked the shifts they would have worked had leave not been taken to attend the course.

(d) Part-time officers shall receive the same entitlement as full time officers, but payment shall only be made for those hours that would normally have been worked but for the leave.

(4) (a) Any application by an officer shall be submitted to the Employer for approval at least four weeks before the commencement of the course unless the Employer agrees otherwise.

(b) All applications for leave shall be accompanied by a statement from the union indicating that the officer has been nominated for the course. The application shall provide details as to the subject, commencement date, length of course, venue and the authority, which is conducting the course.

(5) A qualifying period of twelve months service shall be served before an officer is eligible to attend courses or seminars of more than a half-day duration. The Employer may, where special circumstances exist, approve an application to attend a course or seminar where an officer has less than twelve months service.

(6) (a) The Employer shall not be liable for any expenses associated with an officer's attendance at trade union training courses.

(b) Leave of absence granted under this clause shall include any necessary travelling time in normal working hours immediately before or after the course.

33. – DEFENCE FORCE RESERVES LEAVE

(1) The Employer must grant leave of absence for the purpose of Defence service to an officer who is a volunteer member of the Defence Force Reserves or the Cadet Force. Defence service means service, including training, in a part of the Reserves or Cadet Force.

(2) Leave of absence may be paid or unpaid in accordance with the provisions of this clause.

(3) Application for leave of absence for Defence service shall, in all cases, be accompanied by evidence of the necessity for attendance. At the expiration of the leave of absence granted, the officer shall provide a certificate of attendance to the Employer.

(4) Paid Leave

(a) An officer who is a volunteer member of the Defence Force Reserves or the Cadet Force is entitled to paid leave of absence for Defence service, subject to the conditions set out hereunder.

(b) Part-time officers shall receive the same paid leave entitlement as full-time officers, but payment shall only be made for those hours that would normally have been worked but for the leave.

(c) On written application, an officer shall be paid salary in advance when proceeding on such leave.

(d) Casual officers are not entitled to paid leave for the purpose of Defence service.

(e) An officer is entitled to paid leave for a period not exceeding 105 hours on full pay in any period of twelve months commencing on 1 July in each year.

(f) An officer is entitled to a further period of leave, not exceeding 16 calendar days, in any period of twelve months commencing on July 1. Pay for this leave shall be at the rate of the difference between the normal remuneration of the officer and the Defence Force payments to which the officer is entitled if such payments do not exceed normal salary. In calculating the pay differential, pay for Saturdays, Sundays, Public Holidays and rostered days off is to be excluded, and no account is to be taken of the value of any board or lodging provided for the officer.

(5) Unpaid Leave

(a) Any leave for the purpose of Defence service that exceeds the paid entitlement prescribed in subclause (4) of this clause shall be unpaid.

(b) Casual officers are entitled to unpaid leave for the purpose of Defence service.

(6) Use of Other Leave

(a) An officer may elect to use annual or long service leave credits for some or all of their absence on Defence service, in which case they will be treated in all respects as if on normal paid leave.

(b) An Employer cannot compel an officer to use annual leave or long service leave for the purpose of Defence service.

34. - WITNESS AND JURY SERVICE

Witness

(1) An officer subpoenaed or called as a witness to give evidence in any proceeding shall as soon as practicable notify the manager/supervisor who shall notify the Employer.

(2) Where an officer is subpoenaed or called as a witness to give evidence in an official capacity that officer shall be granted by the Employer leave of absence with pay, but only for such period as is required to enable the officer to carry out duties related to being a witness. If the officer is on any form of paid leave, the leave involved in being a witness will be reinstated, subject to the satisfaction of the Employer. The officer is not entitled to retain any witness fee but shall pay all fees received into Consolidated Fund. The receipt for such payment with a voucher showing the amount of fees received shall be forwarded to the Employer.

(3) An officer subpoenaed or called as a witness to give evidence in an official capacity shall, in the event of non-payment of the proper witness fees or travelling expenses as soon as practicable after the default, notify the Employer.

(4) An officer subpoenaed or called, as a witness on behalf of the Crown, not in an official capacity shall be granted leave with full pay entitlements. If the officer is on any form of paid leave, this leave shall not be reinstated as such witness service is deemed to be part of the officer's civic duty. The officer is not entitled to retain any witness fees but shall pay all fees received into Consolidated Fund.

(5) An officer subpoenaed or called as a witness under any other circumstances other than specified in subclauses (2) and (4) of this clause shall be granted leave of absence without pay except when the officer makes an application to clear accrued leave in accordance with Award provisions.

Jury

(6) An officer required to serve on a jury shall as soon as practicable after being summoned to serve, notify the supervisor/manager who shall notify the Employer.

(7) An officer required to serve on a jury shall be granted by the Employer leave of absence on full pay, but only for such period as is required to enable the officer to carry out duties as a juror.

(8) An officer granted leave of absence on full pay as prescribed in subclause 6 of this clause is not entitled to retain any juror's fees but shall pay all fees received into Consolidated Fund. The receipt for such payment shall be forwarded with a voucher showing the amount of juror's fees received to the Employer.

35. - DISTRICT ALLOWANCE

(1) For the purposes of this clause the following terms shall have the following meanings:

"Dependant" in relation to an officer means:

(a) a spouse; or

(b) where there is no spouse, a child or any other relative resident within the State who rely on the officer for their main support who does not receive a district or location allowance of any kind.

(c) "Partial dependant" in relation to an officer (for the purpose of district allowance) means:

(i) a spouse; or

(ii) where there is no spouse, a child or any other relative resident within the State who rely on the officer for their main support; who receives a district or location allowance of any kind less than that applicable to an officer without dependants under any award, agreement or other provision regulating the employment of the partial dependant.

"Spouse" means an officer's spouse including de facto partner.

(2) Boundaries

For the purpose of Schedule B. - District Allowance of this Award, the boundaries of the various districts shall be as described hereunder and as delineated on the plan in Schedule B. - District Allowance to this Award.

District:

(i) The area within a line commencing on the coast; thence east along lat 28 to a point north of Tallering Peak, thence due south to Tallering Peak; thence southeast to Mt Gibson and Burracoppin; thence to a point southeast at the junction of lat 32 and long 119; thence south along long 119 to coast.

(ii) That area within a line commencing on the south coast at long 119 then east along the coast to long 123; then north along long 123 to a point on lat 30; thence west along lat 30 to the boundary of No. 1 District.

(iii) The area within a line commencing on the coast at lat 26; thence along lat 26 to long 123; thence sough along long 123 to the boundary of No 2 District.

(iv) The area within a line commencing on the coast at lat 24; thence east to the South Australian border; thence south to the coast; thence along the coast to long 123 thence north to the intersection of lat 26; thence west along lat 26 to the coast.

(v) That area of the State situated between the lat 24 and a line running east from Carnot Bay to the Northern Territory Border.

(vi) That area of the State north of a line running east from Carnot Bay to the Northern Territory Border.

(3) (a) An officer shall be paid a district allowance at the standard rate prescribed in Column II of Schedule B. - District Allowance of this Award, for the district in which the officer's headquarters is located. Provided that where the officer's headquarters is situated in a town or place specified in Column III of Schedule B.- District Allowance of this Award, the officer shall be paid a district allowance at the rate appropriate to that town or place as prescribed in Column IV of the said schedule.

(b) An officer who has a dependant shall be paid double the district allowance prescribed by paragraph (3)(a) of this clause for the district, town, or place in which the officer's headquarters is located.

(c) Where an officer has a partial dependant the total district allowance payable to the officer shall be the district allowance prescribed by paragraph (3)(a) of this clause plus an allowance equivalent to the difference between the rate of district or location allowance the partial dependant receives and the rate of district or location allowance the partial dependant would receive if he or she was employed in a full time capacity under the Award, Agreement or other provision regulating the employment of the partial dependant.

(d) When an officer is on approved annual recreational leave, the officer shall for the period of such leave, be paid the district allowance to which he or she would ordinarily be entitled.

(e) When an officer is on long service leave or other approved leave with pay (other than annual recreational leave), the officer shall only be paid district allowance for the period of such leave if the officer, dependant/s or partial dependant/s remain in the district in which the officer's headquarters are situated.

(f) When an officer leaves his or her district on duty, payment of any district allowance to which the officer would ordinarily be entitled shall cease after the expiration of two weeks unless the officer's dependant/s or partial dependant/s remain in the district or as otherwise approved by the Employer.

(g) Except as provided in paragraph (3)(f) of this clause, a district allowance shall be paid to any officer ordinarily entitled thereto in addition to reimbursement of any travelling, transfer or relieving expenses.

(h) Where an officer whose headquarters is located in a district in respect of which no allowance is prescribed in Schedule B. - District Allowance of this Award, is required to travel or temporarily reside for any period in excess of one month in any district or districts in respect of which such allowance is so payable, then notwithstanding the officer's entitlement to any such allowance provided by Clause 40. - Relieving Allowance, and Clause 43. -Travelling Allowance of this Award the officer shall be paid for the whole of such a period a district allowance at the appropriate rate prescribed by paragraphs (3)(a), (3)(b) or (3)(c) of this clause, for the district in which the officer spends the greater period of time.

(i) When an officer is provided with free board and lodging by the Employer or a public authority the allowance shall be reduced to two-thirds of the allowance the officer would ordinarily be entitled to under this clause.

(4) Part-Time Officers

An officer who is employed on a part-time basis shall be paid a proportion of the appropriate district allowance payable in accordance with the following formula:

$$\frac{\textbf{Hours worked per fortnight}}{76} \times \frac{\textbf{Appropriate District Allowance}}{1}$$

(5) Adjustment of Rates

The rates expressed in Schedule B. - District Allowance of this Award shall be adjusted every twelve (12) months, effective from the first pay period to commence on or after the first day of July in each year, in accordance with the official Consumer Price Index (CPI) for Perth, as published for the preceding 12 months at the end of the March quarter by the Australian Bureau of Statistics.

36. – DISTURBANCE ALLOWANCE

(1) Where an officer is transferred and incurs expenses in the areas referred to in subclause (2) of this clause as a result of that transfer then the officer shall be granted a disturbance allowance and shall be reimbursed by the Employer the actual expenditure incurred upon production of receipts or such other evidence as may be required.

(2) The disturbance allowance shall include:

(a) Costs incurred for telephone installation at the officer's new residence provided that the cost of telephone installation shall be reimbursed only where a telephone was installed at the officer's former residence including Employer accommodation.

(b) Costs incurred with the connection or reconnection of services to the officer's household including Employer accommodation for water, gas or electricity.

(c) Costs incurred with the redirection of mail to the officer's new residence for a period of no more than three months.

37. – MOTOR VEHICLE ALLOWANCE

For the purposes of this clause the following expressions shall have the following meanings:

(1) (a) "A year" means 12 months commencing on the 1st day of July and ending on the 30th day of June next following.

(b) "Metropolitan area" means that area within a radius of 50 kilometres from the Perth City Railway Station.

(c) "South West land division" means the South West land division as defined by to Section 6 Schedule 1 *Land Administration Act 1997* excluding the area contained within the metropolitan area.

(d) "Rest of the State" means that area south of 23.5 degrees south latitude, excluding the metropolitan area and the South West land division.

(e) "Term of Employment" means a requirement made known to the officer at the time of applying for the position by way of publication in the advertisement for the position, written advice to the officer contained in the offer for the position or oral communication at interview by an interviewing officer and such requirement is accepted by the officer either in writing or orally.

(f) "Qualifying Service" shall include all service in positions where there is a requirement as a term of employment to supply and maintain a motor vehicle for use on official business but shall exclude all absences, which effect entitlements as provided by this Award.

(2) Allowance for Officers required to supply and maintain a vehicle as a term of employment:

(a) An officer who is required to supply and maintain a motor vehicle for use when travelling on official business as a term of employment shall be reimbursed in accordance with the appropriate rates set out in Schedule C. - Motor Vehicle Allowance for journeys travelled on official business and approved by the Employer.

(b) An officer who is reimbursed under the provisions of paragraph (2)(a) will also be subject to the following conditions: -

(i) For the purposes of subclause (2) an officer shall be reimbursed with the appropriate rates set out in Schedule C. - Motor Vehicle Allowance for the distance travelled from the officer's residence to the place of duty and for the return distance travelled from place of duty to residence except on a day where the officer travels direct from residence to headquarters and return and is not required to use the vehicle on official business during the day.

(ii) Where an officer in the course of a journey travels through two or more separate areas, reimbursement shall be made at the appropriate rate applicable to each of the areas traversed as set out in Schedule C. - Motor Vehicle Allowance

(iii) Where an officer does not travel in excess of 4,000 kilometres in a year an allowance calculated by multiplying the appropriate rate per kilometre by the difference between the actual distance travelled and 4,000 kilometres shall be paid to the officer provided that where the officer has less than 12 months qualifying service in the year then the 4,000 kilometre distance will be reduced on a pro rata basis and the allowance calculated accordingly.

(iv) Where a part-time officer is eligible for the payment of an allowance under subparagraph (iii) of this subclause such allowance shall be calculated on the proportion of total hours worked in that year by the officer to the annual standard hours had the officer been employed on a full time basis for the year.

(v) An officer who is required to supply and maintain a motor vehicle for use on official business is excused from this obligation in the event of his/her vehicle being stolen, consumed by fire, or suffering a major and unforeseen mechanical breakdown or accident, in which case all entitlement to reimbursement ceases while the officer is unable to provide the motor vehicle or a replacement.

(vi) The Employer may elect to waive the requirement that an officer supply and maintain a motor vehicle for use on official business, but three months written notice of the intention so to do shall be given to the officer concerned.

(3) Allowance for officers relieving officers subject to subclause (2) of this clause

(a) An officer not required to supply and maintain a motor vehicle as a term of employment who is required to relieve an officer required to supply and maintain a motor vehicle as a term of employment shall be reimbursed all expenses incurred in accordance with the appropriate rates set out in Schedule C. - Motor Vehicle Allowance for all journeys travelled on official business and approved by the Employer where the officer is required to use his/her vehicle on official business whilst carrying out the relief duties.

(b) For the purposes of paragraph (3)(a) of this clause an officer shall be reimbursed all expenses incurred in accordance with the appropriate rates set out in Schedule C. - Motor Vehicle Allowance for the distance travelled from the officer's residence to place of duty and the return distance travelled from place of duty to residence except on a day where the officer travels direct from residence to headquarters and return and is not required to use the vehicle on official business during the day.

(c) Where an officer in the course of a journey travels through two or more separate areas, reimbursement shall be made at the appropriate rate applicable to each of the areas traversed as set out in Schedule C. - Motor Vehicle Allowance.

(d) For the purpose of this subclause the allowance provided in subparagraphs (2)(b)(iii) and (iv) of this clause shall not apply.

(4) Allowance for other officers using vehicle on official business.

(a) An officer who is not required to supply and maintain a motor vehicle for use when travelling on official business as a term of employment, but when requested by the Employer voluntarily consents to use the vehicle shall for journeys travelled on official business approved by the Employer be reimbursed all expenses incurred in accordance with the appropriate rates set out in Schedule D - Motor Vehicle Allowance and Schedule E. - Motor Cycle Allowance.

(b) For the purpose of paragraph (4)(a) of this clause an officer shall not be entitled to reimbursement for any expenses incurred in respect to the distance between the officer's residence and headquarters and the return distance from headquarters to residence.

(c) Where an officer in the course of a journey travels through two or more separate areas, reimbursement shall be made at the appropriate rate if applicable to each of the areas traversed as set out in Schedule D. - Motor Vehicle Allowance.

(5) Allowance for towing an Employer's caravan or trailer.

In case where officers are required to tow an Employer's caravans on official business, the additional rate shall be 6.5 cents per kilometre. When an Employer's trailers are towed on official business the additional rate shall be 3.5 cents per kilometre.

(6) Special Conditions.

Notwithstanding the provisions of Clause 5. - Term of Award of this Award where the cost of vehicles and petrol increase or decrease such that a corresponding increase or decrease in the allowance provided for a vehicle over 1600cc in the metropolitan area would amount to 0.1 of a cent or greater then the parties agree that the allowance shall be increased or decreased accordingly.

(7) (a) When an officer begins or ceases a shift between the hours of 11.00 pm and 7.00 am and no public transport is available, reimbursement at the appropriate rate of hire prescribed by subclause (4) of this clause, shall be made if the officer's private motor vehicle or cycle is used for the journey between the officer's residence and headquarters and the return journey.

(b) Provided however, that any officer who, on or after October 30, 1987, elects to be permanently retained on a fixed or non rotating shift that begins or ceases between or on the hours of 11.00 pm and 7.00 am shall not be eligible to claim this reimbursement.

(c) The provisions of this subclause shall only be applied to officers living and working within a radius of 50km of the Perth City Railway Station.

38. – PROPERTY ALLOWANCE

(1) For the purposes of this clause the following expressions shall have the following meanings:

(a) "Agent" means a person carrying on business as an estate agent in a State or Territory of the Commonwealth, being, in a case where the law of that State or Territory provides for the registration or licensing of persons who carry on such a business, a person duly registered or licensed under that law.

(b) "Dependant" in relation to an officer means:

(i) spouse including de facto partner;

(ii) child/children; or

(iii) other dependant family;

who resides with the officer and who relies on the officer for support.

(c) "Expenses" in relation to an officer means all costs incurred by the officer in the following areas:

(i) Legal fees in accordance with the Solicitor's Remuneration Order, 1976 as amended and varied, duly paid to a solicitor or in lieu thereof fees charged by a settlement agent for professional costs incurred in respect of the sale or purchase, the maximum fee to be claimed shall be as set out under item 8 of the above order.

(ii) Disbursements duly paid to a solicitor or a settlement agent necessarily incurred in respect of the sale or purchase of the residence.

(iii) Real Estate Agent's Commission in accordance with that fixed by the Real Estate and Business Agents Supervisory Board, acting under Section 61 of the *Real Estate and Business Agents Act, 1978*, duly paid to an agent for services rendered in the course of and incidental to the sale of the property, the maximum fee to be claimed shall be fifty percent (50%) as set out under Items 1 or 2 - Sales by Private Treaty or Items 1 or 2 - Sales by Auction of the Maximum Remuneration Notice.

(iv) Stamp Duty.

(v) Fees paid to the Registrar of Titles or to the officer performing duties of a like nature and for the same purpose in another State or Territory of the Commonwealth.

(vi) Expenses relating to the execution or discharge of a first mortgage.

(vii) The amount of expenses reasonably incurred by the officer in advertising the residence for sale.

(d) "Locality" in relation to an officer means:

(i) Within the metropolitan area, that area within a radius of fifty (50) kilometres from the Perth City Railway Station, and

(ii) Outside the metropolitan area, that area within a radius of fifty (50) kilometres from an officer's headquarters when they are situated outside of the metropolitan area.

(e) "Property" shall mean a residence as defined in this clause including a block of land purchased for the purpose of erecting a residence thereon to the extent that it represents a normal urban block of land for the particular locality.

(f) "Residence" includes any accommodation of a kind commonly known as a flat or a home unit that is, or is intended to be, a separate tenement including dwelling house, and the surrounding land, exclusive of any other commercial property, as would represent a normal urban block of land for the particular locality.

(g) "Settlement Agent" means a person carrying on business as settlement agent in a State or Territory of the Commonwealth, being, in a case where the law of that State or Territory provides for the registration or licensing of persons who carry on such a business, a person duly registered or licensed under the law.

(2) When an officer is transferred from one locality to another in the public interest or in the ordinary course of promotion or transfer, or on account of illness due to causes over which the officer has no control, the officer shall be entitled to be paid a property allowance for reimbursement of expenses incurred by the officer -

(a) In the sale of residence in the officer's former locality, which, at the date on which the officer received notice of transfer to a new locality: -

(i) the officer owned and occupied; or

(ii) the officer was purchasing under a contract of sale providing for vacant possession; or

(iii) the officer was constructing for the officer's own permanent occupation, on completion of construction; and

(b) In the purchase of a residence or land for the purpose of erecting a residence thereon for the officer's own permanent occupation in the new locality.

(3) An officer shall be reimbursed such following expenses as are incurred in relation to the sale of a residence:

(a) if the officer engaged an agent to sell the residence on the officer's behalf - 50 percent of the amount of the commission paid to the agent in respect of the sale of the residence;

(b) if a solicitor was engaged to act for the officer in connection with the sale of the residence - the amount of the professional costs and disbursements necessarily incurred and paid to the solicitor in respect of the sale of the residence;

(c) if the land on which the residence is created was subject to a first mortgage and that mortgage was discharged on the sale, then an officer shall, if, in a case where a solicitor acted for the mortgagee in respect of the discharge of the mortgage and the officer is required to pay the amount of professional costs and disbursements necessarily incurred by the mortgagee in respect of the discharge of the mortgage - the amount so paid by the officer;

(d) if the officer did not engage an agent to sell the residence on his or her behalf - the amount of the expenses reasonably incurred by the officer in advertising the residence for sale.

(4) An officer shall be reimbursed such following expenses as are incurred in relation to the purchase of a residence:

(a) if a solicitor or settlement agent was engaged to act for the officer in connection with the purchase of the residence - the amount of the professional costs and disbursements necessarily incurred are paid to the solicitor or settlement agent in respect of the purchase of the residence;

(b) if the officer mortgaged the land on which the residence was erected in conjunction with the purchase of the residence, then an officer shall, if, in a case where a solicitor acted for the mortgagee and the officer is required to pay and has paid the amount of the professional costs and disbursements (including valuation fees but not a procuration fee payable in connection with the mortgage) necessarily incurred by the mortgagee in respect of the mortgage - the amount so paid by the officer;

(c) if the officer did not engage a solicitor or settlement agent to act for the officer in connection with the purchase or such a mortgage - the amount of the expenses reasonably incurred by the officer in connection with the purchase or the mortgage, as the case may be, other than a procuration fee paid by the officer in connection with the mortgage.

(5) An officer is not entitled to be paid a property allowance under paragraph (2)(b) of this clause unless the officer is entitled to be paid a property allowance under paragraph (2)(a) of this clause, provided that the Employer may approve the payment of a property allowance under paragraph (2)(b) of this clause to an officer who is not entitled to be paid a property allowance under paragraph (2)(a) of this clause if the Employer is satisfied that it was necessary for the officer to purchase a residence or land for the purpose of erecting a residence thereon in the officer's new locality because of the officer's transfer from the former locality.

(6) For the purpose of this Award it is immaterial that the ownership, sale or purchase is carried out on behalf of an officer who owns solely, jointly or in common with:

(a) the officer's spouse, or

(b) a dependant relative, or

(c) the officer's spouse and a dependant relative.

(7) Where an officer sells or purchases a residence jointly or in common with another person - not being a person referred to in subclause (6) of this clause the officer shall be paid only the proportion of the expenses for which the officer is responsible.

(8) An application by an officer for a property allowance shall be accompanied by evidence of the payment by the officer of the expenses, being evidence that is satisfactory to the Employer.

(9) Notwithstanding the foregoing provisions, an officer is not entitled to the payment of a property allowance -

(a) In respect of a sale or purchase prescribed in subclause (2) of this clause which is effected -

(i) more than twelve months after the date on which the officer took up duty in the new locality; or

(ii) after the date on which the office received notification of being transferred back to the former locality.

Provided that the Employer may, in exceptional circumstances, grant an extension of time for such period as is deemed reasonable.

(b) Where the officer is transferred from one locality to another solely at the officer's own request or on account of misconduct.

39. – PROTECTIVE CLOTHING ALLOWANCE

An officer engaged on work, which requires the provision of protective clothing, shall be:

(a) Provided with the requisite protective clothing, with the laundering costs for such protective clothing being at the expense of the Employer; or

(b) Provided with an annual allowance, as agreed between the Association and the Employer, which shall incorporate the cost of purchase and laundry of the requisite protective clothing.

Provided that nothing contained in this clause shall affect the obligations of the Employer to provide clothing pursuant to the *Occupational Health and Safety Act, 1984.*

40. – RELIEVING ALLOWANCE

An officer who is required to take up duty away from headquarters on relief duty or to perform special duty, and necessarily resides temporarily away from the officer's usual place of residence shall be reimbursed reasonable expenses on the following basis:

(1) Where the officer:

is supplied with accommodation and meals free of charge, or

is accommodated at a government institution, hostel or similar establishment and supplied with meals,

reimbursement shall be in accordance with the rates prescribed in Column A, Items (1), (2) or (3) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(2) Where officers are fully responsible for their own accommodation, meals and incidental expenses and hotel or motel accommodation is utilised:

(a) For the first forty-two (42) days after arrival at the new locality reimbursement shall be in accordance with the rates prescribed in Column A, Items (4) to (8) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(b) For periods in excess of forty-two (42) days after arrival in the new locality reimbursement shall be in accordance with the rates prescribed in Column B, Items (4) to (8) of Schedule F. - Travelling, Transfer and Relieving Allowance for officers with dependants or Column C, Items (4) to (8) of Schedule F. - Travelling, Transfer and Relieving Allowance for other officers: Provided that the period of reimbursement under this subclause shall not exceed forty-nine (49) days without the approval of the Employer.

(3) Where officers are fully responsible for their own accommodation, meal and incidental expenses and other than hotel or motel accommodation is utilised reimbursement shall be in accordance with the rates prescribed in Column A, Items (9), (10) or (11) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(4) If an officer whose normal duties do not involve camp accommodation is required to relieve or perform special duty resulting in a stay at a camp, the officer shall be paid camping allowance for the duration of the period spent in camp, and in addition, shall be paid a lump sum of $146.00 to cover incidental personal expenses: Provided that an officer shall receive no more than one lump sum of $146.00 in any one period of three (3) years.

(5) Reimbursement of expenses shall not be suspended should an officer become ill whilst on relief duty, provided leave for the period of such illness is approved in accordance with the provisions of this Award and the officer continues to incur accommodation, meal and incidental expenses.

(6) When an officer who is required to relieve or perform special duties in accordance with the preamble of this clause is authorised by the Employer to travel to the new locality in the officer's own motor vehicle, reimbursement for the return journey shall be as follows:

(a) Where the officer will be required to maintain a motor vehicle for the performance of the relieving or special duties, reimbursement shall be in accordance with the appropriate rate prescribed by subclause (2) of Clause 37. - Motor Vehicle Allowance of this Award.

(b) Where the officer will not be required to maintain a motor vehicle for the performance of the relieving or special duties reimbursement shall be on the basis of one half (½) of the appropriate rate prescribed by subclause (2) of Clause 37. - Motor Vehicle Allowance of this Award. Provided that the maximum amount of reimbursement shall not exceed the cost of the fare by public conveyance which otherwise would be utilised for such return journey.

(7) Where it can be shown by the production of receipts or other evidence that an allowance payable under this clause would be insufficient to meet reasonable additional costs incurred, an appropriate rate of reimbursement shall be determined by the Employer.

(8) The provisions of Clause 43. - Travelling Allowance shall not operate concurrently with the provisions of this clause to permit an officer to be paid allowances in respect of both travelling and relieving expenses for the same period: Provided that where an officer is required to travel on official business which involves an overnight stay away from the officer's temporary headquarters the Employer may extend the periods specified in subclause (2) of this clause by the time spent in travelling.

(9) An officer who is directed to relieve another officer or to perform special duty away from the officer's usual headquarters and is not required to reside temporarily away from his or her usual place of residence shall, if the officer is not in receipt of a higher duties or special allowance for such work, be reimbursed the amount of additional fares paid by the officer travelling by public transport to and from the place of temporary duty.

41. – REMOVAL ALLOWANCE

(1) When an officer is transferred in the public interest, or in the ordinary course of promotion or transfer, or on account of illness due to causes over which the officer has no control, the officer shall be reimbursed:

(a) The actual reasonable cost of conveyance of the officer and dependants.

(b) The actual cost (including insurance) of the conveyance of an officer's household furniture effects and appliances up to a maximum volume of 35 cubic metres, provided that a larger volume may be approved by the Employer in special cases.

(c) An allowance of $519.00 for accelerated depreciation and extra wear and tear on furniture, effects and appliances for each occasion that an officer is required to transport his or her furniture, effects and appliances provided that the Employer is satisfied that the value of household furniture, effects and appliances moved by the officer is at least $3,106.00.

(d) Reimbursement of reasonable expenses in kennelling and transporting of domestic pet or pets up to a maximum amount of $154.00.

Pets are defined as dogs, cats, birds or other domestic animals kept by the officer or the officer's dependants for the purpose of household enjoyment.

Pets do not include domesticated livestock, native animals or equine animals.

(2) An officer who is transferred solely at his or her own request or on account of misconduct must bear the whole cost of removal unless otherwise determined by the Employer prior to removal.

(3) An officer shall be reimbursed the full freight charges necessarily incurred in respect of the removal of the officer's motor vehicle. If authorised by the Employer to travel to a new locality in the officer's own motor vehicle, reimbursement shall be as follows:

(a) Where the officer will be required to maintain a motor vehicle for use on official business at the new headquarters, reimbursement for the distance necessarily travelled shall be on the basis of the appropriate rate prescribed by subclause (2) of Clause 37. - Motor Vehicle Allowance of this Award.

(b) Where the officer will not be required to maintain a motor vehicle for use on official business at the new headquarters reimbursement for the distance necessarily travelled shall be on the basis of one half (½) of the appropriate rate prescribed by subclause (3) of Clause 37. - Motor Vehicle Allowance of this Award.

(4) The officer shall, before removal is undertaken obtain quotes from at least two carriers which shall be submitted to the Employer, who may authorise the acceptance of the more suitable: Provided that payment for a volume amount beyond 35 cubic metres by an Employer is not to occur without the prior written approval of the Employer.

(5) The Employer may, in lieu of conveyance, authorise payment to compensate for any loss in any case where an officer, with prior approval of the Employer, disposes of his or her household furniture effects and appliances instead of removing them to the new headquarters: Provided that such payments shall not exceed the sum which would have been paid if the officer's household furniture effects and appliances had been removed by the cheapest method of transport available and the volume was 35 cubic metres.

(6) Where an officer is transferred to government owned or private rental accommodation, where furniture is provided, and as a consequence the officer is obliged to store furniture, the officer shall be reimbursed the actual cost of such storage up to a maximum allowance of $964.00 per annum. Actual cost is deemed to include the premium for adequate insurance coverage for the value of the furniture stored. An allowance under this subclause shall not be paid for a period in excess of four years without the approval of the Employer.

(7) Receipts must be produced for all sums claimed.

(8) New appointees shall be entitled to receive the benefits of this clause if they are required by the Employer to participate in any training course prior to being posted to their respective positions in the service. This entitlement shall only be available to officers who have completed their training and who incur costs when moving to their first posting.

42. - TRANSFER ALLOWANCE

(1) Subject to subclauses (2) and (5) of this clause an officer who is transferred to a new locality in the public interest, or in the ordinary course of promotion or transfer, or on account of illness due to causes over which the officer has no control, shall be paid at the rates prescribed in Column A, Item (4), (5) or (6) of Schedule F. - Travelling, Transfer and Relieving Allowance for a period of 14 days after arrival at new headquarters within Western Australia or Column A, Items (7) and (8) of Schedule F. - Travelling, Transfer and Relieving Allowance for a period of 21 days after arrival at a new headquarters in another State of Australia: Provided that if an officer is required to travel on official business during the said periods, such period will be extended by the time spent in travelling. Under no circumstances, however, shall the provisions of this subclause operate concurrently with those of Clause 43. - Travelling Allowance of this award to permit an officer to be paid allowances in respect of both travelling and transfer expenses for the same period.

(2) Prior to the payment of an allowance specified in subclause (1) of this clause, the Employer shall:

(a) Require the officer to certify that permanent accommodation has not been arranged or is not available from the date of transfer. In the event that permanent accommodation is to be immediately available, no allowance is payable; and

(b) Require the officer to advise the Employer that should permanent accommodation be arranged or become available within the prescribed allowance periods, the officer shall refund the pro rata amount of the allowance for that period the occupancy in permanent accommodation takes place prior to the completion of the prescribed allowance periods.

Provided also that should an occupancy date which falls within the specified allowance periods be notified to the Employer prior to the officer's transfer, the payment of a pro rata amount of the allowance should be made in lieu of the full amount.

(3) If an officer is unable to obtain reasonable accommodation for the transfer of his or her home within the prescribed period referred to in subclause (1) of this clause and the Employer is satisfied that the officer has taken all possible steps to secure reasonable accommodation, such officer shall, after the expiration of the prescribed period to be paid in accordance with the rates prescribed by Column B, Items (4), (5), (6), (7) or (8) of Schedule F. - Travelling, Transfer and Relieving Allowance as the case may require, until such time as the officer has secured reasonable accommodation: Provided that the period of reimbursement under this subclause shall not exceed 77 days without the approval of the Employer.

(4) When it can be shown by the production of receipts or other evidence that an allowance payable under this clause would be insufficient to meet reasonable additional costs incurred by an officer on transfer, an appropriate rate of reimbursement shall be determined by the Employer.

(5) An officer who is transferred to Employer accommodation shall not be entitled to reimbursement under this clause: Provided that:

(a) where entry into Employer accommodation is delayed through circumstances beyond the officer's control an officer may, subject to the production of receipts, be reimbursed actual reasonable accommodation and meal expenses for the officer and dependants less a deduction for normal living expenses prescribed in Column A, Items (15) and (16) of Schedule F. - Travelling, Transfer and Relieving Allowance.

and provided that -

(b) if any costs are incurred under subclause (2) of Clause 36. - Disturbance Allowance of this Award they shall be reimbursed by the Employer.

43. - TRAVELLING ALLOWANCE

An officer who travels on official business shall be reimbursed reasonable expenses on the following basis:

(1) When a trip necessitates an overnight stay away from headquarters and the officer:

(a) is supplied with accommodation and meals free of charge; or

(b) attends a course, conference, etc., where the fee paid includes accommodation and meals; or

(c) travels by rail and is provided with a sleeping berth and meals; or

(d) is accommodated at a Government institution, hostel or similar establishment and supplied with meals;

(e) reimbursement shall be in accordance with the rates prescribed in Column A, Items (1), (2) or (3) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(2) When a trip necessitates an overnight stay away from headquarters and the officer is fully responsible for his or her own accommodation, meals and incidental expenses:

(a) where hotel or motel accommodation is utilised reimbursement shall be in accordance with the rates prescribed in Column A, Items (4) to (8) of Schedule F. - Travelling, Transfer and Relieving Allowance; and

(b) where other than hotel or motel accommodation is utilised reimbursement shall be in accordance with the rates prescribed in Column A, Items (9), (10) or (11) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(3) When a trip necessitates an overnight stay away from headquarters and accommodation only is provided at no charge to the officer, reimbursement shall be made in accordance with the rates prescribed in Column A, Items 1, 2 or 3 and Items 12, 13 or 14 of Schedule F. - Travelling, Transfer and Relieving Allowance subject to the officers' certification that each meal claimed was actually purchased.

(4) To calculate reimbursement under subclauses (1) and (2) of this clause for a part of a day, the following formula shall apply:

(a) If departure from headquarters is:

before 8.00 am - 100% of the daily rate.

8.00 am or later but prior to 1.00 pm - 90% of the daily rate.

1.00 pm or later but prior to 6.00 pm - 75% of the daily rate.

6.00 pm or later - 50% of the daily rate.

(b) If arrival back at headquarters is:

8.00 am or later but prior to 1.00 pm - 10% of the daily rate.

1.00 pm or later but prior to 6.00 pm - 25% of the daily rate.

6.00 pm or later but prior to 11.00 pm - 50% of the daily rate.

11.00 pm or later - 100% of the daily rate.

(5) When an officer travels to a place outside a radius of fifty (50) kilometres measured from the officer's headquarters, and the trip does not involve an overnight stay away from headquarters, reimbursement for all meals claimed shall be at the rates set out in Column A, Items (12) or (13) of Schedule F. - Travelling, Transfer and Relieving Allowance subject to the officer's certification that each meal claimed was actually purchased: Provided that when an officer departs from headquarters before 8.00 am and does not arrive back at headquarters until after 11.00 pm on the same day the officer shall be paid at the appropriate rate prescribed in Column A, Items (4) to (8) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(6) When it can be shown to the satisfaction of the Employer by the production of receipts that reimbursement in accordance with Schedule F. - Travelling, Transfer and Relieving Allowance does not cover an officer's reasonable expenses for a whole trip the officer shall be reimbursed the excess expenditure.

(7) In addition to the rates contained in Schedule F. - Travelling, Transfer and Relieving Allowance an officer shall be reimbursed reasonable incidental expenses such as train, bus and taxi fares, official telephone calls, laundry and dry cleaning expenses, on production of receipts.

(8) If on account of lack of suitable transport facilities an officer necessarily engages reasonable accommodation for the night prior to commencing travelling on early morning transport the officer shall be reimbursed the actual cost of such accommodation.

(9) Reimbursement of expenses shall not be suspended should an officer become ill whilst travelling, provided leave for the period of such illness is approved in accordance with provisions of Clause 20. - Sick Leave of this Award, and the officer continues to incur accommodation, meal and incidental expenses.

(10) Reimbursement claims for travelling in excess of 14 days in one month shall not be passed for payment by a certifying officer unless the Employer has endorsed the account.

(11) An officer who is relieving at or temporarily transferred to any place within a radius of fifty (50) kilometres measured from the officer's headquarters shall not be reimbursed the cost of midday meals purchased, but an officer travelling on duty within that area which requires absence from the officer's headquarters over the usual midday meal period shall be paid at the rate prescribed by Item 17 of Schedule F. - Travelling, Transfer and Relieving Allowance for each meal necessarily purchased, provided that:

(a) such travelling is not a normal feature in the performance of the officer's duties; and

(b) such travelling is not within the suburb in which the officer resides; and

(c) the officer's total reimbursement under this subclause for any one pay period shall not exceed the amount prescribed by Item (18) of Schedule F. - Travelling, Transfer and Relieving Allowance.

44. – WEEKEND ABSENCE FROM RESIDENCE

(1) An officer who is temporarily absent from his or her normal headquarters on relieving duty or travelling on official business outside a radius of three hundred and twenty (320) kilometres measured from the normal headquarters and is necessarily absent from his or her residence and separated from dependants, shall be granted an additional day's leave for every group of three (3) consecutive weekends so absent, provided that each weekend shall be counted as a member of only one group. Provided that:

(a) the relief duty or travelling on official business is within Australia and the officer is not directed to work on the weekend by the Employer;

(b) an additional day's leave shall not be allowed if the Employer has approved the officer's dependants accompanying the officer during the period of relief or travelling;

(c) additional leave under this subclause shall be commenced within one (1) month of the period of relief duty or travelling being completed unless the Employer approves otherwise;

(d) the annual leave loading provided by Clause 17. - Annual Leave of this Award shall not apply to any leave entitlements under this clause.

(2) Officers who are temporarily absent from their normal headquarters on relieving duty or travelling on official business outside a radius of three hundred and twenty (320) and up to four hundred (400) kilometres measured from the normal headquarters, may elect to have the benefit of concessions provided by subclause (3) of this clause in lieu of those provided by subclause (1) of this clause. Kalgoorlie, Albany and Geraldton shall be regarded as being within a radius of four hundred (400) kilometres for the purpose of this subclause in the case of an officer resident in the Metropolitan Area.

(3) Officers who are temporarily absent from their normal headquarters on relieving duty or travelling on official business within a radius of three hundred and twenty (320) kilometres measured from the officer's headquarters, and such relief duty or travel would normally necessitate the officer being absent from his or her residence for a weekend, shall be allowed to return to such residence for the weekend. Provided that:

(a) An officer who is directed to work on a weekend by the Employer shall not be entitled to the concessions.

(b) All travelling to and from the officer's residence shall be undertaken outside of the hours of duty prescribed by Clause 15. - Hours.

(c) An officer who has obtained the approval of the Employer for dependants to accompany the officer during the period of relief or travelling shall not be entitled to the concessions provided by this subclause.

(d) When an officer is authorised by the Employer to use his or her own motor vehicle to travel to the locality where the relief duty is being performed or when travelling on official business the officer shall be reimbursed on the basis of one half (½) of the appropriate rate prescribed by subclause (3) of Clause 37. - Motor Vehicle Allowance of this Award for the journey to the officer's residence for the weekend and the return to the place of relief duty: Provided that the maximum amount of reimbursement shall not exceed the cost of the rail or bus fare by public conveyance which otherwise would be utilised for such journey and payment shall be made only to the owner of such vehicle.

(e) When an officer has been authorised by the Employer to use a government motor vehicle in connection with the relief duty or travelling on official business, the officer shall be allowed to use that vehicle for the purpose of returning to his or her residence for the weekend.

(f) An officer who does not use his or her own vehicle or a government motor vehicle as provided by paragraphs (d) and (e) of this subclause, shall be reimbursed the cost of the fare by public conveyance by road or rail for the journey to and from the officer's residence for the weekend.

(g) An officer who does not make use of the provision of this subclause shall be paid travelling allowance or relieving allowance as the case may require in accordance with the provisions of Clause 40. - Relieving Allowance or Clause 43. - Travelling Allowance of this Award.

(h) Officers who return to their residence for the weekend in accordance with the provisions of this subclause shall not be entitled to the reimbursement of any expenses allowed by Clause 40. - Relieving Allowance and Clause 43. - Travelling Allowance of this Award during the period from the time when the officer returns to his or her residence to the time of departing from such residence to travel to resume duty at the place away from the residence.

45. – KEEPING OF AND ACCESS TO EMPLOYMENT RECORDS

(1) Employers must ensure that the keeping of employment records and access to employment records of officers is in accordance with *Industrial Relations Act 1979 Part 11 Division 2F Keeping of and access to employment records.*

(2) If the Employer maintains a personal or other file on an employee subject to the Employer's convenience, the employee shall be entitled to examine all material maintained on that file.

46. – NOTIFICATION OF CHANGE

(1) (a) Where an Employer has made a definite decision to introduce major changes in production, programme, organisation, structure or technology that are likely to have significant effects on officers, the Employer shall notify the officers who may be affected by the proposed changes and the Association.

(b) For the purpose of this clause "significant effects" include termination of employment; major changes in the composition, operation or size of the Employer's workforce or in the skills required; elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of officers to other work or locations and restructuring of jobs.

Provided that where this Award or any other Award or Agreement makes provision for alteration of any of the matters referred to in this clause an alteration shall be deemed not to have significant effect.

(2) (a) The Employer shall discuss with the officers affected and the Association, inter alia, the introduction of the changes referred to in subclause (1) of this clause, the effects the changes are likely to have on officers, measures to avert or mitigate the adverse effects of such changes on officers and shall give prompt consideration to matters raised by the officers and/or the Association in relation to the changes.

(b) The discussion shall commence as early as practicable after a firm decision has been made by the Employer to make the changes referred to in subclause (1) of this clause, unless by prior arrangement, the Association is represented on the body formulating recommendations for change to be considered by the Employer.

(c) For the purposes of such discussion an Employer shall provide to the officers concerned and the Association all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on officers and any other matters likely to affect officers. Provided that any Employer shall not be required to disclose confidential information, the disclosure of which would be inimical to the Employer's interests.

47. – RIGHT OF ENTRY AND INSPECTION BY AUTHORISED REPRESENTATIVES

(1) The parties shall act consistently with the terms of the *Division 2 G – Right of Entry and Inspection by Authorised Representatives – of the Industrial Relations Act, 1979*.

(2) An authorised representative shall on notification to the Employer have the right to enter any premises where relevant officers covered by this Award work during working hours, including meal breaks, for the purpose of holding discussions at the premises with relevant officers covered by the Award who wish to participate in those discussions, the legitimate business of the Association or for the purpose of investigating complaints concerning the application of this Award, but shall in no way unduly interfere with the work of officers.

48. – COPIES OF AWARD

Every officer shall be entitled to have access to a copy of this Award. Sufficient copies shall be made available, either hard copy or by modern electronic means by the Employer for this purpose. Where a hard copy is requested it shall be made available.

49. - PARTIES TO THE AWARD

Hon Minister for Family and Children's Services

Attorney General

The Civil Service Association of Western Australia Incorporated

50. - EXPIRED GENERAL AGREEMENT SALARIES

(1) No-Disadvantage Test

(a) Expired General Agreement salary rates as amended from time to time are incorporated in the Award at Schedule H. These rates are not to be subject to arbitrated safety net adjustments and unless otherwise specified are only for the purpose of the no-disadvantage test as defined at s. 97VS of the *Industrial Relations Act 1979*.

(b) Notwithstanding the above, if the salary rates within the Award at Schedule A are higher than those expressed at Schedule H, the former rates shall be utilised for the purposes of the no-disadvantage test under the *Industrial Relations Act 1979*.

(2) Salary Based Allowances

All salary based allowances specified within this Award will be calculated on the applicable salary rate as specified at Schedule J of this Award or the applicable Award salary rate as specified at Schedule A of this Award, whichever is the higher."

51 – DISPUTE SETTLEMENT PROCEDURE

(1) Any questions, difficulties or disputes arising under this Award of officers bound by the Award shall be dealt with in accordance with this clause.

(2) The officer/s and the manager with whom the dispute has arisen shall discuss the matter and attempt to find a satisfactory solution, within three (3) working days.

(3) If the dispute cannot be resolved at this level, the matter shall be referred to and be discussed with the relevant manager's superior and an attempt made to find a satisfactory solution, within a further three (3) working days.

(4) If the dispute is still not resolved, it maybe referred by the officer/s or Association representative to the Employer or his/her nominee.

(5) Where the dispute cannot be resolved within five (5) working days of the Association representatives' referral of the dispute to the Employer or his/her nominee, either party may refer the matter to the Western Australian Industrial Relation Commission.

(6) The period for resolving a dispute may be extended by agreement between the parties.

(7) At all stages of the procedure the officer may be accompanied by an Association representative.

SCHEDULE A. - SALARIES

(1) Annual salaries applicable to officers covered by this Award:

Level 2 Group Workers	Salary Per Annum $	Arbitrated Safety Net Adjustments $	Total Salary Per Annum $
1st Year	28306	5635	33941
2nd Year	29009	5635	34644
3rd Year	29748	5635	35383
4th Year	30529	5635	36164
5th Year	31346	5635	36981
Level 3 Unit Managers			
1st Year	32469	5635	38104
2nd Year	33344	5635	38979
3rd Year	34246	5635	39881
4th Year	35172	5530	40702
Level 4 Senior Officers			
1st Year	36442	5530	41972
2nd Year	37437	5426	42863
3rd Year	38461	5426	43887

SCHEDULE B - DISTRICT ALLOWANCE

(a) Officers without dependants (subclause 35 (3)(a)):

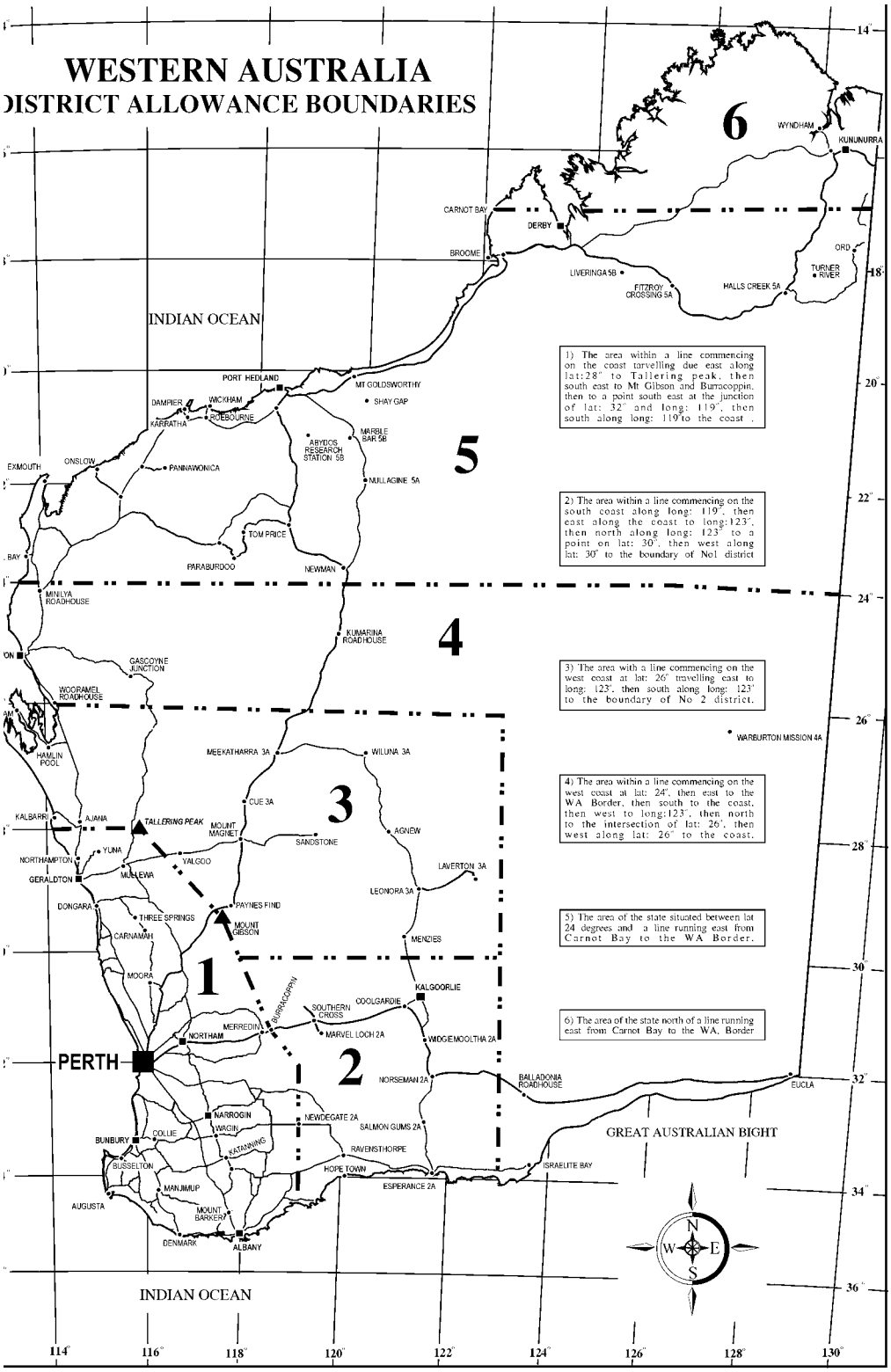
COLUMN 1 DISTRICT NO.	COLUMN II STANDARD RATE $ p.a.	COLUMN III EXCEPTIONS TO STANDARD RATE TOWN OR PLACE	COLUMN IV RATE $ p.a.
6	3,450	Nil	Nil
5	2,823	Fitzroy Crossing	3,802
		Halls Creek	
		Turner River Camp	
		Nullagine	
		Liveringa (Camballin)	3,533
		Marble Bar	
		Wittenoom	
		Karratha	3,324
		Port Hedland	3,093
4	1,422	Warburton Mission	3,821
		Carnarvon	1,339
3	896	Meekatharra	1,422
		Mount Magnet	
		Wiluna	
		Laverton	
		Leonora	
		Cue	
2	643	Kalgoorlie	215
		Ravensthorpe	849
		Norseman	
		Salmon Gums	
		Marvel Loch	
		Esperance	
1	Nil	Nil	Nil

(b) Officers with dependants (paragraph 35 (3)(b))

Double the appropriate rate as prescribed in (a) above for officers without dependants.

The allowances prescribed in this Schedule shall operate from the beginning of the first pay period commencing on or after July 1, 2004.

SCHEDULE B - DISTRICT ALLOWANCE MAP

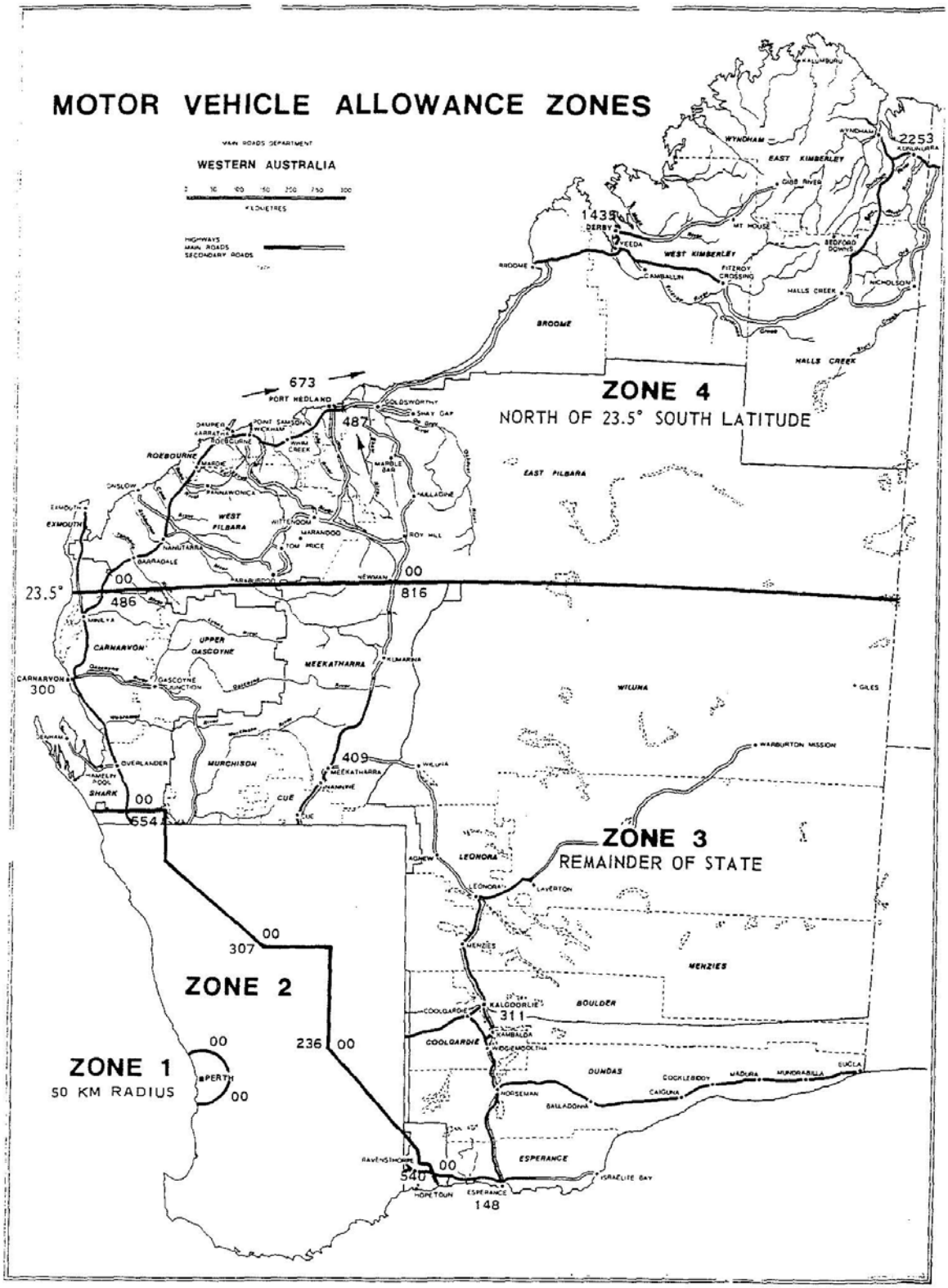


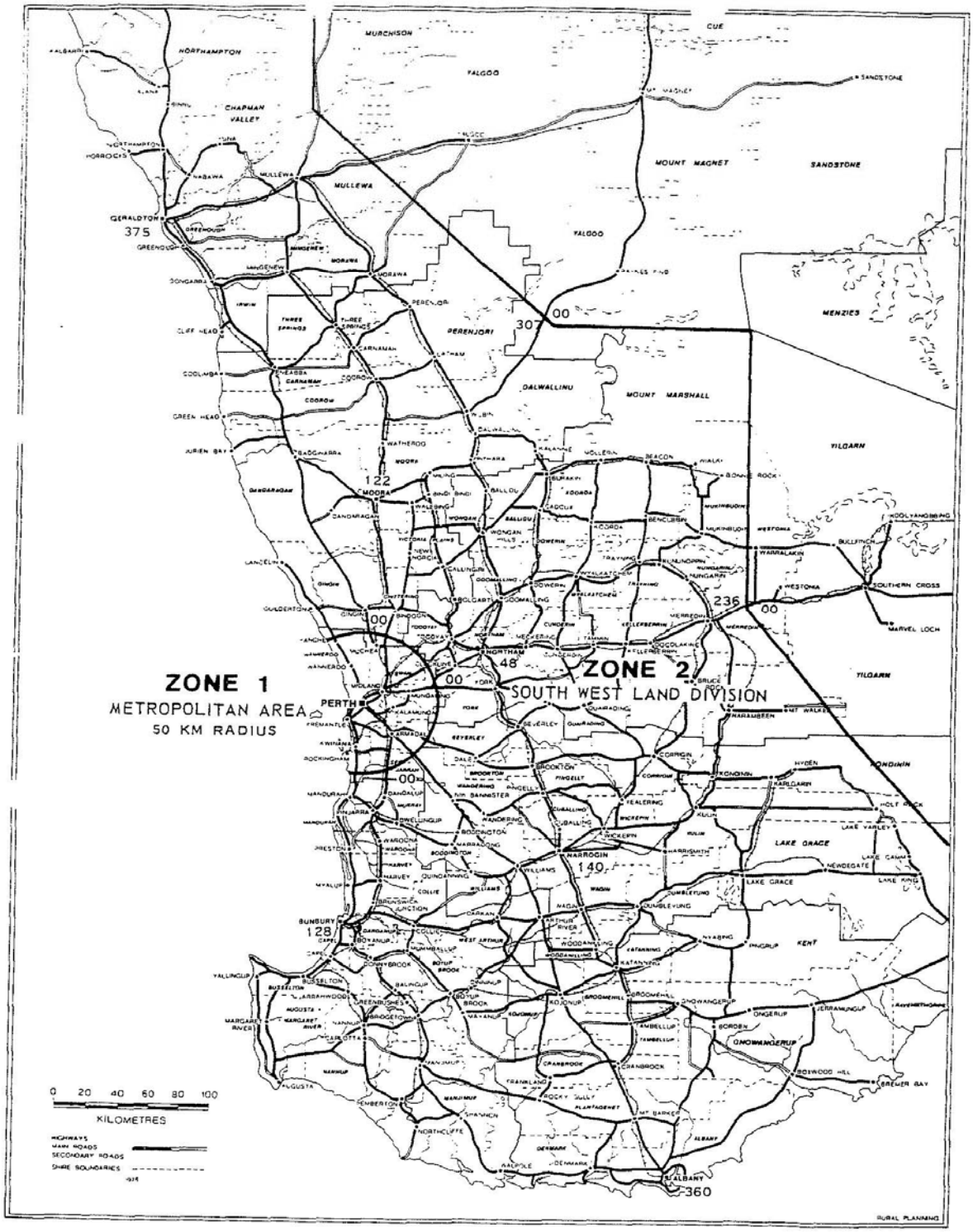
ASSET AND NETWORK INFORMATION
Drg No. CDR: 9993-097

MAIN ROADS
Western Australia

SCHEDULE C - MOTOR VEHICLE ALLOWANCE

Area Details	Rate (cents) per kilometre Engine Displacement (in cubic centimetres) Over 2600cc	Over 1600cc to 2600cc	1600cc and under
Metropolitan Area			
First 4000 kilometres	149.7	126.6	102.2
Over 4000 up to 8000 kms	61.7	52.7	44.0
Over 8000 up to 16000 kms	32.4	28.1	24.6
Over 16000 kms	34.0	28.8	24.7
South West Land Division			
First 4000 kilometres	154.3	130.9	106.4
Over 4000 up to 8000 kms	64.0	54.8	46.0
Over 8000 up to 16000 kms	33.9	29.4	25.8
Over 16000 kms	35.2	29.7	25.5
North of 23.5o South Latitude			
First 4000 kilometres	170.9	145.4	118.9
Over 4000 up to 8000 kms	70.3	60.2	50.7
Over 8000 up to 16000 kms	36.7	31.9	28.0
Over 16000 kilometres	36.3	30.6	26.3
Rest of State			
First 4000 kilometres	159.2	134.8	109.2
Over 4000 up to 8000 kms	66.0	56.4	47.2
Over 8000 up to 16000 kms	34.9	30.2	26.5
Over 16000 kilometres	35.7	30.1	25.9


MOTOR VEHICLE ALLOWANCE ZONES
MAIN ROADS DEPARTMENT
WESTERN AUSTRALIA
KILOMETRES
HIGHWAYS
MAIN ROADS
SECONDARY ROADS
ZONE 4
NORTH OF 23.5° SOUTH LATITUDE
ZONE 3
REMAINDER OF STATE
ZONE 2
ZONE 1
50 KM RADIUS
23.5°
673
487
816
486
300
409
654
307
311
236
540
148
1435
2253
PERTH
KALGOORLIE
COOLGARDIE
ESPERANCE
NORSEMAN
EUCLA
BROOME
DERBY
WYNDHAM
KUNUNURRA
HALLS CREEK
PORT HEDLAND
NEWMAN
MEEKATHARRA
CARNARVON
GERALDTON
LEONORA
LAVERTON
MENZIES
WILUNA
GIBB RIVER
EAST KIMBERLEY
WEST KIMBERLEY
EAST PILBARA
WEST PILBARA
MURCHISON
MEEKATHARRA
UPPER GASCOYNE
BOULDER
DUNDAS
ESPERANCE


ZONE 1
METROPOLITAN AREA
50 KM RADIUS
ZONE 2
SOUTH WEST LAND DIVISION
PERTH
GERALDTON
375
MOORA
122
NORTHAM
48
NARROGIN
140
BUNBURY
128
ALBANY
360
307
236
00
0 20 40 60 80 100
KILOMETRES
HIGHWAYS
MAIN ROADS
SECONDARY ROADS
SHIRE BOUNDARIES
RURAL PLANNING

SCHEDULE D - MOTOR VEHICLE ALLOWANCE

Area Details	Rate (cents) per kilometre Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
Metropolitan Area	69.0	58.9	48.9
South West Land Division	71.5	61.1	51.0
North of 23.5o South Latitude	78.7	67.3	56.4
Rest of the State	73.7	62.9	52.4

SCHEDULE E - MOTOR CYCLE ALLOWANCE

Distance travelled during a year on Official Business	Rate Cents per Kilometre
Rate per kilometre	23.9

SCHEDULE F - TRAVELLING, TRANSFER AND RELIEVING ALLOWANCE

ITEM	PARTICULARS	COLUMN A DAILY RATE	COLUMN B DAILY RATE OFFICERS WITH DEPENDENTS RELIEVING ALLOWANCE FOR PERIOD IN EXCESS OF 42 DAYS (CLAUSE 40(2)(b) TRANSFER ALLOWANCE FOR PERIOD IN EXCESS OF PRESCRIBED PERIOD (CLAUSE 42(3))	COLUMN C DAILY RATE OFFICERS WITHOUT DEPENDENTS RELIEVING ALLOWANCE FOR PERIOD IN EXCESS OF 42 DAYS (CLAUSE 40(2)(b))
ALLOWANCE TO MEET INCIDENTAL EXPENSES				
		$	$	$
(1)	WA - South of 26o South Latitude	10.75		
(2)	WA - North of 26o South Latitude	13.65		
(3)	Interstate	13.65		
ACCOMMODATION INVOLVING AN OVERNIGHT STAY IN A HOTEL OR MOTEL				
		$	$	$
(4)	WA - Metropolitan Hotel or Motel	179.00	89.50	59.65
(5)	Locality South of 26o South Latitude	154.25	77.15	51.40
(6)	Locality North of 26o South Latitude			
	Broome	237.10	118.55	79.05
	Carnarvon	204.20	102.10	68.05
	Dampier	183.45	91.70	61.15
	Derby	179.65	89.80	59.90
	Exmouth	194.40	97.20	64.80
	Fitzroy Crossing	286.15	143.05	95.40
	Gascoyne Junction	127.15	63.55	42.40
	Halls Creek	237.65	118.80	79.20
	Karratha	297.35	148.65	99.10
	Kununurra	244.45	122.25	81.50
	Marble Bar	177.65	88.80	59.20
	Newman	249.90	124.95	83.30
	Nullagine	150.20	75.10	50.05

	Onslow	178.75	89.40	59.60
	Pannawonica	183.15	91.55	61.05
	Paraburdoo	235.65	117.80	78.55
	Port Hedland	214.65	107.30	71.55
	Roebourne	127.40	63.70	42.45
	Sandfire	174.65	87.30	58.20
	Shark Bay	131.95	65.95	44.00
	Tom Price	210.65	105.30	70.20
	Turkey Creek	141.65	70.80	47.20
	Wickham	167.75	83.90	55.90
	Wyndham	152.15	76.05	50.70
(7)	Interstate - Capital City			
	Sydney	220.45	110.25	73.50
	Melbourne	226.45	113.25	75.50
	Other Capitals	185.00	92.50	61.60
(8)	Interstate - Other			
	than Capital City	154.25	77.15	51.40

ACCOMMODATION INVOLVING AN OVERNIGHT STAY AT OTHER THAN A HOTEL OR MOTEL

(9)	WA - South of 26o South Latitude	73.10
(10)	WA - North of 26o South Latitude	85.25
(11)	Interstate	85.25

TRAVEL NOT INVOLVING AN OVERNIGHT STAY OR TRAVEL INVOLVING AN OVERNIGHT STAY WHERE ACCOMMODATION ONLY IS PROVIDED.

(12)	WA - South of 26o South Latitude:	
	Breakfast	13.30
	Lunch	13.30
	Dinner	35.80
(13)	WA - North of 26o South Latitude	
	Breakfast	14.50
	Lunch	23.75
	Dinner	33.40
(14)	Interstate	
	Breakfast	14.50
	Lunch	23.75
	Dinner	33.40

DEDUCTION FOR NORMAL LIVING EXPENSES (CLAUSE 42 (5)(a))

(15)	Each Adult	21.40
(16)	Each Child	3.65

MIDDAY MEAL (CLAUSE 43(11)

(17)	Rate per meal	5.20
(18)	Maximum reimbursement per pay period	26.00

SCHEDULE G - MEMORANDUM OF AGREEMENT

The following provisions relating to the implementation of the 38 hour week are agreed between the parties.

(1) TERMINATION

(a) An employee subject to the provisions of subclause (1) of Clause 15. - Hours, who has not taken any Accrued Days Off accumulated during a work cycle in which employment is terminated shall be paid the total of hours accumulated towards the Accrued Day Off for which payment has not already been made for periods of two weeks or over provided that payment shall be made for completed weeks only.

(b) An employee who has taken any Accrued Days Off during a work cycle in which employment is terminated shall have the wages due on termination reduced by the total days for which payment has already been made but for which the employee had no entitlement toward those Accrued Days Off.

(2) WORKERS' COMPENSATION

(a) Where an employee is on Workers' Compensation for periods less than a total of twenty consecutive work days in a 12 monthly work cycle such employee will accrue towards and be paid for the succeeding Accrued Days Off following such absence.

(b) Where an employee is on Workers' Compensation for periods greater than a total of twenty consecutive days in a 12 month work cycle such employees will have the period of Workers' Compensation added to the work cycle.

(c) Where an employee is on Workers' Compensation for periods greater than twenty consecutive work days and an Accrued Day Off as prescribed in subclause (1) of Clause 15. - Hours falls within the period the employee shall be re-rostered for another Accrued Day Off on completion of the twenty-week work cycle following such absence.

(3) TRADE OFFS

(a) Payment of Wages into Bank Account

Payment of wages, by arrangement between the employer and an employee shall be paid into the employee's bank account or in any other financial institution's account.

Cheque payments may be substituted for the payment of wages in cases of genuine hardship.

(b) Beverage Charges

Where staff consume morning or afternoon beverages a charge of fifty cents per week will be made.

The charge will be reviewed in relation to the annual movement in the CPI as at December 31 each year.

(c) Meal Break Provision

(i) the practice that applies as at 1 February 1985 in certain areas of Institution Officers not claiming their meal break during shifts is to continue;

(ii) the practice prescribed in paragraph (1) above will continue to apply only to employees in the areas prescribed in paragraph (i);

(iii) the provisions of paragraphs (i) and (ii) will continue to apply to the employees in the areas prescribed, notwithstanding any changes after 1 February 1985 to the Public Service Overtime Award No. 10 of 1978, and/or the Public Service Shift Work Agreement No. 24 of 1978;

(iv) the employees prescribed in paragraphs (i) and (ii) shall not be entitled to overtime payment for the time worked after the meal breaks not claimed, notwithstanding any changes after 1 February 1985 to the Public Service Overtime Award No. 10 of 1978 and/or the Public Service Shift Work Agreement No. 24 of 1978.

DATED at Perth this 15th day of March, 1977.

SCHEDULE H. – EXPIRED GENERAL AGREEMENT SALARIES

Classification Level	Annual Salary at 1-January 2003 (Not to be subject to arbitrated safety net adjustments)
LEVEL 2.1	$35,952
2.2	$36,876
2.3	$37,847
2.4	$38,873
2.5	$39,946
LEVEL 3.1	$41,421
3.2	$42,571
3.3	$43,756
3.4	$44,972
LEVEL 4.1	$46,641
4.2	$47,948
4.3	$49,293

2005 WAIRC 00447

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	CIVIL SERVICE ASSOCIATION OF WESTERN AUSTRALIA INCORPORATED
	APPLICANT
	-v-
	ATTORNEY GENERAL DEPARTMENT OF JUSTICE
	RESPONDENT
CORAM	COMMISSIONER S J KENNER
DATE	FRIDAY, 25 FEBRUARY 2005
FILE NO.	P 1 OF 2005
CITATION NO.	2005 WAIRC 00447

Result	Award varied. Order issued
Representation	
Applicant	Mr M Finnegan
Respondent	Mr N Cinquina

Correction Order

HAVING heard Mr M Finnegan on behalf of the applicant and Mr N Cinquina on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the Industrial Relations Act 1979, hereby orders –

(1) THAT the herein application be and is hereby divided with the consent variations re-numbered as application P 1A of 2005 and matters pertaining to s 40B of the Act be application P 1B of 2005.

(2) THAT the Institution Officers Allowances and Conditions Award 1977, No 3 of 1997 be varied in accordance with the following schedule and that such variation shall have effect from the first pay period on or after the date hereof.

(Sgd.) S J KENNER,
[L.S.] Commissioner.

SCHEDULE

1. Clause 2. – ARRANGEMENT: Delete this clause and insert the following in lieu thereof:

2. - ARRANGEMENT

1. Title
1B. Minimum Adult Award Wage
2. Arrangement
3. Area of Operation
4. Scope
5. Term of Award
6. Definitions
7. Certificate of Service
8. Contract of Service
9. Salaries
10. Purchased Leave - 48/52 Salary Arrangement
11. Purchased Leave - Deferred Salary Arrangement
12. Salary Packaging Arrangement
13. Annual Increments
14. Higher Duties Allowance
15. Hours
16. Overtime
17. Annual Leave
18. Public Holidays
19. Long Service Leave
20. Sick Leave
21. Carers Leave
22. Parental Leave
23. Leave Without Pay
24. Study Leave
25. Short Leave
26. Bereavement Leave
27. Cultural/Ceremonial Leave
28. Blood/Plasma Donors Leave
29. Emergency Service Leave

30. Union Facilities for Union Representatives
31. Leave to Attend Association Business
32. Trade Union Training Leave
33. Defence Force Reserves Leave
34. Witness and Jury Service
35. District Allowance
36. Disturbance Allowance
37. Motor Vehicle Allowance
38. Property Allowance
39. Protective Clothing Allowance
40. Relieving Allowance
41. Removal Allowance
42. Transfer Allowance
43. Travelling Allowance
44. Weekend Absence From Residence
45. Keeping of and Access to Employment Records
46. Notification of Change
47. Right of Entry and Inspection by Authorised Representatives
48. Copies of Award
49. Parties to the Award
50. Expired General Agreement Salaries
51. Dispute Settlement Procedure

Schedule A Salaries
Schedule B District Allowance
Schedule C Motor Vehicle Allowance
Schedule D Motor Vehicle Allowance
Schedule E Motor Cycle Allowance
Schedule F Travelling, Transfer and Relieving Allowance
Schedule G Memorandum of Agreement
Schedule H Expired General Agreement Salaries

2. 3. – SCOPE: Renumber this clause as 4

3. 4. – DEFINITION: Retitle and renumber this clause as 6. - DEFINITIONS

4. 5. – HOURS OF DUTY: Retitle and renumber this clause as 15. - HOURS

5. 6. – CONTRACT OF SERVICE: Renumber this clause as 8

6. 7. – ANNUAL RECREATION LEAVE: Retitle and renumber this clause as 17. - ANNUAL LEAVE

7. 8. – LONG SERVICE LEAVE: Renumber this clause as 19

8. 9. - SICK LEAVE: Renumber this clause as 20

9. 10. – SHORT LEAVE: Renumber this clause as 25

10. 11. – LEAVE WITHOUT PAY: Renumber this clause as 23

11. 12. - STUDY LEAVE: Renumber this clause as 24

12. 13. – PUBLIC SERVICE HOLIDAYS: Retitle and renumber this clause as 18. – PUBLIC HOLIDAYS

13. 14. – ALLOWANCES: Delete this clause

14. 15. – CAR ALLOWANCE: Retitle and renumber this clause as 37. – MOTOR VEHICLE ALLOWANCE

15. 17. – COPIES OF AWARD: Renumber this clause as 48

16. 18. – TERM OF AWARD: Renumber this clause as 5

17. 19. – PARTIES TO THE AWARD: Renumber this clause as 49

18. 20. – SALARY PACKAGING: Retitle and renumber this clause as 12. – SALARY PACKAGING ARRANGEMENT

19. SCHEDULE: Retitle and renumber this schedule as SCHEDULE G. MEMORANDUM OF AGREEMENT

20. Immediately following clause 1. - TITLE, insert a new clause, 1B. – MINIMUM ADULT AWARD WAGE, as follows:

1B. - MINIMUM ADULT AWARD WAGE

(1) No adult employee shall be paid less than the Minimum Adult Award Wage unless otherwise provided by this clause.

(2) The Minimum Adult Award Wage for full time adult employees is $467.40 per week payable on and from 4th June 2004.

(3) The Minimum Adult Award Wage of $467.40 per week is deemed to include all arbitrated safety net adjustments from State Wage Case decisions.

(4) Unless otherwise provided in this clause adults employed as casuals, part time employees or pieceworkers or employees who are remunerated wholly on the basis of payment by result shall not be paid less than pro rata the Minimum Adult Award Wage according to the hours worked.

(5) Juniors shall be paid no less than the wage determined by applying the percentage prescribed in the junior rates provision in this award to the Minimum Adult Award Wage of $467.40 per week.

(6) (a) The Minimum Adult Award Wage shall not apply to apprentices, employees engaged on traineeships or Jobskill placements or employed under the Commonwealth Government Supported Wage System or to other categories of employees who by prescription are paid less than the minimum award rate.

(b) Liberty to apply is reserved in relation to any special categories of employees not included here or otherwise in relation to the application of the Minimum Adult Award Wage.

(7) Subject to this clause the Minimum Adult Award Wage shall -

(a) Apply to all work in ordinary hours.

(b) Apply to the calculation of overtime and all other penalty rates, superannuation, payments during any period of paid leave and for all purposes of this award.

(8) Minimum Adult Award Wage

The rates of pay in this award include the minimum weekly wage for adult employees payable under the 2004 State Wage Case Decision. Any increase arising from the insertion of the minimum adult award wage will be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employment are regulated by this award which are above the wage rates prescribed in the award. Such above award payments include wages payable pursuant to enterprise agreements, consent awards or award variations to give effect to enterprise agreements and over award arrangements. Absorption which is contrary to the terms of an agreement is not required.

Increases under previous State Wage Case Principles or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset the minimum adult award wage.

(9) Adult Apprentices

(a) Notwithstanding the provisions of this clause, an apprentice, 21 years of age or over, shall not be paid less than $406.70 per week.

(b) The rate paid in paragraph (a) above is payable on superannuation and during any period of paid leave prescribed by this Award.

(c) Where in this award an additional rate is expressed as a percentage, fraction or multiple of the ordinary rate of pay, it shall be calculated upon the rate prescribed in this award for the actual year of apprenticeship.

(d) Nothing in this clause shall operate to reduce the rate of pay fixed by this award for an adult apprentice in force immediately prior to 5th June 2003.

21. Immediately following clause 2. – ARRANGEMENT, insert a new clause, 3. – AREA OF OPERATION, as follows:

3. – AREA OF OPERATION

This Award shall apply throughout the State of Western Australia.

22. Immediately following clause 6. - DEFINTIONS, insert a new clause, 7. – CERTIFICATE OF SERVICE, as follows:

7. – CERTIFICATE OF SERVICE

On request, the Employer shall issue a Certificate of Service containing full information as to the period of service, and nature of duties performed by the officer to the officer on redundancy, retirement, resignation or where contracts of service expire through the effluxion of time.

23. Immediately following clause 8. CONTRACT OF SERVICE, insert a new clause, 9. – SALARIES, as follows:

9. - SALARIES

(1) The annual salaries applicable to officers covered by this Award shall be as per Schedule A Salaries.

(2) An adult Group Worker employed pursuant to Level 2 shall commence employment at Level 2.1. Provided that at the discretion of the Employer, the officer may be appointed to a higher incremental level subject to previous relevant knowledge and experience.

(3) Payment of Salaries

(a) Salaries shall be paid fortnightly but, where the usual payday falls on a public holiday, payment shall be made on the previous working day.

(b) Dividing the annual salary by 313 and multiplying the result by 12 shall compute a fortnight's salary.

(c) The hourly rate shall be computed as one seventy-sixth of the fortnight's salary.

(d) Salaries shall be paid by direct funds transfer to the credit of an account nominated by the officer at a bank, building society or credit union approved by the Under Treasurer or an Accountable Officer.

(e) Provided that where such form of payment is impracticable or where some exceptional circumstances exist, and by agreement between the Employer and the Association, payment by cheque may be made.

(4) Arbitrated Safety Net Adjustments

(a) The rates of pay in this Award include arbitrated safety net adjustments available since December 1993, under the Arbitrated Safety Net Adjustment Principle.

(b) These arbitrated safety net adjustments may be offset against any equivalent amount in the rate of pay received by officers since 1 November 1991 above the rate prescribed in the Award, except where such absorption is contrary to the terms of an industrial agreement.

(c) Increases in rates of pay otherwise made under the State Wage Case Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated safety net adjustments.

(5) Special Allowances

The Employer shall not be prohibited from granting special allowances based on additional duties and responsibilities undertaken by an officer due to expertise and knowledge of the officer.

(6) Amalgamation of Salary Classes

In allocating salaries or salary ranges the Employer may amalgamate any two or more levels or, allocate specific salary points from a level or levels prescribed by this Award.

24. Immediately following clause 9. – SALARIES, insert a new clause, 10. PURCHASED LEAVE – 48/52 SALARY ARRANGEMENT, as follows:

10. –PURCHASED LEAVE - 48/52 SALARY ARRANGEMENT

(1) The Employer and an officer may agree to enter into an arrangement whereby the officer can purchase up to four weeks additional leave.

(2) The Employer will assess each application for 48/52-salary arrangement on its merits and give consideration to the personal circumstances of the officer seeking the arrangement.

(3) Access to this entitlement will be subject to the officer having satisfied the Agency's accrued leave management policy.

(4) The officer can agree to take a reduced salary spread over the 52 weeks of the year and receive the following amounts of additional purchased leave:

Number of weeks' salary spread over 52 weeks	Number of weeks' additional purchased leave.
48 weeks	4 weeks
49 weeks	3 weeks
50 weeks	2 weeks
51 weeks	1 week

(5) The additional purchased leave will not be able to be accrued. The officer is to be entitled to pay in lieu of the additional leave not taken. In the event that the officer is unable to take such purchased leave, his/her salary will be adjusted on the last pay period in January to take account the fact that time worked during the year was not included in the salary.

(7) Where an officer who is in receipt of an allowance provided for in Clause 14. - Higher Duties Allowance, of this Award proceeds on any period of additional purchased leave the officer shall not be entitled to receive payment of the allowance for any period of additional purchased leave. When not on a period of purchased leave the officer shall receive the full entitlement to Higher Duties Allowance in accordance with Clause 14.

(7) In the event that a part time officer's ordinary working hours are varied during the year, the salary paid for such leave taken will be adjusted on the last pay in January to take into account any variations to the officer's ordinary working hours during the previous year.

25. Immediately following clause 10. PURCHASED LEAVE – 48/52 SALARY ARRANGEMENT, insert a new clause, 11. – PURCHASE LEAVE – DEFERRED SALARY ARRANGEMENT, as follows:

11. – PURCHASED LEAVE - DEFERRED SALARY ARRANGEMENT

(1) With the written agreement of the Employer, an officer may elect to receive, over a four-year period, 80% of the salary they would otherwise be entitled to receive in accordance with the Award.

(2) The Employer will assess each application for deferred salary on its merits and give consideration to the personal circumstances of the officer seeking the leave.

(3) On completion of the fourth year, an officer will be entitled to 12 months leave and will receive an amount equal to 80% of the salary they were otherwise entitled to in the fourth year of deferment.

(4) Where an officer completes four (4) years of deferred salary service and is not required to attend duty in the following year, the period of non-attendance shall not constitute a break in service and shall count as service on a pro-rata basis for all purposes.

(5) An officer may withdraw from this arrangement prior to completing a four-year period by written notice. The officer will receive a lump sum payment of salary forgone to that time but will not be entitled to equivalent absence from duty.

(6) The Employer will ensure that superannuation arrangements and taxation effects are fully explained to the officer by the Employing Authority. The Employer will put any necessary arrangements into place.

26. Immediately following clause 12. – SALARY PACKAGING ARRANGEMENT, insert a new clause, 13. – ANNUAL INCREMENTS, as follows:

13. – ANNUAL INCREMENTS

(1) Officers shall proceed to the maximum of their salary range by annual increments subject to a satisfactory report on the officer's level of performance and conduct.

(2) The following procedure will apply prior to the payment of an increment:

(a) Their manager will produce a report on the officer's performance and conduct no later than 12 months since the officer's last incremental advance.

(b) Where the report is satisfactory, the increment will be paid.

(c) Where the report is unsatisfactory:

(i) The officer will be shown the report and required to initial it.

(ii) The officer will be provided with an opportunity to comment in writing.

(iii) The officer's comments will be considered immediately by the Employer and a decision made as to whether to approve the payment of the increment or withhold payment for a specific period.

(iv) Where the increment is withheld, the Employer before the expiry of the specified period will complete a further report and the above provisions will apply.

(3) The non-payment of an increment will not change the normal anniversary date of any further increment payments.

(4) For the purposes of this clause "continuous service", except where an increment is payable according to age, shall not include:

(a) any period exceeding 14 calendar days during which an officer is absent on leave without pay. In the case of leave without pay which exceeds 14 calendar days the entire period of such leave without pay is excised in full;

(b) any period which exceeds six months in one continuous period during which an officer is absent on workers' compensation. Provided that only that portion of such continuous absence which exceeds six months shall not count as "continuous service";

(c) any period which exceeds three months in one continuous period during which an officer is absent on sick leave without pay. Provided that only that portion of such continuous absence which exceeds three months shall not count as "continuous service".

27. Immediately following clause 13. - ANNUAL INCREMENTS, insert a new clause, 14. – HIGHER DUTIES ALLOWANCE, as follows:

14. – HIGHER DUTIES ALLOWANCE

(1) An officer who is directed by the Employer to act in an office which is classified higher than the officer's own substantive office and who performs the full duties and accepts the full responsibility of the higher office for a continuous period of five (5) consecutive working days or more, shall, subject to the provisions of this clause, be paid an allowance equal to the difference between the officer's own salary and the salary the officer would receive if the officer was permanently appointed to the office in which the officer is so directed to act.

Provided that where the hours of duty of an officer performing shift work are greater than 8 hours per day as provided for in this Award the allowance shall be payable after the completion of 38 consecutive working hours in the higher classified position. This period shall not include any time worked as overtime.

(2) Where the full duties of a higher office are temporarily performed by two (2) or more officers they shall each be paid an allowance as determined by the Employer.

(3) An officer who is directed to act in a higher classified office but who is not required to carry out the full duties of the position and/or accept the full responsibilities, shall be paid such proportion of the allowance provided for in subclause (1) of this clause as the duties and responsibilities performed bear to the full duties and responsibilities of the higher office. Provided that the officer shall be informed, prior to the commencement of acting in the higher classified office, of the duties to be carried out, the responsibilities to be accepted and the allowance to be paid.

The allowance paid may be adjusted during the period of higher duties.

(4) Where an officer who has qualified for payment of higher duties allowance under this clause is required to act in another office or other offices classified higher than the officer's own for periods less than five consecutive working days without any break in acting service, such officer shall be paid a higher duties allowance for such periods: provided that payment shall be made at the highest rate the officer has been paid during the term of continuous acting or at the rate applicable to the office in which the officer is currently acting - whichever is the lesser.

(5) Where an officer is directed to act in an office which has an incremental range of salaries such an officer shall be entitled to receive an increase in the higher duties allowance equivalent to the annual increment the officer would have received had the officer been permanently appointed to such office; provided that acting service with allowances for acting in offices for the same classification or higher than the office during the eighteen (18) months preceding the commencement of such acting shall aggregate as qualifying service towards such an increase in the allowance.

(6) Where an officer who is in receipt of an allowance granted under this clause and has been so for a continuous period of twelve (12) months or more, proceeds on -

(a) a period of normal annual leave; or

(b) a period of any other approved leave of absence of not more than five (5) weeks,

the officer shall continue to receive the allowance for the period of leave: provided that this subclause shall also apply to an officer who has been in receipt of an allowance for less than twelve (12) months if during the officer's absence no other officer acts in the office in which the officer was acting immediately prior to proceeding on leave and the officer resumes in the office immediately on return from leave.

(7) For the purpose of this subclause the expression "normal annual leave" shall mean the annual period of recreation leave as referred to in Clause 17. - Annual Leave of this Award and shall include any public holidays and leave in lieu accrued during the preceding twelve (12) months taken in conjunction with such annual leave.

(8) Where officers in receipt of an allowance granted under this clause and proceeds on a period of annual leave in excess of the normal, such officers shall only receive payment of such allowance for the period of normal annual leave; and a period of any other approved leave of absence of more than five (5) weeks, such officers shall not be entitled to receive payment of such allowance for the whole or any part of the period of such leave.

28. Immediately following clause 20. – SICK LEAVE, insert a new clause, 21. – CARERS LEAVE, as follows:

21. - CARERS LEAVE

(1) An officer is entitled to use, each year, up to five (5) days of the officers sick leave entitlement per year to be the primary care giver of a member of the officer’s family or household who is ill or injured and in need of immediate care and attention.

(2) Officers shall, wherever practical, give the Employer notice of the intention to take carers leave and the estimated length of absence. If it is not practicable to give prior notice of absence officers shall notify the Employer as soon as possible on the first day of absence.

(3) Officers shall provide, where required by the Employer, evidence to establish the requirement to take carers leave. An application for carers leave exceeding two (2) consecutive working days shall be supported by evidence that would satisfy a reasonable person of the entitlement.

(4) The definition of family shall be a person who is related to the officer by blood, marriage, affinity or adoption and includes a person who is wholly or mainly dependent on, or is a member of the household of, the officer.

(5) Carers leave may be taken on an hourly basis or part thereof.

29. Immediately following clause 21. – CARERS LEAVE, insert a new clause, 22. – PARENTAL LEAVE, as follows:

22. - PARENTAL LEAVE

(1) Definition:

"Officer" includes full time, part time, permanent and fixed term contract officers.

"Primary Care Giver" is the officer who will assume the principal role for the care and attention of a child/children. The Employer may require confirmation of primary care giver status.

"Replacement Officer" is an officer specifically engaged to replace an officer proceeding on parental leave.

"Partner" means a person who is a spouse or de facto partner.

"Public sector" means an employing authority as defined in Section 5 of the *Public Sector Management Act 1994.*

(2) Entitlement to Parental and Partner Leave

(a) An officer is entitled to a period of up to 52 weeks unpaid parental leave in respect of the:

(i) birth of a child to the officer or the officer's partner; or

(ii) adoption of a child who is not the child or the stepchild of the officer or the officer's partner; is under the age of five (5); and has not lived continuously with the officer for six (6) months or longer.

(b) An officer identified as the primary care giver of a child and who has completed twelve months continuous service in the Western Australian public sector shall be entitled to six (6) weeks paid parental leave. Paid parental leave will form part of the 52-week entitlement provided in subclause (2) (a) of this clause.

(c) A pregnant officer can commence the period of paid parental leave any time up to six (6) weeks before the expected date of birth and no later than four (4) weeks after the birth. Any other primary care giver can commence the period of paid parental leave from the birth date or for the purposes of adoption from the placement of the child but no later than four (4) weeks after the birth or placement of the child.

(d) Paid parental leave for primary care purposes for any one birth or adoption shall not exceed six (6) weeks.

(e) The paid and unpaid parental leave entitlement up to a maximum of 52 weeks may be shared between partners assuming the role of primary care giver.

(f) Parental leave may not be taken concurrently by an officer and his or her partner except under special circumstances and with the approval of the Employer.

(g) Where less than the standard parental leave is taken the unused portion of the period of paid or unpaid leave cannot be preserved in any way.

(h) An officer may elect to receive pay in advance for the period of paid parental leave at the time the parental leave commences, or may elect to be paid the entitlement on a fortnightly basis over the period of the paid parental leave.

(i) An officer is eligible, without resuming duty, for subsequent periods of parental leave in accordance with the provisions of this clause.

(3) Partner Leave

An officer who is not a primary care giver shall be entitled to a period of unpaid partner leave of up to one (1) week at the time of the birth of a child/children to his or her partner. In the case of adoption of a child this period shall be increased to up to three (3) weeks unpaid leave.

(4) Birth of a child

(a) An officer shall provide the Employer with a medical certificate from a registered medical practitioner naming the officer, or the officer's partner confirming the pregnancy and the estimated date of birth.

(b) If the pregnancy results in other than a live child or the child dies in the six weeks immediately after the birth, the entitlement to paid parental leave remains intact.

(5) Adoption of a child

(a) An officer seeking to adopt a child shall be entitled to two (2) days unpaid leave to attend interviews or examinations required for the adoption procedure. Officers working or residing outside the Perth metropolitan area are entitled to an additional day's unpaid leave. The officer may take any paid leave entitlement in lieu of this leave.

(b) If an application for parental leave has been granted for the adoption of a child, which does not eventuate, then the period of paid or unpaid parental leave is terminated. Officers may take any other paid leave entitlement in lieu of the terminated parental leave or return to work.

(6) Other leave entitlements

(a) An officer proceeding on unpaid parental leave may elect to substitute any part of that leave with accrued annual leave or long service leave for the whole or part of the period of unpaid parental leave.

(b) Subject to all other leave entitlements being exhausted an officer shall be entitled to apply for leave without pay following parental leave to extend their leave by up to two (2) years. The Employer's approval is required for such an extension.

(c) Any period of leave without pay must be applied for and approved in advance and will be granted on a year-by-year basis. Where both partners work for the Employer the total combined period of leave without pay following parental leave will not exceed two (2) years.

(d) An officer on parental leave is not entitled to paid sick leave and other paid absences other than as specified in subclause (6) (a) and (6) (e).

(e) Should the birth or adoption result in other than the arrival of a living child, the officer shall be entitled to such period of paid sick leave or unpaid leave for a period certified as necessary by a registered medical practitioner. Such paid sick leave cannot be taken concurrently with paid parental leave.

(f) Where a pregnant officer not on parental leave suffers illness related to the pregnancy or is required to undergo a pregnancy related medical procedure the officer may take any paid sick leave to which the officer is entitled or unpaid leave for a period as certified necessary by a registered medical practitioner.

(7) Notice and Variation

(a) The officer shall give not less than four (4) weeks notice in writing to the Employer of the date the officer proposes to commence paid or unpaid parental leave stating the period of leave to be taken.

(b) An officer seeking to adopt a child shall not be in breach of subclause (7) (a) by failing to give the required period of notice if such failure is due to the requirement of the adoption agency to accept earlier or later placement of a child, or other compelling circumstances.

(c) An officer proceeding on parental leave may elect to take a shorter period of parental leave and may at any time during that period elect to reduce or extend the period stated in the original application, provided four (4) weeks written notice is provided.

(8) Transfer to a Safe Job

Where illness or risks arising out of pregnancy or hazards connected with the work assigned to the pregnant officer make it inadvisable for the officer to continue in her present duties, the duties shall be modified or the officer may be transferred to a safe position at the same classification level until the commencement of parental leave.

(9) Replacement Officer

Prior to engaging a replacement officer the Employer shall inform the person of the temporary nature of the employment and the entitlements relating to the return to work of the officer on parental leave.

(10) Return to Work

(a) An officer shall confirm the intention to return to work by notice in writing to the Employer not less than four (4) weeks prior to the expiration of parental leave.

(b) Where an Employer has made a definite decision to introduce major changes that are likely to have a significant effect on the officer's position the Employer shall notify the officer while they are on parental leave.

(c) An officer on return to work from parental leave will be entitled to the same position or a position equivalent in pay, conditions and status and commensurate with the officer's skill and abilities as the substantive position held immediately prior to proceeding on parental leave. Where the officer was transferred to a safe job the officer is entitled to return to the position occupied immediately prior to transfer.

(d) An officer may return on a part time or job-share basis to the substantive position occupied prior to the commencement of leave or to a different position at the same classification level in accordance with the part time provisions of the Award.

(e) Subject to the employer's approval an officers who has returned to work on a part time basis may revert to full time work at the same classification level within two (2) years of the recommencement of work.

(11) Effect of Parental Leave on the Contract of Employment

(a) An officer employed for a fixed term contract shall have the same entitlement to parental leave, however the period of leave granted shall not extend beyond the term of that contract.

(b) Paid parental leave will count as qualifying service for all purposes under the relevant award and agreement. Absence on unpaid parental leave shall not break the continuity of service of officers but shall not be taken into account in calculating the period of service for any purpose under the Award.

(c) An officer on parental leave may terminate employment at any time during the period of leave by written notice in accordance with the relevant award and agreement.

(d) An Employer shall not terminate the employment of an officer on the grounds of the officer's application for parental leave or absence on parental leave but otherwise the rights of the Employer in respect of termination of employment are not affected.

30. Immediately following clause 25. - SHORT LEAVE, insert a new clause, 26. -BEREAVEMENT LEAVE, as follows:

26. - BEREAVEMENT LEAVE

(1) Officers including casuals shall on the death of:

the spouse or de-facto partner of the officer;

the child or step-child of the officer;

the parent or step-parent of the officer;

the brother, sister, step brother or step sister; or

any other person who, immediately before that person's death, lived with the officer as a member of the officer's family;

be eligible for up to two (2) days paid bereavement leave, provided that at the request of an officer the Employer may exercise a discretion to grant bereavement leave to an officer in respect of some other person with whom the officer has a special relationship.

(2) The two (2) days need not be consecutive.

(3) Bereavement leave is not to be taken during any other period of leave.

(4) Payment of such leave may be subject to the officer providing evidence of the death or relationship to the deceased, satisfactory to the Employer.

(5) An officer requiring more than two days bereavement leave in order to travel overseas in the event of the death overseas of a member of the officer's immediate family may, upon providing adequate proof, in addition to any bereavement leave to which the officer is eligible, have immediate access to annual leave and/or accrued long service leave in weekly multiples and/or leave without pay provided all accrued leave is exhausted.

31. Immediately following clause 26. - BEREAVEMENT LEAVE, insert a new clause, 27. - CULTURAL/CEREMONIAL LEAVE, as follows:

27. - CULTURAL/CEREMONIAL LEAVE

(1) Cultural/ceremonial leave shall be available to all officers.

(2) Such leave shall include leave to meet the officer's customs, traditional law and to participate in cultural and ceremonial activities.

(3) Officers are entitled to time off without loss of pay for cultural /ceremonial purposes, subject to agreement between the Employer and officer and sufficient leave credits being available.

(4) The Employer will assess each application for ceremonial /cultural leave on its merits and give consideration to the personal circumstances of the officer seeking the leave.

(5) The Employer may request reasonable evidence of the legitimate need for the officer to be allowed time off.

(6) Cultural /ceremonial leave may be taken as whole or part days off. Each day or part thereof, shall be deducted from:

(a) the officer's annual leave entitlements;

(b) accrued days off or time in lieu; or

(c) short leave when entitlements under subclauses (a) and (b) have been fully exhausted.

(7) Time off without pay may be granted by arrangement between the Employer and the officer for cultural/ceremonial purposes.

32. Immediately following clause 27. - CULTURAL/CEREMONIAL LEAVE, insert a new clause, 28. – BLOOD/PLASMA DONORS LEAVE, as follows:

28. - BLOOD/PLASMA DONORS LEAVE

(1) Subject to operational requirements, officers shall be entitled to absent themselves from the workplace in order to donate blood or plasma in accordance with the following general conditions:

(a) prior arrangements with the supervisor has been made and at least two (2) days' notice has been provided; or

(b) the officer is called upon by the Red Cross Blood Centre.

(2) The notification period shall be waived or reduced where the supervisor is satisfied that operations would not be unduly affected by the officer's absence.

(3) The officer shall be required to provide proof of attendance at the Red Cross Blood Centre upon return to work.

(4) Officers shall be entitled to two (2) hours of paid leave per donation for the purpose of donating blood to the Red Cross Blood Centre.

33. Immediately following clause 28. – BLOOD/PLASMA DONORS LEAVE, insert a new clause, 29. – EMERGENCY SERVICE LEAVE, as follows:

29. - EMERGENCY SERVICE LEAVE

(1) Subject to operational requirements, paid leave of absence shall be granted by the Employer to an officer who is an active volunteer member of State Emergency Service Units, St John Ambulance Brigade, Volunteer Fire and Rescue Service Brigades, Bush Fire Brigades, Volunteer Marine Rescue Services Groups or FESA Units, in order to allow for attendance at emergencies as declared by the recognised authority.

(2) The Employer shall be advised as soon as possible by the officer, the emergency service, or other person as to the absence and, where possible, the expected duration of leave.

(3) The officer must complete a leave of absence form immediately upon return to work.

(4) The application form must be accompanied by a certificate from the emergency organisation certifying that the officer was required for the specified period.

(5) An officer, who during the course of an emergency, volunteers their services to an emergency organisation, shall comply with subclauses (2), (3) and (4).

34. Immediately following clause 29. – EMERGENCY SERVICE LEAVE, insert a new clause, 30. – UNION FACILITIES FOR UNION REPRESENTATIVES, as follows:

30. - UNION FACILITIES FOR UNION REPRESENTATIVES

(1) The Employer recognises the rights of the union to organise and represent its members. Union representatives in the agency have a legitimate role and function in assisting the union in the tasks of recruitment, organising, communication and representing members' interests in the workplace, agency and union electorate.

(2) The Employer recognises that, under the union's rules, union representatives are members of an Electorate Delegates Committee representing members within a union electorate. A union electorate may cover more than one agency.

(3) The Employer will recognise union representatives in the agency and will allow them to carry out their role and functions.

(4) The union will advise the Employer in writing of the names of the union representatives in the agency.

(5) The Employer shall recognise the authorisation of each union representative in the agency and shall provide them with the following:

(a) Paid time off from normal duties to perform their functions as a union representative such as organising, recruiting, individual grievance handling, collective bargaining, involvement in the electorate delegates committee and to attend union business in accordance with Clause 31. - Leave to Attend Association Business of this Award.

(b) Access to facilities required for the purpose of carrying out their duties. Facilities may include but not be limited to, the use of filing cabinets, meeting rooms, telephones, fax, email, internet, photocopiers and stationery. Such access to facilities shall not unreasonably affect the operation of the organisation and shall be in accordance with normal agency protocols.

(c) A noticeboard for the display of union materials including broadcast email facilities.

(d) Paid access to periods of leave for the purpose of attending union training courses in accordance with Clause 32. - Trade Union Training Leave of this Award. Country representatives will be provided with appropriate travel time.

(e) Notification of the commencement of new officers, and as part of their induction, time to discuss the benefits of union membership with them.

(f) Access to awards, agreements, policies and procedures.

(g) The names of any Equal Employment Opportunity and Occupational Health, Safety and Welfare representatives.

(6) The Employer recognises that it is paramount that union representatives in the workplace are not threatened or disadvantaged in any way as a result of their role as a union representative.

35. Immediately following clause 30. – UNION FACILITIES FOR UNION REPRESENTATIVES, insert a new clause, 31. – LEAVE TO ATTEND ASSOCIATION BUSINESS, as follows:

31. – LEAVE TO ATTEND ASSOCIATION BUSINESS

(1) The Employer shall grant paid leave at the ordinary rate of pay during normal working hours to an officer:

(a) who is required to attend or give evidence before any Industrial Tribunal;

(b) who as a Union-nominated representative is required to attend any negotiations and/or proceedings before an Industrial Tribunal and/or meetings with Ministers of the Crown, their staff or any other representative of Government;

(c) when prior arrangement has been made between the Union and the Employer for the officer to attend official Union meetings preliminary to negotiations and/or Industrial Tribunal proceedings; and

(d) who as a Union-nominated representative is required to attend joint union/management consultative committees or working parties.

(2) The granting of leave is subject to convenience and shall only be approved:

(a) where reasonable notice is given for the application for leave;

(b) for the minimum period necessary to enable the union business to be conducted or evidence to be given; and

(c) for those officers whose attendance is essential.

(3) The Employer shall not be liable for any expenses associated with an officer attending to union business.

(4) Leave of absence granted under this clause shall include any necessary travelling time in normal working hours.

(5) An officer shall not be entitled to paid leave to attend to union business other than as prescribed by this Clause.

(6) The provisions of the Clause shall not apply to:

(a) special arrangements made with the union which provide for unpaid leave for officers to conduct union business;

(b) when an officer is absent from work without the approval of the Employer; and

(c) casual officers.

36. Immediately following clause 31. – LEAVE TO ATTEND ASSOCIATION BUSINESS, insert a new clause, 32. - TRADE UNION TRAINING LEAVE, as follows:

32. – TRADE UNION TRAINING LEAVE

(1) Subject to Employers convenience and the provisions of this clause:

(a) The Employer shall grant paid leave of absence to officers who are nominated by the Association to attend short courses relevant to the public sector or the role of union workplace representative, conducted by the Association.

(b) The Employer shall grant paid leave of absence to attend similar courses or seminars as from time to time approved by agreement between the Employer and the Association.

(2) An officer shall be granted up to a maximum of five (5) days paid leave per calendar year for trade union training or similar courses or seminars as approved. However, leave of absence in excess of five (5) days and up to ten (10) days may be granted in any one calendar year provided that the total leave being granted in that year and in the subsequent year does not exceed ten (10) days.

(3) (a) Leave of absence will be granted at the ordinary rate of pay and shall not include shift allowances, penalty rates or overtime.

(b) Where a Public Holiday or rostered day off falls during the duration of a course, a day off in lieu of that day will not be granted.

(c) Subject to paragraph (3)(a) of this clause, shift workers attending a course shall be deemed to have worked the shifts they would have worked had leave not been taken to attend the course.

(d) Part-time officers shall receive the same entitlement as full time officers, but payment shall only be made for those hours that would normally have been worked but for the leave.

(4) (a) Any application by an officer shall be submitted to the Employer for approval at least four weeks before the commencement of the course unless the Employer agrees otherwise.

(b) All applications for leave shall be accompanied by a statement from the union indicating that the officer has been nominated for the course. The application shall provide details as to the subject, commencement date, length of course, venue and the authority, which is conducting the course.

(5) A qualifying period of twelve months service shall be served before an officer is eligible to attend courses or seminars of more than a half-day duration. The Employer may, where special circumstances exist, approve an application to attend a course or seminar where an officer has less than twelve months service.

(6) (a) The Employer shall not be liable for any expenses associated with an officer's attendance at trade union training courses.

(b) Leave of absence granted under this clause shall include any necessary travelling time in normal working hours immediately before or after the course.

37. Immediately following clause 32. - TRADE UNION TRAINING LEAVE, insert a new clause, 33. - DEFENCE FORCE RESERVES LEAVE, as follows:

33. – DEFENCE FORCE RESERVES LEAVE

(1) The Employer must grant leave of absence for the purpose of Defence service to an officer who is a volunteer member of the Defence Force Reserves or the Cadet Force. Defence service means service, including training, in a part of the Reserves or Cadet Force.

(2) Leave of absence may be paid or unpaid in accordance with the provisions of this clause.

(3) Application for leave of absence for Defence service shall, in all cases, be accompanied by evidence of the necessity for attendance. At the expiration of the leave of absence granted, the officer shall provide a certificate of attendance to the Employer.

(4) Paid Leave

(a) An officer who is a volunteer member of the Defence Force Reserves or the Cadet Force is entitled to paid leave of absence for Defence service, subject to the conditions set out hereunder.

(b) Part-time officers shall receive the same paid leave entitlement as full-time officers, but payment shall only be made for those hours that would normally have been worked but for the leave.

(c) On written application, an officer shall be paid salary in advance when proceeding on such leave.

(d) Casual officers are not entitled to paid leave for the purpose of Defence service.

(e) An officer is entitled to paid leave for a period not exceeding 105 hours on full pay in any period of twelve months commencing on 1 July in each year.

(f) An officer is entitled to a further period of leave, not exceeding 16 calendar days, in any period of twelve months commencing on July 1. Pay for this leave shall be at the rate of the difference between the normal remuneration of the officer and the Defence Force payments to which the officer is entitled if such payments do not exceed normal salary. In calculating the pay differential, pay for Saturdays, Sundays, Public Holidays and rostered days off is to be excluded, and no account is to be taken of the value of any board or lodging provided for the officer.

(5) Unpaid Leave

(a) Any leave for the purpose of Defence service that exceeds the paid entitlement prescribed in subclause (4) of this clause shall be unpaid.

(b) Casual officers are entitled to unpaid leave for the purpose of Defence service.

(6) Use of Other Leave

(a) An officer may elect to use annual or long service leave credits for some or all of their absence on Defence service, in which case they will be treated in all respects as if on normal paid leave.

(b) An Employer cannot compel an officer to use annual leave or long service leave for the purpose of Defence service.

38. Immediately following clause 33. - DEFENCE FORCE RESERVES LEAVE, insert a new clause, 34. - WITNESS AND JURY SERVICE, as follows:

34. - WITNESS AND JURY SERVICE

Witness

(1) An officer subpoenaed or called as a witness to give evidence in any proceeding shall as soon as practicable notify the manager/supervisor who shall notify the Employer.

(2) Where an officer is subpoenaed or called as a witness to give evidence in an official capacity that officer shall be granted by the Employer leave of absence with pay, but only for such period as is required to enable the officer to carry out duties related to being a witness. If the officer is on any form of paid leave, the leave involved in being a witness will be reinstated, subject to the satisfaction of the Employer. The officer is not entitled to retain any witness fee but shall pay all fees received into Consolidated Fund. The receipt for such payment with a voucher showing the amount of fees received shall be forwarded to the Employer.

(3) An officer subpoenaed or called as a witness to give evidence in an official capacity shall, in the event of non-payment of the proper witness fees or travelling expenses as soon as practicable after the default, notify the Employer.

(4) An officer subpoenaed or called, as a witness on behalf of the Crown, not in an official capacity shall be granted leave with full pay entitlements. If the officer is on any form of paid leave, this leave shall not be reinstated as such witness service is deemed to be part of the officer's civic duty. The officer is not entitled to retain any witness fees but shall pay all fees received into Consolidated Fund.

(5) An officer subpoenaed or called as a witness under any other circumstances other than specified in subclauses (2) and (4) of this clause shall be granted leave of absence without pay except when the officer makes an application to clear accrued leave in accordance with Award provisions.

Jury

(6) An officer required to serve on a jury shall as soon as practicable after being summoned to serve, notify the supervisor/manager who shall notify the Employer.

(7) An officer required to serve on a jury shall be granted by the Employer leave of absence on full pay, but only for such period as is required to enable the officer to carry out duties as a juror.

(8) An officer granted leave of absence on full pay as prescribed in subclause 6 of this clause is not entitled to retain any juror's fees but shall pay all fees received into Consolidated Fund. The receipt for such payment shall be forwarded with a voucher showing the amount of juror's fees received to the Employer.

39. Immediately following clause 34. - WITNESS AND JURY SERVICE, insert a new clause, 35. – DISTRICT ALLOWANCE, as follows:

35. - DISTRICT ALLOWANCE

(1) For the purposes of this clause the following terms shall have the following meanings:

"Dependant" in relation to an officer means:

(a) a spouse; or

(b) where there is no spouse, a child or any other relative resident within the State who rely on the officer for their main support who does not receive a district or location allowance of any kind.

(c) "Partial dependant" in relation to an officer (for the purpose of district allowance) means:

(i) a spouse; or

(ii) where there is no spouse, a child or any other relative resident within the State who rely on the officer for their main support; who receives a district or location allowance of any kind less than that applicable to an officer without dependants under any award, agreement or other provision regulating the employment of the partial dependant.

"Spouse" means an officer's spouse including de facto partner.

(2) Boundaries

For the purpose of Schedule B. - District Allowance of this Award, the boundaries of the various districts shall be as described hereunder and as delineated on the plan in Schedule B. - District Allowance to this Award.

District:

(i) The area within a line commencing on the coast; thence east along lat 28 to a point north of Tallering Peak, thence due south to Tallering Peak; thence southeast to Mt Gibson and Burracoppin; thence to a point southeast at the junction of lat 32 and long 119; thence south along long 119 to coast.

(ii) That area within a line commencing on the south coast at long 119 then east along the coast to long 123; then north along long 123 to a point on lat 30; thence west along lat 30 to the boundary of No. 1 District.

(iii) The area within a line commencing on the coast at lat 26; thence along lat 26 to long 123; thence sough along long 123 to the boundary of No 2 District.

(iv) The area within a line commencing on the coast at lat 24; thence east to the South Australian border; thence south to the coast; thence along the coast to long 123 thence north to the intersection of lat 26; thence west along lat 26 to the coast.

(v) That area of the State situated between the lat 24 and a line running east from Carnot Bay to the Northern Territory Border.

(vi) That area of the State north of a line running east from Carnot Bay to the Northern Territory Border.

(3) (a) An officer shall be paid a district allowance at the standard rate prescribed in Column II of Schedule B. - District Allowance of this Award, for the district in which the officer's headquarters is located. Provided that where the officer's headquarters is situated in a town or place specified in Column III of Schedule B.- District Allowance of this Award, the officer shall be paid a district allowance at the rate appropriate to that town or place as prescribed in Column IV of the said schedule.

(b) An officer who has a dependant shall be paid double the district allowance prescribed by paragraph (3)(a) of this clause for the district, town, or place in which the officer's headquarters is located.

(c) Where an officer has a partial dependant the total district allowance payable to the officer shall be the district allowance prescribed by paragraph (3)(a) of this clause plus an allowance equivalent to the difference between the rate of district or location allowance the partial dependant receives and the rate of district or location allowance the partial dependant would receive if he or she was employed in a full time capacity under the Award, Agreement or other provision regulating the employment of the partial dependant.

(d) When an officer is on approved annual recreational leave, the officer shall for the period of such leave, be paid the district allowance to which he or she would ordinarily be entitled.

(e) When an officer is on long service leave or other approved leave with pay (other than annual recreational leave), the officer shall only be paid district allowance for the period of such leave if the officer, dependant/s or partial dependant/s remain in the district in which the officer's headquarters are situated.

(f) When an officer leaves his or her district on duty, payment of any district allowance to which the officer would ordinarily be entitled shall cease after the expiration of two weeks unless the officer's dependant/s or partial dependant/s remain in the district or as otherwise approved by the Employer.

(g) Except as provided in paragraph (3)(f) of this clause, a district allowance shall be paid to any officer ordinarily entitled thereto in addition to reimbursement of any travelling, transfer or relieving expenses.

(h) Where an officer whose headquarters is located in a district in respect of which no allowance is prescribed in Schedule B. - District Allowance of this Award, is required to travel or temporarily reside for any period in excess of one month in any district or districts in respect of which such allowance is so payable, then notwithstanding the officer's entitlement to any such allowance provided by Clause 40. - Relieving Allowance, and Clause 43. -Travelling Allowance of this Award the officer shall be paid for the whole of such a period a district allowance at the appropriate rate prescribed by paragraphs (3)(a), (3)(b) or (3)(c) of this clause, for the district in which the officer spends the greater period of time.

(i) When an officer is provided with free board and lodging by the Employer or a public authority the allowance shall be reduced to two-thirds of the allowance the officer would ordinarily be entitled to under this clause.

(4) Part-Time Officers

An officer who is employed on a part-time basis shall be paid a proportion of the appropriate district allowance payable in accordance with the following formula:

$$\frac{\textbf{Hours worked per fortnight}}{76} \times \frac{\textbf{Appropriate District Allowance}}{1}$$

(5) Adjustment of Rates

The rates expressed in Schedule B. - District Allowance of this Award shall be adjusted every twelve (12) months, effective from the first pay period to commence on or after the first day of July in each year, in accordance with the official Consumer Price Index (CPI) for Perth, as published for the preceding 12 months at the end of the March quarter by the Australian Bureau of Statistics.

40. Immediately following clause 35. – DISTRICT ALLOWANCE, insert a new clause, 36. – DISTURBANCE ALLOWANCE, as follows:

36. – DISTURBANCE ALLOWANCE

(1) Where an officer is transferred and incurs expenses in the areas referred to in subclause (2) of this clause as a result of that transfer then the officer shall be granted a disturbance allowance and shall be reimbursed by the Employer the actual expenditure incurred upon production of receipts or such other evidence as may be required.

(2) The disturbance allowance shall include:

(a) Costs incurred for telephone installation at the officer's new residence provided that the cost of telephone installation shall be reimbursed only where a telephone was installed at the officer's former residence including Employer accommodation.

(b) Costs incurred with the connection or reconnection of services to the officer's household including Employer accommodation for water, gas or electricity.

(c) Costs incurred with the redirection of mail to the officer's new residence for a period of no more than three months.

41. Immediately following clause 37. – MOTOR VEHICLE ALLOWANCE, insert a new clause, 38. – PROPERTY ALLOWANCE, as follows:

38. – PROPERTY ALLOWANCE

(1) For the purposes of this clause the following expressions shall have the following meanings:

(a) "Agent" means a person carrying on business as an estate agent in a State or Territory of the Commonwealth, being, in a case where the law of that State or Territory provides for the registration or licensing of persons who carry on such a business, a person duly registered or licensed under that law.

(b) "Dependant" in relation to an officer means:

(i) spouse including de facto partner;

(ii) child/children; or

(iii) other dependant family;

who resides with the officer and who relies on the officer for support.

(c) "Expenses" in relation to an officer means all costs incurred by the officer in the following areas:

(i) Legal fees in accordance with the Solicitor's Remuneration Order, 1976 as amended and varied, duly paid to a solicitor or in lieu thereof fees charged by a settlement agent for professional costs incurred in respect of the sale or purchase, the maximum fee to be claimed shall be as set out under item 8 of the above order.

(ii) Disbursements duly paid to a solicitor or a settlement agent necessarily incurred in respect of the sale or purchase of the residence.

(iii) Real Estate Agent's Commission in accordance with that fixed by the Real Estate and Business Agents Supervisory Board, acting under Section 61 of the *Real Estate and Business Agents Act, 1978*, duly paid to an agent for services rendered in the course of and incidental to the sale of the property, the maximum fee to be claimed shall be fifty percent (50%) as set out under Items 1 or 2 - Sales by Private Treaty or Items 1 or 2 - Sales by Auction of the Maximum Remuneration Notice.

(iv) Stamp Duty.

(v) Fees paid to the Registrar of Titles or to the officer performing duties of a like nature and for the same purpose in another State or Territory of the Commonwealth.

(vi) Expenses relating to the execution or discharge of a first mortgage.

(vii) The amount of expenses reasonably incurred by the officer in advertising the residence for sale.

(d) "Locality" in relation to an officer means:

(i) Within the metropolitan area, that area within a radius of fifty (50) kilometres from the Perth City Railway Station, and

(ii) Outside the metropolitan area, that area within a radius of fifty (50) kilometres from an officer's headquarters when they are situated outside of the metropolitan area.

(e) "Property" shall mean a residence as defined in this clause including a block of land purchased for the purpose of erecting a residence thereon to the extent that it represents a normal urban block of land for the particular locality.

(f) "Residence" includes any accommodation of a kind commonly known as a flat or a home unit that is, or is intended to be, a separate tenement including dwelling house, and the surrounding land, exclusive of any other commercial property, as would represent a normal urban block of land for the particular locality.

(g) "Settlement Agent" means a person carrying on business as settlement agent in a State or Territory of the Commonwealth, being, in a case where the law of that State or Territory provides for the registration or licensing of persons who carry on such a business, a person duly registered or licensed under the law.

(2) When an officer is transferred from one locality to another in the public interest or in the ordinary course of promotion or transfer, or on account of illness due to causes over which the officer has no control, the officer shall be entitled to be paid a property allowance for reimbursement of expenses incurred by the officer -

(a) In the sale of residence in the officer's former locality, which, at the date on which the officer received notice of transfer to a new locality: -

(i) the officer owned and occupied; or

(ii) the officer was purchasing under a contract of sale providing for vacant possession; or

(iii) the officer was constructing for the officer's own permanent occupation, on completion of construction; and

(b) In the purchase of a residence or land for the purpose of erecting a residence thereon for the officer's own permanent occupation in the new locality.

(3) An officer shall be reimbursed such following expenses as are incurred in relation to the sale of a residence:

(a) if the officer engaged an agent to sell the residence on the officer's behalf - 50 percent of the amount of the commission paid to the agent in respect of the sale of the residence;

(b) if a solicitor was engaged to act for the officer in connection with the sale of the residence - the amount of the professional costs and disbursements necessarily incurred and paid to the solicitor in respect of the sale of the residence;

(c) if the land on which the residence is created was subject to a first mortgage and that mortgage was discharged on the sale, then an officer shall, if, in a case where a solicitor acted for the mortgagee in respect of the discharge of the mortgage and the officer is required to pay the amount of professional costs and disbursements necessarily incurred by the mortgagee in respect of the discharge of the mortgage - the amount so paid by the officer;

(d) if the officer did not engage an agent to sell the residence on his or her behalf - the amount of the expenses reasonably incurred by the officer in advertising the residence for sale.

(4) An officer shall be reimbursed such following expenses as are incurred in relation to the purchase of a residence:

(a) if a solicitor or settlement agent was engaged to act for the officer in connection with the purchase of the residence - the amount of the professional costs and disbursements necessarily incurred are paid to the solicitor or settlement agent in respect of the purchase of the residence;

(b) if the officer mortgaged the land on which the residence was erected in conjunction with the purchase of the residence, then an officer shall, if, in a case where a solicitor acted for the mortgagee and the officer is required to pay and has paid the amount of the professional costs and disbursements (including valuation fees but not a procuration fee payable in connection with the mortgage) necessarily incurred by the mortgagee in respect of the mortgage - the amount so paid by the officer;

(c) if the officer did not engage a solicitor or settlement agent to act for the officer in connection with the purchase or such a mortgage - the amount of the expenses reasonably incurred by the officer in connection with the purchase or the mortgage, as the case may be, other than a procuration fee paid by the officer in connection with the mortgage.

(5) An officer is not entitled to be paid a property allowance under paragraph (2)(b) of this clause unless the officer is entitled to be paid a property allowance under paragraph (2)(a) of this clause, provided that the Employer may approve the payment of a property allowance under paragraph (2)(b) of this clause to an officer who is not entitled to be paid a property allowance under paragraph (2)(a) of this clause if the Employer is satisfied that it was necessary for the officer to purchase a residence or land for the purpose of erecting a residence thereon in the officer's new locality because of the officer's transfer from the former locality.

(6) For the purpose of this Award it is immaterial that the ownership, sale or purchase is carried out on behalf of an officer who owns solely, jointly or in common with:

(a) the officer's spouse, or

(b) a dependant relative, or

(c) the officer's spouse and a dependant relative.

(7) Where an officer sells or purchases a residence jointly or in common with another person - not being a person referred to in subclause (6) of this clause the officer shall be paid only the proportion of the expenses for which the officer is responsible.

(8) An application by an officer for a property allowance shall be accompanied by evidence of the payment by the officer of the expenses, being evidence that is satisfactory to the Employer.

(9) Notwithstanding the foregoing provisions, an officer is not entitled to the payment of a property allowance -

(a) In respect of a sale or purchase prescribed in subclause (2) of this clause which is effected -

(i) more than twelve months after the date on which the officer took up duty in the new locality; or

(ii) after the date on which the office received notification of being transferred back to the former locality.

Provided that the Employer may, in exceptional circumstances, grant an extension of time for such period as is deemed reasonable.

(b) Where the officer is transferred from one locality to another solely at the officer's own request or on account of misconduct.

42. Immediately following clause 38. – PROPERTY ALLOWANCE, insert a new clause 39. -PROTECTIVE CLOTHING ALLOWANCE, as follows:

39. – PROTECTIVE CLOTHING ALLOWANCE

An officer engaged on work, which requires the provision of protective clothing, shall be:

(a) Provided with the requisite protective clothing, with the laundering costs for such protective clothing being at the expense of the Employer; or

(b) Provided with an annual allowance, as agreed between the Association and the Employer, which shall incorporate the cost of purchase and laundry of the requisite protective clothing.

Provided that nothing contained in this clause shall affect the obligations of the Employer to provide clothing pursuant to the *Occupational Health and Safety Act, 1984.*

43. Immediately following clause 39. - PROTECTIVE CLOTHING ALLOWANCE, insert a new clause 40. - RELIEVING ALLOWANCE, as follows:

40. – RELIEVING ALLOWANCE

An officer who is required to take up duty away from headquarters on relief duty or to perform special duty, and necessarily resides temporarily away from the officer's usual place of residence shall be reimbursed reasonable expenses on the following basis:

(1) Where the officer:

is supplied with accommodation and meals free of charge, or

is accommodated at a government institution, hostel or similar establishment and supplied with meals,

reimbursement shall be in accordance with the rates prescribed in Column A, Items (1), (2) or (3) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(2) Where officers are fully responsible for their own accommodation, meals and incidental expenses and hotel or motel accommodation is utilised:

(a) For the first forty-two (42) days after arrival at the new locality reimbursement shall be in accordance with the rates prescribed in Column A, Items (4) to (8) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(b) For periods in excess of forty-two (42) days after arrival in the new locality reimbursement shall be in accordance with the rates prescribed in Column B, Items (4) to (8) of Schedule F. - Travelling, Transfer and Relieving Allowance for officers with dependants or Column C, Items (4) to (8) of Schedule F. - Travelling, Transfer and Relieving Allowance for other officers: Provided that the period of reimbursement under this subclause shall not exceed forty-nine (49) days without the approval of the Employer.

(3) Where officers are fully responsible for their own accommodation, meal and incidental expenses and other than hotel or motel accommodation is utilised reimbursement shall be in accordance with the rates prescribed in Column A, Items (9), (10) or (11) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(4) If an officer whose normal duties do not involve camp accommodation is required to relieve or perform special duty resulting in a stay at a camp, the officer shall be paid camping allowance for the duration of the period spent in camp, and in addition, shall be paid a lump sum of $146.00 to cover incidental personal expenses: Provided that an officer shall receive no more than one lump sum of $146.00 in any one period of three (3) years.

(5) Reimbursement of expenses shall not be suspended should an officer become ill whilst on relief duty, provided leave for the period of such illness is approved in accordance with the provisions of this Award and the officer continues to incur accommodation, meal and incidental expenses.

(6) When an officer who is required to relieve or perform special duties in accordance with the preamble of this clause is authorised by the Employer to travel to the new locality in the officer's own motor vehicle, reimbursement for the return journey shall be as follows:

(a) Where the officer will be required to maintain a motor vehicle for the performance of the relieving or special duties, reimbursement shall be in accordance with the appropriate rate prescribed by subclause (2) of Clause 37. - Motor Vehicle Allowance of this Award.

(b) Where the officer will not be required to maintain a motor vehicle for the performance of the relieving or special duties reimbursement shall be on the basis of one half (½) of the appropriate rate prescribed by subclause (2) of Clause 37. - Motor Vehicle Allowance of this Award. Provided that the maximum amount of reimbursement shall not exceed the cost of the fare by public conveyance which otherwise would be utilised for such return journey.

(7) Where it can be shown by the production of receipts or other evidence that an allowance payable under this clause would be insufficient to meet reasonable additional costs incurred, an appropriate rate of reimbursement shall be determined by the Employer.

(8) The provisions of Clause 43. - Travelling Allowance shall not operate concurrently with the provisions of this clause to permit an officer to be paid allowances in respect of both travelling and relieving expenses for the same period: Provided that where an officer is required to travel on official business which involves an overnight stay away from the officer's temporary headquarters the Employer may extend the periods specified in subclause (2) of this clause by the time spent in travelling.

(9) An officer who is directed to relieve another officer or to perform special duty away from the officer's usual headquarters and is not required to reside temporarily away from his or her usual place of residence shall, if the officer is not in receipt of a higher duties or special allowance for such work, be reimbursed the amount of additional fares paid by the officer travelling by public transport to and from the place of temporary duty.

44. Immediately following clause 40. - RELIEVING ALLOWANCE, insert a new clause, 41. – REMOVAL ALLOWANCE, as follows:

41. – REMOVAL ALLOWANCE

(1) When an officer is transferred in the public interest, or in the ordinary course of promotion or transfer, or on account of illness due to causes over which the officer has no control, the officer shall be reimbursed:

(a) The actual reasonable cost of conveyance of the officer and dependants.

(b) The actual cost (including insurance) of the conveyance of an officer's household furniture effects and appliances up to a maximum volume of 35 cubic metres, provided that a larger volume may be approved by the Employer in special cases.

(c) An allowance of $519.00 for accelerated depreciation and extra wear and tear on furniture, effects and appliances for each occasion that an officer is required to transport his or her furniture, effects and appliances provided that the Employer is satisfied that the value of household furniture, effects and appliances moved by the officer is at least $3,106.00.

(d) Reimbursement of reasonable expenses in kennelling and transporting of domestic pet or pets up to a maximum amount of $154.00.

Pets are defined as dogs, cats, birds or other domestic animals kept by the officer or the officer’s dependants for the purpose of household enjoyment.

Pets do not include domesticated livestock, native animals or equine animals.

(2) An officer who is transferred solely at his or her own request or on account of misconduct must bear the whole cost of removal unless otherwise determined by the Employer prior to removal.

(3) An officer shall be reimbursed the full freight charges necessarily incurred in respect of the removal of the officer's motor vehicle. If authorised by the Employer to travel to a new locality in the officer's own motor vehicle, reimbursement shall be as follows:

(a) Where the officer will be required to maintain a motor vehicle for use on official business at the new headquarters, reimbursement for the distance necessarily travelled shall be on the basis of the appropriate rate prescribed by subclause (2) of Clause 37. - Motor Vehicle Allowance of this Award.

(b) Where the officer will not be required to maintain a motor vehicle for use on official business at the new headquarters reimbursement for the distance necessarily travelled shall be on the basis of one half (½) of the appropriate rate prescribed by subclause (3) of Clause 37. - Motor Vehicle Allowance of this Award.

(4) The officer shall, before removal is undertaken obtain quotes from at least two carriers which shall be submitted to the Employer, who may authorise the acceptance of the more suitable: Provided that payment for a volume amount beyond 35 cubic metres by an Employer is not to occur without the prior written approval of the Employer.

(5) The Employer may, in lieu of conveyance, authorise payment to compensate for any loss in any case where an officer, with prior approval of the Employer, disposes of his or her household furniture effects and appliances instead of removing them to the new headquarters: Provided that such payments shall not exceed the sum which would have been paid if the officer's household furniture effects and appliances had been removed by the cheapest method of transport available and the volume was 35 cubic metres.

(6) Where an officer is transferred to government owned or private rental accommodation, where furniture is provided, and as a consequence the officer is obliged to store furniture, the officer shall be reimbursed the actual cost of such storage up to a maximum allowance of $964.00 per annum. Actual cost is deemed to include the premium for adequate insurance coverage for the value of the furniture stored. An allowance under this subclause shall not be paid for a period in excess of four years without the approval of the Employer.

(7) Receipts must be produced for all sums claimed.

(8) New appointees shall be entitled to receive the benefits of this clause if they are required by the Employer to participate in any training course prior to being posted to their respective positions in the service. This entitlement shall only be available to officers who have completed their training and who incur costs when moving to their first posting.

45. Immediately following clause 41. – REMOVAL ALLOWANCE, insert a new clause, 42. – TRANSFER ALLOWANCE, as follows:

42. - TRANSFER ALLOWANCE

(1) Subject to subclauses (2) and (5) of this clause an officer who is transferred to a new locality in the public interest, or in the ordinary course of promotion or transfer, or on account of illness due to causes over which the officer has no control, shall be paid at the rates prescribed in Column A, Item (4), (5) or (6) of Schedule F. - Travelling, Transfer and Relieving Allowance for a period of 14 days after arrival at new headquarters within Western Australia or Column A, Items (7) and (8) of Schedule F. - Travelling, Transfer and Relieving Allowance for a period of 21 days after arrival at a new headquarters in another State of Australia: Provided that if an officer is required to travel on official business during the

said periods, such period will be extended by the time spent in travelling. Under no circumstances, however, shall the provisions of this subclause operate concurrently with those of Clause 43. - Travelling Allowance of this award to permit an officer to be paid allowances in respect of both travelling and transfer expenses for the same period.

(2) Prior to the payment of an allowance specified in subclause (1) of this clause, the Employer shall:

(a) Require the officer to certify that permanent accommodation has not been arranged or is not available from the date of transfer. In the event that permanent accommodation is to be immediately available, no allowance is payable; and

(b) Require the officer to advise the Employer that should permanent accommodation be arranged or become available within the prescribed allowance periods, the officer shall refund the pro rata amount of the allowance for that period the occupancy in permanent accommodation takes place prior to the completion of the prescribed allowance periods.

Provided also that should an occupancy date which falls within the specified allowance periods be notified to the Employer prior to the officer's transfer, the payment of a pro rata amount of the allowance should be made in lieu of the full amount.

(3) If an officer is unable to obtain reasonable accommodation for the transfer of his or her home within the prescribed period referred to in subclause (1) of this clause and the Employer is satisfied that the officer has taken all possible steps to secure reasonable accommodation, such officer shall, after the expiration of the prescribed period to be paid in accordance with the rates prescribed by Column B, Items (4), (5), (6), (7) or (8) of Schedule F. - Travelling, Transfer and Relieving Allowance as the case may require, until such time as the officer has secured reasonable accommodation: Provided that the period of reimbursement under this subclause shall not exceed 77 days without the approval of the Employer.

(4) When it can be shown by the production of receipts or other evidence that an allowance payable under this clause would be insufficient to meet reasonable additional costs incurred by an officer on transfer, an appropriate rate of reimbursement shall be determined by the Employer.

(5) An officer who is transferred to Employer accommodation shall not be entitled to reimbursement under this clause: Provided that:

(a) where entry into Employer accommodation is delayed through circumstances beyond the officer's control an officer may, subject to the production of receipts, be reimbursed actual reasonable accommodation and meal expenses for the officer and dependants less a deduction for normal living expenses prescribed in Column A, Items (15) and (16) of Schedule F. - Travelling, Transfer and Relieving Allowance.

and provided that -

(b) if any costs are incurred under subclause (2) of Clause 36. - Disturbance Allowance of this Award they shall be reimbursed by the Employer.

46. Immediately following clause 42. – TRANSFER ALLOWANCE, insert a new clause, 43. – TRAVELLING ALLOWANCE, as follows:

43. - TRAVELLING ALLOWANCE

An officer who travels on official business shall be reimbursed reasonable expenses on the following basis:

(1) When a trip necessitates an overnight stay away from headquarters and the officer:

(a) is supplied with accommodation and meals free of charge; or

(b) attends a course, conference, etc., where the fee paid includes accommodation and meals; or

(c) travels by rail and is provided with a sleeping berth and meals; or

(d) is accommodated at a Government institution, hostel or similar establishment and supplied with meals;

(e) reimbursement shall be in accordance with the rates prescribed in Column A, Items (1), (2) or (3) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(2) When a trip necessitates an overnight stay away from headquarters and the officer is fully responsible for his or her own accommodation, meals and incidental expenses:

(a) where hotel or motel accommodation is utilised reimbursement shall be in accordance with the rates prescribed in Column A, Items (4) to (8) of Schedule F. - Travelling, Transfer and Relieving Allowance; and

(b) where other than hotel or motel accommodation is utilised reimbursement shall be in accordance with the rates prescribed in Column A, Items (9), (10) or (11) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(3) When a trip necessitates an overnight stay away from headquarters and accommodation only is provided at no charge to the officer, reimbursement shall be made in accordance with the rates prescribed in Column A, Items 1, 2 or 3 and Items 12, 13 or 14 of Schedule F. - Travelling, Transfer and Relieving Allowance subject to the officers' certification that each meal claimed was actually purchased.

(4) To calculate reimbursement under subclauses (1) and (2) of this clause for a part of a day, the following formula shall apply:

(a) If departure from headquarters is:

before 8.00 am - 100% of the daily rate.

8.00 am or later but prior to 1.00 pm - 90% of the daily rate.

1.00 pm or later but prior to 6.00 pm - 75% of the daily rate.

6.00 pm or later - 50% of the daily rate.

(b) If arrival back at headquarters is:

8.00 am or later but prior to 1.00 pm - 10% of the daily rate.

1.00 pm or later but prior to 6.00 pm - 25% of the daily rate.

6.00 pm or later but prior to 11.00 pm - 50% of the daily rate.

11.00 pm or later - 100% of the daily rate.

(5) When an officer travels to a place outside a radius of fifty (50) kilometres measured from the officer's headquarters, and the trip does not involve an overnight stay away from headquarters, reimbursement for all meals claimed shall be at the rates set out in Column A, Items (12) or (13) of Schedule F. - Travelling, Transfer and Relieving Allowance subject to the officer's certification that each meal claimed was actually purchased: Provided that when an officer departs from headquarters before 8.00 am and does not arrive back at headquarters until after 11.00 pm on the same day the officer shall be paid at the appropriate rate prescribed in Column A, Items (4) to (8) of Schedule F. - Travelling, Transfer and Relieving Allowance.

(6) When it can be shown to the satisfaction of the Employer by the production of receipts that reimbursement in accordance with Schedule F. - Travelling, Transfer and Relieving Allowance does not cover an officer's reasonable expenses for a whole trip the officer shall be reimbursed the excess expenditure.

(7) In addition to the rates contained in Schedule F. - Travelling, Transfer and Relieving Allowance an officer shall be reimbursed reasonable incidental expenses such as train, bus and taxi fares, official telephone calls, laundry and dry cleaning expenses, on production of receipts.

(8) If on account of lack of suitable transport facilities an officer necessarily engages reasonable accommodation for the night prior to commencing travelling on early morning transport the officer shall be reimbursed the actual cost of such accommodation.

(9) Reimbursement of expenses shall not be suspended should an officer become ill whilst travelling, provided leave for the period of such illness is approved in accordance with provisions of Clause 20. - Sick Leave of this Award, and the officer continues to incur accommodation, meal and incidental expenses.

(10) Reimbursement claims for travelling in excess of 14 days in one month shall not be passed for payment by a certifying officer unless the Employer has endorsed the account.

(11) An officer who is relieving at or temporarily transferred to any place within a radius of fifty (50) kilometres measured from the officer's headquarters shall not be reimbursed the cost of midday meals purchased, but an officer travelling on duty within that area which requires absence from the officer's headquarters over the usual midday meal period shall be paid at the rate prescribed by Item 17 of Schedule F. - Travelling, Transfer and Relieving Allowance for each meal necessarily purchased, provided that:

(a) such travelling is not a normal feature in the performance of the officer's duties; and

(b) such travelling is not within the suburb in which the officer resides; and

(c) the officer's total reimbursement under this subclause for any one pay period shall not exceed the amount prescribed by Item (18) of Schedule F. - Travelling, Transfer and Relieving Allowance.

47. Immediately following clause 43. – TRAVELLING ALLOWANCE, insert a new clause, 44. – WEEKEND ABSENCE FROM RESIDENCE, as follows:

44. – WEEKEND ABSENCE FROM RESIDENCE

(1) An officer who is temporarily absent from his or her normal headquarters on relieving duty or travelling on official business outside a radius of three hundred and twenty (320) kilometres measured from the normal headquarters and is necessarily absent from his or her residence and separated from dependants, shall be granted an additional day's leave for every group of three (3) consecutive weekends so absent, provided that each weekend shall be counted as a member of only one group. Provided that:

(a) the relief duty or travelling on official business is within Australia and the officer is not directed to work on the weekend by the Employer;

(b) an additional day's leave shall not be allowed if the Employer has approved the officer's dependants accompanying the officer during the period of relief or travelling;

(c) additional leave under this subclause shall be commenced within one (1) month of the period of relief duty or travelling being completed unless the Employer approves otherwise;

(d) the annual leave loading provided by Clause 17. - Annual Leave of this Award shall not apply to any leave entitlements under this clause.

(2) Officers who are temporarily absent from their normal headquarters on relieving duty or travelling on official business outside a radius of three hundred and twenty (320) and up to four hundred (400) kilometres measured from the normal headquarters, may elect to have the benefit of concessions provided by subclause (3) of this clause in lieu of those provided by subclause (1) of this clause. Kalgoorlie, Albany and Geraldton shall be regarded as being within a radius of four hundred (400) kilometres for the purpose of this subclause in the case of an officer resident in the Metropolitan Area.

(3) Officers who are temporarily absent from their normal headquarters on relieving duty or travelling on official business within a radius of three hundred and twenty (320) kilometres measured from the officer's headquarters, and such relief duty or travel would normally necessitate the officer being absent from his or her residence for a weekend, shall be allowed to return to such residence for the weekend. Provided that:

(a) An officer who is directed to work on a weekend by the Employer shall not be entitled to the concessions.

(b) All travelling to and from the officer's residence shall be undertaken outside of the hours of duty prescribed by Clause 15. - Hours.

(c) An officer who has obtained the approval of the Employer for dependants to accompany the officer during the period of relief or travelling shall not be entitled to the concessions provided by this subclause.

(d) When an officer is authorised by the Employer to use his or her own motor vehicle to travel to the locality where the relief duty is being performed or when travelling on official business the officer shall be reimbursed on the basis of one half (½) of the appropriate rate prescribed by subclause (3) of Clause 37. - Motor Vehicle Allowance of this Award for the journey to the officer's residence for the weekend and the return to the place of relief duty: Provided that the maximum amount of reimbursement shall not exceed the cost of the rail or bus fare by public conveyance which otherwise would be utilised for such journey and payment shall be made only to the owner of such vehicle.

(e) When an officer has been authorised by the Employer to use a government motor vehicle in connection with the relief duty or travelling on official business, the officer shall be allowed to use that vehicle for the purpose of returning to his or her residence for the weekend.

(f) An officer who does not use his or her own vehicle or a government motor vehicle as provided by paragraphs (d) and (e) of this subclause, shall be reimbursed the cost of the fare by public conveyance by road or rail for the journey to and from the officer's residence for the weekend.

(g) An officer who does not make use of the provision of this subclause shall be paid travelling allowance or relieving allowance as the case may require in accordance with the provisions of Clause 40. - Relieving Allowance or Clause 43. - Travelling Allowance of this Award.

(h) Officers who return to their residence for the weekend in accordance with the provisions of this subclause shall not be entitled to the reimbursement of any expenses allowed by Clause 40. - Relieving Allowance and Clause 43. - Travelling Allowance of this Award during the period from the time when the officer returns to his or her residence to the time of departing from such residence to travel to resume duty at the place away from the residence.

48. Immediately following clause 44. – WEEKEND ABSENCE FROM RESIDENCE, insert a new clause, 45. - KEEPING OF AND ACCESS TO EMPLOYMENT RECORDS, as follows:

45. – KEEPING OF AND ACCESS TO EMPLOYMENT RECORDS

(1) Employers must ensure that the keeping of employment records and access to employment records of officers is in accordance with *Industrial Relations Act 1979 Part 11 Division 2F Keeping of and access to employment records.*

(2) If the Employer maintains a personal or other file on an employee subject to the Employer's convenience, the employee shall be entitled to examine all material maintained on that file.

49. Immediately following clause 45. - KEEPING OF AND ACCESS TO EMPLOYMENT RECORDS, insert a new clause, 46. – NOTIFICATION OF CHANGE, as follows:

46. – NOTIFICATION OF CHANGE

(1) (a) Where an Employer has made a definite decision to introduce major changes in production, programme, organisation, structure or technology that are likely to have significant effects on officers, the Employer shall notify the officers who may be affected by the proposed changes and the Association.

(b) For the purpose of this clause "significant effects" include termination of employment; major changes in the composition, operation or size of the Employer's workforce or in the skills required; elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of officers to other work or locations and restructuring of jobs.

Provided that where this Award or any other Award or Agreement makes provision for alteration of any of the matters referred to in this clause an alteration shall be deemed not to have significant effect.

(2) (a) The Employer shall discuss with the officers affected and the Association, inter alia, the introduction of the changes referred to in subclause (1) of this clause, the effects the changes are likely to have on officers, measures to avert or mitigate the adverse effects of such changes on officers and shall give prompt consideration to matters raised by the officers and/or the Association in relation to the changes.

(b) The discussion shall commence as early as practicable after a firm decision has been made by the Employer to make the changes referred to in subclause (1) of this clause, unless by prior arrangement, the Association is represented on the body formulating recommendations for change to be considered by the Employer.

(c) For the purposes of such discussion an Employer shall provide to the officers concerned and the Association all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on officers and any other matters likely to affect officers. Provided that any Employer shall not be required to disclose confidential information, the disclosure of which would be inimical to the Employer's interests.

50. Immediately following clause 46. – NOTIFICATION OF CHANGE, insert a new clause 47. – RIGHT OF ENTRY AND INSPECTION BY AUTHORISED REPRESENTATIVES, as follows:

47. – RIGHT OF ENTRY AND INSPECTION BY AUTHORISED REPRESENTATIVES

(1) The parties shall act consistently with the terms of the *Division 2 G – Right of Entry and Inspection by Authorised Representatives – of the Industrial Relations Act, 1979*.

(2) An authorised representative shall on notification to the Employer have the right to enter any premises where relevant officers covered by this Award work during working hours, including meal breaks, for the purpose of holding discussions at the premises with relevant officers covered by the Award who wish to participate in those discussions, the legitimate business of the Association or for the purpose of investigating complaints concerning the application of this Award, but shall in no way unduly interfere with the work of officers.

51. Immediately following clause 49. – PARTIES TO THE AWARD, insert a new clause 50. – EXPIRED GENERAL AGREEMENT SALARIES, as follows:

50. - EXPIRED GENERAL AGREEMENT SALARIES

(1) No-Disadvantage Test

(a) Expired General Agreement salary rates as amended from time to time are incorporated in the Award at Schedule H. These rates are not to be subject to arbitrated safety net adjustments and unless otherwise specified are only for the purpose of the no-disadvantage test as defined at s. 97VS of the *Industrial Relations Act 1979*.

(b) Notwithstanding the above, if the salary rates within the Award at Schedule A are higher than those expressed at Schedule H, the former rates shall be utilised for the purposes of the no-disadvantage test under the *Industrial Relations Act 1979*.

(2) Salary Based Allowances

All salary based allowances specified within this Award will be calculated on the applicable salary rate as specified at Schedule J of this Award or the applicable Award salary rate as specified at Schedule A of this Award, whichever is the higher."

52. Immediately following clause 50. – EXPIRED GENERAL AGREEMENT SALARIES, insert a new clause, 51. – DISPUTE SETTLEMENT PROCEDURE, as follows:

51 – DISPUTE SETTLEMENT PROCEDURE

(1) Any questions, difficulties or disputes arising under this Award of officers bound by the Award shall be dealt with in accordance with this clause.

(2) The officer/s and the manager with whom the dispute has arisen shall discuss the matter and attempt to find a satisfactory solution, within three (3) working days.

(3) If the dispute cannot be resolved at this level, the matter shall be referred to and be discussed with the relevant manager's superior and an attempt made to find a satisfactory solution, within a further three (3) working days.

(4) If the dispute is still not resolved, it maybe referred by the officer/s or Association representative to the Employer or his/her nominee.

(5) Where the dispute cannot be resolved within five (5) working days of the Association representatives' referral of the dispute to the Employer or his/her nominee, either party may refer the matter to the Western Australian Industrial Relation Commission.

(6) The period for resolving a dispute may be extended by agreement between the parties.

(7) At all stages of the procedure the officer may be accompanied by an Association representative.

53. Immediately following clause 51. – DISPUTE SETTLEMENT PROCEDURE, insert a new schedule, SCHEDULE A. - SALARIES, as follows:

SCHEDULE A. - SALARIES

(1) Annual salaries applicable to officers covered by this Award:

Level 2 Group Workers	Salary Per Annum $	Arbitrated Safety Net Adjustments $	Total Salary Per Annum $
1st Year	28306	5635	33941
2nd Year	29009	5635	34644
3rd Year	29748	5635	35383
4th Year	30529	5635	36164
5th Year	31346	5635	36981
Level 3 Unit Managers			
1st Year	32469	5635	38104
2nd Year	33344	5635	38979
3rd Year	34246	5635	39881
4th Year	35172	5530	40702
Level 4 Senior Officers			
1st Year	36442	5530	41972
2nd Year	37437	5426	42863
3rd Year	38461	5426	43887

54. Immediately following schedule SCHEDULE A. – SALARIES, insert a new schedule, SCHEDULE B. - DISTRICT ALLOWANCE, as follows:

SCHEDULE B - DISTRICT ALLOWANCE

(a) Officers without dependants (subclause 35 (3)(a)):

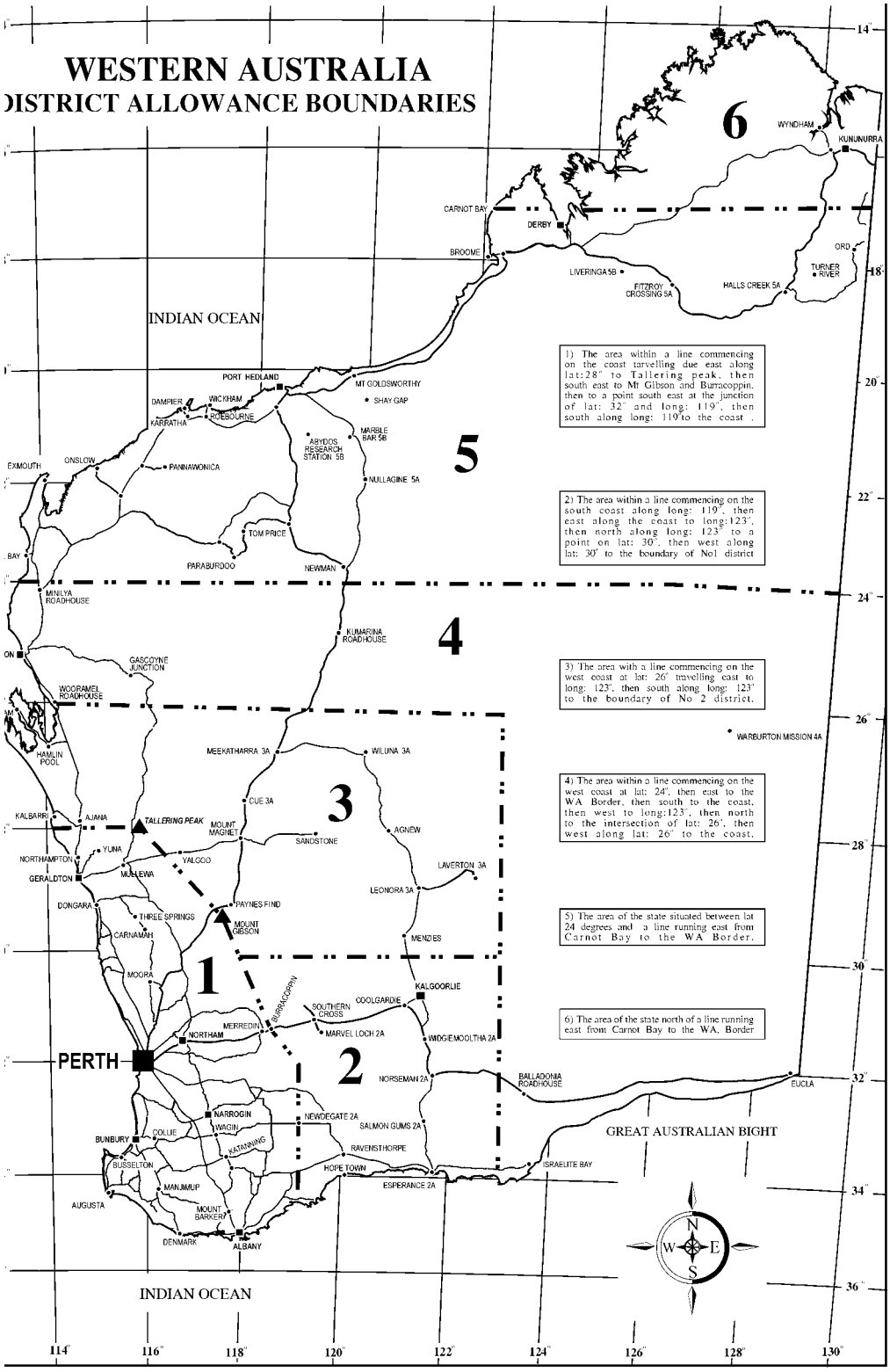
COLUMN 1 DISTRICT NO.	COLUMN II STANDARD RATE $ p.a.	COLUMN III EXCEPTIONS STANDARD RATE TOWN OR PLACE	TO	COLUMN IV RATE $ p.a.
6	3,450	Nil		Nil
5	2,823	Fitzroy Crossing		3,802
		Halls Creek		
		Turner River Camp		
		Nullagine		
		Liveringa (Camballin)		3,533
		Marble Bar		
		Wittenoom		
		Karratha		3,324
		Port Hedland		3,093
4	1,422	Warburton Mission		3,821
		Carnarvon		1,339
3	896	Meekatharra		1,422
		Mount Magnet		
		Wiluna		
		Laverton		
		Leonora		
		Cue		
2	643	Kalgoorlie		215
		Boulder		
		Ravensthorpe		849
		Norseman		
		Salmon Gums		
		Marvel Loch		
		Esperance		
1	Nil	Nil		Nil

(b) Officers with dependants (paragraph 35 (3)(b))

Double the appropriate rate as prescribed in (a) above for officers without dependants.

The allowances prescribed in this Schedule shall operate from the beginning of the first pay period commencing on or after July 1, 2004.

SCHEDULE B - DISTRICT ALLOWANCE MAP



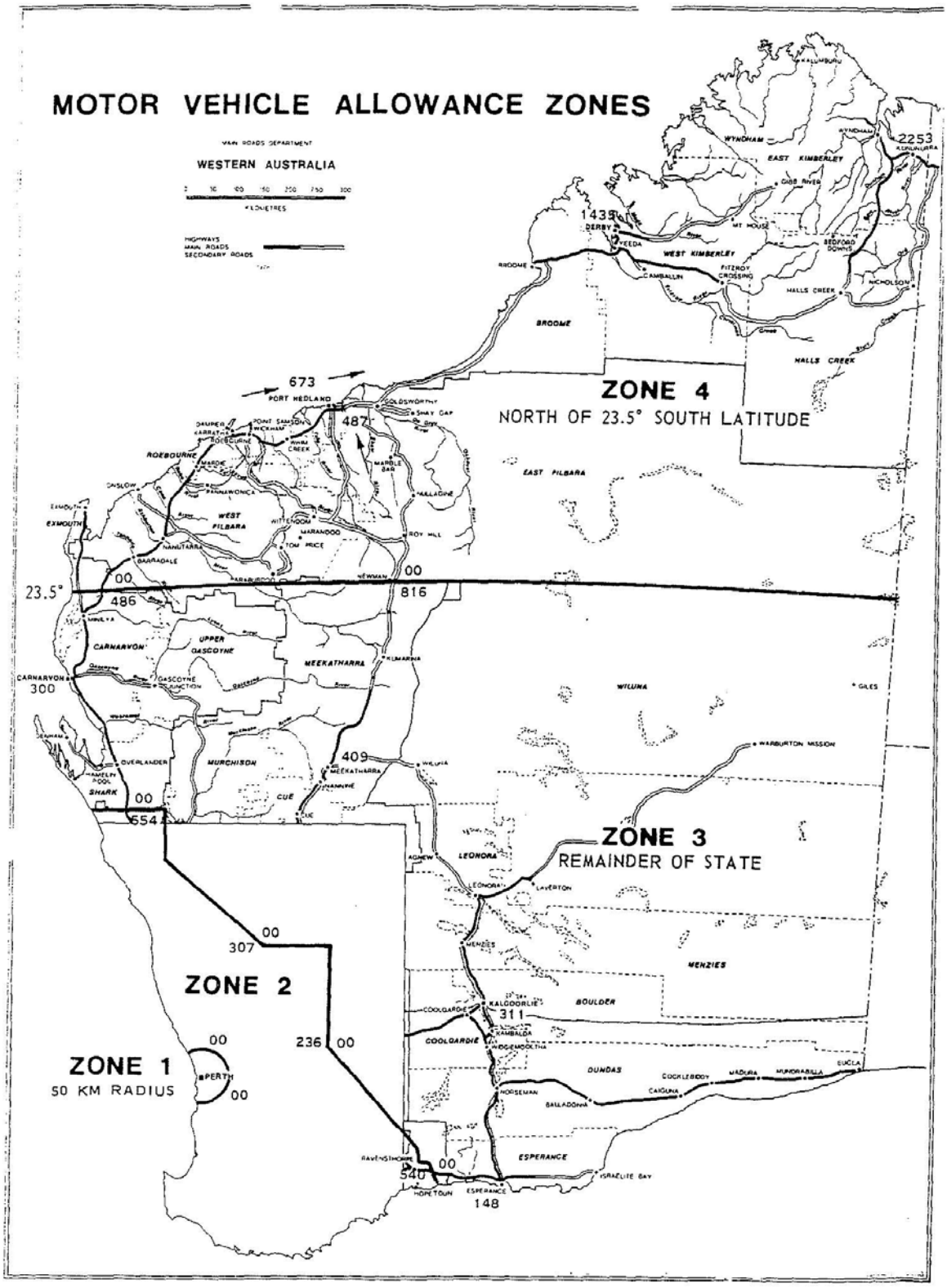
ASSET AND NETWORK INFORMATION
Drg No. CDR: 9993-097

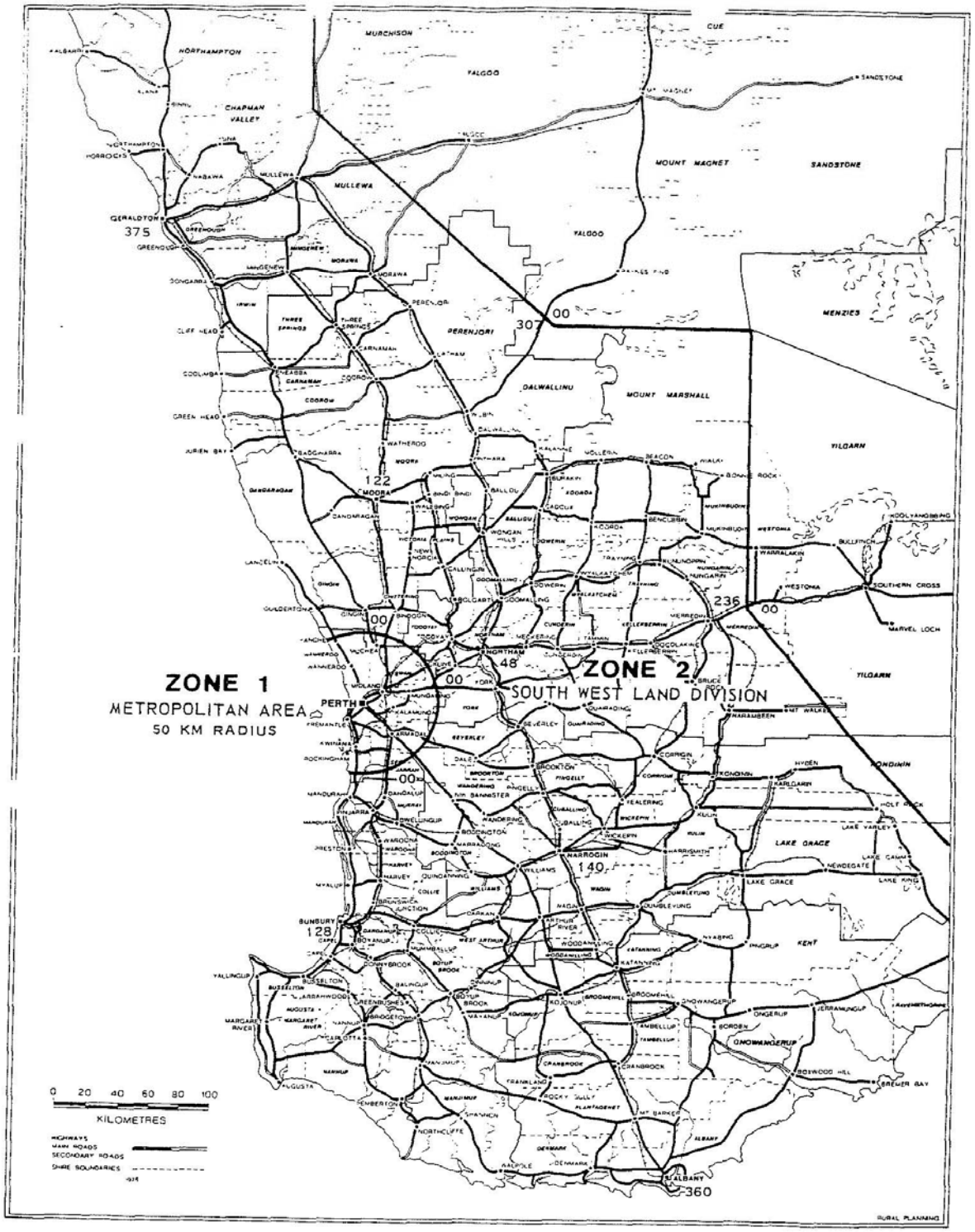
MAIN ROADS
Western Australia

55. Immediately following schedule SCHEDULE B. - DISTRICT ALLOWANCE, insert a new schedule, SCHEDULE C. – MOTOR VEHICLE ALLOWANCE, as follows:

SCHEDULE C - MOTOR VEHICLE ALLOWANCE

Area Details	Rate (cents) per kilometre Engine Displacement (in cubic centimetres) Over 2600cc	Over 1600cc to 2600cc	1600cc and under
Metropolitan Area			
First 4000 kilometres	149.7	126.6	102.2
Over 4000 up to 8000 kms	61.7	52.7	44.0
Over 8000 up to 16000 kms	32.4	28.1	24.6
Over 16000 kms	34.0	28.8	24.7
South West Land Division			
First 4000 kilometres	154.3	130.9	106.4
Over 4000 up to 8000 kms	64.0	54.8	46.0
Over 8000 up to 16000 kms	33.9	29.4	25.8
Over 16000 kms	35.2	29.7	25.5
North of 23.5o South Latitude			
First 4000 kilometres	170.9	145.4	118.9
Over 4000 up to 8000 kms	70.3	60.2	50.7
Over 8000 up to 16000 kms	36.7	31.9	28.0
Over 16000 kilometres	36.3	30.6	26.3
Rest of State			
First 4000 kilometres	159.2	134.8	109.2
Over 4000 up to 8000 kms	66.0	56.4	47.2
Over 8000 up to 16000 kms	34.9	30.2	26.5
Over 16000 kilometres	35.7	30.1	25.9


MOTOR VEHICLE ALLOWANCE ZONES
MAIN ROADS DEPARTMENT
WESTERN AUSTRALIA
KILOMETRES
HIGHWAYS
MAIN ROADS
SECONDARY ROADS
ZONE 4
NORTH OF 23.5° SOUTH LATITUDE
ZONE 3
REMAINDER OF STATE
ZONE 2
ZONE 1
50 KM RADIUS
PERTH
23.5°
673
487
816
486
300
409
654
307
311
236
540
148
2253
1439
00


ZONE 1
METROPOLITAN AREA
50 KM RADIUS
PERTH
ZONE 2
SOUTH WEST LAND DIVISION
GERALDTON
375
MOORA
122
NORTHAM
48
NARROGIN
140
BUNBURY
128
ALBANY
360
307
236
0 20 40 60 80 100
KILOMETRES
HIGHWAYS
MAIN ROADS
SECONDARY ROADS
SHIRE BOUNDARIES
RURAL PLANNING

56. Immediately following schedule SCHEDULE C. – MOTOR VEHICLE ALLOWANCE, insert a new schedule, SCHEDULE D. – MOTOR VEHICLE ALLOWANCE, as follows:

SCHEDULE D - MOTOR VEHICLE ALLOWANCE

Area Details	Rate (cents) per kilometre Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
Metropolitan Area	69.0	58.9	48.9
South West Land Division	71.5	61.1	51.0
North of 23.5o South Latitude	78.7	67.3	56.4
Rest of the State	73.7	62.9	52.4

57. Immediately following SCHEDULE D. – MOTOR VEHICLE ALLOWANCE, insert a new schedule, SCHEDULE E. –MOTOR CYCLE ALLOWANCE, as follows:

SCHEDULE E - MOTOR CYCLE ALLOWANCE

Distance travelled during a year on Official Business	Rate Cents per Kilometre
Rate per kilometre	23.9

58. Immediately following SCHEDULE E. –MOTOR CYCLE ALLOWANCE, insert a new schedule, SCHEDULE F. – TRAVELLING, TRANSFER AND RELIEVING ALLOWANCE, as follows:

SCHEDULE F - TRAVELLING, TRANSFER AND RELIEVING ALLOWANCE

ITEM	PARTICULARS	COLUMN A DAILY RATE	COLUMN B DAILY RATE OFFICERS WITH DEPENDENTS RELIEVING ALLOWANCE FOR PERIOD IN EXCESS OF 42 DAYS (CLAUSE 40(2)(b) TRANSFER ALLOWANCE FOR PERIOD IN EXCESS OF PRESCRIBED PERIOD (CLAUSE 42(3))	COLUMN C DAILY RATE OFFICERS WITHOUT DEPENDENTS RELIEVING ALLOWANCE FOR PERIOD IN EXCESS OF 42 DAYS (CLAUSE 40(2)(b))
ALLOWANCE TO MEET INCIDENTAL EXPENSES				
		$	$	$
(1)	WA - South of 26o South Latitude	10.75		
(2)	WA - North of 26o South Latitude	13.65		
(3)	Interstate	13.65		
ACCOMMODATION INVOLVING AN OVERNIGHT STAY IN A HOTEL OR MOTEL				
		$	$	$
(4)	WA - Metropolitan Hotel or Motel	179.00	89.50	59.65
(5)	Locality South of 26o South Latitude	154.25	77.15	51.40
(6)	Locality North of 26o South Latitude			
	Broome	237.10	118.55	79.05
	Carnarvon	204.20	102.10	68.05
	Dampier	183.45	91.70	61.15
	Derby	179.65	89.80	59.90
	Exmouth	194.40	97.20	64.80
	Fitzroy Crossing	286.15	143.05	95.40
	Gascoyne Junction	127.15	63.55	42.40
	Halls Creek	237.65	118.80	79.20

	Karratha	297.35	148.65	99.10
	Kununurra	244.45	122.25	81.50
	Marble Bar	177.65	88.80	59.20
	Newman	249.90	124.95	83.30
	Nullagine	150.20	75.10	50.05
	Onslow	178.75	89.40	59.60
	Pannawonica	183.15	91.55	61.05
	Paraburdoo	235.65	117.80	78.55
	Port Hedland	214.65	107.30	71.55
	Roebourne	127.40	63.70	42.45
	Sandfire	174.65	87.30	58.20
	Shark Bay	131.95	65.95	44.00
	Tom Price	210.65	105.30	70.20
	Turkey Creek	141.65	70.80	47.20
	Wickham	167.75	83.90	55.90
	Wyndham	152.15	76.05	50.70
(7)	Interstate - Capital City			
	Sydney	220.45	110.25	73.50
	Melbourne	226.45	113.25	75.50
	Other Capitals	185.00	92.50	61.60
(8)	Interstate - Other than Capital City	154.25	77.15	51.40

ACCOMMODATION INVOLVING AN OVERNIGHT STAY AT OTHER THAN A HOTEL OR MOTEL

(9)	WA - South of 26o South Latitude	73.10
(10)	WA - North of 26o South Latitude	85.25
(11)	Interstate	85.25

TRAVEL NOT INVOLVING AN OVERNIGHT STAY OR TRAVEL INVOLVING AN OVERNIGHT STAY WHERE ACCOMMODATION ONLY IS PROVIDED.

(12)	WA - South of 26o South Latitude:	
	Breakfast	13.30
	Lunch	13.30
	Dinner	35.80
(13)	WA - North of 26o South Latitude	
	Breakfast	14.50
	Lunch	23.75
	Dinner	33.40
(14)	Interstate	
	Breakfast	14.50
	Lunch	23.75
	Dinner	33.40

DEDUCTION FOR NORMAL LIVING EXPENSES (CLAUSE 42 (5)(a))

(15)	Each Adult	21.40
(16)	Each Child	3.65

MIDDAY MEAL (CLAUSE 43(11)

(17)	Rate per meal	5.20
(18)	Maximum reimbursement per pay period	26.00

59. Immediately following SCHEDULE G. - MEMORANDUM OF AGREEMENT, insert a new schedule, SCHEDULE H. – EXPIRED GENERAL AGREEMENT SALARIES, as follows:

SCHEDULE H. – EXPIRED GENERAL AGREEMENT SALARIES

Classification Level	Annual Salary at 1-January 2003 (Not to be subject to arbitrated safety net adjustments)
LEVEL 2.1	$35,952
2.2	$36,876
2.3	$37,847
2.4	$38,873
2.5	$39,946
LEVEL 3.1	$41,421
3.2	$42,571
3.3	$43,756
3.4	$44,972
LEVEL 4.1	$46,641
4.2	$47,948
4.3	$49,293

60. 6. – DEFINITIONS: Delete this clause and insert in lieu thereof the following:

6. - DEFINITIONS

In this Award, the following expressions shall have the following meaning:

"Accrued Day(s) Off"' (ADOs) means the paid day(s) off accruing to an employee resulting from an entitlement to the 38 hour week as prescribed in Clause 15 of this Award.

"Employer" and "Employing Authority" means Minister for Justice.

"Headquarters" means the place in which the principal work of an officer is carried out, as defined by the Employer.

"Metropolitan Area" means that area within a radius of fifty (50) kilometres from the Perth City Railway Station.

"Minister" means the Minster for Justice.

"Officer" means an employee covered by this Award.

"Partner" means either spouse or de facto partner.

"De Facto Partner" means a relationship (other than a legal marriage) between two persons who live together in a 'marriage-like' relationship and includes same sex partners.

"Spouse" means a person who is lawfully married to that person.

"The Association" means the Civil Service Association of Western Australia Incorporated.

61. 15. – HOURS: delete paragraph (g) of subclause (2) and insert in lieu thereof the following:

(g) Probationary Group Workers will not accrue time off whilst on day or block study leave release. Probationary Group Workers on day or study leave release will work a 38 hour week.

62. 8. – CONTRACT OF SERVICE: delete paragraph (c) of subclause (1) and insert in lieu thereof the following:

(c) An officer, having attained the age of 55 years, shall be entitled to retire from the employ of the Minister.

63. 12. – SALARY PACKAGING ARRANGEMENT: delete this clause and insert in lieu thereof the following:

12. - SALARY PACKAGING ARRANGEMENT

(1) An officer may, by agreement with the Employer, enter into a salary packaging arrangement in accordance with this clause and Australian Taxation Office requirements.

(2) Salary packaging is an arrangement whereby the entitlements and benefits under this Award, contributing toward the Total Employment Cost (TEC) (as defined in subclause (3) of this clause) of an officer, can be reduced by and substituted with another or other benefits.

(3) The TEC for salary packaging purposes is calculated by adding the following entitlements and benefits:

- (a) the base salary;
- (b) other cash allowances;
- (c) non cash benefits;
- (d) any Fringe Benefit Tax liabilities currently paid; and
- (e) any variable components.

(4) Where an officer enters into a salary packaging arrangement the officer will be required to enter into a separate written agreement with the Employer setting out the terms and conditions of the salary packaging arrangement.

(5) Notwithstanding any salary packaging arrangement, the salary rate as specified in this Award, is the basis for calculating salary related entitlements specified in the Award.

(6) Compulsory Employer Superannuation Guarantee contributions are to be calculated in accordance with applicable federal and state legislation. Compulsory Employer contributions made to superannuation schemes established under the *State Superannuation Act 2001* are calculated on the gross (pre packaged) salary amount regardless of whether an officer participates in a salary packaging arrangement with their Employer.

(7) A salary packaging arrangement cannot increase the costs to the Employer of employing an individual.

(8) A salary packaging arrangement is to provide that the amount of any taxes, penalties or other costs for which the Employer or officer is or may become liable for and are related to the salary packaging arrangement, shall be borne in full by the officer.

(9) In the event of any increase in taxes, penalties or costs relating to a salary packaging arrangement, the officer may vary or cancel that salary packaging arrangement.

64. 18. – PUBLIC HOLIDAYS: delete this clause and insert in lieu thereof the following:

18. – PUBLIC HOLIDAYS

(1) The following days shall be allowed as holidays with pay:

(a) New Year's Day, Australia Day, Good Friday, Easter Monday, Christmas Day, Boxing Day, Anzac Day, Sovereign's Birthday, Foundation Day, Labour Day, provided that the Employer may approve another day to be taken as a holiday in lieu of any of the above mentioned days.

(2) When any of the days mentioned in subclause (1) of this clause falls on a Saturday or on a Sunday, the holiday shall be observed on the next succeeding Monday.

When Boxing Day falls on a Sunday or Monday, the holiday shall be observed on the next succeeding Tuesday.

In each case the substituted day shall be a holiday without deduction of pay and the day for which it is substituted shall not be a holiday.

(3) An officer whilst on a public holiday prescribed by this Award shall continue to accrue an entitlement to an Accrued Day Off. When any of the days observed as a public holiday fall on a day when an officer is on an Accrued Day Off the officer shall be allowed to take a day's holiday in lieu of the holiday on a day immediately following the officer's annual leave or at a time mutually acceptable to the Employer and the officer.

65. 19. – LONG SERVICE LEAVE: delete this clause and insert in lieu thereof the following:

19. – LONG SERVICE LEAVE

(1) Each officer who has completed a period of 7 years of continuous service in a permanent and/or fixed term contract capacity shall be entitled to 13 weeks of long service leave on full pay.

Officers may by agreement with their Employer, clear any accrued entitlement to long service leave in one-week periods.

(2) Each officer is entitled to an additional 13 weeks of long service leave on full pay for each subsequent period of 7 years of continuous service.

(3) A part-time officer shall have the same entitlement to long service leave, as full time officers however payment made during such periods of long service leave shall be adjusted according to the hours worked by the officer during that accrual period.

(4) For the purpose of determining an officer's long service leave entitlement, the expression "continuous service" includes any period during which the officer is absent on full pay or part pay from duties but does not include:

(a) any period exceeding two weeks during which the officer is absent on leave without pay or unpaid parental leave, except where leave without pay is approved for the purpose of fulfilling an obligation by the Government of Western Australia to provide staff for a particular assignment external to the Public Sector of Western Australia;

(b) any period during which an officer is taking long service leave entitlement or any portion thereof except in the case of subclause (9) when the period excised will equate to a full entitlement of 13 weeks;

(c) any service by an officer who resigns, is dismissed or whose services are otherwise terminated other than service prior to such resignation, dismissal or termination when that prior service has actually entitled the officer to the long service leave under this clause;

(d) any period of service that was taken into account in ascertaining the amount of a lump sum payment in lieu of long service leave;

(e) any service of a Cadet whilst undertaking full time studies.

(5) A long service leave entitlement, which fell due prior to March 16, 1988, amounted to three months. A long service leave entitlement, which falls due on or after that date, shall amount to thirteen weeks.

(6) Any Public Holiday or days in lieu of the repealed public service holidays occurring during an officers absence on long service leave shall be deemed to be a portion of the long service leave and extra days in lieu thereof shall not be granted.

(7) The Employer may direct an officer to take accrued long service leave and may determine the date on which such leave shall commence. Should the officer not comply with the direction, disciplinary action may be taken against the officer.

(8) An officer who has elected to retire at or over the age of 55 years and who will complete not less than 12 months continuous service before the date of retirement may take application to the Employer to take pro rata long service leave before the date of retirement, based on continuous service of a lesser period than that prescribed by this clause for a long service entitlement.

(9) Compaction of leave

(a) An officer who, during an accrual period was subject to variations in ordinary working hours or whose ordinary working hours during the accrual period are less than the officer's ordinary working hours at the time of commencement of long service leave, may elect to take a lesser period of long service leave calculated by converting the average ordinary working hours during the accrual period to the equivalent ordinary hours at the time of commencement of long service leave.

(b) Notwithstanding subclause (6) of this clause, an officer who has elected to compact an accrued entitlement to long service leave in accordance with paragraph (10)(a) of this clause, shall only take such leave in any period on full pay, and the period excised as "continuous service" shall be 13 weeks.

(10) Portability

(a) Where an officer immediately prior to being employed, was employed in the service of:

- The West Australian Public Service, or
- The Commonwealth of Australia, or
- Any other State Government of Australia, or
- Any Western Australian State body or statutory authority

and the period between the date when the officer ceased previous employment and the date of commencing employment does not exceed one week, that officer shall be entitled to long service leave determined in the following manner:

(i) the pro rata portion of long service leave to which the officer would have been entitled up to the date of appointment shall be calculated in accordance with the provisions that applied to the previous employment referred to, but in calculating that period of pro rata long service leave, any long service leave taken or any benefit granted in lieu of any such long service leave during that employment shall be deducted from any long service leave to which the officer may become entitled under this clause; and

(ii) the balance of the long service leave entitlement of the officer shall be calculated upon appointment in accordance with the provisions of this clause.

(b) Nothing in this clause confers or shall be deemed to confer on any officer previously employed by the Commonwealth or by any other State of Australia any entitlement to a complete period of long service leave that accrued in the officer's favour prior to the date on which the officer commenced employment.

(11) Half Pay

Subject to the Employer's convenience, an Employer may approve an officer's application to take long service leave on full pay or half pay. In the case of long service leave which falls due on or after March 16, 1988 portions in excess of four weeks shall be in multiples of one week's entitlement.

(12) When an officer proceeds on long service leave there will be no accrual towards an Accrued Day Off. Payment for long service leave will continue to be at the ordinary weekly rate.

(13) Any long service leave accumulated as at June 1st 1986 shall be adjusted in hours in the ratio of 38 to 40.

(14) Lump Sum Payments

(a) On application to the employing authority, a lump sum payment for the money equivalent of any -

(i) Long service leave entitlement for continuous service as prescribed by subclause (1) and (2) of this clause shall be made to employee who resigns, retires, is retired or is dismissed or in respect of an officer who dies;

(ii) pro rata long service leave based on continuous service of a lesser period than that prescribed by subclause (1) and (2) of this clause for a long service leave entitlement shall be made -

(aa) to an employee who retires at or over the age of 55 years or who is retired on the grounds of ill health, if the officer has completed not less than 12 months continuous service before the date of retirement;

(bb) to an employee who, not having resigned, is retired by the employing authority for any other cause, if the employee has completed not less than 3 years continuous service before the date of retirement;

(cc) in respect of an officer who dies, if the officer has completed not less than 12 months continuous service before the date of death.

(b) In the case of a deceased employee, payment shall be made to the estate of the employee unless the employee is survived by a legal dependant, approved by the Employer, in which case payment shall be made to the legal dependant.

(c) The calculation of the amount due for long service leave accrued and for pro rata long service leave shall be made at the rate of salary of an officer at the date of retirement or resignation or death, whichever applies.

66. 20. – SICK LEAVE: delete this clause and insert in lieu thereof the following:

20. – SICK LEAVE

(1) Entitlement

(a) The Employer shall credit each permanent officer with the following sick leave credits, which shall be cumulative:

	Sick Leave on full pay	Sick Leave on half pay
On the day of initial appointment	38 hours	15.2 hours
On completion of 6 months continuous service	38 hours	22.8 hours
On the completion of 12 months continuous service	76 hours	38 hours
On the completion of each further period of 12 months continuous service	76 hours	38 hours

(b) An officer employed on a fixed term contract for a period greater than 12 months, shall be credited with the same entitlement as a permanent officer. An officer employed on a fixed term contract for a period less than 12 months, shall be credited with the same entitlement on a pro rata basis for the period of the contract.

(c) A part-time officer shall be entitled to the same sick leave credits, on a pro rata basis according to the number of hours worked each fortnight. Payment for sick leave shall only be made for those hours that would normally have been worked had the officer not been on sick leave.

(d) The provisions of this clause do not apply to casual officers.

(2) Evidence

(a) An application for sick leave exceeding two consecutive working days shall be supported by evidence to satisfy a reasonable person.

(b) The amount of sick leave granted without the production of evidence to satisfy a reasonable person required in paragraph (a) of this subclause shall not exceed, in the aggregate, 5 working days in any one-credit year.

(3) Where an application for leave is supported by the certificate of a registered medical practitioner, a further certificate from a registered medical practitioner nominated by the Employer may be required and if that certificate does not confirm or substantially confirm the certificate of the medical practitioner, the officer making the application for sick leave shall pay the fee due to the nominated medical practitioner in respect of the certificate.

(4) Where the Employer has occasion for doubt as to the cause of the illness or the reason for the absence, the Employer may arrange for a registered medical practitioner to visit and examine the officer, or may direct the officer to attend the medical practitioner for examination. If the report of the medical practitioner does not confirm that the officer is ill, or if the officer is not available for examination at the time of the visit of the medical practitioner, or fails, without reasonable cause, to attend the medical practitioner when directed to do so, the fee payable for the examination, appointment or visit shall be paid by the officer.

(5) If the Employer has reason to believe that an officer is in such a state of health as to render a danger to fellow officers or the public, the officer may be required to obtain and furnish a report as to their condition from registered medical practitioner nominated by the Employer. The fee for any such examination shall be paid by the Employer.

(6) Where an officer is ill during the period of annual leave and produces at the time, or as soon as practicable thereafter, medical evidence to the satisfaction of the Employer that as a result of the illness the officer was confined to their place of residence or a hospital for a period of at least seven consecutive calendar days, the Employer may grant sick leave for the period during which the officer was so confined and reinstate annual leave equivalent to the period of confinement.

(7) Where an officer is ill during the period of long service leave and produces at the time, or as soon as practicable thereafter, medical evidence to the satisfaction of the Employer that as a result of illness the officer was confined to their place of residence or a hospital for a period of at least 14 consecutive calendar days, the Employer may grant sick leave for the period during which the officer was so confined and reinstate long service leave equivalent to the period of confinement.

(8) An officer who is absent on leave without pay is not eligible for sick leave during the currency of that leave without pay.

(9) No sick leave shall be granted with pay, if the illness has been caused by the misconduct of the officer or in any case of absence from duty without sufficient cause.

(10) Where an officer who has been retired on medical grounds resumes duty therein, sick leave credits at the date of retirement shall be reinstated. This provision does not apply to an officer who has resigned and is subsequently reappointed.

(11) Workers' Compensation

Where an officer suffers a disability within the meaning of section 5 of the *Workers' Compensation & Rehabilitation Act 1981*, which necessitates that officer being absent from duty, sick leave with pay shall be granted to the extent of sick leave credits. In accordance with section 80(2) of the *Workers' Compensation & Rehabilitation Act 1981* where the claim for workers' compensation is decided in favour of the officer, sick leave credit is to be reinstated and the period of absence shall be granted as sick leave without pay.

(12) War Caused Illnesses

(a) An officer who produces a certificate from the Department of Veterans' Affairs stating that the officer suffers from war caused illness may be granted special sick leave credits of 114 hours (15 standard hour days) per annum on full pay in respect of that war caused illness. These credits shall accumulate up to a maximum credit of 342 hours and (45 standard hour days), and shall be recorded separately to the officer's normal sick leave credit.

(b) Every application for sick leave for war caused illness shall be supported by a certificate from a registered medical practitioner as to the nature of the illness.

(13) Portability

(a) The Employer shall credit an officer additional sick leave credits up to those held at the date that officer ceased previous employment provided:

(i) immediately prior to commencing employment the officer was employed in the service of:

(aa) The West Australian Public Service, or

(bb) The Commonwealth Government of Australia, or

(cc) Any other State of Australia, or

(dd) In a Western Australian State body or statutory authority.

(ii) the officer's employment commenced no later than one week after ceasing previous employment.

(b) The maximum break in employment permitted by subparagraph (a)(ii) of this subclause, may be varied by the approval of the Employer provided that where employment commenced more than one week after ceasing the previous employment, the period in excess of one week does not exceed the amount of accrued and pro rata annual leave paid out at the date the officer ceased with the previous Employer.

(14) Paid sick leave cannot be claimed in respect of any time the officer is on an Accrued Day Off.

(15) An officer whilst on paid sick leave shall continue to accrue an entitlement to an Accrued Day Off.

(16) Whilst on paid sick leave an officer shall receive the wages they would have received had they not proceeded on sick leave and shall have the accrued entitlement to paid sick leave reduced by the time the officer is absent from work on account of paid sick leave.

(17) Any sick leave accumulated as at June 1st, 1986 shall be adjusted in hours in the ratio of 38 to 40.

(18) For the purposes of this clause "service" shall not include:

(a) any period exceeding 14 calendar days during which an officer is absent on leave without pay. In the case of leave without pay which exceeds 14 calendar days, the entire period of such leave without pay is excised in full;

(b) any period which exceeds six months in one continuous period during which an officer is absent on workers' compensation. Provided that only that portion of such continuous absence which exceeds six months shall not count as "service";

(c) any period which exceeds three months in one continuous period during which an officer is absent on sick leave without pay. Provided that only that portion of such continuous absence which exceeds three months shall not count as "service".

67. 23. – LEAVE WITHOUT PAY: delete this clause and insert in lieu thereof the following:

23. - LEAVE WITHOUT PAY

(1) Subject to the provisions of subclause (2) of this clause, the Employer may grant an officer leave without pay for any period and is responsible for that officer on their return.

(2) Every application for leave without pay will be considered on its merits and may be granted provided that the following conditions are met:

(a) The work of the Employer is not inconvenienced; and

(b) All other leave credits of the officer are exhausted.

(3) An officer on a fixed term contract may not be granted leave without pay for any period beyond that officer's approved period of engagement.

(4) An officer who is absent on any form of leave without pay for less than a total of five days in any 12 month work cycle shall not have payment reduced when proceeding on Accrued Days Off.

(5) An officer who is absent on any form of leave without pay for a total of five days or more in any 12 month work cycle will have such period of leave added to the work cycle.

68. 24. – STUDY LEAVE: delete this clause and insert in lieu thereof the following:

24. – STUDY LEAVE

(1) Conditions for Granting Time Off

(a) An officer may be granted time off with pay for study purposes at the discretion of the Employer.

(b) Part-time officers are entitled to study leave on the same basis as full time officers. Officers working shift work or on fixed term contracts have the same access to study leave as all other officers

(c) Time off with pay may be granted up to a maximum of five hours per week including travelling time, where subjects of approved courses are available during normal working hours, or where approved study by correspondence is undertaken.

(d) Officers who are obliged to attend educational institutions for compulsory block sessions, may be granted time off with pay including travelling time up to the maximum annual amount allowed in subclause (1)(c) of this clause.

(e) Officers shall be granted sufficient time off with pay to travel to and sit for the examinations of any approved course of study.

(f) In every case the approval of time off to attend lectures and tutorials will be subject to:

(i) agency convenience;

(ii) the course being undertaken on a part-time basis;

(iii) officers undertaking an acceptable formal study load in their own time;

(iv) officers making satisfactory progress with their studies;

(v) the course being of value to the agency; and

(vi) the Employer's discretion when the course is only relevant to the officer's career in the Service and being of value to the State.

(g) A service agreement or bond will not be required.

(3) Payment of Fees

(a) Cadets and Trainees

(i) Agencies are to meet the payment of higher education administrative charges for cadets and trainees who, as a condition of their employment, are required to undertake studies at a University or College of Advanced Education. Officers who of their own volition attend such institutions to gain higher qualifications will be responsible for the payment of fees.

(ii) This assistance does not include payment of text books or guild and society fees.

(iii) An officer who is required to repeat a full academic year of the course will be responsible for payment of the higher education fees for that particular year

(b) All Officers

The Employer has the discretion to reimburse an officer for the full or part of any reasonable costs of enrolment fees, Higher Education Contribution Surcharge, compulsory textbooks, compulsory computer software, and other necessary study materials. Half of the value of the agreed costs shall be reimbursed immediately following production of written evidence of enrolment and costs incurred, and the remaining half shall be reimbursed following production of written evidence of successful completion of the subject for which reimbursement has been claimed. The Employer and officer may agree to alternative reimbursement arrangements.

(3) (a) Approved Courses

(i) First-degree or associate diploma courses at a University within the state of Western Australia.

(ii) First degree or associate diploma courses at a college of advanced education.

(iii) Diploma courses at Technical and Further Education (TAFE).

(iv) Two-year full time Certificate courses at TAFE.

(v) Courses recognised by the National Authority for the Accreditation of Translators and Interpreters (NAATI) in a language relevant to the needs of the Public Sector.

(b) Except as outlined in subclause (3)(d) of this clause, officers are not eligible for study assistance if they already possess one of the qualifications specified in subclause (3)(a)(i) and 3(a)(ii) of this clause.

(c) An officer who has completed a Diploma through TAFE is eligible for study assistance to undertake a degree course at a University within the state of Western Australia or a College of Advanced Education. An officer who has completed a two year full time Certificate through TAFE is eligible for study assistance to undertake a Diploma course specified in subclause (3)(a)(iii) or a degree or associate diploma course specified in subclause (3)(a)(i) or (3)(a)(ii) of this clause.

(d) Assistance towards additional qualifications including second or higher degrees may be granted in special cases, at the discretion of the Employer.

(4) (a) An acceptable part-time study load should be regarded as not less than five hours per week of formal tuition with at least half of the total formal study commitment being undertaken in the officer's own time, except in special cases such as where the officer is in the final year of study and requires less time to complete the course, or the officer is undertaking the recommended part-time year or stage and this does not entail five hours formal study.

(b) A first degree or Associate Diploma course does not include the continuation of a degree or Associate Diploma towards a higher postgraduate qualification.

(c) In cases where officers are studying subjects which require fortnightly classes the weekly study load should be calculated by averaging over two weeks the total fortnightly commitment.

(d) In agencies which are operating on flexi-time, time spent attending or travelling to or from formal classes for approved courses between 8.15 am and 4.30 pm, less the usual lunch break, and for which "time off" would usually be granted, is to be counted as credit time for the purpose of calculating total hours worked per week.

(e) Travelling time returning home after lectures or tutorials is to be calculated as the excess time taken to travel home from such classes, compared with the time usually taken to travel home from the officer's normal place of work.

(f) An officer shall not be granted more than 5 hours time off with pay per week except in exceptional circumstances where the Employer may decide otherwise.

(g) Time off with pay for those who have failed a unit or units may be considered for one repeat year only.

(5) Subject to the provisions of subclause (6) of this clause, the Employer may grant an officer full time study leave with pay to undertake:

(a) post graduate degree studies at Australian or overseas tertiary education institutions; or

(b) study tours involving observations and/or investigations; or

(c) a combination of postgraduate studies and study tour.

(6) Applications for full time study leave with pay are to be considered on their merits and may be granted provided that the following conditions are met:

(a) The course or a similar course is not available locally. Where the course of study is available locally, applications are to be considered in accordance with the provisions of subclause (1) to (5) of this clause and the Leave Without Pay provisions of this Award.

(b) It must be a highly specialised course with direct relevance to the officer's profession.

(c) It must be highly relevant to the agency's corporate strategies and goals.

(d) The expertise or specialisation offered by the course of study should not already be available through other officers employed within the agency.

(e) If the applicant was previously granted study leave, studies must have been successfully completed at that time. Where an officer is still under a bond, this does not preclude approval being granted to take further study leave if all the necessary criteria are met.

(f) A fixed term contract officer may not be granted study leave with pay for any period beyond that officer's approved period of engagement.

(7) Full time study leave with pay may be approved for more than 12 months subject to a yearly review of satisfactory performance.

(8) Where an outside award is granted and the studies to be undertaken are considered highly desirable by an Employer, financial assistance to the extent of the difference between the officer's normal salary and the value of the award may be considered. Where no outside award is granted and where a request meets all the necessary criteria then part or full payment of salary may be approved at the discretion of the Employer.

(9) The Employer supports recipients of coveted awards and fellowships by providing study leave with pay. Recipients normally receive as part of the award or fellowship; return airfares, payment of fees, allowance for books, accommodation or a contribution towards accommodation.

(10) Where recipients are in receipt of a living allowance, this amount should be deducted from the officer's salary for that period.

(11) Where the Employer approves full time study leave with pay the actual salary contribution forms part of the agency's approved average staffing level funding allocation. Employers should bear this in mind if considering temporary relief.

(12) Where study leave with pay is approved and the Employer also supports the payment of transit costs and/or an accommodation allowance, the Employer will gain approval for the transit and accommodation costs as required.

(13) Where officers travelling overseas at their own expense wish to participate in a study tour or convention whilst on tour, study leave with pay may be approved by the Employer together with some local transit and accommodation expenses providing it meets the requirements of subclause (6) of this clause. Each case is to be considered on its merits.

(14) The period of full time study leave with pay is accepted as qualifying service for leave entitlements and other privileges and conditions of service prescribed for officers under this Award.

(15) When an officer proceeds on study leave there will be an accrual towards an Accrued Day Off.

69. 25. – SHORT LEAVE: delete this clause and insert in lieu thereof the following:

25. – SHORT LEAVE

(1) (a) An Employer may, upon sufficient cause being shown, grant an officer short leave on full pay not exceeding 2 consecutive working days, but any leave granted under the provisions of this clause shall not exceed, in the aggregate, 22.8 working hours in any one calendar year.

(b) Part-time officers are eligible for short leave in accordance with this clause, on a pro rata basis calculated in accordance with the following formula:

$$\frac{\text{Hours worked per fortnight}}{76} \times \frac{22.8 \text{ hours}}{1}$$

(c) An officer employed on a fixed term contract of less than twelve months shall be eligible for pro rata short leave in accordance with this clause.

(2) Subject to the prior approval of the supervisor, officers located outside a radius of fifty (50) kilometres from the Perth City Railway Station shall be allowed Short Leave where pressing personal matters can only be dealt with within the required hours of duty.

(3) An officer shall not be entitled to claim payment for short leave on a day when that officer is absent on an Accrued Day Off. An officer whilst on short leave shall continue to accrue an entitlement to an Accrued Day Off.

70. 37. – MOTOR VEHICLE ALLOWANCE: delete this clause and insert in lieu thereof the following:

37. – MOTOR VEHICLE ALLOWANCE

For the purposes of this clause the following expressions shall have the following meanings:

(1) (a) "A year" means 12 months commencing on the 1st day of July and ending on the 30th day of June next following.

(b) "Metropolitan area" means that area within a radius of 50 kilometres from the Perth City Railway Station.

(c) "South West land division" means the South West land division as defined by to Section 6 Schedule 1 *Land Administration Act 1997* excluding the area contained within the metropolitan area.

(d) "Rest of the State" means that area south of 23.5 degrees south latitude, excluding the metropolitan area and the South West land division.

(e) "Term of Employment" means a requirement made known to the officer at the time of applying for the position by way of publication in the advertisement for the position, written advice to the officer contained in the offer for the position or oral communication at interview by an interviewing officer and such requirement is accepted by the officer either in writing or orally.

(f) "Qualifying Service" shall include all service in positions where there is a requirement as a term of employment to supply and maintain a motor vehicle for use on official business but shall exclude all absences, which effect entitlements as provided by this Award.

(2) Allowance for Officers required to supply and maintain a vehicle as a term of employment:

(a) An officer who is required to supply and maintain a motor vehicle for use when travelling on official business as a term of employment shall be reimbursed in accordance with the appropriate rates set out in Schedule C. - Motor Vehicle Allowance for journeys travelled on official business and approved by the Employer.

(b) An officer who is reimbursed under the provisions of paragraph (2)(a) will also be subject to the following conditions: -

(i) For the purposes of subclause (2) an officer shall be reimbursed with the appropriate rates set out in Schedule C. - Motor Vehicle Allowance for the distance travelled from the officer's residence to the place of duty and for the return distance travelled from place of duty to residence except on a day where the officer travels direct from residence to headquarters and return and is not required to use the vehicle on official business during the day.

(ii) Where an officer in the course of a journey travels through two or more separate areas, reimbursement shall be made at the appropriate rate applicable to each of the areas traversed as set out in Schedule C. - Motor Vehicle Allowance

(iii) Where an officer does not travel in excess of 4,000 kilometres in a year an allowance calculated by multiplying the appropriate rate per kilometre by the difference between the actual distance travelled and 4,000 kilometres shall be paid to the officer provided that where the officer has less than 12 months qualifying service in the year then the 4,000 kilometre distance will be reduced on a pro rata basis and the allowance calculated accordingly.

(iv) Where a part-time officer is eligible for the payment of an allowance under subparagraph (iii) of this subclause such allowance shall be calculated on the proportion of total hours worked in that year by the officer to the annual standard hours had the officer been employed on a full time basis for the year.

(v) An officer who is required to supply and maintain a motor vehicle for use on official business is excused from this obligation in the event of his/her vehicle being stolen, consumed by fire, or suffering a major and unforeseen mechanical breakdown or accident, in which case all entitlement to reimbursement ceases while the officer is unable to provide the motor vehicle or a replacement.

(vi) The Employer may elect to waive the requirement that an officer supply and maintain a motor vehicle for use on official business, but three months written notice of the intention so to do shall be given to the officer concerned.

(3) Allowance for officers relieving officers subject to subclause (2) of this clause

(a) An officer not required to supply and maintain a motor vehicle as a term of employment who is required to relieve an officer required to supply and maintain a motor vehicle as a term of employment shall be reimbursed all expenses incurred in accordance with the appropriate rates set out in Schedule C. - Motor Vehicle Allowance for all journeys travelled on official business and approved by the Employer where the officer is required to use his/her vehicle on official business whilst carrying out the relief duties.

(b) For the purposes of paragraph (3)(a) of this clause an officer shall be reimbursed all expenses incurred in accordance with the appropriate rates set out in Schedule C. - Motor Vehicle Allowance for the distance travelled from the officer's residence to place of duty and the return distance travelled from place of duty to residence except on a day where the officer travels direct from residence to headquarters and return and is not required to use the vehicle on official business during the day.

(c) Where an officer in the course of a journey travels through two or more separate areas, reimbursement shall be made at the appropriate rate applicable to each of the areas traversed as set out in Schedule C. - Motor Vehicle Allowance.

(d) For the purpose of this subclause the allowance provided in subparagraphs (2)(b)(iii) and (iv) of this clause shall not apply.

(4) Allowance for other officers using vehicle on official business.

(a) An officer who is not required to supply and maintain a motor vehicle for use when travelling on official business as a term of employment, but when requested by the Employer voluntarily consents to use the vehicle shall for journeys travelled on official business approved by the Employer be reimbursed all expenses incurred in accordance with the appropriate rates set out in Schedule D - Motor Vehicle Allowance and Schedule E. - Motor Cycle Allowance.

(b) For the purpose of paragraph (4)(a) of this clause an officer shall not be entitled to reimbursement for any expenses incurred in respect to the distance between the officer's residence and headquarters and the return distance from headquarters to residence.

(c) Where an officer in the course of a journey travels through two or more separate areas, reimbursement shall be made at the appropriate rate if applicable to each of the areas traversed as set out in Schedule D. - Motor Vehicle Allowance.

(5) Allowance for towing an Employer’s caravan or trailer.

In case where officers are required to tow an Employer’s caravans on official business, the additional rate shall be 6.5 cents per kilometre. When an Employer’s trailers are towed on official business the additional rate shall be 3.5 cents per kilometre.

(6) Special Conditions.

Notwithstanding the provisions of Clause 5. - Term of Award of this Award where the cost of vehicles and petrol increase or decrease such that a corresponding increase or decrease in the allowance provided for a vehicle over 1600cc in the metropolitan area would amount to 0.1 of a cent or greater then the parties agree that the allowance shall be increased or decreased accordingly.

(7) (a) When an officer begins or ceases a shift between the hours of 11.00 pm and 7.00 am and no public transport is available, reimbursement at the appropriate rate of hire prescribed by subclause (4) of this clause, shall be made if the officer's private motor vehicle or cycle is used for the journey between the officer's residence and headquarters and the return journey.

(b) Provided however, that any officer who, on or after October 30, 1987, elects to be permanently retained on a fixed or non rotating shift that begins or ceases between or on the hours of 11.00 pm and 7.00 am shall not be eligible to claim this reimbursement.

(c) The provisions of this subclause shall only be applied to officers living and working within a radius of 50km of the Perth City Railway Station.

71. <u>48. - COPIES OF AWARD:</u> delete this clause and insert in lieu thereof the following:

<u>48. – COPIES OF AWARD</u>

Every officer shall be entitled to have access to a copy of this Award. Sufficient copies shall be made available, either hard copy or by modern electronic means by the Employer for this purpose. Where a hard copy is requested it shall be made available.

72. **SCHEDULE G. - MEMORANDUM OF AGREEMENT: delete paragraph (a) of subclause (1) and insert in lieu thereof the following:**

(a) An employee subject to the provisions of subclause (1) of Clause 15. - Hours, who has not taken any Accrued Days Off accumulated during a work cycle in which employment is terminated shall be paid the total of hours accumulated towards the Accrued Day Off for which payment has not already been made for periods of two weeks or over provided that payment shall be made for completed weeks only.

73. **SCHEDULE G. - MEMORANDUM OF AGREEMENT: delete paragraph (c) of subclause (2) and insert in lieu thereof the following:**

(c) Where an employee is on Workers' Compensation for periods greater than twenty consecutive work days and an Accrued Day Off as prescribed in subclause (1) of Clause 15. - Hours falls within the period the employee shall be re-rostered for another Accrued Day Off on completion of the twenty-week work cycle following such absence.

AWARDS/AGREEMENTS—Variation of—

2005 WAIRC 00642

ABORIGINAL MEDICAL SERVICE EMPLOYEES' AWARD NO. A26 OF 1987

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

BROOME ABORIGINAL MEDICAL SERVICE AND OTHERS

RESPONDENTS

CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 676 OF 2003
CITATION NO.	2005 WAIRC 00642

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Aboriginal Medical Service Employees' Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. **Clause 6 – Hours of Duty, Overtime and On Call: Delete subclause (4)(b) of this clause and insert the following in lieu thereof:**

(b) An employee shall be paid $3.20 for each hour or part thereof they are on call. Provided that payment in accordance with this paragraph shall not be made with respect to any period for which payment is made in accordance with the overtime provisions of this award when the employee is recalled to work.

2. **Clause 18 – Laundry and Uniforms: Delete subclauses (1) and (2) of this clause and insert the following in lieu thereof:**

(1) The employer shall provide all uniforms which shall at all times remain the property of the employer. Provided that in lieu of providing uniforms the employer may pay an allowance of $4.05 per week, and the employee shall wear uniforms which conform to the uniform stipulated by the employer with respect to material, colour, pattern and conditions. Where the employer does not require the employee to wear a uniform no allowance shall be payable.

(2) Each employee shall be entitled to all reasonable laundry work at the expense of the employer, but where the employer elects not to launder the uniforms the employee shall be paid an allowance of $2.15 per week.

3. **Clause 23 – District Allowance: Delete subclause (6) of this clause and insert the following in lieu thereof:**

(6) The weekly rate of District Allowance payable to employees pursuant to subclause (3) of this clause shall be as follows:

COLUMN I	COLUMN II	COLUMN III	COLUMN IV
DISTRICT	STANDARD RATE	EXCEPTIONS TO STANDARD RATE	RATE
	$ per week	Town or Place	$ per week
6	66.93	Nil	Nil
5	54.71	Fitzroy Crossing	73.61
		Halls Creek	
		Turner River Camp	
		Nullagine	
		Liveringa (Camballin)	68.55
		Marble Bar	
		Wittenoom	
		Karratha	64.55
		Port Hedland	59.90
4	27.54	Warburton Mission	74.26
		Carnarvon	25.93
3	17.40	Meekatharra	27.54
		Mount Magnet	
		Wiluna	
		Laverton	
		Leonora	
		Cue	
2	12.34	Kalgoorlie	4.11
		Boulder	
		Ravensthorpe	16.45
		Norseman	
		Salmon Gums	
		Marvel Loch	
		Esperance	
1	Nil	Nil	Nil

(Note: In accordance with subclause (4) of this clause employees with dependants shall be entitled to double the rate of district allowance shown).

The allowances prescribed in this subclause shall operate from the beginning of the first pay period commencing on or after 11th March 2005.

4. Clause 24. – Outpost Availability Allowance: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Where an employee is transferred to work at any of the locations as prescribed in the groups listed in subclause (8) then the following provisions shall apply:

Group	Provisions applying
4	An allowance of $90.05 per week plus four weeks' special leave per annum
3	An allowance of $67.40 per week plus two weeks' special leave per annum.
2	An allowance of $44.95 per week plus two weeks' special leave per annum
1	An allowance of $44.95 per week.

5. Clause 24A – Bilingual Allowance: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) In recognition of the increased effectiveness and productivity of bilingual employees, if an employee is required during the course of employment or as part of his/her duties to apply skills within subclause (1) of this clause, the employee who shall be competently bilingual shall be paid an allowance of:

Level 1 - $1290.85 per annum.

Level 1 is an elementary level. This level of accreditation is appropriate for employees who are capable of using a minimal knowledge of language for the purpose of simple communication.

Level 2 - $2583.06 per annum.

Level 2 represents a level of ability for the ordinary purposes of general business, conversation, reading and writing.

6. Clause 26 – Wages: Delete subclause (18) of this clause and insert the following in lieu thereof:

(18) Leading hands shall be paid the ordinary wage prescribed for the classification in which they are employed increased by:

		Per Week $
(a)	When in charge of not less than 3 and not more than 10 other employees	17.69
(b)	When in charge of more than 10 and not more than 20 other employees	26.44
(c)	When in charge of more than 20 other employees	35.20

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Health Worker Grade 1.
2. The Work Related Allowances – the percentage increase in:
   - Clause 6 – Hours of Duty, Overtime and On Call
   - Clause 24 – Outpost – Availability Allowance
   - Clause 24A – Bilingual Allowance
   - Clause 26 – Wages

   is derived from $17 divided by $515.80 equals 3.30% (2003) and $19 divided by $532.80 equals 3.57% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   > "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:
   - Clause 18 – Laundry and Uniforms has been varied for the CPI Clothing Services and Shoe Repair - Perth for the period September 2002 to December 2004 giving the percentage of 9.92%.

     December 2004 172.9 X 100 = 9.92%

     September 2002 157.3 1

     CPI Clothing Services and Shoe Repair – Perth
   - Clause 23 – District Allowance has been varied for the CPI All Groups, Index Numbers (a) – Perth for the period September 2002 to December 2004 giving the percentage of 5.52%.

     December 2004 143.3 X 100 = 5.52%

     September 2002 135.8 1

     Catalogue: 6455.0.40.001

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – HEALTH WORKER GRADE 1 – LEVEL 2

Clause		A	B	C
Clause 6 - Hours of Duty, Overtime and On Call 4(b)		$3.00	$3.21	$3.20
Clause 24 – Outpost – Availability Allowance		$84.15 $63.00 $42.00 $42.00	$90.04 $67.41 $44.94 $44.94	$90.05 $67.40 $44.95 $44.95
Clause 24A - Bilingual Allowance	(a) (b)	$1206.54 $2414.35	$1290.85 $2583.06	
Clause 26 – Wages	18(a) (b) (c)	$16.53 $24.71 $32.90	$17.69 $26.44 $35.20	

EXPENSE RELATED ALLOWANCES

CPI Clothing Services and Shoe Repair - All

Clause		A	B	C
Clause 18 - Laundry and Uniforms	(1) (2)	$3.70 $1.95	$4.07 $2.14	$4.05 $2.15

2005 WAIRC 00594

AERATED WATER AND CORDIAL MANUFACTURING INDUSTRY AWARD 1975
NO. 10 OF 1975

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	COCA-COLA BOTTLERS (PERTH) PTY LTD
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 677 OF 2003
CITATION NO.	2005 WAIRC 00594

Result	Award varied
Representation	
Applicant	Ms C. Kazokoff
Respondent	Mr P. Robertson (as agent)

Order

HAVING heard Ms C. Kazokoff on behalf of the applicant and Mr P. Robertson (as agent) on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Aerated Water and Cordial Manufacturing Industry Award 1975* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Overtime: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) An employee required to work overtime for more than two hours without being notified on the previous day or earlier that he will be so required to work shall be supplied with a meal by the employer or be paid $8.35 for a meal.

If the amount of overtime required to be worked necessitates a second or subsequent meal the employer shall, unless he has notified the employees concerned on the previous day or earlier that such second or subsequent meal will also be required, provide such meals or pay an amount of $5.85 for each such second or subsequent meal.

No such payments need to be made to employees living in the same locality as their workshop who can reasonably return home for such meals.

If an employee in consequence of receiving such notice has provided himself with a meal or meals and is not required to work overtime, or is required to work less overtime than notified, he shall be paid amounts as prescribed in respect of the meals not then required.

2. Clause 10. – Wages:

(A) Delete subclause (1)(b) of this clause and insert the following in lieu thereof:

(b)	Production Employee - Grade 2 Shall mean an employee classified as such who is engaged on work in connection with or incidental to the production and distribution operations of the employer and who in addition to the duties of a Production Employee - Grade 1 may be required to regularly carry out the specific duties listed hereunder. Specific Duties - Grade 2 • Syrup and/or cordial makers mixing recipes or formulae who are not solely responsible for ensuring adherence to quality standards of batches. • Operators of Filling machines • Operators of labelling, palletising or depalletising, case packing or unpacking, carton or multi packing machines. • Employees engaged on routine line testing. • Forklift Driver • Truck Driver	410.00	106.00	516.00

Provided that drivers who are required to collect money during any week or portion of a week as part of their duties and account for it shall be paid $4.55 for such a week in addition to the rate of wage prescribed above.

(B) Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c)	Driver of motor vehicle	387.70	106.00	493.70
	Provided that drivers who are required to collect money during any week or portion of a week as part of their duties and account for it shall be paid $4.25 for such week in addition to the rate of wage prescribed above			

(C) Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Leading Hands:

In addition to the appropriate rate prescribed in this clause a leading hand shall be paid –

		$ Per Week
(a)	If placed in charge of not less than 3 and not more than 10 other employees	22.05
(b)	If placed in charge of more than 10 and not more than 20 other employees	33.90
(c)	If placed in charge of more than 20 other employees	45.05

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Production Employee Level 2.

2. The Work Related Allowances – the percentage increase in:

- Clause 10. – Wages

is derived from $17 divided by $516.00 = 3.29% (2003) and $19 divided by $533.00 = 3.56% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 9. - Overtime has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 7.105%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals out and Take Away Foods - Perth

Catalogue No.: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – PRODUCTION EMPLOYEE LEVEL 2

Clause		A	B	C
Clause 10. – Wages	(1)(b)	$4.25	$4.56	$4.55
	(2)(c)	$3.95	$4.25	$22.05
	(4)(a)	$20.60	$22.06	$33.90
	(4)(b)	$31.70	$33.92	
	(4)(c)	$42.10	$45.05	

EXPENSE RELATED ALLOWANCES

CPI Meals Out and Take Away Foods - All

Clause		A	B	C
Clause 9. – Overtime	(4)	$7.80 $5.45	$8.35 $5.84	$5.85

2005 WAIRC 00726

AGED AND DISABLED PERSONS HOSTELS AWARD, 1987 NO. A6 OF 1987
ENROLLED NURSES AND NURSING ASSISTANTS (PRIVATE) AWARD NO 8 OF 1978
HOSPITAL EMPLOYEES' (BRIGHTWATER) CONSOLIDATED AWARD 1981 NO. 26 OF 1960
HOSPITAL WORKERS (N'GALA) AWARD NO. 6A OF 1958
PRIVATE HOSPITAL EMPLOYEES' AWARD, 1972 NO. 27 OF 1971

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	BOARD OF MANAGEMENT NGALA INC AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	THURSDAY, 17 MARCH 2005
FILE NO.	APPLB 623 OF 2003, APPLB 632 OF 2003, APPLB 675 OF 2003, APPLB 678 OF 2003, APPLB 693 OF 2003
CITATION NO.	2005 WAIRC 00726

Result	Motor Vehicle allowances varied
Catchwords	Award – Award variation to motor vehicle allowances – Statement of Principles – variation history - Award varied – Industrial Relations Act 1979 (WA) s 40
Representation	
Applicant	Mr J. Nicholas
Respondents	Ms M. Kuhne (as agent) on behalf of the respondents

Reasons for Decision

1 The issue between the parties is relatively straightforward. The union seeks to vary the rates paid to employees for the use of their own motor vehicle contained in the *Hospital Workers (N'gala) Award No. 6A of* 1958, *Private Hospital Employees' Award, 1972*, *Hospital Employees' (Brightwater) Consolidated Award 1981, Aged and Disabled Person Hostels Award, 1987 and Enrolled Nurses and Nursing Assistants (Private) Award No. 8 of 1978* by applying the basis of the movement in the Consumer Price Index Private Motoring - Motor Vehicles Perth index (Catalogue No. 6455.0.40.001). This is the basis upon which the motor vehicle reimbursement rates in these awards have been varied in 2000, 2001 and 2002. On those occasions, the variations proceeded by consent.

2 The union acknowledged that prior to 1996, the rates were historically varied by applying the movement in the relevant motor vehicle reimbursement rates in the *Public Service Award 1992*. It argues that the CPI Index is relevant and that the historical method of varying the rates was abandoned with the agreement of the parties in 2000 because of unsatisfactory delays in the variation of the rates in the *Public Service Award 1992*. Indeed, when the parties adopted the use of the CPI Index in 2000, they did so on a comprehensive basis by adjusting the rates from 1996 to that date; the changes in 2001 and 2002 have then been applied to that new base. The union submitted that the rate in the *Public Service Award 1992* has now not changed since June 2003 and although a variation to it may be due sometime soon, it is not clear when the next variation to that award may take place.

3 For the respondents, the historical basis of variation was emphasised. It was said that the indexing of the rates would only occur every few years and does not need to be done annually. Although there was consent in 2000, 2001 and 2002 for the application of the CPI Index to the rates, the rates in these five awards are now out of step with the rates in the corresponding federal awards applicable in the private health industry and to which the federal counterpart of the present applicant union is party. For the awards other than the *Enrolled Nurses and Nursing Assistants (Private) Award No. 8 of 1978* (where there is no corresponding federal award) the difference is not significant because the employees are employed under the corresponding federal awards; however all of the enrolled nurses in the industry are employed under the *Enrolled Nurses and Nursing Assistants (Private) Award No. 8 of 1978*. Therefore employers now need to check the rates, and the dates of variation, because they are out of step with the rates in the corresponding federal awards. The respondents therefore seek some uniformity in "a sensible and practicable way".

4 Both parties referred to the decision of McCarthy DP on 21 January 2004 when a similar issue regarding the calculation of the adjustment of motor vehicle rates in the *Residential Aged Care (Hostels) Award 2002*, the *Nursing Assistants Award 2002* and the *Private Hospital and Residential Aged Care (Nursing Homes) Award 2002* came before the AIRC (Print PR 942923). On that occasion, McCarthy DP held that the principal objects of the *Workplace Relations Act 1996* (Cth) were best met by retaining the approach which adjusted the rates by the variation made by this Commission to the *Public Service Award 1992* and not by applying the CPI index.

Conclusion

5 I approach the matter this way. The Statement of Principles apply to the applications. Both parties agree that the relevant Principle is the first sentence of Principle 5. – Adjustment of Allowances and Service Increments:

> "Existing allowances which constitute a reimbursement of expenses incurred may be adjusted from time to time where appropriate to reflect the relevant change in the level of such expenses."

6 On that basis, the motor vehicle reimbursement rates may be adjusted from time to time where appropriate to reflect the relevant change in the level of the expenses covered by it.

7 If the historical approach to the variation is now to be reinstated, in the absence of a regular variation to the corresponding rates in the *Public Service Award 1992* the rates in these awards will not regularly be adjusted from time to time to reflect the relevant change in the level of the expense for which it is a reimbursement. Depending on the length of the time until there is another variation to the *Public Service Award 1992* that would result in rates which are not a fair condition of employment in the sense that is referred to in Object 6(ca) of the Act. The award is to provide for fair conditions of employment and the Statement of Principles provide for the maintenance of those conditions of employment to reflect changes in the level of the expenditure the condition is designed to reimburse.

8 It is not argued that there is any material difference between the CPI Index and the method of the variation to the rates in the *Public Service Award 1992* for these purposes. In respect of each of them, they provide a relevant basis for adjustment although there may be some argument that the method of variation to the *Public Service Award 1992* covers the whole of the State, whereas the index covers only Perth, and it may refer to a more comprehensive basket of items than the index. However, that argument was not the basis upon which I have been asked to decide these matters. I therefore regard either method as being appropriate for the purposes of the application of Principle 5 of the Statement of Principles.

9 Neither is it argued the resulting rates from the application of the index, when compared to the rates that would result from the *Public Service Award 1992* method of variation is significant. The issue is not to be decided on the basis of which rate best reflects the relevant change in the level of the expenses. Rather, the principle basis upon which the employers resist the applications on this occasion is the administrative inconvenience, particularly in relation to the *Enrolled Nurses and Nursing Assistants (Private) Award No. 8 of 1978*, of having rates that by definition would be different from, and might move from a different date than, the corresponding rates in the federal awards which otherwise cover the industry.

10 The weight to be given to such an administrative inconvenience involved will depend upon the circumstances. On this occasion, I do not consider that it outweighs the object of Principle 5 which permits the adjustment of the rates from time to time where appropriate to reflect relevant changes in the level of the expense covered by it. The administrative inconvenience is to be balanced against the value to the employees to whom the rates are paid. The variation now sought by the union in these applications will apply the index for the period September 2002 to December 2004. Not to grant the applications would mean that the rates would not be adjusted and would remain at their September 2002 level of reimbursement. It is now March 2005 and the movement in the CPI index demonstrates that the costs of using a car have not remained static.

11 I consider a proper, and fair, application of the Statement of Principles means that the present approach to the adjustment of the allowance, and which is the approach which has been applied in these awards to reflect changes since 1996, is to be continued. The equity and substantial merits of the case warrant that conclusion. Therefore the awards will be varied in accordance with the schedules provided by the union.

12 The Minutes of the orders to issue have been separately distributed to the parties and they will be contacted shortly in order to ascertain whether a Speaking to the Minutes is requested.

2005 WAIRC 00790

AGED AND DISABLED PERSONS HOSTELS AWARD, 1987
NO. A6 OF 1987

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	ANGLICAN HOMES FOR THE AGED (INCORPORATED) AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	WEDNESDAY, 23 MARCH 2005
FILE NO/S	APPLB 678 OF 2003
CITATION NO.	2005 WAIRC 00790

Result	Award Varied
Representation	
Applicant	Mr J. Nicholas
Respondents	Ms M. Kuhne, as agent

Order

HAVING heard Mr J. Nicholas on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Aged and Disabled Persons Hostels Award 1987* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 33. – Fares and Motor Vehicle Allowances: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(2) (c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business:

Schedule 1 - Motor Vehicle Allowances

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.3	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600 – 2600cc

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Qualified Cook.

2. For Expense Related Allowances:

Clause 33. – Fares & Motor Vehicle Allowances has been varied for the CPI Private Motoring for the period September 2002 to December 2004 giving the percentage of 5.16%.

$$\text{December 2004} \quad \frac{144.7}{\text{September 2002}\ 137.6} \times \frac{100}{1} = 5.16\%$$

CPI Private Motoring – Motor Vehicles – Perth

Catalogue 6455.0.40.9001

2005 WAIRC 00791

ENROLLED NURSES AND NURSING ASSISTANTS (PRIVATE) AWARD NO 8 OF 1978

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	ST JOHN OF GOD HOSPITAL AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	WEDNESDAY, 23 MARCH 2005
FILE NO/S	APPLB 693 OF 2003
CITATION NO.	2005 WAIRC 00791

Result	Award Varied
Representation	
Applicant	Mr J. Nicholas
Respondents	Ms M. Kuhne, as agent

Order

HAVING heard Mr J. Nicholas on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Enrolled Nurses and Nursing Assistants (Private) Award No. 8 of 1978* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

[L.S.]

(Sgd.) A R BEECH,
Chief Commissioner.

SCHEDULE

1. Clause 32 – Fares and Motor Vehicles Allowances: Delete paragraph (c) of subclause (2) of this clause and insert the following in lieu thereof:

(2) (c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business:

Schedule 1 - Motor Vehicle Allowances

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.3	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5o South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.64

Schedule 2 - Motor Cycle Allowances

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600 - 2600cc.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. For Expense Related Allowances:

- Clause 32. – Fares and Motor Vehicle Allowances has been varied for the CPI Private Motoring – Perth for the period September 2002 to December 2004 giving the percentage of 5.16%.

December 2004 144.7 X 100 = 5.16%
September 2002 137.6 1

CPI Private Motoring – Motor Vehicles - Perth.

Catalogue 6455.0.40.9001

2005 WAIRC 00789

HOSPITAL EMPLOYEES' (BRIGHTWATER) CONSOLIDATED AWARD 1981
NO. 26 OF 1960

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

BRIGHTWATER

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE WEDNESDAY, 23 MARCH 2005
FILE NO/S APPLB 675 OF 2003
CITATION NO. 2005 WAIRC 00789

Result Award Varied
Representation
Applicant Mr J. Nicholas
Respondent Ms M. Kuhne, as agent

Order

HAVING heard Mr J. Nicholas on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Hospital Employees' (Brightwater) Consolidated Award 1981* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

3. Clause 29. – Fares & Motor Vehicle Allowances: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(2) (c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business:

Schedule 1 - Motor Vehicle Allowances

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc 2600cc	1600cc & Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.3	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

Motor Vehicles with rotary engines are to be included in the 1600 – 2600cc.

And further with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Tradesperson Cook.
2. For Expense Related Allowances:
   - Clause 13 – Fares and Travelling has been varied for the CPI Private Motoring from September 2002 to December 2004 giving the percentage of 5.16%.

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Motor Vehicles – Perth

2005 WAIRC 00787

HOSPITAL WORKERS (N'GALA) AWARD NO. 6A OF 1958

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	BOARD OF MANAGEMENT NGALA INC
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	WEDNESDAY, 23 MARCH 2005
FILE NO/S	APPLB 623 OF 2003
CITATION NO.	2005 WAIRC 00787

Result	Award Varied
Representation	
Applicant	Mr J. Nicholas
Respondent	Ms M. Kuhne, as agent

Order

HAVING heard Mr J. Nicholas on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Hospital Workers (N'Gala) Award No. 6A of 1958* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
Chief Commissioner.

[L.S.]

SCHEDULE

1. Clause 26. – Fares and Motor Vehicle Allowances: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business

Schedule 1 - Motor Vehicle Allowances

Area and Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc -2600cc	l600 cc & Under
	Rate per Kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance Travelled During a Year on Official Business	Rate per Kilometre (Cents)
All Areas of State	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Hospital Worker Level 4.
2. For Expense Related Allowances:
   - Clause 26. – Fares & Motor Vehicle Allowances has been varied for the CPI Private Motoring – Perth for the period September 2002 to December 2004 giving the percentage of 5.16%.

$$\text{December 2004} \quad \frac{144.7}{137.6} \quad X \quad \frac{100}{1} \quad = \quad 5.16\%$$
$$\text{September 2002}$$

CPI Private Motoring – Motor Vehicles – Perth

Catalogue: 6455.0.40.001

2005 WAIRC 00788

PRIVATE HOSPITAL EMPLOYEES' AWARD, 1972
NO. 27 OF 1971

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ST JOHN OF GOD HOSPITAL AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE WEDNESDAY, 23 MARCH 2005
FILE NO/S APPLB 632 OF 2003
CITATION NO. 2005 WAIRC 00788

Result Award Varied
Representation
Applicant Mr J. Nicholas
Respondents Ms M. Kuhne, as agent

Order

HAVING heard Mr J. Nicholas on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Private Hospital Employees' Award 1972* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 13. – Fares and Motor Vehicle Allowances: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business:

Schedule 1 - Motor Vehicle Allowances

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc & Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.3	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600 – 2600cc.

And further, with the consent of the parties, the Commission records the following basis for variation:

1. The agreed Key Minimum Classification in this Award is Tradesperson Cook.
2. For Expense Related Allowances:
   - Clause 13. – Fares and Travelling Allowances has been varied for the CPI Private Motoring for the period September 2002 to December 2004 giving the percentage of 5.16%.

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Motor Vehicles – Perth

Catalogue 6455.0.40.001

2005 WAIRC 00671

AGED AND DISABLED PERSONS HOSTELS AWARD, 1987 NO. A6 OF 1987

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	ANGLICAN HOMES FOR THE AGED (INCORPORATED) AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 678 OF 2003
CITATION NO.	2005 WAIRC 00671

Result	Matter Divided, Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

1. THAT application 678 of 2003 be divided into 678A and 678B of 2003.
2. THAT the *Aged and Disabled Persons Hostels Award, 1987* be varied in accordance with the following schedule and that such variation shall have effect from the beginning of the first pay period commencing on or after the 11th day of March 2005.
3. THAT the claim specified in item 5 of the applicant's amended schedule stand as the claim in application 678B of 2003.
4. THAT application 678B of 2003 be adjourned sine die.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 10 – Overtime: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Where an employee is required to work overtime and such overtime is worked for a period of at least two hours in excess of the required daily hours of work, the employee shall be provided with a meal free of cost, or shall be paid the sum of $7.85 as meal money.

2. Clause 18 – Wages: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) The ordinary wages of any employee other than a supervisor or assistant supervisor placed in charge of three or more employees shall be increased by $18.50 per week.

3. Clause 20 – Uniforms and Laundering: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Each employee shall be entitled to all reasonable laundry work at the expense of the employer, but where the employer elects not to launder the uniforms, the employee shall be paid an allowance of $1.40 per week.

4. Clause 27 – Call Allowance: Delete subclause (1)(b) of this clause and insert the following in lieu thereof:

(b) paid an on call allowance at the rate of $6.15 for each hour spent on call.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Qualified Cook.
2. For Work Related Allowances – the percentage increase in:
   - Clause 18. – Wages
   - Clause 27. – Call Allowance

   is derived from $17 divided by $568.90 equals 2.99% and $19 divided by $585.90 equals 3.24% (two years calculations) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   > "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:
   - Clause 10. - Overtime has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

     CPI Meals Out and Take Away Foods – Perth
   - Clause 20. - Uniforms and Laundry has been varied for the CPI Clothing Services and Shoe Repair – Perth for the period September 2002 to December 2004 giving the percentage 9.92%.

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

     CPI Clothing Services and Shoe Repair – Perth

     Catalogue 6455.0.40.9001

   For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – QUALIFIED COOK

Clause		A	B	C
Clause 18. – Wages	(3)	$17.40	$18.48	$18.50
Clause 27 – Call Allowance		$5.80	$6.14	$6.15

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 10. – Overtime	$7.35	$7.87	$7.85

CPI Clothing Services and Shoe Repair - Perth

Clause	A	B	C
Clause 20. – Laundry	$1.27	$1.40	

2005 WAIRC 00751

AMBULANCE SERVICE COMMUNICATION CENTRE EMPLOYEES' AWARD 1991
NO. A4 OF 1991

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ST JOHN AMBULANCE AUSTRALIA

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 672 OF 2003
CITATION NO. 2005 WAIRC 00751

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent No appearance

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and there being no appearance on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Ambulance Service Communication Centre Employees' Award 1991* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. – Overtime: Delete subclause (3)(a) and (b) of this clause and insert the following in lieu thereof:

(3) (a) Subject to the provisions of this clause an Officer who is required to continue working after the usual ceasing time for more than one hour shall be supplied with a meal by the employer or be paid $8.90 for a meal.

(b) Where the amount of overtime worked necessitates more than one meal, the employer shall supply such additional meal or pay to the Officer $8.90 for each such additional meal. The Officer shall be entitled to the additional meal or meal allowance after each four hours.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. For Expense Related Allowances:

- Clause 8. – Overtime has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

Calculations are therefore:

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods - Perth

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

Clause		A	B	C
Clause 8. – Overtime	(3)(a)	$8.30	$8.89	$8.90
	(b)	$8.30	$8.89	$8.90

CPI Meal Out and Take Away Foods - Perth

The Union uses Catalogue No.: 6455.0.40.001

2005 WAIRC 00752

AMBULANCE SERVICE EMPLOYEES' AWARD, 1969 NO. 50 OF 1968

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ST JOHN AMBULANCE AUSTRALIA

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 679 OF 2003
CITATION NO. 2005 WAIRC 00752

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent No appearance

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and there being no appearance on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Ambulance Service Employees' Award, 1969* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. – Overtime: Delete subclause (3)(a) and (b) of this clause and insert the following in lieu thereof:

(3) (a) Subject to the provisions of this clause an Officer who is required to continue working after the usual ceasing time for more than one hour shall be supplied with a meal by his employer or be paid $8.95 for a meal.

(b) Where the amount of overtime worked necessitates more than one meal, the employer shall supply such additional meal or pay to the Officer $8.95 for each such additional meal. The officer shall be entitled to the additional meal or meal allowance after each four hours.

2. Clause 15. – Location Allowance: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) In addition to any other allowance prescribed in this award, an officer working in any of the undermentioned towns shall be paid the allowances specified:

	Weekly Zone Allowance	Weekly Country Allowance	Weekly Total
	$	$	$
Albany	4.41	17.70	22.11
Bunbury	4.41	17.70	22.11
Collie	4.41	17.70	22.11
Geraldton	7.80	35.41	43.21
Kalgoorlie	6.65	22.18	28.84
Kambalda	6.65	22.18	28.84
Mandurah	1.93	7.69	9.61
Norseman	6.65	22.18	28.84
Port Hedland	44.24	97.41	141.65

3. Clause 17. – Travelling Expenses:

(A) Delete subclause (1)(a) of this clause and insert the following in lieu thereof:

(a) A daily allowance of 45 cents per kilometre or part thereof for each kilometre in excess of 20 kilometres, 10 kilometres each way.

(B) Delete subclause (2)(a) of this clause and insert the following in lieu thereof:

(a) A daily allowance of 40 cents per kilometre or part thereof for each kilometre travelled in excess of the officer's current rostered depot and excess travelling time at the officer's ordinary rate of pay calculated at one (1) minute per kilometre travelled in both directions.

(C) Delete subclause (3)(b) of this clause and insert the following in lieu thereof:

(b) Reasonable fares or travelling allowance at the rate of 40 cents per kilometre calculated from home residence to the work location, by the shortest road journey.

4. Clause 28. – Country Conditions:

(A) Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Where the employer requires an Officer to attend an area or town other than that sub-centre to which the Officer is stationed (for the purpose of training or any other work related matter), the employer shall pay the Officer an allowance of $108.55 for each night the Officer is away from home.

(B) Delete subclause (7)(a) of this clause and insert the following in lieu thereof:

(a) The Officer shall, in addition to any other allowances or benefits prescribed under this award, be entitled to an allowance of $281.45 per week and will be accommodated in a hotel/motel, or such other accommodations as agreed, and the employer will be responsible for the payment of bed and breakfast.

(C) Delete subclause (7)(c) of this clause and insert the following in lieu thereof:

(c) Where an Officer so chooses to find accommodation, the employer shall pay such Officer $478.35 per week in addition to that amount prescribed in paragraph (a) of this subclause. The Officer shall then be responsible for finding and funding his/her own accommodation, and any other expenses incurred whilst on country relief duties.

(D) Delete subclause (8)(f) of this clause and insert the following in lieu thereof:

(f) The maximum amount of rent that any Officer posted to a country sub-centre shall pay for the accommodation referred to in paragraph (e) of this subclause shall be $46.20 per week.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. For Expense Related Allowances:

- Clause 8. - Overtime has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals out and Take Away Foods – Perth

- Clause 15. – Location Allowance and Clause 28. – Country Conditions have been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 5.52%.

December 2004	143.3	X	100	=	5.52%
September 2002	135.8		1		

CPI All Groups Index numbers and percentage changes (Perth)

- Clause 17. – Travelling Expenses has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 5.16%.

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Motor Vehicles - Perth

For all allowances (except Fares and Travelling) previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses Catalogue No.: 6455.0.40.001

EXPENSE RELATED ALLOWANCES

Clause		A	B	C
Clause 8. – Overtime	(3)(a)	$8.35	$8.94	$8.95
	(b)	$8.35	$8.94	$8.95

CPI Meals Out and Take Away Foods - Perth

Clause	A	B	C
Clause 15. – Location Allowance			
Albany	$4.18	$4.41	
Bunbury	$4.18	$4.41	
Collie	$4.18	$4.410	
Geraldton	$7.39	$7.80	
Kalgoorlie	$6.31	$6.65	
Kambalda	$6.31	$6.65	
Mandurah	$1.83	$1.93	
Norseman	$6.31	$6.65	
Port Hedland	$41.93	$44.24	

Clause	A	B	C
Clause 15. – Location Allowance			
Albany	$16.77	$17.70	
Bunbury	$16.77	$17.70	
Collie	$16.77	$17.70	
Geraldton	$33.56	$35.41	
Kalgoorlie	$21.02	$22.18	
Kambalda	$21.02	$22.18	
Mandurah	$7.29	$7.69	
Norseman	$21.02	$22.18	
Port Hedland	$92.31	$97.41	

Clause	A	B	C
Clause 15. – Location Allowance			
Albany	$20.95	$22.11	
Bunbury	$20.95	$22.11	
Collie	$20.95	$22.11	
Geraldton	$40.95	$43.21	
Kalgoorlie	$27.33	$28.84	
Kambalda	$27.33	$28.84	
Mandurah	$9.11	$9.61	
Norseman	$27.33	$28.84	
Port Hedland	$134.24	$141.65	

Clause		A	B	C
Clause 28. – Country Conditions	(5)	$102.85	$108.53	$108.55
	(7)(a)	$266.75	$281.47	$281.45
	(7)(c)	$453.35	$478.37	$478.35
	(8)	$43.80	$46.22	$46.20

CPI All Groups index numbers and percentage changes (Perth)

2005 WAIRC 00643

ANIMAL WELFARE INDUSTRY AWARD NO. 8 OF 1968

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	P S ADAMS AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 673 OF 2003
CITATION NO.	2005 WAIRC 00643

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Animal Welfare Industry Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Subject to the provisions of subclause (2) of this clause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.75 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.30 for each meal so required.

2. Clause 17. – Travelling Time and Expenses: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business:

Schedule 1 - Motor Vehicle Allowance

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowance

Distance travelled during a year on Official Business ¢/km	Rate
Rate per kilometre	26.0

Motor Vehicles with rotary engines are to be included in the 1600-2600cc

3. Clause 19. – Rates of Pay: Delete subclauses (7) and (8) of this clause and insert the following in lieu thereof:

(7) An employee placed in charge of three or more other employees shall be paid an amount of $22.80 per week in addition to his/her ordinary rate of pay.

(8) Where an employee is required to carry out the ordinary hours of duty per day in more than one shift an allowance of $2.07 per day shall be paid.

4. Clause 20. – Protective Clothing and Uniforms: Delete subclause (6) of this clause and insert the following in lieu thereof:

(6) Each employee shall be entitled to all reasonable laundry work at the expense of the employer but where the employer elects not to launder the uniforms, the employee shall be paid an allowance of $1.15 per week.

And further, with the consent of the parties, the Commission records the following basis for variations:

3. The agreed Key Minimum Classification in this Award is Veterinary Nurse.

2. For Work Related Allowances – the percentage increase in:

- Clause 19. – Rates of Pay
- Clause 20. – Protective Clothing Uniforms

is 3.9% derived from $19 divided by $482.40 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 9. – Meal Money has been varied for the CPI Take Away Foods - Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

- Clause 17. – Travel Time and Expenses – Private motoring

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

Catalogue No.: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

Clause		A	B	C
Clause 19. – Rates of Pay	(7)	$21.95	$22.80	$2.05
	(8)	$1.90	$2.04	$1.15
Clause 20. – Protective Clothing & Uniforms	(6)	$1.10	$1.14	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause	A	B	C
Clause 9. – Meal Money	$7.25	7.7647	$7.75
	$4.95	5.3014	$5.30

2005 WAIRC 00641

BAG, SACK AND TEXTILE AWARD NO. 3 OF 1960

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

JOYCE BROS (WA) PTY LTD AND OTHERS

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 671 OF 2003
CITATION NO. 2005 WAIRC 00641

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Bag, Sack and Textile Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 12. – Meal Money: Delete this clause and insert the following in lieu thereof:

12. - MEAL MONEY

(1) An employee required to work overtime for more than two hours without being notified on the previous day or earlier that he/she will be so required to work, shall be supplied with a meal by his/her employer or paid $8.75 for a meal.

(2) If the amount of overtime required to be worked necessitates a second or subsequent meal, the employer shall, unless he/she has notified the employees concerned on the previous day or earlier, that such second or subsequent meal will also be required, provide such meals or pay an amount of $7.65 for each second or subsequent meal.

(3) No such payments need be made to employees living in the same locality as their workshops who can reasonably return home for such meals.

(4) If an employee in consequence of receiving such notice has provided himself/herself with a meal or meals and is not required to work overtime, or is required to work less overtime than notified, he/she shall be paid the amount prescribed in respect of the meals not then required.

2. Clause 23. – Extra Rates: Delete this clause and insert the following in lieu thereof:

23. - EXTRA RATES

Any employee required to repair canvas goods of all descriptions which are of an unusually dirty or offensive nature shall be paid 32 cents per hour in addition to the ordinary rate.

3. Clause 25. – Wages: Delete subclauses (5) and (6) of this clause and insert the following in lieu thereof:

(5) Leading Hands: Any employee placed by the employer in charge of other employees shall be paid the following rates in addition to their ordinary rate of wage:

	Per Week $
In charge of 1 - 5 employees	22.40
In charge of 6 - 10 employees	34.40
In charge of 11 or more employees	44.15

(6) Tool Allowance:

(a) Where an employer does not provide a tradesperson or an apprentice with the tools ordinarily required by that tradesperson or apprentice in the performance of their work as a tradesperson or apprentice the employer shall pay tool allowance of:

(i) $10.45 per week to such tradesperson; or

(ii) in the case of an apprentice a percentage of $10.95 being the percentage which appears against his/her year of apprenticeship in subclause (4) of this clause.

for the purpose of such tradesperson or apprentice supplying and maintaining tools ordinarily required in the performance of his/her work as a tradesperson or apprentice.

(b) Any tool allowance paid pursuant to paragraph (a) of this subclause shall be included in, and form part of the ordinary weekly wage prescribed in this clause.

(c) An employer shall provide for the use of tradespersons or apprentices all necessary power tools, special purpose tools and precision measuring instruments.

(d) A tradesperson or apprentice shall replace or pay for any tools supplied by their employer if lost through their own negligence.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Canvas and Vinyl Fabricator.

2. For Work Related Allowances – the percentage increase in:

- Clause 23. – Extra Rates
- Clause 25. - Wages

is 3.65% derived from $19 divided by $520.60 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 12. – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

Calculations are therefore:

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods - Perth

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses Catalogue No.: 6455.0.40.001

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – CANVAS AND VINYL FABRICATOR

Clause		A	B	C
Clause 23. – Extra Rates		$0.30	$0.32	$22.40
Clause 25. – Wages	(5)	$20.90	$22.38	$34.40
		$32.10	$34.41	$10.45
		$41.20	$44.15	$10.95
	(6)	$9.75	$10.46	
		$10.20	$10.93	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause	A	B	C
Clause 12. – Meal Money	$8.15	$8.73	$8.75
	$7.15	$7.66	$7.65

2005 WAIRC 00640

BAKERS' (COUNTRY) AWARD NO. 18 OF 1977

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ACME BAKERY AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 670 OF 2003
CITATION NO. 2005 WAIRC 00640

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Bakers' (Country) Award No. 18 of 1977* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. – Wages: Delete subclause (1)(d) and (e) of this clause and insert the following in lieu thereof:

(d) Foreperson: In addition to the total wage prescribed in this clause for a doughmaker, a foreperson shall be paid:

		$
(i)	if placed in charge of less than four other employees (per week)	14.15
(ii)	if placed in charge of four but less than ten other employees (per week)	22.40
(iii)	if placed in charge of ten and not more than 20 other employees (per week)	34.25
(iv)	if placed in charge of 20 or more other employees (per week)	46.70

(e) Disability Allowance:

In addition to the total wage prescribed in this subclause a disability allowance of $6.00 per week shall be paid to doughmakers and single hand bakers.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Baker.

2. For Work Related Allowances – the percentage increase in:

- Clause 8. – Wages

is 3.61% derived from $19 divided by $526.00 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses CPI Catalogue No.: 6455.0.40.001

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – BAKER

Clause		A	B	C
Clause 8. – Wages	(1)(d)(i)	$13.20	$14.14	$14.15
	(d)(ii)	$20.90	$22.37	$22.40
	(d)(iii)	$32.00	$34.24	$34.25
	(d)(iv)	$43.60	$46.70	
	(e)	$5.60	$6.00	

2005 WAIRC 00639

BAKERS' (METROPOLITAN) AWARD NO.13 OF 1987

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

THE BAKING INDUSTRY EMPLOYERS ASSOCIATION

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 669 OF 2003
CITATION NO. 2005 WAIRC 00639

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Bakers' (Metropolitan) Award No. 13 of 1987* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. – Wages: Delete subclause (1)(d) and (e) of this clause and insert the following in lieu thereof:

(d) Foreperson In addition to the total wage prescribed in this clause for a doughmaker, a foreperson shall be paid:

		$
(i)	if placed in charge of less than four other employees (per week)	13.95
(ii)	if placed in charge of four but less than ten other employees (per week)	22.25
(iii)	if placed in charge of ten and not more than 20 other employees (per week)	34.15
(iv)	if placed in charge of 20 or more other employees (per week)	43.95

(e) Disability Allowance:

In addition to the total wage prescribed in this subclause a disability allowance of $5.85 per week shall be paid to doughmakers and single hand bakers.

2. Clause 9. - Overtime: Delete subclause (5)(a) and (b) of this clause and insert the following in lieu thereof:

(5) (a) An employee required to work overtime for two hours or more shall be supplied with a meal by his/her employer or paid $9.05 for a meal.

(b) If the amount of overtime required to be worked necessitates a second or subsequent meal, the employer shall provide such meal or pay an amount of $6.15 for each such meal.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Baker.

2. For Work Related Allowances – the percentage increase in:

- Clause 8. – Wages

is 3.6% derived from $19 divided by $527.20 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances

- Clause 9. - Overtime has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods - Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

Clause		A	B	C
Clause 9. – Overtime	(5(a)	$8.45	$9.05	$9.05
	(b)	$5.75	$6.16	$6.15

2005 WAIRC 00649

BP REFINERY (KWINANA) (SECURITY OFFICERS') AWARD, 1978 NO. R56 OF 1978

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	BP OIL REFINERY (KWINANA) PTY LTD AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 668 OF 2003
CITATION NO.	2005 WAIRC 00649

Result	Award varied
Representation	
Applicant	Ms C. Kazakoff
Respondents	No appearance on behalf of the respondents

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and there being no appearance on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *BP Refinery (Kwinana) (Security Officers') Award, 1978* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 15. – Overtime: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) An officer required to work in excess of one hour after completion of his/her ordinary shift, without being notified before the completion of the previous day or shift, shall be paid a meal allowance of $8.90. A further meal allowance of $6.05 shall be paid on the completion of each additional four hours' overtime worked.

2. Clause 20. – Wages: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Leading Hands: -

Any officer placed in charge of other officers shall be paid in addition to the appropriate wage prescribed, the following:

		$ Per Week
(a)	if placed in charge of not less than 3 and not more than 10 other officers	22.20
(b)	if placed in charge of not less than 10 and not more than 20 other officers	34.05
(c)	if placed in charge of more than 20 other officers	43.75

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Security Officer (thereafter).

2. For Work Related Allowances – the percentage increase in:

   - Clause 20. – Wages

   is 3.46% derived from $19 divided by $546.80 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

3. Clause 15. - Overtime has been varied for the CPI Take Away Foods - Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

   Calculations are therefore:

   December 2004 $\frac{161.5}{150.8}$ X $\frac{100}{1}$ = 7.10%

   September 2002

   CPI Meals Out and Take Away Foods - Perth

   Catalogue: 6455.0.40.001

   For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

Clause		A	B	C
Clause 20. – Wages	(4)(a)	$21.45	$22.19	$22.20
	(b)	$32.90	$34.03	$34.05
	(c)	$42.30	$43.76	$43.75

Clause	A	B	C
Clause 15. – Overtime	$8.30	$8.89	$8.90
	$5.65	$6.05	$6.05

CPI Meals Out and Take Away Foods - Perth

2005 WAIRC 00648

BRUSHMAKERS' AWARD NO. 30 OF 1959

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

E.D. OATES BRUSHWARE LTD

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 667 OF 2003
CITATION NO. 2005 WAIRC 00648

Result Award varied
Representation
Applicant Ms C. Kazakoff
Respondent No appearance on behalf of the respondent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and there being no appearance on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Brushmakers' Award No. 30 of 1959* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 7. – Meal Money: Delete this clause and insert the following in lieu thereof:

7. - MEAL MONEY

(1) An employee required to work overtime for more than two hours, without being notified on the previous day or earlier that he/she will be so required to work, shall be supplied with a meal by the employer or be paid $8.85

(2) If the amount of overtime required to be worked necessitates a second or subsequent meal, the employer shall, unless he has notified the employees concerned on the previous day or earlier that such second or subsequent meal will also be required, provide such meals or pay an amount of $8.85 for each such second or subsequent meal.

(3) No such payments need be made to employees living in the same locality as their workshops who can reasonably return home for such meals.

(4) If an employee in consequence of receiving such notice has provided himself with a meal or meals, and is not required to work overtime, or is required to work less overtime than notified, he/she shall be paid the amounts above prescribed.

2. Clause 9. – Leading Hands: Delete this clause and insert the following in lieu thereof:

9. - LEADING HANDS

An employee appointed by the employer as a leading hand shall be paid in addition to the prescribed rates:

		Per Week $
(1)	When placed in charge of not less than two nor more than four other employees	25.30
(2)	When placed in charge of five or more other employees	31.35

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Woodworking Machinist.

2. For Work Related Allowances – the percentage increase in:

   - Clause 9. – Leading Hands

   is 3.95% derived from $19 divided by $480.10 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   > "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

   - Clause 7. - Overtime has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 3.65%.

   Calculations are therefore:

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

   CPI Meals Out and Take Away Foods - Perth

   For all allowances (except Fares and Travelling) previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

   The Union uses Catalogue: 6455.0.40.001

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – WOODWORKING MACHINIST

Clause	A	B	C
Clause 9. Leading Hands	$24.35 $30.15	$25.31 $31.34	$25.30 $31.35

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 7. – Meal Money	$8.25 $8.25	$8.84 $8.84	$8.85 $8.85

2005 WAIRC 00647

BUILDING MATERIALS MANUFACTURE (CSR LIMITED - WELSHPOOL WORKS) AWARD, 1982 NO. A10 OF 1982

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

CSR LIMITED

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 666 OF 2003
CITATION NO. 2005 WAIRC 00647

Result Award varied
Representation
Applicant Ms C. Kazakoff
Respondent No appearance on behalf of the respondent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and there being no appearance on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Building Materials Manufacture (CSR Limited - Welshpool Works) Award, 1982* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 7 – Overtime: Delete subclause (9) of this clause and insert the following in lieu thereof:

(9) Meal Money:

Where an employee has to work before the usual starting time or after the usual ceasing time for one and one-half hours or more, in either case, he/she shall be paid $7.55 for a meal. Any employee required to work a further four hours' overtime shall be paid a further $7.55.

If an employee pursuant to notice has provided a meal or meals and is not required to work overtime, he/she shall be paid $7.45 for each meal provided.

2. Clause 9 – Wages:

(A) Delete paragraphs (b) and (c) of subclause (1) of this clause and insert the following in lieu thereof:

(b) Provided that an employee qualified Senior Hand Gyprock or Warehouse appointed as Shift Boss shall be paid an all purpose allowance of $116.79 per week.

(c) Provided further that a Shift Boss may appoint on a day to day basis and subject to work requirements, a Deputy Shift Boss who shall be paid a flat allowance of $7.08 per shift.

(B) Delete subclauses (5) and (6) of this clause and insert the following in lieu thereof

(5) First Aid Allowance:

An employee qualified to act as a first aid attendant and appointed to act as a first aid attendant in association with other work under this award shall be paid an allowance of $13.92 per week.

(6) Extra Rates:

(a) Employees who are required to clean the forming machine drain and pit shall be paid a flat allowance of $3.42 for each day when this work needs to be performed.

(b) In addition to the rates set out in subclauses (1) and (2) of this clause any Products Handler who is appointed a leading hand shall receive a weekly allowance as follows:

not more than 10 employees	$26.29
more than 10 employees	$39.27

3. Clause 16 – General Conditions: Delete paragraph (g) of subclause (1) of this clause and insert the following in lieu thereof:

(g) An employee who is required to launder his work clothing in accordance with this clause shall be paid an allowance of $3.57 per week.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Wage Group 2.

2. For Work Related Allowances – the percentage increase in:

- Clause 9. – Wages

is derived from $17 divided by $525.80 equals 3.23% and $19 divided by $542.80 equals 3.5% (two years calculations) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 7. - Overtime has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 7.19%.

  Take away and fast foods

  All (weighted average of eight capital cities)

  (Note: this Award has traditionally used this index)

  December Quarter 2004 = 161.0

  September quarter 2002 = 150.2

- Clause 16. – General Conditions has been varied for the CPI for the period September 2002 to December 2004 giving the percentage 5.14%.

  Clothing services and shoe repair

All (weighted average of eight capital cities)

(Note: This Award has traditionally used this index)

December Quarter 2004 = 171.1

September Quarter 2002 = 163.3

For all allowances (except Fares and Travelling) previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

Clause		A	B	C
Clause 9. – Wages	(1)(b)	$109.25	$116.75	
	(c)	$6.60	$7.08	
	(5)	$12.90	$13.92	
	(6)	$3.20	$3.42	
	(6)	$24.60	$26.29	
		$36.60	$39.27	

EXPENSE RELATED ALLOWANCES

Clause		A	B	C
Clause 7 – Overtime	(9)	$7.05	$7.56	$7.55
		$7.05	$7.56	$7.55

Take away and fast food

All (Weighted Average of Eight Capital Cities)

Clause	A	B	C
Clause 16. – General Conditions	$3.40	$3.57	$3.57

Clothing services and shoe repair

All (Weighted Average of Eight Capital Cities)

2005 WAIRC 00667

BUILDING TRADES (CONSTRUCTION) AWARD 1987, NO. R 14 OF1978

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES THE CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION OF WORKERS **APPLICANT**

-v-

ADSIGNS PTY LTD, APOLLO CONSTRUCTION, ALL READY SURFACING CO PTY LTD **RESPONDENT**

CORAM SENIOR COMMISSIONER J F GREGOR
DATE MONDAY, 14 MARCH 2005
FILE NO/S APPL 1550 OF 2004
CITATION NO. 2005 WAIRC 00667

Result Award Varied

Order

HAVING heard Ms L. Dowden on behalf of the Applicant and Mr J. Fiala on behalf of Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Workers Union of Australia Engineering & Electrical Division WA Branch and Mr K. Dwyer on behalf of Austral Insulation and Others and Mr K. Richardson on behalf of Master Builders Association of Western Australia (Union of Employers) for the Respondent, and by consent, the Commission pursuant to the powers conferred on it under the Industrial Relations Act, 1979, hereby orders:

THAT the Building Trades (Construction) Award 1987, R14 of 1978 be varied in accordance with the following Schedule and that such variation shall have effect from the first pay period on or after 8th March 2005.

(Sgd.) J F GREGOR,
Commissioner.

[L.S.]

SCHEDULE

1. Clause 8. – Rates of Pay – Delete subclause (6) of this clause and insert in lieu the following:

(6) Tool Allowance

Tool allowances shall be paid to tradesmen as prescribed hereunder:-

	Per Week
	$
Carpenters, Joiners, Plumbers, Stonemasons, Stoneworkers	22.70
Plasterers, Fixers	18.70
Bricklayers	16.00
Roof Tile Fixers	11.80
Signwriters, Painters, Glaziers	5.50

2. Clause 12A – Fares and Travelling (Except Plumbers)

A. Delete subclause (2) of this clause and insert in lieu the following:

(2) Perth Metropolitan Radial Area

When employed on work located within a radius of 50 kilometres from the G.P.O. Perth - $13.80 per day.

B. Delete subclause (5) of this clause and insert in lieu the following:

(5) Travelling Outside Radial Areas

Where an employee travels daily from inside any radial area mentioned in subclauses (2), (3) or (4) of this clause to a job outside that area, he/she shall be paid :-

(a) the allowance prescribed in subclause (2) of this clause;

(b) in respect of travel from the designated radius to the job and return to that radius -

(i) the time outside ordinary working hours reasonably spent in such travel calculated at ordinary hourly "on site" rates to the next quarter of an hour with a minimum payment of one-half an hour per day for each return journey;

(ii) any expenses necessarily incurred in such travel, which shall be 40 cents per kilometre where the employee uses his/her own vehicle.

C. Delete subclause (11) of this clause and insert in lieu the following:

(11) Transfer During Working Hours

An employee transferred from one site to another during working hours shall be paid for the time occupied in travelling and, unless transported by the employer, shall be paid reasonable cost of fares by most convenient public transport between such sites.

Where an employer requests an employee to use his/her own vehicle to effect such a transfer and the employee agrees to do so the employee shall be paid an allowance at the rate of 75 cents per kilometre

3. Clause 12B – Fares and Travelling - (Plumbers Only)

A. Delete subclause (2) of this clause and insert in lieu the following:

(2) Travel beyond defined radius

When working on jobs beyond the defined radius from the centre (as defined) the fares as defined and one quarter of an hour travelling time plus an allowance for travelling time calculated at the ordinary time rate of pay for the time required to travel to the job site and back from and to the defined radius and calculated at a speed not exceeding the legal speed limit and with a minimum payment of a quarter of an hour for each such journey.

Where an employee provides his/her own transport, an additional allowance of 40 cents per kilometre shall be payable for the distance involved in travelling beyond the defined radius and return thereto, which shall compensate for any fares incurred by public transport

B. Delete subclause (3) of this clause and insert in lieu the following:

(3) Transport During Working Hours

Where an employee is required by an employer to travel to any other job site during the course of his/her daily engagement he/she shall be paid all fares necessarily incurred except where transport is provided by the employer to and from such site, and all time spent in such travel shall be regarded as time worked.

Provided that where an employer requests an employee to use his/her own car to effect such a transfer and such employee agrees to do so the employee shall be paid an allowance at the rate of 75 cents per kilometre.

C. Delete subclause (5) of this clause and insert in lieu the following:

(5) Definitions:

(a) Radius and Fares:-

The radius shall be 50 kilometres and the fares shall be $9.00 per day.

(b) Centre for Employment:

(i) The employer's normal base establishment or workshop; or

(ii) The G.P.O. Perth for all employers whose base establishment or workshop is within the defined radius from the said G.P.O.; or

(iii) The local Post Office closest to the employer's establishment or workshop beyond the defined radius of the G.P.O. Perth.

(iv) In the case of an employee sent to distant work (as defined) the place at which such employee is domiciled with the approval of their employer, for that distant work.

(v) An employer having selected (i), (ii) or (iii) hereof as the centre shall not change that centre without one month's prior notice to each employee.

4. Clause 20 – Meal Allowance

A. Delete this clause and insert in lieu the following:

An employee required to work overtime for at least one and a half hours after working ordinary hours inclusive of any time worked for accrual purposes as prescribed in clauses 13(1) or 18(4) shall be paid by his/her employer an amount of $10.20 to meet the cost of a meal.

Provided that this clause shall not apply to an employee who is provided with reasonable board and lodging or who is receiving a distant work allowance in lieu thereof as provided for in subclause (3) of Clause 21. - Living Away From Home - Distant Work and is provided with a suitable meal.

5. **Clause 21 – Living Away from Home – Distant Work**

A. Delete subclause (3) (b) of this clause and insert in lieu the following:

(3) Entitlement

Where an employee qualifies under subclause (1) of this clause the employer shall either:-

(a) Provide the employee with reasonable board and lodging; or

(b) Pay an allowance of $348.10 per week of seven days but such allowance shall not be wages. In the case of broken parts of the week occurring at the beginning or ending of employment on a distant job the allowance shall be $49.80 per day.

Provided that the foregoing allowances shall be increased if the employee satisfies the employer that he/she reasonably incurred a greater outlay than that prescribed. In the event of disagreement the matter may be referred to a Board of Reference for determination; or

(c) in circumstances prescribed in subclause (7) of this clause, provide camp accommodation and messing constructed and maintained in accordance with subclause (10) of this clause.

"Reasonable board and lodging" shall mean lodging in a well kept establishment with three adequate meals each day, adequate furnishings, good bedding, good floor coverings, good lighting and heating and with hot and cold running water, in either a single room or a twin room if a single room is not available.

B. Delete subclause (4) (a) (iii) of this clause and insert in lieu the following:

(4) Travelling Expenses

An employee who is sent by his/her employer or selected or engaged by an employer or agent to go to a job which qualifies him/her to the provision of this clause shall not be entitled to any of the allowances prescribed by Clause 12A. - Fares and Travelling (Except Plumbers) covered by this Award, and Clause 12B. - Fares and Travelling Time - Plumbers Only, of this award for the period occupied in travelling from his/her usual place of residence to the distant job, but in lieu thereof shall be paid:

(a) Forward Journey -

(i) For the time spent in so travelling, at ordinary rates up to a maximum of eight hours per day for each day of travel (to be calculated as the time taken by rail or the usual travelling facilities).

(ii) For the amount of a fare on the most common method of public transport to the job (bus, economy air, second class rail with sleeping berths if necessary, which may require a first class rail fare), and any excess payment due to transporting his/her tools if such is incurred.

(iii) For any meals incurred while travelling at $10.20 per meal.

Provided that the employer may deduct the cost of the forward journey fare from an employee who terminates or discontinues his/her employment within two weeks of commencing on the job and who does not forthwith return to his/her place of engagement.

C. Delete subclause (6) of this clause and insert in lieu the following:

(6) (a) Weekend Return Home: An employee who works as required during the ordinary hours of work on the working day before and the working day after a weekend and who notifies the employer or his/her representative, no later than Tuesday of each week, of his/her intention to return to his/her usual place of residence at the weekend and who returns to his/her usual place of residence for the weekend, shall be paid an allowance of $28.00 for each occasion

(b) Paragraph (a) of this subclause shall not apply to an employee who is receiving the payment prescribed in subclause (3) of this clause in lieu of board and lodging being provided by the employer or who is receiving a camping allowance as prescribed in paragraph (b) of subclause (7) of this clause.

(c) When an employee returns to his/her usual place of residence for a weekend or part of a weekend and does not absent himself/herself from the job for any of the ordinary working hours, no reduction of the allowance prescribed in paragraph (b) of subclause (3) of this clause shall be made.

D. Delete subclause (7) (b) of this clause and insert in lieu the following:

(7) Construction Camps

(a) Camp Accommodation

Where an employee is engaged on the construction of projects which are located in areas where suitable board and lodging as defined in subclause (3) of this clause is not available, or where the size of the workforce is in excess of the available accommodation or where continuous concrete pour requirements of the project or the working shifts necessitate camp accommodation and where, because of these circumstances, it is necessary to house the employees in a camp, such camp shall be constructed and maintained in accordance with subclause (10) of this clause.

(b) Camping Allowance: An employee living in a construction camp where free messing is not provided shall receive a camping allowance of $139.90 for every complete week he/she is available for work. If required to be in camp for less than a complete week he/she shall be paid $20.10 per day including any Saturday or Sunday if he/she is in camp and available for work on the working days immediately preceding and succeeding each Saturday and Sunday. If an employee is absent without the employer's approval on any day, the allowance shall not be payable for that day and if such unauthorised absence occurs on the working day immediately preceding or succeeding a Saturday or Sunday, the allowance shall not be payable for the Saturday or Sunday.

(c) Camp Meal Charges

Where a charge is made for meals in a construction camp, such charge shall be fixed by agreement between the parties.

6. **Clause 32 – Special Tools and Protective Clothing**

A. Delete subclause (5) (b) of this clause and insert in lieu the following:

(5) Carpenters and Joiners

(a) The employer shall provide the following tools when they are required on the job:

Dogs and cramps of all descriptions, bars of all descriptions, augers of all sizes, bits not ordinarily used in a brace, all hammers except claw hammers, glue pots and brushes, dowel plates, trammels, hand and thumb screws, soldering irons, spanners from 19mm upwards, and all power driven tools and machines on construction jobs.

(b) The employer shall make available, during working hours, a suitable grindstone or wheel together with power (hand or mechanically driven) for turning it. If a grindstone or wheel is not made available the employer shall pay to each carpenter or joiner $4.99 per week in lieu of same.

7. **Clause 33 – Compensation for Clothes and Tools**

A. Delete subclause (2) (a) of this clause and insert in lieu the following:

(2) (a)An employee shall be reimbursed by his/her employer to a maximum of $1315.00 for loss of tools or clothes by fire or breaking and entering whilst securely stored at the employer's direction in a room or building on the employer's premises, job or workshop or in a lock-up as provided in this award or if the tools are lost or stolen whilst being transported by the employee at the employer's direction, or if the tools are accidentally lost over water or if tools are lost or stolen during an employee's absence after leaving the job because of injury or illness.

Provided that an employee transporting his/her own tools shall take all reasonable care to protect those tools and prevent theft or loss

(b) Where an employee is absent from work because of illness or accident and has advised the employer in accordance with Clause 23.- Sick Leave the employer shall ensure that the employee's tools are securely stored during his/her absence.

2005 WAIRC 00655

BURSWOOD CATERING AND ENTERTAINMENT PTY LTD EMPLOYEES AWARD 2001 NO. A4 OF 2001

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	BURSWOOD CATERING AND ENTERTAINMENT PTY LTD
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 664 OF 2003
CITATION NO.	2005 WAIRC 00655

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Mr K. Bui

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr K. Bui on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Burswood Catering and Entertainment Pty Ltd Employees Award 2001* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 5. – Wages:

(A) Delete subclause (1)(a) and (b) of this clause and insert the following in lieu thereof:

(a) In-Charge Rates

An employee who is appointed and placed in charge of other employees shall be paid the following rates in addition to the employee's ordinary time rate of pay:

		$ Per Fortnight
(i)	if placed in charge of less than 6 employees	24.90
(ii)	if placed in charge of 6-10 employees	33.60
(iii)	if placed in charge of 11-20 employees	39.05
(iv)	if placed in charge of more than 20 employees	65.15

Provided that these additional rates shall not be payable to any employee employed in the classifications of Chef, Head Waiter, Head Waitress, Head Steward, Head Stewardess and Head Bar Attendant.

(b) Service Payments

In addition to the wage rates prescribed in Sections A, B, and C of this sub-clause, all employees (other than Apprentices) employed on a full-time or part-time basis, shall be paid Service Payments at the following rates:

	$ Per Fortnight
After 1 year of service	19.35
After 2 years of service	29.85
After 3 years and subsequent years of service	39.95

(B) Delete the subclause immediately following 2. – Security Officer and insert the following in lieu thereof:

Provided that an employee appointed as a Senior Security Officer shall, in addition to the appropriate Security Officers' rate receive an additional payment of $58.00 per fortnight.

2. Clause 12. – Additional Rates for Ordinary Hours:

(A) Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) An employee who is rostered to work any of the employee's ordinary hours prior to 7.00am or after 7.00pm, Monday to Friday, both inclusive shall, in addition to the employee's ordinary time rate of pay, be entitled to an allowance of $1.38 per hour or part thereof for time worked during such hours.

(B) Delete subclause (2)(c) and (d) of this clause and insert the following in lieu thereof:

(c) Any employee who is required to work any of the employee's ordinary hours on any day in more than one period, other than for meal breaks as prescribed in Clause 16. – Meal and Rest Breaks of this Award, shall be paid an allowance of $2.03 per day for such broken work period worked.

(d) Where a Cleaner is rostered to perform normal duties within the recognised Casino, International Room, Convention Centre or Burswood Dome restroom facilities, and such duties include work of an unusually unsavoury or unhygienic nature, such employee shall, in addition to the employee's ordinary time rate of pay be paid a flat allowance of $6.42 per shift.

3. Clause 17. – Meal Money: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) Any employee who is required to work overtime for 2 hours or more shall be supplied with a meal free of charge to be consumed in the employee cafeteria. Provided that where the Employer does not supply such a meal, the employee shall be paid $6.10 per meal.

4. Clause 24. – Bar Work: Delete this clause and insert the following in lieu thereof:

24. - BAR WORK

(1) Any employee other than a Bar Attendant who, in addition to the employee's normal duties, is required to dispense liquor from a bar shall, in addition to the employee's ordinary time rate of pay, be paid a flat allowance of 80 cents per shift for the performance of such additional duties.

(2) Any employee employed as a Bar Attendant who is required, in addition to the employee's normal duties, to be responsible for and/or the purchasing of stock, shall be paid in addition to the employee's ordinary time rate of pay an allowance of $13.15 per fortnight.

5. Clause 26. – Uniforms and Laundering: Delete this clause and insert the following in lieu thereof:

26. - UNIFORMS AND LAUNDERING

(1) Where the Employer requires an employee to wear a special uniform in the performance of their duties, such special uniform shall be provided by the Employer and shall at all times remain the Employer's property. A special uniform shall consist of such articles of clothing as monogrammed or coloured jackets, dresses, blouses, overalls, aprons, caps, collars, cuffs, or other special apparel which the Employer may require an employee to wear whilst on duty, provided that the ordinary apparel usually worn by Waiters/Waitresses and Stewards/Stewardesses shall not be deemed to be special uniforms within the meaning of this clause.

(2) Where a cook wears the ordinary apparel usually worn by cooks, such as black and white check or white trousers, white coat, white shirt, white apron and cap, such garments shall be laundered at the Employer's expense or otherwise the employee shall be paid $7.15 per fortnight as laundry allowance.

(3) Subject to sub-clause (2) of this clause, where the Employer requires any of the articles of clothing to be worn as described in sub-clause (1) of this clause, then such clothing shall be laundered at the Employer's expense or otherwise shall be paid $4.65 per fortnight as a laundry allowance.

(4) Where such special uniforms are supplied, employees shall be obliged to wear special uniforms at all times and in line with Employer standards.

6. Clause 28. – Employees Equipment: Delete this clause and insert the following in lieu thereof:

28. - EMPLOYEES' EQUIPMENT

All knives, choppers, tools, brushes, towels and other utensils, implements, and materials which may be required to be used by an employee for the purpose of carrying out the employee's duties shall be supplied by the Employer free of charge. Provided that where an employee is required by the Employer to use the employee's own knives they shall be paid an allowance of $10.40 per fortnight.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Qualified Cook.

2. The Work Related Allowances – the percentage increase in:

- Clause 5. – Wages
- Clause 12. – Additional Rates for Ordinary Hours
- Clause 24. – Bar Work
- Clause 28. – Employees Equipment

is derived from $34 divided by $1029.80 equals 3.30% (2003) and $38 divided by $1063.80 equals 3.57% (2004) as prescribed by Principles 5. – Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 17 – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 26. – Uniforms and Laundering has been varied for the CPI Clothing Services and Shoe Repair – Perth for the period September 2002 to December 2004 giving the percentage 9.92%.

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

CPI Clothing Services and Shoe Repair – Perth

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION - QUALIFIED COOK

Clause	A	B	C
Clause 5. – Wages (1)(a)	$23.30	$24.91	$24.90
	$31.40	$33.61	$33.60
	$36.50	$39.05	
	$60.90	$65.15	
(1)(b)	$18.10	$19.36	$19.35
	$27.90	$29.83	$29.85

		$37.30	$39.93	$39.95
		$54.20	$58.00	
Clause 12. – Additional Rates for Ordinary Hours				
	(1)	$1.29	$1.38	
	(2)(c)	$1.90	$2.03	
	(2)(d)	$6.00	$6.42	
Clause 24. – Bar Work	(1)	$0.75	$0.80	
		$12.30	$13.16	$13.15
Clause 28. – Employees Equipment		$9.75	$10.41	$10.40

CPI Take Away Food - Perth

Clause		A	B	C
Clause 17. – Meal Money	(2)	$5.70	$6.10	

CPI Clothing Services and Shoe Repair – Perth

Clause		A	B	C
Clause 26. – Uniforms and Laundering	(2)	$6.50	$7.15	
	(3)	$4.25	$4.67	$4.65

2005 WAIRC 00656

BURSWOOD INTERNATIONAL RESORT CASINO EMPLOYEES' AWARD 2002
NO. A4 OF 2002

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

BURSWOOD RESORT (MANAGEMENT) LIMITED

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 665 OF 2003
CITATION NO. 2005 WAIRC 00656

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr K. Bui

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr K. Bui on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Burswood International Resort Casino Employees Award 2002* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 5. – Wages:

(A) Delete subclause (1)(a) and (b) of this clause and insert the following in lieu thereof:

(a) In-Charge Rates

An employee who is appointed and placed in charge of other employees shall be paid the following rates in addition to the employee's ordinary time rate of pay:

		$ Per Fortnight
(i)	if placed in charge of less than 6 employees	24.83
(ii)	if placed in charge of 6-10 employees	33.50
(iii)	if placed in charge of 11-20 employees	38.85
(iv)	if placed in charge of more than 20 employees	64.96

Provided that these additional rates shall not be payable to any employee employed in the classifications of Chef, Housekeeper, Head Waiter, Head Waitress, Head Steward, Head Stewardess, Head Bar Attendant and Casino Operations Employees.

(b) Service Payments

In addition to the wage rates prescribed in Sections A, B, C and D of this sub-clause, all employees (other than Apprentices) employed on a full-time or part-time basis, shall be paid Service Payments at the following rates:

	$ Per Fortnight
After 1 year of service	19.37
After 2 years of service	29.75
After 3 years and subsequent years of service	39.81

(B) Delete the subclause immediately following 10. – Security Officer and insert the following in lieu thereof:

Provided that an employee appointed as a Senior Security Officer shall, in addition to the appropriate Security Officers' rate receive an additional payment of $59.61 per fortnight.

2. Clause 13. – Additional Rates for Ordinary Hours:

(A) Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) An employee who is rostered to work any of the employee's ordinary hours prior to 7.00am or after 7.00pm, Monday to Friday, both inclusive shall, in addition to the employee's ordinary time rate of pay, be entitled to an allowance of $1.33 per hour or part thereof for time worked during such hours.

(B) Delete subclause (2)(c), (d) and (e) of this clause and insert the following in lieu thereof:

(c) Any employee who is required to work any of the employee's ordinary hours on any day in more than one period, other than for meal breaks as prescribed in Clause 17. – Meal and Rest Breaks of this Award, shall be paid an allowance of $1.96 per day for such broken work period worked.

(d) Where a Cleaner is rostered to perform normal duties within the recognised Casino, International Room, Convention Centre or Burswood Dome restroom facilities, and such duties include work of an unusually unsavoury or unhygienic nature, such employee shall, in addition to the employee's ordinary time rate of pay be paid a flat allowance of $6.15 per shift.

(e) Where a Laundry Attendant is rostered to perform duties of an unusually unsavoury or unhygienic nature, the employee shall, in addition to the ordinary time rate of pay, be paid a flat allowance of $6.15 per shift.

3. Clause 18. – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) All employees shall be supplied with one meal free of charge per rostered shift, to be consumed in the employee cafeteria.

Any employee who is required to work overtime for 2 hours or more shall be supplied with a meal free of charge to be consumed in the employee cafeteria. Provided that where the Employer does not supply such a meal, the employee shall be paid $5.80 per meal.

4. Clause 25. – Bar Work: Delete this clause and insert the following in lieu thereof:

25. - BAR WORK

(1) Any employee other than a Bar Attendant who, in addition to the employee's normal duties, is required to dispense liquor from a bar shall, in addition to the employee's ordinary time rate of pay, be paid a flat allowance of 77 cents per shift for the performance of such additional duties.

(2) Any employee employed as a Bar Attendant who is required, in addition to the employee's normal duties, to be responsible for and/or the purchasing of stock, shall be paid in addition to the employee's ordinary time rate of pay an allowance of $12.73 per fortnight.

5. Clause 27. – Uniforms and Laundering: Delete this clause and insert the following in lieu thereof:

27. - UNIFORMS AND LAUNDERING

(1) Where the Employer requires an employee to wear a special uniform in the performance of their duties, such special uniform shall be provided by the Employer and shall at all times remain the Employer's property. A special uniform shall consist of such articles of clothing as monogrammed or coloured jackets, dresses, blouses, overalls, aprons, caps, collars, cuffs, or other special apparel which the Employer may require an employee to wear whilst on duty, provided that the ordinary apparel usually worn by Waiters/Waitresses and Stewards/Stewardesses shall not be deemed to be special uniforms within the meaning of this clause.

(2) Where a cook wears the ordinary apparel usually worn by cooks, such as black and white check or white trousers, white coat, white shirt, white apron and cap, such garments shall be laundered at the Employer's expense or otherwise the employee shall be paid $7.03 per fortnight as laundry allowance.

(3) Subject to sub-clause (2) of this clause, where the Employer requires any of the articles of clothing to be worn as described in sub-clause (1) of this clause, then such clothing shall be laundered at the Employer's expense or otherwise shall be paid $4.62 per fortnight as a laundry allowance.

(4) Where such special uniforms are supplied, employees shall be obliged to wear special uniforms at all times and in line with Employer standards.

6. Clause 29. – Employees Equipment: Delete this clause and insert the following in lieu thereof:

29. - EMPLOYEES' EQUIPMENT

All knives, choppers, tools, brushes, towels and other utensils, implements, and materials which may be required to be used by an employee for the purpose of carrying out the employee's duties shall be supplied by the Employer free of charge. Provided that where an employee is required by the Employer to use the employee's own knives they shall be paid an allowance of $10.06 per fortnight.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Qualified Cook.
2. The Work Related Allowances – the percentage increase in:
   - Clause 5. – Wages
   - Clause 13. – Additional Rates for Ordinary Hours
   - Clause 25. – Bar Work
   - Clause 29. – Employees Equipment

   is 3.32% derived from $34 divided by $1025.60 equals 3.59% (2003) and $38 divided by $1059.60 (2004) as prescribed by Principles 5. – Adjustment of Allowances and Service Increments of the State Wage Case.

   > "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:
   - Clause 18 – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

     December 2004 161.5 X 100 = 7.10%
     September 2002 150.8 1

   - Clause 27. – Uniforms and Laundering has been varied for the CPI Clothing Services and Shoe Repair – Perth for the period September 2002 to December 2004 giving the percentage 9.92%.

     December 2004 172.9 X 100 = 9.92%
     September 2002 157.3 1

   For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION - QUALIFIED COOK

Clause		A	B	C
Clause 5. – Wages (a)	(i)	$23.20	$24.83	
	(ii)	$31.30	$33.50	
	(iii)	$36.30	$38.85	
	(iv)	$60.70	$64.96	
(b)		$18.10	$19.37	
		$27.80	$29.75	
		$37.20s	$39.81	
E(10) Senior		$55.70	$59.61	
Security Officer				
Clause 13. – Additional Rates for Ordinary Hours				
	(1)	$1.24	$1.33	
	(2)(c)	$1.83	$1.96	
	(2)(d)	$5.75	$6.15	
	(2)(e)	$5.75	$6.15	
Clause 25. – Bar Work	(1)	$0.72	$0.77	
	(2)	$11.90	$12.73	
Clause 29. – Employees Equipment		$9.40	$10.06	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause	A	B	C
Clause 18. – Meal Money	$5.42	$5.80	

CPI Clothing Services and Shoe Repair – Perth

Clause		A	B	C
Clause 27. – Uniforms and Laundering	(2)	$6.40	$7.03	
	(3)	$4.20	$4.62	

2005 WAIRC 00611

CATERING EMPLOYEES AND TEA ATTENDANTS (GOVERNMENT) AWARD 1982
NO. A34 OF 1981

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

THE MINISTER FOR PRIMARY INDUSTRY AND OTHERS

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 663 OF 2003
CITATION NO. 2005 WAIRC 00611

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondents Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Catering Employees and Tea Attendants (Government) Award 1982* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Additional Rates for Ordinary Hours: Delete subclauses (1) and (2) of this clause and insert the following in lieu thereof:

(1) A full-time or part-time employee who is required to work any ordinary hours between 7.00pm and 7.00am Monday to Friday, inclusive, shall be paid, in addition to the appropriate wage set out in Clause 22. - Wages, an additional payment equivalent to 15% of the wages paid for the time so worked with a minimum payment of $2.78 per day.

(2) An employee who is required to work any of his ordinary hours on any day in more than one period of employ and other than for meal breaks as prescribed by Clause 13. - Meal Breaks of this award, shall be paid an allowance of $2.37 per day, for such broken work period worked.

2. Clause 14. – Meal Money: Delete this clause and insert the following in lieu thereof:

14. - MEAL MONEY

When an employee is required to work overtime for more than one hour on any day, he or she will either be supplied with a substantial meal by the employer or be paid $9.50 meal money.

3. Clause 22. - Wages: Delete subclauses (2) and (3) of this clause and insert the following in lieu thereof:

(2) In addition to the above wage rates service pay will be paid for each year of service at the following rates per week:

	$
Year 1	71.00
Year 2	77.50
Year 3 and thereafter	83.20

(3) Leading Hands -

An employee (other than a Chef) who is appointed and placed in charge of other employees by the employer shall be paid the following rates in addition to his or her normal wage per week:-

		$
(a)	If placed in charge of less than six employees	11.90
(b)	If placed in charge of six to ten employees	15.80
(c)	If placed in charge of 11 to 20 employees	18.30
(d)	If placed in charge of more than 20 employees	30.60

4. Clause 25. – Bar Work: Delete this clause and insert the following in lieu thereof:

25. - BAR WORK

Any employee other than a Bar Attendant, who in addition to their normal duties is required to dispense liquor from a bar, shall be paid a flat rate of 92 cents per day in addition to the rate prescribed for such normal duties.

5. Clause 27. – Uniforms and Laundering: Delete this clause and insert the following in lieu thereof:

27. - UNIFORMS AND LAUNDERING

Where uniforms are required to be worn by the employer they shall be supplied and laundered by the employer and remain the property of the employer, provided that in lieu of the employer laundering same, the employee shall be paid $3.35 per week for such laundering. Provided further that any employee employed as a Cook shall be paid $4.90 per week for laundering.

6. Clause 28. – Protective Clothing: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Employees who are required to wash dishes, or otherwise handle detergents, acids, soaps or any injurious substances, shall be supplied with rubber gloves free of charge by the employer, or be paid an allowance of $1.52 per week in lieu.

7. Clause 29. – Employees Equipment: Delete this clause and insert the following in lieu thereof:

29. - EMPLOYEE'S EQUIPMENT

All knives, choppers, tools, brushes, towels and other utensils, implements and material which may be required to be used by the employee for the purpose of carrying out their duties, shall be supplied by the employer free of charge.

Provided that where an employee is required by the employer to use his own knives he shall be paid an allowance of $8.60 per week.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Qualified Cook.

2. The Work Related Allowances – the percentage increase in:

- Clause 9. – Additional Rates for Ordinary Hours
- Clause 22. – Wages
- Clause 25. – Bar Work
- Clause 29. – Employees Equipment

is derived from $17 divided by $431.40 equals 3.94% (2003) and $19 divided by $448.40 equals 4.24% (2004) as prescribed by Principles 5. – Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 14. – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 27. – Uniforms and Laundering
- Clause 28. – Protective Clothing

have been varied for the CPI Clothing Services and Shoe Repair – Perth for the period September 2002 to December 2004 giving the percentage of 9.92%.

December 2004	172.9	X	100	=	992%
September 2002	157.3		1		

CPI Clothing Services and Shoe Repair – Perth

Catalogue No. 6455..0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION IS QUALIFIED COOK

Clause		A	B	C
Clause 9. – Additional Rates for Ordinary Hours	(1)	$2.57	$2.78	
	(2)	$2.18	$2.36	
Clause 22. – Wages	(2)	$65.50	$70.97	$71.00
		$71.50	$77.47	$77.50
		$76.80	$83.21	$83.20
	(3)	$11.00	$11.91	$11.90
		$14.60	$15.82	$15.80
		$16.90	$18.31	$18.30
		$28.20	$30.55	$30.60
Clause 25. – Bar Work		85cents	92cents	
Clause 29. – Employees Equipment		$7.95	$8.60	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - All

Clause	A	B	C
Clause 14. – Meal Money	$8.85	$9.48	$9.50

CPI Clothing Services and Shoe Repair – Perth

Clause	A	B	C
Clause 29. – Protective Clothing	$1.42	$1.52	
Clause 27. – Uniforms and Laundering	$3.05	$3.35	

2005 WAIRC 00620

CHILD CARE (OUT OF SCHOOL CARE - PLAYLEADERS) AWARD NO. A 13 OF 1984

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

COMMUNICARE AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 661 OF 2003
CITATION NO. 2005 WAIRC 00620

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Child Care (Out of School Care - Playleaders) Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
Chief Commissioner.

[L.S.]

SCHEDULE

1. Clause 6. – Hours of Work: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A day's work shall be worked in one "unbroken" shift provided that a shift shall not be deemed to be broken by the taking of meal breaks. Provided further that an employee may work a day's work in a "broken" shift in which case an additional payment of $2.67 per day shall be paid to such worker who does not live in the locality of the work place.

2. Clause 7. – Meal Breaks and Allowances: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) Where any employee, without being notified on the previous day, has to continue working after the usual finishing time for more than two hours he or she shall be paid $9.20 for a meal or be provided with a meal at the Centre.

3. Clause 23. – Fares and Travelling Allowances: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business

Schedule 1 - Motor Vehicle Allowances

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - &□2600cc	1600cc□Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc category

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Level Five (Step IV).
2. The Work Related Allowances – the percentage increase in:
   - Clause 6. – Hours of Work

   is derived from:

   1996 formula $8 divided by $474.00 equals 1.69%

   1997 formula $10 divided by $482.00 equals 2.07%

   1998 formula $14 divided by $492.00 equals 2.85%

   1999 formula $12 divided by $506.00 equals 2.37%

   2000 formula $15 divided by $518.00 equals 2.90%

   2001 formula $15 divided by $533.00 equals 2.81%

   2002 formula $18 divided by $548.00 equals 3.28%

   2003 formula $17 divided by $566.00 equals 3%

   2004 formula $19 divided by $583.00 equals 3.26%

   "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:
   - Clause 7. – Meal Breaks and Allowances has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

     $$\frac{\text{December 2004}\ 161.5}{\text{September 2002}\ 150.8} \times \frac{100}{1} = 7.10\%$$

     CPI Meals Out and Take Away Foods – Perth

4. Clause 23. – Fares and Travelling Allowance:

   Has been varied by CPI figures (Private Motoring – Perth) for the period September 2002 to December 2004 giving the percentage of 5.16%.

   $$\frac{\text{December 2004}\ 144.7}{\text{September 2002}\ 137.6} \times \frac{100}{1} = 5.16\%$$

   CPI Private Motoring – Motor Vehicles – Perth

For all allowances (except Fares and Travelling) previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

Clause	A	B	C
Clause 6. – Hours of Work	$2.10	$2.67	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause	A	B	C
Clause 7. – Meal Breaks and Allowances	$8.60	$9.21	$9.20

2005 WAIRC 00617

CHILD CARE (SUBSIDISED CENTRES) AWARD NO. A 26 OF 1985

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

BASSENDEAN DAY CARE CENTRE AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 657 OF 2003
CITATION NO. 2005 WAIRC 00617

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Child Care (Subsidised Centres) Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 12A. – Fares and Travelling Allowances: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business

Schedule 1 - Motor Vehicle Allowances

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5o South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc category

2. Clause 22. – Meal Breaks and Allowances: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Where an employee, without being notified on the previous day, is required to continue working after the usual ceasing time for two hours or more she/he shall be provided with a meal free of charge or be paid $9.15 for such meal.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. For Expense Related Allowances:

- Clause 22. – Meal Breaks and Allowances has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage 7.10%

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 12A – Fares and Travelling Allowances has been varied for the CPI Private Motoring for the period September 2002 to December 2004 giving the percentage 5.16%

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Motor Vehicles – Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

CPI Take Away Food

Clause	A	B	C
Clause 22. – Meal Breaks and Allowances	$8.55	$9.16	$9.15

2005 WAIRC 00618

CHILDREN'S SERVICES CONSENT AWARD, 1984 NO. A1 OF 1985

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

WINTERFOLD CHILD CARE CENTRE INCORPORATED AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 658 OF 2003
CITATION NO. 2005 WAIRC 00618

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Children's Services Consent Award 1984* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 25. – Fares and Travelling Time: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business

Schedule 1 - Motor Vehicle Allowances

Area and Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc -2600cc	1600 cc & Under
	Rate per Kilometre (Cents)		
Metropolitan Area	75.3	65.3	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	80.0	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance Travelled During a Year on Official Business	Rate ¢/km
All Areas of State	26.1

Motor vehicles with rotary engines are to be included in the 1600-2600cc.

And further, with the consent of the parties, the Commission records the following basis for variations:

Clause 25. – Fares and Travelling Time

Has been varied for the CPI figures Private Motoring – Perth for the period September 2002 to December 2004 giving the percentage of 5.16%.

$$\text{December 2004} \div \text{September 2002} \times \frac{100}{1} = 5.16\%$$

$$\frac{144.7}{137.6} \times \frac{100}{1} = 5.16\%$$

CPI Private Motoring – Motor Vehicles – Perth
Catalogue No. 6455.0.40.001

2005 WAIRC 00619

CHILDREN'S SERVICES (PRIVATE) AWARD NO. 10 OF 1990

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

BASSENDEAN TOWN COUNCIL AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 660 OF 2003
CITATION NO. 2005 WAIRC 00619

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Children's Services (Private) Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

[L.S.] (Sgd.) A R BEECH,
Chief Commissioner.

SCHEDULE

1. Clause 10 – Meal Breaks and Allowances: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Where an employee, without being notified on the previous day, is required to continue working after the usual ceasing time for two hours or more the employee shall be provided with a meal free of charge or be paid $8.45 for such meal.

And further, with the consent of the parties, the Commission records the following basis for variations:

For Expense Related Allowances:

- Clause 10. – Meal Breaks and Allowances has been varied for the CPI Take Away Food - Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Food – Perth

Catalogue: 6455.0.40.001

For all allowances (except Fares and Travelling) previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – All

Clause	A	B	C
Clause 10. – Meal Breaks and Allowances	$7.90	$8.46	$8.45

2005 WAIRC 00588

CLEANERS AND CARETAKERS AWARD, 1969

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	COCA-COLA BOTTLERS (PERTH) PTY LTD AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 619 OF 2003
CITATION NO.	2005 WAIRC 00588

Result	Award varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Mr P. Robertson (as agent)

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson (as agent) on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Cleaners and Caretakers Award, 1969* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 13 – Overtime: Delete paragraph (a) of subclause (4) of this clause and insert the following in lieu thereof:

(4) (a) Subject to the provisions of paragraph (b) of this subclause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.75 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.30 for each meal so required.

2. Clause 20 – Special Rates and Conditions:

(A) Delete paragraphs (a) and (b) of subclause (8) of this clause and insert the following in lieu thereof:

(a) Washing towels, 32 cents each.

(b) Washing dusters, 24 cents each.

(B) Delete subclause (10) of this clause and insert in lieu thereof the following:

(10) (a) Where it is necessary to go wholly outside a building to clean windows an employee shall, if such cleaning be 15.5 metres or more from the nearest horizontal plane, be paid an allowance of $2.35 per day.

(b) Where an employee is required to clean windows from a swinging scaffold or similar device he/she shall be paid 40 cents per hour extra for every hour or part thereof so worked.

(C) Delete subclause (11) of this clause and insert in lieu thereof the following:

(11) Where an employee is required to carry out the ordinary hours of duty per day in more than one shift and where the break is not less than three hours, an allowance of $2.65 per day shall be paid. This allowance shall not apply to caretakers.

(D) Delete subclause (15) of this clause and insert in lieu thereof the following:

(15) All employees called upon to clean closets connected with septic tanks and sewerage shall receive an allowance as follows:

		Per Week $
(a)	five closets or greater but less than ten closets per day	3.75
(b)	ten closets or greater but less than 30 closets per day	11.10
(c)	30 closets or greater but less than 50 closets per day	22.05
(d)	50 closets or greater per day	27.75

For the purpose of this clause one metre of urinal shall count as one closet and three urinal stalls shall count as one closet

(E) Delete paragraph (c) of subclause (17) of this clause in insert in lieu thereof the following:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business:

Schedule 1 - Motor Vehicle Allowance

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5o South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Motor vehicles with rotary engines are to be included in the 1600-2600cc category.

Schedule 2 - Motor Cycle Allowance

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

3. Clause 22 – Wages: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) Leading Hands: Any employee in charge of other employees shall be paid in addition to the appropriate wage prescribed, the following:

		$
(a)	if placed in charge of not less than three and not more than six other employees	12.05
(b)	if placed in charge of not less than six and not more than ten other employees	21.45
(c)	if placed in charge of not less than ten and not more than 15 other employees	26.80
(d)	if placed in charge of not less than 15 and not more than 20 other employees	32.55
(e)	if placed in charge of more than 20 other employees	41.95

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Caretaker.

2. For Work Related Allowances – the percentage increase in:

   - Clause 20 – Specials Rates and Conditions
   - Clause 22 – Wages

   is derived from $17 divided by $463.20 equals 3.67% (2003) and $19 divided by $480.20 equals 3.96% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   > "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

   - Clause 13 – Overtime has been varied for the CPI Take Away Foods - Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

     December 2004 161.5 X 100 = 7.10%
     September 2002 150.8 1

     CPI Meals Out and Take Away Food – Perth

   - Clause 20 – Special Rates and Conditions – subclause (17) has been varied for the CPI Private Motoring – Perth for the period September 2002 to December 2004 giving the percentage of 5.16%

     December 2004 144.7 X 100 = 5.16%
     September 2002 137.6 1

     CPI Private Motoring – Motor Vehicles – Perth

   For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

   The union uses Catalogue 6455.0.40.001

WORK RELATED ALLOWANCES

Key Minimum Classification - Caretaker

Clause		A	B	C
Clause 11. – Special Rates and Conditions	8(a)	$0.30	$0.33	$2.35
	8(b)	$0.22	$0.24	$3.75
	10(a)	$2.15	$2.34	$11.10
	10(b)	$0.37	$0.40	$22.05
	11	$2.45	$2.65	
	15(a)	$3.45	$3.74	
	15(b)	$10.30	$11.12	
	15(c)	$20.40	$22.04	
	15(d)	$25.70	$27.75	
Clause 22. – Wages	3(a)	$11.20	$12.06	$12.05
	3(b)	$19.90	$21.47	$21.45
	3(c)	$24.90	$26.82	$26.80
	3(d)	$30.20	$32.54	$32.55
	3(e)	$38.90	$41.95	

EXPENSE RELATED ALLOWANCES

Clause		**A**	**B**	**C**
Clause 13. – Overtime	4(a)	$7.25 $4.95	$7.76 $5.30	$7.75

2005 WAIRC 00595

CLEANERS AND CARETAKERS (CAR AND CARAVAN PARKS) AWARD 1975
NO. 5 OF 1975

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	KINGS PARKING CO (W.A.) PTY LTD AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 680 OF 2003
CITATION NO.	2005 WAIRC 00595

Result	Award varied
Representation	
Applicant	Ms C. Kazokoff
Respondent	Mr P. Robertson (as agent)

Order

HAVING heard Ms C. Kazokoff on behalf of the applicant and Mr P. Robertson (as agent) on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Cleaners and Caretakers (Car and Caravan Parks) Award 1975* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 10. – Overtime: Delete subclause (4)(a) of this clause and insert the following in lieu thereof:

(4) (a) Subject to the provisions of paragraph (b) of this subclause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.75 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required he/she shall be supplied with such meal by the employer or paid $5.30 for each meal so required.

2. Clause 12. – Fares and Travelling Time: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business

Schedule 1 - Motor Vehicle Allowances

Area and Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - 2600cc	1600cc & Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5o South Latitude	84.9	74.0	66.0
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance travelled during a year on Official Business	Rate ¢/km
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc category

3. Clause 13. – Special Rates and Provisions:

(A) Delete subclause (9)(a) of this clause and insert the following in lieu thereof:

(a) Where it is necessary to go wholly outside a building to clean windows, an employee shall, if such cleaning be 15.5 metres or more from the nearest horizontal plane, be paid an allowance of $2.35 per day.

(B) Delete subclause (10) of this clause and insert the following in lieu thereof:

(10) Where an employee is required to carry out the ordinary hours of duty per day in more than one shift and where the break is not less than three hours an allowance of $2.65 per day shall be paid.

(C) Delete subclause (13) of this clause and insert the following in lieu thereof:

(13) Cash Handling Allowance:

An employee who is required by his or her employer to collect money from the customers of that employer shall be paid an allowance of $6.40 per week.

(D) Delete subclause (14) of this clause and insert the following in lieu thereof:

(14) All employees called upon to clean closets connected with septic tanks and sewerage shall receive an allowance as follows:

		Per Week $
(a)	five closets or greater but less than ten closets per day	3.75
(b)	ten closets or greater but less than 30 closets per day	11.10
(c)	30 closets or greater but less than 50 closets per day	22.05
(d)	50 closets or greater per day	27.75

For the purpose of this clause, one metre of urinal shall count as one closet and three urinal stalls shall count as one closet.

4. Clause 24. – Wages: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Leading Hands: Any employee in charge of other employees shall be paid in addition to the appropriate wage prescribed, the following:

		Per Week $
(a)	if placed in charge of not less than three and not more than six other employees	12.05
(b)	if placed in charge of more than six and not more than ten other employees	21.45
(c)	if placed in charge of more than 10 and not more than 15 other employees	26.80
(d)	if placed in charge of more than 15 and not more than 20 other employees	32.55
(e)	if placed in charge of more than 20 other employees	41.80

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Caretaker.

2. For Work Related Allowances – the percentage increase in:

   - Clause 13. – Special Rates and Provisions
   - Clause 24. - Wages

   is derived from $17 divided by $463.20 equals 3.67% (2003) and $19 divided by $480.20 equals 3.96% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   > "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

   - Clause 10. – Overtime has been varied for the CPI Meals Out and Take Away Foods Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

   $$\text{(December 2004)}\ \frac{161.5}{\text{(September 2002)}\ 150.8} \times \frac{100}{1} = 7.10\%$$

   CPI Meals out and Take Away Foods – Perth

   - Clause 12. – Fares and Travelling Time has been varied for the CPI private Motoring – Perth for the period September 2002 to December 2004 giving the percentage 5.16%.

   $$\text{(December 2004)}\ \frac{144.7}{\text{(September 2002)}\ 137.6} \times \frac{100}{1} = 5.16\%$$

   CPI Private Motoring – Perth

   Catalogue No. 6455.0.40.001

   For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – CARETAKER

Clause		A	B	C
Clause 13. – Special Rates and Provisions	(9)(a)	$2.15	$2.34	$2.35
	(10)	$2.45	$2.65	
	(13)	$5.95	$6.39	$6.40
	(14)	$3.45	$3.74	$3.75
		$10.30	$11.12	$11.10
		$20.45	$22.04	$22.05
		$25.75	$27.75	
Clause 24. – Wages	(4)	$11.20	$12.06	$12.05
		$19.90	$21.47	$21.45
		$24.90	$26.82	$26.80
		$30.20	$32.54	$32.55
		$38.80	$41.79	$41.80

EXPENSE RELATED ALLOWANCES

Clause		A	B	C
Clause 10. – Overtime	(4)(a)	$7.25	$7.76	$7.75
		$4.95	$5.30	$5.30

CPI Meals Out and Takeaway – Perth

2005 WAIRC 00605

CLEANERS AND CARETAKERS (GOVERNMENT) AWARD, 1975
NO. 32 OF 1975

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

THE PREMIER OF WESTERN AUSTRALIA AND OTHERS

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 681 OF 2003
CITATION NO. 2005 WAIRC 00605

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Cleaners and Caretakers (Government) Award, 1975* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
Chief Commissioner.

[L.S.]

SCHEDULE

1. Clause 8. – Overtime: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Any employee, who without being notified the previous day, is required to continue working for more than one hour after the usual ceasing time shall be provided with a meal by the employer, or be paid $9.20 in lieu thereof.

2. Clause 11. – Special Rates and Provisions:

(A) Delete subclause (1)(a) of this clause and insert the following in lieu thereof:

(1) (a) All employees called upon to clean closets, connected with septic tanks or sewerage shall receive an allowance of 61 cents per closet per week.

(B) Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) Employees called upon outside the ordinary working hours to wash towels shall be paid $3.69 per dozen for ordinary towels, and $2.76 per dozen for dusters, hand towels and tea towels.

(C) Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Employees who are required to work their ordinary hours each day in two shifts and where the break between the two shifts is not less than three hours, shall be paid an allowance $3.50 per day.

(D) Delete subclause (6) of this clause and insert the following in lieu thereof:

(6) An employee who is required to open and close classrooms, halls and other school facilities for any activities authorised by the Principal, shall be paid an allowance according to the following scale:

		Per Day $
(a)	Evenings - Monday to Friday	
	Up to 40 rooms per week	5.91
	41 rooms to 100 per week	8.99
	over 100 rooms per week	11.83
(b)	Saturday and Sunday	11.21

(c) An additional allowance of $3.50 shall be paid to a caretaker on each occasion he/she is required to open or close a school facility after 11.00 pm, Monday to Friday, or for any opening or closing required on a Saturday or Sunday after the initial opening and closing. Provided that on a Saturday or Sunday the additional allowance shall not be paid if the duty is performed less than one hour after the initial or any subsequent opening or closing.

(E) Delete subclause (9)(b) of this clause and insert the following in lieu thereof:

(b) Any employee performing in wood chopping duties shall be paid an allowance of $13.33 per tonne to a maximum of:

(i) 100% of the weight of bushwood supplied or 50% of the weight of mill-ends supplied for enclosed fire places such as Wonderheats.

(ii) 50% of the weight of bushwood supplied or 20% of the weight of mill-ends supplied for open fireplaces.

(F) Delete subclause (10)(a) of this clause and insert the following in lieu thereof:

(10) (a) An Estate Attendant (Homeswest) who, in his/her privately owned vehicle commutes from estate to estate and is required to carry sundry cleaning and/or gardening implements and/or supplies shall be paid $6.61 per week for all purposes of this award.

3. Clause 21. – First Aid: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) The employer shall, wherever practicable, appoint an employee holding current first aid qualifications from St. John Ambulance or similar body to carry out first aid duty at all works or depots where employees are employed. Such employees so appointed in addition to first aid duties, shall be responsible under the general supervision of the foreperson for maintaining the contents of the first aid kit, conveying it to the place of work and keeping it in a readily accessible place for immediate use.

Employees so appointed shall be paid the following rates in addition to their prescribed rate:

	10 Employees or less ¢ per day	In excess of 10 Employees ¢ per day
Qualified Attendant	$1.20	$2.07

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Cleaner – Level 1, Year 1.
2. The percentage increase relating to the work related increases in:
   - Clause 11. – Special Rates and Provisions
   - Clause 21. – First Aid

   is derived from $17 divided by $476.10 equals 3.57% (2003) and $19 divided by $493.10 equals 3.85% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

Please note that previous rates used as the basis for variation of work related allowances in this award were incorrect.

This application does not seek to amend the mistakes in previous applications. However this application does seek to use the correct wage rates as the basis for variations from this application forward. The 2003-2004 variations should reflect accurately the wages of a Level 1, Year 1 Cleaner following the 2002-2003 wage cases respectively.

3. For Expense Related Allowances:

- Clause 8. – Overtime has been varied for the CPI for the period September 2002 to March 2004 giving the percentage of 7.10%.

Catalogue No. 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION - CLEANER

Clause		A	B	C
Clause 11. – Special Rates and Provisions	(1)(a)	$0.59	$0.61	
	(2)	$3.55	$3.69	
		$2.66	$2.76	
	(5)	$3.37	$3.50	
	(6)(a)	$5.69	$5.91	
		$8.66	$8.99	
		$11.41	$11.83	
	(6)(b)	$10.79	$11.21	
	(6)(c)	$3.38	$3.50	
	(9)(b)	$12.85	$13.33	
	(10)(a)	$6.37	$6.61	
Clause 21. – First Aid	(2)	$1.92	$2.07	

Clause	A	B	C
Clause 8. – Overtime	$8.60	$9.21	$9.20

CPI Take Away Food – Perth

2005 WAIRC 00627

CLUB WORKERS' AWARD, 1976 NO. 12 OF 1976

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

KALAMUNDA CLUB (INC) AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 682 OF 2003
CITATION NO. 2005 WAIRC 00627

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Club Workers' Award, 1976* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Additional Rates for Ordinary Hours: Delete this clause and insert the following in lieu thereof:

9. - ADDITIONAL RATES FOR ORDINARY HOURS

(1) An employee who is required to work any ordinary hours prior to 7.00 am or after 7.00 pm on any day Monday to Friday, both inclusive, shall be paid at the rate of an extra $1.44 per hour for each such hour, or part thereof worked. Provided that any employee who works the majority of his/her ordinary hours between midnight and 7.00 am shall be paid $1.51 per hour extra for each such hour, or part thereof worked.

(2) All time worked during the ordinary hours of work on Saturdays and Sundays shall be paid for at the rate of time and a half.

(3) An employee who is required to work any of his/her ordinary hours on any day in more than one period of employment, other than for meal breaks as prescribed in accordance with the provisions of Clause 13. - Meal Breaks of this Award, shall be paid an allowance of $2.37 per day, for such broken work period worked.

(4) The provisions of subclauses (1) and (2) hereof shall not apply to any work performed on a holiday and to which the provisions of subclause (2) of Clause 17. - Holidays are applicable.

(5) The provisions of this clause shall not apply to casual employees.

2. Clause 14. – Meal Money: Delete this clause and insert the following in lieu thereof:

14. - MEAL MONEY

Any employee who is required to work overtime for two hours or more on any day, without being notified on the previous day or earlier, that he or she will be so required to work such overtime, will either be supplied with a substantial meal by the employer or be paid $9.70 meal money.

3. Clause 26. – Uniforms and Laundering: Delete subclauses (2) and (3) of this clause and insert the following in lieu thereof:

(2) Subject to subclause (3) hereof, an employer requiring any of the articles of clothing to be worn as described in subclause (1) of this clause, shall cause such clothing to be laundered at his/her own expense or otherwise shall pay to the employee concerned $6.20 per fortnight worked as a laundry allowance. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

(3) Where a cook wears the ordinary apparel usually worn by cooks such as black and white check trousers, white shirt, white apron and cap, such garments shall be laundered at the employer's expense or otherwise the employee shall be paid $9.40 per fortnight worked as a laundry allowance. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

4. Clause 27. – Protective Clothing: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Employees who are required to wash dishes, clean toilets or otherwise handle detergents, acids, soaps or any injurious substances, shall be supplied with rubber gloves free of charge by the employer, or be paid, in lieu, an allowance of $3.30 per fortnight worked. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

5. Clause 28. – Employee Equipment: Delete this clause and insert the following in lieu thereof:

28. - EMPLOYEE EQUIPMENT

All knives, choppers, tools, brushes, towels and other utensils, implements and material which may be required to be-used by the employee for the purpose of carrying out his/her duties, shall be supplied by the employer free of charge. Provided that where an employee is required by the employer to use his/her own knives he shall be paid an allowance of $12.50 per fortnight worked. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

6. Clause 37. - Superannuation: Delete subclause (2)(a) of this clause and insert the following in lieu thereof:

(a) An employer shall, subject to the provisions of this clause, contribute to a fund referred to in subclause (1)(b) in respect of each eligible employee an amount equal to 9% of that employee's ordinary time earnings each pay period with effect from the beginning of the first pay period commencing on or after the date of operation of this clause or the date the employee becomes an eligible employee, whichever is the later.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Cook Grade 3.

2. The Work Related Allowances – the percentage increase in:

- Clause 9. – Additional Rates for Ordinary Hours
- Clause 28. – Employee Equipment

is derived from $34 divided by $1050.40 equals 3.24% (2003) and $38 divided by $1084.40 equals 3.50% (2004) as prescribed by Principles 5. – Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 14 – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 26. – Uniform and Laundering has been varied for the CPI Clothing Services and Shoe Repair – Perth for the period September 2002 to December 2004 giving the percentage 9.92%.

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

CPI Clothing Services and Shoe Repair – Perth

Catalogue: 6455.0.40.001

4. Clause 37. – Superannuation has been amended in accordance with Principle 2(i).

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – COOK GRADE 3

Clause	A	B	C
Clause 9. – Additional Rates for Ordinary Hours			
(1)	$1.35	$1.44	
	$1.41	$1.51	
(3)	$2.22	$2.37	
Clause 28. – Employee Equipment	$11.70	$12.50	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause	A	B	C
Clause 14. – Meal Money	$9.05	$9.69	$9.70

CPI Clothing Services and Shoe Repair – Perth

Clause	A	B	C
Clause 26. – Uniforms and Laundering (2)	$5.65	$6.21	$6.20
(3)	$8.55	$9.40	
Clause 27. – Protective Clothing (1)	$3.00	$3.30	

2005 WAIRC 00607

COMMUNITY WELFARE DEPARTMENT HOSTELS AWARD 1983

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

THE HONOURABLE MINISTER FOR COMMUNITY DEVELOPMENT

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 686 OF 2003
CITATION NO. 2005 WAIRC 00607

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Community Welfare Department Hostels Award 1983* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. – Overtime: Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Where an employee has not been notified the previous day or earlier that they are required to work overtime the employer shall ensure that the employee working such overtime for an hour or more shall be provided with any of the usual meals occurring during such overtime or be paid $9.20 for each meal.

2. Clause 18. – Special Rates and Provisions: Delete subclause (1)(a) of this clause and insert the following in lieu thereof:

(1) (a) All employees called upon to clean closets, connected with septic tanks or sewerage shall receive an allowance of 60 cents per closet per week.

3. Clause 21. – Wages: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) General Conditions:

(a) Junior employees may be employed in the proportion of one junior to every two or fraction of two not being less than one adult employee employed in the same occupation, provided that this ratio may be altered by written agreement between the Union and the employee concerned.

(b) Senior employees appointed as such by the employer shall be paid $20.40 per week in addition to the rates prescribed herein.

(c) A leading hand placed in charge of not less than three other employees shall be paid $20.40 per week in addition to the rates prescribed herein.

(d) Employees who are required to work their ordinary hours each day in two shifts and where the break between the two shifts is not less than three hours shall be paid $3.25 per day reimbursement for travelling expenses.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Cook (3rd year of employment)

2. The Work Related Allowances - the percentage increase in:

- Clause 28. – Special Rates
- Clause 21. - Wages

is derived from $17 divided by $512.10 equals 3.32% (2003) and $19 divided by $529.10 equals 3.59% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 8. – Overtime has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals out and Take Away Foods – Perth

Catalogue No. 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – COOK 3rd YEAR

Clause		A	B	C
Clause 28. – Special Rates	(1)(a)	$0.56	$0.60	
Clause 21. - Wages	(3)(b)	$19.05	$20.39	$20.40
	(c)	$19.05	$20.39	$20.40
	(d)	$3.05	$3.26	$3.25

EXPENSE RELATED ALLOWANCES

Clause	A	B	C
Clause 8. – Overtime	$8.60	$9.21	$9.20

2005 WAIRC 00631

CONTRACT CLEANERS AWARD, 1986 NO. A6 OF 1985

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

AIRLITE CLEANING PTY LTD AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 683 OF 2003
CITATION NO. 2005 WAIRC 00631

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondents Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Contract Cleaners Award, 1986* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 7. – Overtime: Delete subclause (3)(a) of this clause and insert the following in lieu thereof:

(3) (a) Subject to the provisions of paragraph (b) of this subclause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $9.20 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $6.20 for each meal so required.

2. Clause 18. – Special Rates and Conditions:

(A) Delete subclause (8) of this clause and insert the following in lieu thereof:

(8) All employees called upon to clean closets connected with septic tanks and sewerage shall receive an allowance as follows :

		Rate Per Day $
(a)	Cleaners required to clean up to seven closets per day	0.29
(b)	Cleaners required to clean eight or more toilets per day	1.46
(c)	Cleaners who for a minimum of two hours per day are engaged in cleaning closets, in lieu of the allowance in paragraph (a) or (b) of this subclause shall receive an allowance of	4.80

For the purpose of this clause, one metre of urinal shall count as one closet and three urinal stalls shall count as one closet.

(B) Delete subclause (10) of this clause and insert the following in lieu thereof:

(10) Height Money:

(a) A cleaner shall not be required to work from the top of a ladder more than three metres long which rests on the ground or floor level.

(b) Where it is necessary to go wholly outside a building to clean windows, an employee shall, if such cleaning be 15.5 metres or more from the nearest horizontal plane, be paid an allowance of $2.13 per day.

(c) Where an employee is required to clean windows from a swinging scaffold or similar device, he shall be paid 37 cents per hour extra for every hour or part thereof so worked.

(C) Delete subclause (11) of this clause and insert the following in lieu thereof:

(11) Broken Shift:

Where an employee is required to carry out the ordinary hours of duty at the same location each day in more than one shift and where the break is not less than four hours an allowance of $2.42 per day shall be paid.

3. Clause 19. – Fares, Travelling Time And Transport: Delete subclause (3)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business:

Schedule 1 - Motor Vehicle Allowances

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance travelled during a year on Official Business	Rate ¢/km
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc category

4. Clause 20. – Wages: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) Leading Hands:

Any full-time employee placed in charge of other employees shall be paid, in addition to the appropriate wage prescribed, the following:

	Rate Per Hour $
In charge of up to ten Cleaners	0.76
More than ten Cleaners	1.44

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Cleaner

2. The Work Related Allowances - the percentage increase in:

- Clause 18. – Special Rates and Conditions
- Clause 20. – Wages

is derived from $17 divided by $470.60 equals 3.61% (2003) and $19 divided by $487.30 equals 3.90% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 7. – Overtime has been varied for the CPI Take Away Foods – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

$$\text{December 2004} \div \text{September 2002} = \frac{161.5}{150.8} \times \frac{100}{1} = 7.10\%$$

CPI Meals out and Take Away Foods – Perth

- Clause 19. – Fares, Travelling Time and Transport has been varied for the CPI Private Motoring – All for the period September 2002 to December 2004 giving the percentage of 5.16%.

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Motor Vehicles – Perth figures

Catalogue No. 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

Clause		A	B	C
Clause 18. – Special Rates and Conditions	(8)(a)	$0.27	$0.29	
	(b)	$1.36	$1.46	
	(c)	$4.45	$4.78	$4.80
	(10)(b)	$1.98	$2.13	
	(c)	$0.35	$0.37	
	(11)	$2.25	$2.42	

EXPENSE RELATED ALLOWANCES

CPI Meals Out and Take Away Foods - All

Clause		A	B	C
Clause 7. – Overtime	(3)(a)	$8.60	$9.21	$9.20
		$5.80	$6.21	$6.20

2005 WAIRC 00632

CONTRACT CLEANERS' (MINISTRY OF EDUCATION) AWARD, 1990

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

MASTERCARE PROPERTY SERVICES AND OTHERS

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 684 OF 2003
CITATION NO. 2005 WAIRC 00632

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondents Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Contract Cleaners' (Ministry of Education) Award, 1990* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
Chief Commissioner.

[L.S.]

SCHEDULE

1. Clause 8. – Overtime: Delete subclause (3)(a) of this clause and insert the following in lieu thereof:

(3) (a) Subject to the provisions of paragraph (b) of this subclause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $9.20 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $6.20 for each meal so required.

2. Clause 10. – Fares and Travelling Time: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business

Schedule 1 - Motor Vehicle Allowances

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance travelled during a year on Official Business	Rate ¢/km
All areas of the State	26

Motor vehicles with rotary engines are to be included in the 1600-2600cc.

3. Clause 11. – Special Rates and Provisions:

(A) Delete subclauses (1) and (2) of this clause and insert the following in lieu thereof:

(1) All employees called upon to clean closets connected with septic tanks and sewerage shall receive an allowance as follows:

		Rate per week $
(a)	Cleaners required to clean up to 10 closets per day	5.65
(b)	Cleaners required to clean between 11 and 20 closets per day	11.20
(c)	Cleaners required to clean 21 or more closets per day	16.90

For the purposes of this clause one metre of urinal shall count as one closet and three urinal stalls shall count as one closet.

(2) Employees called upon outside the ordinary working hours to wash towels shall be paid $3.95 per dozen for ordinary towels, and $2.85 per dozen for dusters, hand towels and tea towels.

(B) Delete subclauses (5) and (6) of this clause and insert the following in lieu thereof:

(5) Employees who are required to work their ordinary hours each day in two shifts and where the break between the two shifts is not less than three hours, shall be paid an allowance of $3.55 per day.

(6) An employee who is required to open and close classrooms, halls and other school facilities for any activities authorised by the School Principal, shall be paid an allowance according to the following scale:

		$ Per Day
(a)	Evenings - Monday to Friday	
	Up to 40 rooms per week	6.10
	41 rooms to 100 per week	9.15
	Over 100 rooms per week	12.10
(b)	Saturdays and Sundays	12.10

3. Clause 20. - Wages: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) Leading Hands:

Any full-time employee placed in charge of other employees shall be paid, in addition to the appropriate wage prescribed, the following:

Cleaner In Charge of a High School	$21.15 per week
Cleaner In Charge of a TAFE College:	
35 hours or less	$63.25 per week
35 hours or more	$84.45 per week

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Cleaner
2. The Work Related Allowances - the percentage increase in:
   - Clause 11. – Special Rates and Provisions
   - Clause 20. – Wages

   is derived from $17 divided by $483.40 equals 3.52% (2003) and $19 divided by $500.40 equals 3.80% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   > "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."
3. For Expense Related Allowances:
   - Clause 8. – Overtime has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

     CPI Meals out and Take Away Foods – Perth
   - Clause 10. – Fares and Travelling Time has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 5.16%.

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

     CPI Private Motoring – Motor Vehicles – Perth

Catalogue No. 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

Key Minimum Classification - Cleaner

Clause		A	B	C
Clause 11. – Special Rates and Provisions	(1)(a)	$5.25	$5.66	$5.65
	(b)	$10.45	$11.21	$11.20
	(c)	$15.75	$16.92	$16.90
	(2)	$3.65	$3.94	$3.95
		$2.65	$2.85	
	(5)	$3.30	$3.53	$3.55
	(6)(a)	$5.70	$6.12	$6.10
		$8.50	$9.13	$9.15
	(6)(b)	$11.25	$12.09	$12.10
		$11.25	$12.09	$12.10
Clause 20. – Wages	(3)	$19.70	$21.18	$21.20
		$58.90	$63.27	$63.25
		$78.60	$84.44	$84.85

EXPENSE RELATED ALLOWANCES

Clause		A	B	C
Clause 8. – Overtime	(3)(a)	$8.60	$9.21	$9.20
		$5.80	$6.21	$6.20

2005 WAIRC 00606

COUNTRY HIGH SCHOOL HOSTELS AWARD, 1979

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 685 OF 2003
CITATION NO. 2005 WAIRC 00606

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Country High School Hostels Award, 1979* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Overtime: Delete subclause (6) of this clause and insert the following in lieu thereof:

(6) Where an employee has not been notified the previous day or earlier that they are required to work overtime the employer shall ensure that employees working such overtime for an hour or more shall be provided with any of the usual meals occurring during such overtime or be paid $9.20 each meal.

2. Clause 20. – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) An employee required to work overtime for more than two hours, without being notified on the previous day or earlier that they will be so required to work, shall be supplied with a meal by the employer or paid $9.20 for a meal.

3. Clause 21. – Special Rates and Provisions: Delete subclause (1)(a) of this clause and insert the following in lieu thereof:

(1) (a) All employees called upon to clean closets, connected with septic tanks or sewerage shall receive an allowance of 60 cents per closet per week.

4. Clause 22. – Supported Wage System:

(A) Delete subclause (3)(b) of this clause and insert the following in lieu thereof:

(b) Provided that the minimum amount payable shall not be less than $58.80 per week.

(B) Delete subclause (9)(c) of this clause and insert the following in lieu thereof:

(c) The minimum amount payable to the employee during the trial period shall be no less than $58.80 per week.

5. Clause 24. - Wages: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) General Conditions:

(a) Senior employees appointed as such by the employer shall be paid $19.75 per week in addition to the rates prescribed herein.

(b) A leading hand placed in charge of not less than three other employees shall be paid $19.75 per week extra.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Cleaner
2. The Work Related Allowances - the percentage increase in:
   - Clause 21. – Special Rates and Provisions
   - Clause 22. – Support Wage System
   - Clause 24. – Wages

   is from $17 divided by $512.10 (2003) = 3.32% (2003) and $19 divided by $529.10 equals 3.59% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."
3. For Expense Related Allowances:
   - Clause 9. – Overtime and Clause 20. – Meal Money has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals out and Take Away Foods – Perth

Catalogue No. 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION - CLEANER

Clause		A	B	C
Clause 21. – Special Rates and Provisions		$0.56	$0.60	
Clause 22. – Support Wage System	(3)(b)	$54.90	$58.80	
	(9)(c)	$54.90	$58.80	
Clause 24. – Wages	(2)(a)	$18.45	$19.73	$19.75
	(2)(b)	$18.45	$19.73	$19.75

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause	A	B	C
Clause 9. – Overtime	$8.60	$9.21	$9.20
Clause 20. – Meal Money	$8.60	$9.21	$9.20

2005 WAIRC 00653

CSBP AND FARMERS AWARD 1990

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

WESFARMERS CSBP

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 687 OF 2003
CITATION NO. 2005 WAIRC 00653

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent No appearance

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and there being no appearance on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *CSBP & Farmers Award 1990* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9 – Wages: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) An employee specifically appointed to be a leading hand or a leading operator in charge of four or more employees shall be paid the appropriate allowances as follows:

One to three employees (other than apprentices and employees performing the duties of trades assistant)	$20.75 per week
Four to ten employees (including apprentices and employees performing the duties of trades assistant)	$31.85 per week
Over ten employees (including apprentices and employees performing the duties of trades assistant)	$41.00 per week

The rates of pay in this award include arbitrated safety net adjustments available since December 1993, under the Arbitrated Safety Net Adjustment Principle.

These arbitrated safety net adjustments may be offset against any equivalent amount in the rate of pay received by employees since 1 November 1991 above the rate prescribed in the Award, except where such absorption is contrary to the terms of an industrial agreement.

Increases in rates of pay otherwise made under the State Wage Case Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated safety net adjustments.

2. Clause 11 – Service Pay: Delete this clause and insert the following in lieu thereof:

11. - SERVICE PAY

In recognition of continuous service with the employer, employees are entitled in addition to the wage rates specified in Clause 9, to service pay as follows -

		Flat Payment
		Per Week
(1)	After 6 months' service	$18.55
(2)	After 12 months' service	$20.60
(3)	After 24 months' service	$23.20
(4)	After 36 months' service	$25.90
(5)	After 48 months' service	$28.10

3. Clause 14 – Overtime: Delete paragraph (g) of subclause (3) of this clause and insert the following in lieu thereof:

(g) An employee required to work overtime for more than one (1) hour immediately following the employee's rostered hours of work shall be supplied with a meal by the employer or be paid $7.75 for a meal and, if five (5) hours of overtime or more is worked, a second or subsequent meal is required the employee shall be supplied with each such meal by the employer or be paid $7.75 for each meal so required. Overtime meal breaks for employees other than shift workers are unpaid breaks.

4. Clause 18 – Special Rates and Allowances: Delete this clause and insert the following in lieu thereof:

18. - SPECIAL RATES AND ALLOWANCES

Subject to the following subclauses, where an employee performs such duties for two (2) hours or more a day as would entitle the employee to a special rate or allowance provided hereunder the employee shall be paid that special rate or allowance for the employee's ordinary hours of duty for that day. Provided that if an employee working overtime performs such duties for two (2) hours or more as would entitle the employee to a special rate or allowance provided hereunder the employee shall be paid that special rate or allowance for the whole period of overtime.

(1) Height

Employees, other than employees appointed to perform the specific duties of a rigger, required to work on a scaffold, or a roof at a height of 4.6 metres or more above ground or the nearest horizontal surface shall be paid a flat allowance of 30 cents per hour or part thereof.

(2) Watertube Boiler, Firetube Boiler and Turbine Drivers Certificates

Employees engaged as Production and Maintenance Workers at Kwinana and who in accordance with the requirements of the Occupational Health, Safety and Welfare Act 1984 and regulations made pursuant to that Act and are required to use that certificate of competency in the course of their work shall be paid a flat allowance of $5.40 per week in respect of each certificate held.

(3) Telephone Call Out

If an employee is required to attend in a call out situation and is notified by the employee's personal telephone and that employee attends the call out, or if the employee is asked for advice in relation to the repair of the breakdown the employee shall be entitled to a telephone allowance of $4.50 for each call out or advice given in relation to the repair of the breakdown. This allowance shall be reviewed each August and shall only be increased in line with the percentage increase in the Telecom rental charge for a single domestic telephone installation for the preceding twelve (12) months.

(4) Laundry

A flat allowance of $9.60 per week shall be paid to employees who are responsible for laundering their own uniforms.

(5) Wet Polythene Bags

Employees required to handle wet and slippery polythene film bags containing hygroscopic material shall be paid a flat allowance of 40 cents per hour or part thereof.

(6) Acid Bricks

An employee required to perform brick work in acid furnaces, acid stills, acid towers and all other acid resisting brickwork in an acidic condition shall be paid a flat allowance of $1.15 per hour or part thereof.

(7) Explosive Powered Tools

An operator of explosive powered tools, being an employee qualified in accordance with the laws and regulations of the State of Western Australia to operate explosive powered tools who is required to use an explosive powered tool shall be paid a flat allowance of 30 cents per hour or part thereof on which the employee uses such a tool.

(8) Confined Space

An employee shall be paid a flat allowance of 55 cents per hour or part thereof when, because of the dimensions of the compartment or space in which the employee is working, the employee is required to work in a stooped or otherwise cramped position, or without proper ventilation.

(9) Boiler Work

An employee required to work in a boiler or furnace where the temperature exceeds 54 degrees Celsius shall be paid at the rate of time and one half for each hour or part thereof.

(10) Percussion Tools

An employee shall be paid a flat allowance of 30 cents per hour or part thereof when using percussion tools exceeding 7.5 kg in weight.

(11) Toxic Vapours and Materials

(a) An employee likely to be exposed to toxic vapours or materials shall be informed by the employer of the health hazards involved and instructed in the correct and necessary safeguards which must be observed in the use of such materials.

(b) An employee using such materials will be provided with and shall use all safeguards as are required by the appropriate Government Authority or in the absence of such requirement such safeguards as are determined by a competent authority or person chosen by the Union and the employer.

(c) An employee required to wear full face cartridge or cannister masks, or air swept hoods as protection from exposure when using catalyst hardeners and reactive additives, two pack catalyst systems, volatile solvents including those used for rubber working or when using chemicals for which the MSDS, the work practice and the environment of the job require such protection shall be paid a flat allowance of 55 cents per hour or part thereof provided that employees engaged on leadburning work for two (2) hours or more in any day requiring the wearing of a face sealing air supplied helmet of the "RACAL" type shall be paid a flat allowance of 30 cents per hour.

(12) Spray Application - Painter

A painter engaged in all spray applications shall be paid a flat allowance of 50 cents per hour or part thereof.

(13) Swing Scaffold

(a) Except where sub-clause (1) applies, a worker employed -

(i) on any type of swing scaffold or any scaffold suspended by rope or cable, or bosuns chair or cantilever scaffold or

(ii) on a suspended scaffold requiring the use of steel or iron hooks or angle irons at a height 6 metres or more above the nearest horizontal plane,

shall be paid a flat allowance of $3.25 for the first four (4) hours or part thereof and 70 cents for each hour or part thereof thereafter on any day.

(b) No apprentice with less than two (2) years' service shall use a swing scaffold or bosuns chair.

(14) Copper, Zinc, Manganese and Molybdenum

Employees carrying or emptying copper, zinc, manganese or molybdenum containers or feeding these materials into hoppers shall be paid a flat allowance of 30 cents per hour or part thereof.

(15) Sewerage Work

(a) Employees involved in the opening up of sewerage pipes for the purpose of clearing blockages or for any other purpose, or work involving the cleaning out of septic tanks or dry wells, shall be paid a flat allowance of 30 cents per hour or part thereof.

(b) Employees involved in repair work of sewerage pipes, septic tanks or dry wells shall be paid a flat allowance of 50 cents per hour or part thereof.

(16) Hot Work

An employee shall be paid a flat allowance of 50 cents per hour or part thereof when the employee works in the shade in any place where the temperature is raised by artificial means to between 46 and 54 degrees Celsius; and for work other than boiler work, 55 cents when the temperature exceeds 54 degrees Celsius. Provided that an employee is entitled to take reasonable rest breaks while performing hot work.

(17) Furnace Work

An employee working on the construction, alteration or repair or flues, furnaces or similar refactory work shall be paid a flat allowance of $1.15 per hour or part thereof.

(18) Plumber's Licence

An employee required to use in the course of duties a 'B' class licence or an 'A' class licence issued by the Metropolitan Water Supply Sewerage and Drainage Board shall be paid an allowance of $15.20 or $30.55 a week respectively.

(19) Computing Quantities

An employee, other than a leading hand, regularly required to compute or estimate quantities of materials in respect of the work performed by others (excluding stocktaking) shall be paid an allowance of 40 cents per hour or part thereof.

(20) Width of Brushes

Paint brushes shall not exceed 125mm in width and kalsomine brushes shall not exceed 175mm in width.

(21) Electric Sanding Machines

Electric sanding machines for sanding down paintwork shall not exceed 5.9 kilograms.

(22) Roof Repairs

An employee working on roof repairs shall be paid an allowance of 55 cents per hour or part thereof.

(23) Sulphur Allowance

An employee working for a minimum of two (2) hours per day on sulphur heaps as part of sulphur receival, driving end loaders not fitted with sealed cabs, or cleaning sulphur dust from equipment used for sulphur handling immediately prior to repairs shall be paid an allowance of 30 cents per hour or part thereof.

5. Clause 19 – Protective Equipment and First Aid Allowances:

(A) Delete subparagraph (i) of paragraph (d) of clause (1) and insert in lieu thereof the following:

(d) Full Protective Clothing Allowance

(i) In addition to any other allowance, an allowance of 50 cents per hour shall be paid in the following situations:

. Cleaning in acidic or caustic conditions inside acid towers, tanks, vessels chambers and scrubbing systems.

. Cleaning in acidic conditions underneath filters.

. Using high pressure water guns in acidic conditions.

. Dismantling vessels and equipment containing acid.

. Initial dismantling of ammonia equipment which contains ammonia.

. Cleaning inside sumps and cleaning pipes in acidic conditions at gypsum ponds.

. Cleaning acidic deposits from fluosilicic acid plate filter on scrubbing system.

. Working with materials containing asbestos.

. Hand screening of vanadium catalyst dust.

. Cleaning down brickwork with acids or corrosive substances.

. Dry polishing tiles with a machine or cutting tiles with an electric saw.

. Working with insulwool, slag wool, silicate of cotton or other recognised insulating material of a like nature.

. Performing repair work with concrete or timber on operating water cooling towers.

(B) Delete subclause (e) and insert in lieu thereof the following

(e) Fully Enclosed Protective Equipment and Self Contained Breathing Apparatus

An employee who is required to wear fully enclosed protective equipment and self contained breathing apparatus or gas tight and air supplied protective suites (e.g. jolly green giant type), such as used in the acid towers shall in addition be paid an all purpose allowance of $1.20 per hour, in lieu of any allowance payable under paragraph 19(1)(d) of this award.

(C) Delete subclauses (2)(a), (b) and (c) and insert in lieu thereof the following:

(2) First Aid and Emergency

(a) Employees who are holders of a current St. John Ambulance Association Certificate in First Aid and are appointed by the employer to act as first aid attendant on a regular basis are entitled to a flat allowance of $8.25 per week.

(b) Employees who are holders of a current St. John Ambulance Association Certificate in First Aid and are directed to act as a first aid attendant on an irregular basis are entitled to a flat allowance of $8.25 per week for each week they are so required to act.

(c) (i) Employees who are trained and appointed members of a fire and rescue team listed below and who attend training and emergencies are entitled to a flat allowance as follows:

Bayswater & Country	$14.30 per week
Works	
Kwinana Out of Hours	$21.75 per week
Kwinana Normal Hours	$26.55 per week
Kwinana Off Site Group	$32.60 per week

(ii) Death and total and permanent disablement insurance cover of the prescribed amount of $106,965.00 will apply to all employees who are members of the fire and emergency team where disablement or death is a direct result of participation in or training for an emergency involving the employers plant buildings, materials or products, or an external emergency attended by the fire and emergency team at the request of the employer.

6. Clause 21 – Car and Travelling Allowance: Delete subclause (5) and insert in lieu thereof the following:

(5) The following shall be the rates payable to employees for the use of the employee's own vehicle as provided for in this clause:

AREA & DETAILS	ENGINE DISPLACEMENT (IN CUBIC CENTIMETRES)	
RATE PER KILOMETRE (CENTS)	OVER 2000cc	2000cc AND UNDER
Metropolitan Area	50.0	45.0
Rest of the State	53.0	48.0

7. Clause 22 – Distant Work:

(A) Delete subclause (3) of this clause and insert in lieu thereof the following:

(3) Where an employee attends emergency work or work at installations other than that employee's normal installation, and where that attendance necessitates overnight accommodation the employee shall be paid a flat $6.70 per night for each night they are absent from home in addition to any other allowances or benefits provided by this clause.

(B) Delete subclauses (5) and (6) of this clause and insert in lieu thereof the following:

(5) An employee, to whom subclause (1) of this clause is applicable, shall be paid a flat allowance of $23.10 for any weekend that the employee returns home, but only if:-

(a) the employee advises the employer of the employee's intention no later than the Tuesday preceding the weekend which the employee intends to return home;

(b) the employee is not required to work during that weekend;

(c) the employee returns to the job on the first working day following the weekend; and

(d) the employer does not provide, or offer to provide, suitable transport.

(6) Where an employee, who is being supplied with board and lodging by the employer pursuant to subclause (1) of this clause is required to live more than 800 metres from the job, the employer shall provide suitable transport to and from the job or pay the employee $11.48 per day. If travelling time to or from the job exceeds twenty (20) minutes, the excess time shall be paid at ordinary rates regardless of whether the employer is providing transport.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Maintenance Trades Group 1.

2. For Work Related Allowances – the percentage increase in:

- Clause 9. – Wages
- Clause 11. – Service Pay
- Clause 18. – Special Rates and Allowances
- Clause 19. – Protective Equipment and First Aid Allowance

I is derived from

1994 - $8.00 divided by $491.80 equals 0.0162667%
1995 - $8.00 divided by $499.80 equals 0.0160064%
1996 - $8.00 divided by $507.80 equals 0.0157542%
1997 - $10.00 divided by $515.80 equals 0.0193873
1998 - $14.00 divided by $525.80 equals 0.026626%
1999 - $10.00 divided by $539.80 equals 0.0185253%
2000 - $15.00 divided by $549.80 equals 0.0272826%
2001 - $15.00 divided by $564.80 equals 0.026558%
2002 - $18.00 divided by $579.80 equals 0.310451%
2003 - $17.00 divided by $597.80 equals 0.0284376%
2004 - $19.00 divided by $614.80 equals 0.0309043%

as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 14. - Overtime has been varied for the CPI Meals Out and Take Away Food – weighted average of eight capital cities for the period June 1994 to December 2004 giving the percentage of 43.79% .

December 2004	162.2	X	100	=	43.79%
June 1994	112.8		1		

CPI Meals Out and Take Away Foods – weighted average of eight capital cities.

- Clause 18. – Special Rates and Allowances has been varied for the CPI Clothing Services and Shoe Repair – weighted average of eight capital cities for the period June 1994 to December 2004 giving the percentage 43.68%.

December 2004	171.7	X	100	=	43.68%
June 1994	119.5		1		

CPI Clothing Services and Shoe Repair – weighted average of eight capital cities.

- Clause 21. – Car and Travelling Allowances has been varied for the CPI Private Motoring – weighted average of eight capital cities for the period June 1994 to December 2004 giving the percentage of 26.09%.

December 2004	144.0	X	100	=	26.09%
June 1994	114.2		1		

CPI Private Motoring – weighted average of eight capital cities.

Catalogue 6455.0.40.9001

- Clause 22 – Distant Work has been varied for the CPI All Groups Index Numbers – Perth for the period March 1994 to December 2004 giving the percentage of 31.95%

December 2004	143.3	x	100	=	31.95%
March 1994	108.6		1		

For all allowances please see attached excel spreadsheet

CSBP and Farmers' Award

EXPENSE RELATED ALLOWANCES

Key Minimum Classification - Maintenance Trades Group 1

Source: ABS - CPI 6401.01 Time Series Spreadsheets

Clause 18 - Special Rates and Allowances; subclause 4

1992	2004	Rounded
	143.68%	
6.7	962.656	9.62 = 9.60

Clothing Services and Shoe Repair - Weighted Average of eight capital cities

June 1994 - 119.5

December 2004 171.7

% Increase = 43.68%

Clause 14 - Overtime

1990	2004	Rounded
	143.79%	
5.4	776.466	7.76 = 7.75
5.4	776.466	7.76 = 7.75

Meals Out and Take Away foods - weighted average of eight capital cities

June 1994 - 112.8

December 2004 162.2

% Increase = 43.79%

Clause 21 - Car and Travelling Allowance

	1990	2004	Rounded	1990	2004	Rounded
	Over 2000cc	126.09%		≤ 2000cc	126.09%	
Metro	0.4	50.436	50	0.36	45.3924	45
Rest of State	0.42	52.9578	53	0.38	47.9142	48

Private Motoring - weighted average of eight capital cities

June 1994 - 114.2%
December 2004 144.0
% Increase = 26.09%

Clause 22 - Distant Work - subclauses 3, 5 and 6.

1990	2004	Rounded
	131.95000%	
5.1	6.72945	6.7
17.5	23.09125	23.09 = 23.10
8.7	11.47965	11.48

All Groups - Index Numbers - Perth
March 1994 = 108.6
December 143.3%
% Increase = 31.95%

2005 WAIRC 00608

CULTURAL CENTRE AWARD 1987

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

LIBRARY BOARD OF WESTERN AUSTRALIA AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 688 OF 2003
CITATION NO. 2005 WAIRC 00608

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Cultural Centre Award 1987* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. – Overtime: Delete subclause (9)(a) of this clause and insert the following in lieu thereof:

(9) (a) An employee required to work continuous overtime for more than one hour shall be supplied with a meal by the employer or be paid $5.35 for a meal and if, owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with each meal by the employer or be paid $9.20 for each meal so required.

2. Clause 15. – Special Rates and Provisions:

(A) Delete subclause (3)(a) of this clause and insert the following in lieu thereof:

(3) (a) All employees called upon to clean closets connected to septic tanks or sewers shall be paid an allowance of 59 cents per closet per week.

(B) Delete subclauses (5), (6), (7) and (8) of this clause and insert the following in lieu thereof:

(5) An allowance of $2.23 per day or part thereof shall be paid to an employee required to use an airlift in the course of their duties.

(6) An allowance of $8.62 per day shall be paid in addition to the ordinary rate to an attendant required to operate audio visual equipment.

(7) (a) Except as provided for in paragraph (b) of this subclause an allowance of $4.70 per day shall be paid to an employee required to carry keys and be responsible for securing the premises at the close of business.

(b) Where it is agreed between the employer and the Union in writing then an alternative arrangement may exist in respect of this subclause.

(8) (a) An employee who is required to work away from his/her usual place of work shall be paid for any fares in excess of those normally incurred in travelling from his/her home to his/her usual place of work and return, except where an allowance is paid in accordance with Clause 17. - Fares and Travelling Allowances of the Miscellaneous Government Conditions and Allowances Award No. A4 of 1992.

(b) Travelling time in excess of that normally incurred in travelling from his/her home to his/her usual place of work and return shall be paid at the rate of ordinary time.

(c) An employee who commences or completes a shift at or between the hours of 11.00pm and 5.00am, shall in addition to the ordinary rate of pay for that shift be paid an allowance of $10.50 per shift.

3. Clause 16. – Wages: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) Leading Hands: In addition to the appropriate total wage prescribed in this clause, a leading hand shall be paid:

		$
(a)	if placed in charge of not less than one and more than five other employees	20.80
(b)	if placed in charge of more than six and not more than ten other employees	32.00
(c)	if placed in charge of more than 11 other employees	41.10

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Attendant (3rd year of employment and thereafter)

2. The Work Related Allowances - the percentage increase in:

- Clause 15. – Special Rates and Provisions
- Clause 16. - Wages

is derived from $17 divided by $517.10 equals 3.28% (2003) and $19 divided by $534.10 equals 3.55% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 8. – Overtime has been varied for the CPI for the period September 2002 (150.8%) to December 2004 (161.5%) giving the percentage of 7.10%.

Calculations are therefore:

$$\text{December 2004} \frac{161.5}{150.8} \times \frac{100}{1} = 7.10\%$$

September 2002

CPI Meals out and Take Away Foods – Perth

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses Catalogue No. 6455.0.40.001

KEY MINIMUM CLASSIFICATION – ATTENDANT (3RD YEAR OF EMPLOYMENT AND THEREAFTER)

EXPENSE RELATED ALLOWANCES

Clause		A	B	C
Clause 8. – Overtime	(9)(a)	$5.00	$5.35	$5.35
		$8.60	$9.21	$9.20

WORK RELATED ALLOWANCES

Clause		A	B	C
Clause 16. - Wages	(2)(a)	$20.10	$20.81	$20.80
	(b)	$30.90	$32.00	
	(c)	$39.70	$41.11	$41.10
Clause 15. – Special Rates and Provisions				
	(3)(a)	$0.55	$0.59	
	(5)	$2.08	$2.23	
	(6)	$8.06	$8.62	
	(7)(a)	$4.40	$4.71	$4.70
	(8)(c)	$9.82	$10.50	

2005 WAIRC 00633

DAIRY FACTORY WORKERS' AWARD 1982

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	BROWNES DAIRY PTY LTD T/A P B FOODS AND ANOTHER
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 689 OF 2003
CITATION NO.	2005 WAIRC 00633

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondents	Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT *the Dairy Factory Workers' Award 1982* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 6. – Special Rates: Delete this clause and insert the following in lieu thereof:

6. - SPECIAL RATES

(1) An employee required to enter and clean any enclosed vat or tank shall be paid 48 cents per clean.

(2) An employee required to clean out a "powder box" or "spray drier" shall be paid $1.27 per clean.

(3) An employee shall receive 60 cents for every hour of which he/she spends 20 minutes or more in a cold chamber in which the temperature is less than 0°C.

(4) An employee shall receive 20 cents for every hour he/she spends in a cold chamber in which the temperature is between 4°C and 0°C inclusive.

2. Clause 8. – Leading Hands: Delete this clause and insert the following in lieu thereof:

8. - LEADING HANDS

In addition to the rates prescribed in Clause 29. - Wages, of this award a leading hand shall be paid –

		Per Week $
(1)	if placed in charge of not less than three and not more than ten other employees	22.45
(2)	if placed in charge of more than ten and not more than 20 other employees	34.50
(3)	if placed in charge of more than 20 other employees	44.15

3. Clause 11. – Meal Money:

(A) Delete subclause (1)(a) of this clause and insert the following in lieu thereof:

(1) (a) Subject to the provisions of this clause an employee who is required to continue working after his usual ceasing time for more than two hours shall be supplied with a meal by his employer or be paid $8.35 for a meal.

(B) Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) Where the amount of overtime worked is at least four hours from the time the employee became entitled to a meal, the employer shall supply an additional meal or pay to the employee $7.25 for each such additional meal.

4. Clause 28 – Vehicle Allowance: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business

Schedule 1 - Motor Vehicle Allowances

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.3	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.1	66.0
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc category.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Dairy Production Worker Grade vii.
2. The Work Related Allowances - the percentage increase in:
   - Clause 6. – Special Rates
   - Clause 8. – Leading Hands

   is 3.5% derived from $19 divided by $542.20 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   > "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."
3. For Expense Related Allowances:
   - Clause 11. – Meal Money has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 7.10%.

     December 2004 161.5 X 100 = 7.10%
     September 2002 150.8 1

     CPI Meals out and Take Away Foods – Perth
   - Clause 19. – Vehicle Allowance

   Fares and Travelling Allowances:

   December 2004 144.7 X 100 = 5.16%
   September 2002 137.6 1

   CPI Private Motoring – Motor Vehicles - Perth

   The Union uses Catalogue No. 6455.0.40.001

   For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

KEY MINIMUM CLASSIFICATION – DAIRY PRODUCTION WORKER GRADE VII

WORK RELATED ALLOWANCES

Clause		A	B	C
Clause 6. – Special Rates	1	$0.46	$0.48	
	2	$1.23	$1.27	
	3	$0.58	$0.60	
	4	$0.19	$0.20	
Clause 8. – Leading Hands	1	$21.70	$22.46	$22.45
	2	$33.35	$34.52	$34.50
	3	$42.65	$44.14	$44.15

EXPENSE RELATED ALLOWANCES

Clause		A	B	C
Clause 11. – Meal Money	1	$7.80	$8.35	$8.35
	2	$6.75	$7.23	$7.25

2005 WAIRC 00621

DRUM RECLAIMING AWARD

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

DRUM SERVICES PTY LIMITED

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 690 OF 2003
CITATION NO. 2005 WAIRC 00621

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Drum Reclaiming Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 12. – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Subject to the provisions of subclause (2) of this clause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.35 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.00 for each meal so required.

2. Clause 20. Shift Work: Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) The loading on the ordinary rates of pay for shift work shall be $7.80 for afternoon shift and for night shift.

3. Clause 23 – Leading Hands: Delete this clause and insert the following in lieu thereof:

23. - LEADING HANDS

In addition to the appropriate rates prescribed in Clause 25. - Rates of Pay of this award, a leading hand shall be paid:

		Per Week
		$
(1)	If placed in charge of not less than three and not more than ten other employees	23.95
(2)	If placed in charge of more than ten and not more than 20 other employees	36.60
(3)	If placed in charge of more than 20 other employees	47.25

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Painting and Incidental Duties.
2. The Work Related Allowances - the percentage increase in:
   - Clause 20. – Shift Work
   - Clause 23. – Leading Hands

Is 3.74% derived from $17 divided by $454.30 (2003) and 4.03% derived from $19 divided by $471.30 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 12. – Meal Money has been varied for the CPI Take Away Foods – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals out and Take Away Foods – Perth

Catalogue 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

Clause	A	B	C
Clause 20. – Shift Work	$7.25	$7.8022	$7.80
Clause 23. – Leading Hands	$22.20	$23.94	$23.95
	$33.90	$36.58	$36.60
	$43.80	$47.269	$47.25
Clause	**A**	**B**	**C**
Clause 12. – Meal Money	$6.85	$7.34	$7.35
	$4.65	$4.98	$5.00

2005 WAIRC 00634

DRY CLEANING AND LAUNDRY AWARD 1979

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ERIC DRY CLEANERS AND OTHERS

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 691 OF 2003
CITATION NO. 2005 WAIRC 00634

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondents Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Dry Cleaning and Laundry Award 1979* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

[L.S.]

(Sgd.) A R BEECH,
Chief Commissioner.

SCHEDULE

1. Clause 11. – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) An employee required to work overtime for more than one hour after the usual ceasing time or beyond 6.30pm (whichever is the later) on any day, Monday to Friday inclusive, shall either be supplied with an adequate recognised evening meal by the employer from an established canteen on the premises or paid $4.65 in lieu thereof.

2. Clause 18. – Special Rates: Delete this clause and insert the following in lieu thereof:

18. - SPECIAL RATES

Where an employee is required to sort foul linen an extra allowance of 29 cents per hour shall be paid whilst the employee is so employed on that type of work.

3. Clause 30. - Wages: Delete subclause (2)(a)(iv) of this clause and insert the following in lieu thereof:

(iv) Junior employed in a Receiving Depot: Notwithstanding anything hereinbefore contained any junior working alone and responsible for cash transactions and/or in charge of depot shall be paid not less than the rate prescribed for a junior '19 years and under 20 years' plus an amount of $5.93 per week.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Trade Person Dry Cleaner.

2. The Work Related Allowances - the percentage increase in:

- Clause 18. – Special Rates
- Clause 30. – Wages

is derived from $17 divided by $525.20 = 3.24% (2003) and $19 divided by $542.20 = 3.50% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 11. – Meal Money has been varied for the CPI Take Away Foods – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals out and Take Away Foods – Perth

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses Catalogue No. 6455.0.40.001

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRADE PERSON DRY CLEANER

Clause	A	B	C
Clause 18. – Special Rates	$0.27	$0.29	
Clause 30. – Wages	$5.55	$5.93	

EXPENSE RELATED ALLOWANCES

CPI Meals Out and Take Away Foods

Clause	A	B	C
Clause 11. – Meal Money	$4.35	$4.66	$4.65

2005 WAIRC 00579

ENROLLED NURSES AND NURSING ASSISTANTS (GOVERNMENT) AWARD

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

THE BOARD OF MANAGEMENT ALBANY REGIONAL HOSPITAL, BUNBURY HEALTH SERVICE, AVON HEALTH SERVICE

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 692 OF 2003
CITATION NO. 2005 WAIRC 00579

Result	Award varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Mr C. Gleeson on behalf of the Department of Health

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr C. Gleeson on behalf of the Department of Health, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Enrolled Nurses and Nursing Assistants (Government) Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. – Overtime: Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Where an employee has not been notified the previous day or earlier that he/she is required to work overtime the employer shall ensure that employees working such overtime for an hour or more shall be provided with any of the usual meals occurring during such overtime or be paid $9.50 each meal.

2. Clause 11. – Public Holidays: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) An employee who works on any public holiday named herein shall be paid a loading of $8.20 per hour or pro rata for part thereof in addition to his/her ordinary rate of wage for the time worked in ordinary hours on that day.

3. Clause 17. - Transfer: Delete subclause (2)(a) of this clause and insert the following in lieu thereof:

(2) (a) In addition, he/she shall be allowed travelling allowance of $7.95 for any meal purchased, or the actual cost of any meal purchased, if such cost exceeds $7.95. Meal times shall be 8.00 a.m., 1.00 p.m. and 6.00 p.m. $3.00 for each morning and afternoon tea shall be allowed when travelling at 11.00 a.m. and 4.00 p.m. Reasonable porterage shall also be allowed. Claims for taxi fares must be supported by receipts.

4. Clause 19. – Laundry and Uniforms:

(A) Delete subclause (7) of this clause and insert the following in lieu thereof:

(7) All washable clothing forming part of the uniform supplied by the employer shall be laundered free of cost to the employees. Provided that in lieu of such free laundering the employer may pay the employee $1.43 per week.

(B) Delete subclause (10)(c) of this clause and insert the following in lieu thereof:

(c) Provided further that in lieu of providing uniforms the employer may pay an allowance of $6.05 per week, and the nurse shall wear uniforms which conform to the uniform stipulated by the employer with respect to material, colour, pattern and conditions.

(C) Delete subclause (10)(e) of this clause and insert the following in lieu thereof:

(e) Each nurse shall be entitled to all reasonable laundry work at the expense of the employer, but where the employer elects not to launder the uniforms, the nurse shall be paid an allowance of $2.00 per week.

5. Clause 24. – Shift Work:

(A) Delete subclause (1)(a) of this clause and insert the following in lieu thereof:

(1) (a) Subject to subclause (2) of this clause where on any day an employee commences his/her ordinary hours of work before 4.00 a.m. or after 12 noon, he/she shall be paid a loading of $2.00 per hour or pro rata for part thereof in addition to his/her ordinary rate of wage.

(B) Delete subclause (2)(a) of this clause and insert the following in lieu thereof:

(2) (a) A loading of $3.10 per hour or pro rata for part thereof shall be paid to an employee in addition to his/her ordinary rate of wage for time worked on permanent afternoon or night shift.

(C) Delete subclause (3)(a) and (b) of this clause and insert the following in lieu thereof:

(a) Saturday - $8.20 per hour or pro rata for part thereof;

(b) Sunday - $16.45 per hour or pro rata for part thereof.

6. Clause 26. – Wages:

(A) Delete subclause (7)(c) of this clause and insert the following in lieu thereof:

(c) The ordinary rate of wage prescribed for an Enrolled Nurse in this clause shall be increased by $11.75 per week when a Registered Enrolled Nurse has obtained a second post basic certificate approved by the Nurses' Board of W.A., and he/she is required to use the knowledge gained in that certificate as part of his/her employment.

(B) Delete subclause (11) of this clause and insert the following in lieu thereof:

(11) Leading hands shall be paid the ordinary wage prescribed for the classification in which they are employed increased by:

(a) $18.85 per week when in charge of not less than three and not more than ten other employees;

(b) $28.40 per week when in charge of more than 10 and not more than 20 other employees; and

(c) $37.85 per week when in charge of more than 20 employees.

The provisions of this subclause shall not apply to enrolled community nurses or enrolled community school nurses.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Enrolled Nurse Level 1 – Third Year.

2. The Work Related Allowances - the percentage increase in:

- Clause 17. - Transfer
- Clause 11. – Public Holidays
- Clause 24. – Shift Work
- Clause 26. - Wages

is derived from $17 divided by $542.70 = 3.13% (2003) and $19 divided by $559.70 = 3.39% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances (other than Travel):

- Clause 7. – Overtime has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals out and Take Away Foods – Perth

- Clause 19. – Uniforms and Laundering has been varied for the CPI Clothing Services and Shoe Repair - Perth for the period September 2002 to December 2004 giving the percentage of 9.92%.

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

CPI Clothing Services and Shoe Repair– Perth

Catalogue 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRADEPERSON COOK

Clause		A	B	C
Clause 17. – Transfer	(2)(a)	$7.45	$7.96	$7.95
		$7.45	$7.96	$7.95
		$2.80	$3.00	
Clause 11. – Public Holidays	(1)	$7.70	$8.20	
Clause 24. – Shift Work	(1)(a)	$1.90	$2.02	$2.00
	(2)(a)	$2.90	$3.10	
	(3)(a)	$7.70	$8.22	$8.20
Clause 26. – Wages	(7)(c)	$11.00	$11.74	$11.75
	(11)(a)	$17.70	$18.87	$18.85
	(b)	$26.60	$28.38	$28.40
	(c)	$35.50	$37.84	$37.85

EXPENSE RELATED ALLOWANCES

CPI Clothing Services and Shoe Repair - All

Clause		A	B	C
Clause 8. – Overtime		$8.85	$9.48	$9.50
Clause 19. – Laundry and Uniforms	(7)	$1.30	$1.43	
	(10)(c)	$5.50	$6.05	
	(10)(e)	$1.80	$1.98	$2.00

2005 WAIRC 00673

ENROLLED NURSES AND NURSING ASSISTANTS (PRIVATE) AWARD NO 8 OF 1978

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	ST JOHN OF GOD HOSPITAL AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 693 OF 2003
CITATION NO.	2005 WAIRC 00673

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

1. THAT application 693 of 2003 be divided into 693A and 693B of 2003.
2. THAT the *Enrolled Nurses and Nursing Assistants (Private) Award No. 8 of 1978* be varied in accordance with the following schedule and that such variation shall have effect from the beginning of the first pay period commencing on or after the 11th day of March 2005.
3. THAT the claim specified in item 3 of the applicant's amended schedule stand as the claim in application 693B of 2003.
4. THAT application 693B of 2003 be adjourned sine die.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8 – Overtime: Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Where an employee is required to work overtime and such overtime is worked for a period of at least two hours in excess of the required daily hours of work the employee shall be provided with a meal free of cost or shall be paid the sum of paid $7.85 as meal money.

This subclause shall not apply where the employee has been advised of the necessity to work overtime on the previous day or earlier.

2. Clause 17 – Laundry and Uniforms: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Each employee shall be entitled to all reasonable laundry work at the expense of the employer, but where the employer elects not to launder the uniforms, the employee shall be paid an allowance of $1.40 per week.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. For Expense Related Allowances:

- Clause 8. - Overtime has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth.

- Clause 17. – Laundry and Uniforms has been varied for the CPI Clothing Services and Shoe Repair – Perth for the period September 2002 to December 2004 giving the percentage 9.92%.

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

CPI Clothing Services and Shoe Repair – Perth.

Catalogue 6455.0.40.9001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause		A	B	C
Clause 8. – Overtime	(5)	$7.35	$7.87	$7.85

CPI Clothing Services and Shoe Repair - Perth

Clause		A	B	C
Clause17. – Laundry and Uniforms	(4)	$1.27	$1.40	

2005 WAIRC 00650

ETHNIC CHILDREN'S SERVICES INDUSTRIAL AWARD, 1993 NO. A 10 OF 1989

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ETHNIC CHILD CARE RESOURCE UNIT INC

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 694 OF 2003
CITATION NO. 2005 WAIRC 00650

Result Award varied
Representation
Applicant Ms C. Kazakoff
Respondent No appearance on behalf of the respondent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and there being no appearance on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Ethnic Children's Services Industrial Award, 1993 No. A 10 of 1989* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

Clause 20. – Fares and Motor Vehicle Allowances: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the first day of July and end on the thirtieth day of June next following.

Rates of hire for use of employee's own vehicle on employer's business.

Schedule 1 - Motor Vehicle Allowance

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	1600cc - 2600cc	1600cc & Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.3	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	80.0	69.4	61.6

Schedule 2 - Motor Cycles

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.1

Motor vehicles with rotary engines are to be included in the 1600-2600cc category.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. Clause 20. – Fares & Motor Vehicle Allowances:

Has been varied CPI figures (Private Motoring – All) for the period September 2002 to December 2004 giving the percentage of 5.16%.

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Motor Vehicles – Perth
Catalogue: 6455.0.40.001

2005 WAIRC 00622

FAMILY DAY CARE CO-ORDINATORS' AND ASSISTANTS' AWARD,1985

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	COMMUNICARE INC
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 695 OF 2003
CITATION NO.	2005 WAIRC 00622

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Family Day Care Co-ordinators' and Assistants' Award, 1985* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 21. – Fares and Travelling Allowance: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the first day of July and end on the thirtieth day of June next following.

Rates of hire for use of employee's own vehicle on employer's business.

Schedule 1 - Motor Vehicle Allowance

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	1600cc - 2600cc	1600cc & Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7

North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycles

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc category.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. Clause 21. – Fares and Travelling Allowance:

Has been varied CPI figures (Private Motoring – All) for the period September 2002 to December 2004 giving the percentage of 5.16%.

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Motor Vehicles – Perth

Catalogue: 6455.0.40.001

2005 WAIRC 00542

FRUIT GROWING AND FRUIT PACKING INDUSTRY AWARD NO R17 OF 1979

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES THE AUSTRALIAN WORKERS' UNION, WEST AUSTRALIAN BRANCH, INDUSTRIAL UNION OF WORKERS

APPLICANT

-v-

MC ARMSTRONG AND OTHERS

RESPONDENT

CORAM COMMISSIONER J L HARRISON
DATE THURSDAY, 10 MARCH 2005
FILE NO/S APPL 901 OF 2002
CITATION NO. 2005 WAIRC 00542

Result Award varied

Order

HAVING heard Mr G Trotter on behalf of the applicant, Mr P Brunner of counsel intervening on behalf of the Western Australian Fruit Growers' Association and Mr P Robertson intervening on behalf of G Casotti & Co and Kailis Consolidated Pty Ltd, and by consent, the Commission, pursuant to the powers conferred under the Industrial Relations Act, 1979, hereby orders:

THAT the Fruit Growing and Fruit Packing Industry Award (No R17 of 1979) be varied in accordance with the following Schedule and that such variation shall have effect from the beginning of the first pay period commencing on or after 3 March 2005

(Sgd.) J L HARRISON,
Commissioner.

[L.S.]

SCHEDULE

1. Clause 2. – Arrangement: Delete this clause and insert the following in lieu thereof:

1. Title
2. Arrangement
3. Scope
4. Area
5. Term
6. Contract of Service
7. Supported Wage
8. Junior Employees
9. First Aid Kit
10. Hours

11. Overtime (Fruit Packing Only)
12. Meal Break (Fruit Packing Only)
13. Sick Leave
14. Bereavement Leave
15. Public Holidays and Annual Leave
16. Long Service Leave
17. General Provisions
18. District Allowance
19. Country Work
20. Record
21. Representative Interviewing Employees
22. Posting of Award and Union Notices
23. Deleted
24. Wages
24A. Minimum Adult Award Wage
25. Piecework
26. Superannuation
27. Dispute Settlement Procedure

Schedule A – Respondents to the Award
Schedule B – Parties to the Award
Schedule C – Service List

2. Clause 2A. – State Wage Case Principles – September 1989: Delete this number, title and clause.

3. Clause 6. – Contract of Service: Delete this clause and insert the following in lieu thereof:

(1) A contract of service to which this award applies may be terminated in accordance with the provisions of this clause and not otherwise but this subclause does not operate so as to prevent any party to a contract from giving a greater period of notice than is hereinafter prescribed, nor to affect an employer's right to dismiss an employee without notice for gross misconduct and an employee so dismissed shall be paid wages for the time worked up to the time of dismissal only.

(2) Subject to the provisions of this clause, a party to a contract of service may, on any day, give to the other party the appropriate period of notice of termination of the contract prescribed in subclause (5) of this clause and the contract terminates when that period expires.

(3) In lieu of giving the notice referred to in subclause (2) of this clause, an employer may pay the employee concerned their ordinary wages for the period of notice to which they would otherwise be entitled.

(4) (a) Where an employee leaves their employment -

(i) Without giving the notice referred to in subclause (2) of this clause; or

(ii) Having given such notice, leaves before the notice expires;

the employee forfeits entitlement to any monies owing to the employee under this award except to the extent that those monies exceed the ordinary wages for the period of notice which should have been given.

(b) In a case to which paragraph (a) of this subclause applies -

(i) The contract of service shall, for the purposes of this award, be deemed to have terminated at the time at which the employee was last ready, willing and available for work during ordinary working hours under contract; and

(ii) The provisions of subclause (2) of this clause shall be deemed to have been complied with if the employee pays to the employer, whether by forfeiture or otherwise, an amount equivalent to the employee's ordinary wages for the period of notice which should have been given.

(5) The period of notice referred to in subclause (2) of this clause is -

(a) In the case of a casual employee, one hour;

(b) In any other case -

(i) The following period of notice shall be provided:

Period of Continuous Service	**Period of Notice**
Not more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

(ii) Employees over 45 years of age with two or more years' continuous service at the time of termination, an additional weeks notice shall be provided.

(6) (a) Prior to their engagement, an employee shall be notified by the employer or by the employer's representative whether the duration of their employment is expected to exceed one month and if they are hired as a casual employee they shall be advised accordingly.

(b) An employee shall, for the purpose of this award, be deemed to be a casual employee -

(i) If the expected duration of the employment is less than one month; or

(ii) If the notification referred to in paragraph (a) of this subclause is not given and the employee is dismissed through no fault of their own within one month of commencing employment.

(c) Provided that the provisions of paragraph (b) of this subclause do not apply to employees engaged on piecework.

(7) The employer shall be under no obligation to pay for any day not worked, upon which the employee is required to present for duty, except when such absence from work is due to illness and comes within the provisions of Clause 13. - Sick Leave or such absence is on account of holidays to which the employee is entitled under the provisions of this award.

(8) (a) The employer is entitled to deduct payment for any day or part of any day upon which an employee cannot be usefully employed because of a strike by the Union party to this award, or by any other Association or Union.

(b) The provisions of paragraph (a) of this subclause also apply where the employee cannot be usefully employed through any cause which the employer could not reasonably have prevented.

4. Clause 7. – Under-Rate Workers: Delete this number, title and clause and insert the following in lieu thereof:

7. – SUPPORTED WAGE

(1) This clause defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this Award. In the context of this clause, the following definitions will apply:

(a) 'Supported Wage System' means the Commonwealth Government system to promote employment for people who cannot work at full Award wages because of a disability as documented in "[Supported Wages System: Guidelines and Assessment Process]".

(b) 'Accredited Assessor' means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System.

(c) 'Disability Support Pension' means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the Social Security Act 1991, as amended from time to time, or any successor to that scheme.

(d) 'Assessment instrument' means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

(2) Eligibility Criteria

Employees covered by this clause will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this Award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a Disability Support Pension. (The clause does not apply to any existing employee who has a claim against the employer that is subject to the provisions of workers' compensation legislation or any provision of this Award relating to the rehabilitation of employees who are injured in the course of their current employment).

The clause also does not apply to employers in respect of their facility, programme, undertaking, services or the like which receives funding under the Disability Services Act 1986 and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under s10 or s12A of the Act, or if a part has received recognition, that part.

(3) Supported Wage Rates

Employees to whom this clause applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this Award for the class of work which the person is performing according to the following schedule:

Assessed Capacity (subclause 4)	**% of Prescribed Award Rate**
10%*	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

(Provided that the minimum amount payable shall be not less than $60.00 per week).

*Where a person's assessed capacity is 10%, they shall receive a high degree of assistance and support.

(4) Assessment of Capacity

For the purpose of establishing the percentage of the Award rate to be paid to an employee under this Award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

(a) The employer and the union in consultation with the employee or, if desired by any of these; or

(b) The employer and an accredited Assessor from a panel agreed by the parties to the Award and the employee.

(5) Lodgement of Assessment Instrument

(a) All assessment instruments under the conditions of this clause, including the appropriate percentage of the Award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Western Australian Industrial Relations Commission.

b) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the Award, is not a party to the assessment, it shall be referred by the Registrar to the union by certified mail and shall take effect unless an objection is notified to the Registrar within 10 working days.

(6) Review of Assessment

The assessment of the applicable percentage should be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(7) Other Terms and Conditions of Employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the provisions of the clause will be entitled to the same terms and conditions of employment as all other employees covered by this Award paid on a pro-rata basis.

(8) Workplace Adjustment

An employer wishing to employ a person under the provisions of this clause shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other employees in the area.

(9) Trial Period

a) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this clause for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding 4 weeks) may be needed.

b) During the trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined.

(c) The minimum amount payable to the employee during the trial period shall be no less than $60.00 per week; or, in the case of a paid rates award, the amount payable to the employee during the trial period shall be $60.00 per week or such greater amount as is agreed from time to time between the parties (taking into account the Centrelink income test free areas for earnings) and inserted into this Award.

d) Work trials should include induction or training as appropriate to the job being trialed.

e) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under subclause (4) of this clause.

5. Clause 8. – Junior Workers: Delete this clause and insert the following in lieu thereof:

(1) Junior employees, upon being engaged, shall furnish the employer with a certificate containing the following particulars:

(a) Name in full

(b) Age and date of birth

(2) No employee shall have any claim upon an employer for additional pay in the event of the age of the employee being wrongly stated either on the certificate or, if no such certificate is furnished verbally to the employer. If any junior employee shall wilfully misstate their age, either verbally to the employer or in the certificate, they alone shall be guilty of a breach of this award, and in the event of an employee having received a higher rate than that to which the employee was entitled, they shall make restitution to the employer.

6. Clause 9. – First Aid Kit: Delete this clause and insert the following in lieu thereof:

The employer shall provide a first aid kit for use by employees in the event of an accident and such kit shall be kept renewed and in proper condition. Reference is made to the relevant section of the Occupational Safety and Health Regulations 1996.

7. Clause 11. – Overtime (Fruit Packing Only): Delete this clause and insert the following in lieu thereof:

(1) All time worked in excess of ordinary hours on any day Monday to Friday inclusive shall be paid for at the rate of time and one half for the first two hours and double time thereafter.

(2) All time worked in excess of ordinary hours on a Saturday before 12.00 noon shall be paid for at the rate of time and one half for the first two hours and double time thereafter and all such time worked on a Saturday after 12.00 noon or on a Sunday shall be paid for at the rate of double time.

(3) All time worked on a holiday prescribed in Clause 15. – Public Holidays and Annual Leave shall be paid for at the rate of double time and one half.

(4) In the computation of overtime, each day shall stand alone.

(5) Time off in Lieu of Overtime

(a) By agreement between the employer and an employee, time off during ordinary hours shall be granted instead of payment of overtime pursuant to the provisions of this clause. Such time off shall be on an hour for an hour basis.

(b) Subject to paragraph (c) of this subclause, all time accrued in accordance with paragraph (a) of this subclause shall be taken within two months of it being accrued at a time agreed between the employer and the employee.

(c) Where such time off in lieu is not taken in accordance with paragraph (b) hereof, it shall, by agreement between the employer and the employee, be taken in conjunction with a future period of annual leave or the employer shall discharge their obligation to provide time off in lieu by making payment for the accrued time off when the employee's wages are paid at the end of the next pay period.

(d) Upon termination of an employee's service with an employer, the employee shall be paid for all accrued time off which remains owing to the employee at the date of termination.

(6) When an employee is recalled to work after leaving the job -

(a) They shall be paid for at least three hours at overtime rates;

(b) Time reasonably spent in getting to and from work shall be counted as time worked.

(7) (a) When overtime work is necessary it shall, wherever reasonably practicable, be so arranged that employees have at least ten consecutive hours off duty between the work of successive days.

(b) An employee (other than a casual employee) who works so much overtime between the termination of their ordinary work on one day and the commencement of ordinary work on the next day that they have not had at least ten consecutive hours off duty between those times shall, subject to this paragraph, be released after completion of such overtime until they have had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

(c) If, on the instruction of the employer, such employee resumes or continues work without having had such ten consecutive hours off duty, they shall be paid at double time rates until released from duty for such period and shall then be entitled to be absent until they have had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

(d) Where an employee (other than a casual employee) is called in to work on a Sunday or holiday preceding an ordinary working day, the employee shall, wherever reasonably practicable, be given ten consecutive hours off duty before their usual starting time on the next day. If this is not practicable then the provisions of paragraphs (b) and (c) of this subclause shall apply with the necessary changes.

(8) Overtime worked as a result of a recall shall not be regarded as overtime for the purpose of subclause (7) herein, when the actual time worked is less than three hours on each of such recalls.

(9) (a) An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirements.

(b) No Union party to this award, or employee or employees covered by this award, shall in any way, whether directly or indirectly, be a party to or concerned in any ban, limitation, or restriction upon the working of overtime in accordance with the requirements of this subclause.

8. Clause 12. – Meal Break (Fruit Packing Only): Delete this number, title and clause and insert the following in lieu thereof:

12. - MEAL BREAK (FRUIT PACKING ONLY)

(Increases to this Clause are by CPI – Food – Meals Out and Takeaway – Perth)

(1) An employee shall be entitled to a meal break as provided for in Clause 10. - Hours of this award.

(2) When an employee is required for duty during any meal break whereby the meal break is postponed for more than one hour, the employee shall be paid at overtime rates until the meal is provided.

(3) (a) An employee required to work overtime for more than two hours without being notified on the previous day or earlier that they will be so required to work shall be supplied with a meal by the employer or paid $9.15 for a meal.

(b) If the amount of overtime required to be worked necessitates a second or subsequent meal, the employer, unless they have notified the employees concerned on the previous day or earlier that such second or subsequent meals will also be required, shall provide such meals or pay an amount of $6.10 for each such second or subsequent meal.

(c) No such payments need be made to employees living in the same locality as their place of employment who can reasonably return home for such meals.

(4) If an employee in consequence of receiving the notification referred to in subclause (3) of this clause has provided themself with a meal or meals and is not required to work overtime or is required to work less overtime than notified, they shall be paid the amounts prescribed herein in respect of any meal or meals not then required.

9. Clause 13. – Absence Through Sickness: Delete this number, title and clause and insert the following in lieu thereof:

13. – SICK LEAVE

(1) Subject as hereinafter provided an employee shall be entitled to payment for non-attendance on the ground of personal ill-health or injury for up to 10 working days or 80 hours, whichever is the lesser, each year accrued on a weekly basis. Part-time employees who are paid a proportion of a full-time employee's pay or paid according to the number of hours worked shall be entitled to the proportion of the number of hours worked each week that the average number of hours worked each week bears to 40, up to 80 hours each year. This clause shall not apply for the period where the employee is entitled to compensation under the Worker's Compensation and Injury Management Act 1981.

(2) An employee shall not be entitled to receive wages from the employer for any time lost through an illness or injury caused by the employee's own serious and wilful misconduct or gross and wilful neglect.

(3) An employee, who claims to be entitled to paid leave under subclause (1), is to provide the employer with evidence that would satisfy a reasonable person of the entitlement.

(4) An employee to be entitled to payment for non-attendance on the grounds of personal ill-health shall, as soon as reasonably practicable but within 24 hours of commencement of the absence through sickness, advise the employer of their inability to attend for work, the nature of their sickness (so far as is practicable) and the estimated duration of the absence.

(5) Sick leave shall accumulate from year to year so that any balance of the period specified in subclause (1) of this clause which has in any year not been allowed to any employee by the employer as paid sick leave may be claimed by the employee, and subject to the conditions hereinbefore prescribed, shall be allowed by the employer in any subsequent year without diminution of the sick leave prescribed in respect of that year. Provided that the sick leave which accumulates pursuant to this subclause shall be available to the employee for a period of five years but no longer from the end of the year in which it accrues.

(6) The provisions of this clause do not apply to casual employees.

10. Clause 15. – Holidays and Annual Leave: Delete this number, title and clause and insert the following in lieu thereof:

15. – PUBLIC HOLIDAYS AND ANNUAL LEAVE

(1) (a) The following days, or the days observed in lieu shall subject to Clause 10. – Hours of this award, be allowed as holidays without deduction of pay, namely, New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Foundation Day, Sovereign's Birthday, Christmas Day and Boxing Day. Provided that another day may be taken as a holiday by arrangement between the parties, in lieu of any of the days named in the subclause.

(b) When any of the days mentioned in paragraph (a) of this subclause falls on a Saturday or a Sunday the holiday shall be observed on the next succeeding Monday and when Boxing Day falls on a Sunday or a Monday the holiday shall be observed on the next succeeding Tuesday. In each case the substituted day shall be deemed a holiday without deduction of pay in lieu of the day for which it is substituted.

(2) On any public holiday not prescribed as a holiday under this award, the employer's establishment or place of business may be closed, in which case an employee need not present themself for duty and payment may be deducted, but if work be done ordinary rates of pay shall apply.

(3) (a) Except as hereinafter provided, a period of four consecutive weeks' leave with payment as prescribed in paragraph (b) hereof shall be allowed to an employee by the employer after each period of twelve months continuous service with that employer.

(b) (i) An employee before going on leave shall be paid the wages the employee would have received in respect of the ordinary time the employee would have worked had the employee not been on leave during the relevant period.

(ii) Subject to paragraph (c) hereof an employee shall, where applicable have the amount of wages to be received for annual leave calculated by including the following where applicable:

(iii) (aa) The rate applicable to the employee as prescribed in Clause 24. - Wages of this award; and

(bb) Any other rate to which the employee is entitled in accordance with the Contract of Service for ordinary hours of work; provided that this provision shall not operate so as to include any payment which is of similar nature to or is paid in lieu of those payments prescribed by Clause 11. – Overtime (Fruit Packing Only), nor any payments which might have become payable to the employee as reimbursement for expenses incurred.

(c) (i) During the period of annual leave an employee shall receive a loading calculated on the rate of wage prescribed by paragraph (b) hereof of 17.5 per cent.

(ii) The loading prescribed by this paragraph shall not apply to proportionate leave on termination.

(4) If any prescribed holiday falls within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day there shall be added to that period one day being an ordinary working day for each such holiday observed as aforesaid.

(5) (a) If, after one week's continuous service an employee lawfully leaves their employment or their employment is terminated by the employer through no fault of the employee, the employee shall be paid 3.077 hours of a week's pay at the rate prescribed by paragraph (b) of subclause (3) of this clause for each week of continuous service.

(b) If an employee's employment terminates in circumstances other than those referred to in paragraph (a) of subclause (5) before the employee has taken the leave prescribed under this award the employee shall be given payment in lieu of that leave or, in a case to which subclause (6) or (7) of this clause applies in lieu of so much of that leave as has been accrued, unless -

(i) The employee has been justifiably dismissed for misconduct; and

(ii) The misconduct for which the employee has been dismissed occurred prior to the completion of that qualifying period.

(6) (a) At the request of an employee, and with the consent of the employer, annual leave prescribed by this clause may be given and taken before the completion of 12 months continuous service as prescribed by Subclause (3) of this clause.

(b) If the service of an employee terminates and the employee has taken a period of leave in accordance with this subclause and if the period of leave so taken exceeds that which would become due pursuant to subclause (5) of this clause, the employee shall be liable to pay the amount representing the difference between the amount received by the employee for the period of leave taken in accordance with this subclause and the amount which would have accrued in accordance with subclause (5) of this clause. The employer may deduct this amount from monies due to the employee at the time of termination.

(c) The annual leave loading provided by subclause (3)(c)(i) of this Clause, shall not be payable when annual leave is taken in advance pursuant to the provisions of this subclause. The loading not paid, for the period of leave taken in advance, shall be payable to the employee at the end of the first pay period following the employee completing the qualifying period of continuous service provided in subclause (3) of this Clause.

(7) Any time in respect of which an employee is absent from work except time for which the employee is entitled to claim paid leave, excluding workers' compensation, as prescribed by this Award, shall not count for the purpose of determining the employee's right to annual leave.

(8) (a) Notwithstanding anything else herein contained an employer who observes a close-down for the purpose of granting annual leave may require an employee to take their annual leave in not more than two periods but neither of such periods shall be less than one week.

(b) In the event of an employee being employed for portion only of a year, the employee shall only be entitled, subject to subclause (5) of this clause to such leave on full pay as is proportionate to the employee's length of service during that period with such employer, and if such leave is not equal to the leave given to the other employees they shall not be entitled to work or pay whilst the other employees of such employer are on leave with full pay.

(9) Where the employee so requests and the employer so agrees, annual leave may be taken in periods of less than one week in any one year of service.

(10) (a) An employee who, at the commencement of their annual leave, has an entitlement to payment for non-attendance on the ground of personal ill health for not less than forty hours under the provisions of Clause 13. - Sick Leave of this award and who within fourteen days of resuming work, produces to the employer a certificate from a qualified medical practitioner that during their annual leave the employee was confined to their home or to a hospital for a period of at least seven consecutive days for a reason which, if the employee had not been on annual leave, would have entitled the employee to payment under the provisions of Clause 13. – Sick Leave shall be deemed to be absent from work through sickness for so much of that period as the employee would otherwise have been entitled to payment under that clause.

(b) A employee to whom paragraph (a) applies shall take the period deemed to be absence through sickness as annual leave at a time convenient to the employer but on ordinary pay, without the loading prescribed in paragraph (c) of subclause (3) of this clause.

(11) The provisions of this clause do not apply to casual employees.

11. Clause 16. – Long Service Leave: Delete this clause and insert the following in lieu thereof:

The provisions for Long Service leave set out in Volume 59 of the Western Australian Industrial Gazette at pages 1 to 6 inclusive, and as amended from time to time are hereby incorporated in, and form part of this award.

12. Clause 17. – General Provisions: Delete this clause and insert the following in lieu thereof:

(1) All materials, appliances and tools required in connection with the performance of the employee's duties shall be supplied to such employee by the employer without charge.

(2) (a) An employee required to use fumigants, fertilizers, hormones and/or other chemicals, shall be supplied with suitable protective clothing including face masks or respirators by the employer. Reference is made to the relevant provisions of the Occupational safety and Health Act 1984.

(b) Employees required to work in the rain or in circumstances where their clothing becomes unduly wet, shall be supplied with suitable clothing such as oil skins, gum boots or other water proof clothing including aprons.

(3) Such equipment or clothing referred to in this clause shall remain the property of the employer - any loss of such equipment or clothing due to any cause arising out of the neglect or misuse by an employee, shall be a charge against the wages of the employee provided that no charge shall be made in respect of reasonable wear and tear.

(4) Each employee shall have access to adequate washing and toilet facilities.

13. Clause 19. – Country Work: Delete this clause and insert the following in lieu thereof:

(1) Where an employee is engaged or selected or advised by an employer to proceed to country work at such a distance that the employee cannot return to their home each night, the employer shall provide the employee with suitable board and lodging or shall pay the expenses reasonably incurred by the employee for board and lodging.

(2) (a) The employer shall pay all reasonable expenses including fares, transport of tools, meals and, if necessary, suitable overnight accommodation incurred by an employee who is directed by the employer to proceed to country work and who complies with such direction.

(b) The employee shall be paid at ordinary rate of payment for the time up to a maximum of eight hours in any one day incurred in travelling pursuant to the employer's direction.

14. Clause 23. – Board of Reference: Delete this number, title and clause and insert the following in lieu thereof:

23. - DELETED

15. Clause 24. - Wages: Immediately following subclause (5) of this clause insert a new subclause as follows:

(6) Part-time Employees

(a) A part-time employee shall be an employee engaged at an hourly rate for a lesser period per week than the hours usually worked by a full time employee.

(b) Based on the number of hours worked, the conditions for part-time employees shall be directly proportionate to the conditions prescribed for full-time employees.

16. Clause 24A. – Minimum Wage: Delete this number and title and insert the following in lieu thereof:

24A. – MINIMUM ADULT AWARD WAGE

17. Clause 25. – Piecework: Delete this Clause and insert the following in lieu thereof:

(1) Agreements of piecework may be entered into between the employer and the employee subject to the piecework rate being fixed and reviewed as necessary from time to time so as to enable the average competent employee to earn during ordinary working hours not less than 15 per cent above the hourly rate of the class of work performed. Such hourly rate to be ascertained by dividing the appropriate weekly rate by 40.

(2) Where the minimum remuneration of a pieceworker falls below the minimum earnings prescribed by subclause (1) of this clause for more than three consecutive ordinary working days the piecework agreement may be terminated forthwith by either party. If neither party so elects, however, the piecework rate as originally fixed shall notwithstanding anything contained in subclause (1) of this clause be deemed to be such as will enable the average competent employee to earn not less than 15 per cent above the hourly rate prescribed in this clause.

(3) Where an agreement has been entered into the employer and employee shall carry out the terms of the agreement, and any failure to carry out any of the terms of the agreement shall be a breach of the award.

(4) Each employee party to such an agreement shall be provided by the employer with a copy of the agreement without charge.

18. Clause 26. – Superannuation: Delete this clause and insert the following in lieu thereof:

The subject of superannuation is dealt with extensively by legislation including the Superannuation Guarantee (Administration) Act 1992, the Superannuation Guarantee Charge Act 1992, the Superannuation Industry (Supervision) Act 1993 and the Superannuation (Resolution of Complaints) Act 1993 (collectively the superannuation legislation). This legislation, as varied from time to time, governs the superannuation rights and obligations of the parties.

(1) Definitions

For the purposes of this clause:

(a) "Fund" means a complying superannuation fund as that term is used in the superannuation legislation or as it is used in subclause (4) of this Clause.

(b) "Ordinary time earnings" means the actual ordinary rate of pay the employee receives for ordinary hours of work including location allowance and piecework rates. The term includes any regular over-award payment as well as casual rates received for ordinary hours of work. All other allowances and payments are excluded.

(2) Employer Contributions

An employer must, in accordance with the governing rules of the relevant Fund; make superannuation contributions for the benefit of an employee. For the purposes of the superannuation legislation, an employee's ordinary time earnings are intended to provide that employee's notional earnings base. Employer contributions may be paid monthly or quarterly, with the first payment being made at the end of the first month or quarter, respectively, following engagement.

(3) Voluntary Employee Contributions

(a) Subject to the governing rules of the relevant Fund, an employee who wishes to make contributions to the Fund may either forward their own contribution directly to the Fund administrators or authorise the employer to pay into the Fund from the employee's wages, amounts specified by the employee.

(b) Employee contributions to the Fund deducted by the employer at the employee's request shall be held on the employee's behalf and subject to individual agreement shall meet the following conditions:

(i) The amount of contributions shall be expressed in whole dollars.

(ii) An employee shall have the right to adjust the level of contribution made on their own behalf from the first of the month following the giving of three months' written notice to the employer.

(iii) Contributions deducted under this clause shall be forwarded to the Fund at the same time as contributions under subclause (2).

(4) Superannuation Fund

(a) An employer must, in accordance with the governing rules of the relevant Fund, make superannuation contributions to any of the following Funds:

(i) Australian Primary Industry Superannuation Fund (APSF);

(ii) A fund nominated by the employee.

(b) The employer shall notify the employee that they may nominate a superannuation fund or scheme. Furthermore, the employer shall notify the employee that they can choose any superannuation fund or scheme and that their choice does not need to be approved by the employer.

(c) The employer and the employee are bound by the employee's choice of fund unless there is agreement between them to change the fund. The employer shall not unreasonably refuse to a change of fund requested by the employee.

(d) An employer is not required to contribute to more than one Fund in respect of an employee employed under this award.

19. Clause 26. – Superannuation: Immediately following this clause insert a new number, title and clause as follows:

27. - DISPUTE SETTLEMENT PROCEDURE

In the event of a problem, grievance, question, dispute, claim or difficulty that affects one ore more employees, or arises from the employees work or contract of employment, the following procedure shall apply:

(1) At first instance the matter shall be raised at site level with the Foreperson/Supervisor/Manager as appropriate.

(2) In the event that the matter is unresolved it shall be raised at the Company level by the Shop Steward or Union Official involved.

(3) If the matter is still not resolved it may be referred to the Western Australian Industrial Relations Commission for conciliation, and if necessary arbitration.

(4) The parties will attempt to resolve the matter prior to either party referring the matter to the Western Australian Industrial Relations Commission.

20. Appendix – Resolution of Disputes Requirement : Delete this title and appendix.

21. Schedule A – Respondents: Delete this title and schedule and insert the following in lieu thereof:

SCHEDULE A – RESPONDENTS TO THE AWARD

C. Birmingham

"Caraholly"

Caraholly Road

Dwellingup WA 6213

A. Correia
Kenweyth Plantation
Carnarvon WA 6701
J.V. Giumelli
660 Canning Road
Carmel WA 6076
N.K. & P.G. Gubler
Lot 8 South West Highway
Mullalyup WA 6252
Mr Harvey Giblett
Newton Brothers
P.O. Box 190
Manjimup WA 6258
Mr Shane Kay
Lot 40 Great Northern Highway
Bindoon WA 6502

22. Schedule B. – Parties to the Award: Immediately following this schedule insert a new title and schedule as follows:

SCHEDULE C – SERVICE LIST

WA Fruit Growers Association
MP 96 Market City
280 Bannister Road
Canning Vale WA 6155
WA Chamber of Commerce and Industry
180 Hay Street
East Perth WA 6004
The Australian Workers' Union, West Australian Branch, Industrial Union of Workers
"Wellington Fair", Cnr Wellington and Lord Sts
Perth WA 6000
C. Birmingham
"Caraholly"
Caraholly Road
Dwellingup WA 6213
A. Correia
Kenweyth Plantation
Carnarvon WA 6701
J.V. Giumelli
660 Canning Road
Carmel WA 6076
N.K. & P.G. Gubler
Lot 8 South West Highway
Mullalyup WA 6252
Mr Harvey Giblett
Newton Brothers
P.O. Box 190
Manjimup WA 6258
Mr Shane Kay
Lot 40 Great Northern Highway
Bindoon WA 6502

23. Appendix – S.49B. Inspection of Records Requirements: Delete this title and appendix.

2005 WAIRC 00638

FUNERAL DIRECTORS' ASSISTANTS' AWARD NO. 18 OF 1962

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	BOWRA & O'DEA PTY LTD AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 656 OF 2003
CITATION NO.	2005 WAIRC 00638

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondents	Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Funeral Directors' Assistants' Award No. 18 of 1962* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Meal Time and Allowances: Delete subclause (3)(a) of this clause and insert the following in lieu thereof:

(3) (a) Subject to the provisions of paragraph (b) of this subclause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $8.75 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $7.05 for each meal so required.

2. Clause 10. - Wages: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) Leading Hands: Any employee placed by the employer in charge of three or more other employees shall be paid $22.50 per week in addition to the amounts prescribed in this clause.

3. Clause 15. – Special Rates and Conditions: Delete subclauses (1) and (2) of this clause and insert the following in lieu thereof:

(1) An employee who is required to come into contact with a body which is in an advanced state of decomposition shall be paid $16.35. No employee shall be entitled to more than one payment in respect of each such case.

(2) An employee who is required to do any work in connection with an exhumation shall receive an allowance of $50.55 or each body exhumed. No worker shall be entitled to more than one payment in respect to each such case.

4. Clause 26. – Standing By: Delete subclauses (1) and (2) of this clause and insert the following in lieu thereof:

(1) Between the hours of 5.30 p.m. and midnight (Monday to Friday) - $9.40 per night.

(2) Between 7.00 a.m. and midnight on a Saturday, Sunday or any of the holidays prescribed in Clause 12. - Public Holidays of this award - $20.35 per day.

5. Clause 27. – Car Allowance: Delete this clause and insert the following in lieu thereof:

27. - CAR ALLOWANCE

Where an employee is required and authorised to use his/her own motor vehicle he/she shall be paid 59 cents per kilometre for each kilometre travelled on his/her employer's business.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Branch Officer.

2. The Work Related Allowances – the percentage increase in:

- Clause 10(1)(b) – Wages
- Clause 15. – Special Rates and Conditions
- Clause 26. – Standing By

is derived from $17 divided by $540.00 = 3.15% (2003) and $19 divided by $559.00 = 3.40% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 9. - Overtime has been varied for the CPI for the period September 2002 to December 2004 giving the percentage 7.10%

March 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 27. – Car Allowance has been varied for the period September 2002 to December 2004 giving the percentage of 5.16%.

March 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Perth

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses Catalogue: 6455.0.40.001

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – BRANCH OFFICER

Clause		A	B	C	D	E
Clause 10. – Wages	(3)	$21.10	$21.76	$21.75	$22.49	$22.50
Clause 15. – Special Rates and Conditions	(1)	$15.30	$15.79	$15.80	$16.34	$16.35
	(2)	$47.40	$48.89	$48.90	$50.56	$50.55
Clause 26. – Standing By	(1)	$8.85	$9.13	$9.15	$9.46	$9.45
	(2)	$19.10	$19.70		$20.37	$20.35

A is the current rate 2003 WAIG 07532

B is the work related allowance adjustment for 2003 State Wage Case being; 3.15% derived from $17 divided by $540.00 as prescribed by Principle 5.

C is the rounded figure

D is the work related allowance adjustment for 2004 State Wage Case being; 3.40% derived from $19 divided by $559.00 as prescribed by Principle 5.

E is the rounded figure

EXPENSE RELATED ALLOWANCES

CPI Meals Out and Take Away – All

Clause		A	B	C
Clause 9. – Meal Times and Meal		$8.15	$8.73	$8.75
Allowances	(3)(a)	$6.60	$7.07	$7.05
Clause 27. – Car Allowance		56	58.9	59

2005 WAIRC 00610

GARDENERS (GOVERNMENT) 1986 AWARD NO. 16 OF 1983

	WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION
PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	THE PREMIER OF WESTERN AUSTRALIA AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 618 OF 2003
CITATION NO.	2005 WAIRC 00610

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondents	Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Gardeners (Government) 1986 Award No. 16 of 1983* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 12. – Overtime: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) When an employee without being notified on the previous day or earlier is required to continue working after his usual knock off time for more than two hours, the employee shall be provided with a meal or be paid $9.20 in lieu thereof.

2. Clause 16. – First Aid – Kits and Attendants: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) The employer shall, wherever practicable and where there are two or more employees, appoint an employee holding current first aid qualifications from St John Ambulance or similar body to carry out first aid duty at all works or depots where employees are employed. Such employees so appointed in addition to first aid duties, shall be responsible under the general supervision of the supervisor or foreperson for maintaining the contents of the first aid kit, conveying it to the place of work and keeping it in a readily accessible place for immediate use.

Employees so appointed shall be paid the following rates in addition to their prescribed rate per day:

Qualified Attendant	$ Per Day
10 employees or less	1.20
In excess of 10 employees	2.04

3. Clause 25. – Wages – Part C – All Employees:

(A) Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) A Senior Gardener/Ground Attendant who is required to maintain turf wickets, bowling greens or tennis courts shall be paid in addition to the rates prescribed an amount of $5.75 per week. Occasional off-season attention shall not qualify an employee for payment under this subclause.

(B) Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Leading Hands

Leading Hands and Senior Gardener/Ground Attendants if placed in charge of:

(a) five and not more than ten other employees shall be paid $20.15 per week extra;
(b) more than ten but not more than 20 other employees shall be paid $29.55 per week extra;
(c) more than 20 other employees shall be paid $39.15 per week extra.

(C) Delete subclause (10)(a) of this clause and insert the following in lieu thereof:

(a) Employees of the Zoological Gardens Board covered by this award who are required to clean public toilets shall be paid 62 cents per closet, per week.

And further, with the consent of the parties, the Commission records the following basis for variations:

3. The agreed Key Minimum Classification in this Award is Tradesperson Gardener.

2. For Work Related Allowances – the percentage increase in:

- Clause 16. – First Aid – Kits and Attendants
- Clause 25. – Wages – Part C – All Employees

is 3.5% derived from $18 divided by $507.80 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 12. - Overtime has been varied for the CPI Meals Out and Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRADESPERSON GARDENER

Clause		A	B	C
Clause 16. – First Aid – Kits and Attendants		$1.12 $1.92	$1.20 $2.05	
Clause 25 – Wages – Part C – All Employees				
	(3)	$5.40	$5.76	$5.75
	5(a)	$18.85	$20.13	$20.15
	5(b)	$27.65	$29.55	
	5(c)	$36.65	$39.17	$39.15
	10(a)	$0.58	$0.62	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 12. – Overtime	$8.15	$9.2106	$9.20

2005 WAIRC 00573

GOVERNMENT WATER SUPPLY, SEWERAGE AND DRAINAGE EMPLOYEE AWARD 1981

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

WATER CORPORATION

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 617 OF 2003
CITATION NO. 2005 WAIRC 00573

Result Award varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms K. Scott on behalf of the Water Corporation

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms K. Scott on behalf of the Water Corporation, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Government Water Supply, Sewerage and Drainage Employee Award 1981* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 10. – Special Rates and Provisions: Delete this clause and insert the following in lieu thereof:

10. - SPECIAL RATES AND PROVISIONS

(1) Meter Fitters' Vehicle Allowance

A Meter Fitter who in the course of his/her duties has to ride a motor cycle or drive a motor vehicle shall receive $8.58 per week extra.

(2) An employee who regulates and controls vehicular traffic in thoroughfares shall receive an allowance of $1.73 per shift above his/her usual rate.

(3) Offensive Allowance

(a) An allowance of $3.62 per day shall be paid to each employee who comes into contact with filth during the operation of cleaning out septic tanks, sand pits, ripple chambers, suction chambers of sewerage pumping stations or in de-ragging of sewerage pumps.

(b) An employee (other than a sewerage maintenance employee) employed on offensive work in connection with working in or about old sewers or working in ground where fumes arise from decomposed material or from any other cause shall be paid an allowance of 26 per cent of his/her ordinary time rate.

(4) Dirt Money

40 cents per hour extra shall be paid to an employee when engaged on work which is agreed to be of an unusually dirty nature.

(5) Confined Spaces

An employee working in a compartment, space or place the dimensions of which necessitate working in a unusually stooped or otherwise cramped position, or without proper ventilation, shall be paid an allowance of 49 cents per hour whilst so engaged.

(6) Underground Allowance

An employee required to work underground on tunnelling or shaft sinking shall be paid an amount of $1.73 per day or shift, in addition to any other amount prescribed for such employee elsewhere in this Award. Where a shaft is to be sunk to a depth greater than six metres the payment of the underground allowance shall commence from the surface. The allowance shall not be payable to employees engaged upon "cut and cover" work at a depth of 3.5 metres or less or to employees in trenches or excavations.

"Shaft" means an excavation over 1.8 metres deep with a cross sectional area of less than 13.4 square metres.

"Tunnelling" shall include all work performed in a tunnel until it is commissioned.

(7) Well Work

An employee required to enter a well nine metres or more in depth for the purpose, in the first instance, of examining the pump, or any other work connected therewith, shall receive an amount of $2.24 for such examination and 85 cents per hour extra thereafter for fixing, renewing or repairing such work.

(8) Hot Work

An employee who works in a place where the temperature has been raised by artificial means to between 46°C and 54°C shall be paid 40 cents per hour or part thereof, and to more than 54°C - 47 cents per hour or part thereof, in addition to any other amount prescribed for such employee elsewhere in this Award. Where such work continues for more than two hours the employee shall be entitled to 20 minutes' rest after every two hours' work without loss of pay, not including the special rate provided by this subclause.

(9) Height Money

An employee shall be paid an allowance of 36 cents per hour, in addition to the ordinary rate, on which the employee works at a height of nine metres or more above the nearest horizontal plane.

(10) Drivers' Licences

Initial issue or additional classifications of drivers' licences required by the employer shall be paid for by the employer. In addition the employer shall allow the employee sufficient time off with pay to take the requisite test.

(11) Explosive Powered Tools Allowance

An employee qualified in accordance with the laws and regulations of the State to operate explosive powered tools shall be paid an allowance of 90 cents per day on which such tools are used.

(12) Any employee actually working a pneumatic tool of the percussion type shall be paid 33 cents per hour extra whilst so engaged.

(13) Fumes

An employee required to work in a place where fumes of sulphur or acid or other offensive fumes are present shall be paid an allowance of 36 cents for each hour worked.

(14) An employee using a steam or water cleaning unit shall be paid an allowance of 40 cents per hour whilst so engaged.

(15) Wet Places

(a) An employee required to work in a wet place or during wet weather shall be provided with rubber boots and adequate waterproof clothing, including waterproof head covering so as to protect the employee from getting wet.

Such waterproof clothing and rubber boots shall be replaced as required, subject to fair wear and tear in the service of the employer.

(b) Any employee working in a wet place shall be paid an allowance of $1.85 per day in addition to the ordinary rate, irrespective of the time worked unless his/her classification expressly includes an allowance for wet pay.

(c) A place shall be deemed to be wet when it is agreed that water (other than rain) is continually dropping from overhead to such an extent that it would saturate the clothing of an employee if waterproof clothing was not provided or when the water in the place where the employee is standing is over 2.5 centimetres deep.

(d) Where the employer directs work to continue during rain, the employer may, if adequate protective clothing is supplied the employee, require the employee to continue working. For such work the employee shall be paid an allowance of 25% of the ordinary rate.

(16) Handling Lime Cement or Flyash

Any employees involved in the handling of dry cement, lime or flyash shall be paid $2.08 per day.

(17) Hot Bitumen

An employee handling hot bitumen or asphalt or dipping materials in creosote, shall be paid 49 cents per hour extra.

An employee shall be provided with gloves and overalls and with oil or other solvents suitable for the removal of the above materials.

(18) Pesticides and Toxic Substances

(a) An employer who requires an employee to use a pesticide or toxic substance shall -

(i) inform the employee of any known health hazards involved; and

(ii) pursuant to the relevant Acts and Regulations, ascertain whether and, if so, what protective clothing and/or equipment should be worn during its use.

(b) Pending advice obtained pursuant to the relevant Acts and Regulations, the employer may require the pesticide or toxic substance to be used, if the employee is informed of any safety precautions specified by the manufacturer of the pesticide and instructs the employee to follow those precautions.

(c) The employer shall supply the employee with any protective clothing or equipment required pursuant to paragraph (a) or (b) hereof and, where necessary, instruct him/her in its use.

(d) An employee required to wear protective clothing or equipment for the purposes of this subclause shall be paid 49 cents per hour or part thereof while doing so unless the union and the employer agree that by reason of the nature of the protective clothing or equipment the employee does not suffer discomfort or inconvenience while wearing it, or in the event of disagreement, the Board of Reference so determines.

(e) An allowance is not payable under this subclause if the advice obtained pursuant to subparagraph (a)(ii) hereof in writing indicates that protective clothing or equipment is not necessary.

(19) Asbestos

An employee using materials containing asbestos or working in close proximity to any employee using such material shall be provided with and shall use all necessary safeguards as required by the appropriate occupational health authority.

Where such safeguards include the mandatory wearing of protective equipment, i.e. combination overalls and breathing equipment or similar apparatus, any such employee shall be paid 50 cents per hour extra whilst so engaged.

(20) Shotfirers Allowance

An employee being a permit holder, responsible for the proper handling of explosives and the conducting of firing shall be paid an allowance of $4.30 per shift.

(21) The work of an electrical fitter shall not be tested by an employee of a lower grade.

(22) An Electronic Tradesperson, an Electrician - Special Class, an Electrical Fitter and/or an Armature Winder or an Electrical Installer who holds and in the course of employment may be required to use a current 'A' grade or 'B' grade licence issued pursuant to the relevant Regulation in force on the 28th day of February, 1978 under the Electricity Act, 1948 shall be paid an allowance of $15.80 per week. Provided that an employee appointed to the DC classification structure as contained in Clause 38. - Wages, of this Award shall not receive this allowance as the wage rate contained in the DC classification structure includes a component for licence allowance.

(23) Special Rates Not Cumulative

Where more than one of the disabilities entitling an employee to extra rates exists on the same job, the employer shall be bound to pay only one rate, namely the highest for the disabilities so prevailing. Provided further that this subclause shall not apply to confined space, dirt money, height money, hot work or wet work the rates for which are cumulative.

(24) Special Disability Not Otherwise Provided For in This Award

Where a union representing a particular group of employees claims the existence of special disability not otherwise provided for in this Award, representatives of the employer and the union shall confer with a view to agreeing upon an appropriate special rate. In the event of agreement not being reached, the matter may be referred to the Western Australian Industrial Relations Commission.

(25) (a) All employees called upon to clean closets, connected with septic tanks or sewerage shall receive an allowance of 48 cents per closet per week.

(b) For the purposes of this subclause, one metre of urinal shall count as one closet and three urinal stalls shall count as one closet.

(c) All such employees shall be supplied with rubber gloves on request.

(26) Polychlorinated Biphenyls

Employees required to remove or handle equipment or fittings containing polychlorinated biphenyls (PCBs) for which protective clothing must be worn shall, in addition to the rates and provisions contained in this clause, be paid an allowance of $1.59 per hour whilst so engaged.

(27) Spray Application Painters

A painter engaged on any spray applications carried out in other than a properly constructed booth approved by the Department of Occupational Health, Safety and Welfare shall be paid 40 cents per hour or part thereof in addition to the rates otherwise prescribed in this Award.

(28) Fuel, Kerosene and Water

Electric pump attendants and pumping station assistants shall be supplied with free water and in lieu of fuel and kerosene be paid $5.10 per week or such other amount as may be agreed between the parties or determined by the Board of Reference.

(29) (a) Subject to the provisions of this clause, an employee whilst employed on foundry work shall be paid a disability allowance of 28 cents for each hour worked to compensate for all disagreeable features associated with foundry work including heat, fumes, atmospheric conditions, sparks, dampness, confined spaces and noise.

(b) The foundry allowance herein prescribed shall also apply to apprentices and unapprenticed juniors employed in foundries; provided that where an apprentice is, for a period of half a day or longer, away from the foundry for the purpose of receiving tuition, the amount of foundry allowance paid to him/her shall be decreased proportionately.

(c) The foundry allowance herein prescribed shall be in lieu of any payment otherwise due under this clause and does not in any way limit any employer's obligations to comply with all relevant requirements of Acts and Regulations relative to conditions in foundries.

(d) For the purpose of this subclause foundry work shall mean -

(i) Any operation in the production of castings by casting metal in moulds made of sand, loam, metal, moulding composition or other material or mixture of materials or by shell moulding, centrifugal casting or continuous casting; and

(ii) where carried on as an incidental process in connection with and in the course of production to which subparagraph (i) of this definition applies, the preparation of moulds and cores (but not in the making of patterns and dies in a separate room), knock out processes and dressing operations, but shall not include any operation performed in connection with -

(aa) non-ferrous die casting (including gravity and pressure);

(bb) casting of billets and/or ingots in metal moulds;

(cc) continuous casting for metal into billets;

(dd) melting of metal for use in printing;

(ee) refining of metal.

(30) Fluoride Allowance

An employee who is required to handle fluoride shall be paid an allowance of $3.75 per week. This allowance shall only be payable to an employee who was formerly covered by the Government Water Supply (Kalgoorlie Pipeline) Award No. 15 of 1981.

2. Clause 12. – First Aid Attendant: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) An employee who is a qualified first aid attendant and is appointed by the employer to carry out first aid duties in addition to normal duties, shall be paid an additional rate of $1.53 per day.

3. Clause 14. – Travelling Time and Allowances: Delete subclause (3)(a) of this clause and insert the following in lieu thereof:

(a) For travelling daily to and from the job within a radius of 50 kilometres of the G.P.O. Perth - an allowance of $14.60 per day.

4. Clause 17. – Tea Breaks, Meal Hours, Refreshments: Delete subclause (6)(a) of this clause and insert the following in lieu thereof:

(6) (a) An employee required to work overtime for more than 1.5 hours without being notified on the previous day or earlier that he/she will be so required to work shall either be supplied with a meal by the employer or paid $10.20 but payment need not be made to employees residing in the locality of the work who can reasonably return home for meals.

5. Clause 26. – Distant Work - Construction: Delete subclauses (6) & (7) of this clause and insert the following in lieu thereof:

(6) An employee to whom the provisions of subclause (1) of this clause apply shall be paid an allowance of $29.55 and for any weekend he/she returns home from the job but only if -

(a) the employer or his/her agent is advised of the intention not later than the Tuesday immediately preceding the weekend in which the employee so returns;

(b) he/she is not required for work during that weekend;

(c) the employee returns to the job on the first working day following the weekend; and

(d) the employer does not provide or offer to provide suitable transport.

(7) Where an employee, supplied with board and lodging by the employer, is required to live more than 800 metres from the job, he/she shall be provided with suitable transport to and from that job or be paid an allowance of $12.85 per day, provided that where the time actually spent in travelling either to or from the job exceeds 20 minutes, that excess travelling time shall be paid for at ordinary rates whether or not suitable transport is supplied by the employer.

6. Clause 38. - Wages: Delete subclauses (6), (7) & (8) of this clause and insert the following in lieu thereof:

(6) Tool Allowance

(a) Engineering Trades

(i) Where an employer does not provide a tradesperson or an apprentice with the tools ordinarily required by that tradesperson or apprentice in the performance of work as a tradesperson or as an apprentice the employer shall pay a tool allowance of -

(aa) $11.00 per week to such tradesperson; or

(bb) in the case of an apprentice a percentage of $11.00 being the percentage which appears against the year of apprenticeship in subclause (5) of this clause.

(ii) Any tool allowance paid pursuant to paragraph (i) of this subclause shall be included in, and form part of, the ordinary weekly wage prescribed in subclause (2) of this clause.

(iii) An employer shall provide for the use of tradespersons or apprentices all necessary power tools, special purpose tools and precision measuring instruments.

(iv) A tradesperson or apprentice shall replace or pay for any tools supplied by the employer if lost through the negligence of the employee.

(b) Building Trades

In addition to the rate of pay prescribed in this clause for a Painter or a Signwriter, such employee shall be paid a tool allowance of $3.85 per week in accordance with the provisions of the Building Trades (Government) Award.

(7) Leading Hands

An employee placed in charge of -

(a) Metal Trades

(i) Three and not more than 10 other employees shall be paid $19.90 per week extra.

(ii) More than 10 and not more than 20 other employees shall be paid $30.45 per week extra.

(iii) More than 20 other employees shall be paid $39.25 per week extra.

(iv) A Certificated Rigger or Scaffolder on ships and buildings, other than a Leading Hand, who, in compliance with the provisions of the Occupational Health, Safety and Welfare Act and Regulations 1988, is responsible for the supervision of not less than three other employees shall be deemed a Leading Hand and shall be paid at the rate prescribed for a Leading Hand in charge of not less than three and not more than 10 other employees.

(b) Building Trades

(i) Three and not more than 10 other employees shall be paid $30.65 per week extra.

(ii) More than 10 and not more than 20 other employees shall be paid $40.85 per week extra.

(iii) More than 20 other employees shall be paid $51.10 per week extra.

(8) Construction Work Allowance

(a) Subject to the provisions of this clause, an employee specified in this clause shall be paid an allowance at the rate of $18.65 per week to compensate for disabilities when actually engaged on construction work on site (as defined).

(b) "Construction Work" for the purpose of paragraph (a) hereof, shall mean and include all work performed on site on the construction, alteration, repair or maintenance of roads, reservoirs and drainage works, pipelines, water and sewerage mains and services. It shall not include the following classes of work -

(i) work in, around and/or adjacent to any workshop, depot, yard, treatment works, nursery or other similar establishments;

(ii) work in, around and/or adjacent to pumping stations for less than two hours;

(iii) gardening operations; or

(iv) driving vehicles, floats or fork lifts when that driving is not directly associated with construction work (as defined) for less than four hours on the day.

(c) An employee referred to in paragraph (a) of this subclause who is employed on construction work (as defined) for less than one week shall be paid for each day so employed, 1/5th of the said allowance.

(d) Provided that an employee under this clause who is engaged in the construction, or alteration of any building, structure or other civil engineering project which is carried out in areas excluded in paragraph (b) of this subclause shall be paid a construction allowance at the rate of $9.35 per week.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is C10.

2. The Work Related Allowances – the percentage increase in:

- Clause 10 – Special Rates and Provisions
- Clause 12 – First Aid Attendant
- Clause 38 - Wages

is 3.4% derived from $19 divided by $561.00 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 14 – Travelling Time and Allowances has been varied for the CPI Private Motoring – Motor Vehicles – Perth, for the period September 2002 to December 2004.

December 2004	144.7	X	100	= 5.16%
September 2002	137.6		1	

- Clause 17 – Tea Breaks, Meal Hours and Refreshments has been varied for the CPI Meals and Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	= 7.10%
September 2002	150.8		1	

- Clause 26 – Distant Work

The application to amend to Distant Work 26(7) clause in 2002 was made incorrectly. It should have been $12.44 not $12.07.

This application seeks to correct the error by reverting to the 2000 rates and redoing the calculation based on the increase between March 2000 and December 2004 – CPI Motoring – Perth.

Calculations are therefore:

December 2004	143.3	X	100	= 1.38%
September 2002	103.8		1	

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

		COLUMN A	COLUMN B	COLUMN C
		$	$	$
Clause 10	(1)	8.30	8.58	8.60
	(2)	1.67	1.73	
	(3)	3.51	3.62	3.60
	(4)	0.38	0.39	
	(5)	0.47	0.49	
	(6)	1.67	1.73	
	(7)	2.17	2.20	
		0.82	0.86	
	(8)	0.38	0.39	
		0.45	0.47	
	(9)	0.35	0.36	
	(11)	0.87	0.91	
	(12)	0.32	0.33	
	(13)	0.35	0.36	
	(14)	0.38	0.39	
	(15)(b)	1.79	1.85	
	(16)	2.01	2.08	
	(17)	0.47	0.48	
	18(d)	0.47	0.48	
	(19)	0.49	0.50	
	(20)	4.12	4.26	4.30
	(22)	15.26	15.78	15.80
	(25)	0.46	0.48	
	(26)	1.54	1.59	

(27)	0.38	0.39	
(28)	4.95	5.12	5.10
(29)(a)	0.27	0.28	
(30)	3.61	3.73	3.75

CLAUSE		COLUMN A	COLUMN B	COLUMN C
		$	$	$
Clause 12 – First Aid Attendant		1.48	1.53	
Clause 14 - Travelling Time and Allowances		13.90	14.16	14.60
Clause 17 - Tea Breaks, Meal Hours and Refreshments		9.55	10.22	10.20
Clause 26 - Distant Work		29.15	29.55	
		12.07	12.87	12.85
Clause 38 - Wages	(6)(aa)	10.62	10.98	11.00
	(6)(bb)	10.62	10.98	11.00
	(6)(b)	3.71	3.84	3.85
	(7)(a)(i)	19.23	19.88	19.90
	(7)(a(ii)	29.44	30.45	
	(7)(a)(iii)	37.94	39.23	39.25
	(7)(b)(I)	29.64	30.65	
	(7)(b)(ii)	39.49	40.83	40.85
	(7)(b)(iii)	49.44	51.12	51.10
	(8)(a)	18.04	18.66	18.65
	(8)(d)	9.02	9.33	9.35

2005 WAIRC 00572

GOVERNMENT WATER SUPPLY, SEWERAGE AND DRAINAGE FOREMEN'S AWARD 1984

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

WATER CORPORATION

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 616 OF 2003
CITATION NO. 2005 WAIRC 00572

Result Award varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms K. Scott on behalf of the Water Corporation

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms K. Scott on behalf of the Water Corporation, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Government Water Supply, Sewerage and Drainage Foremen's Award 1984* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

Schedule F. – District Allowance: Delete subclause (6) of this clause and insert the following in lieu thereof:

(6) The weekly rate of district allowance payable to employees pursuant to subclause (3) of this clause shall be as follows:

COLUMN I	COLUMN II	COLUMN III	COLUMN IV

DISTRICT	STANDARD RATE	EXCEPTIONS TO STANDARD RATE	RATE
	$ per week	Town or Place	$ per week
6	68.21	Nil	Nil
5	55.76	Fitzroy Crossing	74.97
		Halls Creek	
		Turner River Camp	
		Nullagine	
		Liveringa (Camballin)	69.83
		Marble Bar	
		Wittenoom	
		Karratha	65.77
		Port Hedland	6103
4	28.02	Warburton Mission	75.65
		Carnarvon	26.39
3	17.73	Meekatharra	28.02
		Mount Magnet	
		Wiluna	
		Laverton	
		Leonora	
		Cue	
2	12.59	Kalgoorlie	4.20
		Boulder	
		Ravensthorpe	16.78
		Norseman	
		Salmon Gums	
		Marvel Loch	
		Esperance	
1	Nil	Nil	Nil

Note: In accordance with subclause (4) of this clause employees with dependants shall be entitled to double the rate of district allowance shown.

And further, with the consent of the parties, the Commission records the following basis for variations:

Schedule F – District Allowance has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 5.52%.

EXPLANATION

December 2004	143.3	X	100	=	5.52%
September 2002	135.8		1		

(CPI – All Groups, Index Numbers (a) – Perth)

2005 WAIRC 00612

HEALTH ATTENDANTS AWARD, 1979

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

SPORTSMAN HEALTH STUDIO AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 615 OF 2003
CITATION NO. 2005 WAIRC 00612

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondents Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Health Attendants Award, 1979* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 14. – Overtime: Delete subclause (3)(a) of this clause and insert the following in lieu thereof:

(3) (a) Subject to the provisions of paragraph (b) of this subclause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.80 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.40 for each meal so required.

And further, with the consent of the parties, the Commission records the following basis for variations:

For Expense Related Allowances.

Clause 14 – Overtime has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals out and Take Away Foods - Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 14 - Overtime (3)(a)	$7.30 $5.05	$7.82 $5.41	$7.80 $5.40

2005 WAIRC 00578

HEALTH WORKERS - COMMUNITY AND CHILD HEALTH SERVICES AWARD, 1980

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

HONOURABLE MINISTER FOR HEALTH

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 674 OF 2003
CITATION NO. 2005 WAIRC 00578

Result Award varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr C. Gleeson on behalf of the Department of Health

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr C. Gleeson on behalf of the Department of Health, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Health Workers - Community and Child Health Services Award, 1980* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

Clause 16. – Uniforms: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) The employer shall pay an allowance of $1.29 cents per week for the laundering of uniforms.

And further, with the consent of the parties, the Commission records the following basis for variations:

For Expense Related Allowances:

- Clause 16. – Uniforms has been varied for the CPI Clothing Services and Shoe Repair – Perth for the period September 2002 to December 2004 giving the percentage of 9.92%.

December 2004 172.9 X 100 = 9.92%

September 2002 157.3
1

CPI Clothing Services and Shoe repair - Perth

Catalogue No.: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

CPI Clothing Services and Shoe Repair

Clause	A	B	C
Clause 16. – Uniforms	$1.17	$1.29	

2005 WAIRC 00668

HOSPITAL EMPLOYEES' (BRIGHTWATER) CONSOLIDATED AWARD 1981
NO. 26 OF 1960

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

BRIGHTWATER

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 675 OF 2003
CITATION NO. 2005 WAIRC 00668

Result Matter Divided, Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, as agent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

1. THAT application 675 of 2003 be divided into 675A and 675B of 2003.
2. THAT the *Hospital Employees' (Brightwater) Consolidated Award* be varied in accordance with the following schedule and that such variation shall have effect from the beginning of the first pay period commencing on or after the 11th day of March 2005.
3. THAT the claim specified in item 3 of the applicant's amended schedule stand as the claim in application 675B of 2003.
4. THAT application 675B of 2003 be adjourned sine die.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Overtime: Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Where an employee is required to work overtime and such overtime is worked for a period of at least two hours in excess of the required daily hours of work the employee shall be provided with a meal free of cost or shall be paid the sum of $7.90 as meal money.

This subclause shall not apply where the employee has been advised of the necessity to work overtime on the previous day or earlier.

2. Clause 28. – Wages: Delete subclause (2)(a) of this clause and insert the following in lieu thereof:

(2) General Conditions

(a) The ordinary wages of any employee, placed in charge of three or more employees, shall be increased by $18.70 per week.

3. And further with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Tradesperson Cook.

2. For Work Related Allowances – the percentage increase in:

- Clause 28. - Wages

is derived from $17 divided by $565.80 equals 3.0% (2003) and $19 divided by $582.80 equals 3.26% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 9. - Overtime has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		
CPI Meals Out and Take Away Food – Perth					

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses Catalogue No. 6455.0.40.001

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRADESPERSON COOK

Clause	A	B	C
Clause 28. - Wages	$17.60	$18.71	$18.70

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 10. – Overtime	$7.38	$7.90	

2005 WAIRC 00582

HOSPITAL EMPLOYEES' (PERTH DENTAL HOSPITAL) AWARD 1971

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

BOARD OF MANAGEMENT PERTH DENTAL HOSPITAL

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 621 OF 2003
CITATION NO. 2005 WAIRC 00582

Result	Award varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Mr C. Gleeson on behalf of the Department of Health

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr C. Gleeson on behalf of the Department of Health, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Hospital Employees' (Perth Dental Hospital) Award 1971* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

[L.S.]

(Sgd.) A R BEECH,
Chief Commissioner.

SCHEDULE

Clause 19. – Wages: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) Where an employee is designated to be Technician in Charge of one of the following dental laboratories,
Orthodontic Laboratory Clinic
North Perth Clinic
Liddell Clinic
Gustafsen Clinic
Sir Charles Gairdner Hospital Clinic
Bunbury Clinic
Albany Clinic
Warwick Dental Clinic
Rockingham Dental Clinic
Mount Henry Dental Clinic
that employee shall be paid at the rate of $19.75 per week in addition to the ordinary rate of wage prescribed by this clause.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Dental Technician Level 1 – 4th Year.

2. For Work Related Allowances – the percentage increase in:

- Clause 19. – Wages

is 5.57% derived from $17 divided by $637.70 equals 2.67% (2003) and $19 divided by $654.70 equals 2.90% (2004) added together as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – DENTAL TECHNICIAN LEVEL 1

Clause	A	B	C
Clause 19 - Wages	$18.70	$19.74	$19.75

2005 WAIRC 00666

HOSPITAL WORKERS (N'GALA) AWARD NO. 6A OF 1958

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	BOARD OF MANAGEMENT NGALA INC
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 623 OF 2003
CITATION NO.	2005 WAIRC 00666

Result	Matter Divided, Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

1. THAT application 623 of 2003 be divided into 623A and 623B of 2003.
2. THAT the *Hospital Workers' (N'Gala) Award No 6A of 1958* be varied in accordance with the following schedule and that such variation shall have effect from the beginning of the first pay period commencing on or after the 11th day of March 2005.
3. THAT the claim specified in item 3 of the applicant's amended schedule stand as the claim in application 623B of 2003.
4. THAT application 623B of 2003 be adjourned sine die.

[L.S.]

(Sgd.) A R BEECH,
Chief Commissioner.

SCHEDULE

1. Clause 14. – Overtime: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Where an employee is required to work overtime and such overtime is worked for a period of at least two hours in excess of the required daily hours of work the employee shall be provided with a meal free of cost or shall be paid the sum of $7.85 as meal money.

This subclause shall not apply where the employee has been advised of the necessity to work overtime on the previous day or earlier.

2. Clause 17. – Allowances and Special Provisions: Delete this clause and insert the following in lieu thereof:

17. - ALLOWANCES AND SPECIAL PROVISIONS

(1) Any employee handling foul linen in laundry procedures shall be paid an allowance of $1.73 per week.

(2) An employee engaged as a casual shall be paid 25% over the rates specified in this award.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Hospital Worker Level 4.
2. For Work Related Allowances – the percentage increase in:
   - Clause 17 – Allowances and Special Provisions

   is derived from $17 divided by $504.80 equals 3.37% (2003) and $19 divided by $521.80 equals 3.64% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."
3. For Expense Related Allowances:
   - Clause 14. – Overtime has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods - Perth

   - Clause 26. – Fares & Motor Vehicle Allowances has been varied for the CPI Private Motoring – Perth for the period September 2002 to December 2004 giving the percentage of 5.16%.

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – HOSPITAL WORKER LEVEL 4

Clause	A	B	C
Clause 17. Allowances and Special Provisions	$1.62	1.73	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 14. – Overtime	$7.35	$7.87	$7.85

2005 WAIRC 00628

HOTEL AND TAVERN WORKERS' AWARD, 1978 NO. R 31 OF 1977

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

SHERATON HOTEL AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 626 OF 2003
CITATION NO. 2005 WAIRC 00628

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondents Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia
Ms S. Howard on behalf of the Western Australian Hotels and Hospitality Association Incorporated (Union of Employers)

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne and Ms. S Howard on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Hotel and Tavern Workers' Award, 1978* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

[L.S.]

(Sgd.) A R BEECH,
Chief Commissioner.

SCHEDULE

1. Clause 9. – Additional Rates for Ordinary Hours: Delete this clause and insert the following in lieu thereof:

9. - ADDITIONAL RATES FOR ORDINARY HOURS

(1) An employee who is required to work any ordinary hours prior to 7.00 am or after 7.00 pm on any day Monday to Friday, both inclusive, shall be paid at the rate of an extra $1.44 per hour for each such hour, or part thereof worked. Provided that any employee who works the majority of his/her ordinary hours between midnight and 7.00 am shall be paid $1.51 per hour extra for each such hour, or part thereof worked.

(2) All time worked during the ordinary hours of work on Saturdays and Sundays shall be paid for at the rate of time and a half.

(3) An employee who is required to work any of his/her ordinary hours on any day in more than one period of employment, other than for meal breaks as prescribed in accordance with the provisions of Clause 13. - Meal Breaks of this Award, shall be paid an allowance of $2.37 per day, for such broken work period worked.

(4) The provisions of subclauses (1) and (2) hereof shall not apply to any work performed on a holiday and to which the provisions of subclause (2) of Clause 17. - Holidays are applicable.

(5) The provisions of this clause shall not apply to casual employees.

2. Clause 14. – Meal Money: Delete this clause and insert the following in lieu thereof:

14. - MEAL MONEY

Any employee who is required to work overtime for two hours or more on any day, without being notified on the previous day or earlier, that he or she will be so required to work such overtime, will either be supplied with a substantial meal by the employer or be paid $9.70 meal money.

3. Clause 26. – Uniforms and Laundering: Delete subclauses (2) and (3) of this clause and insert the following in lieu thereof:

(2) Subject to subclause (3) hereof, an employer requiring any of the articles of clothing to be worn as described in subclause (1) of this clause, shall cause such clothing to be laundered at his/her own expense or otherwise shall pay to the employee concerned $6.20 per fortnight worked as a laundry allowance. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

(3) Where a cook wears the ordinary apparel usually worn by cooks such as black and white check trousers, white shirt, white apron and cap, such garments shall be laundered at the employer's expense or otherwise the employee shall be paid $9.40 per fortnight worked as a laundry allowance. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

4. Clause 27. – Protective Clothing: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Employees who are required to wash dishes, clean toilets or otherwise handle detergents, acids, soaps or any injurious substances, shall be supplied with rubber gloves free of charge by the employer, or be paid, in lieu, an allowance of $3.30 per fortnight worked. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

5. Clause 28. – Employee Equipment: Delete this clause and insert the following in lieu thereof:

28. - EMPLOYEE EQUIPMENT

All knives, choppers, tools, brushes, towels and other utensils, implements and material which may be required to be-used by the employee for the purpose of carrying out his/her duties, shall be supplied by the employer free Of charge. Provided that where an employee is required by the employer to use his/her own knives he shall be paid an allowance of $12.50 per fortnight worked. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Cook Grade 3.

2. For Work Related Allowances – the percentage increase in:

- Clause 9. – Additional Rates for Ordinary Hours
- Clause 28. – Employee Equipment

is derived from $34 divided by $1050.40 equals 3.24% (2003) and $38 divided by $1084.40 equals 3.50% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 14. – Meal Money has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods - Perth

- Clause 26. – Uniform and Laundering and Clause 27. – Protective Clothing has been varied for the CPI Clothing Services and Shoe Repair – Perth for the period September 2002 to December 2004 giving the percentage of 9.92%.

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

Catalogue: 6455.0.40.001

4. Clause 38. – Superannuation has been amended in accordance with Principle 2(i).

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – COOK GRADE 3

Clause	A	B	C
Clause 9. – Additional Rates for Ordinary Hours			
(1)	$1.35	$1.44	
	$1.41	$1.51	
(3)	$2.22	$2.37	
Clause 28. – Employee Equipment	$11.70	$12.50	$12.50

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause	A	B	C
Clause 14. – Meal Money	$9.05	$9.69	$9.70

CPI – Clothing Services and Shoe Repair – Perth

Clause		A	B	C
Clause 26. – Uniforms and Laundry		$5.56	$6.21	$6.20
	(2)	$8.55	$9.40	
	(3)			
Clause 27. – Protective Clothing	(1)	$3.00	$3.30	

2005 WAIRC 00613

JENNY CRAIG EMPLOYEES AWARD, 1995 NO. A 1 OF 1994

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

JENNY CRAIG WEIGHTLOSS CENTRES

RESPONDENT

CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 627 OF 2003
CITATION NO.	2005 WAIRC 00613

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondents	Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Jenny Craig Employees Award, 1995* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
Chief Commissioner.

[L.S.]

SCHEDULE

1. Clause 9. – Special Rates and Conditions:

(A) Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) All employees will receive a laundry allowance of $6.90 per week.

(B) Delete subclause (8)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the first day of July and end on the thirtieth day of June next following.

Rates of Hire for the use of the employee's own vehicle on the employer's business.

Schedule 1 - Motor Vehicle Allowance

Area and Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc-2600cc	1600 cc & Under
	Cents per Kilometre		
Metropolitan Area	70.4	61.1	54.2
South West Land Division	72.4	62.9	55.8
North of 23.5° South Latitude	79.4	69.3	61.7
Rest of the State	74.9	65.0	57.6

Schedule 2 - Motor Cycle Allowances

Distance Travelled During a Year on Official Business	Rate cents/km
Rate per kilometre	24.4

Motor vehicles with rotary engines are to be included in the 1600-2600cc category.

2. Clause 14. – Overtime: Delete subclause (3)(a) of this clause and insert the following in lieu thereof:

(3) (a) Subject to the provisions of paragraph (b) of this subclause an employee required to work overtime for more than two hours shall be supplied with a meal by the employer or be paid $8.75 for a meal and if, owing to the amount of overtime worked, a second or subsequent meal is required, the employee shall be supplied with such meal by the employer or paid $6.00 for each meal so required.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. For Expense Related Allowances:

- Clause 14 – Overtime has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 9(1) Special Rates and Conditions has been varied for the CPI Clothing Services and Shoe Repair – All for the period September 2002 to December 2004 giving the percentage of 9.92%.

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

CPI Clothing Services and Shoe Repair – Perth

- Clause 9(8)(c). – Fares & Travelling Allowances has been varied for the CPI Private Motoring – Motor Vehicles for the period September 2002 to December 2004 giving the percentage of 5.16%.

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Motor Vehicles – Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

Clause		COLUMN A	COLUMN B	COLUMN C
Clause 9 - Special Rates and Conditions	(4)(a)	$6.30	$6.92	$6.90

CPI Clothing Services and Shoe Repair

Clause		COLUMN A	COLUMN B	COLUMN C
Clause 14 – Overtime	(3) (a)	$8.15	$8.73	$8.75
		$5.60	$6.00	

CPI Take Away Food – Perth

2005 WAIRC 00586

LAUNDRY WORKERS' AWARD, 1981

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ALSCO LINEN SERVICE PTY LTD, ALSCO LINEN SERVICE PTY LTD, FREMANTLE STEAM LAUNDRY CO PTY LTD

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 628 OF 2003
CITATION NO. 2005 WAIRC 00586

Result	Award varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Mr P. Robertson (as agent)

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson (as agent) on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Laundry Workers' Award, 1981* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 20. – Meal Money: Delete this clause and insert the following in lieu thereof:

20. - MEAL MONEY

(1) An employee required to work overtime for more than two hours without being notified on the previous day or earlier, that he/she will be so required to work, shall be supplied with a meal by the employer or paid $8.35 for a meal.

(2) If the amount of overtime required to be worked necessitates a second or subsequent meal, the employer shall, unless he/she has notified the employee concerned on the previous day or earlier that such second or subsequent meal will also be required, provide such meals or pay an amount of $8.35 for each second or subsequent meal. No such payments need be made to employees living in the same locality as their workshops who can reasonably return home for such meals.

(3) If an employee in consequence of receiving such notice has provided him/herself with a meal or meals and is not required to work overtime or is required to work less overtime than notified, he/she shall be paid the amount above prescribed in respect of the meals not then required.

2. Clause 22. – Allowances: Delete this clause and insert the following in lieu thereof:

22. - ALLOWANCES

Where an employee is required to sort foul linen an extra allowance of 39 cents per hour will be paid whilst so employed on this type of work.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Laundry employee Grade 4.

2. The Work Related Allowances – the percentage increase in:

- Clause 22. - Allowances

is derived from $17 divided by $502.35 equals 3.38% (2003) and $19 divided by $519.35 equals 3.66% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 20. – Meal Money has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 3.65%.

$$\text{(December 2004)}\ \frac{161.5}{\text{(September 2002)}\ 150.8} \times \frac{100}{1} = 7.10\%$$

CPI Meals out and Take Away Foods – Perth

Catalogue No. 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – LAUNDRY EMPLOYEE GRADE 4

Clause	A	B	C
Clause 22. Allowances	$0.36	$0.39	

EXPENSE RELATED ALLOWANCES

Clause		A	B	C
Clause 20. – Meal Money	(1)	$7.80	$8.35	
	(2)	$7.80	$8.35	

2005 WAIRC 00592

MARINE STORES AWARD NO. 13 OF 1958

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

STANLEE (PERTH)

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 654 OF 2003
CITATION NO. 2005 WAIRC 00592

Result Award varied
Representation
Applicant Ms C. Kazokoff
Respondent Mr P. Robertson (as agent)

Order

HAVING heard Ms C. Kazokoff on behalf of the applicant and Mr P. Robertson (as agent) on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Marine Stores Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

Clause 23. – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Subject to the provisions of subclause (2) of this clause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.80 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.30 for each meal so required.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. For Expense Related Allowances:

- Clause 23. – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage 7.10%

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause	A	B	C
Clause 12. – Meal Money	$7.30 $4.95	$7.82 $5.30	$7.80

S

2005 WAIRC 00568

MASTERS DAIRY AWARD 1994

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	MASTERS DAIRY
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 655 OF 2003
CITATION NO.	2005 WAIRC 00568

Result	Award varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Mr N. Hodgson on behalf of the Transport Workers Union of Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr N. Hodgson on behalf of the Transport Workers Union of Australia, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Masters Dairy Award 1994* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Schedule 3 – Vehicle Allowances: Delete this schedule and insert the following in lieu thereof:

SCHEDULE 3 - VEHICLE ALLOWANCES

(1) Motor Car Allowances

	Engine Displacement (In cubic centimetres)		
	2600cc	2600cc	& Under
Area and Details			
Rate per Kilometre:	c/km	c/km	c/km
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of State	80.0	69.4	61.6

Motor vehicles with rotary engines are to be included in the 1600-2600cc category.

(2) Motor Cycle Allowance

Distance Travelled During a Year on Official Business	Rate c/km
Rate per Kilometre	26.

2. Schedule 4 – Other Allowances: Delete this schedule and insert the following in lieu thereof:

SCHEDULE 4 - OTHER ALLOWANCES

(1)		Freezer Allowances:	
	(a)	Van Salesperson	$1.89 per day
	(b)	Storeperson	$0.92 per hour
(2)		Train Allowance	$0.68 per hour when driving B. Train
(3)		BPU Drivers	$4.15 per day for milk testing
(4)		Dryer Cleaning	$1.28 for every dryer cleaned
(5)		Dirt Money	$0.44 per hour
(6)		Confined Space	$0.53 per hour
(7)		Meal Money	$8.15

(8)		Driver (General) - over 43 tonnes all purposes of the award allowance	$1.07 for each additional tonne over 43 tonnes to be paid for all purposes of the award as part of the weekly wage.
(9)		Van Driver - Salesperson allowance per week for all purposes of the Award	$9.39 per week extra
(10)		Leading Hand allowance for all purposes of the Award	
	(a)	Not less then 3 and not more than 10 other employees	$24.20 per week
	(b)	More than 10 and not more than 20 other employees	$36.30 per week
	(c)	More than 20 other employees	$45.25 per week

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Dairy/Production Worker Grade 7.

2. The Work Related Allowances – the percentage increase in:

   - Schedule 4 – Other Allowances

   is derived from $17 divided by $533.66 = 3.19% (2003) and $19 divided by $550.66 = 3.45% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   > "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

   - Schedule 3 – Vehicle Allowance has been varied for the CPI Private Motoring (Perth) for the period September 2002 to December 2004 giving the percentage 5.16%

   $$\text{December 2004} \div \text{September 2002} \times \frac{100}{1} = 5.16\%$$

   $$\frac{144.7}{137.6} \times \frac{100}{1} = 5.16\%$$

   CPI Private Motoring – Motor Vehicles – Perth

   Catalogue: 6455.0.40.001

   For all allowances (except fare and Travelling) previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRADESPERSON COOK

Clause		A	B	C
Schedule 4 – Other Allowances	(1)(a)	$1.77	$1.89	$4.15
	(2)(b)	$0.86	$0.92	$8.15
	(2)	$0.63	$0.68	$24.20
	(3)	$3.90	$4.14	$36.30
	(4)	$1.20	$1.28	$45.20
	(5)	$0.42	$0.45	
	(6)	$0.49	$0.52	
	(7)	$7.65	$8.17	
	(8)	$1.00	$1.07	
	(9)	$8.80	$9.39	
	(10)(a)	$22.70	$24.21	
	(10)(b)	$34.00	$36.31	
	(10)(c)	$42.40	$45.26	

2005 WAIRC 00623

MINERAL EARTHS EMPLOYEES' AWARD

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	COMMERCIAL MINERALS LTD
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 698 OF 2003
CITATION NO.	2005 WAIRC 00623

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Mineral Earths Employees' Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 7 – Overtime: Delete paragraph (a) of subclause (5) of this clause and insert the following in lieu thereof:

(a) Subject to the provisions of paragraph (b) of this subclause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.40 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.05 for each meal so required.

2. Clause 8 – Wages: Delete subclause (6) of this clause and insert the following in lieu thereof:

(6) Leading Hands: In addition to the wage prescribed in subclause (2) hereof a leading hand shall be paid:-

		$
(a)	If placed in charge of not less than 3 and not more than 10 other employees	23.70
(b)	If placed in charge of more than 10 and not more than 20 other employees	36.50
(c)	If placed in charge of more than 20 other employees	47.00

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Mill Attendant.

2. For Work Related Allowances – the percentage increase in:

- Clause 8. – Wages

is 4% derived from $19 divided by $475.10 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 7. - Overtime has been varied for the CPI Take Away Food - Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Food – Perth

Catalogue: 6455.0.40.001

For all allowances (except Fares and Travelling) previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY CLASSIFICATION – MILL ATTENDANT

Clause	A	B	C
Clause 8. – Meal Breaks and Allowances	$22.85	$23.76	$23.70
	$35.10	$36.50	$47.00
	$45.20	$47.01	

Clause	A	B	C
Clause 7. – Overtime	$6.90	$7.39	$7.40
	$4.60	$5.03	$5.05

CPI Take Away Food – Perth

2005 WAIRC 00660

MISCELLANEOUS WORKERS' (ACTIV FOUNDATION) AWARD NO. A20 OF 1980

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ACTIV FOUNDATION INC

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 699 OF 2003
CITATION NO. 2005 WAIRC 00660

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, as agent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Miscellaneous Workers' (Activ Foundation) Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. – Shift Work: Delete paragraph (a) of subclause (1) of this clause and insert the following in lieu thereof:

(1) (a) The loading on the ordinary rates of pay for an afternoon or night shift shall be $1.79 per hour or part thereof.

2. Clause 9. – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) An employee required to work overtime before or after his ordinary working hours on any day, shall, when such additional duty necessitates taking a meal away from his usual place of residence, be supplied by his employer with any meal required or be reimbursed for each meal purchased at the rate of $8.45 for breakfast, $10.45 for the midday meal, and $12.60 for the evening meal. Provided that the overtime worked before or after the meal break totals not less than two hours. Such reimbursement shall be in addition to any payment for overtime to which he is entitled.

3. Clause 25. – Dirty Work: Delete subclauses (1) and (2) of this clause and insert the following in lieu thereof:

(1) An employee handling foul linen shall receive $2.43 per day;

(2) An employee other than one to whom paragraph (1) applies, shall receive 44 cents per hour for work of an unusually dirty nature.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Tradesperson Cook.
2. For Work Related Allowances – the percentage increase in:
   - Clause 25. – Dirty Work
   - Clause 8. - Shiftwork

   is derived from $17 divided by $505.10 equals 3.37% (2003) and $19 divided by $522.10 equals 3.64% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

   > "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."
3. For Expense Related Allowances:
   - Clause 9. – Meal Money has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

     December 2004 161.5 X 100 = 7.10%

     September 2002 150.8 1

     CPI Meals Out and Take Away Foods – Perth
   - Clause 18. – Car Allowance has been varied for the CPI Private Motoring for the period September 2002 to December 2004 giving the percentage of 5.16%.

     December 2004 144.7 X 100 = 5.16%

     September 2002 137.6 1

     CPI Private Motoring – Motor Vehicles - Perth

     Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRADESPERSON COOK

Clause	A	B	C
Clause 25. Dirty Work	$2.27 $0.41	$2.43 $0.44	
Clause 8. – Shiftwork	$1.67	$1.79	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 9. – Meal Money	$7.90 $9.75 $11.75	$8.46 $10.45 $12.58	$8.45 $12.60

2005 WAIRC 00630

MOTEL, HOSTEL, SERVICE FLATS AND BOARDING HOUSE WORKERS' AWARD, 1976
NO. 29 OF 1974

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

BELMONT PARK MOTEL AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 700 OF 2003
CITATION NO. 2005 WAIRC 00630

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondents	Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia Ms S. Howard on behalf of the Western Australian Hotels and Hospitality Association Incorporated (Union of Employers)

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne and Ms S. Howard on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Motel, Hostel, Service Flats and Boarding House Workers' Award, 1976* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Additional Rates for Ordinary Hours: Delete this clause and insert the following in lieu thereof:

9. – ADDITIONAL RATES FOR ORDINARY HOURS

(1) An employee who is required to work any ordinary hours prior to 7.00 am or after 7.00 pm on any day Monday to Friday, both inclusive, shall be paid at the rate of an extra $1.44 per hour for each such hour, or part thereof worked. Provided that any employee who works the majority of his/her ordinary hours between midnight and 7.00 am shall be paid $1.51 per hour extra for each such hour, or part thereof worked.

(2) All time worked during the ordinary hours of work on Saturdays and Sundays shall be paid for at the rate of time and a half.

(3) An employee who is required to work any of his/her ordinary hours on any day in more than one period of employment, other than for meal breaks as prescribed in accordance with the provisions of Clause 13. - Meal Breaks of this Award, shall be paid an allowance of $2.37 per day, for such broken work period worked.

(4) The provisions of subclauses (1) and (2) hereof shall not apply to any work performed on a holiday and to which the provisions of subclause (2) of Clause 17. - Holidays are applicable.

(5) The provisions of this clause shall not apply to casual employees.

2. Clause 14. – Meal Money: Delete this clause and insert the following in lieu thereof:

14. – MEAL MONEY

Any employee who is required to work overtime for two hours or more on any day, without being notified on the previous day or earlier, that he or she will be so required to work such overtime, will either be supplied with a substantial meal by the employer or be paid $9.70 meal money.

3. Clause 26. – Uniforms and Laundering: Delete subclauses (2) and (3) of this clause and insert the following in lieu thereof:

(2) Subject to subclause (3) hereof, an employer requiring any of the articles of clothing to be worn as described in subclause (1) of this clause, shall cause such clothing to be laundered at his/her own expense or otherwise shall pay to the employee concerned $6.20 per fortnight worked as a laundry allowance. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

(3) Where a cook wears the ordinary apparel usually worn by cooks such as black and white check trousers, white shirt, white apron and cap, such garments shall be laundered at the employer's expense or otherwise the employee shall be paid $9.40 per fortnight worked as a laundry allowance. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

4. Clause 27. – Protective Clothing: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Employees who are required to wash dishes, clean toilets or otherwise handle detergents, acids, soaps or any injurious substances, shall be supplied with rubber gloves free of charge by the employer, or be paid, in lieu, an allowance of $3.30 per fortnight worked. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

5. Clause 28. – Employee Equipment: Delete this clause and insert the following in lieu thereof:

28. - EMPLOYEE EQUIPMENT

All knives, choppers, tools, brushes, towels and other utensils, implements and material which may be required to be-used by the employee for the purpose of carrying out his/her duties, shall be supplied by the employer free Of charge. Provided that where an employee is required by the employer to use his/her own knives he shall be paid an allowance of $12.50 per fortnight worked. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Cook Grade 3.

2. For Work Related Allowances – the percentage increase in:

- Clause 9. – Additional Rates for Ordinary Hours
- Clause 28. – Employee Equipment

is derived from $34 divided by $1050.40 equals 3.24% (2003) and $38 divided by $1084.40 equals 3.50% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances

- Clause 14. – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 26. – Uniform and Laundering and Clause 27. – Protective Clothing has been varied for the CPI Clothing Services and Shoe Repair - Perth for the period September 2002 to December 2004 giving the percentage of 9.92%

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

CPI Clothing Services and Shoe repair – Perth

Catalogue No. 6455.0.40.001

4. Clause 37. - Superannuation has been amended in accordance with Principle 2(i).

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION –COOK GRADE 3

Clause		A	B	C
Clause 9. – Additional Rates for Ordinary Hours	(1)	$1.35	$1.44	
		$1.41	$1.51	
	(3)	$2.22	$2.37	
Clause 28. – Employee Equipment		$11.70	$12.50	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 14. – Meal Money	$9.05	$9.69	$9.70

CPI Clothing Services and Shoe Repair – Perth

Clause		A	B	C
Clause 26. – Uniforms and Laundry	(2)	$5.65	$6.21	$6.20
	(3)	$8.50	$9.40	
Clause 27. – Protective Clothing	(1)	$3.00	$3.30	

2005 WAIRC 00624

OPTICAL MECHANICS' AWARD, 1971 NO 9 OF 1970

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

LAUBMAN & PANK OPTOMETRISTS (WA) PTY LTD AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 701 OF 2003
CITATION NO. 2005 WAIRC 00624

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Optical Mechanics' Award, 1971* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 12 – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

12. - MEAL MONEY

(1) Subject to the provisions of subclause (2) of this clause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.75 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.30 for each meal so required.

2. Clause 24 – Wages: Delete subclause (4) of this clause and insert of the following in lieu thereof:

(4) Leading Hands: In addition to the appropriate rate prescribed in subclause (1) of this clause a leading hand shall be paid:

		Per Week $
(a)	If placed in charge of not less than 3 and not more than 10 other employees	23.00
(b)	If placed in charge of more than 10 and not more than 20 other employees	34.60
(c)	If placed in charge of more than 20 other employees	45.55

And further, with the consent of the parties, the Commission records the following basis for variations:

4. The agreed Key Minimum Classification in this Award is Optical Mechanic.

2. For Work Related Allowances – the percentage increase in:

- Clause 24. - Wages

is 3.37% derived from $17 divided by $503.60 (2003) and 3.65% derived from $19 divided by $520.60 (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 12. – Overtime. There was an error in the Union's schedule in matter 980/2002 which incorrectly had the amounts of $7.20 and $4.90 resulting in the Order being incorrect. The amounts should have been $7.25 and $4.95 – these were correct on the variation summary. Therefore to correct the error the figures March 2001 to December 2004 for the CPI Take Away Food giving a percentage of 12.78% have been used.

December 2004	161.5	X	100	=	12.78%
September 2002	143.2		1		

CPI Meals Out and Take Away Food – Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – OPTICAL MECHANIC

Clause	A	B	C
Clause 24. – Wages	$21.50 $32.30 $42.50	$23.01 $34.62 $45.55	$23.00 $34.60

Clause	A	B	C
Clause 12. – Meal Money	$7.20 $4.90	$7.78 $5.30	$7.75

CPI Meals Out and Take Away Food – Perth

2005 WAIRC 00625

PAINT AND VARNISH MAKERS' AWARD NO. 22 OF 1957

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

DULUX AUSTRALIA LTD

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 702 OF 2003
CITATION NO. 2005 WAIRC 00625

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Paint and Varnish Makers' Award No. 22 of 1957* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 6 – Meal Money: Delete this clause and insert the following in lieu thereof:

6. - MEAL MONEY

(1) An employee required to work overtime for more than two hours without being notified on the previous day or earlier that he/she will be required to work, shall be supplied with a meal by the employer or paid $9.60 for a meal.

(2) If the amount of overtime required to be worked necessitates a second or subsequent meal, the employer shall, unless he/she has notified the employees concerned on the previous day or earlier that such second or subsequent meal will also be required, provide such meals or pay an amount of $9.60 for each second or subsequent meal.

(3) No such payments need be made to employees living in the same locality as their workshops who can reasonably return home for such meals.

(4) If an employee in consequence of receiving such notice has provided him/herself with a meal or meals and is not required to work overtime or is required to work less overtime than notified, he/she shall be paid the amounts above prescribed in respect of the meals not then required.

2. Clause 8 – Leading Hands: Delete this clause and insert the following in lieu thereof:

8. - LEADING HANDS

In addition to the rates prescribed in Clause 22. - Rates of Pay of this award any worker placed by the employer in charge of three or more workers shall be paid a weekly amount of $26.30.

3. Clause 22 – Rates of Pay: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) In addition to the wage rates shown in subclause (1) hereof, an employee shall be paid, in lieu of all other disability allowances, an industry allowance of $17.65 per week and this allowance shall be for all purposes of the Award.

And further, with the consent of the parties, the Commission records the following basis for variations:

5. The agreed Key Minimum Classification in this Award is Bulk Tinting.

6. For Work Related Allowances – the percentage increase in:

- Clause 22 – Rates of Pay

is 3.3% (2003) derived from $17 divided by $510.90 and 3.6% (2004) derived from $19 divided by $527.90 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. Clause 6 – Meal Money has been varied for the CPI Take Away Foods – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

Catalogue 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – BULK PAINT TINTING

Clause	A	B	C
Clause 8 – Leading Hands	$25.40	$26.3144	$26.30
Clause 22 – Rates of Pay	$1704	$17.6534	$17.65

EXPENSE RELATED ALLOWANCES

Clause	A	B	C
Clause 6 –Meal Money	$8.95	$9.59	$9.60
	$8.95	$9.59	$9.60

2005 WAIRC 00609

PARLIAMENTARY EMPLOYEES AWARD 1989
NOS. A15/1987, A4/1988, A7/1988, & A7/1989

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

THE SPEAKER OF THE LEGISLATIVE ASSEMBLY AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 703 OF 2003
CITATION NO. 2005 WAIRC 00609

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

> THAT the *Parliamentary Employees Award 1989* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

[L.S.]

(Sgd.) A R BEECH,
Chief Commissioner.

SCHEDULE

1. Clause 25 – Parliamentary Support Services Employees Wages: Delete subclauses (3) and (4) of this clause and insert the following in lieu thereof:

(3) The following allowances shall be paid to Parliamentary Support Services Employees indexed according to State Wage decisions and shall be:-

(a)	Chef	
	1st year	$106.70 per fortnight
	2nd year	$213.40 per fortnight
(b)	Tradesperson Cook (Sous Chef)	
	1st year	$ 69.35 per fortnight
	2nd year	$106.70 per fortnight
(c)	Stewards to Speaker and President	$ 53.20 per fortnight

(4) An allowance of $31.00 per fortnight shall be paid to all Parliamentary Support Services Employees employed in the kitchen, dining room and bar areas.

2. Clause 28 – Uniforms and Clothing: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) Such uniforms supplied shall be laundered and/or dry cleaned by the employer and remain the property of the employer, provided that in lieu of the employer laundering and/or dry cleaning same, an employee shall be paid $6.20 per week for such laundering and/or dry cleaning, excepting any person employed as a Cook who shall be paid $9.45 per week for laundering and/or dry cleaning.

And further, with the consent of the parties, the Commission records the following basis for variations:

7. The agreed Key Minimum Classification in this Award is Tradesperson Cook Year 1.

8. The Work Related Allowances – the percentage increase in:

- Clause 25 – Parliamentary Support Services Employees' Wages

is derived from $17 divided by $562.79 equals 3.0% (2003) and $19 divided by $579.79 equals 3.28% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For expense related allowances

For all allowances (except Fares and Travelling) previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

Clause		A	B	C
Clause 25. – Parliamentary Support Services Employees Wages	(3)(a)	$100.25 $200.60	$106.64 $213.38	$106.70 $213.40
	(b)	$65.20 $100.25	$69.35 $106.64	$106.70 $53.20
	(c)	$50.00	$53.19	

EXPENSE RELATED ALLOWANCES

Clause		A	B	C
Clause 28. – Uniform and Clothing	(2)	$5.80 $8.80	$6.22 $9.44	$6.20 $9.45

2005 WAIRC 00635

PASTRYCOOKS' AWARD NO. 24 OF 1981

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

BAKEWELL PIES (1978) PTY LTD AND OTHERS

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 704 OF 2003
CITATION NO. 2005 WAIRC 00635

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondents	Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Pastrycooks Award No. 24 of 1981* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8 – Overtime: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) When a employee, without being notified on the previous day or earlier, is required to continue working after the usual knock-off time for more than two hours, he shall be provided with any meal required, or shall be paid $9.55 in lieu thereof. Provided that this subclause shall not apply in the case of a worker living in the same locality as his place of employment who can reasonably return home for a meal.

2. Clause 10 – Wages: Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Leading Hand: In addition to the rates prescribed by this clause a leading hand shall be paid per week if placed in charge of:

		Rate per Week $
(a)	Less than four other employees	14.15
(b)	Four or more but not more than ten other employees	22.40
(c)	More than ten but not more than 20 other employees	34.25
(d)	More than 20 other employees	44.15

And further, with the consent of the parties, the Commission records the following basis for variations:

9. The agreed Key Minimum Classification in this Award is Pastrycook.

10. For Work Related Allowances – the percentage increase in:

- Clause 10 – Wages

is 3.61% derived from $19 divided by $526.00 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 8 – Overtime has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 7.10%.

Calculations are therefore:

December 2004	161.5	X	100	=	7.10%
June 2000	150.8		1		

CPI Meals Out and Take Away Foods – Perth

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The union uses Catalogue No. 6455.0.40.001

Clause		A	B	C
Clause 10 – Wages	(5)(a)	$13.20	$14.14	$14.15
	(b)	$20.90	$22.38	$22.40
	(c)	$32.00	$34.24	$34.25
	(d)	$41.20	$44.13	$44.15

Clause	A	B	C
Clause 8 – Overtime	$8.90	$9.53	$9.55

CPI Meals Out and Take Away Foods - Perth

2005 WAIRC 00636

PHOTOGRAPHIC INDUSTRY AWARD, 1980 NO. 5 OF 1977

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ILLUSTRATIONS PTY LTD AND OTHERS

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 705 OF 2003
CITATION NO. 2005 WAIRC 00636

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondents Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Photographic Industry Award, 1980* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 12 – Wages: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) LEADING HANDS:

In addition to the rates prescribed herein, any employee appointed by the employer as a leading hand and placed in charge of not less than 3 and not more than 10 other employees, shall be paid $22.90. per week.

In addition to the rates prescribed herein, a leading hand placed in charge of more than 10 and not more than 20 other employees shall be paid $35.00 per week.

2. Clause 13 – Meal Allowance:

(A) Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Subject to the provisions of subclause (2) of this clause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.75 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.30 for each meal so required.

(B) Delete subclause (4) of this clause and insert of the following in lieu thereof:

(4) Late Night Trading Meal Allowance:

An employee who commences work prior to 4.30 p.m. on the day of late night trading and is required to work beyond 7.00 p.m. on that day, shall be paid a meal allowance of $7.75.

3. Clause 21. – Vehicle Allowance: Delete paragraph (c) of subclause (2) of this clause and insert in the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business:

Schedule 1 - Motor Vehicle Allowance

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc Under
	Rate per kilometre (Cents)		
Metropolitan Area	75.3	65.3	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowance

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc

And further, with the consent of the parties, the Commission records the following basis for variations:

11. The agreed Key Minimum Classification in this Award is Colour Filter Determinator.

2. For Work Related Allowances – the percentage increase in:

- Clause 12. – Wages

is 3.67% derived from $17 divided by $462.20 (2003) and 3.95% derived from $19 divided by $481.50 (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 13. – Meal Allowance has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

  Calculations are therefore:

  December 2004 $\frac{1615}{150.8}$ X $\frac{100}{1}$ = 7.10%

  September 2002

  CPI Meals Out and Take Away Foods – Perth

- Clause 21 – Fares and Travelling Allowance has been varied for the CPI Private Motoring – Motor Vehicles for the period September 2002 to December 2004 giving the percentage of 5.16%

  Calculations are therefore:

  December 2004 $\frac{144.7}{137.6}$ X $\frac{100}{1}$ = 5.16%

  September 2002

  CPI Private Motoring – Motor Vehicles – Perth

  Catalogue 6455.0.40.01

For all allowances previous rates (except Fares and Travelling) are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – COLOUR FILTER DETERMINATOR

Clause		A	B	C
Clause 12. – Wages	(3)	$21.25	$22.92	$22.90
		$32.45	$34.98	$35.00

CPI Take Away Food – Perth

Clause		A	B	C
Clause 13. – Meal Allowance	(1)	$7.25	$7.76	$7.75
	(4)	$4.95	$5.30	$7.75
		$7.25	$7.76	

2005 WAIRC 00626

PLASTIC MANUFACTURING AWARD 1977 NO. 5 OF 1977

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	JAYLON INDUSTRIES PTY LTD
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 706 OF 2003
CITATION NO.	2005 WAIRC 00626

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Plastic Manufacturing Award 1977* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 12 – Meal Money: Delete subclauses (1) and (2) of this clause and insert the following in lieu thereof:

(1) A worker required to work overtime for more than two hours, without being notified on the previous day or earlier that he/she will be so required to work, shall be supplied with a meal by the employer or paid $8.35 for a meal.

(2) If the amount of overtime required to be worked necessitates a second or subsequent meal, the employer shall, unless he/she has notified the workers concerned on the previous day or earlier that such a second or subsequent meal will also be required, provide such meals or pay an amount of $5.70 for each second or subsequent meal.

2. Clause 22 – Leading Hands: Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Leading Hands

In addition to the rates prescribed in subclause (2) of this clause a leading hand shall be paid:

		Per Week $
(a)	If placed in charge of not less than three and not more than ten other employees	22.35
(b)	If placed in charge of more than ten and not more than 20 other employees	34.10
(c)	If placed in charge of more than 20 other employees	43.55

3. Clause 23 – Extra Rates and Conditions: Delete subclauses (1), (2) and (3) of this clause and insert the following in lieu thereof:

(1) Workers handling carbon black before processing, and workers engaged in processing free carbon black, shall be paid the sum of 44 cents per hour in addition to the rate herein fixed for the class of work performed.

(2) Workers engaged on weighing, packing and mixing in the powder room shall be paid the sum of 44 cents per hour in addition to the rate herein fixed for the class of work performed.

(3) Workers engaged in work on a construction site other than the normal place of work shall be paid an allowance at the rate of $20.10 per week for each hour or part thereof worked.

And further, with the consent of the parties, the Commission records the following basis for variations:

12. The agreed Key Minimum Classification in this Award is Controller Tradesperson.

2. For Work Related Allowances – the percentage increase in:

- Clause 22. – Leading Hands
- Clause 23. – Extra Rates and Conditions

is 3.23% derived from $17 divided by $525.20 (2003) and 3.50% derived from $19 divided by $542.20 (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 12. – Meal Money has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

Calculations are therefore:

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

Catalogue 6455.0.40.001

For all allowances (except Fares and Travelling) previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – CONTROLLER TRADESPERSON

Clause		A	B	C
Clause 22. – Leading Hands	(5)	$20.90 $31.90 $40.80	$22.36 $34.10 $43.57	$22.35 $43.55
Clause 23. – Extra Rates and Conditions	(1) (2) (3)	$0.41 $0.41 $18.80	$0.44 $0.44 $20.08	$20.10

EXPENSE RELATED ALLOWANCES

Clause		A	B	C
Clause 12. – Meal Money	(1) (2)	$7.80 $5.30	$8.35 $5.68	$5.70

CPI Take Away Food – Perth

2005 WAIRC 00637

POULTRY BREEDING FARM & HATCHERY WORKERS' AWARD 1976
NO. R20 OF 1976

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	HAMPTON HATCHERIES AND OTHERS
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 707 OF 2003
CITATION NO.	2005 WAIRC 00637

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondents	Mr P. Robertson, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Poultry Breeding Farm & Hatchery Workers' Award 1976* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8 – Overtime-Meals: Delete subparagraphs (i) and (ii) of paragraph (c) of subclause (3) of this clause and insert the following in lieu thereof:

(c) (i) An employee required to work overtime for more than two hours, without being notified on the previous day or earlier that he/she will be so required to work, shall be supplied with a meal by the employer or paid $9.30 for a meal.

(ii) If the amount of overtime required to be worked necessitates a second or subsequent meal, the employer shall, unless he/she has notified the employees concerned on the previous day or earlier, that such a second or subsequent meal will also be required, provide such meals or pay an amount of $8.35 for each second or subsequent meal.

2. Clause 9 – Wages: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4)	Leading Hands	$
	In addition to the ordinary rate of pay, an employee placed in charge of more than 3 other employees shall receive	23.20

And further, with the consent of the parties, the Commission records the following basis for variations:

13. The agreed Key Minimum Classification in this Award is General Hand Maintenance.

2. For Work Related Allowances – the percentage increase in:

- Clause 9. – Wages

is 4.3% derived from $19 divided by $441.90 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 8. – Overtime has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

Calculations are therefore

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

Catalogue: 6455.0.40.001

For all allowances (except Fares and Travelling) previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – GENERAL HAND MAINTENANCE

Clause		A	B	C
Clause 9. – Wages	(4)	$21.40	$23.21	$23.20

Clause		A	B	C
Clause 8 – Overtime	(3)(c)(i)	$8.70	$9.32	$9.30
	(ii)	$7.80	$8.35	

CPI Take Away Food – Perth

2005 WAIRC 00669

PRIVATE HOSPITAL EMPLOYEES' AWARD, 1972 NO. 27 OF 1971

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	ST JOHN OF GOD HOSPITAL AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 632 OF 2003
CITATION NO.	2005 WAIRC 00669

Result	Matter Divided, Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

1. THAT application 632 of 2003 be divided into 632A and 632B of 2003.
2. THAT the *Private Hospital Employees' Award, 1972* be varied in accordance with the following schedule and that such variation shall have effect from the beginning of the first pay period commencing on or after the 11th day of March 2005.
3. THAT the claim specified in item 5 of the applicant's amended schedule stand as the claim in application 632B of 2003.
4. THAT application 632B of 2003 be adjourned sine die.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Allowances and Special Provisions: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Orderlies assisting in autopsy - $29.60 per cadaver.

2. Clause 10. – Overtime: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Where an employee is required to work overtime and such overtime is worked for a period of at least two hours in excess of the required daily hours of work the employee shall be provided with a meal free of cost or shall be paid the sum of $7.85 as meal money.

This subclause shall not apply where the employee has been advised of the necessity to work overtime on the previous day or earlier.

3. Clause 20. – Laundry: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) Where the uniform of any employee cannot be laundered at the hospital an allowance of $1.40 per week shall be paid to the employee.

4. Clause 34. – Wages: Delete subclause (4)(a) of this clause and insert the following in lieu thereof

(4) General Conditions:

(a) The ordinary wages of any employee, placed in charge of three or more employees, shall be increased by $18.60 per week.

And further, with the consent of the parties, the Commission records the following basis for variation:

1. The agreed Key Minimum Classification in this Award is Tradesperson Cook.
2. For Work Related Allowances – the percentage increase in:
   - Clause 9. – Allowances and Special Provisions
   - Clause 34. - Wages

   is derived from $17 divided by $562.80 equals 3.02% (2003) $19 divided by $579.80 equals 3.28% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 10. - Overtime has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 20. - Laundry has been varied for the CPI Clothing Services and Shoe Repair – Perth for the period September 2002 to December 2004 giving the percentage 9.92%.

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

CPI Clothing Services and Shoe Repair – Perth

Catalogue 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRADESPERSON COOK

Clause	A	B	C
Clause 9. Allowances and Special Provisions	$27.80	$29.59	$29.60
Clause 34 – Wages	$17.50	$18.62	$18.60

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 10. – Overtime	$7.35	$7.87	$7.85

CPI Clothing Services and Shoe Repair - Perth

Clause	A	B	C
Clause 20. – Laundry	$1.27	$1.40	

2005 WAIRC 00615

QUADRIPLEGIC CENTRE AWARD NO. A 1 OF 1993

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

THE BOARD OF MANAGEMENT QUADRIPLEGIC CENTRE

RESPONDENT

CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 633 OF 2003
CITATION NO.	2005 WAIRC 00615

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Quadriplegic Centre Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 14. – Overtime – Part A: Delete subclause (5) and insert the following in lieu thereof:

(5) Where an employee has not been notified the previous day or earlier that he/she is required to work overtime the employer shall ensure that employees working such overtime for an hour or more shall be provided with any of the usual meals occurring during such overtime or be paid $7.65 each meal.

2. Clause 14. – Overtime – Part B: Delete subclause (4) and insert the following in lieu thereof:

(4) Where an employee is required to work overtime and such overtime is worked for a period of at least two hours in excess of the required daily hours of work, the employee shall be provided with a meal free of cost, or shall be paid the sum of $7.65 as meal money.

3. Clause 15. – Shift Work:

(A) Delete subclause (1)(a) of this clause and insert the following in lieu thereof:

(1) (a) Subject to subclause (2) of this clause where on any day an employee commences his/her ordinary hours of work before 4.00 am or after 12 noon, he/she shall be paid a loading of $1.91 per hour or pro rata for part thereof in addition to his/her ordinary rate of wage.

(B) Delete subclause (2)(a) of this clause and insert the following in lieu thereof:

(2) (a) A loading of $2.87 per hour or pro rata for part thereof shall be paid to an employee in addition to his/her ordinary rate of wage for time worked on permanent afternoon or night shift.

(C) Delete subclause (3)(a) of this clause and insert the following in lieu thereof:

(3) Subject to the provisions of subclause (5) of this clause work performed during ordinary hours on the weekend shall in addition to the ordinary rate of wage attract a loading as follows:

(a) Saturday - $7.62 per hour or pro rata for part thereof;

(b) Sunday - $15.24 per hour or pro rata for part thereof.

4. Clause 17. – Public Holidays: Delete subclause (4)(a) and (b) and insert the following in lieu thereof:

(4) (a) An Enrolled Nurse or Nursing Assistant who works on any public holiday named herein shall be paid a loading of $7.62 per hour or pro rata for part thereof in addition to his/her ordinary rate of wage for the time worked in ordinary hours on that day.

(b) Any other employee who is required to work on a day observed as a public holiday shall be paid a loading of $22.86 per hour or pro rata for part thereof in addition to his/her ordinary rate of wage or if the employee agrees be paid a loading of $7.62 per hour or pro rata for part thereof in addition to his/her ordinary rate of wage and be entitled to observe the holiday on a day mutually acceptable to the employer and employee.

5. Clause 27. – Wages – Part A: Delete subclause (4)(c) and insert the following in lieu thereof:

4. (c) The ordinary rate of wage prescribed for an Enrolled Nurse in this clause shall be increased by $10.85 per week when a Registered Enrolled Nurse has obtained a second post basic certificate approved by the Nurses' Board of WA, and he/she is required to use the knowledge gained in that certificate as part of his/her employment.

6. Clause 27. – Wages – Part C: Delete subclause (1)(b)(i),(ii) and (iii) and insert the following in lieu thereof:

(1) (b) Except where this clause specifies classifications which require the employee to be in charge of other employees, any employee who is placed in charge of:

(i) not less than three and not more than 10 other employees shall be paid $18.45 per week in addition to the ordinary wage prescribed by this clause;

(ii) more than 10 and not more than 20 other employees shall be paid $27.60 per week in addition to the ordinary wage prescribed by this clause;

(iii) more than 20 other employees shall be paid $36.75 per week in addition to the ordinary wage prescribed by this clause.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this award for Enrolled Nurses is Enrolled Nurse – 1st year of employment.

2. For Work Related Allowances – the percentage increase in:

- Clause 15. – Shift Work
- Clause 17 – Public Holidays
- Clause 27 – Wages Part A

is derived from $17 divided by $526.80 equals 3.23% (2003) $19 divided by $543.80 equals 3.49% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. The agreed Key Minimum Classification in this award for Others is Tradesperson Cook.

4. For Work Related Allowances for Others – the percentage increase in:

- Clause 27. Wages, Part C

is derived from $17 divided by $553.10 equals 3.07% (2003) and $19 divided by $570.10 equals 3.33% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

5. For Expense Related Allowances:

- Clause 14. – Overtime has been varied for the CPI Take Away Food - Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Food – Perth

Catalogue: 6455.0.40.001

For all allowances (except Fares and Travelling) previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION FOR ENROLLED NURSES IS ENROLLED NURSE – 1ST YEAR OF EMPLOYMENT

Clause		A	B	C
Clause 15. – Shift Work	(1)	$1.79	$1.91	
	(2)	$2.68	$2.87	
	(3)(a)	$7.13	$7.62	
	(3)(b)	$14.27	$15.24	
Clause 17. – Public Holidays	(4)(a)	$7.13	$7.62	
	(4)(b)	$21.40	$22.86	
		$7.13	$7.62	
Clause 27 – Wages Part A	(4)(c)	$10.15	$10.87	$10.85

KEY MINIMUM CLASSIFICATION FOR OTHERS IS TRADESPERSON COOK

Clause		A	B	C
Clause 27 – Wages Part C		$17.30	$18.44	$18.45
(a)(b)(i)		$25.90	$27.58	$27.60
	(ii)	$34.50	$36.73	$36.75
	(iii)			

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause		A	B	C
Clause 14 – Overtime	Part A	$7.15	$7.66	$7.65
	Part B	$7.15	$7.66	$7.65

2005 WAIRC 00837

RANGERS (NATIONAL PARKS) CONSOLIDATED AWARD, 2000
NO. A17 OF 1981

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	THURSDAY, 31 MARCH 2005
FILE NO/S	APPL 634 OF 2003
CITATION NO.	2005 WAIRC 00837

Result	Award varied
Representation	
Applicant	Mr J. Nicholas
Respondent	No appearance

Order

HAVING heard Mr J. Nicholas on behalf of the applicant and there being no appearance on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Rangers (National Parks) Consolidated Award, 2000* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 31st day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Overtime:

A. Delete subclause (7)(a) of this clause and insert in lieu thereof the following:

(7) (a) An employee required to work continuous overtime for more than one hour shall be supplied with a meal by the employer or be paid $9.15 for a meal, and if owing to the amount of overtime worked, a second or subsequent meal is required he/she shall be supplied with each such meal by the employer or be paid $5.35 for each meal so required.

B. Delete subclause (7)(d) of this clause and insert in lieu thereof the following:

(d) An employee required to work continuously from midnight to 6.30am and ordered back to work at 8.00am the same day shall be paid $4.70 for breakfast.

2. Clause 14. – Conditions and Allowances:

A. Delete subclause (3) of this clause and insert in lieu thereof the following:

(3) Mobile Rangers shall, in addition to their normal rate of pay, be paid an allowance of $98.30 per week to offset the costs associated with living in and maintaining a caravan.

B. Delete subclause (4)(c) of this clause and insert in lieu thereof the following:

(c) The employee using toxic substances or materials of a like nature shall be paid 53 cents per hour extra. Employees working in close proximity to employees so engaged shall be paid 43 cents per hour extra.

C. Delete subclause (5)(d) of this clause and insert in lieu thereof the following:

(d) An employee required to wear protective clothing or equipment for the purpose of this subclause shall be paid 53 cents per hour or part thereof while doing so unless the Union and the employer agree that by reason of the nature of the protective clothing or equipment the employee does not suffer discomfort or inconvenience while wearing it or, in the event of disagreement, the Western Australian Industrial Relations Commission so determines.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Ranger Grade 1, Year 1

2. For Work Related Allowances – the percentage increase in:

- Clause 14 – 4(c) and 5 (d)– Conditions and Allowances

Is derived from $17 divided by $547.60 equals 3.10% for 2003 and $19.00 divided by $564.60 equals 3.37% for 2004 as prescribed by Principle 5, Adjustment of Allowances and Service Increments of the State Wage Case.

"allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 9. – Overtime has been varied for the CPI Take Away Food 6455.0.40.001 for the period September 2002 to December 2004 giving the percentage of 7.10%

December, 2004	161.5	X	100	=	7.10%
September 2002	150.8	X	1		

- Clause 14(3) - Mobile Rangers has been varied for the CPI for Perth 6401.0 from December 2003 (139.2) to December 2004 (143.3) giving the percentage of 2.95%.

December 2003	139.2	X	100	=	2.95%
December 2004	143.3		1		

WORK RELATED ALLOWANCES

Key Minimum Classification – Ranger Grade 1 Year 1

Clause	A	B*	C	D
Clause 14. – Conditions and Allowances				
(4)(c)	$0.48	$0.50	$0.52	$0.53
	$0.39	$0.40	$0.42	$0.43
(5(d)	$0.48	$0.50	$0.52	$0.53

B is the work related allowance adjustment for 2002 State Wage Case being; 3.39% derived from $18 divided by $529.60 as prescribed by Principle 5.

C is the work related allowance adjustment for 2003 State Wage Case being; 3.10% derived from $17 divided by $547.60 as prescribed by Principle 5.

D is the work related allowance adjustment for 2003 State Wage Case being; 3.37% derived from $19 divided by $564.60 as prescribed by Principle 5.

* The Order by Chief Commissioner Coleman on Tuesday 28 January 2003, Application 976 of 2002 83 WAIG 806 was not reflected in the order made by Commissioner Scott on 11 February 2003 83 WAIG 808.

EXPENSE RELATED ALLOWANCES

CPI Take Away Food 6455.0.40.001– Perth

Clause		A	B	C
Clause 9. – Overtime	(7)(a)	$8.45	$9.16	$9.15
	(d)	$4.95	$5.36	$5.35
Clause 14(3) – Allowances Mobile Rangers		$4.40	$4.71	$4.70
		$95.50	$98.32	$98.30

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

2005 WAIRC 00601

RECREATION CAMPS (DEPARTMENT FOR SPORT AND RECREATION) AWARD NO. A 28 OF 1985

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

HON MINISTER FOR SPORT & RECREATION

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 642 OF 2003
CITATION NO. 2005 WAIRC 00601

Result	Award Varied
Representation	
Applicant	Mr C. Kazakoff
Respondent	Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Recreation Camps (Department for Sport and Recreation) Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. – Overtime:

(A) Delete subclause (9)(a) of this clause and insert the following in lieu thereof:

(9) (a) An employee required to work continuous overtime for more than one hour shall be supplied with a meal by the employer or be paid $9.20 for a meal, and if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or be paid $5.35 for each meal so required.

(B) Delete subclause (9)(d) of this clause and insert the following in lieu thereof:

(d) An employee required to work continuously from midnight to 6.30 a.m. and ordered back to work at 8.00 a.m. on the same day shall be paid $4.70 for breakfast.

2. Clause 15. - Wages: Delete subclause (3) of this clause and insert the following in lieu thereof:

(3) Supervision Allowance

Employees placed in charge of other employees shall be paid the following weekly allowance, or part thereof, in addition to the rate prescribed for the employee's class of work

	$ Per Week
1 to 5 employees	8.65
6 to 10 employees	15.50
11 to 15 employees	19.30
16 to 20 employees	26.25
over 20 (for each additional employee)	0.31

3. Clause 17. – Special Rates and Conditions:

(A) Delete subclauses (1) and (2) of this clause and insert the following in lieu thereof:

(1) All employees called upon to clean toilet closets shall receive an allowance of 61 cents per closet per week and for these purposes, one metre of urinal shall count as one closet and three urinal stalls shall count as one closet.

(2) An employee who is the holder of an approved First Aid Certificate shall in addition to their normal rate of pay be paid an additional allowance of $2.11 per week.

(B) Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Mobile Wardens shall in addition to their normal rate of pay be paid an allowance of $76.60 per week to offset the costs associated with living in and maintaining a caravan. This allowance shall be reviewed on the 31st December each year. The adjustment to the rates shall be effective from the beginning of the first pay period to commence on or after the first day of January in each year.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Warden-in-Charge – 3rd year of employment.

2. For Work Related Allowances – the percentage increase in:

- Clause 15. – Wages
- Clause 17. – Special Rates and Conditions

is 3.50% derived from $19 divided by $542.40 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 8. - Overtime has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses Catalogue: 6455.0.40.001

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – WARDEN-IN-CHARGE – 3RD YEAR OF EMPLOYMENT

Clause		A	B	C
Clause 15. – Wages	(3)	$8.36	$8.62	$8.65
		$14.97	$15.49	$15.50
		$18.64	$19.29	$19.30
		$25.34	$26.23	$26.25
		$0.30	$0.31	
Clause 17. – Special Rates and Conditions	(1)	$0.59	$0.61	
	(2)	$2.04	$2.11	
	(4)	$74.00	$76.60	

CPI Take Away Food – Perth

Clause		A	B	C
Clause 8. – Overtime	(9)(a)	$8.60	$9.21	$9.20
		$5.00	$5.36	$5.35
		$4.40	$4.71	$4.70

2005 WAIRC 00629

RESTAURANT, TEAROOM AND CATERING WORKERS' AWARD, 1979
NO. R 48 OF 1978

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

KINGS PARK GARDEN RESTAURANT AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 635 OF 2003
CITATION NO. 2005 WAIRC 00629

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondents Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia
Ms S. Howard on behalf of the Western Australian Hotels and Hospitality Association Incorporated (Union of Employers)

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne and Ms S. Howard on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Restaurant, Tearoom and Catering Workers' Award, 1979* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Additional Rates for Ordinary Hours: Delete this clause and insert the following in lieu thereof:

9. – ADDITIONAL RATES FOR ORDINARY HOURS

(1) An employee who is required to work any ordinary hours prior to 7.00 am or after 7.00 pm on any day Monday to Friday, both inclusive, shall be paid at the rate of an extra $1.44 per hour for each such hour, or part thereof worked. Provided that any employee who works the majority of his/her ordinary hours between midnight and 7.00 am shall be paid $1.51 per hour extra for each such hour, or part thereof worked.

(2) All time worked during the ordinary hours of work on Saturdays and Sundays shall be paid for at the rate of time and a half.

(3) An employee who is required to work any of his/her ordinary hours on any day in more than one period of employment, other than for meal breaks as prescribed in accordance with the provisions of Clause 13. - Meal Breaks of this Award, shall be paid an allowance of $2.37 per day, for such broken work period worked.

(4) The provisions of subclauses (1) and (2) hereof shall not apply to any work performed on a holiday and to which the provisions of subclause (2) of Clause 17. - Holidays are applicable.

(5) The provisions of this clause shall not apply to casual employees

2. Clause 14. – Meal Money: Delete this clause and insert the following in lieu thereof:

14. – MEAL MONEY

Any employee who is required to work overtime for two hours or more on any day, without being notified on the previous day or earlier, that he or she will be so required to work such overtime, will either be supplied with a substantial meal by the employer or be paid $9.70 meal money.

3. Clause 26. – Uniforms and Laundering: Delete subclauses (2) and (3) of this clause and insert the following in lieu thereof:

(2) Subject to subclause (3) hereof, an employer requiring any of the articles of clothing to be worn as described in subclause (1) of this clause, shall cause such clothing to be laundered at his/her own expense or otherwise shall pay to the employee concerned $6.20 per fortnight worked as a laundry allowance. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

(3) Where a cook wears the ordinary apparel usually worn by cooks such as black and white check trousers, white shirt, white apron and cap, such garments shall be laundered at the employer's expense or otherwise the employee shall be paid $9.40 per fortnight worked as a laundry allowance. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

4. Clause 27. – Protective Clothing: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Employees who are required to wash dishes, clean toilets or otherwise handle detergents, acids, soaps or any injurious substances, shall be supplied with rubber gloves free of charge by the employer, or be paid, in lieu, an allowance of $3.30 per fortnight worked. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

5. Clause 28. – Workers' Equipment: Delete this clause and insert the following in lieu thereof:

28. – WORKERS' EQUIPMENT

All knives, choppers, tools, brushes, towels and other utensils, implements and material which may be required to be-used by the employee for the purpose of carrying out his/her duties, shall be supplied by the employer free Of charge. Provided that where an employee is required by the employer to use his/her own knives he shall be paid an allowance of $12.50 per fortnight worked. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Cook Grade 3.

2. For Work Related Allowances – the percentage increase in:

- Clause 9. – Additional Rates for Ordinary Hours
- Clause 28. – Workers' Equipment

is derived from $34 divided by $1050.40 equals 3.24% (2003) and $38 divided by $1084.40 equals 3.50% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances

- Clause 14. – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.03%

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 26. – Uniform and Laundering and Clause 27. – Protective Clothing has been varied for the CPI Clothing Services and Shoe Repair - Perth for the period September 2002 to March 2004 giving the percentage of 7.25%

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

CPI Clothing Services and Shoe repair – Perth

The Union uses Catalogue No. 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION –COOK GRADE 3

Clause	A	B	C
Clause 9. – Additional Rates for Ordinary Hours (1)	$1.35	$1.44	
(3)	$1.41	$1.51	
	$2.22	$2.37	
Clause 28. – Employee Equipment	$11.70	$12.50	

CPI Take Away Food – Perth

Clause	A	B	C
Clause 14. – Meal Money	$9.05	$9.69	$9.70

CPI Clothing Services and Shoe Repair – Perth

Clause	A	B	C
Clause 26. – Uniforms and Laundry (2)	$5.65	$6.21	$6.20
(3)	$8.55	$9.40	
Clause 27. – Protective Clothing (1)	$3.00	$3.30	

2005 WAIRC 00644

ROPE AND TWINE WORKERS' AWARD NO. 11 OF 1963

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

WA ROPE AND TWINE COMPANY PTY LTD

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 643 OF 2003
CITATION NO. 2005 WAIRC 00644

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, agent, Chamber of Commerce and Industry Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Rope and Twine Workers' Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
Chief Commissioner.

[L.S.]

SCHEDULE

1. Clause 17. – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Subject to the provisions of subclause (2) of this clause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.95 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.45 for each meal so required.

2. Clause 20. – Leading Hands: Delete this clause and insert the following in lieu thereof:

20. - LEADING HANDS

Any employee placed by the employer in charge of three or more other employees shall be paid $22.04 per week in addition to the weekly rates prescribed by this award.

3. Clause 24. – Dirt Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) 43¢ per hour extra shall be paid to employees when engaged in work of an unusually dirty nature where clothes are necessarily unduly soiled or injured or boots are injured by the nature of the work done.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Adult Employees – Rope Layer on heavy strand machine.

2. For Work Related Allowances – the percentage increase in:

- Clause 20. – Leading Hands
- Clause 24. – Dirt Money

is 4.35% derived from $19 divided by $436.70 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 17. – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

Calculations are therefore:

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – ROPE LAYER ON HEAVY STRANG MACHINE

Clause	A	B	C
Clause 20. – Leading Hands	$21.12	$22.04	
Clause 24. – Dirt Money	$0.40	$0.43	

CPI Take Away Food – Perth

Clause		A	B	C
Clause 17. – Meal Money	(1)	$7.40	$7.93	$7.95
		$5.10	$5.46	$5.45

2005 WAIRC 00587

SADDLERS AND LEATHERWORKERS' AWARD NO. 7 OF 1962

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	MALLABONES PTY LTD
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 636 OF 2003
CITATION NO.	2005 WAIRC 00587

Result	Award varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Mr P. Robertson (as agent)

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson (as agent) on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Saddlers and Leatherworkers' Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

[L.S.]

(Sgd.) A R BEECH,
Chief Commissioner.

SCHEDULE

1. Clause 8. - Meal Money: Delete this clause and insert the following in lieu thereof:

8. - MEAL MONEY

(1) A worker required to work overtime for more than two hours without being notified on the previous day or earlier, that he/she will be so required to work, shall be supplied with any meal required by the employer or paid $8.75 for such meal.

(2) If the amount of overtime required to be worked necessitates a second or subsequent meal, the employer shall, unless he/she has notified the workers concerned on the previous day or earlier, that such a second or subsequent meal will also be required, provide such meals or pay an amount of $7.30 for each second or subsequent meal.

(3) No such payments need be made to workers living in the same locality as their workshops who can reasonably return home for such meals.

(4) If a worker in consequence of receiving such notice has provided him/herself with a meal or meals and is not required to work overtime, or is required to work less overtime than notified, he/she shall be paid the amount above prescribed in respect of the meals not then required.

2. Clause 23. - Leading Hands: Delete this clause and insert the following in lieu thereof:

23. – LEADING HANDS

Any worker placed by the employer in charge of other workers shall be paid the following rates in addition to their ordinary rates of wages:

	$
In charge of 1 - 5 employees	21.75
In charge of 6 - 10 employees	27.30
In charge of 11 or more employees	37.40

3. Clause 24. - Special Rates: Delete this clause and insert the following in lieu thereof.

24. – SPECIAL RATES

Any worker required to repair goods which are of an unusually dirty or offensive nature shall be paid 38 cents per hour in addition to the ordinary rate.

And further, with the consent of the parties, the Commission records the following basis for variations:

14. The agreed Key Minimum Classification in this Award is Saddlers Employee Manufacturing.

2. For Work Related Allowances – the percentage increase in:

- Clause 23. – Leading Hands
- Clause 24. – Special Rates

is 3.6 % derived from $17 divided by $472.70 (2003) and 3.88% derived from $19 divided by $489.70 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 8. – Meal Money has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

Calculations are therefore:

December 2004	161.5	X	100	=	
September 2002	150.8		1		7.10%

CPI Meals Out and Take Away Foods - Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – SADDLERS EMPLOYEE MANUFACTURING

Clause	A	B	C
Clause 23. – Leading Hands	$20.20 $25.40 $34.75	$21.7587 $27.3152 $37.3896	$21.75 $27.30 $37.40
Clause 24. – Special Rates	$0.37	$0.38	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 8. – Meal Money	$8.15 $6.80	$8.73 $7.28	$8.75 $7.30

2005 WAIRC 00570

SCHOOL EMPLOYEES (INDEPENDENT DAY & BOARDING SCHOOLS) AWARD, 1980
NO. R7 OF 1979

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

GUILDFORD GRAMMAR SCHOOL, AQUINAS COLLEGE, ST MARY'S CHURCH OF ENGLAND GIRLS' SCHOOL (INC)

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 644 OF 2003
CITATION NO. 2005 WAIRC 00570

Result Award varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms K. Wroughton on behalf of the Catholic Education Commission
Dr I. Fraser on behalf of the Association of Independent Schools

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms K. Wroughton on behalf of the Catholic Education Commission and Dr I. Fraser on behalf of the Association of Independent Schools, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *School Employees (Independent Day & Boarding Schools) Award, 1980* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 11. – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Subject to the provisions of subclause (2) of this clause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $8.75 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $6.00 for each meal so required.

2. Clause 32. – Wages:

(A) Delete subclause (3)(b) of this clause and insert the following in lieu thereof:

(b) Senior employees other than the Head Groundsperson and leading hands appointed as such by the employer to be in charge of three or more other employees shall be paid $22.35 per week in addition to the rates prescribed herein.

(B) Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) For all work done on any day after a break referred to in subclause (3) of Clause 7. - Hours of this award, the employee shall be paid an allowance of $1.40 per hour for each such hour worked.

3. Clause 33. – Fares and Motor Vehicle Allowances: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business

Schedule 1 - Motor Vehicle Allowances

Area and Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc -2600cc	1600 cc & Under
	Rate per Kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance Travelled During a Year on Official Business	Rate ¢/km
Rate per kilometre	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Tradesperson Cook.

2. For Work Related Allowances – the percentage increase in:

- Clause 32. - Wages

is derived from $17 divided by $525.20 equals 3.24% (2003) and $19 divided by $542.20 equals 3.50% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 11. – Meal Money has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 33. – Fares and Motor Vehicle Allowances has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 5.16%.

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Motor Vehicles – Perth

The Union uses Catalogue No. 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRADESPERSON COOK

Clause		A	B	C
Clause 32. – Wages	(3)(b)	$20.90 $1.29	$22.36 $1.40	$22.35

EXPENSE RELATED ALLOWANCES

Clause	A	B	C
Clause 11. – Meal Money	$8.15 $5.60	$8.73 $6.00	$8.75

CPI Take Away Food – Perth

2005 WAIRC 00589

SECURITY OFFICERS AND CLEANERS (WEST AUSTRALIAN NEWSPAPERS) AWARD, 1992
NO. A11 OF 1991

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

WEST AUSTRALIAN NEWSPAPERS LTD

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 638 OF 2003
CITATION NO. 2005 WAIRC 00589

Result Award varied
Representation
Applicant Ms C. Kazokoff
Respondent Mr P. Robertson (as agent)

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson (as agent) on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Security Officers and Cleaners (West Australian Newspapers) Award, 1992* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

[L.S.]

(Sgd.) A R BEECH,
Chief Commissioner.

SCHEDULE

1. Clause 12. – Shift Allowances – Security Officers: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) The shift allowances payable to Security Officers under this award shall be as follows:-

A.

SECURITY OFFICERS	SHIFT ALLOWANCES PER WEEK $
Grade 5 (Trainee)	100.55
Grade 4	100.55
Grade 3	100.55
Grade 2	100.55
Grade 1	100.55

B.

CLEANERS

Grade 3	-
Grade 2	-
Grade 1	-

2. Clause 13. – Extra Rates and Allowances: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Except for Security Officer classifications an employee working an afternoon or night shift Monday to Friday shall receive a shift allowance of $100.55 per week or $20.10 per shift when such shifts are worked.

3. Clause 14. – Higher Duties: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) An employee who carries out duties applicable to the Grade 1 Security Officer or Grade 1 Cleaner classification for a period of one week or more shall receive a Higher Duties Allowance of $43.80 per week.

4. Clause 15. – Overtime: Delete subclause (6)(a) of this clause and insert the following in lieu thereof:

(a) the employee has worked two hours or more of overtime immediately before any afternoon or night shift or immediately after day shift, the employee will receive at least a 30-minute unpaid meal break and be paid meal money of $8.05.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Security Officers Grade 3.

2. For Work Related Allowances – the percentage increase in:

- Clause 12. – Shift Allowances
- Clause 13. – Extra Rates and Allowances
- Clause 14. – Higher Duties

is 3.50% derived from $19 divided by $542.20 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 15. - Overtime has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 3.65%.

Calculations are therefore:

$$\text{December 2004} \frac{161.5}{150.8} \times \frac{100}{1} = 7.10\%$$
$$\text{September 2002}$$

CPI Meals Out and Take Away Foods - Perth

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses CPI Catalogue No. 6455.0.40.001

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – SECURITY OFFICER GRADE 3

Clause	A	B	C
Clause 12. – Shift Allowance	$94.10 $94.10 $94.10 $94.10 $94.10	$100.55 $100.55 $100.55 $100.55 $100.55	
Clause 13. – Extra Rates and Allowances	$94.10 $18.80	$100.55 $20.29	$20.30
Clause 14. – Higher Duties	$41.00	$43.78	$43.80

CPI Take Away Food – Perth

Clause 15. – Overtime	$7.50	$8.03	$8.05

2005 WAIRC 00646

SECURITY OFFICERS' AWARD NO. A 25 OF 1981

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

WORMALD SECURITY & OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 637 OF 2003
CITATION NO. 2005 WAIRC 00646

Result Award varied
Representation
Applicant Ms C. Kazakoff
Respondents No appearance on behalf of the respondents

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and there being no appearance on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Security Officers' Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 15. – Overtime: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) An officer required to work in excess of one hour after completion of his/her ordinary shift, without being notified before the completion of the previous day or shift, shall be paid a meal allowance of $8.55. A further meal allowance of $6.00 shall be paid on the completion of each additional four hours' overtime worked.

2. Clause 20. – Special Rates and Provisions: Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Where an officer is required to carry a torch, a suitable torch shall be provided and maintained in working order by the employer or an allowance of $2.90 per week (or 58 cents per day) shall be paid where a torch is required.

3. Clause 21. – Classification Structure and Wage Rates:

(A) Delete subclause (5) of this clause and insert the following in lieu thereof:

(5) Senior Officials:

Any officer placed in charge of other officers shall be paid in addition to the appropriate wage prescribed, the following:

		Per Week $
(a)	if placed in charge of not less than 3 and not more than 10 other officer	22.90
(b)	if placed in charge of not less than 10 and not more than 20 other officers	35.10
(c)	if placed in charge of more than 20 other officers	45.05

(B) Delete subclause (6)(a), (b), (c) and (d) of this clause and insert the following in lieu thereof:

(a) Security Officers and above who are required to possess a recognised first aid certificate as a condition of employment, $9.05 per week extra.

(b) Security Officers required to drive emergency vehicles, $3.80 per day for each day that a vehicle is driven in an emergency situation.

(c) Security Officers who are required to attend and reset alarm panels, $5.65 per week or $1.15 per day in the case of employees who work part-time or casual.

(d) Security Officers who are required to carry firearms in the performance of their duties, $14.10 per week, or $2.80 per day for each day a firearm is carried.

4. Clause 25. – Fares and Travelling: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business:

Schedule 1 - Motor Vehicle Allowance

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - 2600cc	1600cc & Under
	Rate per kilometre (Cents)		
Metropolitan Area	753	65.5	57.9
South West Land Division	77.4	37.2	59.7
North of 23.5° South Latitude	84.9	74.1	66.0
Rest of the State	80.0	69.4	61.6

Schedule 2 - Motor Cycle Allowance

Distance travelled during a year on Official Business	Rate per Kilometre (Cents)
All areas of the State	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc category.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Security Officers Grade 1.

2. For Work Related Allowances – the percentage increase in:

- Clause 20. – Special Rates and Provisions
- Clause 21. – Classification Structure and Wage Rates

is 3.90% derived from $19 divided by $487.60 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 15. - Overtime has been varied for the CPI Take Away Foods – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

$$\text{December 2004} \frac{161.5}{\text{September 2002}\ 150.8} \times \frac{100}{1} = 7.10\%$$

CPI Meals Out and Take Away Foods - Perth

- Clause 25. – Fares and Travelling has been varied for the CPI (Private Motoring Perth) for the period September 2002 to December 2004.

Calculations are therefore:

December 2004	144.7	X	100	=	5.16%
September 2002	137.6		1		

CPI Private Motoring – Motor Vehicles – Perth

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – SECURITY OFFICER GRADE 1

Clause	A	B	C
Clause 20. – Special Rates and Provisions (5)	$2.70	$2.90	
	$0.54	$0.58	
Clause 21. – Classification Structure and Wage Rates	$21.30	$22.91	$22.90
	$32.60	$35.11	$35.10
	$41.85	$45.04	$45.05
	$8.40	$9.04	$9.05
	$3.50	$3.79	$3.80
	$5.25	$5.66	$5.65
	$1.05	$1.14	$1.15
	$13.10	$14.08	$14.10
	$2.60	$2.81	$2.80

EXPENSE RELATED ALLOWANCES

Clause	A	B	C
Clause 15. – Overtime	$8.25	$8.83	$8.85
	$5.60	$6.00	

CPI Take Away Food – Perth

2005 WAIRC 00544

SHEARING CONTRACTORS' AWARD OF WESTERN AUSTRALIA 2003
NO. A 2 OF 2003

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES THE AUSTRALIAN WORKERS' UNION, WEST AUSTRALIAN BRANCH, INDUSTRIAL UNION OF WORKERS

APPLICANT

-v-

WESTERN AUSTRALIAN SHEARING CONTRACTORS ASSOCIATION INC & OTHERS

RESPONDENTS

CORAM COMMISSIONER J H SMITH
DATE WEDNESDAY, 9 MARCH 2005
FILE NO/S APPL 1429 OF 2004
CITATION NO. 2005 WAIRC 00544

Result Award varied
Representation
Applicant Mr G Trotter and Ms B Ward
Respondents Mr P Brunner of counsel on behalf of the Western Australian Shearing Contractors Association Inc

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Order

Having heard Mr G Trotter and Ms B Ward on behalf of the Applicant and Mr P Brunner of counsel on behalf of the Western Australian Shearing Contractors Association Inc and by consent the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the Shearing Contractors' Award of Western Australia 2003 be varied in accordance with the following schedule and that such variation shall have effect from the beginning of the first pay period commencing on or after 9 March 2005.

(Sgd.) J H SMITH,
Commissioner.

[L.S.]

SCHEDULE

1. Subclause 1.2 – Arrangement: After the wording "4.5 Formula for Calculating Rates of Pay" insert the following:

4.6 Traineeships

2. Subclause 1.5 – Definitions: At the end of this subclause insert the following:

"Trainee" means an individual who is a signatory to a training agreement registered with the relevant State or Territory Training Authority and is involved in paid work and structured training which may be on or off the job. This does not include an individual who already has the competencies to which the traineeship is directed.

"Traineeship" means a system of training which has been approved by the relevant State or Territory Training Authority, or which meets the requirements of a National Training Package developed by a National Industry Training Advisory Board and endorsed by the National Training Framework Committee, which leads to an Australian Qualifications Framework qualification specified by that National Training Package, and includes full time traineeships and part time traineeships including school-based traineeships.

3. Clause 3. – Hours of Work: Delete paragraphs 3.2.2 and 3.2.3 of subclause 3.2 of this clause and insert the following in lieu thereof:

3.2.2 If not found and where:

3.2.2.1 The handpiece is provided by the employer - $14.98 per hour

3.2.2.2 The handpiece is provided by the employee - $15.32 per hour

3.2.3 If found, the above allowances less:

3.2.3.1 For expeditionary shearing (i.e. three meals and two smokos per day) - $20.91 per day

3.2.3.2 For suburban shearing (i.e. one meal plus two smokos per day) - $10.46 per day

4. Clause 4. – Rates of Pay:

A. Delete subclause 4.2 and insert the following in lieu thereof:

4.2 Rates of Pay

The rates of pay for employees covered by this Award are as follows:

4.2.1 Rates for shearers

4.2.1.1 If not found:

(i) For flock sheep (wethers, ewes and lambs) by machine - $203.28 per 100.

(ii) For rams (other than special stud rams) and ram stages – double the rate for flock sheep.

(iii) For entires (male sheep that has not attained its first two permanent teeth) – one and a quarter times the rate for flock sheep.

(iv) For stud ewes and their lambs – one and a quarter times the rate for flock sheep.

(v) For double-fleeced sheep – one and a third times the rate prescribed appropriate to the class of sheep.

(vi) For hand shearing – 7.5% additional to the rate for each class of sheep.

(vii) If a shearer is required to provide their own stud combs they shall be paid 25% in addition to the rate for each class of sheep.

(viii) For special studs – double the rate for flock sheep or as agreed.

(ix) If the employer supplies a handpiece, the employer may deduct from the rate per 100 paid to the shearer, the sum of $2.56 per 100 sheep shorn.

4.2.1.2 If found, the rates prescribed above less:

(i) For expeditionary shearing (i.e. three meals and two smokos per day) - $20.91 per day.

(ii) For suburban shearing (i.e. one meal plus two smokos per day) - $10.46 per day.

4.2.1.3 Engagement by the day:

(i) Not found – handpiece provided by the employee - $151.89.

(ii) If the employer provides keep, the employer may deduct the amount of $20.91 per day when three meals and two smokos are provided each day or $10.46 per day when one meal and two smokos are provided each day.

(iii) If the employer supplies a handpiece, the employer may deduct from the daily rate the sum of $2.56 per 100 sheep shorn.

4.2.1.4 For the purposes of this Clause:

(i) A ram means a male sheep with at least two permanent teeth.

(ii) Ram stags mean rams that have been castrated after they have attained eighteen months.

(iii) Stud ewes mean ewes with tags in their ears from which rams are bred for sale or station use but the term does not include ewes of the flock which have tags in their ears for the purpose of identification other than for stud purposes.

(iv) Double fleeced means a sheep carrying two years' fleece.

4.2.2 Rates for Crutching

4.2.2.1 Piecework rates – if not found:

		Per 100 $
(i)	For full crutching, that is, shearing between the legs, the inside and back parts of the leg, the tail, given two blows around and below the tail, and in addition, when required, removing wool which has been struck by blowfly	58.95
	If the employer provides a shearer with a handpiece the employer may deduct from the rate per 100 paid to the crutcher the sum of 86 cents per 100 sheep shorn	
(ii)	For crutching between the legs, that is, shearing on those parts of the legs which face each other and on the inner half of the backs of the legs, with one blow on the end of the tail if required	46.75
	If the employer provides a shearer with a handpiece the employer may deduct from the rate per 100 paid to the crutcher the sum of 86 cents per 100 sheep shorn	
(iii)	For wigging or ringing	22.36
	If the employer provides a shearer with a handpiece the employer may deduct from the rate per 100 paid to the crutcher the sum of 86 cents per 100 sheep shorn	
(iv)	For either wigging or ringing in addition to crutching – crutching rates plus	6.10
(v)	For wigging and ringing	36.59
	If the employer provides a shearer with a handpiece the employer may deduct from the rate per 100 paid to the crutcher the sum of 86 cents per 100 sheep shorn	
(vi)	For wigging and ringing in addition to crutching – crutching rates plus	10.16
(vii)	For cleaning the belly of any ewe above the teats (not more than two blows of the machine or shears) in addition to crutching – crutching rate plus	5.08
(viii)	For rams – double the rates prescribed in paragraphs (i) to (vii) hereof	

4.2.2.2 Piecework rates – if found:

(i) The rates prescribed above less:

(A) For expeditionary shearing (i.e. three meals and two smokos per day) - $20.91 per day.

(B) For suburban shearing (i.e. one meal plus two smokos per day) - $10.46 per day.

4.2.2.3 Engagement by the day:

(i) Not found – handpiece provided by the employee - $151.89.

(ii) If the employer provides keep, the employer may deduct the amount of $20.91 per day when three meals and two smokos are provided each day or $10.46 per day when one meal and two smokos are provided each day.

(iii) If the employer supplies a handpiece, the employer may deduct from the daily rate the sum of $2.56 per 100 sheep shorn.

4.2.3 Rates for Shed Hands:

4.2.3.1 If not found:

	Over 65 days experience Per Run $	Under 65 days experience Per Run $
For adults	37.89	36.07
For juniors under 18 years	26.52	25.25
18 – 20 years	34.10	32.46

(i) Provided that if after the commencement of any day's work, work ceases prior to the expiration of the second run for that day then the employee shall be paid for two runs.

(ii) And further, if work ceases for the day during the third or fourth run then the employee shall be paid to the end of the run in which work ceased for the day.

(iii) However, the minimum payment of two runs per day prescribed herein shall not apply where an employee is not required to attend for work and is advised accordingly on the preceding day.

4.2.3.2 If found, the rates prescribed above, less:

(i) For expeditionary shearing (i.e. three meals and two smokos per day) - $20.91 per day.

(ii) For suburban shearing (i.e. one meal plus two smokos per day) - $10.46 per day.

4.2.4 Rates for Woolpressers:

4.2.4.1 If not found:

(i) For pressing – piecework:

By Hand Per Bale $	By Hand Per Kilogram $
11.83	0.08
By Power Per Bale $	**By Power Per Kilogram $**
7.89	0.05

(Power = 190 kg x 4.44 cents)

(ii) Weighing and branding – an extra $0.28 per bale.

(iii) For stacking bales, that is, placing one bale on top of another – an additional rate to be agreed mutually.

(iv) Unless otherwise agreed, when the total sum which a woolpresser would receive under the piecework rates amounts to less than an average of $39.85 per run for the shed, the employer shall pay the deficiency to the employee.

4.2.4.2 If found, the abovementioned rates, less:

(i) Expeditionary shearing (i.e. three meals and two smokos per day) - $20.91 per day.

(ii) Suburban shearing (i.e. one meal plus two smokos per day) - $10.46 per day.

4.2.4.3 Woolpressers engaged at piecework rates shall, for all wool pressed by them, be paid wholly per bale or wholly per kilogram.

4.2.4.4 Where the presser is carrying out the combined duties of pressing and penning up the presser shall be paid an additional rate of $1.04 per bale when the number of bales pressed in a day exceeds 18 bales, the amount of $1.04 per bale to be paid for every bale pressed that day.

4.2.4.5 For penning up a rate of half of one cent per kilo over and above the contract bale rate is to be paid.

4.2.5 Rates for shearing cooks:

4.2.5.1 The minimum rate to be paid to employees for acting as cook in connection with expeditionary shearing or crutching operations (i.e. three meals and two smokos per day) shall be $13.03 per day "found" for every person excepting themself for whom the employee cooks, but if the total amount which the cook would receive under this Clause for the term of the employment amounts to less than $169.36 per day "found" for themself after paying the necessary offsiders, the employer shall pay the deficiency to the employee.

4.2.5.2 The minimum rate to be paid to employees for acting as cook in connection with suburban shearing or crutching operations (i.e. one meal and two smokos per day) shall be $6.52 per day "found" for every period excepting themself for whom the employee cooks, but if the total amount which the cook would receive under this Clause for the term of the employment amounts to less than $84.68 per day "found" for themself after paying the necessary offsiders, the employer shall pay the deficiency to the employee.

B. Delete subclause 4.5 and insert the following in lieu thereof:

4.5 Formula for Calculating Rates of Pay

4.5.1 Shearer's Formula

	$
Minumum rate	495.25
Plus 20% piecework allowance – minimum rate x 20%	99.05
Plus 25% casual loading – minimum rate x 25%	123.81
Sub total	718.11
Plus shearing industry allowance	158.48
Plus rations	39.40
Plus allowance for combs/cutters	81.88
Plus payment for handpiece	18.51
Weekly total for Piecework Shearer with own hand piece (500 sheep)	1,016.38
Rates per 100 conversion – total divided by 5	203.28

4.5.2 Crutching Formula

Full crutching at sheds	29% of shearers per 100 rate
All other crutching at sheds	23% of shearers per 100 rate
Full crutching other than at sheds	25% of shearers per 100 rate
All other crutching other than at sheds	20% of shearers per 100 rate
Wigging or ringing	11% of shearers per 100 rate
Wigging or ringing in addition	3% of shearers per 100 rate
Wigging and ringing	18% of shearers per 100 rate
Wigging and ringing in addition	5% of shearers per 100 rate
Cleaning bellies etc	2.5% of shearers per 100 rate

4.5.3 Shed Hands (Adult) Formula

4.5.3.1 With less than 65 work days experience:

	$
Minumum rate – which is 84.56% of Shearer's minimum rate	418.78
Plus 25% casual loading – minimum rate x 25%	104.78
Plus shearing industry allowance	158.48
Plus rations	39.40
Total	721.36
Per run – divide by 20	36.07

4.5.3.2 With more than 65 work days experience:

	$
Minumum rate – which is 90.44% of Shearer's minimum rate	447.90
Plus 25% casual loading – minimum rate x 25%	111.98
Plus shearing industry allowance	158.48
Plus rations	39.40
Total	757.76
Per run – divide by 20	37.89

4.5.4 Shed Hands (Juniors) Formula

4.5.4.1 18-20 years:

		$
(i)	With 65 work days or more experience as a shed hand 90% of equivalent adult rate	34.10
(ii)	With less than 65 work days experience as a shed hand 90% of equivalent adult rate	32.46

4.5.4.2 Under 18 years:

		$
(i)	With 65 work days or more experience as a shed hand 70% of equivalent adult rate	26.52
(ii)	With less than 65 work days experience as a shed hand 70% of equivalent adult rate	25.25

4.5.5 Woolpresser's Formula

	Piecework	**Timework**
	$	$
Minimum rate	434.68	479.28
Plus 20% piecework allowance – minimum rate x 20%	86.94	-
Plus 25% casual loading – minimum rate x 25%	108.67	119.82
Plus shearing industry allowance	158.48	158.48
Plus rations	39.40	39.40
Total per week	828.17	796.98
Per run – total divided by 20		39.85
By hand - per bale = total divided by 70	11.83	
By hand – per kilo = by hand per bale rate divided by 152.4	0.08	
By power – per bale = by hand per bale rate x ⅔	7.89	
By power – per kilo = by power per bale rate divided by 15.24	0.05	

4.5.6 Shearing Cook's Formula

	$
Minumum rate	507.97
Plus 25% casual loading – minimum rate x 25%	126.99
Plus 20% long hours allowance – minimum rate x 20%	101.59
Plus 69.58% of shearing industry allowance	110.27
Total	846.82
Daily rate – total divided by 5	169.36
Per employee per day rate = daily rate divided by 13	13.03

C. Insert new subclause 4.6 as follows:

4.6 Traineeships

Where an employer engages an employee as a trainee pursuant to a traineeship, the provisions of the National Training Wage Award 2000, where relevant, will apply.

2005 WAIRC 00590

SOAP AND ALLIED PRODUCTS MANUFACTURING AWARD NO. 25 OF 1960

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	CANDLE LIGHT CO
	RESPONDENT
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 639 OF 2003
CITATION NO.	2005 WAIRC 00590

Result	Award varied
Representation	
Applicant	Ms C. Kazokoff
Respondent	Mr P. Robertson (as agent)

Order

HAVING heard Ms C. Kazokoff on behalf of the applicant and Mr P. Robertson (as agent) on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Soap and Allied Products Manufacturing Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 13. – Meal Money: Delete subclauses (1) and (2) and insert the following in lieu thereof:

(1) A worker required to work overtime for more than two hours without being notified on the previous day or earlier, that he will be so required to work shall be supplied with a meal by the employer or paid $8.75 for a meal.

(2) If the amount of overtime required to be worked necessitates a second or subsequent meal, the employer shall, unless he has notified the workers concerned on the previous day or earlier that such a second or subsequent meal will also be required, provide such meals or pay an amount of $7.25 for each second or subsequent meal.

2. Clause 26. – Leading Hands: Delete this clause and insert the following in lieu thereof:

26. - LEADING HANDS

In addition to the appropriate total weekly wage prescribed in Clause 25. - Wages of this award a leading hand shall be paid:

(1)	If placed in charge of not less than three and not more than ten other employees	$23.20
(2)	If placed in charge of more than ten and not more than 20 other employees	$35.85
(3)	If placed in charge of more than 20 other employees	$46.10

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Product Maker.

2. For Work Related Allowances – the percentage increase in:

- Clause 26. – Leading Hands

is derived from $17 divided by $449.60 equals 3.78% (2003) and $19 is divided by $466.60 equals 4.07% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 13. – Meal Money has been varied for the CPI Take Away Food – Perth for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – PRODUCT MAKER

Clause	A	B	C
Clause 26. – Leading Hands	$21.50	$23.21	$23.20
	$33.20	$35.86	$35.85
	$42.70	$46.10	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 13. – Meal Money	$8.15	$8.73	$8.75
	$6.75	$7.23	$7.25

2005 WAIRC 00659

SOCIAL TRAINERS AND ASSISTANT SUPERVISORS' (ACTIVFOUNDATION) AWARD NO. A15 OF 1984

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ACTIV FOUNDATION INC

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 640 OF 2003
CITATION NO. 2005 WAIRC 00659

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, as agent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Social Trainers & Assistant Supervisors' (Activ Foundation) Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – General Conditions: Delete subclauses (2) of this clause and insert the following in lieu thereof:

(2) (a) An allowance of 44 cents per hour or part thereof shall be paid to employees who are place in charge of a unit during the off shift period of the Senior Social Trainer.

(b) An allowance of $1.05 per hour or part thereof shall be paid to employees who are placed in charge of a unit of 25 and under bed capacity during the off shift period of the Hostel Manager.

(c) An allowance of $1.31 per hour or part thereof shall be paid to employees who are placed in charge of a unit of 26 and over bed capacity during the off shift period of the Hostel Manager.

2. Clause 21. – Shift Work: Delete subclause (1)(a) of this clause and insert the following in lieu thereof:

(1) (a) The loading on the ordinary rates of pay for an afternoon or night shift shall be $1.83 per hour or part thereof.

And further, with the consent of the parties the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Assistant Supervisor.

2. For Work Related Allowances – the percentage increase in:

- Clause 9. – General Conditions

is derived from $17 multiplied by 52.1666 = $886.83 divided by 28580 X 100 = 3.10% (2003) and $19 multiplied by 52.1666 = $991.17 divided by 29467 X 100 = 3.36% as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 21. – Shift Work has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Food – Perth

Catalogue 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – ASSISTANT SUPERVISOR

Clause		A	B	C
Clause 9. – General Conditions	(a)	$0.41 $0.99 $1.23	$0.44 $1.05 $1.31	

CPI Take Away Food – Perth

Clause	A	B	C
Clause 21. – Shift Work	$1.71	1.83	

2005 WAIRC 00616

SOCIAL TRAINERS (NULSEN HAVEN) AWARD NO. A 11 OF 1985

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

NULSEN HAVEN ASSOCIATION (INC)

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 646 OF 2003
CITATION NO. 2005 WAIRC 00616

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Social Trainers (Nulsen Haven) Award* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. – Qualifications Allowance: Delete this clause and insert the following in lieu thereof:

8. - QUALIFICATIONS ALLOWANCE

Employees who have completed the Diploma in Training the Handicapped shall be paid an allowance of $7.25 per week.

And further, with the consent of the parties, the Commission records the following basis for variation:

1. The agreed Key Minimum Classification in this Award is Social Trainer Level 1 – 1st year of adult service.

2. For Work Related Allowances – the percentage increase in:

- Clause 8. – Qualifications Allowance

is for 2003 $17 divided by $493.10 equals 3.45% and for 2004 $19 divided by $510.10 equals 3.72% as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – SOCIAL TRAINER LEVEL 1 – 1ST YEAR OF ADULT SERVICE

Clause	A	B	C
Clause 8. – Qualifications Allowance	$6.75	$7.26	$7.25

2005 WAIRC 00657

TITANIUM OXIDE MANUFACTURING AWARD 1975 NO. 8 OF 1975

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

MILLENIUM INORGANIC CHEMICALS

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 629 OF 2003
CITATION NO. 2005 WAIRC 00657

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr R. Gifford, as agent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr R. Gifford on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Titanium Oxide Manufacturing Award 1975* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 9. – Meal Money: Delete this clause and insert the following in lieu thereof:

A worker required to work overtime for more than two hours without being notified on the previous day or earlier that he will be so required to work, shall be provided with any meal required or paid $8.00 in lieu thereof.

If the amount of overtime required to be worked necessitates a second or subsequent meal the employer shall, unless he has previously notified the worker or workers concerned the day before or earlier that such second or subsequent meal will also be required, provide such meal or pay an amount of $5.60 for each second or subsequent meal.

No such payment need be made to workers living in the same locality as their workshops who can reasonably return home for such meals.

If a worker in consequence of receiving such notice, has provided himself with a meal or meals and is not required to work overtime, or is required to work less overtime than notified, he shall be paid the amounts above prescribed in respect of the meals not then required.

2. Clause 16. – Extra Rates and Conditions: Delete subclause (2) and insert the following in lieu thereof:

(2) Dirty work: workers engaged on cleaning - from the inside - acid, settling, or agitating tanks, or on work of an unusually dirty or offensive nature shall be paid 34 cents per hour extra.

And further, with the consent of the parties, the Commission records the following basis for variations:

15. The agreed Key Minimum Classification in this Award is Senior Leading Hand.

2. For Work Related Allowances – the percentage increase in:

- Clause 16 – Extra Rates and Conditions

Is 3.78% (2003) derived from $17 divided by $449.80 and 4.07% (2004) derived from $19 divided by $466.80 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase … the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 9. – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – SENIOR LEADING HAND

Clause	A	B	C
Clause 16. – Extra Rates and Conditions	$0.33	$0.34	

EXPENSE RELATED ALLOWANCES

CPI Take Away Food – Perth

Clause	A	B	C
Clause 9. – Meal Money	$7.45	$7.98	$8.00
	$5.25	$5.62	$5.60

2005 WAIRC 00658

TRAINING ASSISTANTS' AND COMMUNITY SUPPORT STAFF (CEREBRAL PALSY ASSOCIATION) AWARD 1987 NO. A 16 OF 1986

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

CEREBRAL PALSY ASSOCIATION OF WA INC

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 630 OF 2003
CITATION NO. 2005 WAIRC 00658

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Training Assistants' and Community Support Staff (Cerebral Palsy Association) Award 1987* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 14. – Wages: Delete subclause (2) and insert the following in lieu thereof:

(2) Senior Community Support Staff:

Employees who are required to co-ordinate the activities of Community Support Staff shall be designated as Senior Community Support Staff and they shall be paid an in-charge allowance of $851.60 per annum in addition to the rates of pay specified in subclause (1) of this clause.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Training Assistants and Support Staff, 3rd Year.

2. For Work Related Allowances – the percentage increase in:

- Clause 14. – Wages

is derived from $17 divided by $530.20 equals 3.39% (2003) $19 divided by $547.20 equals 3.47% as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

For all allowances previous rates are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRAINING ASSISTANTS AND SUPORT STAFF – 3RD YEAR.

Clause	A	B	C
Clause 14 – Wages	$797.50	$851.60	

2005 WAIRC 00614

UNIVERSITY, COLLEGES AND SWANLEIGH AWARD, 1980 NO. R 7B OF 1979

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	ST THOMAS MORE COLLEGE AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 631 OF 2003
CITATION NO.	2005 WAIRC 00614

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondents	Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *University, Colleges and Swanleigh Award, 1980* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 11. – Meal Money: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Subject to the provisions of subclause (2) of this clause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $8.75 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.95 for each meal so required.

2. Clause 31. – Wages:

(A) Delete subclause (3)(b) of this clause and insert the following in lieu thereof:

(b) Senior employees other than the Head Groundsperson and leading hands appointed as such by the employer to be in charge of three or more other employees shall be paid $22.10 per week in addition to the rates prescribed herein.

(B) Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) For all work done on any day after a break referred to in subclause (3) of Clause 7. - Hours of this award, the employee shall be paid an allowance of $1.38 per hour for each such hour worked.

3. Clause 32. – Fares and Travelling Time: Delete subclause (2)(c) of this clause and insert the following in lieu thereof:

(c) A year for the purpose of this clause shall commence on the 1st day of July and end on the 30th day of June next following.

Rates of hire for use of employee's own vehicle on employer's business

Schedule 1 - Motor Vehicle Allowances

Area and Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc -2600cc	1600 cc & Under
	Rate per Kilometre (Cents)		
Metropolitan Area	75.3	65.5	57.9
South West Land Division	77.4	67.2	59.7
North of 23.5° South Latitude	84.9	74.0	65.9
Rest of the State	79.9	69.4	61.6

Schedule 2 - Motor Cycle Allowances

Distance Travelled During a Year on Official Business	Rate per kilometre (cents) ¢/km
Rate per kilometre	26.0

Motor vehicles with rotary engines are to be included in the 1600-2600cc.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Tradesperson Cook.
2. For Work Related Allowances – the percentage increase in:

- Clause 31. - Wages

is derived from $17 divided by $525.20 equals 3.24% (2003) and $19 divided by $542.20 equals 3.50% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances

- Clause 11. – Meal Allowance has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%

December 2004	161.5	X	100	=	7.10%
June 2000	150.8		1		

CPI Meals Out and Take Away Foods – Perth

- Clause 32. – Fares and Travelling Time has been varied for the Private Motoring - Perth for the period September 2002 to December 2004 giving the percentage of 5.16%

December 2004	144.7	X	100	=	5.16%
June 2000	137.6		1		

CPI Private Motoring – Motor Vehicles – Perth

Catalogue No. 6455.0.40.001

For all allowances previous rates (except Fares and Travelling) are identified in Column A of the attached spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRADESPERSON COOK

Clause		A	B	C
Clause 31. – Wages	(3)(b)	$20.70	$22.12	$22.10
		$1.29	$1.38	

CPI Take Away Food - Perth

Clause 13. – Meal Money	$8.15	$8.73	$8.75
	$5.55	$5.94	$5.95

2005 WAIRC 00577

WARD ASSISTANTS (MENTAL HEALTH SERVICES) AWARD 1966 NO. 35 OF 1966

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

HONOURABLE MINISTER FOR HEALTH

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 649 OF 2003
CITATION NO. 2005 WAIRC 00577

Result Award varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr C. Gleeson on behalf of the Department of Health

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr C. Gleeson on behalf of the Department of Health, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Ward Assistants (Mental Health Services) Award 1966* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 16. – Post Mortem Attendance: Delete this clause and insert the following in lieu thereof:

16. - POST MORTEM ATTENDANCE

A worker carrying out mortuary duties in connection with post mortem examinations, shall be paid an allowance of $2.95 per body provided that if a worker is assisting another worker in carrying out such mortuary duties he or she shall be paid in lieu of the foregoing allowance, an allowance of $2.00 per body.

2. Clause 21. - Uniforms: Delete subclause (7)(d) of this clause and insert the following in lieu thereof:

(d) All washable clothing forming part of the uniforms supplied by the employer shall be laundered free of cost to the employee. Provided that in lieu of such free laundering the employer may pay the employee $1.41 per week to partly cover the cost of same.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Third Year of Service.

2. For Work Related Allowances – the percentage increase in:

- Clause 16. – Post Mortem Attendance

is derived from $17 divided by $504.30 = 3.37% (2003) and $19 divided by $521.30 equals 3.64% (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 20. - Laundry has been varied for the CPI Clothing Services and Shoe Repair - Perth for the period September 2002 to December 2004 giving the percentage of 9.92%.

December 2004	172.9	X	100	=	9.92%
September 2002	157.3		1		

CPI Clothing Services and Shoe repair – Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – TRADESPERSON COOK

Clause	A	B	C
Clause 16. – Post Mortem Attendance	$2.75 $1.87	$2.95 $2.02	$2.00

EXPENSE RELATED ALLOWANCES

CPI Clothing Services and Shoe Repair – Perth

Clause		A	B	C
Clause 21. - Uniforms	(7)(d)	$1.28	$1.41	

2005 WAIRC 00700

WATCHMAKERS' AND JEWELLERS' AWARD 1970 NO. 10 OF 1970

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH
	APPLICANT
	-v-
	MAZZUCHELLI'S JEWELLERS PTY LTD AND OTHERS
	RESPONDENTS
CORAM	CHIEF COMMISSIONER A R BEECH
DATE	FRIDAY, 11 MARCH 2005
FILE NO/S	APPL 650 OF 2003
CITATION NO.	2005 WAIRC 00700

Result	Award Varied
Representation	
Applicant	Ms C. Kazakoff
Respondent	Ms M. Kuhne, as agent, Chamber of Commerce and Industry of Western Australia

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Ms M. Kuhne on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Watchmakers' and Jewellers' Award, 1970* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 8. - Wages: Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Leading Hands:

Any jeweller or watchmaker placed in charge of not more than ten (10) jewellers or watchmakers shall be paid $22.10 per week in addition to the rates of pay prescribed by this award.

2. Clause 11. – Meal Money:

(A) Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Subject to the provisions of subclause (2) of this clause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.65 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.30 for each meal so required.

(B) Delete subclause (4) of this clause and insert the following in lieu thereof:

(4) Late Night Trading Meal Allowance:

An employee who commences work prior to 4.30 p.m. on the day of late night trading and is required to work beyond 7.00 p.m. on that day, shall be paid a meal allowance of $7.65.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Jewellers Tradesperson.

2. For Work Related Allowances – the percentage increase in:

- Clause 8. - Wages

is 3.23% derived from $17 divided by $525.20 (2003) and 3.50% derived from $19 divided by $542.20 (2004) as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 11. – Meal Money has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 7.10%.

Calculations are therefore:

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods - Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – JEWELLERS TRADESPERSON

Clause	A	B	C
Clause 8. – Wages	$20.70	$22.09	$22.10

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause		A	B	C
Clause 11. – Meal Money	(1)	$7.15	$7.66	$7.65
		$4.95	$5.30	
	(4)	$7.15	$7.66	$7.65

2005 WAIRC 00603

WESTERN AUSTRALIAN MINT SECURITY OFFICERS' AWARD 1988
NO. 5 OF 1988

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

WESTERN AUSTRALIAN MINT

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 651 OF 2003
CITATION NO. 2005 WAIRC 00603

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

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Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Western Australian Mint Security Officers' Award, 1988* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

((Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 14. – Wages and Allowances:

(A) Delete subclause (3)(a) of this clause and insert the following in lieu thereof:

(3) (a) A senior security officer or security officer who has been trained to render first aid and who is a current holder of appropriate first aid qualifications, such as a Senior First Aid Certificate from the St John Ambulance Association, will be paid a first aid allowance of $1.55 per shift with a maximum payment of $7.55 per week.

(B) Delete subclause (4)(a) of this clause and insert the following in lieu thereof:

(4) (a) Where an officer is required to carry a firearm that officer shall be paid an allowance of $1.67 per shift with a maximum payment of $8.15 per week.

2. Clause 16. – Overtime: Delete subclause (2) of this clause and insert the following in lieu thereof:

(2) An officer required to work in excess of two hours after completion of their ordinary shift, without being notified before the completion of the previous day or shift, shall be paid a meal allowance of $8.75. A further meal allowance of $5.30 shall be paid on the completion of each additional four hours' overtime worked.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Senior Security Officer.

2. For Work Related Allowances – the percentage increase in:

- Clause 14. - Wages

is 3.37% derived from $19 divided by $563.80 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 16. - Overtime has been varied for the CPI for the period September 2002 to December 2004 giving the percentage of 3.65%.

Calculations are therefore:

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods - Perth

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

The Union uses Catalogue: 6455.0.40.001

WESTERN AUSTRALIAN MINT SECURITY OFFICERS AWARD

Clause		A	B	C
Clause 14. – Wages	(3)(a)	$1.50	1.5506	$1.55
		$7.32	7.5667	$7.55
	(14)(a)	$1.62	1.6746	$1.67
		$7.89	8.1559	$8.15

Clause	A	B	C
Clause 16. – Overtime	$8.15	8.7287	$8.45
	$4.95	5.30	

2005 WAIRC 00591

WOOL SCOURING AND FELLMONGERY INDUSTRY AWARD NO. 32 OF 1959

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

JANDAKOT WOOL SCOURING COMPANY PTY LTD AND OTHERS

RESPONDENTS

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 652 OF 2003
CITATION NO. 2005 WAIRC 00591

Result Award varied
Representation
Applicant Ms C. Kazokoff
Respondent Mr P. Robertson (as agent)

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr P. Robertson (as agent) on behalf of the respondents, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Wool Scouring and Fellmongery Industry Award No. 32 of 1959* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

1. Clause 16. – Meal Allowance: Delete subclause (1) of this clause and insert the following in lieu thereof:

(1) Subject to the provisions of subclause (2) of this clause an employee, required to work overtime for more than two hours, shall be supplied with a meal by the employer or be paid $7.65 for a meal and, if owing to the amount of overtime worked, a second or subsequent meal is required the employee shall be supplied with such meal by the employer or paid $5.10 for each meal so required.

2. Clause 21. – Special Rates and Provisions: Delete this clause and insert the following in lieu thereof:

21. - SPECIAL RATES AND PROVISIONS

(1) All employees handling greasy dead wool from bales for treatment shall be paid in addition to their ordinary rate of pay $1.84 per bale so handled.

(2) All employees engaged in handling dag wool shall be paid 70 cents per hour extra whilst so engaged.

(3) Ankle rubber boots shall be provided for centre men on scouring machines and workers on greasy auto feed boxes.

(4) Goggles shall be supplied to drying machine hands.

(5) A set of goggles and aprons shall be supplied for each treatment.

(6) All workers in the fellmongery section except those classing and handling dry sheep-skins, shall be supplied with gloves, waterproof aprons, knee high rubber boots, thigh boots (for pit workers if necessary).

(7) All employees handling pied wool (from the tanks before washing) shall be paid 70 cents per hour whilst so engaged.

(8) Pullers classing to quality and pickles pelt classers shall be paid $1.14 per hour extra whilst so engaged.

And further, with the consent of the parties, the Commission records the following basis for variations:

1. The agreed Key Minimum Classification in this Award is Shift Foreman in charge of Woolscouring Machine.

2. For Work Related Allowances – the percentage increase in:

- Clause 21. – Special Rates and Provisions

is 3.77% derived from $19 divided by $503.00 as prescribed by Principle 5. Adjustment of Allowances and Service Increments of the State Wage Case.

> "allowances which relate to work or conditions which have not changed and service increments may be adjusted as a result of the arbitrated safety net increase . . . the method of adjustment shall be that such allowances and service increments should be increased by a percentage derived as follows: divide the monetary safety net increase by the rate for the key classification in the relevant award immediately prior to the application of the safety net increase to the award rate and multiply by 100."

3. For Expense Related Allowances:

- Clause 16. – Meal Allowance has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage of 3.65%.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

WORK RELATED ALLOWANCES

KEY MINIMUM CLASSIFICATION – SHIFT FOREMAN IN CHARGE OF WOOLSCOURING MACHINE

Clause		A	B	C
Clause 21. – Special Rates and Provisions	(a)	$1.71	$1.81	$1.84
	(b)	$0.65	$0.69	$0.70
	(c)	$0.65	$0.69	$0.70
	(d)	$1.06	$1.13	$1.14

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause		A	B	C
Clause 16. – Meal Allowance	(1)	$7.15 $4.95	$7.66 $5.30	$7.65

2005 WAIRC 00604

ZOOLOGICAL GARDENS EMPLOYEES AWARD 1969 NO. 29 OF 1969

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH

APPLICANT

-v-

ZOOLOGICAL GARDENS BOARD

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH
DATE FRIDAY, 11 MARCH 2005
FILE NO/S APPL 653 OF 2003
CITATION NO. 2005 WAIRC 00604

Result Award Varied
Representation
Applicant Ms C. Kazakoff
Respondent Mr D. Spivey on behalf of the Department of Consumer and Employment Protection

Order

HAVING heard Ms C. Kazakoff on behalf of the applicant and Mr D. Spivey on behalf of the respondent, the Commission, pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, hereby orders –

THAT the *Zoological Gardens Employees Award 1969* be varied in accordance with the following schedule and that such variations shall have effect from the first pay period commencing on or after the 11th day of March 2005.

(Sgd.) A R BEECH,
[L.S.] Chief Commissioner.

SCHEDULE

Clause 8. – Overtime: Delete subclause (5)(a) of this clause and insert the following in lieu thereof:

(5) (a) An employee required to work continuous overtime for more than one and a half hours shall be supplied with a meal by the employer or be paid $9.20 for a meal, and if, owing to the amount of overtime worked, a second or subsequent meal is required they shall be supplied with each such meal by the employer or be paid $5.35 for each meal so required.

December 2004	161.5	X	100	=	7.10%
September 2002	150.8		1		

CPI Meals Out and Take Away Foods – Perth

And further, with the consent of the parties, the Commission records the following basis for variations:

1. For Expense Related Allowances:

- Clause 8. – Overtime has been varied for the CPI Take Away Food for the period September 2002 to December 2004 giving the percentage 7.10%

Catalogue: 6455.0.40.001

For all allowances previous rates are identified in Column A of the spreadsheet. Column B identifies the new actual rate having applied the increase. Column C the new rate identified in Column B rounded where appropriate.

EXPENSE RELATED ALLOWANCES

CPI Take Away Food - Perth

Clause		A	B	C
Clause 8. – Overtime	(5)(a)	$8.60 $5.00	$9.21 $5.36	$9.20 $5.35