TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for variation of an award

Minister administering the State Service Act 2000
(T13739 of 2010)

TASMANIAN STATE SERVICE AWARD

DEPUTY PRESIDENT T J ABYEY

Variation of award - application approved – new Appendix 13 - Inland Fisheries Service - operative date 15/1/11

ORDER BY CONSENT

No. 3 of 2010
THE TASMANIAN STATE SERVICE AWARD IS VARIED IN THE FOLLOWING MANNER:

By inserting a new Appendix 13 as follows:

“APPENDIX 13 - INLAND FISHERIES SERVICE

The provisions of the Tasmanian State Service Award apply to employees who are engaged by the Inland Fisheries Service (IFS) except as otherwise specified by the compensatory allowance specified by this Appendix

Inland Fisheries Service Compensatory Allowance

Compensatory Allowance of 10%

The employer retains the right to determine whether an employee shall be entitled to receive, or continue to receive, the Compensatory Allowance. In the event that the payment of the Compensatory Allowance to an employee is to cease, the employer shall provide the employee with notice in writing three months prior to the Compensatory Allowance ceasing to be paid.

Except where otherwise provided, the following clauses contained in the Tasmanian State Service Award are not to apply to employees who are in receipt of this allowance:

- Part IV, Clause 5    First Aid Allowance
- Part IV, Clause 7    Coxswains Allowance
- Part VI and VII, Clause 3    Overtime
- Part VI, Clause 5 and Part VII, Clause 4    Availability and Recall Allowance
- Part VII, Clause 1    Saturday, Sunday and Holiday Work

Subject to the conditions above, a Compensatory Allowance equivalent to 10% of an employee’s normal salary rate is to be paid to Inland Fisheries staff in recognition and in lieu of the following:

- Payments for 100 hours per annum of authorised overtime performed between the period of 7am to 7pm Monday to Friday, excluding public holidays.
- Overtime payments for work performed between the period of 7am to 7pm on 6 weekend days (ie Saturdays or Sundays) per annum.

The overtime figure of 100 hours per annum is an estimate only with no minimum figure set and no additional overtime payment for any hours in excess of that figure worked between the period of 7am to 7pm, Monday to Friday.

In addition, employees are to be granted time off in lieu (TOIL) for time worked on any of the 6 weekend days on a time for time basis, provided that TOIL is granted only for time worked between the period 7am to 7pm, and does not exceed normal daily hours (ie 7 hours 21 minutes ) on any weekend day. TOIL is to be taken at a time to be determined by management following consultation with the employee.
Authorised overtime performed in the following situations will be paid in accordance with the Tasmanian State Service Award:

- outside the period 7am to 7pm, Monday to Friday
- outside the period 7am to 7pm on a weekend day
- on a weekend day in excess of the 6 weekend days per annum
- on a public holiday observed between Monday to Friday

Where an employee works less than 6 weekend days over the course of the year, due to the absence of the employee on authorised leave, no adjustment will be made to the payment of the compensatory allowance.

The Inland Fisheries Service is to maintain an appropriate recording and monitoring system, including a dedicated timesheet, for capturing and processing all ordinary and out of hours work details. All staff will be required to complete and return timesheets for deposit with their Supervisors on a fortnightly basis.

An employee required to be absent from his/her place of residence overnight may have reasonable private use of an IFS vehicle during that absence. For the purpose of this provision “reasonable private use” means a distance that should not be more than 50km one way from the overnight location.

Compensatory Allowance of 20%

The employer retains the right to determine whether an employee shall be entitled to receive, or continue to receive, the Compensatory Allowance. In the event that the payment of the Compensatory Allowance to an employee is to cease, the employer shall provide the employee with notice in writing three months prior to the Compensatory Allowance ceasing to be paid.

Except where otherwise provided by this Agreement, the following clauses contained in the Tasmanian State Service Award are not to apply to employees who are in receipt of the allowance contained in this Agreement:

- Part IV, Clause 5    First Aid Allowance
- Part IV, Clause 7    Coxswains Allowance
- Part VI and VII, Clause 3    Overtime
- Part VI, Clause 5 and Part VII, Clause 4    Availability and Recall Allowance
- Part VII, Clause 1    Saturday, Sunday and Holiday Work

Subject to the conditions above, a Compensatory Allowance equivalent to 20% of an employee’s normal salary rate is to be paid to Inland Fisheries staff in recognition and in lieu of the following:
• Overtime or penalty payments for work performed on 24 weekend days (Saturdays or Sundays) per annum.
• Overtime or penalty payments for work performed on 5 public holidays per annum.
• Overtime or penalty payments for 200 hours of authorised overtime per annum.
• Afternoon and Night Shift Allowance
• First Aid Allowance
• Coxswains Allowance
• Availability and Recall Allowance and
• Undertaking two [2] night time activities each fortnight

The night activity figure is an estimate and may be varied over a given period, by mutual consent. The night work to be carried out includes attendance at public meetings, compliance and assistance with research and management duties.

The overtime figure of 200 hours per annum is an estimate only with no minimum figure set and no additional overtime payment for any hours in excess of that figure.

The figures of 24 weekend days and 5 public holidays per annum are estimates only. Where an employee is required to work more than the estimates due to the exigencies of the IFS, no additional payment will be made.

In addition, employees are to be granted time off in lieu (TOIL) for time worked on any of the 24 weekend days and 5 public holidays on a time for time basis provided that the TOIL granted does not exceed normal daily hours (ie 7 hours 21 minutes). TOIL is to be taken at a time to be determined by management following consultation with the employee.

Where an employee works less than 24 weekend days or 5 public holidays over the course of the year, due to the absence of the employee on authorised leave, no adjustment will be made to the payment of the Compensatory Allowance.

The Inland Fisheries Service is to maintain an appropriate recording and monitoring system, including a dedicated timesheet, for capturing and processing all ordinary and out of hours work details. All staff will be required to complete and return timesheets for deposit with their Supervisors on a fortnightly basis.

An employee required to be absent from his/her place of residence overnight may have reasonable private use of an IFS vehicle during that absence. For the purpose of this provision “reasonable private use” means a distance that should not be more than 50km one way from the overnight location.

Five additional days of Recreation Leave will be provided for Inland Fisheries Staff on this 20% loading working a total of 20 weekend days (Saturdays/Sundays). Entitlement to additional Recreation Leave will be confirmed by timesheets. The Inland Fisheries Service will provide the Human Resources Management Branch with the details of those employees eligible to receive the entitlement in September of each year.
Compensatory Allowance of 28%

The employer retains the right to determine whether an employee shall be entitled to receive, or continue to receive, the Compensatory Allowance. In the event that the payment of the Compensatory Allowance to an employee is to cease, the employer shall provide the employee with notice in writing three months prior to the Compensatory Allowance ceasing to be paid.

Except where otherwise provided by this Agreement, the following clauses contained in the General Conditions of Employment Award are not to apply to employees who are in receipt of the allowance contained in this Agreement:

- Part IV, Clause 5    First Aid Allowance
- Part IV, Clause 7    Coxswains Allowance
- Part VI and VII, Clause 3   Overtime
- Part VI, Clause 5 and Part VII, Clause 4 Availability and Recall Allowance
- Part VII, Clause 1    Saturday, Sunday and Holiday Work

Subject to the conditions above, a Compensatory Allowance equivalent to 28% of an employee’s normal salary rate is to be paid to Inland Fisheries staff in recognition and in lieu of the following:

- Overtime or penalty payments for work performed on 46 weekend days (Saturdays or Sundays) per annum.
- Overtime or penalty payments for work performed on 5 public holidays per annum.
- Overtime or penalty payments for 200 hours of authorised overtime per annum.
- Afternoon and Night Allowance
- First Aid Allowance
- Coxswains Allowance
- Availability and Recall Allowance
- Undertaking two [2] night time activities each fortnight

The night activity figure is an estimate and may be varied over a given period, by mutual consent. The night activities to be carried out include attendance at public meetings, compliance and assistance with research and management duties.

The overtime figure of 200 hours per annum is an estimate only with no minimum figure set and no additional overtime payment for any hours in excess of that figure. The figures of 46 weekend days and 5 public holidays per annum are estimates only. Where an employee is required to work more than the estimates due to the exigencies of the IFS, no additional payment will be made.

In addition, employees are to be granted time off in lieu (TOIL) for time worked on any of the 46 weekend days and 5 public holidays on a time for time basis provided that the TOIL granted does not exceed normal daily hours (i.e., 7 hours 21 minutes). TOIL is to
be taken at a time to be determined by management following consultation with the employee.

Where an employee works less than 46 weekend days or 5 public holidays over the course of the year, due to the absence of the employee on authorised leave, no adjustment will be made to the payment of the Compensatory Allowance.

In addition, employees are to be granted time off in lieu (TOIL) for time worked on any of the 24 weekend days and 5 public holidays on a time for time basis provided that the TOIL granted does not exceed normal daily hours (ie 7 hours 21 minutes). TOIL is to be taken at a time to be determined by management following consultation with the employee.

Where an employee works less than 46 weekend days or 5 public holidays over the course of the year, due to the absence of the employee on authorised leave, no adjustment will be made to the payment of the Compensatory Allowance.

The Inland Fisheries Service will develop and implement an appropriate recording and monitoring system, including a dedicated timesheet, for capturing and processing all ordinary and out of hours work details. All staff will be required to complete and return timesheets for deposit with their Supervisors on a fortnightly basis.

An employee required to be absent from his/her place of residence overnight may have reasonable private use of an IFS vehicle during that absence. For the purpose of this provision “reasonable private use” means a distance that should not be more than 50km one way from the overnight location.

Five additional days of Recreation Leave will be provided for Inland Fisheries Service Staff on this 28% loading working a total of 20 weekend days (Saturdays/Sundays). Entitlement to additional Recreation Leave will be confirmed by timesheets. The Inland Fisheries Service will provide the Human Resources Management Branch with the details of those employees eligible to receive the entitlement in September of each year.”

**OPERATIVE DATE**

This variation shall come into operation 15 January 2011.

Tim Abey
**Deputy President**

21 December 2010