

# VICTORIAN PUBLIC SERVICE AGREEMENT 2006

## APPENDIX 8 – DEPARTMENT OF PRIMARY INDUSTRIES

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### APPENDIX 8 – DEPARTMENT OF PRIMARY INDUSTRIES

#### PART 1 – STANDBY, RECALL AND RELATED MATTERS

##### 1 NON-EMERGENCY STAND-BY

- 1.1 An Employee who is required by the Employer as part of their duties to be on stand-by and available to return within a specified maximum period of time to undertake intermittent duty outside their normal hours of duty will be compensated at the rates specified in the following table:

Effective from	Amount Per Night	Amount Per Day/Night
1/3/2006	\$36.50	\$72.90
1/10/2006	\$37.60	\$75.10
1/10/2007	\$38.70	\$77.40
1/10/2008	\$39.90	\$79.70

- 1.2 An Employee who is required to return to work when on stand-by will be compensated for each hour or part hour worked, in accordance with the overtime provisions in **clause 14 of this Appendix 8**.
- 1.3 An Employee who is recalled to duty must be paid for a minimum of 3 hours.
- 1.4 Standby allowances will not apply where standby is explicitly incorporated as incidents of employment into total remuneration or is otherwise compensated.

##### 2 FISHERIES DUTY OFFICER

- 2.1 Where a Fisheries officer is a designated Duty Officer (13 FISH or equivalent) and is required to be the primary contact for initiating the response to an incident, that Employee while performing this function will be paid the rates specified in the following table:

Effective from	Day/Night Rate	Night Rate	Weekend day rate
1/3/2006	\$218.80	\$79.00	\$139.80
1/10/2006	\$225.40	\$81.40	\$144.00
1/10/2007	\$232.20	\$83.80	\$148.30
1/10/2008	\$239.20	\$86.30	\$152.70

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#### 3 STAND-BY ON A VESSEL

- 3.1 An Employee who is travelling to, from, or between work locations on a vessel outside of their normal hours of duty and during that time is required by the Employer to be on stand-by and undertake intermittent work shall be paid a stand-by allowance at the rates specified in the following table for each hour of stand-by and intermittent work:

Effective from	Date
1/3/2006	\$6.10
1/10/2006	\$6.30
1/10/2007	\$6.50
1/10/2008	\$6.70

- 3.2 The allowance provides compensation and payment for being confined on a vessel, away from Port, up to a maximum payment of 6 hours per night when on board for a full 24 hour day.
- 3.3 The allowance will not be paid when an Employee is during the time of travel on a vessel being paid overtime in accordance with the provisions of this Agreement at **clause 14 of this Appendix 8**.

#### 4 RECALL TO DUTY

- 4.1 Where the Employer recalls an Employee to perform work the Employee will be paid for a minimum for three (3) hours work in accordance with the overtime provisions in **clause 14 of this Appendix 8**.
- 4.2 If work continues for more than the initial 3 hours, the Employee will be paid for the actual time worked in accordance with the overtime provisions in **clause 14 of this Appendix 8**.
- 4.3 If an Employee is recalled to duty within 3 hours of ceasing a previous work period, the total work period prior to re-commencement of the work on the recall will be included in calculating the hours of duty for the day, and will also be included for the purposes of calculating a 16 hour work period.

### PART 2 – REST PERIODS

#### 5 PAID REST PERIOD FOR FISHERIES COMPLIANCE WORK

- 5.1 An Employee undertaking Fisheries compliance work shall not work in excess of sixteen (16) hours without the prior approval of the Operations Manager or his/her delegate.
- 5.2 If a work period exceeds 16 hours an Employee will at the conclusion of such work period receive a rest period of at least 8 hours duration, and will be paid an amount equivalent to 7.6 hours pay at ordinary rates. The 7.6 hours paid rest is to be paid in full and not offset against the next commencing time.

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#### PART 3 - ALLOWANCES

##### 6 CAMPING

An Employee who is required to camp outdoors will be paid a combined Incidental/Disability Allowance per night at the rates specified in the following table to compensate for the conditions at such a camp:

Effective from	Rate
1/3/2006	\$26.50
1/10/2006	\$27.30
1/10/2007	\$28.10
1/10/2008	\$28.90

##### 7 OCEAN GOING ALLOWANCE

- 7.1 An Employee shall receive an allowance at the rates specified in the following table for every hour aboard a vessel outside the limits of the port of Port Phillip or any other recognised port:

Effective from	Rate
1/3/2006	\$4.00
1/10/2006	\$4.10
1/10/2007	\$4.20
1/10/2008	\$4.30

- 7.2 No allowance shall be payable in respect of periods of work performed in or about the entrance of any port.

##### 8 SHIPKEEPING ALLOWANCE

An Employee who is employed on a vessel shall be paid a shipkeeping allowance at his/her hourly rate of pay for 3 hours per day when the Employer requires the Employee to remain on board to be available to perform any necessary vessel related duty that may arise.

##### 9 DIVING ALLOWANCE

An Employee who is competent and required in the course of his/her official duties to dive underwater shall be paid an allowance at the rates specified in the following table for each day on which approved diving duties are required to be performed:

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Effective from	Rate
1/3/2006	\$21.20
1/10/2006	\$21.80
1/10/2007	\$22.50
1/10/2008	\$23.20

#### 10 FARM AND BUILDING SECURITY ALLOWANCE

- 10.1** A Farm/Building Security Officer (FBS Officer) is an Employee who is assigned the responsibilities and duties for caretaking and security of Departmental property, including farm land, buildings, equipment and livestock outside of the person's ordinary hours of work and/or outside of the normal operating hours of the unit including early mornings, evenings and weekends.
- 10.2** The FBS allowance is intended to compensate Employees for caretaking and security performed outside of "normal operating hours" in addition to their normal duties. A FBS officer duty statement outlining the duties to be performed must be developed and recorded to ensure that both parties agree as to the functions of the position.
- 10.3** The FBS officer shall be available to perform the duties as required at all times out of hours in accordance with **clause 10.1**.
- 10.4** The allowance is a per annum rate within the ranges specified in the following table and adjusted to fortnightly payments. The allowance is to be annualised to exclude its payment during any periods of recreation or long service leave and averaged to a fortnightly rate over the 52 weeks of the year. The allowance is not included as part of salary for superannuation purposes.

Effective from	Rate
1/3/2006	\$3,583 - \$8,358
1/10/2006	\$3,690 - \$8,609
1/10/2007	\$3,801 - \$8,867
1/10/2008	\$3,915 - \$9,133

- 10.5** The level of allowance to be paid within the ranges is determined by the following factors:
- 10.5.1** the average number of out of hours work to be performed each week;
- 10.5.2** the nature and complexity of duties undertaken;
- 10.5.3** the level of responsibility accorded to the Employee in the performance of duties;  
and

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**10.5.4** the level of inconvenience to the Employee (how restricted is the Employee in leaving the property or the number of times the Employee has to return to the property on weeknights and weekends).

### **11 REMOTE LOCATIONS**

**11.1** A range of socio-economic and geographic factors are taken into consideration in determining the remote status of a work centre including:

**11.1.1** distance from a large town;

**11.1.2** degree of isolation or distance from shops and services;

**11.1.3** requirements for additional cost of living;

**11.1.4** hardships including impact on spouse and children;

**11.1.5** availability of standard community facilities e.g. churches, cultural pursuits, recreational;

**11.1.6** availability of medical facilities;

**11.1.7** involvement of family members in delivering Departmental Services; and

**11.1.8** prior demonstrated difficulty in attracting Employees to the location.

**11.2** Two levels of Remote Location Allowance are available: (i) Highly Remote and (ii) Remote.

**11.2.1** The following locations have been determined as remote and their rating is listed below:

<b>RATING</b>	<b>NORTH WEST</b>	<b>NORTH EAST</b>	<b>GIPPSLAND</b>
<b>(i) Highly Remote</b>	Walpeup Underbool	Mitta Mitta	Bendoc Dargo
<b>(ii) Remote</b>	Piangil Rainbow Sea Lake Speed Hopetoun Birchip	Corryong	Cann River Swifts Creek Mallacoota

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**11.2.2** The following allowances apply:

Remote status	Effective from	With Dependents (per annum)	Without Dependents (per annum)	Attraction payment
<b>(i) Highly Remote</b>	1/3/2006	\$3,581- \$5,971	\$2,508 -\$4,179	Up to \$2,390
	1/10/2006	\$3,688 - \$6,150	\$2,583 - \$4,304	Up to \$2,462
	1/10/2007	\$3,799 - \$6,335	\$2,660 - \$4,433	Up to \$2,536
	1/10/2008	\$3,913 - \$6,525	\$2,740 - \$4,566	Up to \$2,612
<b>(ii) Remote</b>	1/3/2006	\$2,150 - \$3,581	\$1,433 - \$2,390	Up to \$1,195
	1/10/2006	\$2,215 - \$3,688	\$1,476 - \$2,462	Up to \$1,231
	1/10/2007	\$2,281 - \$3,799	\$1,520 - \$2,536	Up to \$1,268
	1/10/2008	\$2,349 - \$3,913	\$1,566 - \$2,612	Up to \$1,306

**11.2.3** The categories of locations listed above are used for payment of the following allowances:

**11.2.3(a)** Payment of an allowance in addition to salary for the cost and inconvenience of living and working in a remote location. An Employee's starting salary should be increased by an amount of allowance within the range shown in the above table. Starting salary payments are to be endorsed by the Executive Director of the relevant division or his/her delegate. This allowance is paid in addition to salary and will cease to be paid when the Employee ceases to be employed at that remote location.

**11.2.3(b)** In addition to the allowance in **clause 11.2.3(a)** Employees in remote locations may receive a one off Attraction payment up to the rate specified in the above table at the commencement of residence at the location. This is an added inducement to attract Employees. The Executive Director of the relevant division or his/her delegate are to approve one off payments.

## 12 OVERSEAS TRAVEL

Where an Employee travels overseas for work purposes the Employer will provide the Employee with a reasonable allowance prior to travel and reimburse any additional expenses relating to the trip on return. Costs will include accommodation, meals and other incidental expenses associated with the trip. The standard of accommodation and meals will be equivalent to that associated with travel within Australia.

## PART 4 – EMERGENCY WORK

### 13 EMERGENCY WORK

**13.1** The terms of this **clause 13** will apply in a Department of Primary Industries emergency as designated by the Employer to Employees who at the direction of the Employer are required for emergency work, including whale strandings, fish kills, oil spills, search and rescue, exotic disease outbreaks for animal health and pest plants operations. In these circumstances the terms of this clause will prevail to the extent of any difference over other provisions of **Section I**.

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**13.2** Where an Employee of the Department of Primary Industries is called on to undertake fire suppression activities the terms and conditions of the **Appendix 9 – Department of Sustainability and Environment, Part 1 – Emergency Work** will apply to the Employee whilst undertaking that work.

#### **13.3 Retention of Classification**

An Employee will retain the classification upon which he/she was employed immediately prior to the outbreak of an emergency, provided that the Employer may for the purpose and during any period of emergency work operations assign an Employee to a classification for which a higher wage rate is payable in which case the higher wage rate will be paid.

#### **13.4 Paid rest period**

If a work period exceeds 16 hours an Employee will at the conclusion of such work period receive a rest period of at least 8 hours duration, and will be paid an amount equivalent to 7.6 hours pay at ordinary rates. The 7.6 hours paid rest is to be paid in full and not offset against the next commencing time.

#### **13.5 Stand-by**

**13.5.1** Stand-by will mean all time outside of an Employee's ordinary hours of work during which an Employee is required by the Employer to remain available for an immediate recall to work.

**13.5.2** An Employee on stand-by will be available either at his/her home or at such other place as is mutually agreed with the Employer.

**13.5.3** Stand-by payment will be calculated on the basis of \$10.60 per hour.

**13.5.4** Where an Employee is called upon to undertake emergency work on any day that he/she is on stand-by, he/she will in addition to his/her entitlements under **clause 13.6** be paid for all stand-by performed on that day which is not paid for under **clause 13.6**.

**13.5.5** Where an Employee is a designated Duty Officer on stand by and is required to be the primary contact for initiating the response to an incident and manage the preparedness in relation to potential emergency incidents, that Employee while performing this function will be paid the relevant rate as specified in the following table:

<b>Effective from</b>	<b>Day/Night Rate</b>	<b>Night Rate</b>	<b>Weekend Day Rate</b>
1/3/2006	\$218.80	\$79.00	\$139.80
1/10/2006	\$225.40	\$81.40	\$144.00
1/10/2007	\$232.20	\$83.80	\$148.30
1/10/2008	\$239.20	\$86.30	\$152.70

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#### 13.6 Callout

- 13.6.1** Where the Employer recalls an Employee to perform work in or in connection with an emergency the Employee will be paid for a minimum for 4 hours work at the appropriate penalty rate each time he/she is so recalled.
- 13.6.2** If work continues for more than the initial 4 hours, the Employee will be paid for the actual time worked, at appropriate penalty rates.
- 13.6.3** If an Employee is recalled to duty within 4 hours of ceasing a previous work period, the total work period prior to re-commencement of the work on the recall will be included in calculating the hours of duty for the day, and will also be included for the purposes of calculating a 16 hour work period.

#### 13.7 Travelling time

- 13.7.1** All time spent by an Employee in proceeding to and from an emergency at the direction of the Employer will be regarded as time worked. Payment will commence from, and cease at, the Employer's office, depot, camp or normal pick-up place in the home district provided that:
- 13.7.1(a)** An Employee deployed to an emergency, travelling directly to or from that emergency, will have that travelling time included as emergency work time for the purposes of **clause 13.13**.
- 13.7.1(b)** Time spent travelling to or from a distant office, depot, camp, or staging point (from where an Employee will receive deployment instructions) will count as time worked, however it will not attract payments under **clause 13.13**.

#### 13.8 Resumption of normal duties

- 13.8.1** An Employee who has been engaged on emergency work will be entitled upon the cessation of such work, and prior to the resumption of normal duties, to 10 continuous hours off duty unless directed by the Employer.
- 13.8.2** An Employee who has been engaged on emergency work will be entitled upon the cessation of such work, and prior to the resumption of normal duties, to a clear break of 10 hours without loss of pay for recognised working time occurring during such break.
- 13.8.3** An Employee who has been camped out for at least 3 nights will be entitled to a clear break of 12 hours in accordance with **clause 13.8.1**.
- 13.8.4** This provision will not apply with respect to any emergency work commenced and completed between the hours of 7.00am and 5.00pm on the same day.
- 13.8.5** The emergency response provisions of this clause cease to apply when, as determined by the Employer, emergency work becomes of a routine nature and integrated with normal daily operations. This would occur only after the incident controller or other relevant delegated officer declares - an emergency under control.

#### 13.9 Provision of meals

The Employer will provide the usual 3 meals per day, provided that, where an Employee is required to work at night, the Employer will provide suitable provisions at reasonable intervals. All food supplied by the Employer will be free of charge.

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#### 13.10 Camping facilities

Where Employees are camped the Employer so far as is reasonably practicable will provide adequate sleeping, ablution, and messing facilities.

#### 13.11 Camping allowance

An Employee required to camp outdoors will be paid a combined incidental/disability allowance per night at the rates specified in the following table to compensate for the conditions at an emergency camp:

Effective from	Rate
1/3/2006	\$26.50
1/10/2007	\$27.30
1/10/2008	\$28.10
1/10/2009	\$28.90

#### 13.12 Footwear and clothing

All Employees engaged on emergency duties will be issued with appropriate safety clothing, footwear and equipment according to Departmental Issue Schedules and will maintain these items and wear such items as required.

#### 13.13 Emergency Deployment Allowance

An Employee deployed from his/her office, depot or camp directly to the frontline of an emergency will be paid an allowance per hour, or part thereof, at the rates specified in the following table for all time so deployed, excluding travelling time as described in **clause 13.7.1(b)**. This allowance is to compensate for:

- 13.13.1** all disabilities encountered whilst undertaking emergency work, including the dirty nature of the work; and
- 13.13.2** any ordinary time worked under the Emergency provisions, outside the normal spread of hours.

Effective from	Rate
1/3/2006	\$4.20
1/10/2006	\$4.30
1/10/2007	\$4.40
1/10/2008	\$4.50

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#### 13.14 Emergency Support Allowance

Any Support Employees deployed from his/her office, depot or camp excluding travelling time as described in **clause 13.7.1(b)**, to perform duties will be paid an allowance per hour, or part thereof, at the rates specified in the following table to compensate for:

**13.14.1** the nature of the work; and

**13.14.2** any ordinary time worked under the emergency provisions outside the normal spread of hours:

Effective from	Rate
1/3/2006	\$1.40
1/10/2006	\$1.45
1/10/2007	\$1.50
1/10/2008	\$1.55

#### 13.15 Allowance for missed meal

In accordance with the provision of **clause 13.9** the Employer will make every reasonable effort to provide meals to those deployed at an emergency. In those cases where a meal is not provided for a planned meal break, a meal will be provided after the completion of the shift and a missed meal allowance of \$22.90 will be paid.

#### 13.16 Incident Control Team Payments

**13.16.1** The following table applies to Employees while performing the role of Controller, Logistics, Planning or Operations Officer:

ICT Position	Type 1	Type 2	Type 3
Controller	Top Grade 3.1	Top Grade 4	Top Grade 5
Planning	Top Grade 3.1	Base Grade 4	Mid Grade 5
Logistics Officers	Top Grade 2.1	Base Grade 4	Mid Grade 5
Operations	Top Grade 2.1	Base Grade 4	Mid Grade 5

**13.16.2** Employees will be paid at their substantive rates or at the incident responsibility rates whichever is the greater. Payment will be made at the completion of the fire season.

**13.16.3** Employees must be appointed to or exercise the responsibilities of an incident responsibility position for a minimum of 7.6 hours to receive incident responsibility rates.

**13.16.4** If an Employee performs more than one of the Incident Control Team Functions in one 7.6 hour period, that Employee will be paid at the higher rate if they perform that role for more than 50% of the period.

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### PART 5 - OVERTIME

#### 14 OVERTIME

Time worked in excess of the standard 76 hours per fortnight will be either paid as salary or taken as time in lieu as follows, except when subject to **clause 13 of this Appendix**.

##### 14.1 Time In Lieu

- 14.1.1 In order to meet the work requirements of the Employer and/or the personal requirements of the Employee, the Employee may, subject to the approval of the local manager, work hours in excess of the normal working day and accrue a balance of time worked.
- 14.1.2 In such cases the additional hours are unpaid and the Employee will be entitled to take time in lieu on the basis of one hour for each additional hour worked.
- 14.1.3 A maximum of 76 hours time in lieu may be accrued.
- 14.1.4 The taking of time off in lieu will be by mutual arrangement between the Employee and the Employer.
- 14.1.5 The Employee will be paid an amount equivalent to any accrued time in lieu at the cessation of employment for whatever reason the cessation occurs.
- 14.1.6 Subject to the approval of the Employer the Employee may choose to work on a public holiday and receive a leave credit of up to 1 day which must be taken within the next 12 months. The time in lieu will be taken at the rate of one hour for each hour worked.
- 14.1.7 An Employee who with the agreement of their Employer substitutes a public holiday for another day to observe other religious or cultural occasions of significance to the Employee will be paid at the ordinary rate of pay for work on that public holiday.

##### 14.2 Paid Overtime

- 14.2.1 The Employer may direct the Employee to work overtime in excess of the normal working day to meet particular unavoidable work demands. Such work will not be a regular occurrence, and reasonable notice of the requirement to work overtime will be given.
- 14.2.2 Where the work is required to be performed outside the span of 7.00am to 7.00pm Monday to Friday, or beyond the current rostering arrangements for Employees who work shift work, the overtime will be paid overtime and subject to **clauses 14.2.3 to 14.2.6**.
- 14.2.3 Where the work is unpredictable and the Employer is unable to provide reasonable notice, the Employee may only refuse to work overtime where this would impose personal hardship or interfere with an Employee's family commitments. The Employee will provide an explanation at the time of refusing the overtime.
- 14.2.4 The Employer will ensure that work is organised in such a way that the requirement to perform overtime is not a regular occurrence.
- 14.2.5 All paid overtime between Monday to Saturday (excluding public holidays) will be paid at the rate of 150% of the ordinary rate of pay for the first two hours and 200%

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for each additional hour, subject to the maximum payment being based on the hourly rate of the annual salary as specified in the following table:

Effective from	Annual salary rate
1/3/2006	\$54,819
1/10/2006	\$56,464
1/10/2007	\$58,158
1/10/2008	\$59,903

- 14.2.6** All paid overtime on a Sunday (excluding public holidays) will be paid at the rate of 200% for each additional hour, subject to the maximum payment being based on the hourly rate of the annual salary of \$54,819. Shift work Employees who have already completed a rostered day of 7.6 hours will be paid overtime on a Saturday or Sunday (excluding public holidays) at 200% for all overtime worked subject to the maximum payment being based on the annual salary specified in the following table:

Effective from	Annual salary rate
1/3/2006	\$54,819
1/10/2006	\$56,464
1/10/2007	\$58,158
1/10/2008	\$59,903

- 14.2.7** All overtime worked on a public holiday will be paid at the rate of 250% of the ordinary rate of pay subject to the maximum payment being based on the annual salary specified in the following table:

Effective from	Annual salary rate
1/3/2006	\$54,819
1/10/2006	\$56,464
1/10/2007	\$58,158
1/10/2008	\$59,903

- 14.2.8** All overtime calculations will be rounded up to the next quarter of an hour.

- 14.2.9** Where the Employee performs overtime work at the direction of the Employer and the Employee is not able to utilise the normal means of transport home, the Employer will organise safe means of transport for the Employee or on production of a receipt reimburse the Employee the cost of commuting by taxi.