

VICTORIAN PUBLIC SERVICE AGREEMENT 2006

APPENDIX 9 – DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

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PART 1 – EMERGENCY WORK

1 EMERGENCY WORK

The terms of this **clause 1** apply in the circumstances of readiness for or upon the outbreak of a fire or other emergency as designated by the Employer. In these circumstances the terms of this clause will prevail to the extent of any difference over other provisions of **Section I**.

1.1 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 specifically assign an Employee to another classification for which a higher wage rate is prescribed in which case appropriate payment will be made.

1.2 Normal hours of work

The weekly total of hours paid at ordinary time will not exceed 38 per week, excluding paid rest breaks as per **clause 1.5**, to be worked in accordance with the normal accrual provisions.

1.3 Work period

The minimum work period, except as provided by **clauses 1.10 and 1.11** will be 7.6 hours per day.

1.4 Rest period

- 1.4.1 Wherever reasonably practicable an Employee will receive a rest period of at least 8 continuous hours between successive work periods.
- 1.4.2 An Employee must not commence a new work period without having had 8 continuous hours off duty unless directed by the Employer.
- 1.4.3 If an Employee is directed by the Employer and a rest period has been of fewer than 8 continuous hours in duration before the next work period has commenced, the Employee will be paid at the rate of double time for the whole of that successive work period, until he/she is released from duty at the conclusion of that work period.
- 1.4.4 Where the emergency arrangements require a weekly Employee to have a rest period which exceeds sixteen (16) hours, the Employee will not be penalized and will be paid for a minimum of 38 ordinary hours for each Monday to Friday work period, even where the Employee, because of these requirements, has been scheduled to work less than 38 ordinary hours in any Monday to Friday work period.
- 1.4.5 Emergency arrangements will be, as far as possible, organised such that rest breaks greater than 16 hours between shifts do not occur more than once in any Monday to Friday period.

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- 1.4.6** Where an Employee, who is scheduled for a rest break but for operational reasons is required to remain in a fire/emergency base camp on a Saturday and/or Sunday, the Employee will be paid for a minimum of 7.6 hours for each day they remain in the base camp at the appropriate weekend rates.

1.5 Paid rest period

If a work period exceeds (sixteen) 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.

1.6 Meal interval

Meal intervals will not exceed 30 minutes and will be counted as time worked.

1.7 Monday to Friday payment

All time worked on any Monday to Friday (including time worked prior to emergency work) will be paid for at the rate of ordinary time for the first 7.6 hours and at the rate of time and one half for the next 2 hours, and at the rate of double time thereafter. Provided that:

- 1.7.1** the wage rate will revert to ordinary time when the Employee has received a rest period of 8 hours; and
- 1.7.2** when penalty rates are being paid, and a work period extends beyond midnight, such penalty rates will continue until the end of the work period.

1.8 Saturday work

Except where the provisions of **clause 1.7.2** apply all time worked by an Employee on a Saturday will be paid for at the rate of time and one half for the first two hours and at double time thereafter.

1.9 Sunday and holiday work

All time worked by an Employee on a Sunday will be paid for at double the ordinary prescribed rate and for all time worked on a public holiday at two and one half times the ordinary prescribed rate.

1.10 Stand-by

- 1.10.1** Stand-by will mean all time during which an Employee is required to remain available for an immediate recall to work.
- 1.10.2** 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.
- 1.10.3** On commencement of this Agreement stand by payment will be calculated on the basis of \$10.60 per hour. Such amount will be rounded to the nearest 5 cents. From 1 March 2006 the stand-by rate will be \$12.35 per hour for individual existing and new Employees who undertake a fire fit medical and task based assessment or a comprehensive medical and obtained a fire medical assessment rating. Thereafter the allowances will be as follows:

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Effective date	Stand by per hour	Stand by per hour – Employees who undertake fitness requirements
1 Oct 2006	\$10.90	\$12.70
1 Oct 2007	\$11.20	\$13.10
1 Oct 2008	\$11.50	\$13.50

- 1.10.4** Stand-by for Employees on Saturdays, Sundays and Public Holidays will mean an eight hour period between 10.00am and 6.00pm. Where fire conditions dictate, the stand by may be extended past 6.00pm and paid according to the rate specified in **clause 1.10.3**.
- 1.10.5** An Employee who is rostered to stand-by on a Saturday, Sunday or Public Holiday will be entitled to 8 hours stand-by payment for each day so rostered.
- 1.10.6** Provided that the Employee will be entitled to only 4 hours stand-by pay for each day so rostered if, by normal knock off time on the preceding day if that day is an ordinary working day or 5.00 pm otherwise, he/she is notified that stand-by for that Saturday, Sunday and/or Public Holiday has been cancelled.
- 1.10.7** During the period from November to April an Employer may, on any normal week day which has a high fire danger rating, place an Employee on stand-by at the cessation of the normal working time for the day and/or his/her departure from the place where he/she normally ceases work for the day. Payment will be made from the normal time of cessation of work at the rate as provided in **clause 1.10.3**.
- 1.10.8** Where an Employee is called upon to perform fire fighting work on any day that he/she is on stand-by, he/she will in addition to his/her entitlements under **clause 1.11**, be paid for all stand-by performed on that day which is not paid for under **clause 1.11**.
- 1.10.9** 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 follows:

1.10.9(a) The day/night rate of Duty Officer stand by will be as follows:

Effective date	Day/Night Rate
1 Mar 2006	\$218.80
1 Oct 2006	\$225.40
1 Oct 2007	\$232.20
1 Oct 2008	\$239.20

1.10.9(b) The night rate of Duty Officer stand by will be as follows:

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Effective Date	Night Rate
1 Mar 2006	\$79.00
1 Oct 2006	\$81.40
1 Oct 2007	\$83.80
1 Oct 2008	\$86.30

1.10.9(c) The day rate (weekend) of Duty Officer stand by will be as follows:

Effective date	Day Rate (Weekend)
1 Mar 2006	\$139.80
1 Oct 2006	\$144.00
1 Oct 2007	\$148.30
1 Oct 2008	\$152.70

1.11 Callout

- 1.11.1** An Employee recalled to perform work in or in connection with wild fire fighting or other emergency will be paid for a minimum for four (4) hour's work at the appropriate penalty rate each time he/she is so recalled. Provided that the Employee will not be required to work the full 4 hours if the job for which he/she is recalled is completed in a shorter period.
- 1.11.2** In addition to this initial four (4) hours, if work continues for more than this period, the Employee will be paid for the actual time worked, at appropriate penalty rates.
- 1.11.3** If an Employee is recalled to duty within 4 hours of ceasing a previous work period, then the total work period prior to re-commencement of work on the recall will be taken into account when calculating the hours of duty for the day, and also be used for the purposes of calculating a 16 hour work period.

1.12 Travelling time

All time spent by an Employee in proceeding to and from a wild fire (as defined) or other emergency at the direction of the Employer will be regarded as time worked. Payment will commence from, and cease at, the Employer's depot, camp or normal pick-up place in the home district provided that:

- 1.12.1** An Employee deployed to a fire sector (as defined), travelling directly to or from that fire sector, will have that travelling time included as fire fighting time for the purposes of **clauses 1.7 and 1.18**.
- 1.12.2** Time spent travelling to or from a distant depot, camp, office or staging point (from where an Employee will receive deployment instructions) will count as time worked, however it will not attract payments under **clause 1.18**.

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1.13 Resumption of normal duties

- 1.13.1** An Employee must not commence normal duty without having had 10 continuous hours off duty unless directed by the Employer.
- 1.13.2** Each 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.
- 1.13.3** Provided that an Employee who has been camped out for at least 3 nights will be entitled to a clear break of 12 hours.
- 1.13.4** Provided further that 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.
- 1.13.5** The emergency response provisions of this Appendix 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 an emergency has reached at least “controlled” status (as defined).

1.14 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.

1.15 Camping facilities

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

1.16 Camping allowance

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

Effective date	Rate per night
1 Mar 2006	\$26.50
1 Oct 2006	\$27.30
1 Oct 2007	\$28.10
1 Oct 2008	\$28.90

1.17 Footwear and clothing

All Employees engaged on relevant firefighting 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.

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1.18 Fireline Allowance

- 1.18.1** An Employee deployed from his/her depot or camp directly to a 'fire sector' (as defined) will be paid an allowance as follows per hour, or part thereof, for all time so deployed, excluding travelling time as described in **clause 1.12.2**:

Effective date	Rate per hour
1 Mar 2006	\$4.20
1 Oct 2006	\$4.30
1 Oct 2007	\$4.40
1 Oct 2008	\$4.50

- 1.18.2** This allowance is to compensate for:

- 1.18.2(a)** all disabilities encountered whilst fire fighting, including the dirty nature of the work; and
- 1.18.2(b)** any ordinary time worked under the Wild Fire Fighting provisions, outside the normal spread of hours.

- 1.18.3** The Fireline Allowance replaces the previous Firefighting Disability Allowance, the Shower Time Allowance and the additional 75 cents per hour previously described by clauses (t), (w) and (g)(iii) of Schedule E of the *CNR/SPSF Collective Employment Agreement 1995/96*.

- 1.18.4** The Fireline Allowance will be paid to air base personnel involved in retardant mixing and aircraft marshalling.

1.19 Emergency Support Allowance

- 1.19.1** Any Support Employees deployed from his/her depot, excluding travelling time as described in **clause 1.12.2**, to perform duties will be paid an allowance as follows per hour, or part thereof:

Effective date	Rate per hour
1 Mar 2006	\$1.40
1 Oct 2006	\$1.45
1 Oct 2007	\$1.50
1 Oct 2008	\$1.55

- 1.19.2** This allowance is to compensate for:

- 1.19.2(a)** the nature of the work; and
- 1.19.2(b)** any ordinary time worked under the emergency provisions outside the normal spread of hours.

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- 1.19.3** The Emergency Support Allowance replaces the previous Shower Time Allowance and the additional 75 cents per hour previously described by clauses (w) and (g)(iii) of Schedule E of the *CNR/SPSF Collective Employment Agreement 1995/96*.

1.20 Allowance for missed meal

- 1.20.1** In accordance with the provision of **clause 1.14** 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 as follows will be paid:

Effective date	Rate
1 Mar 2006	\$24.30
1 Oct 2006	\$25.00
1 Oct 2007	\$25.80
1 Oct 2008	\$26.60

- 1.20.2** Where on days of high fire danger index rating Employees are required to remain in their depot beyond 7.00pm a suitable evening meal will be provided. Where a meal is unable to be provided a missed meal allowance will be paid.

1.21 Incident Control Team Payments

- 1.21.1** 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

- 1.21.2** 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.
- 1.21.3** 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.
- 1.21.4** 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.

1.22 Payment of Overtime Ceiling

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- 1.23** An Employee who is in receipt of salary up to the maximum of Grade 6 is eligible to receive payment for overtime and Stand by in respect to fire suppression duties. Payment for overtime worked will be subject to the maximum payment being based on the hourly rate of the following salary (formerly the midpoint of a VPS 3):

Effective date	Rate (hourly rate of the annual salary)
1 Mar 2006	\$54,819
1 Oct 2006	\$56,464
1 Oct 2007	\$58,158
1 Oct 2008	\$59,903

1.24 Definitions

- 1.24.1 Fire Sector** means a defined section of the control line being used to contain a wild fire or being constructed to control a wild fire or being constructed as a backup to other lines being used to control the wild fire.
- 1.24.2 Wild fire** means an unplanned and uncontrolled fire where suppression action must be initiated, or a major breakaway from a planned fire requiring additional resources to that scheduled for the operation.
- 1.24.3 Wild fire status** means the categorisation of a wild fire into one of the four following definitions:
- 1.24.3(a) Going** - Fire is expanding in a certain direction or directions.
 - 1.24.3(b) Contained** - Fire spread has been halted, but may still be burning freely within the perimeter or fire control lines. Fire requires continuous suppression action (e.g. completion of control lines, burning out operations, blacking out and mopping up) to bring about a “Controlled” situation.
 - 1.24.3(c) Controlled** - The complete perimeter of a fire is secure and no breakaway is expected. Routine patrol work (blacking out/mopping up) only required.
 - 1.24.3(d) Safe** - No further suppression action or patrols are necessary.

PART 2 - OVERTIME

2 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 1 of this Appendix**.

2.1 Time In Lieu

- 2.1.1** 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.

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- 2.1.2** 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.
- 2.1.3** A maximum of 76 hours time in lieu may be accrued.
- 2.1.4** The taking of time off in lieu will be by mutual arrangement between the Employee and the Employer.
- 2.1.5** 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.
- 2.1.6** 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.
- 2.1.7** 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.

2.2 Paid Overtime

- 2.2.1** 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.
- 2.2.2** 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 2.2.3 to 2.2.6**.
- 2.2.3** 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.
- 2.2.4** The Employer will ensure that work is organised in such a way that the requirement to perform overtime is not a regular occurrence.
- 2.2.5** 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% for each additional hour, subject to the maximum payment being based on the hourly rate of the annual salary as follows (formerly the midpoint of a VPS 3):

Effective date	Rate (hourly rate of the annual salary)
1 Mar 2006	\$54,819
1 Oct 2006	\$56,464
1 Oct 2007	\$58,158
1 Oct 2008	\$59,903

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- 2.2.6** 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 as follows (formerly the midpoint of a VPS 3):

Effective date	Rate (hourly rate of the annual salary)
1 Mar 2006	\$54,819
1 Oct 2006	\$56,464
1 Oct 2007	\$58,158
1 Oct 2008	\$59,903

- 2.2.7** 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 as follows (formerly the midpoint of a VPS 3):

Effective date	Rate (hourly rate of the annual salary)
1 Mar 2006	\$54,819
1 Oct 2006	\$56,464
1 Oct 2007	\$58,158
1 Oct 2008	\$59,903

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

- 2.2.9** 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.

PART 3 - ALLOWANCES

3 CAMPING ALLOWANCE

An Employee required to camp outdoors will be paid a combined incidental/disability allowance as follows per night to compensate for the conditions at such a camp:

Effective date	Rate per night
1 Mar 2006	\$26.50
1 Oct 2006	\$27.30

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1 Oct 2007	\$28.10
1 Oct 2008	\$28.90

4 NON-EMERGENCY STAND-BY

- 4.1** 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 duty outside their normal hours of duty will be compensated at the rate as follows:

Effective date	Rate per night	Rate per day and night
1 Mar 2006	\$36.50	\$72.90
1 Oct 2006	\$37.60	\$75.10
1 Oct 2007	\$38.70	\$77.40
1 Oct 2008	\$39.90	\$79.70

- 4.2** 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 2 of this Appendix 9**.
- 4.3** Employees must be paid for a minimum of three hours (3) when they are recalled to duty.
- 4.4** Standby allowances will not apply where standby is explicitly incorporated as incidents of employment into total remuneration or is otherwise compensated.

5 REMOTE LOCATIONS

- 5.1** Some of the socio-economic and geographic factors which have been taken into consideration in determining the remote status of a work centre are:

- 5.1.1** distance from a large town;
- 5.1.2** degree of isolation or distance from shops and services;
- 5.1.3** requirements for additional cost of living;
- 5.1.4** hardships including impact on spouse and children;
- 5.1.5** availability of standard community facilities e.g. churches, cultural pursuits, recreational;
- 5.1.6** availability of medical facilities;
- 5.1.7** involvement of family members in delivering Departmental Services; and
- 5.1.8** prior demonstrated difficulty in attracting Employees to the location.

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

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5.2.1 The locations are listed below:

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

5.2.2 The following categories apply:

Remote status	With Dependents (per annum)	Without Dependents (per annum)	Attraction payment
(i) Highly Remote			
1 Mar 2006	\$3,581 - \$5,971	\$2,508 - \$4179	Up to \$2,390
1 Oct 2006	\$3,688 - \$6,150	\$2,583 - \$4304	Up to \$2,462
1 Oct 2007	\$3,799 - \$6,335	\$2,660 - \$4433	Up to \$2,536
1 Oct 2008	\$3,913 - \$6,525	\$2,740 - \$4566	Up to \$2,612
(ii) Remote			
1 Mar 2006	\$2,150 - \$3,581	\$1,433 - \$2,390	Up to \$1,195
1 Oct 2006	\$2,215 - \$3,688	\$1,476 - \$2,462	Up to \$1,231
1 Oct 2007	\$2,281 - \$3,799	\$1,520 - \$2,536	Up to \$1,268
1 Oct 2008	\$2,349 - \$3,913	\$1,566 - \$2,612	Up to \$1,306

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

5.2.3(a) For Employees in Category (i) and (ii) locations there is recognition of the cost and inconvenience of living and working at that location through payment of an allowance in addition to salary. Starting salary should be increased by an amount of allowance within the range shown in the above table. This allowance is paid in addition to salary for disabilities associated with living and working at the remote location, and will cease to be paid when the Employee ceases to be employed at that remote location. This allowance is to be paid in addition to the negotiated starting salary. Starting salary payments are to be endorsed by Regional Managers, Institute Directors or Regional Forestry Victoria Managers.

5.2.3(b) Employees in category (i) and (ii) locations can in addition receive a one off payment of as follows at the commencement of residence at the location. This is an added inducement to attract Employees. Regional Managers, Institute Directors or Regional Forestry Victoria Managers are to approve one off payments:

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Effective date	Category (i)	Category (ii)
1 Mar 2006	Up to \$2,390	Up to \$1,195
1 Oct 2006	Up to \$2,462	Up to \$1,231
1 Oct 2007	Up to \$2,536	Up to \$1,268
1 Oct 2008	Up to \$2,612	Up to \$1,306

5.2.3(c) The salary of all existing Employees at Category (i) and (ii) locations be reviewed, and if necessary adjusted on an individual basis, in line with the principle in this policy of recognising additional cost and inconvenience of living in remote locations. In undertaking this review consideration must be given to any payments made or being made to Employees to compensate them for remote location. Attraction payments will not be paid to existing Employees.

6 OVERSEAS ALLOWANCE

6.1 When an Employee travels overseas on an Employer sanctioned trip, the Employer will provide the Employee with a reasonable allowance prior to travel and reimburse any additional expenses relating to the trip on return. These costs will include:

6.1.1 Accommodation, meals and other incidental expenses associated with the trip. Accommodation and meals will be at a standard equivalent to that associated with travel within Australia.

6.2 Before travelling the Employer and Employee will agree on what is likely to be an appropriate rate of expenses (taking into account fluctuations with the Australian dollar) and these monies will be advanced to the Employee prior to travel.

7 PRESCRIBED BURN ALLOWANCE

7.1 An Employee deployed to fire line duties at a prescribed burn will be paid an allowance as follows per hour or part thereof to cover all disabilities encountered during the operation:

Effective date	Rate per hour
1 Mar 2006	\$2.90
1 Oct 2006	\$3.00
1 Oct 2007	\$3.10
1 Oct 2008	\$3.20

7.2 A “prescribed burn” is a fire lit by the Employer in vegetation (native or exotic) for regeneration purposes, wild fire prevention, and preparation for plantation development or wildlife or habitat management. Fuel consumed in such a fire would be in the order of four tonnes or more per hectare.