

**2009 EXTENDED AND VARIED VERSION  
VICTORIAN PUBLIC SERVICE AGREEMENT 2006  
APPENDIX 8 – DEPARTMENT OF PRIMARY INDUSTRIES**

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**APPENDIX 8 – DEPARTMENT OF PRIMARY INDUSTRIES**

**PART 1 – STAND-BY, RE-CALL 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:

<b>Date of Effect</b>	<b>Amount Per Night</b>	<b>Amount Per Day/Night</b>
4/5/2009	\$39.90	\$79.70
1/7/2009	\$ 40.70	\$ 81.30
1/2/2010	\$ 41.20	\$ 82.30
1/10/2010	\$ 42.60	\$ 85.00

- 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 16 of this Appendix 8**.
- 1.3** An Employee who is recalled to duty must be paid for a minimum of 3 hours.
- 1.4** Stand-by allowances will not apply where stand-by 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:

<b>Date of Effect</b>	<b>Day/Night Rate</b>	<b>Night Rate</b>	<b>Weekend day rate</b>
4/5/2009	\$239.20	\$86.30	\$152.70
1/7/2009	\$ 244.00	\$ 88.00	\$ 155.80
1/2/2010	\$ 247.00	\$ 89.00	\$ 157.70
1/10/2010	\$ 255.00	\$ 92.00	\$ 162.80

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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:

<b>Date of Effect</b>	<b>Date</b>
4/5/2009	\$6.70
1/7/2009	\$ 6.80
1/2/2010	\$ 6.90
1/10/2010	\$ 7.10

- 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** An employee required to remain onboard overnight will be paid a camping allowance in accordance with **clause 8 of this Appendix 8.**
- 3.4** 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 16 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 16 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 16 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 – FISHERIES OFFICERS MATTERS**

**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.

**6 REPLACEMENT OF DAMAGED CLOTHING – FISHERIES OFFICERS**

Where a Fisheries Officer is directed to wear clothing other than uniforms or other clothing provided by the Department, and the clothing is damaged or destroyed as a direct

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consequence of the conduct of their duties as Fisheries Officer (excluding fair wear and tear) the Department will compensate the Officer for the damaged or destroyed clothing item.

**7. SHIFT WORK**

The Provisions of **clause 34** (Shift-work) will apply to all Victorian Public Service (VPS) Employees employed as Fisheries Officers or Investigators within the Department of Primary Industries, Fisheries Victorian Field Services Branch.

**PART 3 - ALLOWANCES**

**8 CAMPING**

An Employee who is required to camp outdoors or reside in tendered or temporary accommodation or where commercially provided accommodation is below a 3 star permanent rating will be paid a camping allowance per night at the rates specified in the following table to compensate for the accommodation conditions:

<b>Date of Effect</b>	<b>Date</b>
4/05/2009	\$ 28.90
1/7/2009	\$ 29.50
1/2/2010	\$ 29.90
1/10/2010	\$ 30.90

For the purposes of this clause, a 3 star permanent rating must include:

- clean bed linen provided
- Appropriate heating and cooling
- Meals available directly or indirectly
- House keeping cleans after each booking
- Ablution facilities that are in room or close to the room.

**9 OCEAN GOING ALLOWANCE**

**9.1** 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:

<b>Date of Effect</b>	<b>Rate</b>
4/05/2009	\$4.30
1/7/2009	\$ 4.40
1/2/2010	\$ 4.45
1/10/2010	\$ 4.60

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

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**10 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.

**11 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:

<b>Date of Effect</b>	<b>Rate</b>
4/05/2009	\$23.20
1/7/2009	\$ 23.70
1/2/2010	\$ 24.00
1/10/2010	\$ 24.70

**11.2** An employee who on any day is required to perform the work of a diving supervisor shall be paid an allowance at the rate specified in the following table for each day on which the dive supervisor duties are required to be performed:

<b>Date of Effect</b>	<b>Rate</b>
4/05/2009	\$ 35.50
1/2/2010	\$ 35.90
1/10/2010	\$ 37.10

**12 FARM AND BUILDING SECURITY ALLOWANCE**

**12.1** 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.

**12.2** 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.

**12.3** The FBS officer shall be available to perform the duties as required at all times out of hours in accordance with **clause 12.1**.

**12.4** 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 annual 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.

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<b>Date of Effect</b>	<b>Rate</b>
4/05/2009	\$3,915 – \$9,133
1/7/2009	\$ 3,993 - \$ 9,316
1/2/2010	\$ 4,043 - \$ 9,432
1/10/2010	\$ 4,174 - \$ 9,739

**12.5** The level of allowance to be paid within the ranges is determined by the following factors:

- 12.5.1** the average number of out of hours work to be performed each week;
- 12.5.2** the nature and complexity of duties undertaken;
- 12.5.3** the level of responsibility accorded to the Employee in the performance of duties;  
and
- 12.5.4** 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).

### **13 REMOTE LOCATIONS**

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

- 13.1.1** distance from a large town;
- 13.1.2** degree of isolation or distance from shops and services;
- 13.1.3** requirements for additional cost of living;
- 13.1.4** hardships including impact on spouse and children;
- 13.1.5** availability of standard community facilities e.g. churches, cultural pursuits, recreational;
- 13.1.6** availability of medical facilities;
- 13.1.7** involvement of family members in delivering Departmental Services; and
- 13.1.8** prior demonstrated difficulty in attracting Employees to the location.

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

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**13.2.1** 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 Ouyen Edenhope	Corryong	Cann River Swifts Creek Mallacoota

**13.2.2** The following allowances apply:

<b>Remote status</b>	<b>Date of Effect</b>	<b>With Dependents (per annum)</b>	<b>Without Dependents (per annum)</b>	<b>Attraction payment</b>
<b>(i) Highly Remote</b>	4/5/2009	\$3,913 - \$6,525	\$2,740 - \$4,566	\$2,612
	1/7/2009	\$3,991 - \$6,656	\$2,795 - \$4,657	\$2,664
	1/2/2010	\$4,041 - \$6,739	\$2,830 - \$4,715	\$2,697
	1/10/2010	\$4,172 - \$6,958	\$2,922 - \$4,868	\$2,785
<b>(ii) Remote</b>	4/5/2009	\$2,349 - \$3,913	\$1,566 - \$2,612	\$1,306
	1/7/2009	\$2,396 - \$3,991	\$1,597 - \$2,664	\$1,332
	1/2/2010	\$2,426 - \$4,041	\$1,617 - \$2,697	\$1,349
	1/10/2010	\$2,505 - \$4,172	\$1,670 - \$2,785	\$1,393

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

- 13.2.3(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.

**13.2.3(b)** In addition to the allowance in **clause 13.2.3(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 is to approve one off payments.

#### **14 OVERSEAS AND INTERSTATE TRAVEL**

**14.1** 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.

**14.2** Where invoice arrangements cannot be made and employees are required to undertake official duties outside of Victoria requiring an overnight stay, the staff member will be paid a reasonable allowance prior to travel.

### **PART 4 – EMERGENCY WORK**

#### **15 EMERGENCY WORK**

**15.1** DPI Emergency provisions will apply where urgent action is required to meet DPI's emergency management responsibilities described in the Emergency Management Manual Victoria (EMMV) which may include exotic disease outbreaks for animal health and pest plants operations and fire and flood recovery. Activation of these provisions will be limited to situations requiring immediate and urgent response, where planning and service delivery are expedited under an emergency management framework (e.g. AIIMS) using approved systems and procedures to avoid immediate substantial impacts to:

- Community safety;
- Primary Industries; and/or
- Government and/or DPI reputation.

Such situations will require active situation analysis, review of plans and reporting to the executive level of DPI on a daily basis.

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

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

#### **15.4 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 15.8**, to be worked in accordance with the normal accrual provisions.

**15.5 Work period**

The minimum work period, except as provided by **clauses 15.12 and 15.13** will be 7.6 hours per day.

**15.6 Rest period**

- 15.6.1** Wherever reasonably practicable an Employee will receive a rest period of at least 10 continuous hours between successive work periods.
- 15.6.2** An Employee must not commence a new work period without having had 10 continuous hours off duty unless directed by the Employer.
- 15.6.3** 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.
- 15.6.4** Where the emergency arrangements require a weekly Employee to have a rest period which exceeds sixteen (16) hours, the Employee will not be penalised 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.
- 15.6.5** 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.
- 15.6.6** Where an Employee, who is scheduled for a rest break but for operational reasons is required to remain deployed on a Saturday and/or Sunday, the Employee will be paid for a minimum of 7.6 hours for each day they remain deployed at the appropriate weekend rates.
- 15.6.7** Prior to the resumption of normal duties, the Employer will offer the Employee a full debriefing and post event counselling

**15.7 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.

**15.8 Meal interval**

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

**15.9 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:

- 15.9.1** the wage rate will revert to ordinary time when the Employee has received a rest period of 8 hours; and
- 15.9.2** 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.

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**15.10 Saturday work**

Except where the provisions of clause 15.9.2 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.

**15.11 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.

**15.12 Stand-by**

**15.12.1** Stand-by will mean all time during which an Employee is required to remain available for an immediate recall to work.

**15.12.2** An Employee on stand-by will be available either at his/her home or contactable by telephone and available for immediate response to the emergency as is mutually agreed with the Department.

**15.12.3** The allowances will be as follows:

<b>Date of effect</b>	<b>Stand by per hour</b>	<b>Stand by per hour – Employees who undertake fitness requirements</b>
1/7/2009	\$ 11.75	\$ 13.75
1/2/2010	\$ 11.90	\$ 13.95
1/10/2010	\$ 12.25	\$ 14.40

**15.12.4** Stand-by for Employees on Saturdays, Sundays and Public Holidays will mean an eight hour period between 10.00am and 6.00pm. Where the emergency conditions dictate, the stand by may be extended past 6.00pm and paid according to the rate specified in **clause 15.12.3**.

**15.12.5** 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.

**15.12.6** 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.

**15.12.7** Where an Employee is called upon to perform emergency work on any day that he/she is on stand-by, he/she will in addition to his/her entitlements under **clause 15.13**, be paid for all stand-by performed on that day which is not paid for under **clause 15.13**.

**15.12.8** 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:

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The day/night rate of Duty Officer stand-by will be as follows:

<b>Date of effect</b>	<b>Day/Night Rate</b>	<b>Night Rate</b>	<b>Day Rate (Weekend)</b>
1/7/2009	\$ 244.00	\$ 88.00	\$ 155.80
1/2/2010	\$ 247.10	\$ 89.10	\$ 157.70
1/10/2010	\$ 255.10	\$ 92.00	\$ 162.80

**15.13 Callout**

**15.13.1** An Employee recalled to perform work in or in connection with an 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.

**15.13.2** 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.

**15.13.3** 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.

**15.14 Travelling time**

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

**15.14.1** An Employee deployed to an emergency, travelling directly to or from that emergency, will have that travelling time included as time worked for the purposes of **clauses 15.9 and 15.20**.

**15.14.2** Time spent travelling to or from a distant location, 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 15.20**.

**15.15 Resumption of normal duties**

**15.15.1** An Employee must not commence normal duty without having had 10 continuous hours off duty unless directed by the Employer.

**15.15.2** 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.

**15.15.3** Provided that an Employee who has been camped out for at least 3 nights will be entitled to a clear break of 12 hours.

**15.15.4** 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.

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**15.15.5** 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.

**15.16 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.

**15.17 Camping facilities**

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

**15.18 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:

<b>Date of effect</b>	<b>Rate per night</b>
1/7/2009	\$ 29.50
1/2/2010	\$ 29.90
1/10/2010	\$ 30.90

**15.19 Footwear and clothing**

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

**15.20 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 15.14.1**. This allowance is to compensate for:

**15.20.1** all disabilities encountered whilst undertaking emergency work, including the dirty nature of the work; and

**15.20.2** any ordinary time worked under the Emergency provisions, outside the normal spread of hours.

<b>Date of effect</b>	<b>Rate</b>
1/7/2009	\$ 4.60
1/2/2010	\$ 4.70
1/10/2010	\$ 4.90

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**15.21 Emergency Support Allowance**

Any Support Employees deployed from his/her office, depot or camp excluding travelling time as described in **clause 15.14.2**, to perform duties will be paid an allowance per hour, or part thereof, at the rates specified in the following table to compensate for:

**15.21.1** the nature of the work; and

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

<b>Date of effect</b>	<b>Rate</b>
1/7/2009	\$ 1.60
1/2/2010	\$ 1.60
1/10/2010	\$ 1.65

**15.21.3** This allowance is to compensate for:

**15.21.3(a)** all disabilities encountered dealing with the emergency;

**15.21.3(b)** the nature of the work; and

**15.21.3(c)** any ordinary time worked under the emergency provisions outside the normal spread of hours.

**15.22 Allowance for missed meal**

**15.22.1** In accordance with the provision of **clause 15.16** 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:

<b>Date of effect</b>	<b>Rate</b>
1/7/2009	\$ 27.15
1/2/2010	\$ 27.45
1/10/2010	\$ 28.35

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**15.23 Incident Control Team Payments**

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

<b>ICT Position</b>	<b>Type 1</b>	<b>Type 2</b>	<b>Type 3</b>
<b>Controller, Local Disease Control Centre Controller, SDCHQ Director</b>	Top Grade 3.1	Top Grade 4	Top Grade 5
<b>Planning</b>	Top Grade 3.1	Base Grade 4	Mid Grade 5
<b>Logistics Officers</b>	Top Grade 2.1	Base Grade 4	Mid Grade 5
<b>Operations</b>	Top Grade 2.1	Base Grade 4	Mid Grade 5

**15.23.2** Employees will be paid at their substantive rates or at the incident responsibility rates whichever is the greater.

**15.23.3** 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.

**15.23.4** 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.

**15.24 Payment of Overtime Ceiling**

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 emergency 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):

<b>Date of effect</b>	<b>Rate (hourly rate of the annual salary)</b>
1/7/2009	\$ 61,101
1/2/2010	\$ 61,865
1/10/2010	\$ 63,876

**PART 5 - OVERTIME**

**16 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 15 of this Appendix**.

**16.1 Time In Lieu**

**16.1.1** 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

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local manager, work hours in excess of the normal working day and accrue a balance of time worked.

- 16.1.2** 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.
- 16.1.3** A maximum of 76 hours time in lieu may be accrued.
- 16.1.4** The taking of time off in lieu will be by mutual arrangement between the Employee and the Employer.
- 16.1.5** 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.
- 16.1.6** 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.
- 16.1.7** 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.

**16.2 Paid Overtime**

- 16.2.1** 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.
- 16.2.2** 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 16.2.3 to 16.2.6**.
- 16.2.3** 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.
- 16.2.4** The Employer will ensure that work is organised in such a way that the requirement to perform overtime is not a regular occurrence.
- 16.2.5** 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 specified in the following table:

<b>Date of effect</b>	<b>Annual salary rate</b>
4/05/2009	\$59,903
1/7/2009	\$ 61,101
1/2/2010	\$ 61,865
1/10/2010	\$ 63,876

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- 16.2.6** 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 \$61,101. 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:

<b>Date of effect</b>	<b>Annual salary rate</b>
4/05/2009	\$59,903
1/7/2009	\$ 61,101
1/2/2010	\$ 61,865
1/10/2010	\$ 63,876

- 16.2.7** 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:

<b>Date of effect</b>	<b>Annual salary rate</b>
4/05/2009	\$59,903
1/7/2009	\$ 61,101
1/2/2010	\$ 61,865
1/10/2010	\$ 63,876

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

- 16.2.9** 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.