

RECEIVED
20 JAN 2010



PUBLIC

App 33

2010 WAIRC 00011

2

7/2/14

BY:

PRISON OFFICERS' AWARD
WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES WESTERN AUSTRALIAN PRISON OFFICERS' UNION OF WORKERS
APPLICANT

-v-

THE MINISTER FOR CORRECTIVE SERVICES

RESPONDENT

CORAM CHIEF COMMISSIONER A R BEECH

DATE MONDAY, 18 JANUARY 2010

FILE NO. APPL 33 OF 2009

CITATION NO. 2010 WAIRC 00011

Result Correction Order issued

Correction Order

WHEREAS on 15 January 2010 an Order in this matter was deposited in the Office of the Registrar;

AND WHEREAS on 18 January 2010 the union advised the Commission that the Order contained some typographical errors;

AND WHEREAS on 18 January 2010 the respondent was advised of these errors;

NOW THEREFORE the Commission pursuant to the powers conferred on it under the *Industrial Relations Act, 1979*, hereby orders:

THAT the schedule to the Order issued by the Commission in Application 33 of 2009 on 15 January 2010 be replaced by the attached schedule.



(Sgd) A.R. BEECH

CHIEF COMMISSIONER A R BEECH

SCHEDULE

1. **Clause 13 – Out of Hours Work. Delete subclause 13.1 of this clause and insert the following in lieu thereof:**

13.1 For the purposes of this Clause, the following terms shall have the following meanings:

"Out of hours work" means all work performed at the direction of the Superintendent or a duly authorised Officer outside the Officer's rostered hours of duty.

"Major Emergency Duty" shall be duty outside the Officer's rostered hours of duty on a major emergency as determined by the Minister or the Commissioner or Deputy Commissioner Adult Custodial.

"Peak Muster" means circumstances where:

- (a) The prison population in any Prison exceeds by 5% or more the prisoner population level agreed between the Union and the Department for a period of 3 calendar days, and
- (b) The level of actual staffing available to work (by having regard to absences for secondments, workers compensation, sickness, and all other leave categories) for the relevant Prison is 5% or more below the agreed establishment level of staff as agreed between WAPOU and the Department for a period of 3 calendar days.

2. **Clause 13 – Out of Hours Work. Delete subclause 13.4 of this clause and insert the following in lieu thereof:**

13.4 Payment for Excess Hours

- (1) Payment for all out of hours work, other than that set out in subclause 13.4(2) of this subclause, will be calculated at the rate of time and a half the Officer's annualised rate of pay for all excess time worked.
- (2) Any Officer who is called in for Major Emergency Duty shall be paid at the rate of doubletime the Officer's annualised rate of pay for all hours worked outside the Officer's rostered hours of duty on that major emergency.
- (3)
 - (a) This provision shall apply from the beginning of the first pay period on or after 15 January 2010 and shall cease to apply upon the registration of an industrial agreement to replace the Department of Corrective Services Prison Officers' Enterprise Agreement 2007 No. AG 58 of 2007.
 - (b) Any Officer, Canine Handler, Emergency Services Group Officer or Front Gate employee who performs duty outside the Officer's or employee's rostered hours of duty in circumstances where a Peak Muster exists shall be paid an overtime incentive payment of \$143 per 12 hour shift or \$11.90 for hours other than 12 hour shifts, in addition to the payment for out of hours payable under clause 13.4(1) in respect of that duty.
- (4) Subclause (3) of this clause shall apply to Canine Handlers, Emergency Services Group and Front Gate staff when one or more of the following Prisons has a Peak Muster:

Hakea Prison
 Casuarina Prison
 Bandyup Women's Prison

- (5) When the Peak Muster overtime incentive payments are triggered the overtime incentive payment contained in subclause 13.4(3) of this clause will continue to be paid until the end of the current roster period, or until the prison population and staffing levels fall outside the defined Peak Muster levels, whichever occurs last.