

## APPENDIX 3 – ENVIRONMENT PROTECTION AUTHORITY

### 1. DEFINITIONS

- 1.1 **“Fit for duty”** means that an Employee is able to work safely and legally.
- 1.2 **“Generally available”** means an officer may be contactable by agreed means of communication to take appropriate action. If an Employee who is generally available returns to duty, they must be fit for duty, as defined in **clause 1.1**.
- 1.3 **“Major pollution incident”** means an incident which has the potential to have a significant impact on human health or the environment and where a timely response is critical to reducing this impact.
- 1.4 **“Emergency incident”** means an incident or event that is reported to EPA via emergency services or harbour control, or escalated by EPA to Emergency Services Emergency Management Manual Victoria (EMMV).
- 1.5 **“Roster period”** means a consecutive seven (7) day or any other agreed period.
- 1.6 **“After hours”** means outside of the normal business and operating hours of EPA, including public holidays, i.e. all hours other than between 8.30am and 5.00pm Monday to Friday.

### 2. GENERAL

- 2.1 EPA provides emergency and pollution response services throughout Victoria, including after-hours response, which require Employees to be available to attend call outs, attend emergency incidents and respond to pollution incidents, in accordance with the provisions of this Appendix.
- 2.2 Unless otherwise specified in this Appendix, standby conditions will be in accordance with **clause 29.5, Section 1** of this Determination, and standby allowance rates will be in accordance with this Appendix. Where there is a difference between **clause 29.5, Section 1** of this Determination and this Appendix, this Appendix overrides **clause 29.5, Section 1** and applies to the extent of the difference.

### 3. STANDBY ARRANGEMENTS

- 3.1 Suitably qualified and experienced Employees may by agreement be rostered to be on standby or generally available, to provide EPA’s emergency and pollution response services, including after-hours response.
- 3.2 EPA will, in consultation with Employees:
- 3.2.1 establish a roster for standby duty for each standby role; and
  - 3.2.2 appoint Employees to undertake the Regional Emergency Response Officer (RERO) role.
- 3.3 Role statements will be developed and agreed for each standby, generally available and Second Shift role, including definitions of ‘limited initial response’, reasonable response times and ‘follow up work’ for each role.
- 3.4 An Employee may refuse to be on standby or to undertake the RERO role, where this may result in the Employee working hours which are unreasonable having regard to:
- (a) any risk to the Employee’s health and safety, including fatigue management considerations;

- (b) the Employee's personal circumstances including family responsibilities;
- (c) the needs of the workplace, including EPA's statutory obligations;
- (d) the notice (if any) given by EPA of the standby and by the Employee of his/her intention to refuse it; and
- (e) any other relevant matter.

**3.5** At all times while on standby (excluding generally available Employees) the Employee:

- (a) must be able to be contacted by an agreed means of communication and must respond to the communication within a reasonable time;
- (b) must be available to take actions appropriate to the responsibilities and functions of the role, including being called out attending incidents or to return to their usual place of work, if required;
- (c) must undertake any follow up work required as a result of any communication received, including being called out attending incidents or to return to their usual place of work, if required;
- (d) must be able to travel to their usual place(s) of work or other required site(s) within a reasonable time;
- (e) will, if recalled to work, be provided by EPA with appropriate transport or be reimbursed travel expenses in accordance with **clause 30** of this Determination; and
- (f) must be fit for duty.

**4. STANDBY PROVISIONS**

The following general provisions apply to Employees in receipt of a standby allowance or the RERO allowance, as applicable:

- 4.1** Employees will be paid an allowance for the roster period for being on standby or generally available, as set out in **clause 5**.
- 4.2** The standby and general availability allowances set out in **clause 5** compensate Employees for all initial limited response to any communication received that does not require the Employee to then carry out any follow up work relating to the communication. Specific provisions apply to some standby roles, as set out below.
- 4.3** By agreement in writing with the relevant manager, Employees may undertake standby on a daily basis and shall be paid one-seventh ( $1/7^{\text{th}}$ ) of the applicable allowance rate for each single day the Employee is on standby.
  - 4.3.1** An Employee who is on standby for less than seven consecutive days, or who does not undertake standby on any day(s) within his /her roster period, will be paid the appropriate daily rate for each day they are actually on standby.
  - 4.3.2** Employees shall only be paid an additional payment for being on standby on a Public Holiday if they actually undertake standby duties on the Public Holiday. Where an Employee, undertaking standby for less than the full roster period (i.e. 7 consecutive days) is on standby on a Public Holiday for which another day has been substituted, he/she shall be paid the allowance for the actual Public Holiday. If, in accordance with this clause (including where the substituted Public Holiday falls within a separate full roster period) the Employee actually on standby on the substituted day will also be paid the additional Public Holiday payment.

- 4.4** An Employee shall only be rostered to undertake one standby role within a roster period other than in exceptional circumstances at the request or initiative of the manager, and by agreement between the Employee and the manager. Employees rostered to undertake more than one standby role on a Public Holiday will only be paid one Public Holiday payment per Public Holiday, in accordance with **clause 4.5**.
- 4.5** Employees rostered on standby on a Public Holiday will receive an additional payment for being on standby on the Public Holiday, as follows:

Public Holiday	Payment
Australia Day, Labour Day, Easter Saturday, Easter Monday, ANZAC Day, Queen’s Birthday, Melbourne Cup Day, Boxing Day (or any day substituted for one of these holidays), or any other gazetted Public Holiday	\$70
New Year’s Day (1 January), Good Friday, Christmas Day (25 December)	\$140

- 4.6** Employees in receipt of the RERO allowance do not receive an additional payment for being generally available on Public holidays unless the Employee actually receives and responds to a communication on the Public Holiday.
- 4.7** The RERO allowance may, by agreement, be paid on a pro rata basis if Employees undertake the RERO function for part of a year, including if two or more Employees share the RERO role, providing that only one Employee is in receipt of the allowance and is generally available, at any time.
- 4.8** Rostered or generally available Employees who have been recalled to duty will be entitled, upon the cessation of such work, to a clear break of 10 hours without loss of pay prior to the resumption of normal duties. Other than in an emergency, if a break of ten (10) hours is not provided the provisions of **clause 34.13** of this Determination will apply.

**5. STANDBY ROLES AND ALLOWANCES**

**5.1 EMERGENCY RESPONSE OFFICER (ERO)**

**5.1.1** The primary duty of the ERO is to represent EPA at emergency incidents and provide timely expert advice to Emergency Services on the properties, containment and clean-up of wastes and hazardous materials.

**5.1.2** An Employee rostered to perform the ERO function will be paid an allowance for being on standby 24 hours per day during the roster period, including Saturday, Sunday and all Public Holidays, and undertaking all initial limited response following receipt of a communication which does not require the Employee to carry out any follow up work.

**5.1.3** The allowance rate per roster period for the ERO is:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Weekly	\$525.00	\$531.55	\$539.55	\$549.00	\$557.20	\$566.95	\$575.45
Daily	\$75.00	\$76.00	\$78.00	\$79.00	\$80.00	\$81.00	\$83.00

**5.2 BALLAST WATER DUTY OFFICER (BOWD)**

**5.2.1** The primary duty of the BOWD is to undertake after hours risk assessment functions relating to Ballast Water.

**5.2.2** An Employee rostered to perform the after hours BOWD function will be paid an allowance for being on after hours during the roster period, including Saturday, Sunday and all Public Holidays, and undertaking all initial limited response following receipt of a communication which does not require the Employee to carry out any follow up work.

**5.2.3** The allowance rate per roster period for the BOWD is:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Weekly	\$320.00	\$324.00	\$328.85	\$334.60	\$339.65	\$345.60	\$350.75
Daily	\$46.00	\$47.00	\$48.00	\$49.00	\$49.00	\$50.00	\$51.00

**5.3 AFTER HOURS RESPONSE OFFICER (AHRO)**

**5.3.1** The primary duty of the AHRO is to manage EPA's after hours telephone pollution reports service on weekends and Public Holidays between 4.30pm and 10pm. The AHRO is required to participate in a hand-over from the Second Shift First Officer (see **clause 7**) between 4pm and 4.30pm.

**5.3.2** An Employee rostered to perform the AHRO function will be paid an allowance:

- to undertake telephone and electronic communication work between 4pm and 10pm on weekends and Public Holidays, and
- for being on standby between 10pm and 8.30am including Saturday, Sunday and all Public Holidays, available to assist and support the ERO in emergency responses, and undertaking all initial limited response following receipt of a communication which does not require the Employee to carry out any follow up work.

**5.3.3** The allowance rate per roster period for the AHRO is:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Weekly	\$450.00	\$455.65	\$462.45	\$470.55	\$477.60	\$485.95	\$493.25
Daily	\$65.00	\$66.00	\$67.00	\$68.00	\$69.00	\$71.00	\$72.00

**5.4 EMERGENCY RESPONSE COORDINATOR (ERC)**

**5.4.1** The primary duty of the ERC is to be responsible for ensuring the effective coordination of EPA's response to emergency incidents including receiving information and providing advice over the telephone and ensuring that all electronic messages/pages are responded to in a timely and appropriate fashion.

**5.4.2** An Employee rostered to perform the ERC function will be paid an allowance for being on standby 24 hours per day during the roster period, including Saturday, Sunday and all Public Holidays, and undertaking all initial limited response following receipt of a communication which does not require the Employee to carry out any follow up work.

**5.4.3** The allowance rate per roster period for the ERC is:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Weekly	\$525.00	\$531.55	\$539.55	\$549.00	\$557.20	\$566.95	\$575.45
Daily	\$75.00	\$76.00	\$78.00	\$79.00	\$80.00	\$81.00	\$83.00

**POLLUTION CONTROL RESPONSE OFFICER (PCRO)**

**5.5.1** The primary duty of a PCRO is to respond to and investigate pollution reports after hours when notified an agreed method of communication.

**5.5.2** An Employee rostered to perform the after-hours PCRO function will be paid an allowance per roster period for being on standby between 4.30pm and 10pm Monday to Friday and between 8.30am and 10pm Saturday, Sunday and all Public Holidays, and undertaking all initial limited response following receipt of a communication which does not require the Employee to carry out any follow up work.

**5.5.3** The allowance rate per roster period for the PCRO is:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Weekly	\$375.00	\$379.70	\$385.40	\$392.15	\$398.00	\$404.95	\$411.05
Daily	\$54.00	\$55.00	\$56.00	\$57.00	\$58.00	\$59.00	\$60.00

**5.6 POLLUTION RESPONSE AFTER HOURS LIAISON OFFICER (PRAHL)**

**5.6.1** The primary duty of the PRAHL is to monitor EPA's after hours pollution reports between on 4.30pm and 10.00pm Monday to Friday and between 8.30am and 10pm on Saturday, Sunday and all Public Holidays, and to contact PCROs and coordinate call outs of PCROs, as required.

**5.6.2** An Employee appointed to perform the PRAHL function will be paid a loading for a roster period, including Saturday, Sunday and Public Holidays, and be eligible to take time off in lieu as set out below:

- The Employee's ordinary hours of work for the roster period are 4.00pm – 10.00pm Monday to Friday, including handover if required (i.e. 30 hours total).
- The Employee will receive a 20 per cent loading on their normal weekly hourly rate (for their normal 38 hours).
- The Employee will receive 4 days in lieu of Saturday and Sunday worked plus a further day off in lieu of any Public Holiday worked which does not fall on a Saturday or Sunday.
- The Employee will not receive an additional payment for working on Public Holidays.

**5.6.3** The Employee will be provided with such equipment so that he/she is not required to attend their usual place of work for the roster period in which they are undertaking the PRAHL function.

**5.7 SUPPORT EMERGENCY RESPONSE OFFICER (SERO)**

**5.7.1** The primary duty of the SERO is to be the first Emergency Response contact between 8:30am and 5.00pm and to represent EPA at emergency incidents and provide timely expert advice to Emergency Services on the properties, containment and clean-up of wastes and hazardous materials.

**5.7.2** An Employee rostered to perform the SERO function will be paid an allowance for being on standby 24 hours per day during the roster period, including Saturday, Sunday and all Public Holidays, and undertaking all initial limited response following receipt of a communication which does not require the Employee to carry out any follow up work.

**5.7.3** The allowance rate per roster period for the SERO is:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Weekly	\$425.00	\$430.30	\$436.75	\$444.40	\$451.10	\$458.95	\$465.85
Daily	\$60.00	\$61.00	\$62.00	\$63.00	\$64.00	\$65.00	\$66.00

**5.8 LABORATORY EMERGENCY RESPONSE OFFICER (LERO)**

**5.8.1** The primary duty of the LERO is to coordinate and advise to field officers on the scientific response to pollution and emergency incidents.

**5.8.2** An Employee rostered to perform the LERO function will be paid an allowance for being on standby after hours during the roster period, including Saturday, Sunday and all Public Holidays, and undertaking all initial limited response following receipt of a communication which does not require the Employee to carry out any follow up work.

**5.8.3** The allowance rate per roster period for the LERO is:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Weekly	\$320.00	\$324.00	\$328.85	\$334.60	\$339.65	\$345.60	\$350.75
Daily	\$46.00	\$47.00	\$48.00	\$49.00	\$49.00	\$50.00	\$51.00

**5.9 MEDIA STANDBY OFFICER (MSO)**

**5.9.1** The primary duty of the MSO is to provide advice on and coordinate after hours media contact and response and to ensure that, if a crisis arises, senior management are advised accordingly.

**5.9.2** An Employee rostered to perform the MSO function will be paid an allowance for being on standby after hours during the roster period, including Saturday, Sunday and all Public Holidays, and undertaking all initial limited response following receipt of a communication which does not require the Employee to carry out any follow up work.

**5.9.3** The allowance rate per roster period for the MSO is:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Weekly	\$320.00	\$324.00	\$328.85	\$334.60	\$339.65	\$345.60	\$350.75
Daily	\$46.00	\$47.00	\$48.00	\$49.00	\$49.00	\$50.00	\$51.00

**5.10 BALLAST WATER SUPPORT OFFICER (BOWS)**

**5.10.1** The primary duty of the BOWS is to provide technical advice and assistance to the BOWD as required, and to act as BOWD in case of emergency or illness.

**5.10.2** An Employee rostered to perform the BOWS function will be paid an allowance for being on standby after hours during the roster period, including Saturday, Sunday and all Public Holidays, and undertaking all initial limited response following receipt of a communication which does not require the Employee to carry out any follow up work.

**5.10.3** The allowance rate per roster period for the BOWS is:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Weekly	\$320.00	\$324.00	\$328.85	\$334.60	\$339.65	\$345.60	\$350.75
Daily	\$46.00	\$47.00	\$48.00	\$49.00	\$49.00	\$50.00	\$51.00

**5.11 REGIONAL EMERGENCY RESPONSE OFFICER (RERO)**

**5.11.1** The primary role of the RERO is to be generally available to:

- (a) respond to emergency and major pollution incidents in regional Victoria; and
- (b) attend and participate in activities which have strategic implications and/or which are compliance priorities.

**5.11.2** An Employee appointed to perform the RERO function will be paid an annual allowance for being generally available 24 hours per day 365 days per year, including all Public Holidays.

**5.11.3** The annual RERO allowance is:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Annual	\$4,000.00	\$4,050.00	\$4,110.75	\$4,182.70	\$4,245.45	\$4,319.70	\$4,384.50
Weekly	\$77.00	\$78.00	\$80.00	\$81.00	\$82.00	\$84.00	\$85.00

**6. OVERTIME**

**6.1** For rostered or generally available Employees on standby, and unless otherwise specified in this Appendix, overtime payments shall be in accordance with this clause. The overtime rates of payment shall be in accordance with **clause 34** of this Determination.

**6.2** For all follow up work required following the initial limited response to a communication which does not require the Employee to return to his/her usual place(s) of work, or to attend any other required site(s), overtime payments shall be paid for the actual time worked. The minimum overtime payment in **clause 29.5.5(b)** of this Determination, does not apply to such follow up work.

**6.3** An Employee who is recalled to their usual place(s) of work or to any other required site(s) shall be paid the minimum overtime payment in **clause 34.10** of this Determination, including time to travel to and from any required site(s) (or may elect to receive time in lieu of payment for overtime in accordance with **clause 34.8** of this Determination).

**6.4** All Employees on standby or generally available shall be eligible for paid overtime (or time in lieu of paid overtime) in accordance with this clause, excluding an Employee in receipt of the AHRO allowance who is not entitled to claim overtime for any telephone and electronic communication work undertaken between 4pm and 10pm on Saturday and Sunday.

**7. SECOND SHIFT DUTY**

**7.1** An employee rostered as a Second Shift First or Second Officer to perform Second Shift functions will be paid a loading for a roster period, including Saturday, Sunday and Public Holidays, and be eligible to take time off in lieu.

**7.2** A Third Officer shall be on standby and available to fill in for the First or Second Officer in the case of illness or inability to perform the functions of First or Second Officer.

**7.3** The following second shift loading and time off in lieu will apply per roster period:

Officer	Loading on hourly rate for roster period	Time off in lieu
First Officer	20%	3 days in lieu of Saturday and Sunday worked plus a further day off in lieu of any Public Holiday worked.
Second Officer	15%	3 days in lieu of Saturday and Sunday worked plus a further day off in lieu of any Public Holiday worked
Third Officer	<ul style="list-style-type: none"> <li>• 15% for all hours on standby</li> <li>• 15% for all hours worked if recalled to work to replace Second Officer.</li> <li>• 20% for all hours worked if recalled to work to replace First Officer.</li> </ul>	Where the Third Officer actually undertakes second shift duty, he/she shall be entitled to the following time in lieu: <ul style="list-style-type: none"> <li>• 1 day off in lieu of any Saturday, Sunday or Public Holiday</li> <li>• 3 days in lieu of a consecutive Saturday and Sunday.</li> </ul>

**7.4** The loadings set out in **clause 7.3** are paid on the Employee's ordinary hours for the period he/she is rostered on Second Shift.

**8. DIVING ALLOWANCE**

**8.1** An allowance will be paid to Employees qualified and required in the course of their work to dive with the aid of underwater breathing apparatus.

**8.2** The following allowance rates will apply for each day an Employee undertakes one or more dives:

Date of Effect	1 Jul 12	1 Jan 13	1 Jul 13	1 Jan 14	1 Jul 14	1 Jan 15	1 Jul 15
Daily allowance	\$35.00	\$35.45	\$35.95	\$36.60	\$37.15	\$37.80	\$38.35

**9. OVERSEAS TRAVEL**

**9.1** Upon provision of receipts, EPA will reimburse all work-related expenses, incurred by Employees while engaged in work overseas.

**9.2** Where travel costs can be predicted, and as agreed by EPA, 100 per cent of the applicable expenses will be paid in advance of travel.

**10. REVIEW**

EPA and the relevant Union agree to review the structure, roles and functions, application and operation of EPA's standby and after hours emergency and pollution response and call out arrangements during the period of operation of this Determination.