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**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

s23 application for an award or variation of an award

**Tasmanian Trades and Labor Council**

(T6941 of 1997)

All public and private sector awards

**Automotive, Food, Metals, Engineering,  
Printing & Kindred Industries Union**

(T6928 of 1997)

Automotive Industries Award

(T6929 of 1997)

Draughting & Technical Officers (Private Industry) Award

(T6930 of 1997)

Fish, Aquaculture and Marine Products Award

(T6931 of 1997)

Metal & Engineering Industry Award

(T6932 of 1997)

Optical Industries Award

(T6933 of 1997)

Shipbuilders Award

(T6934 of 1997)

Surveyors (Private Industry) Award

**The Australian Workers' Union, Tasmania Branch**

(T6947 of 1997)

Automotive Industries Award

Bootmakers Award

Building Trades Award

Building and Construction Industry Award

Butter and Cheesemakers Award

Carriers Award

Clay and Mud Products Award

Concrete Products Award

Dairy Processing Award

Farming and Fruitgrowing Award

Fish, Aquaculture and Marine Products Award

Horticulturists Award

Marine Boards Award

Meat Processing Industry Award

Metal and Engineering Industry Award

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Monumental Masons Award  
Optical Industries Award  
Pasminco Rosebery (Mining) Award  
Plant Nurseries Award  
Produce Award  
Public Vehicles Award  
Quarrymens Award  
Roadmakers Award  
Rubber Trades Award  
Shearing Industry Award  
Shellfish Industry Award  
Timber Merchants Award  
Wireworking Award  
National Training Wage (Tasmanian Private Sector) Award

**Transport Workers' Union of Australia, Tasmanian Branch**  
(T6956 of 1997)  
Transport Workers General Award

**National Union of Workers, Tasmanian Branch**  
(T6971 of 1997)  
Automotive Industries Award  
Fuel Merchants Award  
Produce Award  
Retail Trades Award  
Rubber Trades Award  
Softgoods Award  
Wholesale Trades Award  
Fibreglass and Plastics Award  
Timber Merchants Award  
Wholesale Pharmaceutical Award

**Australasian Meat Industry Employees Union,  
Tasmanian Branch**  
(T6979 of 1997)  
Meat Processing Industry Award  
Meat Retailing Award

**Textile, Clothing and Footwear Union of Australia,  
Tasmanian Branch**  
(T6987 of 1997)  
Bootmakers Award  
Clothing Industry Award  
Textile Award

**Australian Municipal, Administrative, Clerical and Services Union**  
(T6991 of 1997)  
Aerated Waters Award  
Barristers and Solicitors Award  
Broadcasting and Television Award

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Clerical and Administrative Employees (Private Sector) Award  
Community Services Award  
Entertainment Award  
Estate Agents Award  
Furnishing Trades Award  
Independent Schools (Non-Teaching Staff) Award  
Insurance Award  
Photographic Industry Award  
Printers Award  
Public Accountants Award  
Restaurant Keepers Award  
Shipping Award  
Totalizator Agency Award

**Health Services Union of Australia, Tasmania No. 1 Branch**  
(T6993 of 1997)

Dentists Award  
Disability Service Providers Award  
Medical Practitioners (Private Sector) Award  
Medical Diagnostic Services Award  
Nursing Homes Award  
Hospitals Award

**SHIPBUILDERS AWARD**

FULL BENCH:  
PRESIDENT F D WESTWOOD  
DEPUTY PRESIDENT B R JOHNSON  
COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1997 - application to flow on Australian Industrial Relations Commission Safety Net Review decision April 1997 (Print P1997) agreed tripartite position - Wage Fixing Principles varied - \$10.00 per week arbitrated safety net adjustment approved- all private sector awards to be varied on application no earlier than ffpp on or after 14 July 1997 - State Minimum Wage to be subject to separate application

**ORDER -**

**No. 3 of 1997**

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AMEND THE **SHIPBUILDERS AWARD** IN THE FOLLOWING MANNER:

**1. By deleting Clause 8 - Wage Rates, and inserting the following in lieu thereof:**

**"8. WAGE RATES**

1 - ADULT EMPLOYEES

Adult employees of a classification specified hereunder shall be paid the weekly wage rate assigned to that classification.

Classification	Proposed Base Rate Relativity %	Base Rate \$	Supplementary Payment \$	Safety Net Adjustment \$	Weekly Wage Rate \$
SHIPBUILDING INDUSTRY					
(a) Tradesperson	100	365.20	52.00	34.00	451.20
(b) Employee Level 3	87.4	319.20	17.20	34.00	370.40
(c) Employee Level 2	82.0	299.50	23.40	34.00	356.90
(d) Employee Level 1	78.0	284.90	15.50	34.00	334.40
(e) The hourly rate is one thirty-eighth of appropriate weekly wage rate prescribed herein.					
(f) Dunnaging					

The minimum rate of wage that may be paid by employers to employees engaged in the dunnaging of ships during the ordinary working hours prescribed in Clause 18 - Hours, subclause (a) of this award shall be \$14.90022 per hour.

This rate is calculated as one thirty-eighth of the sum of the weekly wage rate for classification (a) hereof plus a tool allowance of \$8.30 multiplied by 52 and divided by 42.2.

The factor of 42.2 is computed taking into account pro rata entitlements to the following:

- 20 working days annual leave; 10 days sick leave; 11 days public holidays; 8 days for following the job.

In addition to the hourly rate prescribed herein the following amounts shall also be paid for each hour worked:

- (i) a disability payment of 38 cents per hour; and

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- (ii) an amount for annual leave loading calculated as follows:

$$\frac{\text{Minimum Wage (as prescribed in subclause 3 herein)}}{38 \times 52}$$

- (g) Leading Hands

- (i) If in charge of 2 to 8 employees, shall be paid 38 cents per hour extra.  
(ii) If in charge of more than 8 employees, 61 cents per hour extra.

- (h) Supplementary Payment

The amounts appearing in the column headed Supplementary Payment contained in Division 1 - Adult Employees of this clause, are absorbable against any overaward payment being paid by an employer as from the beginning of the first full pay period commencing on or after 9 March 1992.

## 2 - APPRENTICES

The minimum weekly wage rate that may be paid to apprentices shall be the undermentioned percentages of the wage applicable to classification (a), Division 1 - Adult Employees, of this clause.

Four-year term	Percentage of Weekly Wage	
	Rate (\$451.20)	Weekly Wage Rate
	%	\$
First year	38	171.50
Second year	55	248.20
Third year	75	338.40
Fourth year	90	406.10

**PROVIDED** that the weekly wage rates for apprentices shall be adjusted to the nearest 10 cents. In addition to the rate prescribed herein there shall be added a tool allowance of \$11.50 per week which sum shall not be taken into account in the computation of overtime or any other penalty rates.

An employer who provides an apprentice with a kit of tools may deduct from the wages of the apprentice the tool allowance of \$11.50 per week until such time as the employer is reimbursed the cost of the tools. In the event of an apprentice being dismissed or leaving the employment before the cost of the tools has been reimbursed, the employer shall be entitled to deduct from any monies owing to the apprentice the amount then owing or to retain such tools as will equal the value then owing.

Tools so provided shall be kept at the employer's establishment during the usual hours of work.

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### 3 - MINIMUM WAGE

Notwithstanding the provisions of Division 1 - Adult Employees hereof, no adult employee shall be paid less than the rate of \$291.40 per week.

**PROVIDED** that payments for overtime, special rates, weekend penalties, holiday work, shift allowances, and disability allowances prescribed in this award shall be taken into account in the calculation of such minimum weekly rate of wage.

Where a minimum rate of pay as aforesaid is applicable to an employee for work in ordinary hours the same rate shall be applicable to the calculation of overtime and all other penalty rates, payments during sick leave and annual leave, and for all other purposes of this award.

### 4 - SUPPORTED WAGE SYSTEM

(a) Eligibility criteria

Subject to this division an employer may engage employees at a supported wage rate (as set out in subclause (c) of this part) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

**PROVIDED** that this division does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

**PROVIDED ALWAYS** that this division does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the Disability Services Act 1986 and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under s.10 or under s.12A of the above Act, or if a part only has received recognition, that part.

(b) For the purposes of this division:

- (i) **'Supported Wage System'** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.
- (ii) **'Accredited Assessor'** means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System.
- (iii) **'Disability Support Pension'** means the pension available under the Commonwealth pension scheme to provide income security for persons with a

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disability as provided under the Social Security Act 1991, as amended from time to time, or any successor to that scheme.

(iv) **'Assessment instrument'** means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

(c) Supported wage rates

Employees to whom this division applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

Assessed capacity (subclause (d))	% of prescribed award rate
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

(Provided that the minimum amount payable shall be not less than \$45 per week.)

(d) Assessment of capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (i) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
- (ii) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

(e) Lodgment of assessment instrument

- (i) All assessment instruments under the conditions of this subclause, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Tasmanian Industrial Commission.
- (ii) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the award, is not a

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party to the assessment, it shall be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and shall take effect unless an objection is notified to the Registrar of the Tasmanian Industrial Commission within 10 working days.

(f) Review of assessment

The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(g) Other terms and conditions of employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this division shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(h) Workplace adjustment

An employer wishing to employ a person under the provisions of this division shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

(i) Trial Period

- (i) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this division for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (ii) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with subclauses (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$45 per week or such greater amount as is agreed from time to time between the parties.
- (iv) Work trials should include induction or training as appropriate to the job being trialed.
- (v) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under subclause (c) hereof."

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**2. By deleting from Clause 13 - Disability Allowance, the amount of \$14.00 and inserting in lieu thereof the amount of \$14.30.**

**3. By deleting from Clause 15 - First Aid Certificate Allowance, the amount of \$1.55 and inserting in lieu thereof the amount of \$1.59.**

**4. By deleting Clause 34 - Special Rates, and inserting in lieu thereof the following:**

**34. SPECIAL RATES**

In addition to the rates prescribed in Clause 8 - Wage Rates the following special allowances shall be paid, but such extra rates shall not be subject to penalty rates for overtime, Sunday or holiday pay, or shift work:

- (a) Wet places, i.e. any place where an employee's clothing or boots unavoidably become saturated, 33 cents per hour.

**PROVIDED** that this extra rate shall not be payable to an employee who is provided by the employer with suitable protective clothing and/or footwear.

**PROVIDED ALWAYS** that any employee who becomes entitled to his extra rate shall be paid such extra rate for such part of the day or shift as he is required to work in wet clothing or boots.

- (b) Confined spaces, i.e., a small compartment or place to which access is through a manhole or similar opening or when work is done in a stooping or otherwise cramped or uncomfortable position, 41 cents per hour extra whilst so engaged.

**PROVIDED** that when a ship's hold is plugged and entry is through the Booby Hatch, an amount of 41 cents per hour shall be paid to employees for work performed in ships' holds and decks, or when 'black' hatches are required to be worked on all decks.

- (c) (i) Dirty Work - Employees who are required to work on repairs in smoke boxes, uptake, funnel, flue, furnace, or combustion chambers of boilers or on machine sanders or in oil tanks, previously used dunnage or who are required to handle insulwool or on work which the management agrees is of an unusually dirty or offensive nature, shall be paid 33 cents per hour extra.

(ii) Acid Work - Employees who are required to work in acid tanks or inside acid retorts shall be paid 83 cents per hour extra.

- (d) Employees who in the course of their employment are required to handle silicate of cotton, coal, dust, slag, wool, alfol, charcoal, fibreglass, pumice, lamp black, calcine, pitch-blend, pipe clay, soda ash, or in the laying of corticene involving the

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fixing of it to decks by the use of tallow and resin solution or other adhesive medium, shall be paid 33 cents per hour extra.

- (e) Employees working amongst frozen cargo or in temperatures of less than 2.2 degrees Celsius (in freezing room) shall be paid an additional amount of 30 cents per hour extra.
- (f) Where the circumstances arise wherein a class of employee mentioned in this award is required to perform work of a like nature or under the same conditions as other classes of waterfront employees and a special rate for such work has been determined by the Australian Industrial Relations Commission or Board of Reference, the extension of such payment shall be made to employees mentioned in this award by application to the Tasmanian Industrial Commission. In the event of a dispute arising in relation to the provisions of this subclause, the matter may be referred to the Tasmanian Industrial Commission for adjudication and the decision thereon shall be final and binding.
- (g) Rates prescribed in this clause are not cumulative, and where an employee is engaged on work for which more than one special rate is prescribed, the employee shall be entitled to only one, i.e., the highest, for the disabilities so prevailing."

#### **OPERATIVE DATE**

These variations shall come into operation from the first full pay period to commence on or after 14 July 1997.

F D Westwood  
**PRESIDENT**

18 July 1997