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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for award or variation of award

Tasmanian Chamber of Commerce and Industry Limited
(T8963 of 2000)

Australian Cement Holdings Enterprise Award
Broadcasting and Television Award
Butter and Cheesemakers Award
Civil Construction and Maintenance Award
Clerical and Administrative Employees (Private Sector) Award
Dairy Processing Award
Estate Agents Award
Farming and Fruit Growing Award
Fibreglass and Plastics Award
Fish Aquaculture and Marine Products Award
Fuel Merchants Award
Furnishing Trades Award
Horticulturists Award
Hotels, Resorts, Hospitality and Motels Award
Independent Schools (Non-Teaching Staff) Award
Insurance Award
Licensed Clubs Award
Marine Boards Award
Meat Processing Industry Award
Medical Diagnostic Services (Private Sector) Award
Medical Practitioners (Private Sector) Award
Miscellaneous Workers Award
Nursing Homes Award
Optical Industries Award
Photographic Industry Award
Plant Nurseries Award
Printers Award
Produce Award
Public Accountants Award
Public Vehicles Award
Restaurant Keepers Award
Retail Trades Award
Rubber Trades Award
Shellfish Industry Award
Textile Award
Timber Merchants Award
Totalizator Agency Award
Wholesale Pharmaceutical Award
Wholesale Trades Award

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FULL BENCH:
DEPUTY PRESIDENT R J WATLING
COMMISSIONER T J ABEY
COMMISSIONER A W PEARCE

Award variation - nominated private sector awards - application amended - deletion of obsolete training provisions - application granted - operative ffpp 7 September 2000

TOTALIZATOR AGENCY AWARD

ORDER BY CONSENT -

No. 3 of 2000

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THE TOTALIZATOR AGENCY AWARD IS VARIED IN THE FOLLOWING MANNER:

1. By deleting Clause 3 - ARRANGEMENT and inserting in lieu thereof the following:

3. ARRANGEMENT

| <u>Subject Matter</u> | <u>Clause No.</u> | <u>Page No.</u> |
|---|-------------------|-----------------|
| Title | 1 | |
| Scope | 2 | |
| Arrangement | 3 | |
| Date of Effect | 4 | |
| Supersession and Savings | 5 | |
| Award Interest and Parties Bound | 6 | |
| Definitions | 7 | |
| Wage Rates | 8 | |
| Division A - Casual Staff | | |
| Division B - Administrative and Other Staff | | |
| Division C - Supported Wage System | | |

Conditions For Employees In Division A - Casual Staff

| | |
|--------------------------------------|----|
| Casual Employees | 9 |
| Conditions Agreed to upon Engagement | 10 |
| Hours | 11 |
| Late Finish | 12 |
| Payment of Wages | 13 |
| Period of Engagement | 14 |
| Postponed and Abandoned Meetings | 15 |
| Public Holidays | 16 |
| Rest Pauses and Meal Breaks | 17 |
| Uniforms | 18 |

Conditions For Employees In Division B Administrative And Other Staff

| | |
|--------------------------|----|
| Annual Leave | 19 |
| Carer's Leave | 20 |
| Clothing | 21 |
| Compassionate Leave | 22 |
| Contract of Employment | 23 |
| Holiday Work | 24 |
| Holidays with Pay | 25 |
| Hours | 26 |
| Overtime | 27 |
| Parental Leave | 28 |
| Part A - Maternity Leave | |
| Part B - Paternity Leave | |
| Part C - Adoption Leave | |

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| | |
|--------------------------------|----|
| Part D - Part-Time Work | |
| Part-Time Employees | 29 |
| Payment of Wages | 30 |
| Redundancy | 31 |
| Relieving and Higher Duties | 32 |
| Rest Periods | 33 |
| Sick Leave | 34 |
| Steward | 35 |
| Structural Efficiency | 36 |
| Sunday Work | 37 |
| Tea Money | 38 |
| Travelling Time and Allowances | 39 |

**General Conditions For Employees In Division A - Casual Staff
And Division B - Administrative And Other Staff**

| | |
|-----------------------------|-----|
| Enterprise Flexibility | 40 |
| Occupational Superannuation | 41" |

2. By deleting Clause 7 - DEFINITIONS and inserting in lieu thereof the following:

7. DEFINITIONS

DIVISION A - CASUAL STAFF

'Full-time employee' means any employee who is paid a weekly wage as for 40 hours.

DIVISION B - ADMINISTRATIVE AND OTHER STAFF

'Agency supervisor' means a Casual Clerk who, in addition to carrying out the duties in 'Operational staff' below also acts as a Supervisor from time to time of an Agency during periods of absence of the Agency Manager, or Agent.

'Board' means the Tasmanian Totalizator Agency Board.

'Employed casually' means employment on a contract of hiring of less than by the week.

'Operational staff' means Casual Clerks employed by the Board or by an Agent (excluding Sub-Agent) of the Board in any agency or section in all or any of the following duties, namely sellers, payers, sorters, collators, checkers, recorders, telephonists, ledger clerks and like operational and clerical categories."

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3. By deleting Clause 8 - WAGE RATES and inserting in lieu thereof the following:

"8. WAGE RATES

DIVISION A - CASUAL STAFF

ADULTS

Adult employees classified hereunder shall be paid the rates of wage assigned to that classification.

| | Base Rate \$ | Safety Net Adjust- ment \$ | Weekly Wage Rate \$ | Ordinar- y Time \$ | Hourly Rate Time & One Half \$ | Double Time \$ |
|---|-----------------|-------------------------------------|------------------------------|--------------------------|---|----------------------|
| Hobart Control Centre | | | | | | |
| When in Sole Charge | 434.20 | 75.00 | 509.20 | 16.08 | 22.78 | 29.48 |
| All other times | 387.30 | 75.00 | 462.30 | 14.60 | 20.68 | 26.76 |
| Agency Supervisors | | | | | | |
| (i) When in Sole Charge | | | | | | |
| (1) District Centres & Grade I Agencies (including Hobart Telephone Betting) | 417.90 | 75.00 | 492.90 | 15.57 | 22.05 | 28.53 |
| (2) All Other Agencies | 387.30 | 75.00 | 462.30 | 14.60 | 20.68 | 26.76 |
| (ii) At Other Times | | | | | | |
| (1) District Centres & Grade I Agencies | 387.30 | 75.00 | 462.30 | 14.60 | 20.68 | 26.76 |
| (2) All Other Agencies | 375.60 | 75.00 | 450.60 | 14.23 | 20.16 | 26.09 |
| (iii) Agency Supervisors who are appointed in sole charge of a branch or agency for a period in excess of two consecutive weeks whilst the manager or agent is absent, will be paid the minimum salary appropriate to such grade of agency for all time worked. | | | | | | |
| All Other Operational Staff | 363.20 | 75.00 | 438.20 | 13.84 | 19.61 | 25.37 |

Notwithstanding the above, all new staff undergoing training shall be paid at 70 percent of the normal rate for the first 20 hours of employment.

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DIVISION B - ADMINISTRATIVE AND OTHER STAFF

1. ADULTS

Adult employees classified hereunder shall be paid within the minimum and maximum salaries per annum as set out hereunder:

| | | MINIMUM | | | MAXIMUM | | |
|------|-----------------------------------|---------|--------|--------|---------|--------|--------|
| | | Base | Safety | Salary | Base | Safety | Salary |
| | | Rate | Net | per | Rate | Net | per |
| | | \$ | \$ | \$ | \$ | \$ | \$ |
| | | | Adjust | Annun | | Adjust | Annun |
| | | | -ment | | | -ment | |
| A 1 | Administrative Officer | 24740 | 3796 | 28536 | 26907 | 3692 | 30599 |
| A 2 | Accounts Supervisor | 22665 | 3900 | 26565 | 24639 | 3796 | 29435 |
| A 3 | Accounts Clerk | 19011 | 3900 | 22911 | 20901 | 3900 | 24801 |
| A 4 | Receptionist | 19011 | 3900 | 22911 | 20901 | 3900 | 24801 |
| A 5 | Printing Clerk | 19011 | 3900 | 22911 | 20901 | 3900 | 24801 |
| A 6 | Typist | 19011 | 3900 | 22911 | 20901 | 3900 | 24801 |
| O 7 | Senior Programmer | 33718 | 3692 | 37410 | 38545 | 2808 | 42133 |
| O 8 | Programmer | 27757 | 3692 | 31449 | 31699 | 3692 | 35391 |
| O 9 | Graduate Programmer | 24615 | 3796 | 28411 | 25782 | 3796 | 29578 |
| O 10 | Raceday Manager | 28169 | 3692 | 31861 | 32185 | 3692 | 35877 |
| O 11 | Raceday Supervisor | 25938 | 3796 | 28734 | 29464 | 3692 | 33156 |
| O 12 | Control Centre Supervisor | 22468 | 3900 | 26368 | 24408 | 3796 | 28204 |
| O 13 | Marketing Manager | 25717 | 3796 | 29513 | 29169 | 3692 | 32861 |
| O 14 | Senior Technician | 27637 | 3692 | 31329 | 31537 | 3692 | 35229 |
| O 15 | Technician | 25572 | 3796 | 29368 | 29018 | 3692 | 32710 |
| O 16 | Development Manager-Operations | 25938 | 3796 | 29734 | 29464 | 3692 | 33156 |
| O 17 | Branch Manager (1) | 22665 | 3900 | 26565 | 24639 | 3796 | 28435 |
| O 18 | Branch Manager (2) | 22468 | 3900 | 26368 | 24408 | 3796 | 28204 |
| O 19 | Telephone Betting Manager | 23647 | 3900 | 27547 | 25708 | 3796 | 29504 |
| O 20 | On-Course Manager/South | 23647 | 3900 | 27547 | 25708 | 3796 | 29504 |

KEY A = Administrative Employees

O = Other Staff

2. JUNIOR CLERKS

The minimum salary per annum that shall be paid to junior clerks shall be the undermentioned percentage of the appropriate salary per annum for classification 6 hereof:

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| | % |
|-----------------|----|
| 16 years of age | 50 |
| 17 years of age | 60 |
| 18 years of age | 70 |
| 19 years of age | 80 |
| 20 years of age | 90 |

Review

The position of all officers in relation to the salary range shall be reviewed annually by the employer.

Should the review not be to the satisfaction of an employee, such employee shall have the right in the first instance to raise the matter with management and if not satisfied shall have the right to have the matter referred by the union for determination by the Tasmanian Industrial Commission.

DIVISION C - SUPPORTED WAGE SYSTEM

(a) Eligibility Criteria

Subject to this subclause an employer may engage employees at a supported wage rate (as set out in paragraph (c) of this subclause) 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 subclause 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 FURTHER that this subclause does not apply to employers in respect of their facility, program, 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 Section 10 or under Section 12A of the above Act, or if a part only has received recognition, that part.

(b) For the purposes of this subclause:

'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.

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'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.

'Disability Support Pension' means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme.

'Supported Wage System' means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

(c) Supported Wage Rates

Employees to whom this subclause 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 (paragraph (d)) | Percentage 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 \$51 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,

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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 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 subclause 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 subclause 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 subclause 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 paragraphs (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$51 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.

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- (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 paragraph (c) hereof."

4. By deleting Clause 39 - Trainee Clerk.

5. By renumbering Clause 40 - Travelling Time and Allowances to Clause 39 - Travelling Time and Allowances.

6. By renumbering Clause 41 - Enterprise Flexibility to Clause 40 - Enterprise Flexibility.

7. By renumbering Clause 42 - Occupational Superannuation to Clause 41 - Occupational Superannuation.

OPERATIVE DATE

These variations shall come into operation from the first full pay period to commence on or after 7 September 2000.

A W Pearce
COMMISSIONER

22 September 2000