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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for an award or variation of an award

Tasmanian Trades and Labor Council
(T8413 of 1999)

Private Sector Awards

Tasmanian Chamber of Commerce and Industry Limited
(T8483 of 1999)

Private and Public Sector Awards

FULL BENCH:
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING
COMMISSIONER P A IMLACH

Wage Rates - State Wage Case July 1999 - applications to review the Wage Fixing Principles and to vary awards in a manner consistent with the Australian Industrial Relations Commission decision in Print number R1999 Safety Net Review - Wages - flow-on of federal safety net adjustment approved - operative date ffpp 1 August 1999 - partial revision of Wage Fixing Principles - full review of Wage Fixing Principles to begin no later than October 1999

CARRIERS AWARD

ORDER -

No. 1 of 1999

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THE **CARRIERS AWARD** IS VARIED IN THE FOLLOWING MANNER:

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

"8. WAGE RATES

DIVISION A - GENERAL CARTAGE

Adult employees of the grades appearing below shall be paid as a minimum the weekly wage rates assigned to those classifications for the type of work concerned.

With the exception of the industry and callings covered by Division B - Refuse Collection, Transport and Disposal, this clause covers employees working in or in connection with the transport of goods, wares, merchandise, material or anything whatsoever whether in its raw state or natural state, wholly or partly manufactured state or of a solid or liquid or gaseous nature or otherwise, and/or livestock.

(a) Table of Weekly Wage Rates

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Grade 1	359.20	60.00	419.20
General Hand Greaser/Cleaner Yardperson Vehicle Washer & Detailer Motor Drivers Assistant			
Loader - other than Freight Forwarder			
Courier - Foot or Bicycle			
Grade 2	374.50	60.00	434.50
Loader-Freight Forwarder			
Tow Motor Driver			
Driver - Rigid Vehicles to 4.5 tonnes GVM and employee riding a motor cycle in course of employment			

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Grade 3	382.20	60.00	442.20
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Driver Forklift up to 5 tonnes

Driver Concrete Mixer up to and including 2 cubic metres

Driver 2 axle Rigid Vehicle 4.5 tonnes to 15 tonnes GVM

Grade 4	393.60	60.00	453.60
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Driver Forklift over 5 tonnes and up to and including 10 tonnes

Driver Oil Tractor

Driver 3 axle Rigid Vehicle exceeding 15 tonnes GVM - up to 8 tonnes capacity

Radio Operator

Driver Concrete Mixer over 2 cubic metre bowl and up to 4.9 cubic metre bowl

Weighbridge Attendant

Driving a Straddle Truck

Driver 3 axle Rigid Vehicle exceeding 15 tonnes - capacity over 8 tonnes up to 15 tonnes

Crane Chaser

PROVIDED that any employee classified as a crane chaser as at 14 August 1990 shall receive 10 per cent in addition to the rate for Grade 4.

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Grade 5	401.40	60.00	461.40
<p>Driver Rigid Vehicle with four or more axles and a GVM exceeding 15 tonnes - capacity over 10 tonnes up to 15 tonnes</p> <p>Driver of Rigid Vehicle and heavy trailer combination with 3 axles with a GCM of 22.4 tonnes or less - capacity over 10 tonnes up to 15 tonnes</p> <p>Driver Articulated Vehicle with 3 axles and a GCM of 22.4 tonnes or less</p> <p>Driver Forklift in excess of 10 tonnes up to 25 tonnes</p> <p>Driver Concrete Mixer 5 cubic metre bowl and over</p> <p>Driver Forklift in excess of 25 tonnes and up to 34 tonnes</p>			
Grade 6	408.90	60.00	468.90
<p>Driver Rigid Vehicle and heavy trailer combination with more than 3 axles and a GCM greater than 22.4 tonnes - over 16 tonnes up to 21 tonnes capacity</p> <p>Mobile Crane lifting up to 15 tonnes</p> <p>Driver Rigid Vehicle and heavy trailer combination with more than 3 axles and a GCM greater than 22.4 tonnes - over 21 tonnes capacity</p> <p>Mobile Crane lifting over 15 tonnes up to 20 tonnes</p> <p>Driver Articulated Vehicle with more than 3 axles and a GCM greater than 22.4 tonnes - capacity up to 22 tonnes</p>			

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Driver Articulated Vehicle with more than 3 axles and a GCM greater than 22.4 tonnes - capacity over 22 tonnes

Driver mobile crane lifting over 20 tonnes up to 25 tonnes

Driver Low Loader with GCM up to and including 43 tonnes

Grade 7	416.60	60.00	476.60
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Driver Double Articulated vehicle up to and including 53.4 tonnes GCM (includes B-doubles)

Driver Low Loader with GCM exceeding 43 tonnes

Grade 8	435.70	60.00	495.70
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Driver Mobile Crane lifting between 25 tonnes and 35 tonnes

Driver Rigid Vehicle and trailer(s) or Double Articulated exceeding 53.4 tonnes GCM (includes B-doubles) - capacity up to 35 tonnes

Driver Mobile Crane lifting between 35 tonnes and 45 tonnes

Driver Rigid Vehicle and trailer(s) or double articulated exceeding 53.4 tonnes GCM but not exceeding 94 tonnes GCM (includes B-doubles) - capacity over 35 tonnes

Driver Mobile Crane lifting between 45 and 50 tonnes

Driver Multi Axle Trailing Equipment up to 70 tonnes capacity

PROVIDED that an employee driving multi axle trailing equipment up to 70 tonnes as at 14 August 1990 shall receive 18 per cent in addition to the rate for Grade 8.

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Grade 9	447.10	60.00	507.10
Driver Mobile Crane lifting in excess of 50 tonnes			
Driving Gantry Crane			
Driving a Rigid Vehicle with trailer combinations or Articulated Vehicle with trailer combinations exceeding 94 tonnes GCM			
Grade 10	462.50	58.00	520.50

Multi-axle Trailing Equipment between 70 tonnes and 100 tonnes capacity

PROVIDED that an employee driving multi axle trailing equipment between 70 tonnes and 100 tonnes capacity as at 14 August 1990 shall receive seven per cent in addition to the rate for Grade 10.

For each additional 10 tonnes of capacity or part thereof an extra \$10.20 (as part of the weekly wage rate for all purposes) up to 150 tonnes shall be payable.

For each additional 10 tonnes of capacity or part thereof an extra \$9.70 (as part of the weekly wage rate for all purposes) up to 200 tonnes shall be payable.

For work performed in excess of 200 tonnes of capacity and up to 300 tonnes an additional payment of \$9.50 per day (as part of the weekly wage rate for all purposes) to be added to the 200 tonne rate.

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(b) Table of Further Additional Amounts

An employee required to perform any work described in the table set out hereunder shall be paid in addition to the appropriate weekly wage rate the amount prescribed herein for such work.

Items Previously Considered for Adjustment on Economic Grounds

	Per Week \$
(i) Leading hands in charge of:	
Not less than three and not more than 10 employees	20.40
More than 10 and not more than 20 employees	30.40
More than 20 employees	38.70
PROVIDED that this item shall not apply to leading loader.	
(ii) Any employee required to drive a motor vehicle in excess of 16.8 metres in length shall receive an additional \$2.00 per day or part thereof.	
(iii) Any employee required to drive a motor vehicle with a truck loading crane mounted on the vehicle shall receive an additional \$2.00 per day.	
(iv) Any employee required to drive a motor vehicle in excess of 3.5 metres in width or transport a load in excess of that width shall receive an additional \$2.00 per day or part thereof.	
(v) Employee who is a recognised furniture carter engaged in removing and/or delivering furniture	11.30
(vi) Employee who is a recognised livestock carter carting livestock	11.30
(vii) Employee driving sanitary vehicle	12.70
(viii) Employee driving vehicle collecting garbage	10.30
(ix) Driver required to act as salesperson of goods in his/her vehicle	2.00
(x) Driver-salesperson	9.30

Note: no employee shall be entitled to receive in any one week both the additional amounts set out in items (g) and (h) of this subclause.

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- (xi) Employee carting, loading and/or unloading carbon black except when packed in sealed metal containers, an extra \$1.30 per day or part thereof.
- (xii) Employee carting, loading and/or unloading offensive material 1.40
PROVIDED that a higher amount for any load or quantity that is particularly offensive may be fixed.
- (xiii) Employee carting, loading and/or unloading dirty material, an extra 26 cents per hour.
- (xiv) Employee who is required to cart tar (other than in sealed containers) for immediate spreading upon streets, tar in unsealed containers, or tarred material for spreading upon streets; and/or who spreads either of them upon streets, an extra 1.90
- (xv) Coffin allowance - employees required to handle coffins containing human remains shall be paid an amount of \$1.74 for each coffin handled.
- (xvi) Employee handling money
 For any amount handled:

up to \$20	0.90
over \$20 but not exceeding \$200	1.90
over \$200 but not exceeding \$600	3.40
over \$600 but not exceeding \$1000	4.30
over \$1000 but not exceeding \$1200	6.10
over \$1200 but not exceeding \$1600	9.30
over \$1600 but not exceeding \$2000	10.60
over \$2000	12.00

Note: Where a higher further additional amount becomes payable under any item of this subclause number (iv), (v), (vi), (ix), (x), (xi) or (xii), it shall supersede any lesser additional amount contained in these items which otherwise would have been liable for payment.

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DIVISION B - REFUSE COLLECTION, TRANSPORT AND DISPOSAL

This clause covers employees working in or in connection with the collection, transportation and/or disposal of solid or fluid industrial commercial and domestic waste, refuse, garbage, sillage, sewage and any other like material whether in its raw state or natural state, wholly or partly manufactured state or decomposed or partly decomposed state.

(a) Table of Weekly Wage Rates

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(1) Driver of rigid vehicle up to and including maker's gross vehicle capacity or mass of 30 tonnes	413.90	60.00	473.90
(2) Driver of articulated vehicle up to and including maker's gross vehicle capacity or mass of 30 tonnes	427.90	60.00	487.90
(3) Driver's offsider	398.00	60.00	458.00
(4) Additional Amounts			
(A) employee handling money shall be paid extra:			Amount Per Week \$
up to \$20			0.60
over \$20 but not exceeding \$200			1.30
over \$200 but not exceeding \$600			2.90
over \$600 but not exceeding \$1000			3.90
over \$1000			5.40
(B) Leading Hands			29.60

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DIVISION C - 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 division) 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 FURTHER 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 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 division:

'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.

'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.

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(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 division, 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 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.

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(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 Clause 19 - First Aid Allowance, and inserting in lieu thereof the following:

"19. FIRST AID ALLOWANCE

An employee holding a current first aid qualification from St. John Ambulance, Red Cross or similar body and appointed by his/her employer to perform first aid duty shall be paid in addition to his/her wages \$6.70 for any week he/she is so appointed. The employer will reimburse the cost of fees for any courses necessary for any employee covered by this clause to obtain, and maintain current, the appropriate first aid qualification."

Operative Date

These variations shall come into operation from the first full pay period to commence on or after 1 August 1999.

B R Johnson
DEPUTY PRESIDENT

29 July 1999