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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

MISCELLANEOUS WORKERS AWARD

ORDER BY CONSENT -

No. 3 of 2000

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THE **MISCELLANEOUS WORKERS AWARD** IS VARIED IN THE FOLLOWING MANNER:

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

"3. ARRANGEMENT

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LIBRARY ATTENDANT**

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

"7. DEFINITIONS

For the purposes of all Divisions:

'Part-time employee' is one engaged to regularly work for less hours per day or week than those prescribed for full-time employees.

'Casual employee' means any person who is employed on a casual basis and includes any person who is employed for a period not exceeding five days at any one time, and shall not include an employee as defined in subclause (a) hereof.

'Union' means the Australian Liquor, Hospitality and Miscellaneous Workers Union, Tasmanian Branch.

'Show Day' means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the employee is employed; or such other day which, in the absence of such a local show day, is agreed on by the employee and the employer, therefore making a total of 11 paid public holidays per year.

Nothing in this award shall be taken to imply that an employee cannot be engaged to carry out work covered by more than one of the occupations as specified in Clause 2 - Scope.

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For the purposes only of Division A - Employees engaged in accordance with Clause 2 - Scope in the occupations of Caretaker, Janitor, General Attendant, Lift Attendant, Tea Attendant, Cleaner, Groundsman or Yardman, Vehicle Cleaner and Domestic:

'Level 1 employee' - (Wage relativity to Level 3 employee = 87.4%)

(a) Point of Entry

A new employee or adult employee previously engaged as a junior in one of the occupations of vehicle cleaner, domestic or general attendant.

(b) Induction Programme

A new employee at this level may undertake an internal induction programme which may include information on the enterprise, conditions of employment, introduction to other workers, training and career path opportunities, occupational health and safety, quality control, work and documentation procedures, personal presentation and use and care of machinery and/or equipment where relevant.

(c) Tasks/Duties/Responsibilities

An employee may be engaged in at least one of the following occupational groups:

GROUP A:

Occupations of Lift Attendant, Tea Attendant, Cleaner, Groundsman or Yardman, Vehicle Cleaner or Domestic

Indicative of the tasks/duties and responsibilities at this level and in this group of occupations an employee may be required to perform are the following:

- Cleaning of buildings and properties.
- Cleaning of motor vehicles, including vehicles for hire.
- Household duties including cleaning, laundering, ironing, cooking and childminding;
- Maintenance of premises, grounds and/or general surroundings;
- Operation and attendance of lifts;
- Tea Attendance.

GROUP B:

A new employee with less than 4 weeks employment in the occupation of General Attendant, Utility Officer and/or Caretaker or Janitor

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Subject to the provisions of Clause 16 - Contract of Employment, subclause (c) thereof, an employee in this occupational group shall remain at this level for a maximum employment period of 4 weeks.

Indicative of the tasks/duties and responsibilities at this level and in this group of occupations an employee may be required to perform during this initial 4 weeks of employment are the following:

- Attend and protect premises and surrounds to ensure their good order and convenient use including their cleaning and upkeep;
- General securing of premises and surrounds;
- Assist the public in the use of premises or facilities;
- General maintenance and handyman duties additionally maintaining appearance of buildings and grounds;
- Taking of messages.

(d) Promotional Criteria

With the exception of Group B occupations in this definition an employee remains at this level until capable of effectively performing, through assessment or appropriate certification, the tasks required of this function so as to enable progression to the next level as a position becomes available.

'Level 2 employee' - (Wage relativity to Level 3 employee =92.4%)

(a) Point of Entry

- (i) Level 1 employee who satisfies the promotional criteria of that level or, in the case of an employee engaged under Group B - Occupations of Level 1, has satisfactorily completed 4 weeks of employment.
- (ii) Completion of required training module.

(b) Tasks/Duties/Responsibilities

An employee may be engaged in one of the following occupational groups:

GROUP A:

Occupations of Lift Attendant, Tea Attendant, Cleaner, Groundsman or Yardman, Vehicle Cleaner of Domestic

An employee at this level shall utilise the skills of a Level 1 employee in occupation Group A and in addition utilise specialist skills. Indicative of the tasks/duties and responsibilities an employee may be required to perform at this level and in this group of occupations include the following:

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- Ordering and receiving of supplies and materials in connection with the cleaning of building and properties and/or motor vehicles (including vehicles for hire);
- Specialised cleaning of carpet, upholstery and furnishings using hot water extraction machines or shampooing machines requiring advanced operational skills;
- Steam and pressure cleaning of buildings using mechanical machines emitting steam under pressure requiring advanced operational skills;
- Window cleaning from a suspended apparatus.
- General repairs and renovation, not requiring trade qualifications for their performance, in the maintenance of premises, grounds and/or general surroundings.

GROUP B:

An employee with at least 4 weeks employment in the occupations of General Attendant, Utility officer and/or Caretaker or Janitor

Indicative of the tasks/duties and responsibilities at this level and in this group of occupations an employee may be required to perform are the following:

- Attend and protect premises and surrounds to ensure their good order and convenient use including their cleaning and upkeep;
- General securing of premises and surrounds;
- Assist the public in the use of premises or facilities;
- General maintenance and handyman duties and may, in addition, include maintaining the appearance of buildings and grounds;
- Taking of messages.

(c) Promotional Criteria

An employee remains at this level until capable of effectively performing, through assessment or appropriate certification, the tasks required of this function so as to enable progression to the next level as a position becomes available.

'Level 3 Employee' - (Wage relativity = 100%)

(a) Point of Entry

- (i) Level 2 employee.

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(ii) Completion of required training module.

(b) General

An employee who utilises the skills required of the Level 2 definition but at a more advanced level and in addition is appointed by the employer as the principal supervisor of employees at definition Levels 1 and 2.

(c) Tasks/Duties/Responsibilities

In addition to the tasks of a Level 2 employee as defined, the indicative tasks, duties and responsibilities which an employee at this level may perform are the following:

- Use of a well developed level of interpersonal and communicative skills;
- Exercises discretion within the scope of this level;
- Coordination of other employees at Levels 1 and 2;
- Supervises, directs and guides other employees at Levels 1 and 2 and assists in the provision of training and induction;
- Specialised maintenance duties that may require the holding of a trades certificate, including repairs to property, premises and maintenance of grounds and surrounds;
- Maintenance of all records and administrative tasks incidental to main duties.

For the purposes only of Division B - Employees engaged in accordance with Clause 2 - Scope in the occupation of Library Attendant

'Library Attendant Level 1'- (Wage relativity to Library Supervisor Level 4 = 78%)

(a) Point of Entry

A new employee or adult employee with less than 4 weeks employment as a library attendant under this award.

(b) General

An employee remains in this position for up to 152 working hours during which time the employee shall undertake induction training to enable the employee to progress to the next grade subject to the satisfactory completion of the training programme.

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(c) Training Programme

Induction training shall be provided as on-the-job training and may include information on the enterprise, conditions of employment, introduction to fellow workers, training and career path opportunities, work and documentation procedures, occupational health and safety, stock control procedures, liaison with industry representatives, familiarisation with security arrangements, basic operation of home viewing equipment and familiarisation with the operation of a video outlet and/or library.

An employee at this level performs routine duties to their level of training under general or direct supervision. Indicative of the tasks an employee at this level may be required to perform include the following:

- Setting up of displays;
- Liaison with customers and industry representatives under supervision;
- cleaning;
- basic keyboard operation and basic operation of computer software programmes under supervision;
- unpacking and packing of stock and maintenance of relevant records;
- presentation and maintenance of library stock;
- transaction of money at the point of sale or hire under supervision;

(d) Promotional Criteria

An employee remains at this level for a period of 4 weeks employment undertaking structured training and on the satisfactory completion thereof shall progress to the next level.

'Library Attendant Level 2' - (Wage relativity to Library Supervisor Level 4 = 87.4%)

(a) Point of Entry

- (i) Satisfactory completion of 4 weeks (152 hours) employment inclusive of training at Library Attendant Level 1.
- (ii) An adult employee with more than 4 weeks employment experience as a Junior Library Attendant.
- (iii) Demonstrated and proven skills enabling the employee to satisfactorily perform the tasks of this level.

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(b) Tasks/Duties/Responsibilities

An employee at this level shall perform all the tasks/duties of a Library Attendant Level 1 and in addition the indicative tasks/duties/responsibilities an employee at this level may perform are the following:

- liaison with customers including minor customer complaints and problems;
- transaction of money at the point of sale or hire and processing and balancing of all monies;
- basic computer and keyboard operation;
- basic knowledge of movies and technical trade journals;
- basic operation of home viewing equipment;
- basic arithmetical calculations with accuracy;
- cleaning and incidental repairs, including library stock;
- setting up and presentation;
- receipt and despatch of stock and maintenance of necessary records;
- packing and unpacking and maintaining stock on display;
- security of premises under supervision;
- basic and incidental maintenance;
- control and supervise access of customers to library;
- demonstrate good verbal skills.

(c) Promotional Criteria

An employee remains at this level until capable of effectively performing, through assessment or appropriate certification, the tasks required of this function so as to enable progression to the next level upon being required to perform within the criteria of the next level.

'Library Attendant Level 3'- (Wage relativity to Library Supervisor Level 4 = 92.4%)

(a) Point of Entry

- (i) Library Attendant Level 2;

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(ii) Completion of required training module.

(b) General

An employee at this level will utilise the skills of a Library Attendant Level 2 at a higher level of skill and responsibility and may include responsibility for the training and supervision of Level 1 and 2 employees within a work section.

An employee at this level shall also have a working knowledge of computers and computer programmes.

(c) Tasks/Duties/Responsibilities

In addition to the tasks of a Library Attendant Level 2 the indicative tasks, duties and responsibilities which an employee at this level may perform are the following:

- keyboard and computer skills at a more advanced level than Level 2;
- reasonable working knowledge of movies and trade and technical journals to enable communication with distributors and customers on these matters;
- general knowledge of the operation of home viewing equipment and understanding of basic fault finding/correction;
- general knowledge of general maintenance and basic repairs;
- more advanced verbal skills than Level 2 employees;
- design and layout of promotions and presentations;
- observe and undertake procedures for security of premises and oversee Level 1 and 2 employees in securing premises;
- receipt of orders and checking and dealing with problems arising therefrom;
- packing/unpacking of stock and maintaining necessary records and dealing with problems arising therefrom;
- controlling access and supervision of customers to library materials and resolving customer problems and complaints of a minor nature;
- arithmetic skills at a more advanced level than Level 2;
- processing and balancing of all monies up to the banking stage.

(d) Promotional Criteria

An employee remains at this level until capable of effectively performing, through assessment or appropriate certification, the tasks required of this function so as to enable them to progress to the next level as a position becomes available.

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'Library Supervisor Level 4' - (Relativity 100%)

(a) Point of Entry

- (i) Library Attendant Level 3;
- (ii) Completion of required training modules.

(b) General

An employee at this level shall utilise skills and exercise responsibility at a level higher than that required of a Library Attendant Level 3 and in addition shall:

- understand and apply quality control techniques;
- exercise advanced interpersonal communication skills;
- exercise discretion within the scope of this Level;
- exercise advanced keyboard with computer skills;
- perform work under limited or general supervision either individually or within a team environment;
- is appointed by the employer to supervise employees at Levels 1 to 3 and generally supervises the Library.

(c) Tasks/Duties/Responsibilities

In addition to the tasks of a Library Attendant Level 3 the indicative tasks, duties and responsibilities an employee at this level may perform are the following:

- customer liaison and dealing with and resolving complaints and problems;
- responsibility for stock controls;
- purchase and review of stock under management directions;
- training and induction of Level 1 to 3 employees;
- supervision of Level 1 to 3 employees;
- coordination of business promotions and associated advertising of stock;
- responsibility for the control of monies at the point of sale, including balancing and banking;
- responsibility for presentation and maintenance of stock;

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- more advanced working knowledge of computer software programmes than a Library Attendant Level 3;
- may have advanced knowledge of repair, maintenance and operation of home viewing equipment including video cassettes and able to deal with related customer enquiries;
- resolution of basic computer errors.

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

"8. WAGE RATES

DIVISION A - EMPLOYEES ENGAGED IN ACCORDANCE WITH CLAUSE 2 - SCOPE IN THE OCCUPATIONS OF CARETAKER, JANITOR, GENERAL ATTENDANT, LIFT ATTENDANT, TEA ATTENDANT, CLEANER, GROUNDSMAN OR YARDMAN, VEHICLE CLEANER AND DOMESTIC

Adults

Subject to Division C, subclause (a) Junior - Vehicle Cleaner, Domestic or General Attendant, the minimum weekly wage rate for an employee classified hereunder shall be the weekly wage rate assigned to that classification.

	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Level 1 Employee (as defined)	87.4	364.60	75.00	439.60
Level 2 Employee (as defined)	92.4	385.50	75.00	460.50
Level 3 Employee (as defined)	100	417.20	75.00	492.20

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**DIVISION B - EMPLOYEES ENGAGED IN ACCORDANCE WITH
CLAUSE 2 - SCOPE IN THE OCCUPATION OF LIBRARY ATTENDANT**

Adults

The minimum weekly wage rate for an adult employee classified hereunder shall be the weekly wage rate assigned to that classification.

	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Library Attendant Level 1 (as defined)	78	325.40	75.00	400.40
Library Attendant Level 2 (as defined)	87.4	364.60	75.00	439.60
Library Attendant Level 3 (as defined)	92.4	385.50	75.00	460.50
Library Supervisor Level 4 (as defined)	100	417.20	75.00	492.20

DIVISION C - JUNIORS

(a) Junior - Vehicle Cleaner, Domestic or General Attendant

A junior employee who is engaged under the occupation of Vehicle Cleaner, Domestic or General Attendant shall in lieu of the weekly wage rate provided in Division A, subclause (a) - Adults be paid the following percentage of the weekly wage rate prescribed for a Level 1 Employee in Division A, subclause (a) - Adults until the employee attains the age of 21.

	%
At 16 years of age	55
At 17 years of age	65
At 18 years of age	75
At 19 years of age	85
At 20 years of age	95
At 21 years of age	100

PROVIDED that where more than one employee of this class is employed, no more than 50 per cent of those employees shall be engaged and paid as junior employees.

PROVIDED ALWAYS that an employee engaged as a general attendant prior to 1 August 1992 shall be entitled to the rate of pay prescribed for an adult employee.

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(b) Junior - Library Attendant

An employee classified as a junior library attendant shall be paid the following percentage of the total weekly wage prescribed for classification Library Attendant Level 2 in Division B, subclause (a) - Adults.

	%
At 16 years of age	55
At 17 years of age	65
At 18 years of age	75
At 19 years of age	85
At 20 years of age	95
At 21 years of age	100

PROVIDED that where more than one employee of this class is employed, no more than 50 per cent of those employees shall be employed and paid as junior employees.

DIVISION D - 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 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

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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 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 (paragraph (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 \$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 division, including the appropriate percentage of the award wage to be paid to the employee, shall

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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 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 4 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 subclause (c) hereof."

4. By deleting Clause 9 - Allowances and inserting in lieu thereof the following:

"9. ALLOWANCES

- (a) Leading Hand Allowance

An employee who is appointed by the employer as a leading hand shall be paid per week the following applicable allowance in addition to the classification rate:

	Amount per Week \$
(i) In charge of 5 or less employees	13.50
(ii) In charge of 6 to 10 employees	17.40
(iii) In charge of more than 10 employees	22.10

PROVIDED that the leading hand allowances prescribed by this subclause shall not be paid to employees engaged as a Level 3 employee (as defined) of Division A or Library Supervisor Level 4 (as defined) of Division B as prescribed in Clause 7 - Definitions.

- (b) Excess Fares Allowance

Employees engaged on any day or shift which is worked in two periods shall be paid an excess fares allowance of \$2.50 per day.

- (c) First Aid Allowance

Where an employee is a qualified first aid attendant and is authorised to carry out the duties of a qualified first aid attendant, the employee shall be paid an additional amount of \$6.40 per week.

- (d) Meal Allowance

An employee who is entitled to a meal allowance pursuant to Clause 21 - Overtime of Division A and Clause 39 - Overtime of Division B shall be paid an amount of \$10.00 for each occasion when the allowance is payable."

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5. By deleting Clause 27 - Relationship to the National Training Wage (Tasmanian Private Sector) Award and inserting in lieu thereof the following:

"27. RELATIONSHIP TO THE NATIONAL TRAINING WAGE (TASMANIAN PRIVATE SECTOR) AWARD

A party to this award shall comply with the terms of the National Training Wage (Tasmanian Private Sector) Award, as varied, as though bound by Clause 6 of that award."

5. By deleting "Clause 35 - Traineeships - Career Start Traineeship System (CST)"

6. By renumbering "Clause 36 - GENERAL CONDITIONS" to "Clause 35 - GENERAL CONDITIONS".

7. By renumbering "Clause 37 - CARER'S LEAVE" to "Clause 36 - CARER'S LEAVE".

8. By renumbering "Clause 38 - HOURS OF WORK" to "Clause 37 - HOURS OF WORK".

9. By renumbering "Clause 39 - MINIMUM ENGAGEMENT" to "Clause 38 - MINIMUM ENGAGEMENT".

10. By renumbering "Clause 40 - OVERTIME" to "Clause 39 - OVERTIME".

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

21 September 2000