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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for award or variation of award

Tasmanian Trades and Labor Council

(T12940 of 2007)

Private Sector Awards

Public Sector Awards

FULL BENCH:

PRESIDENT P L LEARY

DEPUTY PRESIDENT P C SHELLEY

COMMISSIONER T J ABEY

Wage Rates – State Wage Case 2007 – application amended - application to vary private and public sector awards – award wage rates to be increased by \$22.70 per week - wage related allowances to be increased by 3.8% – meal allowance increased to \$14.10 - State Minimum Wage rate determined at \$527.10 - s.35(1)(b) – operative date ffpp 1 August 2007

SOUTHERN REGIONAL CEMETERY TRUST STAFF AWARD

ORDER

**No. 2 of 2007
(Consolidated)**

AMEND THE **SOUTHERN REGIONAL CEMETERY TRUST STAFF AWARD** BY DELETING ALL CLAUSES CONTAINED THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING; AND THE AWARD IS CONSOLIDATED:

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1. TITLE

This award shall be known as the "Southern Regional Cemetery Trust Staff Award".

2. SCOPE

Subject to the exceptions and conditions contained herein, this award shall apply to all persons employed under the provisions of the *Southern Regional Cemetery Act 1981* who, being an employee within the meaning of Part V of the *Public Service Act 1973*.

3. ARRANGEMENT

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4. DATE OF OPERATION

This award shall come into operation from the first full pay period to commence on or after 1 August 2007.

5. SUPERSESSION AND SAVINGS

This award incorporates and supersedes No. 1 of 2007 (Consolidated).

PROVIDED that no right, obligation or liability incurred or accrued under any of the abovementioned provisions shall be affected by the replacement and supersession.

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PROVIDED ALWAYS the provisions of the relevant Act or Instrument under or by virtue of which they are appointed, or as prescribed by the Regulations, Rules, By-laws, or Instructions made under such Act or Instrument, whichever are applicable, shall continue to apply to the officers or classes of officer covered by this award as and where such Act, Instrument, Regulations, Rules, By-laws or Instructions save insofar as the salary to be received by, and the conditions of service of such officers or classes of officer are inconsistent with the provisions of this award, BUT no right, obligation or liability already accrued or incurred under such Act, Instrument, Regulations, Rules, By-laws, or Instructions shall hereby be affected.

6. AWARD INTEREST AND PARTIES BOUND

- (a) The following employee organisations have an interest in this award under Section 63(10) of the Act:

The Community and Public Sector Union (State Public Services Federation Tasmania);

- (b) This award is binding upon:

- (i) the Southern Regional Cemetery Trust;
- (ii) all employees covered by this award.

7. DEFINITIONS

In this award, unless the contrary intention appears:

- (a) General Definitions

'Administrative work' means the exercise of an appropriate level of responsibility and discretion in undertaking functions of an administrative nature where administration is concerned with achievement of the organisation's corporate goals through planning, organising, directing and controlling resources and/or activities. Administration is also concerned with the development and implementation of policy to achieve set objectives and desired outcomes.

'Broad direction' means that employees are expected to develop and achieve objectives for specific functions under their control that will ensure the attainment of results critical to the efficient operation of the work unit, section, branch or Agency.

'Clerical direction' means instructions and guidance on particular tasks and programs given by supervisors or managers to subordinate staff. It includes direction from sources such as legislation, standards and manuals.

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'Clerical supervision' means supervision provided by supervisors or managers to subordinate staff to ensure adherence to directions given, to decide on proposed solutions or courses of action, and to review and check the work of clerical staff.

'Clerical work' means the exercise of an appropriate level of responsibility and clerical knowledge and skill under a requisite degree of direction and supervision in the understanding of the preparation, processing and maintenance of documents, records and electronic data representing the transactions or business of the work unit or organisation being served. Clerical work is performed within a framework of legislation, policies, procedures, regulations, guidelines, precedents, instructions, or custom and practice, both written and oral.

'Direct supervision' means there is limited responsibility for the final outcome of work undertaken because only limited discretion is available to select the appropriate means of completing the task. Conformity with instruction is measured by the satisfactory completion of allocated tasks.

'General direction' means situations where detailed or specific instructions are limited to unusual features.

'General supervision' means that general instructions are given and tasks are undertaken to achieve the required outcomes or objectives. Discretion and choice in selecting the most appropriate method for completing the allotted tasks is expected and encouraged.

'Limited supervision' means that work is undertaken within established objectives and with little guidance. Conformity with instructions is usually measured in terms of achievement of stated objectives to senior management-agreed standards.

'Officer' means a person permanently or temporarily employed under the provisions of the *Southern Regional Cemetery Act 1981* who, being an employee within the meaning of Part V of the *Public Service Act 1973*, on the date upon which this award comes into force, occupies a position covered by this award, or who after that date is appointed to one of such positions.

'Routine supervision' means the responsibility for the final outcome is limited because the work is carried out in accordance with established guidelines and practices, however there is scope for the exercise of discretion in the choice of work methods.

'Specific direction' means situations where precise instructions are given with little or no choice provided.

(b) Classification Standards

Level 1

Trainee level concerned with basic clerical work undertaken under specific direction and direct supervision. Ability to acquire the required knowledge and skills derived from a reasonable standard of education.

Level 2

Routine work generally by specific direction undertaken under direct and/or routine supervision. Choices made based on established guidelines and instructions, written or verbal. Ability to acquire the required knowledge and skills to effectively undertake the work.

Level 3

Experienced clerical level - to achieve set outcomes, undertaken under routine supervision. Choices made based on established guidelines and instructions, written or verbal. Directly responsible for completion of tasks. A knowledge of established work practices is required. Experienced clerical level requiring good communication skills.

Level 4

Specialist functions undertaken under general direction and general supervision based on established procedures and practices. Exercise of limited discretion is required. Supervision of a small number of employees may be a feature. Experienced clerical level requiring a comprehensive understanding of relevant procedures and high-level communication skills.

Level 5

Clerical and administrative work of a value having an effect on the efficient operation of the work unit or Agency. A supervisory level. Work undertaken under general direction and general supervision, requiring initiative and the exercise of discretion. The exercise of a formal delegation may be required. Extensive knowledge of the specific discipline with well-developed communication and problem-solving skills. Ability and experience in staff supervision.

Level 6

Administrative work which may require the management of human and material resources in carrying out a variety of complex functions under a broad range of conditions under general supervision. The exercise of judgment and initiative consistent with the possession of sound knowledge in the field of work within which the position operates. Guidelines and procedures are generally well recognised but there may be some interpretation required in order to establish and select the most

appropriate approach to functions. Ability to research, evaluate and formulate information is critical. Experience in resource management is essential.

Level 7

Positions require a high degree of proficiency in the use of established administrative or managerial skills such as human resource management or accounting. Positions usually have responsibility for resource allocation and management and supervision of lower level employees in the achievement of divisional or organisational goals. Interpretation of policy and guidelines is a feature and functions are undertaken with general or limited supervision. A high level of experience in management practices is paramount.

Level 8

Positions at this level work with limited supervision, usually manage the operations of an organisational element, undertake a management function or provide consultative or administrative support and advice to a particular program or activity. The tasks may be either complex or specific in nature but directed to the organisation's goals. Immediate subordinate positions may include staff in technical or professional structures, in which case supervision is for administrative purposes only. In other circumstances supervision may involve the exercise of technical or professional skill and judgment. Independence of action including the use and allocation of resources within laid down restraints may be a feature. Decisions taken or responsibilities exercised may have a major effect on the operation of the work area. General management skills and the ability to contribute to the development of policy initiatives are required as is a high level of interpersonal and communications skills.

Level 9

Positions at this level operate as for Level 8 but only work under broad direction and are required to provide more authoritative specialist consultative or management advice generally or as it relates to a particular work area. Positions at this level are required to operate with a significant degree of independence of action and autonomy in day to day activities, accountable to management in terms of strategic direction and meeting objectives. The tasks carried out would be of a highly complex nature encompassing a significant element of total Agency operations. Significant independence and autonomy of action is expected in achieving desired outcomes. Delegations exercised at this level may include being the final authority in the process of approving the expenditure of funds, undertaking specific action in line with the policy of the Agency, or reviewing previous actions or decisions. The development of rules, regulations and guidelines may be co-ordinated at this level. High-level management skills are essential. Liaison and communication skills of a high order, including the ability to consult, negotiate or communicate with clients or other groups on behalf of the Agency, after to finality, may be needed. A detailed understanding of legislation and the capacity to undertake specific or major research, investigations or reviews is required.

Level 10

A specialist consultative advisory level reporting to senior management under broad direction to achieve outcomes. The position would play a key role in planning, developing and implementing programs. The position would have a significant effect on the operation of the Agency and requires specialist administrative research or analytical skills. Highly developed marketing, conceptual and strategic skills are required for positions at this level.

Level 11

A specialist with direct effect on government policy development and commentary. Required to initiate, develop and implement systems for effective forecasting, monitoring and control of government programs. Positions at this level are required to take initiative in providing a high standard of policy advice to government requiring a high level of expertise and/or extensive practical experience in relation to the implementation of a specialised program. Extensive investigative research and analytical skills with a high degree of proficiency in communication including the capacity to represent the Agency and/or Minister in public forums.

Level 12

A principal adviser to government in relation to specific programs that have a direct and critical effect on governmental objectives. The highest level of professional and technical competency is required. The work is carried out in direct consultation with the chief executive or the government. Duties are undertaken without supervision and complete autonomy within the field of expertise is exercised. The highest level of skill in relation to communication, conceptual and strategic skills and investigative research and analytical skills.

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8. SALARIES

An employee appointed to a position classified under this award shall be paid at the salary rate applicable to the appropriate level contained in this clause and as defined in Clause 7 - Definitions, subclause (b) - Classification Standards of this award.

A.

		Salary per Annum \$
Level 1	1st year of service	27329.40
	2nd year of service	28531.40
	3rd year of service	29733.40
	4th year of service & thereafter	30935.40

PROVIDED that an employee who has completed twelve months service on the maximum salary rate prescribed for Level 1 shall progress to Level 2, subject to the employer being satisfied that the employee's overall performance has justified the progression

		Salary per Annum \$
Level 2	1st year of service	32240.40
	2nd year of service	33441.40
	3rd year of service & thereafter	34539.40
Level 3	1st year of service	35751.40
	2nd year of service	36342.40
	3rd year of service	36942.40
	4th year of service	37543.40
	5th year of service & thereafter	38144.40
Level 4	1st year of service	39369.40
	2nd year of service	39883.40
	3rd year of service	40503.40
	4th year of service	41226.40
	5th year of service & thereafter	41835.40
Level 5	1st year of service	42980.40
	2nd year of service	43599.40
	3rd year of service & thereafter	44217.40
Level 6	1st year of service	45352.40
	2nd year of service	45971.40
	3rd year of service & thereafter	46590.40
Level 7	1st year of service	47828.40
	2nd year of service	49065.40
	3rd year of service & thereafter	50305.40

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Level 8	1st year of service	52780.40
	2nd year of service	54018.40
	3rd year of service & thereafter	55256.40
Level 9	1st year of service	57728.40
	2nd year of service & thereafter	58969.40
Level 10		61446.40
Level 11		63923.40
Level 12		67637.40

B. 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 ALWAYS that this subclause 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 subclause:

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

'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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'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.

'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 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))	% 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 \$61 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.

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(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 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 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).

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- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$61 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 paragraph (c) hereof.

C. Trainees

The employer may engage employees as trainees, subject to the provisions outlined in the Appendix to this award.

9. ALLOWANCES

The following allowances will be paid in accordance with the General Conditions of Employment Award:

- (a) Recreation Leave Allowance;
- (b) Overtime;
- (c) Rest Period after Overtime and Meal Allowances;
- (d) Travel accommodation, meal and kilometre allowance;
- (e) Higher and More Responsible Duties Allowance.

10. DEDUCTIONS FROM SALARIES

Until otherwise determined by the Tasmanian Industrial Commission, deductions from salaries or wages on account of quarters, fuel, light, power, board and other facilities and amenities provided for officers covered by this award, and the rates of those deductions, and the basis on which they shall be calculated, shall be in accordance with the terms and conditions for the time being prescribed by the relevant Act or Instrument under or by virtue of which they are appointed, or as prescribed by the Regulations, Rules, By-laws or Instructions made under such Act or Instrument, whichever are applicable.

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11. HOURS OF DUTY

Until otherwise determined by the Tasmanian Industrial Commission, the ordinary hours of duty of officers (exclusive of meal periods) and the times within which such hours shall be worked shall be in accordance with the hours of duty for the time being prescribed by the relevant Act or Instrument under or by virtue of which they are appointed or as prescribed by the Regulations, Rules, By-laws or Instructions made under such Act or Instrument, whichever are applicable.

PROVIDED that in no case shall such ordinary hours of work be less than 36 and three-quarter hours weekly.

12. NEW APPOINTMENTS AND PROMOTIONS

The commencing salary of a person or officer either on first appointment or on promotion to a position within a class or grade of a classification in respect of which salary scales are prescribed by this award, shall be the minimum salary for that position on the appropriate scale, except in any case where, in the opinion of the controlling authority, the qualifications and the practical experience of such person or officer in the appropriate field, justify a higher salary.

13. OPERATION OF NEW AWARD

No officer shall have his/her salary reduced by virtue of the operation of this award.

14. SALARY INCREMENTS

- (a) Except where otherwise determined by this award, or where inconsistent with any Act, an officer while holding a position classified or graded within a class or grade in respect of which a salary scale is prescribed by this award, and who for not less than twelve months has been in receipt of a salary less than the maximum salary prescribed for such classification, shall be entitled to receive the annual increment prescribed for such classification until the maximum salary is reached.

PROVIDED that an officer who was an officer on the date of this award shall be entitled to receive such increment on the anniversary of the date upon which he/she received his/her last salary increment in respect of his/her present position.

- (b) An officer whilst continuing to hold the same office or position shall, unless the controlling authority otherwise determines, be deemed, for the purposes of this clause, to have been in receipt of a salary during any period of leave without pay in the twelve months immediately following the date upon which his/her previous salary increment was awarded.

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- (c) Notwithstanding anything contained in this award, no officer shall be entitled to receive any increase in salary by virtue of this clause unless, in the opinion of the controlling authority his/her conduct, diligence and efficiency during the twelve months immediately prior to the date from which such increase would be payable shall have been satisfactory.

15. AWARD TRANSLATION

Positions covered by the Southern Regional Cemetery Trust Staff Award, No. 2 of 1996 (Consolidated) prior to 30 April 1996 will be translated to the relevant classification levels contained in this award in accordance with the following:

- Employees occupying positions classified as Administrative Officer Class VIII 1st year of services prior to 30 April 1996 being paid a salary of \$35202 per annum will translate to the position of Administrative Officer Level 6 1st year of service at a salary of \$35904 per annum with salary progression available to \$37142 per annum.
- Employees occupying positions classified as Administrative Assistant Class I 7th year of service prior to 30 April 1996 being paid a salary of \$23820 per annum will translate to the position of Administrative Assistant Level 2 3rd year of service at a salary of \$24883 per annum with salary progression available to \$24883 per annum.

P C Shelley
DEPUTY PRESIDENT

6 August 2007

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APPENDIX

1. TITLE

This appendix shall be known as the 'Southern Regional Cemetery Trust National Training Wage Appendix 1996' (hereinafter called the "appendix").

2. SCOPE

Subject to the exceptions and conditions contained herein, this appendix shall apply to all persons who occupy a position in an approved traineeship scheme.

3. ARRANGEMENT

This appendix shall be arranged as follows:

<u>SUBJECT MATTER</u>	<u>CLAUSE NO.</u>
Title	1
Scope	2
Arrangement	3
Parties and Persons Bound	4
Application	5
Objective	6
Supersession	7
Definitions	8
Training Conditions	9
Employment Conditions	10
Wages	11
Duration	12
No Precedent	13

4. PARTIES AND PERSONS BOUND

This appendix shall be binding on:

- (a) the Southern Regional Cemetery Trust, hereinafter called the "employer".
- (b) all employees (whether members of a registered organisation or not) who occupy a position in an approved Traineeship Scheme.
- (c) The Community & Public Sector Union (State Public Services Federation Tasmania), hereinafter called the "union".

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5. APPLICATION

- (a) Subject to subclause (b) of this clause, this appendix shall apply to persons who are undertaking a traineeship (as defined); and who are employed by the Southern Regional Cemetery Trust.
- (b) This appendix shall not apply to employees who were employed prior to the date of approval of a traineeship scheme relevant to the employer, except where agreed between the employer and the union.
- (c) This appendix does not apply to apprenticeships.
- (d) At the conclusion of the traineeship, this appendix ceases to apply to any future employment of the trainee.

6. OBJECTIVE

The objective of this appendix is to assist in the establishment of a system of traineeships which provides approved training in conjunction with employment in order to enhance the skill levels and future employment prospects of trainees particularly young people and the long term unemployed. The system is neither designed nor intended for those who are already trained and job ready. It is not intended that existing employees shall be displaced from employment by trainees.

7. SUPERSESSION

Any existing award/agreement provisions for the Australian Traineeship System (ATS) or the Career Start Traineeship (CST) shall not apply except in relation to ATS or CST trainees who commenced a Traineeship with the employer before the employer was bound by this appendix.

8. DEFINITIONS

For the purposes of this appendix the following terms shall mean:

'Approved training' means training undertaken (both on or off the job) in a traineeship and shall involve formal instruction both theoretical and practical, and supervised practice in accordance with a traineeship scheme approved by the Tasmanian State Training Authority. The training will be accredited and lead to qualifications as set out in Clause 9(e) of this appendix.

'Trainee' means an employee employed under the provisions of the Southern Regional Cemetery Trust Staff Award and who is bound by a traineeship agreement made in accordance with this appendix.

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'Traineeship' means a system of training which has been approved as such by the Tasmanian State Training Authority.

'Traineeship agreement' means an agreement made between the employer and the trainee for a traineeship and which is registered with the Tasmanian State Training Authority. A traineeship agreement shall be made in accordance with the traineeship scheme and shall not operate unless this condition is met.

'Traineeship scheme' means an approved traineeship applicable to a group or class of employees employed under the Southern Regional Cemetery Trust Staff Award. A traineeship scheme shall not be given approval unless consultation and negotiation with the union upon the terms of the proposed traineeship scheme and the traineeship have occurred. An application for approval of a traineeship scheme shall identify the union and demonstrate to the satisfaction of the Tasmanian State Training Authority that the above-mentioned consultation and negotiation have occurred. A traineeship scheme shall include a standard format to be used for a traineeship agreement.

'Parties to a traineeship scheme' means the employer and the union involved in the consultation and negotiation required for the approval of a traineeship scheme.

9. TRAINING CONDITIONS

- (a) The trainee shall attend an approved training course or training program prescribed in the traineeship agreement or as notified to the trainee by the Tasmanian State Training Authority.
- (b) A traineeship shall not commence until the relevant traineeship agreement, made in accordance with a traineeship scheme, has been signed by the employer and the trainee, lodged for registration and been approved.

The employer shall ensure that the trainee is permitted to attend the training course or program provided for in the traineeship agreement and shall ensure that the trainee receives the appropriate on-the-job training.

- (c) The employer shall provide a level of supervision in accordance with the traineeship agreement during the traineeship period.
- (d) The overall training program will be monitored by officers of the Workplace Standards Authority, Industrial Awards Division and that training records or work books may be utilised as part of this monitoring process.
- (e) Each traineeship scheme (as defined) to be carried out under the terms of this appendix shall have been submitted to the union in accordance with the requirements of this appendix.

10. EMPLOYMENT CONDITIONS

- (a) A trainee may only be engaged as a full-time employee for a maximum of one year's duration provided that a trainee shall be subject to a satisfactory probation period of up to one month. By agreement in writing, and with the consent of the Tasmanian State Training Authority, the employer and the trainee may vary the duration of the traineeship and the extent of approved training provided that any agreement to vary is in accordance with the relevant traineeship scheme.
- (b) The employer shall not terminate the employment of a trainee without firstly having provided written notice of termination to the trainee concerned in accordance with the traineeship agreement and subsequently within 5 working days to the Tasmanian State Training Authority.

Where the employer chooses not to continue the employment of a trainee upon the completion of the traineeship the Controlling Authority shall notify, in writing, the Tasmanian State Training Authority of their decision.

- (c) The trainee shall be permitted to be absent from work without loss of continuity of employment and/or wages to attend the training in accordance with the traineeship agreement.
- (d) Where the employment of a trainee by the employer is continued after the completion of the traineeship period, such traineeship period shall be counted as service for the purposes of any relevant award.
- (e)
 - (i) The traineeship agreement may restrict the circumstances under which the trainee may work overtime and shiftwork in order to ensure the training program is successfully completed.
 - (ii) No trainee shall work overtime or shiftwork on their own.
 - (iii) No trainee shall work shiftwork unless the parties to a traineeship scheme agree that such shiftwork makes satisfactory provision for approved training. Such training may be applied over a cycle in excess of a week, but must average over the relevant period no less than the amount of training required for non-shiftwork trainees.
 - (iv) The trainee wage shall be the basis for the calculation of overtime and/or shift penalty rates prescribed by the relevant award, unless otherwise agreed by the parties to a traineeship scheme.
- (f) All other terms and conditions of the relevant award that are applicable to the trainee or would be applicable to the trainee but for this appendix shall apply unless specifically varied by this appendix.

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- (g) A trainee who fails to either complete the traineeship or who cannot for any reason be placed in full time employment on successful completion of the traineeship shall not be entitled to any severance payments payable pursuant to termination, change and redundancy provisions or provisions similar thereto.

11. WAGES

- (a) (i) A person employed as a trainee in a trainee position shall be paid the weekly wage rate payable to trainees as provided in paragraph (iv) of this clause.
- (ii) The weekly wage rates will only apply to trainees while they are undertaking an approved traineeship which includes approved training (as defined).
- (iii) The weekly wage rates prescribed by this clause do not apply to complete trade level training which is covered by the apprenticeship system.
- (iv)

	Highest Year of Schooling Completed		
	Year 10	Year 11	Year 12
	\$	\$	\$
School Leaver	179.00 (50%)* 209.00 (33%)	224.00 (33%) 252.00 (25%)	303.00
plus 1 year out of school	252.00	303.00	352.00
plus 2 years	303.00	352.00	410.00
plus 3 years	352.00	410.00	469.00
plus 4 years	410.00	469.00	
plus 5 years or more	469.00		

**Figures in brackets indicate the average proportion of time spent in approved training to which the associated weekly wage rate is applicable. Where not specifically indicated, the average proportion of time spent in structured training which has been taken into account in setting the rate is 20 per cent.*

- (b) For the purposes of this provision 'out of school' shall refer only to periods out of school beyond Year 10 and shall be deemed to:
- (i) include any period of schooling beyond Year 10 which was not part of nor contributed to a completed year of schooling;
- (ii) include any period during which a trainee repeats in whole or part a year of schooling beyond Year 10; and
- (iii) not include any period during a calendar year in which a year of schooling is completed.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

12. DURATION

This appendix shall come into force and shall continue in force until the Training Wage Program finishes or is discontinued, whichever is the sooner.

13. NO PRECEDENCE

This appendix has been developed by the parties to apply specifically to the Training Wage Program and shall not be used as a precedent in proceedings before industrial tribunals or elsewhere.