

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.

TASMANIAN INDUSTRIAL COMMISSION

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

The Australian Workers' Union, Tasmania Branch
(formerly AWU-FIME Amalgamated Union, Tasmania Branch)
(T5612 of 1995)

Construction, Forestry, Mining and Energy Union, Tasmanian Branch
(T5531 of 1995)

BUILDING AND CONSTRUCTION INDUSTRY AWARD

COMMISSIONER P A IMLACH

2 October 1995

Award variation - second \$8 safety net adjustment - consent matter - award varied operative from ffpp 26 July 1995

ORDER BY CONSENT -

No. 1 of 1995

AMEND THE **BUILDING AND CONSTRUCTION INDUSTRY AWARD** IN THE FOLLOWING MANNER:

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.

1. DELETE CLAUSE 8 WAGE RATES, AND INSERT IN LIEU THEREOF THE FOLLOWING:

"8. WAGE RATES

1. FOR EMPLOYEES CLASSIFIED AS TRADESPERSONS AND LABOURERS

The weekly wage rate to be paid to employees covered by this clause shall be those prescribed herein calculated as an hourly rate in accordance with paragraph 1(e) - Hourly Rate Calculation - Follow the Job Loading of this clause.

(a) Weekly Wage Rate - Tradespersons and Labourers

The Weekly Wage Rate for the purpose of the abovementioned calculation for the respective classifications shall be the following:

Tradespersons Classification	Base Rate \$	Supplementary Payment \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Carpenter Diver	489.80	52.10	16.00	557.90
Carver	395.90	52.10	16.00	464.00
Special Class Tradesman	385.00	52.10	16.00	453.10
Letter Cutter	378.60	52.10	16.00	446.70
Marker or Setter Out	378.60	52.10	16.00	446.70
Signwriter	374.70	52.10	16.00	442.80
Artificial Stoneworkers, Bricklayers, Bridge and Wharf Carpenter, (Carpenter and/or Joiner), Caster, Fixer, Floorlayer Specialist, Floorsander, Glazier, Painter, Plasterer, Roof Fixer, Tilelayer	365.20	52.10	16.00	433.30
Plasterer's, Terrazzo or Stonemason's Assistant	335.10	52.10	16.00	403.20
Stonemason's Assistant (Factory)	320.60	52.10	16.00	388.70

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.

Labourers Classification

(1)	Rigger, Dogman	362.30	52.10	16.00	430.40
(2)	Scaffolder, Powder Monkey, Hoist or Winch Driver, Foundation Shaftsmen, Steelfixer, including Tack Welder, Concrete Finisher	346.70	52.10	16.00	414.80
(3)	Trades Labourers, Jack Hammerman, Mixer Driver (Concrete) Gantry Hand or Crane Hand, Crane Chaser, Cement Gun Operator (except in Vic), Concrete Cutting or Drilling Machine Operator, Concrete Gang including Concrete Floater, Roof Layer (Malthoid or similar material), Dump Cart Operator, Concrete Formwork Stripper	335.10	52.10	16.00	403.20
(4)	Builders Labourers other than as specified in classifications (1) to (3) above.	306.60	52.10	16.00	374.70

NOTE: For total weekly and hourly rate refer to paragraph 1(e) - Hourly Rate Calculation - Follow the Job Loading classified as Trades Persons and Labourers.

(b) Industry Allowance

In addition to the rates prescribed in subclauses 1(a) Weekly Wage Rate Tradespersons and Labourers, an employee shall be paid an allowance at the rate of \$15.90 per week to compensate for the following disabilities associated with construction work (as defined):

- (i) climatic conditions when working in the open on all types of work;
- (ii) the physical disadvantage of having to climb stairs or ladders;
- (iii) the disability of dust blowing in the wind, brick dust, drippings from newly poured concrete;

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.

- (iv) sloppy and muddy conditions associated with initial stages of the erection of a building;
- (v) the disability of working on all types of scaffolds or ladders other than a swing scaffold, suspended scaffold or a bosun's chair;
- (vi) the lack of usual amenities associated with factory work e.g. meal rooms, change rooms, lockers.

(c) Tool Allowance

A tool allowance shall be paid for all purposes of the award in accordance with the following table:

Classification	Amount per Week \$
Artificial Stoneworker, Carpenter and/or Joiner, Carpenter Diver, Carver, Bridge and Wharf Carpenter, Floorsander, Letter Cutter	17.30
Caster, Fixer, Floorlayer Specialist, Plasterer	14.30
Bricklayer	12.40
Roof Fixer	9.10
Signwriter, Painter, Glazier	4.30

(d) Special Allowance

Employees shall be paid an allowance of \$7.70 per week to compensate for the following matters:

- (i) excess travelling time incurred by employees in the building industry;
- (ii) the removal of loadings from the various Building Industry awards consequent upon the introduction of 'paid rates' awards in the building industry.

(e) Hourly Rate Calculation - Follow the Job Loading

The calculation of the hourly rate shall take into account a factor of eight days in respect of the incidence of loss of wages for periods of unemployment between jobs.

For this purpose the hourly rate, calculated to the nearest cent (less than half a cent to be disregarded) shall be calculated by multiplying the sum of the appropriate amounts prescribed in subclauses 1(a) Weekly Wage Rate - Tradespersons and Labourers, 1(b) Industry Allowance and 1(c) Tool Allowance, if

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.

applicable, by 52 over 50.4 rounded to the nearest cent, adding to that sub-total the amount prescribed in subclause 1(d) Special Allowance, and dividing the total by 38 (provided that in the case of a Carpenter Diver the division shall be 31), rounded to the nearest cent.

Formula to Calculate Hourly Rate:

$(8(1)(a) + 8(1)(b) + *8(1)(c) \times 52/50.4 + 8(1)(d) \text{ divided by } 38 + \text{hourly rate where}$

- 8(1)(a) = Weekly Wage Rate - Tradespersons and Labourers
- 8(1)(b) = Industry Allowance
- 8(1)(c) = Tool Allowance if applicable*
- 52/50.4 = Follow the Job Factor
- 8(1)(d) = Special Allowance

38 = 38 hours per week (note Carpenter Diver calculation divided by 31)

NOTE: In addition to the above amounts where fares and travel are applicable see Clause 16 - Fares and Travelling.

(f) Leading Hands

A person specifically appointed to be a leading hand shall be paid at the rate of the undermentioned additional hourly amounts above the hourly rates of the highest classification supervised, or his own rate, whichever is the highest in accordance with the number of persons in his charge.

	Weekly Base Rate \$	Amount Per Hour ¢
(i) In charge of not more than 1 person	10.20	28
(ii) In charge of 2 and not more than 5 persons	22.70	62
(iii) In charge of 6 and not more than 10 persons	28.80	78
(iv) In charge of over 10 persons	38.40	1.04

(v) The hourly rate prescribed herein is calculated to the nearest cent (less than half a cent to be disregarded) by multiplying the weekly wage rate - paragraph 1(a) Weekly Wage Rate - Tradespersons and Labourers of this clause by 52 over 50.4 and dividing the total by 38.

PROVIDED that in the case of a carpenter diver, the division shall be 31, and the said amount shall apply for all purposes of this award.

$$\frac{\text{Base Rate} \times 52/50.4 \text{ divided by } 38}{\text{divided by } 31}$$

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.

(g) Foreman

In addition to the rates prescribed in paragraph 1(a) Weekly Wage Rate - Tradespersons and Labourers, a Foreman in charge of a complete project shall be paid \$14.25 per day extra, provided that the payment prescribed in this paragraph shall not be taken into account for the purpose of calculating hourly rates prescribed herein.

2. CONDITIONS FOR CARPENTER DIVERS

If called upon to work as a diver in the period before the daily meal break he shall receive a minimum payment for three hours as a carpenter diver.

If called upon to dive after the midday meal break he shall be paid as a carpenter diver for the time during which he works as such or for three hours, whichever is the greater.

3. PIECE-WORK

Engagement on a piece-work basis may be entered into providing that:

- (a) payment for such work shall be made at a rate which will enable the employee to earn not less than 33 1/3 per cent above the appropriate wage rate prescribed herein for ordinary hours of work and in addition thereto payment for all prescribed special rates, allowances and penalty rates; and
- (b) employees engaged on piece-work shall be entitled to all of the conditions of employment prescribed in this award for employees on hourly rates.
 - (i) An employee who is employed in the classifications of joinery work, who is required to perform work 'on-site' on a construction project on any day or part thereof, shall be paid the rates and allowances that are applicable to that particular site work.
 - (ii) Where an employee has an entitlement under subparagraph (i) above on three or more days in any pay week he shall be paid in accordance with subparagraph (i) above for the whole of that pay week.

4. APPRENTICES

The employment of apprentices shall be in accordance with the requirements of the Industrial and Commercial Training Act 1985 and Regulations made thereto:

(a) Weekly Wage Rate

The ordinary rates of pay to be paid by employers to apprentices shall be calculated by applying the percentages shown hereunder to the aggregate of the appropriate Weekly Wage Rate contained in paragraph 1(a) Weekly Wage Rate - Tradespersons and Labourers and paragraph 1(d) Special Allowance and, in addition thereto

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.

apprentices shall receive the amounts prescribed in paragraph 1(b) Industry Allowance and paragraph 1(c) Tool Allowance.

The following rates shall be calculated to the nearest five cents; two cents and less to be disregarded.

	Percentage Per Week %	Weekly Wage Rate \$
(i) Artificial Stoneworker, Glazier, Painter Plasterer, Bricklayer, Carpenter		
1st year	38	167.60
2nd year	55	242.55
3rd year	75	330.75
4th year	90	396.90

In addition, paragraph 1(b) - Industry Allowance and paragraph 1(c) - Tool Allowance and fares and travel as per Clause 16 - Fares and Travelling.

(ii) Signwriter		
1st year	38	171.20
2nd year	55	247.80
3rd year	75	337.90
4th year	90	405.45

In addition, paragraph 1(b) - Industry Allowance and paragraph 1(c) - Tool Allowance and fares and travel as per Clause 16 - Fares and Travelling.

(iii) Roof Tiler		
1st year	55	242.55
2nd year	75	330.75
3rd year	90	396.90

In addition, paragraph 1(b) Industry Allowance and paragraph 1(c) Tool Allowance and fares and travel as per Clause 16 - Fares and Travelling.

- (b) An employee who is under the age of 21 on the completion of his apprenticeship, or any junior, other than a probationer or an apprentice, who uses the tools in performing work usually carried out by a tradesman shall be paid not less than the appropriate wage prescribed for a tradesman.
- (c) An employer who provides an apprentice with a kit of tools may withhold from the wages of the apprentice the tool allowance until such time as the employer is reimbursed the cost of the tools. In the event of an apprentice being dismissed or leaving the employment before the cost of tools has been reimbursed, the employer

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.

shall be entitled to deduct from any moneys owing the apprentice the amount then owing to or retain such of the tools as will equal the value then owing.

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

- (d) Should an apprentice at the time of being apprenticed produce a Schools Certificate (Full Award) with passes in Mathematics, English and Science, he shall be entitled to 51 cents extra per week in addition to the wages and allowances prescribed in this subclause.
- (e) The provisions of Clauses 7 - Definitions (for employees in Division A - Building Industry), 10 - Annual Leave, 13 - Compensation for Clothes and Tools, 15 - Easter Saturday, 16 - Fares and Travelling, 19 - Hours, 24 - Living Away From Home - Distant Work, 25 - Meal Allowance, 27 - Multi-storey Allowance, 28 - Overtime and Special Time, 36 - Public Holidays and Holiday Work, 37 - Rest Periods and Crib Time, 41 Shift Work, 42 - Sick Leave, 43 - Special Rates, and 48 - Weekend Work of this award, shall be applicable to and in respect of the employment of apprenticed junior employees to the extent that they are consistent with the provisions of any articles of indenture in accordance with the terms of the contract of employment.

5. CASUAL HANDS - LABOURERS ONLY

In addition to the rate appropriate for the type of work, a casual hand shall be paid an additional 33 1/3 per cent of the rate per hour with a minimum payment as for three hours' employment. The penalty rate herein prescribed shall be deemed to include, inter alia, compensation for annual leave.

6. FOR EMPLOYEES CLASSIFIED AS EQUIPMENT OPERATORS

The weekly wage rate to be paid to employees who work on the undermentioned mechanical equipment classification shall be that prescribed herein calculated at an hourly rate in accordance with paragraph (f) Hourly Rate Calculation.

(a) Weekly Wage Rate

The weekly wage rate for the purpose of the abovementioned calculation for the respective classifications shall be in accordance with the following table:

Labourers Classification	Base Rate \$	Supplementary Payment \$	Safety Net Adjustment \$	Weekly Wage Rate \$
OPERATOR GRADE 1 Mechanical Plant Operator Group 1 & 2 Winch Driver Forklift Driver Lifting capacity to 5000 kg	350.30	52.10	16.00	418.40

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.

OPERATOR GRADE 2 Forklift Driver - Lifting capacity over 5000 kg Mobile Hydraulic Platform Operator	356.10	52.10	16.00	424.20
--	--------	-------	-------	--------

OPERATOR GRADE 3 Mechanical Plant Operator Group 3 & 4 Mobile Crane Driver up to 15 tonnes	370.30	52.10	16.00	438.40
--	--------	-------	-------	--------

OPERATOR GRADE 4 Mobile Crane Driver 15 - 100 tonnes	385.30	52.10	16.00	453.40
---	--------	-------	-------	--------

CAPACITY ADJUSTMENT FORMULA

Mobile Cranes - for each additional 40 tonnes over a maximum lifting capacity of 100 tonnes an amount of \$13.70 shall be added to the base rate for Operator Grade 3 & 4

Mechanical Plant Operator Group 5 & 6

OPERATOR GRADE 5 Tower Crane Driver	430.50	52.10	16.00	496.60
--	--------	-------	-------	--------

(b) Special Allowance

Employees shall be paid in addition to the rates prescribed in paragraph 6(a) Weekly Wage Rate a special allowance of \$7.70 to compensate for excess travelling time incurred by employees in the building and construction industry.

(c) In Charge of Plant Allowance

'In charge of plant' an employee who is in charge of plant shall mean:

- (i) when two or more employees are employed at the plant at one time, the employee who is invested with the superintendence and responsibility or who has to accept the superintendence and responsibility; or
- (ii) an employee who is invested with the superintendence and responsibility or who has to accept the superintendence and responsibility over one or more other employees; or
- (iii) when he is the only person of his class employed on the plant the employee who does the general repair work of the plant in addition to the work of operating, but not when he merely assists a fitter or engineer to do such work; or
- (iv) where shifts are worked the employee who is directed to carry out the general repair work of the plant in addition to the work of operating, but not when he

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.

merely assists a fitter or engineer to do such work, shall be paid an allowance of \$20.80 per week.

(d) Leading Hands

A person specifically appointed to be Leading Hand shall be paid in addition to the rates prescribed in paragraph 6(a) Weekly Wage Rate, at the rate of the highest classification supervised, or his own rate, whichever is the highest in accordance with the number of persons in his charge.

	Amount per Hour
(i) In charge of not more than 1 person	.29
(ii) In charge of 2 and not more than 5 persons	.62
(iii) In charge of 6 and not more than 10 persons	.78
(iv) In charge of over 10 persons	\$1.04

(e) Industry Allowance

An employee shall be paid in addition to the rates prescribed in paragraph 6(a) - Weekly Wage Rate, an allowance at the rate of \$15.90 per week to compensate for the following disabilities associated with construction work.

- (i) Climatic conditions when working in the open on all types of work.
- (ii) The physical disadvantages of having to climb stairs or ladders.
- (iii) The disability of dust blowing in the wind, brick dust and drippings from newly poured concrete.
- (iv) Sloppy and muddy conditions associated with the initial stages of the erection of a building.
- (v) The disability of working on all types of scaffolds or ladders other than a swing scaffold, suspended scaffold, or bosun's chair.
- (vi) The lack of usual amenities associated with factory work (e.g. meal rooms, change rooms, lockers).

(f) Hourly Rate Calculation

The calculation of the hourly rate shall be calculated by adding the amounts prescribed by paragraphs (a) Weekly Wage Rate, (b) Special Allowance, (c) In-Charge of Plant Allowance, (d) Leading Hands and (e) Industry Allowance, of this subclause and dividing the total by 38.

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.

(g) Casual Hands

In addition to the rate appropriate for the type of work, a casual hand shall be paid an additional 20 per cent of the rate per hour with a minimum payment for three hours' employment. The penalty rate herein prescribed shall be made in lieu of Annual Leave, Public Holidays and Sick Leave prescribed for other employees in this award."

2. DELETE CLAUSE 17 FIRST AID CERTIFICATE ALLOWANCE, AND INSERT IN LIEU THEREOF THE FOLLOWING:

"17. FIRST AID CERTIFICATE ALLOWANCE

An employee who is the holder of a current Red Cross or St John First Aid Certificate, shall if required to act as a first aid attendant, be paid \$1.55 per day extra."

3. DELETE FROM CLAUSE 27 MULTI-STORY ALLOWANCE, SUBCLAUSE (c) AND INSERT IN LIEU THEREOF THE FOLLOWING:

"(c) Rates

Except as provided for in subclause (d) Service Cores, of this clause, an allowance in accordance with the following table shall be paid to all employees on the building site. The second and subsequent allowance scales shall, where applicable, commence to apply to all employees when one of the following components of the building structural steel, reinforcing steel, boxing or walls, rises above the floor level first designated in each such allowance scale.

'Floor level' means that stage of construction which in the completed building would constitute the walking surface of the particular floor level referred to in the table of payments.

From commencement of building to 15th Floor level	29 cents per hour extra
From 16th Floor level to 30th Floor level	36 cents per hour extra
From 31st Floor level to 45th Floor level	54 cents per hour extra
From 46th Floor level to 60th Floor level	69 cents per hour extra
From 61st Floor level onwards	87 cents per hour extra

The allowance payable at the highest point of the building shall continue until completion of the building."

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.

4. VARY CLAUSE 43 SPECIAL RATES, BY DELETING THE EXISTING RATES AND INSERTING IN LIEU THEREOF THE FOLLOWING:

Subclause	Delete	Insert
(a) Insulation	44¢	45¢
(b) Hot Work	36¢ 44¢	37¢ 45¢
(c) Cold Work	36¢	37¢
(d) Confined Spaces	44¢	45¢
(e) Swinging Scaffold	\$2.58 53¢	\$2.63 54¢
(f) Explosive Powered Tools	84¢	86¢
(g) Wet Work	36¢	37¢
(h) Dirty Work	36¢	37¢
(i) Towers Allowance	36¢ 36¢	37¢ 37¢
(j) Toxic Substances	44¢ 36¢	45¢ 37¢
(l) Asbestos	44¢	45¢
(m) Furnace Work	95¢	97¢
(n) Acid Work	95¢	97¢
(o) Bricklayers Laying other than Standard Bricks	36¢ 63¢ 90¢	37¢ 64¢ 92¢
(p) Cleaning Down Brickwork	33¢	34¢
(q) Bagging	33¢	34¢
(r) Bitumen Work	44¢	45¢
(s) Plaster or Composite Spray	36¢	37¢
(t) Slushing	36¢	37¢

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.

(u) Dry Polishing of Tiles	44¢	45¢
(v) Cutting Tiles	44¢	45¢
(w) Second Hand Timber	\$1.39	\$1.42
(x) Roof Repairs	44¢	45¢
	33¢	34¢
	33¢	34¢
	44¢	45¢
	63¢	64¢
(y) Computing Quantities	\$2.58	\$2.63
(z) Height Work - Painting Trades	33¢	34¢
(aa) Underground Allowance	\$1.54	\$1.57
	\$7.69	\$7.84
	\$1.54	\$1.57
	\$7.69	\$7.84
(cc) Certificate Allowance	36¢	37¢
(dd) Cutting Bricks	44¢	45¢
(ee) Spray Application	36¢	37¢
(gg)	44¢	45¢
(hh) (i) Hydraulic Hammer	60¢	61¢
(hh) (ii) Greaser Carry Oils	\$5.95	\$6.06
(hh) (iii) Pile Driving	\$8.20	\$8.36
(hh) (iv)	\$1.79	\$1.82
(ii) Tunnel Work	\$1.46	\$1.49

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.

OPERATIVE DATE

The foregoing variations shall come into effect from the first full pay period commencing on or after 26 July 1995.

P A Imlach
COMMISSIONER

2 October 1995