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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

## **INDEPENDENT SCHOOLS (NON TEACHING STAFF) AWARD**

**ORDER BY CONSENT**

**No. 3 of 2000**

THE **INDEPENDENT SCHOOLS (NON TEACHING STAFF) AWARD** IS VARIED IN THE FOLLOWING MANNER:

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**1. By deleting Clause 7 - DEFINITIONS, and inserting in lieu thereof the following:**

## **"7. DEFINITIONS**

### **'Administrative Employee'**

**Grade 1a:** An employee at this level shall be a Grade 1b employee with less than 9 months experience;

**Grade 1b:** Employees graded at this level may be engaged on tasks requiring direct supervision performing work within established routines, methods and procedures.

- Indicative tasks at this level would include the work of telephonist or mail-person;

**Grade 2a:** An employee at this level shall be a Grade 2b employee with less than 9 months experience.

**Grade 2b:** Employees graded at this level may be engaged on tasks using a more extensive range of skills and knowledge at a higher level than Grade 1. They may be responsible and accountable for their own work which is performed within established routines, methods and procedures and would be subject to routine supervision.

- Indicative tasks at this level would include the work of copy-typists, computer entry/retrieval, reception and banking.

**Grade 3:** Employees graded at this level may be engaged on tasks at a level higher than Grade 2. They are responsible and accountable for their own work which is performed within established guidelines, using some discretion and would be subject to only general supervision. They may be involved in the supervision/assistance of students.

- Typically the employees will have undergone training either at work or in a post-secondary institution but shall not be required to hold any post-secondary qualifications to be paid at this level.
- Indicative tasks at this level would include the work of a stenographer, audio-typist, and computer operator.

**Grade 4:** Employees graded at this level may be engaged on tasks at a level higher than Grade 3. They are responsible and accountable for their own work and exercise discretion and initiative in the organisation of work. They are subject to limited supervision and may have supervision of other employees.

- Typically the employee will have undergone extensive training either at work or in a post-secondary institution but shall not be required to hold any post-secondary qualifications to be paid at this level.
- Indicative tasks at this level would include the work of a senior clerk, secretary or assistant accountant.

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**Grade 5** Employees graded at this level may be engaged on tasks at a level higher than Grade 4. They are responsible and accountable for their own work and may have responsibility for the work of others. They exercise initiative, discretion and judgement.

- Indicative tasks at this level would include the work of a private secretary, personnel officer or accountant.

**'Casual Employee'** means a person who is employed on a casual basis and shall include any person employed for a period not exceeding 5 days at any one time, but shall not include a part-time employee (as defined).

**'Classroom/Curriculum Employee'**

**Grade 1:** Employees graded at this level may be engaged on tasks requiring supervision and direction and liaise with teaching staff regarding lesson preparation and delivery.

- Typically no prior experience or qualification is required for this level.
- Indicative tasks at this level would include the work of teacher's aide, library assistant or laboratory assistant.

**Grade 2:** Officers graded at this level may be engaged on tasks requiring only routine direction and the officer would operate under supervision but exercise a degree of autonomy.

- Typically an officer at this level would have the skill required to perform the tasks either as a result of experience (satisfactory to the employer) or relevant qualifications or both.
- Indicative tasks at this level would include the work of a library technician level one or laboratory technician level one.

**Grade 3:** Officers graded at this level may be engaged on tasks requiring only general direction and would be subject to little direct supervision and would be expected to exercise initiative and responsibility. An officer at this level would be responsible to a Grade 4 officer or a teacher.

- Typically an officer at this level would have the skill required to perform the tasks either as a result of experience (suitable to the employer) or relevant qualifications or both.
- Indicative tasks at this level would include the work of library technician level 2 or laboratory technician level 2.

**Grade 4:** Officers graded at this level may be engaged on tasks requiring limited direction and may be required to supervise officers grades 1, 2 or 3. An officer at this level would normally be responsible to the Principal and have responsibility for a large autonomous unit.

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- Typically an officer at this level would have the skill required to perform the tasks either as a result of experience (suitable to the employer) or qualifications or both.
- Indicative tasks at this level would include the work of senior technician or librarian.

**'Part-time Employee'** means a person engaged to work on a regular basis for less than 52 weeks per year and/or less hours per day or week than those prescribed for full-time employees.

### **'School Services Employee'**

Grade 1: An employee at this level shall be an employee who is undergoing induction and initial job training.

- Typically this grade may apply to employees during the first three months of employment.

Grade 2: Employees graded at this level may be engaged on tasks requiring direct supervision, performing routine tasks involving minimal training and little or no discretion on the part of the employee.

- Indicative tasks at this level would include the work of a pantry hand, kitchen hand, laundry hand or housemaid.

Grade 3: Employees graded at this level may be engaged on tasks requiring the employee to work without supervision from time to time and may require the performance of tasks involving the use of some discretion on the part of the employee.

- Typically the employee will have undergone some on the job training on this work.
- Indicative tasks at this level would include the work of a cleaner, groundsman or yardman.

Grade 4: Employees graded at this level may be engaged on tasks requiring the employee to exercise a significant degree of discretion regarding the performance of their work.

- Typically the employee will have undergone some training either at work or in post-secondary institution but shall not be required to hold any post-secondary qualifications to be paid at this level.
- Indicative tasks at this level would include the work of a cook, assistant matron, assistant housekeeper shop assistant or driver.

Grade 5: Employees graded at this level shall either be engaged on tasks provided for in Grade 4 with additional supervisory responsibilities or shall hold trade qualifications relevant to their duties.

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- Indicative tasks at this level would include those of a carpenter, painter, chef, matron or housekeeper.

Grade 6: Employees graded at this level shall be engaged on tasks provided for in Grade 5 with additional supervisory responsibilities or shall be employees with responsibilities greater than those required for level 5.

- Indicative tasks at this level would include those of senior matron.

**'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."

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

**"8. WAGE RATES**

(a) Adults

Employees of a classification in the groups set out hereunder shall be paid per week the amount assigned to that group of classifications.

	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
GROUP A	78 400.40	325.40	75.00	
includes: School Services Employee Grade 1				
GROUP B	82 417.10	342.10	75.00	
includes: School Services Employee Grade 2				
GROUP C	87.4 439.60	364.60	75.00	
includes: School Services Employee Grade 3				
GROUP D	90 449.20	374.20	75.00	
includes: Administrative Employee Grade 1a				
GROUP E	92 459.20	384.20	75.00	
includes: School Services Employee Grade 4 Administrative Employee Grade 1b Classroom/Curriculum Employee Grade 1				
GROUP F	95 469.70	394.70	75.00	
includes: Administrative Employee Grade 2a				

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GROUP G	97	404.70	75.00
	479.70		

includes:  
Administrative Employee Grade 2B

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	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
GROUP H	100	417.20	75.00	
	492.20			
includes:				
School Services Employee Grade 5				
Administrative Employee Grade 3				
Classroom/Curriculum Employee Grade 2				
GROUP I	110	458.90	75.00	
	533.90			
includes:				
School Services Employee Grade 6				
Administrative Employee Grade 4				
GROUP J	115	479.80	73.00	
	552.80			
includes:				
Classroom/Curriculum Employee Grade 3				
GROUP K	130	542.40	71.00	
	613.40			
includes:				
Administrative Employee Grade 5				
Classroom/Curriculum Employee Grade 4				

(b) Juniors

The minimum weekly wage rate that shall be paid to junior employees shall be the undermentioned percentages of the appropriate adult weekly wage rate.

(i) School Services Employee	%
Under 18 years of age	75
18 years of age and over	100
(ii) Other	%
Under 18 years of age	53
18 to 19 years of age	65
19 to 20 years of age	77

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20 to 21 years of age

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(c) Supported Wage System

(i) Eligibility criteria

Subject to this subclause an employer may engage employees at a supported wage rate (as set out in paragraph (iii) of this subclause) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

**PROVIDED** that this subclause does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

**PROVIDED FURTHER** that this subclause does not apply to employers in respect of their facility, 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.

(ii) For the purposes of this subclause:

- (1) **"Supported Wage System"** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.
- (2) **"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.
- (3) **"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.
- (4) **"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.

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(iii) 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 \$51 per week.)

(iv) 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:

- (1) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
- (2) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

(v) Lodgment of assessment instrument

- (1) 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.
- (2) 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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(vi) 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.

(vii) 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.

(viii) 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.

(ix) Trial Period

- (1) 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.
- (2) 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 (iv) and (v).
- (3) 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.
- (4) Work trials should include induction or training as appropriate to the job being trialed.

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- (5) 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 (iii) hereof."

**OPERATIVE DATE**

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

RJ Watling  
**DEPUTY PRESIDENT**

18 September 2000