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TASMANIAN INDUSTRIAL COMMISSION

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

Tasmanian Trades and Labor Council

(T6941 of 1997)

All public and private sector awards

**Automotive, Food, Metals, Engineering,
Printing & Kindred Industries Union**

(T6928 of 1997)

Automotive Industries Award

(T6929 of 1997)

Draughting & Technical Officers (Private Industry) Award

(T6930 of 1997)

Fish, Aquaculture and Marine Products Award

(T6931 of 1997)

Metal & Engineering Industry Award

(T6932 of 1997)

Optical Industries Award

(T6933 of 1997)

Shipbuilders Award

(T6934 of 1997)

Surveyors (Private Industry) Award

The Australian Workers' Union, Tasmania Branch

(T6947 of 1997)

Automotive Industries Award

Bootmakers Award

Building Trades Award

Building and Construction Industry Award

Butter and Cheesemakers Award

Carriers Award

Clay and Mud Products Award

Concrete Products Award

Dairy Processing Award

Farming and Fruitgrowing Award

Fish, Aquaculture and Marine Products Award

Horticulturists Award

Marine Boards Award

Meat Processing Industry Award

Metal and Engineering Industry Award

Monumental Masons Award

Optical Industries Award

Pasminco Rosebery (Mining) Award

Plant Nurseries Award

Produce Award

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Public Vehicles Award
Quarrymens Award
Roadmakers Award
Rubber Trades Award
Shearing Industry Award
Shellfish Industry Award
Timber Merchants Award
Wireworking Award
National Training Wage (Tasmanian Private Sector) Award

Transport Workers' Union of Australia, Tasmanian Branch

(T6956 of 1997)

Transport Workers General Award

National Union of Workers, Tasmanian Branch

(T6971 of 1997)

Automotive Industries Award
Fuel Merchants Award
Produce Award
Retail Trades Award
Rubber Trades Award
Softgoods Award
Wholesale Trades Award
Fibreglass and Plastics Award
Timber Merchants Award
Wholesale Pharmaceutical Award

**Australasian Meat Industry Employees Union,
Tasmanian Branch**

(T6979 of 1997)

Meat Processing Industry Award
Meat Retailing Award

**Textile, Clothing and Footwear Union of Australia,
Tasmanian Branch**

(T6987 of 1997)

Bootmakers Award
Clothing Industry Award
Textile Award

Australian Municipal, Administrative, Clerical and Services Union

(T6991 of 1997)

Aerated Waters Award
Barristers and Solicitors Award
Broadcasting and Television Award
Clerical and Administrative Employees (Private Sector) Award
Community Services Award
Entertainment Award
Estate Agents Award

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Furnishing Trades Award
Independent Schools (Non-Teaching Staff) Award
Insurance Award
Photographic Industry Award
Printers Award
Public Accountants Award
Restaurant Keepers Award
Shipping Award
Totalizator Agency Award

Health Services Union of Australia, Tasmania No. 1 Branch

(T6993 of 1997)

Dentists Award
Disability Service Providers Award
Medical Practitioners (Private Sector) Award
Medical Diagnostic Services Award
Nursing Homes Award
Hospitals Award

AUTOMOTIVE INDUSTRIES AWARD

FULL BENCH:
PRESIDENT F D WESTWOOD
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1997 - application to flow on Australian Industrial Relations Commission Safety Net Review decision April 1997 (Print P1997) agreed tripartite position - Wage Fixing Principles varied - \$10 00 per week arbitrated safety net adjustment approved- all private sector awards to be varied on application no earlier than ffpp on or after 14 July 1997 - State Minimum Wage to be subject to separate application

ORDER -

No. 3 of 1997

P005

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AMEND THE **AUTOMOTIVE INDUSTRIES AWARD** IN THE FOLLOWING MANNER:

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

"8. WAGE RATES

The classification structure listed here shall be read in conjunction with Clause 7 - Definitions of this award.

(a) Adults

Wage Group Level	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Level 1 - Automotive Industry RS&R Grade 1	78	325.40	34.00	359.40
Level 2 - Automotive Industry RS&R Grade 2	82	342.10	34.00	376.10
Level 3 - Automotive Industry RS&R Grade 3 - Clerical Assistant / Adult Entry Point	87.4	364.60	34.00	398.60
Level 4 - Automotive Industry RS&R Grade 4 - Clerical Assistant Grade 1	92.4	385.50	34.00	419.50
Level 5 - Automotive Industry RS&R Grade 5 - Clerical Officer Grade 2	96.2	401.30	34.00	435.30
Level 6 - Automotive Industry RS&R Tradesperson or Equivalent Grade 1 - Clerical Officer Grade 3	100	417.20	34.00	451.20
Level 7 - Automotive Industry RS&R Tradesperson or Equivalent Grade 2 - Clerical Officer Grade 4	108	450.60	34.00	484.60
Level 8 - Automotive Industry RS&R Tradesperson or Equivalent Grade 3 - Clerical Officer Grade 5	115	479.80	34.00	513.80

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(b) Tool Allowance

All employees that are engaged in classifications that are proclaimed as trades under the *Vocational Education and Training Act 1994*, shall either be supplied with all tools by the employer or be paid a tool allowance of not less than \$9.00 per week.

PROVIDED that such allowance shall not be the subject of adjustment when computing payments for shift penalty rates for weekend or holiday work for overtime or for any other purpose.

(c) Leading Hands

- In charge of 2 employees - \$13.10 per week extra;
- In charge of not less than 3 employees and not more than 10 employees - \$17.80 per week extra;
- In charge of not less than 10 employees and not more than 20 employees - \$26.70 per week extra;
- In charge of more than 20 employees - \$34.20 per week extra.

(d) Junior Employees other than Apprentices

(i) The minimum weekly rate of wage for a junior employed in the tasks set out below, shall be the undermentioned percentages of the Total Weekly Wage, Automotive Industry - Repair, Services and Retail Employee, Level 3:

Age	%	Weekly Wage Rate \$
16 years of age and under	45	179.40
17 years of age	55	219.20
18 years of age	70	279.00
19 years of age	80	318.90
20 years of age	90	358.70

- Clerical Employee
- Counter Salesperson
- Driver of a mobile crane
- Driver of a motor vehicle and/or towing vehicle

(ii) The minimum weekly wage for a junior employed in all other tasks shall be the undermentioned percentages of the Total Weekly Wage, Automotive Industry - Repair, Services and Retail Employee, Level 1:

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Age	%	Weekly Wage Rate \$
16 years of age and under	45	161.70
17 years of age	50	179.70
18 years of age	62.5	224.60
19 years of age	75	260.60
20 years of age	87.5	314.50

(e) Minimum Wage

- (i) Notwithstanding the provisions of Clause 8 (a) hereof, no adult employee shall be paid less than the rate of \$291.40.
- (ii) **PROVIDED** that payments for overtime, special rates, holiday and weekend penalties and shift allowances prescribed in this award shall not be taken into account in the calculation of such minimum weekly rates of pay.

Where a minimum rate of pay as aforesaid is applicable to an employee for work in ordinary hours the same rate shall be applicable to the calculation of overtime and all other penalty rates, payments during sick leave and annual leave, and for all other purposes of this award.

(f) Apprenticeship

Junior Employees shall not be employed in the following occupations otherwise than under a contract of apprenticeship as hereinafter provided:

- Automotive Electrician
- Automotive Machining
- Body Making
- Motor Cycle & Small Engine Mechanics
- Motor Mechanics
- Panel Beating
- Springsmithing
- Trimming
- Vehicle Painting
- Diesel Mechanics

Probationary Period

Junior Employees may be taken on probation for three months and, if apprenticed, such three months shall count as part of their period of apprenticeship. An employer shall, within 14 days of employing a probationer, notify the Tasmanian State Training Authority of the employment of such probationer in any of the trades mentioned.

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Wages

The minimum weekly wage rate to be paid by employers to apprentices and other junior workers not elsewhere provided shall be the undermentioned percentages of Automotive Industry RS&R Tradesperson Level I:

	%	Weekly Wage Rate \$
First year	42	189.50
Second year	55	248.20
Third year	75	338.40
Fourth year	88	397.10

The said minimum rates shall be calculated to the nearest 10 cents, any fraction of 10 cents not exceeding 5 cents to be disregarded.

Payment by Results

An apprentice shall not work under any system of payment by results.

The employer shall be responsible for reimbursement of fees and levies paid by an apprentice as an integral part of the training of that apprentice provided:

- (i) the apprentice produces receipts as proof of payment of such fees or levies;
- (ii) the apprentice produces a report from TAFE which demonstrates a good attendance record, good conduct and a satisfactory performance result.

Such reimbursement shall occur at the successful conclusion of each year of apprenticeship.

(g) Adult Apprentice

(i) Definition

For the purposes of this award an adult apprentice means a person 21 years of age or over at the time of entering into an indenture to one of the trades specified in Clause 8 - Wage Rates of this award.

(ii) Wage Rate

- (1) Where a person was employed by an employer in the automotive industry immediately prior to becoming an adult apprentice with that employer, such person shall not suffer a reduction in the rate of pay by virtue of becoming indentured. For the purpose only of fixing a rate of pay the adult apprentice shall continue to receive the rate of pay that is from time to time applicable to the classification or class of work

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specified in Clause 8 - Wage Rates of the award and in which the adult apprentice was engaged immediately prior to entering into the contract of indenture.

- (2) Subject to paragraph (i) hereof the rate of an adult apprentice shall be the minimum wage prescribed in Clause 8 - Wage Rates or the rate prescribed by the appropriate subclause for the relevant year of apprenticeship whichever is the greater.

(iii) Preference

- (1) Preference of employment as an adult apprentice should be given to an applicant who is currently employed by the employer so as to provide for genuine career path development.
- (2) Adult apprentices shall not be employed at the expense of other apprentices.

(iv) Review

Parties to the award agree that a jointly conducted comprehensive review of the effectiveness of adult apprenticeships shall be undertaken to determine whether or not adult apprenticeships should continue in their existing form. One issue to be considered is the age at which persons will be regarded as adult apprentices.

(h) 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

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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.

(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 (iv))	% of prescribed award rate
10%	10
20%	20
30%	30
40%	40
50%	50
60%	60
70%	70
80%	80
90%	90

(Provided that the minimum amount payable shall be not less than \$45 per week.)

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(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.

(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-

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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 \$45 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.
- (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."

2. By deleting from subclause (c) First Aid Allowance, of Clause 14 - First Aid, the amount of \$4.90 and inserting in lieu thereof the amount of \$5.00.

OPERATIVE DATE

These variations shall come into operation from the first full pay period to commence on or after 14 July 1997.

F D Westwood
PRESIDENT

18 July 1997