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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for an award or variation of an 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

CONCRETE PRODUCTS 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. 2 of 1997

AMEND THE **CONCRETE PRODUCTS AWARD** IN THE FOLLOWING MANNER:

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

"8. WAGE RATES

DIVISION A - EMPLOYEES ENGAGED IN THE PRODUCTION OF CONCRETE PRODUCTS

1. WAGES

The minimum weekly wage rate per week that may be paid by employers to adult employees of the undermentioned classifications shall be as follows:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Group A	319.90	34.00	353.90
1. Head moulder on centrifugal pipe machine			
2. Operator concrete mixing machine with a rated capacity in excess of 0.4 cubic metre			
3. Automatic tile/ridge machine operator			
4. Maker by hand of tiles, ridges, apexes and starters			
5. Pipe machine operator			
6. Employee making pipe specials, ie concreting junctions, splays or other articles including the use of cortex and who may be required to work from plans and/or specifications			
7. Moulder special, employed working from plans and specifications			
8. Prestressed concrete-steel stressing operator			
9. Automatic block/brick machine operator			
10. Off-bearer operator			
11. Operator bending and/or fixing bars, rods or reinforcement working from plans			
12. Exposed aggregate maker-finisher (includes control of washing off of wet concrete surfaces)			
13. Coating machine operator			

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Group A. 1	314.60	34.00	348.60
1. Operator concrete mixing machine with a rated capacity of less than 0.4 cubic metres but more than 0.12 cubic metres			
2. Colour mixer/applicator operator			
3. Reinforcement welding machine operator			
4. Moulder of other cement or concrete articles			
5. Repairer, and/or jointer			
6. Renderer facing concrete articles with float and trowel			
7. Mould assembler and/or stripper			
8. Concrete vibrator operator			
9. Splitter or cuber operator			
10. Hydraulic flag press operator			
11. Operator bending, cutting and/or fixing bars, rods, or reinforcement - other			
12. Exposed aggregate maker - other - including setting up of moulds and making of reconstructed aggregate			
13. Machine operator not elsewhere included			
Group A. 2	310.10	34.00	344.10
1. Operator of concrete mixing machine with rated capacity less than 0.12 cubic metres or mixing by hand			
2. Pipe tester			
3. Stacker by hand of articles including bricks, blocks, tiles and pipes			
4. All other employees not elsewhere classified			
Group B			
1. Motor Mechanic	355.60	34.00	389.60
2. Plant Maintenance	355.60	34.00	389.60
Group C			
1. Mobile cranes -			
Lifting capacity -			
Up to 5 tonnes	327.30	34.00	361.30
Over 5 tonnes and up to 10 tonnes	329.50	34.00	363.50
Over 10 tonnes and up to 20 tonnes	334.20	34.00	368.20
Over 20 tonnes and up to 40 tonnes	338.00	34.00	372.00
Over 40 tonnes and up to 80 tonnes	341.00	34.00	375.00
Over 80 tonnes	344.00	34.00	378.00

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2. Fork Lift Operators -

Lifting capacity up to 5000kg	324.50	34.00	358.50
Lifting capacity over 5000kg	328.70	34.00	362.70

NOTE: Where two or more fork lifts or cranes are engaged on any one lift the drivers thereof shall be paid an additional amount at the rate of \$3.20 per week for the time so occupied.

3. Front end and/or overhead loaders -

Up to and including 0.75 cubic metres capacity	330.00	34.00	364.00
Over 0.75 cubic metres capacity and up to and including 2.25 cubic metres capacity	334.90	34.00	368.90
Over 2.25 cubic metres and up to and including 4.5 cubic metres capacity	338.00	34.00	372.00
Over 4.5 cubic metres capacity	342.40	34.00	376.40

4. Tractor (pneumatic tyred) using power operated attachments -

Up to 35 kW brake power	322.20	34.00	356.20
Over 35 kW brake power and up to 70 kW brake power	328.70	34.00	362.70
Over 70 kW brake power and up to 110 kW brake power	333.10	34.00	367.10
Over 110 kW brake power	336.10	34.00	370.10

5. Tractor (pneumatic tyred) without power operated attachments -

35 kW brake power or under towing trailer	322.20	34.00	356.20
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6. Stiff legged derrick crane 321.20 34.00 355.20

7. Overhead traverser 323.60 34.00 357.60

8. Operator of dumper and any other power propelled vehicles 316.30 34.00 350.30

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9. Truck drivers 3-6 tonnes operating within the industry	325.00	34.00	359.00
10. Crane chaser	313.40	34.00	347.40
11. Boiler attendant	314.90	34.00	348.90
12. Central batching plant operator, operating machine in excess of 0.4 cubic metres and supplying 3 or more production centres within a factory	323.60	34.00	357.60
13. Storeman	312.90	34.00	346.90

2. LEADING HANDS

A 'Leading Hand' is one who is directed to control, supervise and take responsibility for the work performed by 2 or more employees. He shall be paid the rate prescribed for the highest class of work so supervised with the following additions provided that where his own classified rate is higher than the rate for the highest class of work so supervised he shall be paid that rate with the following additions:-

- In charge of 2 employees \$10.10 per week
- In charge of 3 to 6 employees \$13.60 per week
- In charge of more than 6 employees \$16.20 per week

The above additional rates shall be applicable for all purposes covered by this award.

3. JUNIOR WORKERS

The minimum rates of wages that may be paid to junior workers not elsewhere provided for in this award shall be the undermentioned percentage of the appropriate adult weekly wage rate prescribed in subclause 1 hereof calculated to the nearest 10 cents.

	%
Under 17 years of age	70
17 to 18 years of age	80
18 years of age and over	Adult Rate

Junior workers shall only be employed at work suitable for juniors according to their age and not work suitable only for and usually performed by adults.

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4. DISABILITY ALLOWANCE

In addition to the wage rates prescribed all employees classified in this division shall be paid a disability allowance of \$9.90 per week in recognition of and compensation for the disabilities generally associated with the industry for which this award is established.

This allowance shall be paid for all purposes of this award.

5. EMPLOYEES NOT CLASSIFIED

Wage rates of employees not specifically provided for in this award shall be as prescribed in the appropriate award covering their craft or calling.

DIVISION B - CARTERS AND DRIVERS

1. WAGES

The minimum weekly wage rate that shall be paid by employers to adult employees of the undermentioned classifications shall be as follows:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Employee driving motor vehicle having maker's capacity of -			
1.2 tonnes or less	322.00	34.00	356.00
Over 1.2 tonnes but not over 3 tonnes	325.70	34.00	359.70
Over 3 tonnes but under 6 tonnes	330.20	34.00	364.20
6 tonnes and over but under 7 tonnes	330.90	34.00	364.90
7 tonnes and over but under 8 tonnes	331.90	34.00	365.90
8 tonnes and over but under 9 tonnes	332.60	34.00	366.60
9 tonnes and over but under 10 tonnes	333.10	34.00	367.10
10 tonnes and over but under 11 tonnes	334.20	34.00	368.20
11 tonnes and over but under 12 tonnes	335.10	34.00	369.10
12 tonnes and over but under 13 tonnes	335.70	34.00	369.70
13 tonnes and over but under 14 tonnes	336.80	34.00	370.80
14 tonnes and over but under 15 tonnes	337.60	34.00	371.60
15 tonnes and over but under 16 tonnes	338.30	34.00	372.30
16 tonnes and over but under 17 tonnes	339.10	34.00	373.10
17 tonnes and over but under 18 tonnes	339.50	34.00	373.50
18 tonnes and over but under 19 tonnes	340.90	34.00	374.90
19 tonnes and over but under 20 tonnes	341.50	34.00	375.50

Motor (not being a tractor) drawing trailer for loaded single-axle trailer, \$1.46 per day extra, or for an empty single-axle trailer, \$0.84 cents per day extra.

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For any other loaded trailer, \$1.90 per day extra, or any other empty trailer, \$1.07 per day extra.

Provided that not more than one trailer shall be drawn at any one time.

Additional amounts for an employee collecting money -

	\$
For any amount handled up to \$20	0.60
Over \$20 but not exceeding \$200	1.20
Over \$200 but not exceeding \$600	2.20
Over \$600 but not exceeding \$1000	3.50
Over \$1000	4.50

2. WAGES FOR JUNIORS

The minimum weekly wage rate to be paid to a junior shall be the following stated percentages of the total wage payable to an adult for the class of work performed:-

	%
Under 19 years of age	70
19 and under 20 years of age	80
Over 20 years of age	Adult Rate

DIVISION C - CLERKS

1. WAGES

The minimum weekly wage rate that may be paid by employers to adult employees of the undermentioned classifications shall be as follows:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
1. 1st year's adult experience	279.70	34.00	313.70
2nd year's adult experience	300.00	34.00	334.00
3rd year's adult experience & thereafter	326.60	34.00	360.60
2. An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account	435.80	34.00	469.80

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3. A clerk who is in charge of and responsible for the work of -

(a) 5 or more employees	385.90	34.00	419.90
(b) 3 or 4 employees	370.20	34.00	404.20
(c) 2 employees	360.10	34.00	394.10

'Employees' in this subdivision shall mean any male or female clerk, typist or stenographer and shall include the clerk-in-charge.

2. JUNIORS

The minimum weekly wage rate that may be paid to juniors shall be the undermentioned percentages of the second year adult weekly wage rate adjusted to the nearest 10 cents.

	Percentage of Second Year Adult Rate (\$334.00) %	Weekly Wage Rate \$
Under 16 years of age	40	133.60
16 to 17 years of age	45	150.30
17 to 18 years of age	55	183.70
18 to 19 years of age	70	233.80
19 to 20 years of age	80	267.20
20 to 21 years of age	90	300.60

PROVIDED further when determining the amount payable to an employee attaining the age of 21 years, who has been employed as a junior clerk in the trades or groups of trades in respect of which the awards of the Tasmanian Industrial Commission relating to private industry employees are established, experience obtained after reaching the age of 18 years shall be counted as adult experience.

3. ADDITIONAL PAYMENTS

In addition to the weekly rates prescribed herein the following additional amounts per week shall be paid to stenographers, audio-typists, teletypists, accounting machine, computer, data processing, tabulating machine, card punch and verifier operators.

	Amount \$
Under 16 years of age	1.10
16 to 17 years of age	1.30
17 to 18 years of age	1.40
18 to 19 years of age	1.70
19 to 20 years of age	2.00
20 to 21 years of age	2.10
21 years of age and over	2.80

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DIVISION D - SUPPORTED WAGE SYSTEM

(a) Eligibility criteria

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

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

PROVIDED FURTHER that this division does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the Disability Services Act 1986 and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under s.10 or under s.12A of the above Act, or if a part only has received recognition, that part.

(b) For the purposes of this division:

- (i) **"Supported Wage System"** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.
- (ii) **"Accredited Assessor"** means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System.
- (iii) **"Disability Support Pension"** means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the Social Security Act 1991, as amended from time to time, or any successor to that scheme.
- (iv) **"Assessment instrument"** means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

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(c) Supported wage rates

Employees to whom this division applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

Assessed capacity (paragraph (d))	% of prescribed award rate
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

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

(d) Assessment of capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

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

(e) Lodgment of assessment instrument

- (i) All assessment instruments under the conditions of this division, including the appropriate percentage of the award wage to be paid to the employee, shall 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.

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(f) Review of assessment

The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(g) Other terms and conditions of employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this division shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(h) Workplace adjustment

An employer wishing to employ a person under the provisions of this division shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

(i) Trial Period

- (i) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this division for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding 4 weeks) may be needed.
- (ii) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with paragraphs (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$45 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 subclause (c) hereof."

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2. By deleting from Clause 9 - Allowances, subclauses (a), (c), (d) and (e) and inserting in lieu thereof the following:

"9. ALLOWANCES

The following allowances are in addition to the rates provided in Clause 8 - Wage Rates.

- (a) Lumpers of cement or concrete articles (in and out of tanks) \$0.26 cents per hour in respect of such time actually spent in tanks containing water with a minimum payment as for 4 hours.
- (b) For work done away from the employer's place of business:
 - (1) the fares necessarily expended in going from and to the employee's residence to and from his work;
 - (2) for work done at a distance from the employer's place of business if the employee is unable to return to his home the same night and the employer does not provide board and lodging \$15.80 per day for the first 7 days and thereafter \$110.40 per week.
- (c) Bituminous Sprayer:

An employee spraying or using bituminous and other similar preparations on exterior surface shall be paid \$0.26 cents per hour or part of an hour whilst so engaged.
- (d) An employee engaged on the preparation and/or the application of epoxy based materials shall be paid an allowance of \$0.37 cents per hour, or part of an hour whilst so engaged.
- (e) Sand Blasting - An employee required to use a sand blasting machine shall be paid an allowance of \$0.38 cents per hour or part thereof."

3. By deleting Clause 17 - First Aid Outfit and inserting in lieu thereof the following:

"17. FIRST AID OUTFIT

In each workshop, and at other places where employees are regularly employed, the employer shall observe relevant legislation and regulations regarding first aid facilities. Any employee appointed by the employer to perform first aid duty, in addition to his ordinary duties, shall be paid \$1.30 per day in addition to his ordinary rate."

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OPERATIVE DATE

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

P A Imlach
COMMISSIONER

16 July 1997