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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
(T7702 of 1998)

Private and public sector awards

FULL BENCH:

PRESIDENT F D WESTWOOD
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1998 - application to review the Wage fixing Principles and to vary awards in a manner consistent with the Australian Industrial Relations Commission decision in Print number Q 1998 Safety Net Review - Wages - Agreed Settlement - Two-stage Arbitrated Safety Net Adjustment - ffpp on or after 14 July 1998 and ffpp on or after 14 October 1998 - Revised Wage Fixing Principles - Approved

DRAUGHTING AND TECHNICAL OFFICERS (PRIVATE INDUSTRY) AWARD

ORDER BY CONSENT-

No. 1 of 1998

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AMEND THE **DRAUGHTING AND TECHNICAL OFFICERS (PRIVATE INDUSTRY) AWARD** IN THE FOLLOWING MANNER:

1. Delete Clause 8 - Wage Rates and insert in lieu thereof the following:

"8. WAGE RATES

- (a) Adult employees shall be paid in accordance with the following classification structure which shall be read in conjunction with the classification definitions contained in Clause 7 - Definitions.

- (i) Operative from the first full pay period to commence on or after 14 July 1998:

Classifications	Relativity Level 2 %	Base Rate \$	Safety Net Adjustment \$	Salary Per Annum \$
Level 1 Draughting Asst Level I Technical Asst Level I	92.4	20045	2288	22333
Level 2 Draughting Asst Level II Technical Asst Level II	100	21694	2288	23982
Level 3 Draughting Tech Level I Engineering Tech Level I	105	22779	2288	25067
Fourth year of service Thereafter	2% per annum additional to Level 3 7% per annum additional to Level 3			
Level 4 Draughting Tech Level II Engineering Tech Level II	110	23863	2288	26151
Level 5 Draughting Tech Level III Engineering Tech Level III	115	24948	2288	27236
Level 6 Draughting Tech Level IV Engineering Tech Level IV	125	27118	2236	29354

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Classifications	Relativity Level 2 %	Base Rate \$	Safety Net Adjustment \$	Salary Per Annum \$
Level 7 Draughting Tech Level V Engineering Tech Level V	130	28202	2236	30438
Level 8 Draughting Eng Associate Level I	135	29287	2236	31523
Level 9 Draughting/Engineering Associate Level II - on commencement	105	22779	2288	25067
after 1 yrs experience	115	24948	2288	27236
after 2 yrs experience	130	28202	2236	30438
after 3 yrs experience	135	29287	2236	31523
after 4 yrs experience	145	31456	2236	33692
Level 10 Leading Technical/ Draughting Officer Principal Supervisory/ Trainee/Co-ordinator	150	32541	2236	34777
Level 11 Principal Tech Officer Principal Draught Officer	160	34710	2184	36894

(ii) Operative from the first full pay period to commence on or after 14 October 1998:

Classifications	Relativity Level 2 %	Base Rate \$	Safety Net Adjustment \$	Salary Per Annum \$
Level 1 Draughting Asst Level I Technical Asst Level I	92.4	20045	2496	22541
Level 2 Draughting Asst Level II Technical Asst Level II	100	21694	2496	24190
Level 3 Draughting Tech Level I Engineering Tech Level I	105	22779	2496	25275

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Classifications	Relativity Level 2 %	Base Rate \$	Safety Net Adjustment \$	Salary Per Annum \$
Fourth year of service Thereafter	2% per annum additional to Level 3 7% per annum additional to Level 3			
Level 4 Draughting Tech Level II Engineering Tech Level II	110	23863	2496	26359
Level 5 Draughting Tech Level III Engineering Tech Level III	115	24948	2496	27444
Level 6 Draughting Tech Level IV Engineering Tech Level IV	125	27118	2392	29510
Level 7 Draughting Tech Level V Engineering Tech Level V	130	28202	2392	30594
Level 8 Draughting Eng Associate Level I	135	29287	2392	31679
Level 9 Draughting/Engineering Associate Level II -				
on commencement	105	22779	2496	25275
after 1 yrs experience	115	24948	2496	27444
after 2 yrs experience	130	28202	2392	30594
after 3 yrs experience	135	29287	2392	31679
after 4 yrs experience	145	31456	2392	33848
Level 10 Leading Technical/ Draughting Officer Principal Supervisory/ Trainee/Co-ordinator	150	32541	2392	34933
Level 11 Principal Tech Officer Principal Draught Officer	160	34710	2288	36998

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(b) Annual Salary

PROVIDED that an employer and employee classified Draughting Technician and above may agree on a salary, other than that specified for the appropriate classification in Clause 8 - Wage Rates herein, on the understanding that such salary contains an element compensating in whole or part for entitlements which would otherwise accrue under Clause 17 - Holiday and Sunday Work, Clause 21 - Mixed Functions, Clause 25 - Overtime, and Clause 29 - Shift Work, of this award.

PROVIDED FURTHER that any such salary must amount to not less than the employee would have been entitled to under the above award provisions.

(c) Trainees

(i) Operation

The provisions of this subclause shall apply to trainees engaged in all areas of this award.

(ii) Definition

A trainee shall mean an employee of less than 21 years of age who is undergoing, and proves to the trainee's employer when requested, that the trainee is continuing an Associate Diploma's course appropriate to the trainee's work prescribed by the Education Department or any course at least equivalent thereto.

(iii) Rate of Pay

Trainees shall receive, as minimum rates of pay, the following percentage of salary per annum prescribed from time to time for Level 2, Draughting/Technical Assistant Level II:-

PROVIDED that when determining the amount payable to an employee attaining the age of 21 years, who has been employed under this award, as a junior, experience obtained after reaching the age of 18 years shall be counted as adult experience.

Years of Age	Percentage %
17 years and under	52
18 years of age	62
19 years of age	75
20 years of age	88

In calculating the rates, the amounts shall be taken to the nearest 10 cents, half or less than half to be disregarded.

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(iv) Proportion

The proportion of trainees who may be employed by any employer shall not exceed one trainee to every two or fraction of two adults in that area in which the trainee is employed under this division.

(v) Payment of Fees

A trainee who attends in any one year not less than 80 per cent of the maximum possible attendances of the approved course at the training institution at which he/she is pursuant his/her course of study, and passes the annual examinations in that year, or, if there is no examination, receives a satisfactory report, shall be reimbursed by his/her employer all fees paid by him/her for that course during that year. In the case of a trainee who complies with the foregoing requirement for attendances and who passes or receives a satisfactory report in proportion of the subjects taken by him/her in any year, the employer shall reimburse a like proportion of fees.

The employer shall not, however, be required to reimburse fees or a proportion thereof for more than one year in excess of the period prescribed by the training institution for the approved course.

PROVIDED that where a trainee is in the employ of more than one employer in any one school year, then the last such employer shall be liable only for the payment of fees pro rata to the period of employment with the employer.

(vi) Daytime Schooling

Trainees shall be allowed reasonable time (not exceeding an average of eight hours per week during a school term) for the purpose of attending classes in connection with the appropriate associate diploma course.

(d) Junior Employees Not Undertaking an Appropriate Course of Study

Employees so classified shall receive, as minimum rates of pay, the following percentage of the salary per annum prescribed from time to time for Level 1 - Draughting/Technical Assistant Level 1:-

PROVIDED that when determining the amount payable to an employee attaining the age of 21 years, who has been employed under this award, as a junior, experience obtained after reaching the age of 18 years shall be counted as adult experience.

Years of Age	Percentage
	%
17 years and under	52
18 years of age	62
19 years of age	75
20 years of age	88

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In calculating the rates, the amounts shall be taken to the nearest dollar, half or less than half disregarded.

(e) 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 \$45 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 \$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."

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2 Delete Clause 9 - Allowance for the Application of Technical Computing Equipment and insert in lieu thereof the following:

"9. ALLOWANCE FOR THE APPLICATION OF TECHNICAL COMPUTING EQUIPMENT

An allowance of \$1132 per annum shall be paid to any employee who is required to use technical computing equipment (as defined) to perform work of a complex nature. Work of a complex nature includes:

- (a) the application of new concepts in their field of work, including the use of three-dimensional projections;
- (b) the development of specialised programs for technical computing applications;
- (c) system development, including the evaluation of existing and alternative systems or ancillary software and/or hardware;
- (d) the provision of training on the system for users, including the development and/or evaluation of self-learn and/or teaching methods or software packages.

Technical computing equipment is defined as computer hardware, (including personal computers, microcomputers, minicomputers or mainframe computers) using software (including design, engineering, planning or data base programs), which are used for technical and/or engineering applications, including design, drafting, planning, quality control, machine programming, NC programming and engineering analysis.

This allowance is not payable for routine or repetitive functions, or where the system is used merely as an aid."

OPERATIVE DATE

This Order shall come into operation from the first full pay period to commence on or after 14 July 1998.

R J Watling
COMMISSIONER

24 July 1998