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IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.2146 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TRADES AND LABOR COUNCIL TO VARY **ALL PRIVATE AND PUBLIC SECTOR AWARDS AND AGREEMENTS** TO INCREASE WAGE RATES AND ALLOWANCES GENERALLY AND TO REVIEW THE WAGE FIXATION PRINCIPLES

AND

T.2147 of 1989

IN THE MATTER OF AN APPLICATION BY THE BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA (TASMANIAN BRANCH) TO VARY THE **BUILDING TRADES AWARD** RE BASE RATE FOR TRADESPERSON IN DIVISION A. AND TO INCREASE WORK RELATED ALLOWANCES

AND

T.2152 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN PUBLIC SERVICE ASSOCIATION TO VARY **NOMINATED AWARDS AND AGREEMENTS** RE SALARIES, ALLOWANCES AND AWARD RESTRUCTURING

AND

T.2167 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TEACHERS FEDERATION TO VARY **NOMINATED AWARDS** TO INCREASE SALARIES AND SALARY-RELATED ALLOWANCES

CONSEQUENT ON THE DECISION OF THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION IN THE NATIONAL WAGE DECISION OF 7 AUGUST 1989

ORDER -

**No. 4 of 1989
(Consolidated)**

AMEND THE **SEA FISHERIES STAFF AWARD** BY DELETING ALL THE CLAUSES CONTAINED THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING:

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1. TITLE

This award shall be known as the "Sea Fisheries Staff Award".

2. SCOPE

Subject to the exceptions and conditions contained herein, this award shall apply to all persons permanently or temporarily employed as Sea Fisheries Officers by the Fisheries Development Authority in the Sea Fisheries Division under the provisions of the Fisheries Act 1959, who are employees within the meaning of Part V of the Public Service Act 1973 and who occupy a position covered by this award.

3. ARRANGEMENT

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4. DATE OF OPERATION

This award shall come into operation from the beginning of the first full pay period to commence on or after 23 November 1989.

PROVIDED that it is a term of this award (arising from the decision of the Tasmanian Industrial Commission in the State Wage Case of 30 October 1989) that the union(s) undertake(s), for the duration of the principles determined by that decision, not to pursue any extra claims, award or overaward, except where consistent with those principles.

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5. SUPERSESSION AND SAVINGS

This award incorporates and supersedes No. 4 of 1988 (Consolidated) and Nos. 1, 2 and 3 of 1989) made thereto.

PROVIDED that, no right, obligation or liability incurred or accrued under any of the abovementioned provisions shall be affected by the replacement and supersession.

PROVIDED ALWAYS, that the provisions of the Tasmanian State Service Act 1984 and the regulations made thereunder shall continue to apply to employees or classes of employee covered by this award as and where such Act or regulations are applicable, save insofar as the salary to be received by, and the conditions of service of such employees or class of employee are inconsistent with the provisions of this award.

6. PARTIES AND PERSONS BOUND

This award shall apply to, and be binding upon:

- (a) all employees (whether members of a Registered Organisation or not) for whom classifications appear in this award.
- (b) the following organisation of employees in respect of whom award interest has been determined:

the Tasmanian Public Service Association and the Officers of that organisation and their members for whom classifications appear in this award;
- (c) the Controlling Authority having an interest in this award is the Minister responsible for the administration of the Tasmanian State Service Act 1984, in relation to all employees (as defined).

7. DEFINITIONS

In this award, unless the contrary intention appears:

- (a) **'Employee'** means a person permanently or temporarily employed under the provisions of the Tasmanian State Service Act 1984.
- (b) **'Part-time employee'** means a person other than a full-time or casual employee, engaged to work regularly in each pay period for less hours than an equivalently classified full-time employee.
- (c) **'Full-time employee'** means a person engaged to work for the full ordinary hours prescribed.

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- (d) A **'temporary employee'** means a person who -
- (i) is engaged to relieve a full-time or part-time employee for specific periods of leave; or
 - (ii) is engaged temporarily for specific duties over a fixed period determined by the Controlling Authority.

PROVIDED that such temporary employment shall be specified as to the number of hours, days or weeks to be worked; with the further proviso that where the period of engagement is specified as 5 consecutive working days or less the terms of employment shall be the same as those defined for casual employees.

- (e) A **'casual employee'** means a person engaged to work on an irregular basis, as and when required, but does not include any person employed on a part-time, full-time or permanent basis.
- (f) **'Junior employee'** means an employee who is a Sea Fisheries Officer under the age of 21 years.
- (g) **'Controlling Authority'** means the Minister administering the Tasmanian State Service Act 1984.

8. SALARIES

An employee appointed or promoted to a position within a class or grade prescribed by this award shall, subject to satisfying the prescribed requirements, be paid at the salary rate determined for the relevant classification, as hereinafter set forth.

PROVIDED ALWAYS that it is a condition of the 4% second tier adjustment applied to the wage rates in this award that the package of restructuring and efficiency offsets referred to in Registered Agreement T.1233 of 1988 be implemented and/or observed in relation to all employees for whom salary rates appear in this award.

Where there is an inconsistency between a provision of:

- (a) either this award, the General Conditions of Service Award, an Instruction, or Regulation; and
- (b) the Agreement referred to, the terms of which apply to employees covered by this award;

that provision shall be read subject to the relevant provision contained in the Agreement.

A. FULL-TIME EMPLOYEES

SEA FISHERIES DIVISION

	Salary per annum \$
1. FISHERIES INSPECTOR	
Class I	
1st year of service	20680
2nd year of service	21175
3rd year of service	21598
4th year of service and thereafter	22216
Class II	
Grade 1	
1st year of service	23199
2nd year of service	23664
3rd year of service	24205
4th year of service and thereafter	24673
Grade 2	
1st year of service	24673
2nd year of service and thereafter	25088
2. DISTRICT FISHERIES INSPECTOR	
1st year of service	25209
2nd year of service	25661
3rd year of service and thereafter	26199
3. REGIONAL FISHERIES INSPECTOR	
Grade 1	26943
Grade 2	27950
4. SENIOR FISHERIES INSPECTOR	
1st year of service	29491
2nd year of service and thereafter	29783
5. CHIEF OPERATIONS OFFICER	
1st year of service	35116
2nd year of service and thereafter	35643

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6. DECK-HAND - COOK

1st year of service	17769
2nd year of service	17968
3rd year of service	18163
4th year of service and thereafter	18320

7. ENGINEER - FISHERIES VESSEL - "CHALLENGER"

1st year of service	25209
2nd year of service	25661
3rd year of service and thereafter	26199

PROVIDED ALWAYS that no person shall be appointed as an Engineer - Fisheries Vessel 'Challenger' unless he holds the current prerequisite qualifications for appointment as an engineer on such a vessel pursuant to the relevant provisions of the Marine Act and the regulations made thereunder.

8. MATE - FISHERIES VESSEL

1st year of service	20811
2nd year of service	21249
3rd year of service and thereafter	21878

PROVIDED ALWAYS that no person shall be appointed as a Mate Fisheries Vessel, unless he holds

- (i) a Certificate of Competency of the Navigation and Survey Authority of Tasmania in respect of Fisheries Vessels and Fisheries Patrol Boats;
- (ii) an Engine Drivers' Certificate issued by the Navigation and Survey Authority of Tasmania; and
- (iii) a Radio Operator's Third Class Certificate of the Postmaster-General's Department, or qualifications deemed by the controlling authority as being at least equivalent thereto.

PROVIDED FURTHER that -

- (i) no person holding a position as Master as at 25 October 1979, shall suffer any reduction in salary by virtue of the coming into effect of this award;

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9. MASTER

Class I

1st year of service	23199
2nd year of service	23664
3rd year of service	24205
4th year of service and thereafter	24673

Class II

1st year of service	25209
2nd year of service and thereafter	25661

Class III

1st year of service	26188
2nd year of service and thereafter	26676

Class IV

1st year of service	27220
2nd year of service and thereafter	27744

PROVIDED ALWAYS that no person shall be appointed as Master Class IV unless he -

- (i) holds a Coastal Trades Master's Certificate of the Navigation and Survey Authority of Tasmania, or qualifications deemed by the controlling authority as being at least equivalent thereto;
- (ii) holds a Radio Operator's Third Class Certificate of the Postmaster-General's Department or qualifications deemed by the controlling authority as being at least equivalent thereto;
- (iii) possesses and continues to possess the qualifications prerequisite for appointment as engineer of such vessel, pursuant to relevant provisions of the Marine Act 1921 and the regulations made thereunder from time to time in force.

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B. JUNIOR EMPLOYEES

SEA FISHERIES DIVISION

CADET OR JUNIOR FISHERIES INSPECTOR

SCALE 1

Age	Salary per annum \$
16 years and under	10053
17 years	11516
18 years	13344
19 years	15354
20 years	16999

PROVIDED ALWAYS that the salaries for Scale 1 shall be:

55% at age 16 years
63% at age 17 years
73% at age 18 years
84% at age 19 years
93% at age 20 years

of the first year of service of an Administrative and Clerical Employee Class I as appearing in the Clerical Employees Award.

PROVIDED ALWAYS that -

- (i) no person shall be appointed to this position unless he holds the Schools Board Certificate endorsed 'A' of the Schools Board of Tasmania, or has qualifications deemed by the Controlling Authority as being at least equivalent thereto;
- (ii) a married male junior employee with a dependent wife or a dependent child may, on the determination of the Controlling Authority, be paid as an adult employee with a salary of \$18822;
- (iii) a junior employee who has been gazetted as a Fisheries Inspector shall be paid the same rate of pay as a Fisheries Inspector Class I, first year of service, regardless of his age on gazettal.

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C. PART-TIME AND CASUAL EMPLOYEES

Employees engaged on a part-time or casual basis shall have their salaries determined in the following manner:

- (a) Part-time employees shall be paid in the proportion that the hours worked bear to the normal weekly rate prescribed for the equivalent full-time employee.
- (b) Casual employees shall be paid in the proportion that the hours worked bear to the normal weekly rate prescribed for the equivalent full-time employee, plus a 20 per centum loading to compensate for annual leave, sick leave and public holidays.
- (c) The normal weekly salary rate means 1/52nd of a full-time employee's annual salary exclusive of allowances and overtime.

PROVIDED that a casual employee's terms of engagement shall be by the hour with a minimum payment of three hours for each day worked.

PROVIDED ALWAYS that persons engaged as temporary part-time and casual employees prior to 15 April 1988 shall not suffer any loss of entitlement through the implementation of this award.

9. ALLOWANCES

- (a) Sea Victualling Allowance

Where the duties of an employee employed in the Sea Fisheries Division require him to proceed to sea and to be absent from his home overnight, he shall be paid a sea victualling allowance:

	Rate per Day \$
(i) Where a cook is provided	16.68
(ii) Where a cook is not provided	20.49

- (b) Sea-going Allowance

Where the duties of an employee employed in the Sea Fisheries Division require him to proceed to sea and he is away from port overnight, and he is required to sleep aboard his vessel, he shall be paid a sea-going allowance in accordance with the following rates:

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	Rate per Day \$
(i) F.P.V. 'Challenger'	4.72
(ii) F.P.V. 'Penghana'	9.43
(iii) F.P.V. 'R.H. Scott', F.P.V. 'D'Entrecasteaux' and other Fisheries Development Authority vessels of the 'D'Entrecasteaux' class	5.71
(iv) Vessels other than Fisheries Development Authority vessels	8.52
(c) Coxswain Certificate Allowance	
A Fisheries Inspector, not classified above District Fisheries Inspector who holds a Coxswain Certificate in addition to an Engine Drivers' Certificate issued by the appropriate Navigation and Survey Authority, who, in the proper performance of his duties makes use of the knowledge gained in obtaining such certificate shall, in addition to his ordinary salary rate be paid an allowance at the rate of \$444 per annum.	
(d) First Aid Allowance	
An employee who holds a current First Aid Certificate, or a certificate deemed by the Controlling Authority to be equivalent thereto, shall be paid a First Aid Allowance of \$379 per annum if that employee is appointed by the Controlling Authority to perform first aid duty.	
(e) Diving Allowance	
An employee, qualified to dive and authorised by the Controlling Authority to do so in circumstances relating to maintenance of a vessel or gathering evidence to be used in prosecution matters, shall be paid an allowance of \$398 per annum.	
PROVIDED that the Controlling Authority not approve payment of the above allowance to any employee required to dive in other than safe working conditions. The responsibility in determining what constitutes safe working conditions shall rest upon the Controlling Authority.	

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(f) Other Allowances

Until otherwise determined by the Tasmanian Industrial Commission, allowances for meals, travelling, lodging, accommodation, temporary residence away from headquarters, district residence, mainland residence, proficiency relieving duty, higher duty, extra duty allowance, kilometreage, use of privately-owned motor vehicles on official duties, tools and clothing and other allowances (if any) in the nature of additional pay for classes or conditions of work, shall be granted to employees covered by this Award at the rates and in accordance with the terms and conditions for the time being prescribed by the Tasmanian State Service Act 1984 and regulations made thereunder.

10. DEDUCTIONS FROM SALARY

Until otherwise determined by the Tasmanian Industrial Commission, deductions from salaries or wages on account of quarters, fuel, light, power, board, and other facilities and amenities provided for employees covered by this award, and the rates of those deductions and the basis on which they shall be calculated, shall be in accordance with the terms and conditions for the time being prescribed by the Tasmanian State Service Act 1984 and regulations made thereunder.

11. HOURS OF DUTY

(1) Employees employed in the Fisheries Division

- (a) The ordinary hours of duty (exclusive of meal periods) of employees who are required to perform shore duties or duties on trailerised craft which do not remain at sea overnight, so far as may be practicable for the adequate performance of such duties, shall be similar to those prescribed for Sea Fisheries Division employees in the State Service.
- (b) The ordinary hours of duty (exclusive of meal periods) of employees employed on sea-going duties shall be forty hours per week or eighty hours per fortnight; to be worked on five consecutive days of eight hours each, followed by two off duty days, or on ten consecutive days of eight hours each followed by four days off duty which shall commence at his home base.

PROVIDED that the four days off duty break shall commence immediately following conclusion of a ten consecutive day roster, unless the employee concerned requests otherwise.

PROVIDED ALWAYS that any rostered days, deferred at an employee's request, shall be taken at a time mutually agreed between the employee concerned and the Controlling Authority.

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- (c) The daily commencing hour of duty shall be as determined by the Controlling Authority having due regard to exigencies attendant upon fisheries inspection;
 - (d) Where active duty is interrupted by adverse weather conditions or by periods of waiting inseparable from inspection requirements away from the home port, an employee shall be paid at least as for eight hours active duty per day.
- (2) All other employees - Until otherwise determined by the Tasmanian Industrial Commission, the ordinary hours of duty (exclusive of meal periods) and the times within which such hours shall be worked shall be in accordance with the hours of duty for the time being prescribed by the Tasmanian State Service Act 1984 and the regulations made thereunder.

12. NEW APPOINTMENTS AND PROMOTIONS

The commencing salary of a person or employee either on first appointment or on promotion to a position classified within a class or grade in respect of which a salary scale is prescribed by this award shall be as determined by the Controlling Authority, having regard to the qualifications and the practical experience of such person or employee in the appropriate field of work.

13. OVERTIME AND EXTRA REMUNERATION

- (1) Except where specifically prescribed in subclause 2 hereof or until otherwise determined by the Tasmanian Industrial Commission, overtime payments and the rates of remuneration and conditions in respect of minimum earnings, travelling time, shift work, night work, and special duty, and of work on Saturdays, Sundays and holidays, and at any other time outside the ordinary hours of duty, payable to employees covered by this award, shall be at the rates and in accordance with the terms and conditions for the time being prescribed by the Tasmanian State Service Act 1984 and regulations made thereunder.
- (2) An employee employed on sea-going duties relating to sea fisheries shall be entitled to compensation for overtime worked as specified in subclause 1 hereof. **EXCEPT** that where the Controlling Authority so determines, an employee occupying one of the positions listed below in classifications (A), (B) or (C) shall, in lieu of all overtime he may perform and in lieu of penalty payments in respect of his obligation to work on Saturdays, Sundays and Public Holidays, be paid in addition to his ordinary salary rate, the loading on such ordinary salary rate specified opposite his position:

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Title of Position		Loading per Annum %
(A)	Cadet or Junior Inspector)	
	Inspector -)	
	Class I)	
	Class II-1)	
	Class II-2)	20
	District Inspector)	
	Deckhand-Cook)	
	Master)	
	Engineer - 'Challenger')	
	Mate - Fisheries Vessel)	
(B)	Chief Operations Employee	12 1/2
Actual Hours Overtime Worked per Annum		
(C)	Regional Fisheries)	Up to 280 15
	Inspector)	Between 280 and 305 17 1/2
	Senior Fisheries)	More than 305 20
	Inspector)	

14. SALARY INCREMENTS

1. Except where otherwise specifically determined by this award, or where inconsistent with any Act, an employee, while holding a position classified or graded within a class or grade in respect of which a salary scale is prescribed by this award, and who for not less than twelve months has been in receipt of a salary less than the maximum salary prescribed for such classification, shall be entitled to receive the annual increment prescribed for such classification until the maximum salary is reached.

PROVIDED that an employee who was an employee on the date of this award shall be entitled to receive such increment on the anniversary of the date upon which he received his last salary increment in respect of his present position.

2. An employee whilst continuing to hold the same office or position shall, unless the controlling authority otherwise determines, be deemed, for the purposes of this clause, to have been in receipt of a salary during any period of leave without pay in the twelve months immediately following the date upon which his previous salary increment was awarded.

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3. Notwithstanding anything contained in this award, no employee shall be entitled to receive any increase in salary by virtue of this clause unless, in the opinion of the controlling authority, his conduct, diligence and efficiency during the twelve months immediately prior to the date from which such increase would be payable shall have been satisfactory.

R.K. Gozzi
COMMISSIONER

6 December 1989