

**TASMANIAN INDUSTRIAL COMMISSION**

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

**The AWU-FIME Amalgamated Union, Tasmania Branch**  
(T.Nos. 4818 and 4867 of 1994)

**SHELLFISH INDUSTRY AWARD**

COMMISSIONER R J WATLING

HOBART, 3 March 1994

Award variation - union amalgamation - delete all reference to Australian Workers' Union and Federation of Industrial, Manufacturing and Engineering Employees, Tasmania Branch - insert The AWU-FIME Amalgamated Union, Tasmania Branch - consent matter - award varied - operative 24 February 1994

Wage rates - State Wage Case December 1993 - arbitrated safety net adjustment - application granted - award varied - operative ffpp 2 March 1994

Award variation - Clause 27 - Right of Entry - consent matter - application granted - award varied - operative 2 March 1994

**ORDER BY CONSENT -**

**No. 1 of 1994**

AMEND THE SHELLFISH INDUSTRY AWARD IN THE FOLLOWING MANNER:

THE SHELLFISH INDUSTRY AWARD IS VARIED AS FOLLOWS:

1. **Delete** Clause 6 - Parties and Persons Bound and insert in lieu thereof the following:

**\*6. PARTIES AND PERSONS BOUND**

Unless otherwise specified, this award shall have application to and be binding upon:

- (a) all employers (whether members of a registered organisation or not) who are engaged in the industry specified in Clause 2 - Scope;
- (b) all employees (whether members of a registered organisation or not) for whom classifications appear in this award and who are engaged in the industry specified in Clause 2 - Scope;
- (c) the following organisations of employees in respect of whom award interest has been determined:

The AWU-FIME Amalgamated Union , Tasmania Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;

- (d) the following organisation of employers in respect of whom award interest has been determined:

The Tasmanian Chamber of Commerce and Industry Limited."

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

**\*8. WAGE RATES**

1. WAGES - ADULTS

(a) Adult employees in a classification level undermentioned shall be paid the weekly wage rate appearing opposite that classification.

Classification Level	Base Rate Relativity	Base Rate	Supplementary Payment		Weekly Wage Rate \$
			(A)	(B)	
Shellfish Farm Attendant (as defined) Level 1	76%	277.60	39.50	8.00	325.10
Shellfish Farm Attendant (as defined) Level 2	80%	292.20	41.60	8.00	341.80
Shellfish Farm Attendant (as defined) Level 3	93%	339.60	48.40	8.00	396.00
Shellfish Farm Attendant (as defined) Level 4	100%	365.20	52.00	8.00	425.20

(b) Supplementary Payment

The amounts appearing in the column headed Supplementary Payment (A) and (B) contained in subclause 1(a) of this division are absorbable against any overaward payment being paid by an employer as from the beginning of the first full pay period commencing on or after 13 February 1992 in respect of Column (A) and in respect of Column (B), which results from the Arbitrated Safety Net Adjustment Principle as determined in the State Wage Case Decision of 24 December 1993, from the beginning of the first full pay period commencing on or after 2 March 1994.

2. JUNIORS

A junior employee (as defined) shall be paid the undermentioned percentage of the weekly wage rate for a Shellfish Farm Attendant Level 1 (as defined).

	%	Weekly Wage Rate \$
Under 17 years of age	65%	211.30
Over 17 years of age but under 18 years of age	75%	243.80

**PROVIDED** that the relevant percentage of the \$8.00 Arbitrated Safety Net Adjustment as determined in the State Wage Case Decision of 24 December 1993 is absorbable against any overaward payment being paid by the employer as from the beginning of the first full pay period to commence on or after 2 March 1994."

3. **Delete** Clause 24 - Preference of Employment and insert in lieu thereof the following:

**\*24. PREFERENCE OF EMPLOYMENT**

- (a) Providing all persons are adequately experienced and otherwise competent preference shall be given on engagement to members of The AWU-FIME Amalgamated Union, Tasmania Branch or those who give an undertaking to become a member within 14 days.
- (b) The owner of the business, the spouse and children of the owner shall not be subject to the provisions of this clause.
- (c) Conscientious objectors who hold a certificate pursuant to section 32(8) of the Industrial Relations Act 1984, shall not be subject to the provisions of this clause."

4. **Delete** Clause 27 - Right of Entry of Union Officials and insert in lieu thereof the following:

**\*27. RIGHT OF ENTRY OF UNION OFFICIALS**

Right of entry for a duly accredited representative of The AWU-FIME Amalgamated Union, Tasmania Branch shall be in accordance with the provisions of section 77 of the Industrial Relations Act 1984."

**OPERATIVE DATE:**

The operative dates of the foregoing amendments shall be -

- (a) in respect to Clause 6 - Parties and Persons Bound and Clause 24 Preference of Employment - 24 February 1994.
- (b) in respect to Clause 8 - Wage Rates from the beginning of the first full pay period to commence on or after 2 March 1994.
- (c) in respect to Clause 27 - Right of Entry for Union Officials - 2 March 1994.

