

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

TASMANIAN INDUSTRIAL COMMISSION

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

Minister administering the State Service Act 2000
(T13038 of 2007)

PROFESSIONAL EMPLOYEES AWARD

FULL BENCH:

PRESIDENT P L LEARY
DEPUTY PRESIDENT P C SHELLEY
COMMISSIONER T J ABEY

Award variation – award review process – application approved – consent application – operative date ffpp 1 December 2007

ORDER BY CONSENT -

**No. 1 of 2008
(Consolidated)**

AMEND THE **PROFESSIONAL EMPLOYEES AWARD** BY DELETING ALL CLAUSES CONTAINED THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING; AND THE AWARD IS CONSOLIDATED:

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

1. TITLE

This award is the "Professional Employees Award".

2. SCOPE

This award is to apply to persons employed under the *State Service Act 2000* undertaking work of a professional nature for whom classifications appear in this award and are not included in other awards of the Commission.

3. INDEX

| <u>SUBJECT MATTER</u> | <u>CLAUSE NO.</u> |
|--------------------------------|-------------------|
| Title | 1 |
| Scope | 2 |
| Index | 3 |
| Date of Operation | 4 |
| Award Interest | 5 |
| Supersession | 6 |
| Definitions | 7 |
| Salaries | 8 |
| Salaries | 8(a) |
| Part time and Casual Employees | 8(b) |
| Qualifications | 8(c) |
| Conditions of Employment | 9 |
| Higher Duty Allowance | 10 |
| Overtime | 11 |
| Salary Increments | 12 |
| Spread of Hours | 13 |

4. DATE OF OPERATION

This award will come into operation from the first full pay period commencing on or after 1 December 2007.

5. AWARD INTEREST

- (a) The following employee organisations are deemed to an interest in this award, pursuant to Section 63(10) of the *Industrial Relations Act 1984*:
- (i) The Association of Professional Engineers, Scientists and Managers, Australia;
 - (ii) Australian Education Union, Tasmanian Branch; and

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

- (iii) The Community and Public Sector Union (State Public Services Federation Tasmania) Inc.
- (b) The employer deemed to be the employer organisation having interest in this award, pursuant to Section 62(4) of the *Industrial Relations Act 1984*:
 - (i) the Minister administering the State Service Act 2000

6. SUPERSESSION

This award incorporates and supersedes the Professional Employees Award No. 2 of 2007 (Consolidated).

PROVIDED that no entitlement accrued or obligation incurred is to be affected by the supersession.

7. DEFINITIONS

- (a) General Definitions

'Casual employee' means a person engaged to work for a period not exceeding five consecutive days, or on an irregular basis as required by the employer.

'Employee' means a person employed under the provisions of the State Service Act 2000

'Employer' means the Minister administering the State Service Act;

'Full-time employee' means a person engaged to work for the full ordinary weekly hours of work of the relevant position.

'Part-time employee' means a person engaged to work on a regular basis for a lesser number of ordinary weekly hours than is applicable to an equivalent full time employee.

- (b) Classification Standards

Level 1 classifications standard:

A professional practitioner, initially under close professional supervision as to method of approach and requirements, performs normal professional work under general professional guidance, and with professional development may perform novel, complex or critical professional work under professional supervision. The work performed may involve the normal professional work of an organisational unit, or of a specialised professional field encompassed by the work of the unit; normal professional work where it is isolated from immediate professional supervision, for example due to the remoteness of the work area; difficult, novel, complex or critical

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

professional work under professional supervision; research carried out under professional supervision and which may be expected to contribute to advances in the techniques used; and professional supervision of less experienced professional employees together with general supervision over technical and other personnel.

Initially the work of a new graduate is subject to professional supervision. As experience is gained, the contribution and the level of professional judgement increases and professional supervision decreases until a wide range of professional tasks is capable of being performed under general professional guidance. It is expected that independent professional judgement will be exercised when required, particularly in recognising and solving problems and managing cases where principles, procedures, techniques and methods require expansion, adaptation or modification. Initially, employees are required to have sound theoretical professional knowledge gained through satisfactory completion of an appropriate course of study at a recognised tertiary institution.

Level 2 classification standard:

Under broad policy control and direction, a senior professional practitioner who performs novel, complex or critical professional work, or performs a limited range of the duties of professional manager or professional specialist with general professional guidance. The work includes the formulation of professional or policy advice for senior management and may involve provision of such advice to senior executives in other Agencies, the private sector and the wider community. Normally there is limited corporate effect at this level as technical advice is often reviewed by more senior employees. The work includes the role of team or project leader requiring the co-ordination of the work of a number of professionals and/or other personnel who will not necessarily be in the same work discipline as the leader. Employees at this level may oversee the operation of a section comprising professional and/or technical personnel engaged in field, laboratory, clinical, production or operational work which may be organized on a geographical or functional basis.

Employees at this level are expected to have wide experience in their professional fields. They perform a variety of tasks of a novel, complex or critical nature, either individually or as a leader or member of a team. Direction is provided in terms of a clear statement of overall objectives with limited direction as to work priorities. A professional at this level working as a member of a team will have the skills and experience necessary to perform all the tasks undertaken by the team or to have the knowledge and judgement to seek and use specialist advice when it is required. Specialists require substantial or higher knowledge in a particular discipline or field and the exercise of independent professional judgement to resolve complex problems and issues.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Level 3 classification standard:

Under broad policy control and direction, a senior professional practitioner or a professional manager or a professional specialist. The work contributes directly to the formulation of Agency policies for the work area and requires an understanding of the wider policy and strategic context. Technical or professional advice given generally has consequences beyond the immediate work area and is normally only reviewed for policy and general approach. The work has moderate corporate effect and is performed under broad direction in terms of objectives, policies and priorities. Programs, projects, assignments or other work are generally determined by higher-level management but at this level authority is given to decide how to achieve end results within the limits of available resources. Decisions at this level have direct consequences on the achievement of results for the function or group of activities for which the employee is responsible.

Employees are expected to have extensive experience in their professional field and to perform a range of tasks in the absence of general professional guidance.

A senior professional practitioner operates in the absence of general professional guidance and is expected to apply significant professional knowledge and judgement in one or more professional disciplines or fields in relation to more novel, complex and critical work. A senior professional practitioner need not necessarily be supported by other professionals.

A professional manager leads and directs an organisational element or team of professionals and other staff requiring considerable co-ordination, and is responsible for human, physical and financial resources under the control of the position. The units or teams may comprise professional and other personnel in field, laboratory, clinical, production or operational work and which may be organized on a geographical or functional basis. The management role may require professional leadership and direction over subordinate personnel including supervisors, and involves setting standards for, evaluating the performance of and interpreting policy relevant to the work area, and may involve resolving more complex technical or professional problems.

Professional specialists at this level exercise a high degree of independent professional judgement in the resolution of more novel, complex and critical problems or issues. They are required to provide authoritative technical or policy advice which draws on in-depth knowledge in a professional or technical field or discipline. Analysis, design and interpretation of research or investigations represent authoritative and final professional conclusions. An original and continuing contribution to the knowledge in the relevant disciplines or fields and the application of that advance in knowledge to the organization's work would be expected.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Level 4 classification standard:

Under broad policy control and direction, a senior professional practitioner, a senior professional manager, or a senior professional specialist. The work requires the exercise of a high degree of independence in the determination of overall strategies, priorities, work standards and the allocation of resources. Judgments made at this level form the basis of advice to senior levels within an Agency and are often critical to the achievement of overall objectives of a programme or organizational unit. Work is monitored against broad objectives and has a high corporate effect. Administrative direction is given on the Agency's policies and objectives and ensuring co-ordination with other major work units.

A senior professional practitioner at this level operates in accordance with broad objectives and is expected to apply unusually significant professional knowledge and professional judgement in one or more disciplines or fields directly relevant to the work area and in relation to most novel, complex or critical work.

A senior professional manager at this level leads, directs and co-ordinates a major function or work area in an Agency involving a considerable variety of activities and organized on a geographical (including State-wide) or functional basis. Relative to other senior professional employees' positions, senior professional managers at this level have unusually significant responsibility for the human, physical and financial resources under their control, and the work may also include extensive co-ordination of projects involving unusually large numbers of professional and other personnel engaged in field, laboratory, clinical, production or construction work, and directing professional and technical personnel working in different fields. Senior professional managers at this level may also be responsible for initiating, planning and conducting research projects of considerable breadth that contribute significantly to the development of Agency or government policy or are highly complex in terms of problem definition and methodology.

A senior professional specialist at this level is expected to have a depth of knowledge in the relevant discipline or field of significance to the Agency. Persons at this level often have a national reputation. There is a requirement for a high degree of originality and analytical and conceptual skills in the resolution of particularly complex technical or policy issues. The work requires expert knowledge in a professional or technical field or range of fields and in most cases a comprehensive knowledge of relevant legislation and policies. In some circumstances, specialists also have a management and/or co-ordination role. The work requires constant adaptation of existing principles to new and unusual problems and involves frequent changes in policy, program or technological requirements.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Level 5 classification standard:

Under broad policy control, an executive professional manager. The work involves executive management of several major work areas in an Agency, involving a very wide variety of activities associated with the development, co-ordination and implementation of State-wide policies. Only broad governmental objectives govern the position within which total flexibility exists for developing policies, strategies and tactics to achieve objectives. Direction received would be an exception and limited to issues that have an effect upon other external operational policy areas. Work at this level has the highest corporate effect.

For the purposes of this definition, unless the contrary intention appears

'Complex professional work' means work that includes various tasks involving different and unrelated processes and methods. It depends on analysis of the subject, phase or issues involved in each assignment and the appropriate course of action may have to be selected from many alternatives. The work involves conditions and elements that must be identified and analysed to discern inter-relationship.

'Corporate effect' means a measure of the effect of decisions made or advice required in a position on Agency policies and operations and the achievement of program objectives. Corporate effect is direct in the case of decisions taken, for example in determining policy or committing resources, and indirect where advice or recommendations are involved. The effect of advice or recommendations is a measure of the influence of the advice or recommendations. A measure of the effect of advice or recommendations is their influence upon the decision-maker and the consequences for the organisation of the decision made. Recommendations, for example of a highly technical or specialised nature, may influence the work of a major function or area of an Agency's operations or have an effect extending beyond the Agency.

'Critical professional work' means the term used in a commonly accepted sense in technological areas in relation to a critical component, critical issue or critical decision. It means a cornerstone, or fundamental decision, requiring the exercise of sound professional judgement of the effects of a decision within a particular professional discipline of field of work.

'General professional guidance' means direction and guidance given by a senior professional employee on a range of professional assignments. There is discretion in selecting the most appropriate method of completing these and conformity with directions is measured by satisfactory completion of allocated professional assignments.

'General supervision' means the supervision given by a professional employee to technical and other personnel. It consists of the allocation, direction, overseeing and co-ordination of the work of subordinate personnel. Professional employees may receive supervision on non-technical administrative matters from non-professional personnel.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

'Normal professional work' includes continuing professional duties performed in accordance with conventional established professional practice, methods and standards, but excludes professional work of a novel, complex or critical nature.

'Novel professional work' means work requiring a degree of creativity, originality, ingenuity and initiative and of a type not normally undertaken in a Department or significant organisational unit within the Department. The term may refer to the introduction of new technology or processes used elsewhere.

'Professional discipline' means a branch of a profession.

'Professional field of work' means a major subdivision of a professional discipline.

'Professional judgement' means the application of professional knowledge and experience in defining objectives, solving problems, establishing guidelines, reviewing the work of others, interpreting results and providing and assessing advice or recommendations, and other matters that have an element of latitude or decision-making.

'Professional knowledge' includes knowledge of principles and techniques applicable to the profession. It is obtained during the acquisition of professional qualifications and relevant experience.

'Professional manager' means a person required to have a sound knowledge of relevant principles, practices and procedures applicable to a professional discipline or field of work. Professional managers are responsible for the achievement of particular objectives or completion of a project. This responsibility includes accountability for human, material and financial resources allocated to that objective or project.

'Professional practitioner' means an individual, team member or team leader. In the initial years at Professional Employee Level 1, an employee will apply professional judgement across a limited range of activities and may perform normal professional work under different types of supervision and guidance. Professional supervision is required but may not need to be continuous. As they gain experience at Level 1 and at the higher levels, practitioners carry out a broad range of activities or functions using relevant practices or procedures within a professional discipline or field of work. This role can provide advice to others on aspects of the discipline or field and can be expected to contribute in an original and innovative manner to the activities of the work area, and includes supervision of subordinate professional personnel and personnel from other fields of work.

'Professional specialist' means a person who has in-depth knowledge of, and is acknowledged both by senior management and by professional peers as an authority in, a professional discipline, field of work, or a range of disciplines or fields. An original and continuing contribution to the relevant discipline(s) or field(s) is an essential aspect of this role.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

'Professional supervision' means supervision given to subordinate professional employees that requires the exercise of professional judgement and consists of setting guidelines for the work of professional employees, suggesting approaches to the conduct of professional work, solving technical problems raised by subordinate professional employees, giving decisions on technical solutions proposed by subordinate professional employees, and reviewing and sometimes checking the work of other professional employees.

'Work of a professional nature' means the application of professional knowledge initially gained by satisfactorily completing an appropriate course of study at a recognised tertiary institution, experience and judgement in the development, management and use of technology; investigation; survey; analysis; testing; observation; evaluation; applied research; planning; provision and maintenance of facilities and services; diagnosis/prognosis; remediation treatment; liaison; administration of safety regulations; and education in laboratory, field or other situations.

8. SALARIES

- (a) An employee appointed to a position classified under this award is to be paid at the salary rate applicable to a level determined in accordance with the classification standards set out in Clause 7 – (b) classification standards.

| | | Salary per Annum \$ |
|----------------|----------------------------|------------------------|
| Level 1 | First year of service | 40,547 |
| | Second year | 43,107 |
| | Third year | 45,853 |
| | Fourth year | 48,606 |
| | Fifth year | 51,357 |
| | Sixth year | 54,105 |
| | Seventh year | 56,854 |
| | Eighth year and thereafter | 59,573 |
| Level 2 | First year of service | 62,286 |
| | Second year | 65,000 |
| | Third year and thereafter | 67,714 |
| Level 3 | First year of service | 71,331 |
| | Second year | 74,957 |
| | Third year and thereafter | 76,763 |
| Level 4 | First year of service | 80,381 |
| | Second year | 83,095 |
| | Third year | 85,813 |
| Level 5 | | 93,050 |

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

(b) Part-Time and Casual Employees

- (i) Employees are to be paid in the same ratio that their ordinary weekly hours bear to the ordinary weekly hours of equivalent full-time employees.
- (ii) Casual employees are to be paid a loading of 20% to compensate for having no entitlement to payment for annual leave, sick leave and holidays not worked.
- (iii) A casual employee is to be engaged by the hour with a minimum payment of three hours for each day worked.

(c) Qualifications

An employee is only to be classified under this award if the following conditions are met:

- (i) The State Service Commissioner has deemed the position to require an essential educational qualification in accordance with Section 37(5) of the *State Service Act 2000*; or
- (ii) An employee was employed prior to 7 March 1996; and
 - there was a statutory requirement for employees occupying a position to have a professional qualification under one of the statutes listed in paragraph (1); or
 - the professional qualification of the occupation was defined by one of the awards listed in paragraph (2).

(1) Statutory Requirement for Qualifications:

- *Architects' Act 1929*
- *Physiotherapists' Registration Act 1951*
- *Psychologists Registration Act 1976*
- *Land Surveyors Act 1909*
- *Valuers' Registration Act 1974*
- *Veterinary Act 1918*

(2) Award Requirement for Qualifications:

- Inland Fisheries Commission Award No. 1 of 1997 (Consolidated) - S095
- Tasmanian Museum and Art Gallery Employees Award No. 1 of 1997 (Consolidated) - S143

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

(3) Former Award Requirements for Qualifications:

The awards listed below contained provisions for qualifications relevant for appointment and advancement under this award. Those provisions are deemed to continue to apply as though the awards maintained their application.

- Agricultural Officers Award No. 2 of 1996 (Consolidated) - S076
- Foresters Award No. 2 of 1996 (Consolidated) - S084
- Librarians and Archivists Award No. 2 of 1996 (Consolidated) - S098
- Physiotherapists, Occupational Therapists and Speech Pathologists Award No. 1 of 1996 (Consolidated) - S108
- Professional Engineers Award No. 1 of 1996 (Consolidated) - S113
- Scientific Employees Award No. 1 of 1997 (Consolidated) - S120
- Survey Officers Award No. 2 of 1996 (Consolidated) - S125
- Tasmanian Dairy Industry Authority Staff Award No. 1 of 1996 (Consolidated) - S126
- Welfare Workers Award No. 2 of 1997 (Consolidated) - S138.

9. CONDITIONS OF EMPLOYMENT

- (a) Unless specified otherwise in this award, conditions of employment applying to employees covered by this award are to be as prescribed in the General Conditions of Employment Award.
- (b) Where there is an inconsistency between the 'second tier' agreement T1233 of 1988 or T1287 of 1988 and provisions contained in this award or the General Conditions of Employment Award the provisions of the relevant 'second tier' agreement are to prevail.

10. HIGHER DUTIES ALLOWANCE

Higher duties allowances are payable as follows:

- (a) An employee classified up to and including Level 1, 8th year of service is entitled to a higher duties allowance only when the employee acts in and performs the duties of a higher classified position for a minimum period of ten consecutive working days and the acting position is two or more levels higher than the employee's substantive classification;
- (b) An employee classified at Level 2 and above is entitled to a higher duties allowance only when the employee acts in and performs the duties of a higher classified position for a minimum period of twenty consecutive working days and the acting position is two or more levels higher than the employee's substantive classification.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

- (c) An employee substantively classified between Level 1 and Level 4 for is entitled to a higher duties allowance if required to act in and perform the duties of a position classified one Level higher than the employee's substantive classification and where the acting appointment is for a period of forty consecutive working days or more.

11. OVERTIME

- (a) Employees classified up to and including Level 1, 6th year of service are entitled to payment for authorised overtime worked at the direction of the employer. The payment is to be calculated by reference to the employees' actual salary as prescribed in this award and the overtime rates as prescribed in the General Conditions of Employment Award.
- (b) Employees classified at Level 1, 7th year of service and above are not entitled to receive payment for overtime worked.

12. SALARY INCREMENTS

- (a) An employee occupying a position covered by a classification containing a salary scale providing for annual increments is to be entitled, at the completion of each period of twelve months continuous service in that position, to receive the relevant annual increment until the maximum salary for that classification is reached.
- (b) A part-time employee is not to be entitled to annual increments until he/she has completed the number of hours that an equivalent full-time employee would have worked in one year.
- (c) An employee is not to be entitled to an annual increment unless, in the opinion of the employer, the employee's conduct, diligence and efficiency have been satisfactory during the twelve month period preceding the date upon which the increment falls due.

13. SPREAD OF HOURS

Ordinary hours of work may be performed between 7.00am and 7.00pm.

James P McAlpine
COMMISSIONER

7 January 2008