

**IN THE TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984  
s.23 application to vary an award

**Federated Clerks Union of Australia**  
**Tasmanian Branch**  
(T.2837 of 1990)

**TIMBER MERCHANTS AWARD**

PRESIDENT

New classification - Trainee Clerk

**ORDER - No. 1 of 1991**

The above award is varied in the following manner:

THE **TIMBER MERCHANTS AWARD** IS VARIED IN THE FOLLOWING MANNER:

1. Insert in Clause 3 - ARRANGEMENT - CONDITIONS FOR EMPLOYEES IN DIVISION B - CLERKS AND SALES ASSISTANTS - the new clause "Trainee Clerk (as defined) - 65".
2. Insert in Clause 7 - DEFINITIONS - DIVISION B, CLERKS AND SALES ASSISTANTS - the following:

"**Trainee Clerk**" means a person employed by the employer under the terms of the Australian Traineeship System and any agreements attached thereto.

"**Training Agreement**" shall mean an agreement registered under the provisions of the Industrial and Commercial Training Act 1985.

3. Insert in Clause 8 - WAGE RATES - DIVISION B - CLERKS AND SALES ASSISTANTS - subclause 1. WAGES, the following sub-subclause:

"(iv) Trainee Clerk (as defined)

The minimum weekly wage rate payable to a trainee clerk (as defined) shall be determined by the following method of calculation -

By taking the appropriate wage rate for a junior clerk as prescribed in subclause 1(iii) of this division then multiplying it by 39 and dividing it by 52.  
(39 being the actual number of weeks spent on the job)

**PROVIDED** that the wage determined by this calculation shall in no case be less than the minimum rate (as varied from time to time) prescribed by the Australian Traineeships System Guidelines.

**PROVIDED FURTHER** that trainee clerk (as defined) wage rate shall be calculated in multiples of ten (10) cents with any result of five (5) cents or more being taken to the next ten (10) cents."

and renumber the remaining subclauses as follows:

Additional Payments - (v)  
Estimating Service - (vi)  
Junior Sales Assistants - (vii)

4. Insert the following new clause:

**"65. TRAINEE CLERK (AS DEFINED)"**

- (a) Trainee Clerk (as defined) shall be engaged for a period of twelve (12) months as a full time employee, provided that a trainee shall be subject to a satisfactory probation period of up to one (1) month.
- (b) Where possible traineeship positions should be additional to normal staff numbers provided that no existing weekly employees shall be displaced by a trainee.
- (c) A trainee clerk (as defined) will receive on-the-job training by the employer as specified in the training agreement (as defined) and off-the-job training will be provided by a training institution/organisation approved by the Training Authority of Tasmania.
- (d) The employer agrees that the overall training program will be monitored by officers of the Training Authority of Tasmania and training record books may be used as part of this monitoring process.
- (e) Time spent off-the-job training shall be allowed without loss of continuity of employment.
- (f) Where an employer continues the employment of a trainee clerk (as defined) after completion of the "traineeship period", such "traineeship period" shall be counted as service for the purpose of the award.
- (g) Under normal circumstances overtime shall not be worked by trainees. However, when during a training period in a particular section, overtime is involved in the operation of that section, overtime may be worked by the trainees. Where overtime is worked the normal allowances and penalty rates shall apply.
- (h) The union shall be afforded reasonable access to trainees for the purpose of explaining the role and functions of the union.
- (i) Trainees shall not perform higher duties unless in the course of their traineeship.

- (j) Trainees shall be exempt from action in respect of industrial disputes. However the employer shall observe the provisions determined by the Training Authority of Tasmania in respect of the use of trainee clerks (as defined) in the time of industrial disputes."

**DATE OF OPERATION**

The foregoing variations shall have effect from the beginning of the first full pay period commencing on or after 22 January 1991.

