

T14747 OF 2020

*Industrial Relations Act 1984*  
s55 Industrial Agreement

# MINISTERIAL DRIVERS AGREEMENT 2019

Between the

Minister administering the *State Service Act 2000*

and

The Community and Public Sector Union (State Public Service  
Federation Tasmania) Inc.



## I TITLE

This Agreement shall be known as the Ministerial Drivers Agreement 2019.

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### 3 APPLICATION

This Agreement is made in respect of employees who are assigned the duties of Ministerial Driver in the Ministerial Transport Fleet.

### 4 DATE AND PERIOD OF OPERATION

4.1 This Agreement cancels and replaces the following agreements:

- (i) Ministerial Drivers Industrial Agreement 2018 which was registered on 19 August 2019.
- (ii) Ministerial Drivers Industrial Agreement 2016 which was registered on 27 April 2017.
- (iii) Ministerial Drivers Industrial Agreement 2014 which was registered on 11 February 2014.

4.2 This Agreement applies with effect from 1 July 2019 and will remain in force until 30 June 2022.

4.3 The parties agree to commence negotiations for a replacement agreement on or before 30 November 2021.

### 5 PARTIES BOUND

This Agreement is between the Minister administering the *State Service Act 2000* and The Community and Public Sector Union (State Public Services Federation Tasmania) Inc.

### 6 RELATIONSHIP TO AWARDS AND AGREEMENTS

This Agreement prevails to the extent of any inconsistency that occurs between this Agreement and the Tasmanian State Service Award, or any registered Agreement with the Minister administering the *State Service Act 2000*.

### 7 DEFINITIONS

'Casual Ministerial Driver' is an employee employed on an irregular basis and at short notice and, where offered, employment may be accepted or rejected on each and every occasion, and is paid a loading in addition to the normal rate of salary in lieu of paid leave entitlements and Holidays with Pay. The loading is prescribed and adjusted by the Tasmanian State Service Award, Part II – Salaries and Related Matters. A casual driver is not to receive the Industry Allowance.

'Employer' is the Minister administering the *State Service Act 2000*.

'Employee' means a permanent, fixed term or casual employee appointed under the *State Service Act 2000* and who is appointed as a Ministerial Driver on a full time, part time or casual basis.



'4 weekly cycle' means two consecutive pay periods (on a continuing basis) consisting of 20 working days and 8 non-working days.

'Manager, Ministerial Transport' means an employee, however designated, who is employed to manage the provision of Ministerial Transport.

## 8 SALARY INCREASES

8.1 Salaries will increase as follows:

- (i) 2.3 percent per annum with effect from the first full pay period commencing on or after (ffppcoa) 1 December 2019.
- (ii) 2.3 percent per annum with effect from the ffppcoa 1 December 2020
- (iii) 2.35 percent per annum with effect from the ffppcoa 1 December 2021.

8.2 Schedule 1 of this Agreement sets out the annual rates of pay effective ffppcoa 1 December 2019, ffppcoa 1 December 2020, and ffppcoa 1 December 2021 for employees covered by the Agreement.

8.3 Industry Allowance – Ministerial Driver

- (i) The Industry Allowance is an allowance to compensate an employee in full for all irregular and additional working hours including:
  - a. work on weekends and public holidays;
  - b. availability and recall provisions; and
  - c. disruption to family and social life.
- (ii) An employee in receipt of the Industry Allowance is not eligible for overtime, availability and recall provisions of the Tasmanian State Service Award for 44 hours of work in excess of 76 hours per fortnight.
- (iii) From the ffppcoa 1 December 2019, the industry allowance Ministerial Driver is increased to 84 percent of the base rate for a Ministerial Driver Level 2.

8.4 Industry Allowance – Ministerial Driver (Premier)

- (i) A Ministerial Driver who undertakes the duties of Ministerial Driver (Premier) is paid additional compensation in recognition of increased security and responsibilities associated with the Office of the Premier. The allowance is only payable whilst a Ministerial Driver is undertaking the duties of Ministerial Driver (Premier) on each occasion and for the period that they drive the Premier or Acting Premier.



- (ii) From the 1 December 2019, the industry allowance Ministerial Driver (Premier) is increased to 103 percent of the base rate for a Ministerial Driver Level 2 (Premier).

#### 8.5 Casual Ministerial Driver Salaries

Salaries are effective from the dates specified Schedule 1. The industry allowance is not payable to a casual Ministerial Driver. Casual Ministerial Driver's hourly rate is calculated as per Part II, Clause 1(c) of the Tasmanian State Service Award with the exception of sub clause 1(c)(i) where the divisor of 1/76 will be used.

## 9 SALARY PROGRESSION AND PERFORMANCE MANAGEMENT

Salary progression to Level 2 is subject to this clause.

9.1 For the purposes of this clause:

**'Progression'** means a salary increase within a band subject to assessment.

9.2 Progression within a range is via progression criteria.

9.3 The new level of salary is payable immediately an advancement or progression has effect.

9.4 Appointment or promotion may be to any level within a band, as determined by the employer.

- (i) Progression within a salary band from one level to the next is to occur on the anniversary date of appointment predicated upon an assessment of the requirements established in the employee's performance management plan from the previous 12 months and certification that performance has been satisfactory.
- (ii) Performance for progression is determined through a performance management plan. The performance management plan must, as a minimum contain:
  - a. a listing of the performance outcomes and specific requirements for an individual employee according to the duties and responsibilities required by their role;
  - b. be reviewed annually and involve at least one discussion between the employee and their manager;
  - c. involve a discussion concerning the employee's training and development's needs; and
  - d. include a clear statement of outcomes, including whether the employee's performance has met the required standards and agreed training or development needs have been undertaken, whether salary progression will be approved and/or any action is being considered where underperformance is identified.





- (iii) The employer is to advise the employee of the time of the performance management discussion and of any relevant issues pertaining to it. The employee is to be allowed sufficient time to prepare and to participate in the discussion in a diligent manner.
- (iv) The employee is not to be disadvantaged by any delay in the timing of the performance management plan discussion and progression within a salary band from one level to the next is to occur on the employee's anniversary date if assessment is satisfactory and the employee is available to undertake the assessment.

## 10 CLASSIFICATION DESCRIPTOR

For the purpose of this clause:

**'General supervision'** means that general instructions are given to achieve the required outcomes or objectives. Discretion and choice in selecting the most appropriate method for completing the allotted tasks is expected and encouraged.

**'Conventional'** means a regular practice or procedure according to well established methods.

CLASSIFICATION DESCRIPTOR	
Focus	Work requiring the application of high level conventional operational practices, and standards in providing services for Ministerial Transport Fleet.
Context and Framework	General instructions on techniques, methods, priorities and timeframes are provided to achieve the required outcomes or objectives.  Discretion and choice in selecting the most appropriate methods for completing the allocated tasks is expected and encouraged. Work at this level is undertaken independently with access to general supervision.
Expertise	Knowledge and skills is consistent with experience and/or formal training in order to perform high level conventional operational work in providing services for the Ministerial Transport Fleet.
Interpersonal Skills	Exercises well-developed communication skills consistent with developing a rapport with Ministers, Ministerial staff, parliamentary and departmental staff, clients and members of the public.  Work at this level may include oral and written reporting on issues associated with efficient and effective service delivery.
Judgement	Judgement and/or initiative is expected in selecting the most appropriate means of completing and prioritising work.  Problem solving may be required, especially when working away from supervision.  More complex and unusual situations would be referred to the manager for further information.



<b>Influence of Outcomes</b>	The influence of this work is to undertake high-level conventional operational duties in providing ministerial driving services.
<b>Responsibility for Outcomes</b>	Responsible for the satisfactory completion of high-level conventional operational duties to a prescribed standard.  Responsible for the effective operation of vehicles and the safe transport of Ministers and Ministerial staff and clients of the Ministerial Transport Fleet.

## 11 HOURS OF WORK

- 11.1 The ordinary hours of work for Ministerial Drivers are 76 ordinary hours per fortnight, plus up to an additional 44 hours that are to be paid as the Industry Allowance. This represents a maximum of 120 hours of work per fortnight in each two week consecutive period of a four weekly cycle.
- 11.2 The ordinary hours of work for Ministerial Drivers are between 8.00am to 4.36pm excluding a one hour meal break.
- 11.3 The parties recognise the risks arising from fatigue associated with Ministerial Drivers working long hours. Both the Ministerial Drivers and the Manager, Ministerial Transport, share responsibility for monitoring the hours worked to ensure they are safe and do not exceed 120 hours per fortnight.

An employee is to take all reasonable action to notify the Manager, Ministerial Transport when approaching 120 hours of time worked during each two week period, or if concerned about fatigue. The Manager, Ministerial Transport is to provide a replacement driver wherever practical, or implement other appropriate arrangements.

- 11.4 A Ministerial Driver is required to remain in telephone contact with their designated Minister in the event of an emergency occurring. The Industry Allowance includes this circumstance.
- 11.5 A Ministerial Driver is required to have eight days off in each four weekly work cycle. Any such specified day(s) not taken within this time period may accumulate beyond this time period, subject to workplace health and safety requirements, and at the discretion of the Manager, Ministerial Transport. The number of days that may accumulate is not to exceed four and these days must be taken in the following two week work period. The Manager, Ministerial Transport is to make the arrangements necessary to manage appropriate time off.
- 11.6 A Ministerial Driver who is not required for driving duties must notify the Manager, Ministerial Transport as soon as reasonably practical and may apply to take time off-duty, which may include their normal eight days off, and any accumulated day(s) as specified in sub-clause 11.5.



- 11.7 Accurate and timely log books are to be kept as required by the employer, to record driving time and kilometrage travelled with this record to be endorsed by the Manager, Ministerial Transport.
- 11.8 The Ministerial Driver is required to complete time sheets that record all time worked, including start and finishing times and days off, with this record to be signed by the relevant client of the Ministerial Transport Fleet and/or the Manager, Ministerial Transport.
- 11.9 It is a condition of employment that log books as specified in sub clause 11.7 and time sheets as specified in sub clause 11.8 are accurate and up to date and are provided to the Manager, Ministerial Transport immediately following the conclusion of the relevant time period.
- 11.10 The usual place of employment is the Drivers' Garage and/or the Minister or client's residence. All travel to and from the Driver's residence and the usual place of employment is counted as time worked. All travel time in excess of the usual travel time is not counted as time worked, unless there are no alternative sources of accommodation away from the Driver's residence.
- 11.11 An employee who is required to work on a Holiday with Pay is to be granted a day off in lieu of the day worked. This day is in addition to the entitlement specified in sub-clause 11.5 and is to be managed consistent with sub-clauses 11.5 and 11.6, except that time in lieu of working on a Holiday with Pay may be accumulated to the equivalent of five days, which may be taken in conjunction with recreational leave at the discretion of the Manager, Ministerial Transport.
- 11.12 Work is to be allocated in such a way as to ensure a Ministerial Driver has a minimum eight hour break between periods of time worked.
- 11.13
- (i) Ministerial Drivers are entitled to meal allowances when required to:
    - a. commence work one-and-a-half (1.5) hours or more before the normal commencement time; or
    - b. continue on duty one-and-a-half (1.5) hours or more after the normal finishing time.
  - (ii) The meal allowances payable are those prescribed in the Tasmanian State Service Award.
  - (iii) The meal allowances payable according to this clause are applicable on any day worked.

## 12 UNIFORM AND PROTECTIVE EQUIPMENT

### 12.1 Uniforms

- (i) The uniform as described is compulsory and must be worn at all times while on duty. Uniforms may only be worn for work purposes. Items other than those specified in this





clause must not be worn. An employee who presents for work in other than the required uniform will be considered ineligible for duties.

- (ii) Maintenance of the uniform remains the responsibility of the employee.
- (iii) Jackets are to be worn by Drivers at all times while at Parliament or Government Houses or as directed otherwise by their Minister or Manager.

12.2 A list of the type, quantum and style of uniform items is to be established, reviewed and maintained by the employer as per the agreed Ministerial Transport Service Procedure and Ministerial Drivers Uniform Order Form with any changes subject to consultation.

#### 12.3 Personal Protective Equipment

- (i) All personal protective equipment is to be issued and worn as required. A list of such items is to be established, reviewed and maintained by the Manager, Ministerial Transport.

### 13 DRIVERS LICENSES

It is a condition of employment that all employees hold a current Tasmanian Driver's licence.

### 14 USE OF MINISTERIAL VEHICLES

A ministerial vehicle may be driven by the relevant Minister, client, passenger or an approved employee if the assigned Ministerial Driver becomes ill or fatigued during a journey.

### 15 MEDICAL EXAMINATION

- 15.1 An employee is to undertake a regular medical examination, paid by the employer, to ascertain their fitness to undertake the duties of Ministerial Driver.
- 15.2 An employee under the age of 50 years is required to have a medical examination each three years and over the age of 50 years each year.
- 15.3 The examining medical practitioner may be nominated by the employee and in the event of a medical problem being detected the employer may request the employee to seek another opinion.
- 15.4 A written report following the examination by a medical practitioner is to be forwarded to the employer and the employee on the prescribed form.
- 15.5 Reports arising from a medical examination are confidential.



## 16 OCCUPATIONAL HEALTH AND SAFETY

- 16.1 Employees are strongly encouraged to maintain a healthy lifestyle and are to be allowed up to a maximum of two paid hours each week, non-cumulative, to attend a gymnasium; and/or an approved health and/or fitness program; and/or undertake appropriate physical activities.
- 16.2 The reasonable cost of fees for attendance at a gymnasium or an approved health and or fitness program activity is to be met by the Employer.
- 16.3 The absence from work by employees attending a gymnasium and/or an approved health and/or fitness activity program is at the discretion of the Manager, Ministerial Transport.

## 17 TRAINING

A Ministerial Driver is to undertake and pass the "in house" basic driver training program prior to employment to ascertain their ability to perform the duties of a Ministerial Driver and Ministerial Drivers may, as part of their duties, be required to participate in additional training programs/seminars and the like that are pertinent to their duties, such as advanced driving, first aid and security.

## 18 GRIEVANCES AND DISPUTE SETTLING PROCEDURE

- 18.1 The parties are committed to avoiding industrial disputation about the application of this Agreement.
- 18.2 If a grievance or dispute arises about the application of this Agreement:
  - (i) In the first instance, it is to be dealt with at the workplace by appropriate employer and employee representatives;
  - (ii) In circumstances where discussions at that level fail to resolve the grievance or dispute, the issue will be referred to appropriate union and management representatives; and
  - (iii) If still unresolved, the matter will be referred to the Tasmanian Industrial Commission.
- 18.3 Where a grievance or dispute is being dealt with under this process, normal work will continue.
- 18.4 This grievance and dispute procedure does not take away an employee's rights to seek redress of a grievance either under the *State Service Act 2000* or the *Industrial Relations Act 1984*, or any other relevant legislation.

## 19 NO EXTRA CLAIMS

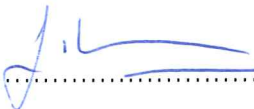
The parties to this Agreement undertake that, for the life of this Agreement, they will not initiate any additional claims regarding salary or conditions of employment.



## 20 SIGNATORIES

SIGNED FOR AND ON BEHALF OF

The Minister administering the *State Service Act 2000*

Signed:  .....

Name: Jane Hanna .....

Date: 27/02/2020 .....

SIGNED FOR AND ON BEHALF OF

The Community and Public Sector Union (State Public Services Federation Tasmania) Inc

Signed:  .....

Name: Cornelia Thirja White .....

Date: 27.2.2020 .....



## Schedule I – Salaries

Ministerial Driver	Current	2.3% from ffppcooa 1 December 2019	2.3% from ffppcooa 1 December 2020	2.35% from Ffppcooa 1 December 2021
Level 1	\$51,611	\$52,798	\$54,012	\$55,281
Level 2	\$52,347	\$53,551	\$54,783	\$56,070
Industry Allowance	\$43,788	\$44,983	\$46,018	\$47,099
<b>Total – Level 1</b>	<b>\$95,399</b>	<b>\$97,781</b>	<b>\$100,030</b>	<b>\$102,380</b>
<b>Total – Level 2</b>	<b>\$96,135</b>	<b>\$98,534</b>	<b>\$100,801</b>	<b>\$103,169</b>
Ministerial Driver (Premier)				
Level 1	\$51,611	\$52,798	\$54,012	\$55,281
Level 2	\$52,347	\$53,551	\$54,783	\$56,070
Industry Allowance	\$53,747	\$55,158	\$56,426	\$57,752
<b>Total – Level 1</b>	<b>\$105,358</b>	<b>\$107,956</b>	<b>\$110,438</b>	<b>\$113,033</b>
<b>Total – Level 2</b>	<b>\$106,094</b>	<b>\$108,709</b>	<b>\$111,209</b>	<b>\$113,822</b>
Casual Ministerial Driver				
Casual Loading	25%	25%	25%	25%
Level 1 (paid on an hourly basis)	\$51,611	\$52,798	\$54,012	\$55,281
Level 2 (paid on an hourly basis)	\$52,347	\$53,551	\$54,783	\$56,070

Casual Ministerial Driver's hourly rate is calculated as per Part II, Clause 1(c) of the Tasmanian State Service Award with the exception of sub clause 1(c)(i) where the divisor of 1/76 will be used.

The casual loaded rate specified in this table applies only when penalty payments for overtime, Saturday, Sunday or Public Holiday work do not apply.

