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IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.2021 of 1989

**IN THE MATTER OF AN APPLICATION BY
THE TASMANIAN CONFEDERATION OF
INDUSTRIES TO VARY THE **MEDICAL
PRACTITIONERS (PRIVATE SECTOR)
AWARD****

RE: TRAINEESHIPS

ORDER BY CONSENT -

No. 2 of 1990

AMEND THE **MEDICAL PRACTITIONERS (PRIVATE SECTOR) AWARD AS FOLLOWS:**

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1. Clause 3 - Arrangement - insert the following and renumber subsequent clauses accordingly:

"Trainee Clerk (As Defined) 29"

2. Clause 7 - Definitions - insert the following new definitions:-

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

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

3. Clause 8 - Wage Rates - Subdivision B - Ancillary and Clerical Staff - insert the following new subclause after subclause 4. Allowances:

"5. TRAINEE CLERKS (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 as prescribed in subclause 3 of Clause 8 of this award then multiplying it by 39 (which represents the actual number of weeks spent on the job) and dividing it by 52.

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 Traineeship System Guidelines.

PROVIDED ALWAYS that the 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."

4. Insert the following new clause after Clause 28 - Tools of Trade and renumber subsequent clause accordingly:

"29. TRAINEE CLERK (AS DEFINED)

(a) A Trainee Clerk (as defined) (hereinafter referred to as the trainee) shall attend an approved on and off-the-job training course or program prescribed in the relevant training agreement (as defined) or as notified to the trainee by the Training Authority of Tasmania.

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- (b) Trainees may be engaged by employers registered with the Training Authority of Tasmania. The employer shall ensure that the trainee is permitted to attend the prescribed off-the-job training course and is provided with on-the-job training approved by the Training Authority of Tasmania.
- (c) The employer shall provide a level of supervision in accordance with the approved training plan during the traineeship period.
- (d) The employer agrees that the overall training program will be monitored by officers of the Training Authority of Tasmania and that training records or work books may be utilised as part of this monitoring process.
- (e) All other terms and conditions of this award shall apply unless specifically varied by this clause.
- (f) The trainee shall be engaged for a period of twelve months as a full-time employee provided that the trainee shall be subject to a satisfactory probation period of up to one month.
- (g) The trainee is permitted to be absent from work without loss of continuity of employment to attend the off-the-job training in accordance with the Training Agreement.
- (h) Where the employment of a trainee by an employer is continued after the completion of the traineeship period, such traineeship period shall be counted as service for the purpose of the award and long service leave entitlements.
- (i) Overtime and shiftwork shall not be worked by trainees except to enable the requirements of the Training Plan to be effected. When overtime and shiftwork are worked the relevant penalties and allowances of the award based on the trainee wage will apply. No trainee shall work overtime or shiftwork on their own.
- (j) The employer and the union shall observe the provisions determined by the Training Authority of Tasmania in respect of the use of trainees in the time of industrial disputes.
- (k) Wherever possible traineeship positions shall be additional to existing staff numbers. Existing full time employees shall not be displaced from employment by the trainee.
- (l) The union shall be afforded reasonable access to the trainees for the purpose of explaining the role and function of the union.
- (m) This clause represents a compromise on the part of all parties and will not be used as a precedent in proceedings before industrial tribunals."

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DATE OF OPERATION

The foregoing variation shall take effect from the first full pay period commencing on or after 9 February 1990.

R J Watling
COMMISSIONER

23 March 1990