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TASMANIAN INDUSTRIAL COMMISSION

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

The State Public Services Federation Tasmania
(T.5264 of 1994)

CLERICAL EMPLOYEES AWARD

DEPUTY PRESIDENT A ROBINSON

HOBART, 1 June 1995

Award variation - variation of nominated public sector awards and agreements by 1.5% or \$8 per week, whichever is the greater, effective from the first full pay period on or after 1 August 1993; a further 1.5% or \$8 per week, whichever is the greater, effective on and from 1 April 1994; a further 1 % effective on and from 1 January 1995; and a further 1 % effective on and from 1 October 1995 - consent matter - application granted - award varied - operative ffpp 13 June 1995

ORDER BY CONSENT -

**No. 1 of 1995
(Consolidated)**

AMEND THE **CLERICAL EMPLOYEES AWARD** BY DELETING ALL THE CLAUSES CONTAINED THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING:

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1. TITLE

This award shall be known as the "Clerical Employees Award".

2. SCOPE

Subject to the exceptions and conditions contained herein, this award shall apply to all persons permanently or temporarily employed under the provisions of either the Tasmanian State Service Act 1984, or the Tasmanian Development Act 1983, who occupy a position which for the purposes of this award involves duties either of an administrative or clerical nature.

PROVIDED that this award shall not be binding in respect of, or applicable to, employees for whom coverage by this award is specifically excluded by another award of the Tasmanian Industrial Commission.

3. ARRANGEMENT

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4. DATE OF OPERATION

This award shall come into operation from the beginning of the first full pay period to commence on or after 13 June 1995.

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5. SUPERSESION AND SAVINGS

This award incorporates and supersedes the Clerical Employees Award No. 2 of 1991 (Consolidated) and No. 1 of 1994.

PROVIDED that no right, obligation or liability incurred or accrued under any of the abovementioned provisions shall be affected by the replacement and supersession.

PROVIDED ALWAYS that the provisions of the Tasmanian State Service Act 1984 and the regulations made thereunder, and the Tasmanian Development Act 1983 and the regulations made thereunder, as the case may require, shall continue to apply to employees or classes of employee covered by this award as and where such Acts and regulations are applicable, save insofar as the salary to be received by, and the conditions of service of such employees or classes of employee are inconsistent with the provisions of this award.

6. PARTIES AND PERSONS BOUND

This award shall apply to, and be binding upon:

- (a) all employees (whether members of a Registered Organisation or not) for whom classifications appear in this award;
- (b) the following organisations of employees in respect of whom award interest has been determined:
 - (i) the Health Services Union of Australia Tasmania No. 1 Branch and the officers of that organisation and their members for whom classifications appear in this award;
 - (ii) The State Public Services Federation Tasmania and the officers of that organisation and their members for whom classifications appear in this award; and
- (c) the controlling authority having an interest in this award is the Minister for Public Sector Management, in relation to all employees (as defined).

7. DEFINITIONS

In this award, unless the contrary intention appears:

'Employee' means a person permanently or temporarily employed under the provisions of the Tasmanian State Service Act 1984, or the Tasmanian Development Act 1983, and who occupies a position which for the purposes of this award involves duties of either an administrative or clerical nature.

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'Part-time employee' means a person other than a full-time or casual employee, engaged to work regularly in each pay period for less hours than an equivalently classified full-time employee.

'Full-time employee' means a person engaged to work for the full ordinary hours prescribed.

'Temporary employee' means a person engaged by the controlling authority who either:

- (a) is engaged to relieve a full-time or part-time employee for specific periods of leave; or
- (b) is engaged temporarily for specific duties over a fixed time period determined by the controlling authority.

PROVIDED that engagement of an employee under subclauses (a) and (b) above shall require of the controlling authority that the period of engagement be specified as to the number of hours, days or weeks to be worked; with the further proviso that where the period of engagement is specified as 5 consecutive working days or less the terms of employment shall be the same as those defined for casual employees.

'Casual employee' means a person engaged to work on an irregular basis by a controlling authority as and when required but does not include any person employed on a part-time, full-time or permanent basis.

'Controlling authority' in the case of an employee employed under the Tasmanian State Service Act 1984 means the Minister for Public Sector Management; and in the case of an employee employed under the Tasmanian Development Act 1983 means the principal officer of the Tasmanian Development Authority.

8. SALARIES

An employee appointed or promoted to a position within a class or grade prescribed by this award shall, subject to satisfying the prescribed requirements, be paid at the salary rate determined for the relevant classification as hereinafter set forth.

PROVIDED that an employee paid in accordance with the rates established for persons under 21 years of age in Class I of this award shall on being promoted to a classification above Class I be paid at the salary rate prescribed for the position to which they have been appointed.

PROVIDED ALWAYS that an employee under 21 years of age with dependants may, on the determination of the controlling authority, be paid the salary he/she would normally receive on attaining the age of 21 years.

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For the purposes of this proviso, a 'dependent' in relation to an employee means:

- (a) in the case of a relative of that employee, a person who normally resides with that employee; and
- (b) in any other case, a person who has resided with that employee for a period of at least 12 months, and who is wholly or substantially dependant on that employee for financial support;
- (c) 'relative' as referred to in paragraph (a) above means spouse, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant, adopted child and foster child of the employee's spouse.

PROVIDED FURTHER that tourist officers in Tourism Tasmania covered by this award shall continue to be paid at the salary rates prescribed in Order No 1 of 1988 (Consolidated).

PROVIDED ALSO that it is a condition of the 4% second tier adjustment applied to the wage rates in this award that the package of restructuring and efficiency offsets referred to in Registered Agreement T.1233 of 1988 be implemented and/or observed in relation to all employees for whom salary rates appear in this award.

Where there is an inconsistency between a provision of:

- (a) either this award, the General Conditions of Service Award, an Instruction, or Regulation, and
- (b) the Agreement referred to, the terms of which apply to employees covered by this award;

that provision shall be read subject to the relevant provision contained in the Agreement.

PROVIDED ALSO that "State Service Wages Arrangements Increases" means those fixed salary rate increases provided for in accordance with the Agreement in Relation to State Service Wage Arrangements.

The rates set out in Columns A to D below reflect the State Service Wages Arrangements Increases provided for under industrial agreements and are not in addition to those increases.

Column A - 1.5% per annum or \$8 per week whichever is the greater, payable on and from the first full pay period to commence on or after 1 August 1993.

Column B - 1.5% per annum or \$8 per week whichever is the greater, payable on and from 1 April 1994.

Column C - 1.0% per annum payable on and from 1 January 1995.

Column D - 1.0% per annum payable on and from 1 October 1995.

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1. ADMINISTRATIVE AND CLERICAL EMPLOYEES

	A (ftpp) 01/08/93 \$	B 01/04/94 \$	C 01/01/95 \$	D 01/10/95 \$
Class I				
16 years and under	10900	11129	11240	11352
17 years	12485	12747	12875	13004
18 years	14467	14771	14919	15068
19 years	16647	16997	17167	17338
20 years	18431	18818	19006	19196

PROVIDED that the salaries shall be:

55 per cent at age 16 years
 63 per cent at age 17 years
 73 per cent at age 18 years
 84 per cent at age 19 years
 93 per cent at age 20 years

of the first year of service of an Administrative and Clerical Employee Class 1.

21 years and over

1st year of service	19818	20234	20436	20641
2nd year of service	20320	20736	20943	21153
3rd year of service	20816	21232	21444	21659
4th year of service	21327	21743	21960	22180
5th year of service	21856	22272	22495	22720
6th year of service	22367	22783	23011	23241
7th year of service & thereafter	22935	23351	23585	23820

Class II

1st year of service	23772	24188	24430	24674
2nd year of service	24498	24914	25163	25415
3rd year of service & thereafter	25213	25629	25885	26144

Class III

1st year of service	25933	26349	26612	26879
2nd year of service & thereafter	26652	27068	27339	27612

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Class IV

1st year of service	27360	27776	28054	28334
2nd year of service & thereafter	28072	28493	28778	29066

Class V

1st year of service	28639	29069	29360	29653
2nd year of service & thereafter	29277	29716	30013	30313

Class VI

1st year of service	29883	30331	30634	30941
2nd year of service	30494	30951	31261	31573
3rd year of service & thereafter	31100	31566	31882	32201

Class VII

1st year of service	31715	32190	32512	32837
2nd year of service	32481	32968	33298	33631
3rd year of service & thereafter	33239	33738	34075	34416

Class VIII

1st year of service	33998	34508	34854	35202
2nd year of service	34613	35132	35483	35838
3rd year of service & thereafter	35376	35906	36265	36628

Class IX

1st year of service	35982	36521	36887	37256
2nd year of service	36753	37304	37677	38054
3rd year of service & thereafter	37509	38072	38453	38837

Class X

1st year of service	38271	38845	39233	39625
2nd year of service & thereafter	39032	39617	40013	40414

Class XI

1st year of service	39870	40468	40873	41282
2nd year of service & thereafter	40712	41322	41736	42153

Class XII

1st year of service	41545	42168	42590	43016
2nd year of service & thereafter	42382	43018	43448	43883

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Class X111	44070	44731	45179	45630
Class XIV	45740	46426	46890	47359
Class XV	47572	48286	48768	49256
Class XVI	49404	50145	50647	51153
Class XVII	51060	51825	52344	52867
Class XVIII	52861	53654	54191	54733
Class XIX	54939	55763	56321	56884
Class XX	57013	57868	58446	59031
Class XXI	59091	59978	60577	61183

2. CLERICAL ASSISTANTS

Class I

16 years and under	10276	10505	10610	10716
17 years	11771	12033	12153	12275
18 years	13639	13943	14082	14223
19 years	15695	16044	16204	16366
20 years	17376	17763	17941	18120

PROVIDED that the salaries shall be:

55 per cent at age 16 years
63 per cent at age 17 years
73 per cent at age 18 years
84 per cent at age 19 years
93 per cent at age 20 years

of the first year of service of a Clerical Assistant Class I.

Class IA - Library Assistants

16 years and under	10695	10924	11033	11144
17 years	12251	12513	12638	12765
18 years	14196	14499	14644	14791
19 years	16335	16684	16851	17019
20 years	18085	18472	18656	18843

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PROVIDED that the salaries shall be:

5 per cent at age 16 years
 3 per cent at age 17 years
 3 per cent at age 18 years
 4 per cent at age 19 years
 3 per cent at age 20 years

of the fourth year of service and thereafter of a Clerical Assistant Class I and IA, 21 years and over.

Class I and IA 21 years and over:

1st year of service	18684	19100	19291	19484
2nd year of service	18935	19351	19545	19740
3rd year of service	19194	19610	19806	20004
4th year of service & thereafter	19446	19862	20061	20261

Class II

1st year of service	19697	20113	20314	20517
2nd year of service	19947	20363	20567	20772
3rd year of service & thereafter	20193	20609	20815	21023

Class III

1st year of service	20441	20857	21066	21276
2nd year of service	20687	21103	21314	21527
3rd year of service & thereafter	20937	21353	21567	21782

Class IV

1st year of service	21204	21620	21836	22055
2nd year of service	21461	21877	22096	22317
3rd year of service & thereafter	21721	22137	22358	22582

Class V

1st year of service	21985	22401	22625	22851
2nd year of service & thereafter	22240	22656	22883	23111

Class VI

1st year of service	22512	22928	23157	23389
2nd year of service & thereafter	22792	23208	23440	23674

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Class VII

1st year of service	23086	23502	23737	23974
2nd year of service & thereafter	23502	23918	24157	24399

Class VIII

1st year of service	23921	24337	24580	24826
2nd year of service & thereafter	24347	24763	25011	25261

Class IX

1st year of service	24783	25199	25451	25705
2nd year of service & thereafter	25213	25629	25885	26144

Class X

1st year of service	25644	26060	26321	26584
2nd year of service & thereafter	26083	26499	26764	27032

3. PART-TIME AND CASUAL EMPLOYEES

For classifications refer Clause 8, 1. And 2.

Employees engaged on a part-time or casual basis shall have their salaries determined in the following manner:

- (a) Part-time employees shall be paid in the proportion that the hours worked bear to the normal weekly rate prescribed for the equivalent full-time employee.
- (b) Casual employees shall be paid in the proportion that the hours worked bear to the normal weekly rate prescribed for the equivalent full-time employee plus a 20 per centum loading to compensate for annual leave, sick leave and public holidays.
- (c) The normal weekly salary rate means 1/52nd of a full-time employee's annual salary exclusive of allowances and overtime.

PROVIDED that a casual employee's terms of engagement shall be by the hour with a minimum payment of 3 hours for each day worked.

PROVIDED ALWAYS that persons engaged as temporary part-time and casual employees prior to 1 December 1985 shall not suffer any loss of entitlement through the implementation of this award.

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9. CONDITIONS OF SERVICE

Unless otherwise prescribed by this award, conditions of service shall be as prescribed in the General Conditions of Service Award, provided that where conditions are not prescribed therein, the Tasmanian State Service Act 1984 and Regulations thereof or the Tasmanian Development Act 1983 and Regulations thereof, as the case may require, shall apply.

10. NEW APPOINTMENTS AND PROMOTIONS

The commencing salary of a person or employee either on first appointment or on promotion to a position within a class or grade of a classification in respect of which salary scales are prescribed by this award under Clause 8, 1. and 2. shall be the minimum salary for that position on the appropriate scale, except in any case where, in the opinion of the controlling authority, the qualifications and the practical experience of such person or employee in the appropriate field justify a higher salary.

11. QUALIFICATIONS

Unless otherwise prescribed no person shall hold a position within a class or grade prescribed by this award unless he/she is eligible for appointment as an employee (as defined) and in addition possesses those qualifications and/or has that experience deemed necessary by the Commissioner for Public Employment for the efficient discharge of the duties of the position to be filled.

12. SALARY INCREMENTS

- (a) Except where otherwise determined by this award, or where inconsistent with any Act, an employee, while holding a position within a class or grade of a classification in respect of which a salary scale is prescribed by this award, and who for not less than twelve months has been in receipt of a salary less than the maximum salary prescribed for such classification, shall be entitled to receive the annual increment prescribed for such classification until the maximum salary is reached.

PROVIDED that an employee who was an employee on the date of this award shall be entitled to receive such increment on the anniversary of the date upon which he/she received his/her last salary increment in respect of his/her present position.

PROVIDED ALWAYS that an employee engaged to work on a part-time basis shall receive such increment on completion of the number of hours that a full-time employee would have worked during the period of one complete year.

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- (b) An employee whilst continuing to hold the same office or position shall, unless the controlling authority otherwise determines, be deemed, for the purposes of this clause, to have been in receipt of a salary during any period of leave without pay in the twelve months immediately following the date upon which his/her previous salary increment was awarded.
- (c) Notwithstanding anything contained in this award, no employee shall be entitled to receive any increase in salary by virtue of this clause unless, in the opinion of the controlling authority, his/her conduct, diligence and efficiency during the twelve months immediately prior to the date from which such increase would be payable shall have been satisfactory.

A. Robinson
DEPUTY PRESIDENT

1 June 1995