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## **TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

**T.1216 of 1988**

**IN THE MATTER OF AN APPLICATION BY THE TASMANIAN PUBLIC SERVICE ASSOCIATION TO VARY NOMINATED AWARDS AND AGREEMENTS**

**RE: 4% SECOND TIER ADJUSTMENT**

**AND**

**T.1221 of 1988**

**IN THE MATTER OF AN APPLICATION BY THE HOSPITAL EMPLOYEES FEDERATION OF AUSTRALIA, TASMANIA NO. 1 BRANCH TO VARY THE CLERICAL EMPLOYEES AWARD**

**RE: 4% SECOND TIER ADJUSTMENT**

**AND**

**T.574 and T.614 of 1986**

**IN THE MATTER OF APPLICATIONS BY THE MINISTER FOR PUBLIC ADMINISTRATION TO VARY NOMINATED PUBLIC SECTOR AWARDS**

**RE: PARTIES AND PERSONS BOUND; DELETION OF REFERENCES TO REPEALED LEGISLATION; AND CONSEQUENT VARIATIONS TO CONFORM WITH THE TASMANIAN STATE SERVICE ACT 1984**

**ORDER -**

**No. 2 of 1988  
(Consolidated)**

AMEND THE **CLERICAL EMPLOYEES AWARD** BY DELETING ALL 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 23 March 1988.

**PROVIDED THAT** it is a term of this award (arising from the decision of the Tasmanian Industrial Commission in the National Wage Case. flow-on of 1987) that the unions undertake that for the period of the package they will not pursue any claims, award or overaward, except where consistent with the National Wage Case Principles.

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## **5. SUPERSESSION AND SAVINGS**

This award incorporates and supersedes the Clerical Employees Award (No. 1 of 1988 - Consolidated).

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 further, 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**

Unless otherwise specified, this award shall have application to and be binding upon:

- (a) The Minister responsible for the administration of the Tasmanian State Service Act 1984, in relation to all employees (as defined) for whom classifications appear in this award, whether members of a Registered Organisation or not;
- (b) The Tasmanian Development Authority in relation to all employees (as defined) for whom classifications appear in this award, whether members of a Registered Organisation or not;
- (c) The Tasmanian Public Service Association and the Officers of that organisation and their members for whom classifications appear in this award;
- (d) The Hospital Employees' Federation of Australia, Tasmanian No. 1 Branch and the Officers of that organisation and their members for whom classifications appear in this award.

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## **7. DEFINITIONS**

In this award, unless the contrary intention appears:

- (a) **'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.
- (b) **'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.
- (c) **'Full time employee'** means a person engaged to work for the full ordinary hours prescribed.
- (d) **'Temporary employee'** means a person engaged by the controlling authority who either:
  - (i) is engaged to relieve a full time or part time employee for specific periods of leave; or
  - (ii) is engaged temporarily for specific duties over a fixed time period determined by the controlling authority.

**PROVIDED THAT** engagement of an employee under subclauses (i) and (ii) 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.

- (e) **'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.
- (f) **'Controlling Authority'** in the case of an employee employed under the Tasmanian State Service Act 1984 means the Minister administering that Act; and in the case of an employee employed under the Tasmanian Development Act 1983 means the principal officer of the Tasmanian Development Authority.

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## **8. SALARIES**

An employee classified or graded 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 FURTHER** that an employee under 21 years of age with dependents may, on the determination of the controlling authority, be paid the salary he/she would normally receive on attaining the age of 21 years.

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 ALSO** 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 ALWAYS** 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.

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1. ADMINISTRATIVE AND CLERICAL EMPLOYEES	Salary per annum \$
Class I	
16 years and under	9136
17 years	10465
18 years	12126
19 years	13953
20 years	15448
<u>21 years and over:</u>	
1st year of service	16611
2nd year of service	17086
3rd year of service	17555
4th year of service	18040
5th year of service	18541
6th year of service	19025
7th year of service and thereafter	19563
Class II	
1st year of service	20103
2nd year of service	20791
3rd year of service and thereafter	21468
Class III	
1st year of service	22150
2nd year of service and thereafter	22831
Class IV	
1st year of service	23502
2nd year of service and thereafter	24176
Class V	
1st year of service	24707
2nd year of service and thereafter	25247
Class VI	
1st year of service	25781
2nd year of service	26317
3rd year of service and thereafter	26851

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Class VII	
1st year of service	27392
2nd year of service	28066
3rd year of service and thereafter	28733
Class VIII	
1st year of service	29401
2nd year of service	29941
3rd year of service and thereafter	30613
Class IX	
1st year of service	31146
2nd year of service	31824
3rd year of service and thereafter	32489
Class X	
1st year of service	33159
2nd year of service and thereafter	33828
Class XI	
1st year of service	34566
2nd year of service and thereafter	35306
Class XII	
1st year of service	36040
2nd year of service and thereafter	36776
Class XIII	38260
Class XIV	39729
Class XV	41341
Class XVI	42952
Class XVII	44409
Class XVIII	45993
Class XIX	47821
Class XX	49645

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Class XXI	51474
2. CLERICAL ASSISTANTS	
Class I	
16 years and under	8545
17 years	9788
18 years	11341
19 years	13050
20 years	14448
Class IA – Library Assistants	
16 years and under	8942
17 years	10243
18 years	11868
19 years	13657
20 years	15120
<u>Class I and IA 21 years and over:</u>	
1st year of service	15536
2nd year of service	15774
3rd year of service	16019
4th year of service and thereafter	16258
Class II	
1st year of service	16496
2nd year of service	16733
3rd year of service and thereafter	16966
Class III	
1st year of service	17201
2nd year of service	17434
3rd year of service and thereafter	17670
Class IV	
1st year of service	17923
2nd year of service	18167
3rd year of service and thereafter	18413
Class V	
1st year of service	18663
2nd year of service and thereafter	18905

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Class VI

1st year of service	19162
2nd year of service and thereafter	19427

Class VII

1st year of service	19706
2nd year of service and thereafter	19974

Class VIII

1st year of service	20245
2nd year of service and thereafter	20648

Class IX

1st year of service	21061
2nd year of service and thereafter	21468

Class X

1st year of service	21877
2nd year of service and thereafter	22292

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:

- (i) 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.
- (ii) 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.
- (iii) The normal weekly salary rate means 1/52nd of a full-time employee's annual salary exclusive of allowances and overtime.

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

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**PROVIDED FURTHER 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.

## **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 classified or graded 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**

1. Except where otherwise determined by this award, or where inconsistent with any Act, an employee, while holding a position classified or graded 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 ALWAYS** 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.

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**PROVIDED FURTHER** 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.

2. 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.
3. 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.

R.K. Gozzi  
**COMMISSIONER**

2 May 1988