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**IN THE TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

**T1524 and T1525 of 1988**

**IN THE MATTER** OF AN APPLICATION BY THE TASMANIAN PUBLIC SERVICE ASSOCIATION AND THE TASMANIAN TRADES AND LABOR COUNCIL RESPECTIVELY [CONSEQUENT ON THE DECISION OF THE FULL BENCH OF THE AUSTRALIAN CONCILIATION AND ARBITRATION COMMISSION IN THE NATIONAL WAGE CASE OF 12 AUGUST 1988] TO INCREASE WAGE RATES AND ALLOWANCES GENERALLY IN ALL AWARDS AND AGREEMENTS AND TO REVIEW THE WAGE FIXATION PRINCIPLES

**AND**

**T1549 & T1550 of 1988**

**IN THE MATTER** OF APPLICATIONS BY THE ASSOCIATION OF PROFESSIONAL ENGINEERS, AUSTRALIA TO VARY THE PROFESSIONAL ENGINEERS (PRIVATE INDUSTRY) AWARD AND THE PROFESSIONAL ENGINEERS AWARD

**RE: APPLICATION OF 3% TO SALARY RATES AND ALLOWANCES**

**RE: \$10 PER WEEK INCREASE**

**ORDER -**

**No. 1 of 1989  
(Consolidated)**

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

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## **1. TITLE**

This award shall be known as the "Dental 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 the Tasmanian State Service Act 1984, who occupy a position covered by this award, the duties of which require the performance of dental work of a professional and/or administrative nature.

## **3. ARRANGEMENT**

<u>SUBJECT MATTER</u>	<u>CLAUSE NO.</u>
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## **4. DATE OF OPERATION**

This award shall come into operation as from the beginning of the first full pay period to commence on or after 15 March 1989.

It is a term of this award (arising from the decision of the Tasmanian Industrial Commission in the State Wage Case of 5 September 1988) that the union(s) undertake(s), until 1 July 1989, not pursue any claims, award or overaward, except where consistent with the State Wage Case Principles.

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## **5. SUPERSESION AND SAVINGS**

This award incorporates and supercedes No. 3 of 1988 (Consolidated).

Provided further, that the provisions of the Tasmanian State Service Act 1984 and the regulations made thereunder, shall continue to apply to employees or classes of employee covered by this Award as and where such Act 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.

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

## **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; and
- (b) the Tasmanian Public Service Association and the officers of that organisation and their members for whom classifications appear in this award.

## **7. DEFINITIONS**

In this award, unless the contrary intention appears:

- (a) **'Adult Employee'** means an employee 21 years of age or over.
- (b) A **'Casual Employee'** means a person engaged to work on an irregular basis, as and when required, but does not include any person employed on a part-time, full-time or permanent basis.
- (c) **'Controlling Authority'** means the Minister administering the Tasmanian State Service Act 1984.
- (d) **'Dental Employee'** means a person registered as a dentist under the Dentists' Act 1919;
- (e) **'Employee'** means a person permanently or temporarily employed under the provisions of the Tasmanian State Service Act 1984.
- (f) **'Full-time Employee'** means a person engaged to work for the full ordinary hours prescribed.

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- (g) **'Junior Employee'** means an employee under the age of 21 years.
- (h) **'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.
- (i) **'Public Hospital'** means a public hospital within the meaning of the Hospitals Act 1918.
- (j) A **'Temporary Employee'** means a person who -
  - (i) is engaged to relieve a full-time or part-time employee for specific period of leave; or
  - (ii) is engaged temporarily for specific duties over a fixed period determined by the Controlling Authority.

**PROVIDED** that such temporary employment 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.

## **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 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 Agreements T.1230 and 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 Agreements 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 Agreements.

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A. FULL-TIME EMPLOYEES

1. DENTAL OFFICER	Salary per annum \$	
Class I		
1st year of service	30310	
2nd year of service	31827	
3rd year of service	33346	
4th year of service	34867	
5th year of service and thereafter	36386	
Class II		
Grade 1	37905	
Grade 2	39427	
Grade 3	40941	
Class III		
Grade 1	42460	
Grade 2	43988	
Grade 3	45509	
Grade 4	47252	
Class IV		
Grade 1	50299	
Grade 2	53564	
Class V		59123
2. SPECIALIST DENTAL OFFICER		
Grade 1	48120	
Grade 2	51383	
Grade 3	54649	

B. PART-TIME AND CASUAL EMPLOYEES

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.

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- (c) 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 three hours for each day worked.

**PROVIDED FURTHER** that persons engaged as temporary part-time and casual employees prior to 15 April 1988 shall not suffer any loss of entitlement through the implementation of this award.

## **9. CONDITIONS OF SERVICE**

Unless otherwise prescribed in 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 shall apply.

## **10. NEW APPOINTMENTS AND PROMOTIONS**

The commencing salary of an employee either on first appointment or on promotion to a position classified within a class or grade in respect of which a salary scale is prescribed by this award shall be as for the first year of service on that scale except where on the determination of the controlling authority, having regard to the qualifications and the practical experience in the practice of dentistry of such employee, a higher commencing salary is warranted.

## **11. QUALIFICATIONS**

No employee shall be eligible to hold a position classified or graded within a class or grade prescribed by this award unless he fulfils the following minimum requirements:

- (a) Dental Employee Class I - unless he is a Dental Employee as defined in this award.
- (b) Dental Employee Class II and above - unless he has the requirements for Class I, and in addition has had at least five years practical experience in the practice of dentistry subsequent to attaining such requirements.

**PROVIDED** that in any particular case where, in the opinion of the controlling authority concerned, special circumstances exist, an employee may be appointed to any one of the abovementioned positions without fulfilling the specific requirements prescribed therein, where such employee holds qualifications and has had practical experience in the practice of dentistry deemed by the controlling authority to be appropriate to the satisfactory performance of the duties and responsibilities of such position.

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## **12. SALARY INCREMENTS**

- (a) Except where otherwise specifically 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, subject to satisfactory service, 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 received his last salary, increment in respect of his present position.

- (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 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 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.J. Watling  
**COMMISSIONER**

16 March 1989