

TASMANIAN INDUSTRIAL COMMISSION

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

**Transport Workers' Union of Australia,
Tasmanian Branch
(T6474 of 1996)**

TRANSPORT WORKERS GENERAL AWARD

Award variation - third \$8 safety net adjustment - consent matter - application approved -
operative date ffpp 24 November 1996

ORDER BY CONSENT -

No. 2 of 1996

**AMEND THE TRANSPORT WORKERS GENERAL AWARD IN THE FOLLOWING
MANNER:**

1. By deleting Clause 8 - Wage Rates, and inserting in lieu thereof the following:

"8. WAGE RATES

Adult employees of the grades appearing below shall be paid as a minimum the weekly wage rates assigned to those classifications for the type of work concerned.

This clause covers employees working in or in connection with the transport of goods, wares, merchandise, material or anything whatsoever whether in its raw state or natural state, wholly or partly manufactured state or of a solid or liquid or gaseous nature or otherwise, and/or livestock.

(a) Table of Weekly Wage Rates	Base Rate	Safety Net Adjustment	Weekly Wage Rate
	\$	\$	\$
Grade 1	359.10	24.00	383.10
General Hand Motor Drivers Assistant Loader			
Grade 2	374.50	24.00	398.50
Driver Tow Motor Leading Loader Sanitary Carters Mate			
Driving a vehicle (including a motor cycle) not exceeding 4.5 tonnes gross vehicle mass (GVM)			
Grade 3	382.10	24.00	406.10
Driving a forklift up to and including 5 tonnes lifting capacity. Driving a concrete transmit mixer up to and including 2 cubic metre bowl.			
Driving a 2 axle rigid vehicle exceeding 4.5 tonnes but not exceeding 15 tonnes GVM.			

	Base Rate	Safety Net Adjustment	Weekly Wage Rate
	\$	\$	\$
Grade 4	393.50	24.00	417.50

Driving a 3 axle vehicle
exceeding 15 tonnes GVM
up to 8 tonnes capacity.

Driving a forklift over
5 tonnes and up to and
including 10 tonnes
lifting capacity.

Driving a concrete mixer
over 2 cubic metre bowl
up to 5 cubic metre bowl.

Driving a straddle truck

Driving a 3 axle rigid
vehicle exceeding 15
tonnes-capacity over 8
tonnes up to 15 tonnes

Grade 5	401.20	24.00	425.20
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Driving an articulated
vehicle with 3 axles and
a GCM of 22.4 tonnes
or less.

Driving a rigid vehicle
and heavy trailer
combination with 3 axles
with a gross combination
mass (GCM) of 22.4 tonnes
or less - capacity over
10 tonnes up to 15 tonnes.

Driving a forklift with
a lifting capacity in
excess of 10 tonnes and
up to 25 tonnes.

	Base Rate	Safety Net Adjustment	Weekly Wage Rate
Grade 5 Continued	\$	\$	\$
Driving a concrete mixer with a 5 cubic metre bowl and over.			
Driving a forklift with a lifting capacity over 25 tonnes.			
Grade 6	408.80	24.00	432.80
Driving a rigid vehicle and heavy trailer combination with more than 3 axles and a GCM greater than 22.4 tonnes - over 16 tonnes and up to 21 tonnes capacity.			
Driving a mobile crane lifting up to 25 tonnes.			
Driving a rigid vehicle and heavy trailer combination with more than 3 axles and a GCM greater than 22.4 tonnes - over 21 tonnes capacity.			
Driving a mobile crane lifting over 25 tonnes.			
Driving an articulated vehicle with more than 3 axles and a GCM greater than 22.4 tonnes - capacity over 22 tonnes.			
Driving a low loader with GCM up to 43 tonnes.			

	Base Rate	Safety Net Adjustment	Weekly Wage Rate
	\$	\$	\$
Grade 7	435.50	24.00	459.50

Driving multi-axle trailing equipment up to 70 tonnes.

PROVIDED that an employee driving multi-axle trailing equipment up to 70 tonnes capacity as at 1 March 1991 shall receive 18% in addition to the above rate.

Grade 8	462.50	24.00	486.50
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Driving multi-axle trailing equipment over 70 tonnes up to 100 tonnes capacity.

PROVIDED that an employee driving multi-axle trailing equipment between 70 and 100 tonnes capacity as at 1 March 1991 shall receive 7% in addition to the above rate.

For each additional 10 tonnes of capacity or part thereof in excess of 100 tonnes an extra \$9.35 (as part of the weekly wage rate for all purposes) up to 150 tonnes shall be payable.

For each additional 10 tonnes of capacity or part thereof in excess of 150 tonnes an extra \$9.00 (as part of the weekly wage rate for all purposes) up to 200 tonnes shall be payable.

For work performed in excess of 200 tonnes of capacity and up to 300 tonnes an additional payment of \$8.80 per day (as part of the weekly wage rate for all purposes) to be added to the 200 tonne rate.

(b) Table of Further Additional Amounts

An employee required to perform any work described in the table set out hereunder shall be paid in addition to the appropriate weekly wage rate the amount prescribed herein for such work.

(i) Leading hands in charge of:	Per Week \$
Not less than three and not more than ten employees	18.90
More than ten and not more than twenty employees	28.80

	Per Week \$
More than twenty employees	35.80
PROVIDED that this item shall not apply to leading loader.	
(ii) Any employee required to drive a motor vehicle in excess of 16.8 metres in length shall receive an additional \$1.84 per day or part thereof.	
(iii) Any employee required to drive a motor vehicle with a truck loading crane mounted on the vehicle shall receive an additional \$1.84 per day.	
(iv) Any employee required to drive a motor vehicle in excess of 3.5 metres in width or transport a load in excess of that width shall receive an additional \$1.84 per day or part thereof.	
(v) Employee who is a recognised furniture carter engaged in removing and/or delivering furniture (as defined)	9.95
(vi) Employee who is a recognised livestock carter carting livestock (as defined)	10.15
(vii) Employee driving sanitary vehicle	11.40
(viii) Employee driving vehicle collecting garbage	9.20
(ix) Driver required to act as salesman of goods in his/her vehicle	1.85
(x) Driver-salesman (as defined)	8.45

Note: no employee shall be entitled to receive in any one week both the additional amounts set out in items (ix) and (x) of this subclause.

(xi) Employee carting, loading and/or unloading carbon black except when packed in sealed metal containers, an extra \$1.10 per day or part thereof.	
(xii) Employee carting, loading and/or unloading offensive material	1.25

PROVIDED that a higher amount for any load or quantity that is particularly offensive may be fixed.

Per Week
\$

- (xiii) Employee carting, loading and/or unloading dirty material, an extra 23 cents per hour.
- (xiv) Employee who is required to cart tar (other than in sealed containers) for immediate spreading upon streets, tar in unsealed containers, or tarred material for spreading upon streets; and/or who spreads either of them upon streets, an extra 1.75
- (xv) Coffin allowance - employees required to handle coffins containing human remains shall be paid an amount of \$1.55 for each coffin handled.
- (xvi) Employee handling money (as defined)
 - For any amount handled:
 - up to \$ 20 0.80
 - over \$ 20 but not exceeding \$ 200 1.75
 - over \$ 200 but not exceeding \$ 600 3.50
 - over \$ 600 but not exceeding \$1000 3.90
 - over \$1000 but not exceeding \$1200 5.50
 - over \$1200 but not exceeding \$1600 8.45
 - over \$1600 but not exceeding \$2000 9.35
 - over \$2000 10.85

Note: Where a higher further additional amount becomes payable under items (vi), (vii), (viii), (xi), (xii), (xiii) or (xiv) of this subclause, it shall supersede any lesser additional amount contained in these items which otherwise would have been liable for payment.

(c) Supported Wage System

(i) Eligibility criteria

Subject to this subclause an employer may engage employees at a supported wage rate (as set out in paragraph (iii) of this subclause) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

PROVIDED that this subclause does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

PROVIDED FURTHER that this subclause does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the Disability Services Act 1986 and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under s.10 or under s.12A of the above Act, or if a part only has received recognition, that part.

- (ii) For the purposes of this subclause:

'Supported Wage System' means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

'Accredited Assessor' means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System.

'Disability Support Pension' means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the Social Security Act 1991, as amended from time to time, or any successor to that scheme.

'Assessment instrument' means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

- (iii) Supported Wage Rates

Employees to whom this subclause applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

Assessed Capacity (paragraph (iv))	% of Prescribed Award Rate
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

PROVIDED that the minimum amount payable shall be not less than \$45 per week.

(iv) Assessment of Capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (1) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
- (2) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

(v) Lodgment of Assessment Instrument

- (1) All assessment instruments under the conditions of this subclause, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Tasmanian Industrial Commission.
- (2) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the award, is not a party to the assessment, it shall be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and shall take effect unless an objection is notified to the Registrar of the Tasmanian Industrial Commission within 10 working days.

(vi) Review of Assessment

The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(vii) Other Terms and Conditions of Employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this subclause shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(viii) Workplace Adjustment

An employer wishing to employ a person under the provisions of this subclause shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

(ix) Trial Period

- (1) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this subclause for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (2) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with paragraphs (iv) and (v).
- (3) The minimum amount payable to the employee during the trial period shall be no less than \$45 per week or such greater amount as is agreed from time to time between the parties.
- (4) Work trials should include induction or training as appropriate to the job being trialed.
- (5) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under paragraph (iii) hereof."

2. By deleting Clause 17 - First Aid Allowance, and inserting in lieu thereof the following:

"17. FIRST AID ALLOWANCE

An employee holding a current first aid qualification from St. John Ambulance, Red Cross or similar body and appointed by his/her employer to perform first aid duty shall be paid in addition to his/her wages \$5.20 for any week he/she is so appointed. The employer will reimburse the cost of fees for any courses necessary for any employee covered by this clause to obtain, and maintain current, the appropriate first aid qualification."

3. By deleting Clause 32 - Payment of Wages, and inserting in lieu thereof the following:

"32. PAYMENT OF WAGES

- (a) Wages shall be paid weekly, not later than Thursday in each week.

PROVIDED that where agreement is reached between an employer and a majority of employees wages may be paid fortnightly on the basis of one week's wages in arrears and one week's wages in advance.

- (b) On the completion of the first full pay period and when any change is made in the weekly rate, the employee shall be notified in writing of the amount of wages to which he/she is entitled, the amount of deduction made therefrom, and the net amount being paid to him/her, provided also that such notification shall be given not less than once in each year of service.
- (c) At the discretion of the employer, wages may continue to be paid by the current method or by direct transfer into an employee's bank (or other recognised financial institution) account.
- (d) Where an employer elects to pay employees by direct transfer the employer shall pay to employees, in addition to any other entitlements, an amount to cover government fees and charges for one deposit and one withdrawal per pay.
- (e) An employer shall give employees at least three months notice of the introduction of payment by direct transfer.
- (f) All earnings, including overtime, shall be paid within 4 days of the expiration of the week in which they accrue.
- (g) If an employer fails to make payment to an employee as prescribed on pay day he/she shall pay to each such employee \$7.35 for each and every day thereof during which such default continues, unless he/she satisfactorily shows that such failure is due to some act on the part of the employee or to circumstances not under his/her control and which he/she could not reasonably have foreseen and which he/she took reasonable steps to avoid or overcome.
- (h) An employee kept waiting for his/her wages on pay day for more than a quarter-hour after the usual time for ceasing work shall be paid at ordinary rates for a minimum of half an hour provided that this subclause shall not apply when the delay is occasioned through no fault of the employer.
- (i) Notwithstanding anything contained herein, any employer shall pay to an employee who leaves or is dismissed all moneys due to him/her forthwith, failing which he/she shall pay to the employee the sum of \$9.75 for each and every day or part thereof during which such default continues.

This subclause shall not apply to any employee dismissed after normal time of cessation of work, provided that a cheque for all moneys due is posted to him/her on the morning of the next working day.

- (j) The employer shall provide the employee in writing the amount of any superannuation contribution made by the employer in accordance with Clause 40 - Superannuation subclause (b) - Contributions, of this award and the name of the Fund to which any contribution is made."

OPERATIVE DATE

These variations shall come into operation from the first full pay period to commence on or after 24 November 1996.

