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TASMANIAN INDUSTRIAL COMMISSION

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

**Health Services Union of Australia,
Tasmania No. 1 Branch**
(T.4014 of 1993)

The State Public Services Federation Tasmania
(T.5376 of 1995)

COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD

COMMISSIONER R J WATLING

HOBART, 10 March 1995

Making of new award - salaries - classification standards - definitions - conditions of employment - granted

ORDER BY CONSENT -

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

AMEND THE **COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) 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 "Community and Health Services (Public Sector) Award".

2. SCOPE

This award is established in respect of employees, within the meaning of the Tasmanian State Service Act 1984, employed in the Department of Community and Health Services, who occupy positions which require the performance of operational, clerical and administrative, technical or professional work as defined by the classification standards contained in this award.

No other award of the Tasmanian Industrial Commission shall apply to employees of the Department of Community and Health Services, with the following exceptions:

- (a) Medical Practitioners (Public Sector) Award;
- (b) Dental Officers Award;
- (c) Tasmanian Ambulance Award.

3. ARRANGEMENT

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4. DATE OF OPERATION

This award shall be operative:

- (a) from the first full pay period to commence on or after 1 December 1993 in respect to Clause 7 - Definitions;
- (b) from the first full pay period to commence on or after 1 December 1993 in respect to Clause 8 - Salaries;
- (c) from the first full pay period to commence on or after 15 February 1995 in respect to Clauses 9 through to 41 with the exceptions of Clause 30 - Recall, On Call and Remote Call and Clause 34 - Sick Leave:
- (d) from the first full pay period to commence on or after 29 June 1994 in respect to Clause 30 - Recall, On Call and Remote Call; and
- (e) from the first full pay period to commence on or after 29 June 1994 in respect to Clause 34 - Sick Leave.

5. SUPERSESSION AND SAVINGS

This award incorporates and supersedes:

- (a) Boiler Attendants Award No. 1 of 1991 (Consolidated) and No. 1 of 1993.
- (b) Clerical Officers Award No. 2 of 1991 (Consolidated) and No. 1 of 1994.

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- (c) Community and Health Services (Public Sector) Award No. 2 of 1994 (Consolidated) and No. 1 of 1994.
- (d) General Officers Award No. 2 of 1991 (Consolidated), No. 1 of 1993 and No. 1 of 1994.
- (e) Health Inspectors Award No. 1 of 1991 (Consolidated) and No. 1 of 1994.
- (f) Hospital Employees (Public Hospitals) Award No. 5 of 1991 (Consolidated), No. 6 of 1991, No. 1 of 1992, Nos. 1 and 2 of 1993 and Nos. 1 and 2 of 1994.
- (g) Hospital Scientists Award No. 1 of 1991 (Consolidated) and No. 1 of 1994.
- (h) Junior Officers Award No. 2 of 1991 (Consolidated) and No. 1 of 1994.
- (i) Keyboard and Office Assistants Award No. 1 of 1991 (Consolidated) and No. 1 of 1994.
- (j) Librarians Award No. 1 of 1991 (Consolidated) and No. 1 of 1994.
- (k) Pharmacist Award No. 1 of 1991 (Consolidated) and No. 1 of 1994.
- (l) Professional Engineers Award No. 2 of 1991 (Consolidated), No. 3 of 1991 and No. 1 of 1994.
- (m) Psychologists Award No. 1 of 1991 (Consolidated) and No. 1 of 1994.
- (n) School Dental Therapists Award No. 2 of 1991 (Consolidated), No. 1 of 1992, No. 1 of 1993 and Nos. 1 and 2 of 1994.
- (o) Social Trainers Award No. 3 of 1991 (Consolidated), No. 1 of 1992, No. 1 of 1993 and Nos. 1 and 2 of 1994.
- (p) Technical Officers Award No. 2 of 1991 (Consolidated) and No. 1 of 1994.
- (q) Physiotherapists, Occupational Therapists and Speech Pathologists Award No. 2 of 1991 (Consolidated), No. 1 of 1993 and No. 1 of 1994.
- (r) Welfare Workers Award No. 1 of 1991 (Consolidated), Nos. 1 and 2 of 1994.

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

PROVIDED ALWAYS that any employee who is in receipt of a higher wage rate at the date of this award shall have his/her salary maintained.

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6. PARTIES AND PERSONS BOUND

Unless otherwise specified, this award shall have application 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 organisation/s 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 employer having an interest in this award is the Minister for Public Sector Management, in relation to all employees.

7. DEFINITIONS

- (a) General Definitions

'Afternoon Shift' means a shift terminating after 6pm and at or before midnight.

'Casual Employee' means a person who is employed as a temporary employee whether full-time or part-time, with a detailed contract for a period not exceeding 1 calendar month to provide relief as required.

'Cup Day' means not more than one full day or less than one-half day holiday which shall be observed on the days specified in accordance with the proclamation of the local 'Cup Day' holidays, appearing in the Tasmanian Government Gazette in accordance with the provisions of the Bank Holidays Act, 1919 having regard to the municipalities declared therein and the period of observance of the holiday within such declared municipalities.

'Day Worker' means an employee whose normal hours of duty fall between the hours of 7am and 5.30pm, Monday to Friday (subject to the provisions of Clause 21 - Hours of Work (Day Worker)).

'Day Shift' means a shift commencing at or after 6am and terminating at or before 6pm and is worked in accordance with a roster (as defined) and includes Saturdays and Sundays.

'Employer' means the Minister for Public Sector Management.

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'Employee' means a person permanently, temporarily or on a casual basis, employed under the provisions of the Tasmanian State Service Act 1984.

'Head of Agency' means the Secretary of the Department of Community and Health Services and his/her delegated representative.

'Isolated Area' means any area, centre, district or location embraced by the Commonwealth Taxation Zone B prescription, together with such other areas, centres, districts or locations as may be approved by the Tasmanian Industrial Commission, including the following: King Island, Flinders Island, Cape Barren Island, Maria Island and Bruny Island.

'Night Shift' means a shift commencing at or after 4pm and before 6am.

'Overtime' means work performed outside the ordinary hours of duty.

'Part-Time Employee' means an employee engaged to regularly work for less hours per day or week than those prescribed for full-time employees.

'Relevant Award Rates' means the ordinary rate specified for the appropriate classification, the appropriate level and the appropriate year of employment applicable to an employee as specified in Clause 8 - Salaries of this award.

'Roster' means a work pattern designed for a specific work area for all work performed outside the spread of ordinary hours contained in Clause 21 - Hours of Work (Dayworker) excluding work performed outside the spread of hours and paid in accordance with Clause 27 - Overtime.

'Rostered Shift' means a shift of which the employee concerned has at least 48 hours notice.

'Shift Work' means work performed in accordance with a roster (as defined) and may include day shift (as defined), afternoon shift (as defined), night shift (as defined) and Saturdays and Sundays.

'Shiftworker' means an employee who works in accordance with a roster (as defined).

'Show Day' means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the employee is employed; or such other day which, in the absence of such a local show day, is agreed on by the employee and the employer (as defined).

'Temporary Employee' means a person engaged by the employer to relieve a full-time or part-time employee for specific periods of leave or temporarily for specific duties over a fixed term period determined by the employer.

'Union' means the relevant registered organisation listed in Clause 6 - Parties and Persons Bound of this award

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'Year of service' shall mean 12 months of employment including rostered days off, holidays with pay, paid annual leave and paid sick leave.

(b) Classification Standards

Operational Employees

A position which requires the performance of operational work (as defined) shall have assigned to it a classification level determined in accordance with the following classification standards.

Level 1

Training programme and classification standards to be jointly developed.

Level 2

- Involves work at a basic level in one functional area (as defined);
- An employee who has satisfactorily completed induction training;
- Works under direct supervision, generally with assistance from a more experienced employee;
- Undertakes routine tasks in an environment in which the routines and work methods are well established;
- May be required to operate basic equipment.

Level 3

- Works under regular supervision either individually or in a team;
- Performs a wide range of tasks within one functional area (as defined) requiring training;
- Exercises minimal judgment in how tasks are to be performed and determines priorities to a limited extent;
- May be required to operate equipment;
- May be required to assist less experienced employees;
- Exercises good interpersonal and communication skills.

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Level 4

- Works under general supervision either individually or in a team environment in a position requiring training;
- Performs a variety of tasks across more than one but no more than three functional area(s) (as defined);
- Exercises judgment in how tasks are to be performed;
- May be responsible for supervising staff or leading a team engaged in a variety of routine, manual tasks, including assignment and quality control of work for staff working below Level 4;
- Exercises good interpersonal and communication skills;
- Exercises specialist skills over and above those required in Level 3.

Level 5

- Works under general supervision, either individually or in a team environment performing a variety of tasks requiring knowledge of standardised practices and procedures for the work area and requiring skills obtained through considerable training and experience;
- Under general direction supervises a significant number of staff engaged in a variety of manual tasks across more than one functional area (as defined); OR
- Provides routine assistance to technical and/or professional staff requiring a limited level of technical knowledge; OR
- Operates plant and equipment requiring skills acquired through considerable training or experience;
- Exercises judgment in deciding how tasks are to be performed;
- Exercises good interpersonal and communication skills.

Level 6

- Works under general supervision either individually or in a team;
- Performs trade work requiring trade certificate qualifications or work requiring an equivalent level of skill; OR
- Under general supervision, operates vehicles/equipment requiring a high level of operational skill; OR

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- Supervises a large number of non trade staff, or a number of non trade work teams that may be multi skilled in function;
- Exercises independent judgment in deciding how tasks are to be performed;
- Exercises good interpersonal and communication skills.
- Able to apply quality control techniques to own work and to the work of other staff.

Level 7

- Under general supervision either individually or in a team environment, performs trade work requiring a high level of trade skill, employs initiative and judgment above that undertaken at the trades level; OR
- Under limited direction, operates vehicles/equipment requiring an advanced level of skill; OR
- Under limited supervision, supervises, plans and co-ordinates the work of small work teams or controls the operations of an organisational element of a program which undertakes predominantly a variety of manual tasks.
- A person in a supervisory role at this level could be expected to exercise initiative and judgment in solving day to day operational problems including -
 - ❖ estimating and ordering
 - ❖ work prioritising
 - ❖ staffing control and training
 - ❖ maintenance of records and basic reporting.

Level 8

- Under limited supervision, either individually or in a team environment undertakes special class trade work, employs an independent approach and a high degree of initiative. These tasks may encompass the provision of trade and equivalent level guidance and assistance to other members of a work team; OR
- Under administrative supervision, takes charge of an occupational group of staff engaged in a wide range of activities normally within a work stream and is responsible for a range of functions including: implementation of quality control, training and/or teaching, staff recruitment, estimation of costs, preparation of orders, and setting of and review of procedures; OR
- Under administrative supervision, takes charge of and carries out maintenance and repair of government owned and/or leased buildings and residences together with associated services and equipment, and develops: plans, schedules, and cost preventive maintenance programmes.

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- A person at this level in a supervisory role could be expected to exercise a high degree of initiative and judgment in solving day to day problems including:
 - ❖ staff training and/or teaching;
 - ❖ estimating and ordering;
 - ❖ work prioritising;
 - ❖ overseeing records maintenance and preparation of
 - ❖ minor reports;
- OR,
- as a specialist make recommendations and/or implement alternative methods of approach to complex operational problems.

Level 9

- Under limited supervision, either individually or in a team environment, supervises a large group of trades and/or non-trades staff in more than one field employed on a varied range of more complex operational equipment or projects; OR
- As an advanced engineering tradesperson under limited supervision, performs work beyond the special class tradesperson involving intricate systems and designs; OR
- Under administrative supervision, takes charge of and carries out maintenance and repair of government owned and/or leased buildings and residences together with associated services and equipment and develops: plans, schedules and costs preventive maintenance; OR
- Under general supervision, inspects houses to determine repair and maintenance requirements and estimate the costs of such requirements; OR
- Under administrative supervision, exercises direct and indirect control over a large group of staff, including subordinate supervisory staff, undertaking a varied range of work within a stream.
- Dual qualified tradesperson;

A person at this level in a supervisory role would be expected to exercise a high degree of initiative, judgment and flexibility in solving complex trade related problems including:

- ❖ co-ordination of resources
- ❖ overseeing training
- ❖ estimation of costs
- ❖ arranging recruitment
- ❖ oversight safety measures
- ❖ review work methods and oversee quality control

OR, as an inspector carry out inspections of valuable assets and ensure they meet quality standards, approve completed jobs;

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OR as an advanced engineering tradesperson make recommendations and/or implement alternative methods of approach to complex operational problems using a high level of initiative.

Level 10

- Under limited direction, controls three or more significant groups of trades staff, or staff with an equivalent level of skills and knowledge, engaged in specialised activities including subordinate supervisory staff; OR
- Under administrative supervision, controls a major service operation including a large number of trades, non-trades and/or associated staff; OR
- Under limited supervision, oversee and conduct trade training courses in theory and practice including the supervision of instructors.
- A person at this level is expected to exercise a high degree of initiative, independent judgment and leadership in solving complex operational problems.

For the purpose of this definition, unless the contrary intention appears:

'Direct Supervision' means where persons working under direct supervision are clear easily understood instructions.

Deadlines and priorities are given.

Deviations from normal routines, problems and unfamiliar situations would be referred to the supervisor.

'Functional area' refers to a work unit providing a distinct service, eg. cleaning, catering, kitchen, attendants, hospitals aides, stores, workshops, laundry, etc.

'Limited Direction' means where a person working under limited direction are provided with a clear statement of overall objectives and the resources available. In conjunction with the supervisor they decide on projects and assignments to be carried out and set deadlines.

The person is fully competent and very experienced in a technical sense and requires little guidance during the performance of assignments. The person would have authority to plan and carry out assignments, using some latitude in approach to achieve the desired objectives.

'Limited Supervision' means where a person working under limited supervision would be expected to have a broad trade or subject matter knowledge and wide experience. They perform work in accordance with broadly based standing instructions. In a technical sense, the person is fully competent and very experienced requiring little guidance.

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The person is expected to report on the work of the area when required. The area's progress and performance would normally only be inspected at irregular intervals. The standard of products or performance of the area is kept under review.

'Regular supervision' means employees working under regular supervision are given broad instructions.

Employees would exercise limited judgment on how to complete tasks and priorities.

The employee has competence in a range of tasks within one functional area (as defined).

Supervision is generally provided at the commencement and at the completion of tasks.

Employees are capable of working alone.

Administrative and Clerical Employees

A position falling within the scope of this award shall have assigned to it a classification level determined in accordance with the following classification standards.

Level 1

Trainee Level concerned with basic clerical work undertaken under specific direction and direct supervision. Ability to acquire the required knowledge and skills derived from a reasonable standard of education.

Level 2

Routine work generally by specific direction undertaken under direct and/or routine supervision. Choices made based on established guidelines/instructions written or verbal. Ability to acquire the required knowledge and skills to effectively undertake the work.

Level 3

Experienced clerical level - to achieve set outcomes, undertaken under routine supervision. Choices made based on established guidelines/instructions written or verbal. Directly responsible for completion of tasks. A knowledge of established work practices is required. Experienced clerical level requiring good communication skills.

Level 4

Specialist functions undertaken under general direction and general supervision based on established procedures and practices. Exercise of limited discretion is required. Supervision of a small number may be a feature. Experienced clerical level requiring a comprehensive understanding of relevant procedures and high level communication skills.

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Level 5

Clerical and administrative work of a value impacting on the efficient operation of the work unit or Agency. A supervisory level. Work undertaken under general direction and general supervision requiring initiative and the exercise of discretion. The exercise of a formal delegation may be required. Extensive knowledge of the specific discipline with well developed communication and problem solving. Ability and experience in staff supervision.

Level 6

Administrative work which may require the management of human and material resources in carrying out a variety of complex functions under a broad range of conditions under general supervision. The exercise of judgment and initiative consistent with the possession of sound knowledge in the field of work within which the position operates. Guidelines and procedures are generally well recognised but there may be some interpretation required in order to establish and select the most appropriate approach to functions. Ability to research, evaluate and formulate information is critical. Experience in resource management is essential.

Level 7

Positions require a high degree of proficiency in the use of established administrative or managerial skills such as human resource management or accounting. Positions usually have responsibility for resource allocation and management and supervision of lower level employees in the achievement of divisional or organisational goals. Interpretation of policy and guidelines is a feature and functions are undertaken with general or limited supervision. A high level of experience in management practices is paramount.

Level 8

Positions at this level work with limited supervision usually manage the operations of an organisational element, undertake a management function or provide consultative or administrative support and advice to a particular program or activity. The tasks may be either complex or specific in nature but directed to the organisation's corporate goals. Immediate subordinate positions may include staff in technical or professional structures, in which case supervision is for administrative purposes only. In other circumstances, supervision may involve the exercise of technical or professional skill and judgment. Independence of action including the use and allocation of resources within laid down constraints may be a feature. Decisions taken or responsibilities exercised may have a major impact on the operation of the work area. General management skills and the ability to contribute to the development of policy initiatives are required as is a high level of interpersonal and communication skills.

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Level 9

Positions at this level operate as for level 8 but only work under broad direction and are required to provide more authoritative specialist consultative or management advice generally or as it relates directly to a particular work area. Positions at this level are required to operate with a significant degree of independence of action and autonomy in day to day activities, accountable to management in terms of strategic direction and meeting objectives. The tasks carried out would be of a highly complex nature encompassing a significant element of total agency operations. Significant independence and autonomy of action is expected in achieving desired outcomes. Delegations exercised at this level may include being the final authority in the process of approving the expenditure of funds; undertaking specific action in line with the policy of the Agency, or reviewing previous action or decisions. The development of rules, regulations and guidelines may be co-ordinated at this level. High level management skills are essential. Liaison and communication skills of a high order, including the ability to consult, negotiate or communicate on behalf of the agency with clients or other groups, often to finality, may be needed. A detailed understanding of legislation and the capacity to undertake specific or major research, investigations or reviews is required.

Level 10

A specialist consultative advisory level reporting to senior management under broad direction to achieve outcomes. The position would play a key role in planning, developing and implementing programs. The position would have a significant effect on the operation of the agency and requires specialist administrative research or analytical skills. Positions at this level would require highly developed marketing, conceptual and strategic skills.

Level 11

A specialist with direct effect on government policy development and commentary. Required to initiate, develop and implement systems for effective forecasting, monitoring and control of government programs. Positions at this level are required to take initiative in providing a high standard of policy advice to government requiring a high level of expertise and/or extensive practical experience in relation to the implementation of a specialised program. Extensive investigative research and analytical skills with a high degree of proficiency in communication including the capacity to represent the department/Minister in public forums.

Level 12

A principal adviser to government in relation to specific programs which have a direct and critical impact on government objectives. The highest level of professional and technical competency is required. The work is carried out in direct consultation with the Chief Executive or the government. Duties are undertaken without supervision and complete autonomy within the field of expertise is exercised. The highest level of skill in relation to communication, conceptual and strategic skills and investigative research and analytical skills.

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For the purposes of this definition, unless the contrary intention appears:

'Administrative work' means the exercise of an appropriate level of responsibility and discretion in undertaking functions of an administrative nature; where administration is concerned with achievement of the organisation's corporate goals through Planning, organising, directing and controlling resources and/or activities. Administration is also concerned with the development and implementation of policy to achieve set objectives and desired outcomes.

'Broad Direction' means that staff working under broad direction are expected to develop and achieve objectives for specific functions under their control which will ensure the attainment of results critical to the efficient functioning of the unit, section branch or agency.

'Clerical Direction' means instructions and guidance on particular tasks and programs given by supervisors or managers to subordinate staff. It includes direction from non-human sources such as legislation, manuals, standards etc.

'Clerical Supervision' means supervision provided by supervisors or managers to subordinate staff, to ensure adherence to directions given, to decide on proposed solutions or courses of action, and to review and check the work of clerical staff.

'Clerical Work' means the exercise of an appropriate level of responsibility and clerical knowledge and skill under a requisite degree of direction and supervision in the understanding of the preparation, processing and maintenance of documents, records and electronic data representing the transactions or business of the work unit or organisation being served. Clerical work is performed within a framework of legislation, policies, procedures, regulations, guidelines, precedents, instructions, or custom and practice, both written and oral.

'Direct Supervision' means there is limited responsibility for the final outcome of work undertaken because limited discretion only is available to select the appropriate means of completing the task. Conformity with instruction is measured by the satisfactory completion of allocated tasks.

'General Direction' refers to situations where detailed or specific instructions are limited to unusual features.

'General Supervision' means that general instructions are given and tasks are undertaken to achieve the required outcomes or objectives. Discretion and choice in selecting the most appropriate method for completing the allotted tasks is expected and encouraged.

'Limited Supervision' means that work is undertaken within established objectives and with little guidance. Conformity with instructions is usually measured in terms of the achievement of stated objectives to senior management agreed standards.

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'**Routine Supervision**' means that responsibility for the final outcome is still limited because the work is carried out in accordance with established guidelines and practices; however, there is scope for the exercise of discretion in the choice of work methods.

'**Specific Direction**' refers to situations where precise instructions are given with little or no choice provided.

Technical Employees

A position falling within the scope of this award shall have assigned to it a classification level determined in accordance with the following classification standards.

Level 1

Technical work requiring learning and application of conventional practices, methods and standards performed under detailed technical direction and close technical supervision.

This is the trainee level. During the learning phase the work given is consistent with the level of theoretical knowledge being gained by the trainee while undertaking an appropriate course of study. Initially the work is limited in scope and complexity, but as knowledge and experience is gained the scope and complexity of the work is expanded. Detailed technical direction is given in all aspects of the work and close technical supervision is exercised over every phase of its execution.

Minimum qualifications are -

- Eligible for admission to the relevant course of study at a recognised TAFE institution
- OR
- Relevant training and/or experience determined in accordance with the provisions of Section 37 of the Tasmanian State Service Act 1984 appropriate to the nature of the work.

Level 2

Technical work requiring application of conventional practices, methods and standards performed under general technical direction and general technical supervision

and/or

Complex technical work performed under detailed technical direction and close technical supervision.

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This is the fully qualified technical practitioner level. The duties include ongoing technical work performed in accordance with conventional practices, methods and standards and comprehends adjustment, adaptation, interpretation or modification of those factors where necessary. Work may include technical application and administration of regulations. Work may be organised on a laboratory, field, office, geographical or functional basis, and may be performed in an individual or team situation.

Work may include or wholly consist of complex technical work.

Technical direction and/or technical supervision may be given to less experienced personnel in this level and/or to Trainees.

Minimum qualifications are:

- An Associate Diploma from a recognised TAFE institution, or an equivalent qualification, appropriate to the nature of the work

OR

- Relevant training and/or experience determined in accordance with the provisions of Section 37 of the Tasmanian State Service Act 1984 Act appropriate to the nature of the work.

Level 3

Technical work requiring significant adjustment, adaptation, interpretation or modification of conventional practices, methods and standards performed under limited technical direction and general technical supervision but not including complex technical work

and/or

Complex technical work performed under general technical direction and general technical supervision

and/or

Co-ordination and supervision of conventional technical work performed under limited technical direction and general technical supervision.

Work at this level requires the exercise of considerable technical knowledge, experience and judgment by a senior practitioner who in certain situations may be considered a specialist.

Work may include or wholly consist of complex technical work.

The co-ordination and supervision functions involve technical management of the work of a small number of technical and other staff and which may span more than one discipline or field. Normally, from 2 to 4 other technical staff would be supervised.

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Level 4

Complex technical work which may span more than one discipline or field performed under limited technical direction and limited technical supervision

and/or

Co-ordination and supervision of the activities of a unit engaged in conventional and specialist technical work performed under limited technical direction and limited technical supervision.

Complex technical work requires the exercise of significant technical knowledge, experience and judgment by a senior practitioner who in certain situations may be considered a specialist. The work may cover one or more discipline or field.

The supervisor/project leader work involves the technical management of the work of a number of technical and other staff. Normally at least 5 other technical staff would be supervised for this level to apply.

Level 5

The technical management of a significant technical work unit engaged in complex activities under general supervision.

The technical management function includes using technical knowledge, expertise and experience to determine technical objectives and priorities, and to conduct technical support activities within the Agency's operating programs.

It includes interpreting relevant policy, setting standards, evaluating performance, and may involve resolving complex technical problems.

Technical direction and technical supervision not given but general guidance on agency objectives is provided. Normally, a position at this level reports to a senior manager or co-ordinator.

Level 6

The technical management and co-ordination of two or more significant work units engaged in complex activities involving two or more technical disciplines or fields.

A position only would be established at this level when the policies, strategies, technical complexities, and interrelationships are directly related to the technical work and are outside the scope of non technical senior managers or co-ordinators.

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For the purposes of this definition, unless the contrary intention appears:

'Complex technical work' means work which includes various tasks involving different and unrelated intricate processes and/or methods, and which depends upon detailed analysis of the subject, phase or issue involved and the selection of the appropriate course of action from many alternatives. It includes work requiring a degree of creativity, originality, ingenuity and initiative.

'Close technical supervision' means all work is thoroughly reviewed and checked.

'Detailed technical direction' refers to situations where precise instructions are given and little or no discretion is allowed.

'General supervision' means supervision given to technical and other staff consisting of the allocation, direction, oversight and co-ordination of the work of subordinate staff. It differs from technical supervision in that it relates to the general management of the work of all subordinate staff.

'General technical direction' refers to situations where general guidelines are given and detailed instructions are limited to unusual features. Some discretion is given in selection appropriate courses of action.

'General technical supervision' means that work is regularly reviewed and checked for conformity with directions and other requirements with specific attention given to unusual and/or critical features.

'Limited technical direction' refers to situations where instructions are not normally given, but advice is available if required. Wide discretion is given in selecting appropriate courses of action.

'Limited technical supervision' means provision of technical advice when requested and ensuring overall compliance with objectives.

'Technical direction' means instructions and guidance given to subordinate technical staff by technically or professionally qualified personnel. It includes direction from non-human sources such as manuals, codes, standards, etc.

'Technical supervision' means supervision given to subordinate technical staff by technically or professionally qualified personnel and consists of ensuring adherence to technical directions, solving technical problems, giving decisions on technical solutions proposed by subordinate personnel and reviewing and checking the work of technical staff:

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'**Technical Work**' means the application of technical knowledge (initially gained by satisfactorily completing an appropriate course of study at a recognised TAFE institution, or equivalent qualification), experience and judgment to undertake, support and/or supervise research, design, development, construction, processing, maintenance, information management or regulatory activities utilising scientific, mathematical, engineering, drafting and/or laboratory principles and practices involving investigations, observations, field trials, testing, measurements, interpretations, evaluations, application of regulations, diagnosis/prognosis and remediation/treatment in laboratory, field or other situations. May work independently of professional and other technical staff.

Professional Employees

A position falling within the scope of this award shall have assigned to it a classification level determined in accordance with the following classification standards.

Level 1

A Professional Practitioner, initially under close professional supervision as to method of approach and requirements, performs normal professional work under general professional guidance, and with professional development may perform novel, complex or critical professional work under professional supervision.

The work involves any or all of the following:

- The normal professional work of an organisational unit, or of a specialised professional field encompassed by the work of the unit;
- Normal professional work where it is isolated from immediate professional supervision, for example, because of remoteness of the functional work area;
- Difficult or novel, complex or critical professional work under professional supervision;
- Research carried out under professional supervision and which may be expected to contribute to advances in the techniques used; and/or
- Professional supervision of less experienced Professional Officers together with general supervision over technical and other personnel.

Initially the work of a new graduate is subject to professional supervision. As experience is gained, the contribution and the level of professional judgment increases and professional supervision decreases, until a wide range of professional tasks is capable of being performed under general professional guidance. It is expected that independent professional judgment will be exercised, when required, particularly in recognising and solving problems and managing cases where principles, procedures, techniques and methods require expansion, adaptation or modification.

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Persons initially are required to have sound theoretical professional knowledge gained through satisfactory completion of an appropriate course of study at a recognised tertiary institution.

Level 2

Under broad policy control and direction is a senior Professional Practitioner who performs novel, complex or critical professional work, or performs a limited range of the duties of Professional Manager or Professional Specialist with general professional guidance.

The work includes the formulation of professional or policy advice for senior management and may involve provision of such advice to senior executives in other departments, the private sector and the wider community. Normally there is limited corporate impact at this level as technical advice is often reviewed by higher authority.

The work includes the role of team/project leader requiring the co-ordination of the work of a number of professionals and/or other staff. The staff co-ordinated need not necessarily be in the same discipline as the leader. Persons at this level may oversee the operations of a section comprising professional and/or technical staff engaged in field, laboratory, clinical, production or operational work and which may be organised on a geographical or functional basis.

Persons at this level are expected to have wide experience in their professional field. They perform a variety of tasks of a novel, complex or critical nature, either individually or as a leader or member of a team. Direction is provided in terms of a clear statement of overall objectives with limited direction as to work priorities.

Where a professional at this level works as a member of a team he/she should have skills and the experience necessary to perform all the tasks undertaken by the team or to have knowledge and professional judgment to seek and utilise specialist advice when it is required.

Specialists require substantial or higher knowledge in a particular professional discipline or field and the exercise of independent professional judgment to resolve complex problems or issues.

Level 3

Under broad policy control and direction is

- a senior Professional Practitioner; or
- a Professional Manager; or
- a Professional Specialist.

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The work contributes directly to the formulation of agency policies for the work area. It requires an understanding of the wider policy and strategic context. Technical or professional advice generally has consequences beyond the immediate work area and is normally only reviewed for policy and general approach. The work has moderate corporate impact.

The work is performed under broad direction in terms of objectives, policies and priorities. Programs, projects, assignments or other work are generally decided by higher level management but at this level authority is given to decide on how to achieve end results within limits of available resources. Decisions at this level have direct consequences on the achievement of results for the function or group of activities for which the person is responsible.

Persons at this level are expected to have extensive experience in their professional field and to perform a range of tasks in the absence of general professional guidance.

A senior Professional Practitioner at this level operates in the absence of general professional guidance and is expected to apply significant professional knowledge and professional judgment in one or more professional disciplines or fields in relation to more novel, complex and critical work. The Senior Professional Practitioner need not necessarily be supported by other professionals.

A Professional Manager at this level leads and directs an organisational element or team of professionals and other staff requiring considerable co-ordination, and is responsible for human, physical and financial resources under the control of the position.

The units or teams may comprise professional and other staff engaged in field, laboratory, clinical, production or operational work and which may be organised on a geographical or functional basis. The management role may require professional leadership and direction over subordinate staff including supervisors. This involves setting standards for and evaluating performance, interpreting policy relevant to the work area; and may involve resolving more complex technical or professional problems. Professional Specialists at this level exercise a high degree of independent professional judgment in the resolution of more novel, complex and critical problems or issues. They are required to provide authoritative technical or policy advice which draws on in-depth knowledge in a professional or technical field or discipline. Analysis, design and interpretation of results of research or investigations represent authoritative and final professional conclusions. An original continuing contribution to the knowledge in the relevant discipline(s) or field(s) and the application of that advance in knowledge to the organisation's work would be expected.

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Level 4

Under broad policy control and direction is

- a senior Professional Practitioner; or
- a senior Professional Manager; or
- a senior Professional Specialist.

The work requires the exercise of a high degree of independence in the determination of overall strategies, priorities, work standards and the allocation of resources. Judgments made at this level form the basis of advice to senior levels within a department and are often critical to the achievement of overall objectives of a departmental program or organisational unit. Work is monitored against broad objectives and has a high corporate impact. Administrative direction is given on the Agency's policies and objectives and to ensure co-ordination with other major work units.

A senior Professional Practitioner at this level operates in accordance with broad objectives and is expected to apply unusually significant professional knowledge and professional judgment in one or more disciplines or fields directly relevant to the work area and in relation to most novel, complex or critical work.

A senior Professional Manager at this level leads, directs and co-ordinates a major function or work area in an agency involving a considerable variety of activities and organised on a geographical (including Statewide) or functional basis. Relative to other Senior Professional Officer positions, senior Professional Managers at this level have unusually significant responsibility for the human, physical and financial resources under their control, and the work may also include extensive co-ordination of projects involving unusually large numbers of professional and other staff engaged in field, laboratory, clinical, production or construction work. They direct professional and technical staff working in different fields.

Persons at this level may also be responsible for initiating, planning and conducting research projects of considerable breadth which contribute significantly to the development of agency or government policy or are highly complex in terms of problem-definition and methodology.

A senior Professional Specialist at this level is expected to have a depth of knowledge in his/her discipline or field of significance to the department concerned. Persons at this level often have a national reputation. There is a requirement for a high degree of originality and analytical and conceptual skills in the resolution of particularly complex technical or policy issues. The work requires expert knowledge in a professional or technical field or range of fields and in most cases a comprehensive knowledge of relevant legislation and policies. In some circumstances, specialists also have a management and/or co-ordination role. The work requires constant adaptation of existing principles to new and unusual problems and involves frequent changes in policy, program or technological requirements.

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Level 5

Under broad policy control is an executive Professional Manager.

The work involves executive management of several major work areas in an agency involving a very wide variety of activities associated with the development, co-ordination and implementation of State-wide policies. Only broad Government objectives govern the position within which total flexibility exists for developing policies, strategies and tactics to achieve objectives. Direction would be an exception and limited only to issues which have impact upon other external operational policy areas. Work at this level has the higher corporate impact.

For the purposes of this definition, unless the contrary intention appears:

'Complex professional work' means work which includes various tasks involving different and unrelated processes and methods. It depends on analysis of the subject, phase or issues involved in each assignment and the appropriate course of action may have to be selected from many alternatives. The work involves conditions and elements that must be identified and analysed to discern interrelationships.

'Corporate impact' means a measure of the effect of decisions made or advice required in a position on agency policies and operations and the achievement of program objectives. Corporate impact is direct in the case of decisions taken, e.g. in determining policy or committing resources, or indirect where advice or recommendations are involved. The effect of advice or recommendations is a measure of the influence of the advice or recommendations upon the decision-maker and the consequences for the organisation of the decision made. Recommendations of a highly technical or specialised nature, for example, may influence the work of a major function or area of an agency's operations or have an effect beyond the agency.

'Critical professional work' is a term used in the sense commonly accepted in technological areas in relation to a critical component, critical issue or critical decision. It means a cornerstone, or fundamental decision, requiring the exercise of sound professional judgment of the effects of a decision within a particular professional discipline or field of work.

'General professional guidance' means direction and guidance given by a senior Professional Officer on a range of professional assignments. There is discretion in selecting the most appropriate method of completing these, and conformity with directions is measured by satisfactory completion of allocated professional assignments.

'General supervision' means the supervision given by a Professional Officer to technical and other staff. It consists of the allocation, direction, oversight and co-ordination of the work of subordinate staff. Professional Officers may receive supervision on non-technical administrative matters from non-professional staff.

'Normal professional work' includes ongoing professional duties performed in accordance with conventional established professional practice, methods and standards, but excludes professional work of a novel, complex or critical nature.

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'Novel professional work' encompasses work requiring a degree of creativity, originality, ingenuity and initiative and of a type not normally undertaken in a department or significant organisational unit within a department. The term may refer to the introduction of a new technology or process used elsewhere.

'Professional Discipline' means a branch of a profession.

'Professional field of work' means a major subdivision of a professional discipline.

'Professional judgment' means the application of professional knowledge and experience in defining objectives, solving problems, establishing guidelines, reviewing the work of others, interpreting results and providing and assessing advice or recommendations and other matters which have an element of latitude or decision-making.

'Professional knowledge' includes knowledge of principles and techniques applicable to the profession. It is obtained during the acquisition of professional qualifications and relevant experience.

'Professional Manager' is a person required to have a sound knowledge of the relevant principles, practices and procedures applicable to a professional discipline or field of work. Professional Managers are responsible for the achievement of particular objectives or completion of a project. This responsibility includes accountability for material, human and financial resources allocated to that objective or project.

'Professional Practitioner' means an individual, team member or team leader. In their initial years at Professional Officer Level 1 they apply professional judgment across a limited range of activities. Professionals may perform normal professional work under different types of supervision and guidance. Professional supervision is required, but it may not need to be continuous. As they gain experience at Level 1 and at the higher levels they carry out a broad range of activities or functions using relevant practices or procedures within a professional discipline or field of work. This role can provide advice to others on aspects of the discipline or field and can be expected to contribute in an original and innovative manner to activities of the work area. This role includes the supervision of subordinate professional staff and staff from other fields of work.

'Professional specialist' means a person who has an in-depth knowledge of, and is acknowledged as an authority both by senior management and by professional peers in a professional discipline, field of work or a range of disciplines or fields. An original and continuing contribution to the discipline(s) or field(s) is an essential element of this role.

'Professional supervision' means supervision given to subordinate professional officers which requires the exercise of professional judgment and consists of:

- setting guidelines for the work of Professional officers
- suggesting approaches to the conduct of professional work

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- solving technical problems raised by subordinate Professional Officers
- giving decisions on technical solutions proposed by subordinate Professional Officers
- reviewing and sometimes checking the work of other Professional Officers

'Work of a professional nature' means the application of professional knowledge initially gained by satisfactorily completing an appropriate course of study at a recognised tertiary institution, experience and judgment in the development, management and use of technology; investigation; survey; analysis; testing; observation; evaluation; applied research; planning; provision and maintenance of facilities and services; diagnosis/prognosis; remediation/treatment; liaison; administration of safety regulations; and education in laboratory, field or other situations.

8. SALARIES

An employee appointed or promoted to a position within a classification level prescribed by this award shall, subject to satisfying the prescribed requirements, be paid the salary rate determined for the relevant classification.

Furthermore the fortnightly equivalents of each relevant award rate (as defined) prescribed by this award shall be calculated by dividing the annual figure payable by twenty-six.

(a) Operational Employees

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions, subclause (b) - Classification Standards:

	Salary per Annum \$
Level 1 (as defined)	
First 3 months	17671
After 3 months and for the next 12 months	18378
Level 2 (as defined)	
1st year of service	18407
2nd year of service	18851
3rd year of service	19283
Level 3 (as defined)	
1st year of service	19509
2nd year of service	19784
3rd year of service	20179

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Level 4 (as defined)

1st year of service	20586
2nd year of service	20986
3rd year of service	21294

Level 5 (as defined)

1st year of service	21585
2nd year of service	21882
3rd year of service	22354

Level 6 (as defined)

1st year of service	23561
2nd year of service	23981

Level 7 (as defined)

24739

Level 8 (as defined)

27095

Level 9 (as defined)

29452

Level 10 (as defined)

31808

(b) Administrative and Clerical Employees

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions, subclause (b) - Classification Standards.

Level 1 (as defined)

1st year of service	16493
2nd year of service	17671
3rd year of service	18849
4th year of service	20027

Level 2 (as defined)

1st year of service	21205
2nd year of service	22383
3rd year of service and thereafter	23561

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Level 3 (as defined)

1st year of service	24739
2nd year of service	25328
3rd year of service	25917
4th year of service	26506
5th year of service and thereafter	27095

Level 4 (as defined)

1st year of service	28273
2nd year of service	28862
3rd year of service	29452
4th year of service	30040
5th year of service and thereafter	30620

Level 5 (as defined)

1st year of service	31808
2nd year of service	32397
3rd year of service and thereafter	32985

Level 6 (as defined)

1st year of service	34164
2nd year of service	34753
3rd year of service and thereafter	35342

Level 7 (as defined)

1st year of service	36520
2nd year of service	37698
3rd year of service and thereafter	38876

Level 8 (as defined)

1st year of service	41232
2nd year of service	42410
3rd year of service and thereafter	43588

Level 9 (as defined)

1st year of service	45940
2nd year of service and thereafter	47122

Level 10 (as defined)

49478

Level 11 (as defined)

51835

Level 12 (as defined)

55369

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(c) Technical Employees

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions, subclause (b) - Classification Standards.

Level 1 (as defined)

1st year of service	20616
2nd year of service	21205
3rd year of service	21794
4th year of service	22383
5th year of service and thereafter	23561

Level 2 (as defined)

1st year of service	24739
2nd year of service	25917
3rd year of service	27095
4th year of service	28273
5th year of service and thereafter	29452

Level 3 (as defined)

1st year of service	30620
2nd year of service	31808
3rd year of service and thereafter	32986

Level 4 (as defined)

1st year of service	34164
2nd year of service	35342
3rd year of service and thereafter	36520

Level 5 (as defined) 40054

Level 6 (as defined) 42410

(d) Professional Employees

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions, subclause (b) - Classification Standards.

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Level 1 (as defined)

1st year of service	25917
2nd year of service	27684
3rd year of service	29451
4th year of service	31218
5th year of service	32985
6th year of service	34752
7th year of service	36520
8th year of service and thereafter	38287

Level 2 (as defined)

1st year of service	40054
2nd year of service	41821
3rd year of service and thereafter	43588

Level 3 (as defined)

1st year of service	45944
2nd year of service	48300
3rd year of service and thereafter	49478

Level 4 (as defined)

1st year of service	51834
2nd year of service	53601
3rd year of service and thereafter	55369

Level 5 (as defined) 60081

(e) Apprentices

The salary rates of apprentices shall be;

1st year apprentice	45% of Level 6, 1st year rate Operational Employee
2nd year apprentice	57.5% of Level, 6 1st year rate Operational Employee
3rd year apprentice	75% of Level 6 1st year rate Operational Employee
4th year apprentice	88% of Level 6, 1st year rate Operational Employee

9. ABANDONMENT OF EMPLOYMENT

Where an employee is absent from work without justifiable cause for more than 14 days without notifying the Head of Agency of the reason for that employee's absence from work, it shall be considered on face value that the employee has abandoned his/her employment. Service shall be deemed to have ceased from that time (ie 14 days from the first day of absence).

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10. ACCOMMODATION AND OTHER REQUIREMENTS

- (a) Suitable comfortable accommodation shall be provided for resident employees, and where practicable, single bedrooms.
- (b) Linen, cutlery, crockery and blankets shall be provided by the employer free of cost to the employee.
- (c) Dressing rooms, luncheon rooms and conveniences shall be provided for all non-resident employees.

11. ALLOWANCES

- (a) Annual Leave Allowance

During a period of annual leave an employee shall be paid an allowance by way of additional salary, calculated at the rate of salary prescribed for the relevant classification in Clause 8 - Salaries of this award, as follows:-

- (i) Day Worker (as defined):

A day worker (as defined) (excluding employees who receive the 20% loading in lieu of annual leave, sick leave and holidays with pay) shall be paid an allowance calculated at the rate of 17.5% of the employee's normal salary, including any higher and more responsible duties allowance or all-purpose payments payable to the employee concerned.

- (ii) Shiftworker (as defined)

An employee who, but for the period of annual leave, would have worked shiftwork (as defined), shall receive an allowance calculated at the rate of 17.5% of the employee's normal salary including any higher duties allowance.

PROVIDED that an employee who would have received shift payments as prescribed by Clause 33 - Shift Work of this award had the employee not been on annual leave during the relevant period, and where such shift payments would have entitled to the employee a greater monetary amount than an allowance of 17.5% of the employee's normal salary, the employee's annual leave allowance shall be calculated as an amount equivalent to the shift payment the employee would have received in accordance with his/her projected shift roster.

PROVIDED ALWAYS that such allowance shall -

- (1) be calculated on the basis of a maximum period in any one leave year as follows:

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(A) in the case of a shiftworker (as defined) a period of five weeks' annual leave; and

(B) in all other cases a period of four weeks' annual leave.

Where, in the case of a shiftworker (as defined), more than five weeks' annual leave accrues per annum the excess above five weeks shall be paid only as per projected shift roster;

(2) in no case where the allowance is calculated on the basis of 17.5% of normal salary, shall it exceed the allowance which would be payable in respect of the classification of Administrative and Clerical Employee, Level 7, First year of service of this award, on and from the first day of October, in respect of all annual leave accrued during the previous 12 months;

(3) not apply to proportionate annual leave accrued by an employee in the leave year of the year of termination of service where such employee voluntarily resigns or whose services are terminated for disciplinary or other good reason;

(4) be calculated in the case of -

(A) a non-shiftworker, at the salary rate applicable to the employee concerned, on the day of annual leave accrual in the year in which the annual leave is credited; and

(B) a shiftworker (as defined), where the allowance is calculated as to projected shift roster, at the salary rate applicable to the employee concerned as at the date of commencement of annual leave; or

(C) a shiftworker (as defined), where the allowance is calculated at 17.5% of the employee's normal salary, at the salary rate applicable to the employee concerned on the day of annual leave accrual in the year in which the annual leave is credited;

(5) not be cumulative. Any balance of such allowance due to an employee at the expiration of a period of one year following the date upon which the annual leave was credited shall be paid to such employee as soon as is practicable after the date of the expiration of such period.

(b) District Allowance

(i) The purpose of this general allowance is to compensate for excess costs necessarily incurred by an employee living in an isolated area (as defined) and without limiting the foregoing includes partial reimbursement for STD, freight, fuel and depreciation costs.

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(ii) Where a person is stationed permanently in one or the other of the following districts the employee may, on the determination of the employer, be paid an allowance in accordance with the following rates:

(1) Category R - Remote locations approved as such by the Tasmanian Industrial Commission including Bass Strait Islands, Maria Island and Bruny Island:

	Rate Per Annum \$
(A) Person with dependant relatives residing with the employee	2286
(B) Other (no dependents)	1141

(2) Category B - Location under the Commonwealth Taxation Zone B prescription:

	Rate Per Annum \$
(A) Person with dependent relatives residing with the employee	1141
(B) Other (no dependents)	572

(3) Category S - Special locations as may be approved by the Tasmanian Industrial Commission:

	Rate Per Annum \$
(A) Person with dependent relatives residing with the employee	572
(B) Other (no dependents)	290

PROVIDED that an employee with dependants residing with the employee shall be regarded as an employee without dependants if the employee's spouse, of entitlement arising from employment, is in receipt of a district allowance.

(c) First Aid Allowance

(i) An employee nominated by the employer to perform first aid duties and who is the current holder of a St John Ambulance First Aid Certificate, or an equivalent certificate, shall be paid an allowance of \$400 per annum

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- (ii) Where the employer requires an employee to obtain a first aid qualification, the employer shall pay all associated costs, and where necessary, shall provide paid time off for the purpose of undertaking first aid training leading to an appropriate first aid qualification such as a certificate from St John Ambulance.
 - (iii) An employee nominated to perform first aid duties shall be allowed to undertake refresher courses as in paragraph (ii) of this subclause providing the employer still requires the employee to perform such duties.
- (d) Higher Duties, More Responsible Duties and Mixed Functions Allowances
- (i) Higher Duties Allowance
 - (1) Where an employee is directed by the employer to temporarily perform the duties of an employee with a higher classification for a period of five days or more, that employee shall be paid an allowance equal to the difference between the employee's own salary and the minimum salary of the higher position.
 - (2) Where an employee is directed by the employer to perform temporarily a part of the duties of an employee with a higher classification for a period of five days or more, that employee will receive an allowance established by reference to the proportion that the duties assumed bear to the whole of the duties of the higher position and the difference between the employee's substantive salary and the minimum salary of the higher position.
 - (3) Where an employee is promoted to a higher position in which that employee has previously been performing the duties in a temporary capacity, that employee will receive the increment to which the employee would normally have been entitled had the employee been promoted to the position at the commencement of the period of acting duty.
 - (4) Where an employee continues to perform the higher duties as provided for in paragraph (i)(1) hereof for a period of more than twelve months an increment if provided for in the higher classified position shall be paid.

PROVIDED that no employee shall be entitled to receive any increase in salary by virtue of paragraph (i) (4) hereof unless, in the opinion of the employer, the employee's conduct, diligence and efficiency during the twelve months immediately prior to the date from which such increase would be payable shall have been satisfactory.
 - (5) For the purposes of paragraph (i) (4) reference to employee does not include temporary employee (as defined) or casual employee (as defined).

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(ii) More Responsible Duties Allowance

- (1) Where, for a period of five days or more an employee is required to perform more responsible duties which are not capable of being paid for in paragraphs (i) (1) and (2) of this subclause, the employer shall authorise a more responsible duties allowance.

The allowance shall be established by reference to the value of the more responsible duties involved.

- (2) Where an employee receiving an allowance under paragraphs (i) or (ii) of this subclause, proceeds on approved leave, sick leave or leave in lieu of overtime (as defined) , the employee will continue to receive that allowance provided that the duties continue after the period of such leave.
- (3) Payment for overtime (as defined) shall be at the classification rate inclusive of the allowance provided in paragraphs (i) or (ii) of this subclause.
- (2) For the purposes of paragraphs (1), (2) and (3) of this subclause reference to employee does not include temporary employee (as defined) or casual employee (as defined).

(iii) Mixed Functions

Notwithstanding paragraphs (i) or (ii) of this subclause, an operational employee engaged continuously for two hours or more on duties carrying a higher rate than that employee's ordinary classification, shall be paid the higher rate for such day or shift. If for less than two hours the employee shall be paid the higher rate for the time worked.

PROVIDED that where an employee is required to work to relieve a person occupying a supervisory position where that person is absent on his/her nominated day off or a day in lieu thereof, this allowance shall not apply.

(e) Kilometrage

(i) Required User Category

Where an employee is required in writing by the employer to have available on a regular basis a private motor vehicle which the employee will be required to use for official purposes, and the employee agrees in writing to do so an allowance shall be paid for such use in accordance with the following rates:

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Annual Kilometreage Travelled on Duty in a Financial Year	Cents per Kilometre	
	Rate 1 2 litres and above	Rate 2 Less than 2 litres
First 10,000 kilometres	52.41 (100%)	45.07 (86%)
Any additional kilometres	27.77 (53%)	24.11 (46%)

PROVIDED that where the employer wishes to withdraw the requirement to provide a private motor vehicle then, except where special circumstances exist, at least one year's notice in writing shall be given, and the notice period shall specified to end on 30 June.

(ii) Occasional User Category

Where an employee is not required to provide a private motor vehicle for official use as prescribed in subclause (e) - Kilometreage, paragraph (i) - Required User Category but otherwise receives approval from the employer to use a private motor vehicle for official purposes on a occasional basis, an allowance shall be paid in accordance with the following rates:

Annual Kilometreage Travelled on Duty in a Financial Year	Cents per Kilometre	
	Rate 3 2 litres and above	Rate 4 Less than 2 litres
First 10,000 kilometres	34.94 (100%)	30.05 (86%)
Any additional kilometres	18.52 (53%)	16.07 (46%)

PROVIDED that the rates set out in this subparagraph shall not apply until such time as they exceed the rates which were effective as at 12 June 1985. The rates effective as at 12 June 1985 shall be known as the "Interim Occasional User Allowance" and shall not be varied.

PROVIDED ALWAYS an employee entitled to Rate 4 who as at 12 June 1985 was entitled to the rates which are now Rate A of the Interim Occasional User Allowance, set out below, for the use of a particular vehicle, shall continue to receive Rate A for the use of that same vehicle until the Rate 4 rates exceed 28.77 cents and 15.14 cents, where applicable.

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(iii) Interim Occasional User Allowance

Annual Kilometrage Travelled on Duty in a Financial Year	Cents per Kilometre	
	Rate A 16 HP of more incl. rotary engines	Rate B Less than 16 HP
First 10,000 kilometres	28.77	24.62
Any additional kilometres	15.14	13.12

(iv) For the purpose of subclause (e) - Kilometrage, paragraphs (i) - Required User Category and (ii) - Occasional User Category, the rates specified therein shall apply as follows:

RATES 1 and 3 Apply to motor vehicles generally recognised as having an engine capacity of 2:0 litres or more and include rotary engines.

RATES 2 and 4 Apply to motor vehicles generally recognised as having an engine capacity of less than 2:0 litres.

(v) The rates specified in subclause (e) - Kilometrage, paragraph (i) - Required User Category and (ii) - Occasional User Category, shall not be varied as a consequence of National Wage Case decisions. The rates shall be varied upon application subsequent to 30 March and 30 September of each year after the Hobart Transportation, Private Motoring subgroup, Consumer Price Index Numbers for the quarters ending 30 March and 30 September respectively, become available. The Rate 1 and Rate 3 variations for the first 10,000 kilometres travelled shall be calculated in accordance with the formula specified in decision T.33 of 1985 dated 13 June 1985.

Variations to the other rates specified in the tables in subclause (e) - Kilometrage, paragraphs (i) - Required User Category and (ii) - Occasional User Category, shall be calculated by applying the percentage shown in brackets to the relevant first 10,000 kilometres rate (as varied) shown as 100%.

(vi) An employee shall not receive an allowance for kilometres travelled in excess of 16,000 kilometres in any one financial year unless authorised by the employer concerned on the recommendation of the Head of Agency, to travel a greater distance in that year.

(vii) In addition the following allowances shall be paid to employees:

- (1) Where stationed in Category R as provided in subclause (b) - District Allowances, paragraph (ii), subparagraph (1) of this clause, \$24.70 per month plus \$9.90 per 1,600 kms travelled on duty.

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- (2) Where stationed in Category B as provided in subclause (b) - District Allowance, paragraph (ii), subparagraph (2) of this clause, \$16.40 per month plus \$9.90 per 1,600 kms travelled on duty.
 - (3) Where authorised to use a utility, four-wheel drive motor vehicle or any other special type of motor vehicle approved by the employer concerned - \$9.90 per month.
 - (4) Where authorised to use a trailer attached to the motor vehicle 2.97 cents for each kilometre travelled on duty with the trailer attached.
 - (5) Where authorised to use a motor vehicle on work involving the regular carrying of heavy equipment - \$9.90 per month.
 - (6) Where authorised to use a motor cycle - 9.67 cents for each kilometre travelled on duty.
 - (viii) Where an employee is required to provide a private motor vehicle in accordance with paragraph (i) - Required User Category of this clause and the distance travelled on duty in any financial year does not exceed 4,000 kilometres, the employee shall be paid an allowance calculated by multiplying the appropriate rate per kilometre by the difference between the actual number of kilometres travelled on duty during that year and 4,000 kilometres.
 - (ix) Where a part-time employee (as defined) is eligible for any payment under subclause (e) - Kilometrage, paragraph (viii) of this clause, such allowance shall be calculated on the proportion of the total hours worked in that year by the part time employee to the annual standard hours for a full time employee of the same classification.
 - (x) Unless otherwise directed by the employer, kilometrage on duty shall be the distance travelled from an employee's place of employment to his or her destination and return to his or her place of employment.
 - (xi) A kilometrage allowance in excess of or at variance with the rates set forth in paragraphs (i) - Required User Category and (ii) - Occasional User Category of this subclause may be paid if, on the determination of the employer concerned, special circumstances exist which justify such excess or variation.
- (f) Meal Allowance
- (i) Where an employee is required to commence duty at their headquarters not less than one and a half hours before, or to remain on duty for not less than one and a half hours after, the normal hours of duty, and that requirement necessitates the employee obtaining a meal away from home, that employee shall, subject to this paragraph, be paid a meal allowance at the following rate:

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Meal	Rate of Allowance \$
Breakfast	6.75
Lunch (or midday meal)	7.40
Dinner (or evening meal)	13.10

PROVIDED that where an employee who is required to work overtime (as defined) on a Saturday, Sunday or holiday with pay, has been given prior notice the previous day or earlier, the employee shall not be entitled to the meal allowance BUT where such prior notice has not been given the employee shall attract such payment.

(ii) Where the duties of an employee require the employee to travel from that employee's headquarters and the employee is more than 60 kilometres at the normal meal break, that employee shall, subject to this paragraph, be paid:

(1) in the case of a meal purchased by the employee at any hotel, boarding house, or public eating house, a meal allowance at the following rate:

Meal	Rate of Allowance \$
Breakfast	6.75
Lunch (or midday meal)	7.40
Dinner (or evening meal)	13.10

(2) in the case of a meal provided by the employee, a meal allowance of \$2.20 for each meal so provided.

(g) Travelling Allowance

(i) Employees travelling on duty who are required to remain away from their normal place of residence overnight shall be paid an allowance calculated in accordance with the following components:

Component	Within Tasmania \$	Outside Tasmania \$	Sydney \$
Overnight Absence from Normal Place of Residence	66.45	92.95	108.50
Breakfast (preceding or following an overnight absence) applicable hours 7.00am - 8.30am	10.85	10.85	10.85

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Lunch (preceding or following an overnight absence) applicable hours 12.30pm - 2.00pm	9.65	9.65	9.65
Dinner (preceding or following an overnight absence) applicable hours 6.00pm - 7.30pm	20.55	20.55	20.55

PROVIDED that if the employee so wishes, that employee shall be allowed advance payment of the estimated allowance payable for the period of travel in question.

- (ii) In addition to the allowance available in accordance with paragraph (i) of this subclause and provided the employer is satisfied that the employee did incur the expense claimed, an employee shall be entitled to reimbursement of reasonable expense incurred, as a result of his or her absence from the normal place of residence, for the following purposes:-
 - (1) a telephone call to the employee's spouse or children each 24 hours;
 - (2) dry cleaning or laundry required as the result of an extended absence.
- (iii) Notwithstanding paragraph (i) of this subclause where the employer is satisfied that no reasonable alternative accommodation is available, the employee may be reimbursed for actual expenses incurred.
- (iv) Where an employee travels with a Minister or in a representative capacity for the State, or on special duties as determined by the employer, and thereby incurs additional expense, the employee may be paid such travelling allowance as may be determined by the employer.
- (v) Where public transport is not conveniently available and employees in the performance of their duties find it necessary to hire other forms of transport, they shall, subject to the approval of the employer, be reimbursed the actual costs incurred in the hiring of such transport.
- (vi) Where employees in the performance of their duties are required to be stationed temporarily at any place other than their usual headquarters for a period exceeding three weeks, and are absent from their normal place of residence, and have to procure board and lodging whilst so stationed, they shall be paid a travelling allowance at the following rates:
 - (1) for the first three weeks in accordance with the rates set forth in paragraph (i) of this subclause; and
 - (2) thereafter, at such rate as the employer concerned may determine.

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(vii) Where the employer certifies that the duties of an employee involve systematic travelling, the employer shall determine the rate to be paid to such employee within the limits of the rates set forth in paragraph (i) of this subclause.

(viii) Where an employee in the performance of their duties is required to travel:

(1) Within Australia (including Papua New Guinea and New Zealand - by ship, aircraft, railway train, or other means of conveyance, where the employee is provided meals and sleeping quarters, that employee, while so travelling, shall be paid a travelling allowance at the rate of:

	Rate per day \$
Within this State	10.35
Outside this State	14.55

(2) Outside Australia, Papua New Guinea and New Zealand - that employee, while so travelling, shall be paid a travelling allowance at such a rate as the employer may approve.

12. ANNUAL LEAVE

(a) Period of Leave

(i) Employees other than those who receive a 20% loading (in lieu of annual leave, sick leave and holidays with pay) shall be allowed annually and after 12 month of continuous service:

- 152 hours leave in the case of employees working 38 hours per week
- 150 hours leave in the case of employees working 37.5 hours per week
- 147 hours leave in the case of employees working 36.75 hours per week

(ii) Shiftworkers (as defined)

In addition to the leave prescribed in subclause (a) (i) of this clause shiftworkers (as defined) shall be allowed 38 hours leave to be taken in 7 consecutive days including non-working days. Where an employee with 12 months' continuous service is engaged for part of the 12 monthly period as a shiftworker (as defined), that employee shall be entitled to have the period of annual leave prescribed in subclause (a) (i) of this clause increased by 6.33 hours for each 2 months the employee is continuously engaged.

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(iii) Part-Time Employees (as defined)

Part-time employees (as defined) (excluding employees who receive the 20% loading in lieu of annual leave, sick leave and holidays with pay shall be entitled to annual leave based on the number of ordinary hours worked in the leave year.

The leave entitlement shall be calculated as follows:

part-time hours worked p.a.(including any periods of annual leave)

$$\frac{\text{full-time hours per annum}}{\text{full-time leave entitlement}} \times 1$$

(b) Annual Leave Exclusive of Holidays With Pay

Subject to this subclause the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by Clause 20 - Holidays with Pay, and if any such holiday falls within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day, there shall be added to the period of annual leave time equivalent to the ordinary time which the employee would have worked if such day had not been a holiday.

Notwithstanding the foregoing provisions, a shift worker (as defined) shall have added to their period of annual leave one day for each statutory holiday mentioned in Clause 20 - Holidays with Pay, whether or not such holiday is observed on a day which, for that employee would have been a rostered day off. This shall not apply to a Statutory holiday which is observed on a Saturday or on a Sunday.

(c) Broken Leave

Leave allowed under the provisions of this clause shall be given and taken in not more than 2 separate periods unless the Head of Agency and the employee otherwise agree.

(d) Time of Taking Leave

Annual leave shall be given at a time fixed by the Head of Agency within a period not exceeding 6 months from the date when the right to annual leave accrued and after not less than 2 weeks notice to the employee.

(e) Payment in Lieu Prohibited

Except as provided in subclause (g) of this clause payment shall not be made or accepted in lieu of annual leave.

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(f) Payment for Period of Leave

Each employee before going on leave shall be paid the amount of wages that employee would have received in respect of the ordinary time which the employee would have worked had that employee not been on leave during the relevant period and no deduction shall be made for board and lodging. Payment calculated in accordance with the provisions of this clause should be made for the full weeks of leave at the time, unless otherwise specified by the employee.

PROVIDED that a shiftworker (as defined) who is normally rostered to work 160 hours in an accounting period, in accordance with the proviso to Clause 33 - Shift Work, subclause (e) - Hours, paragraph (i) of this award, shall be paid the amount of wages they would have received in respect of the ordinary time they would have worked had they been rostered to work the standard 152 hours had they not been on leave during the relevant period and no deduction shall be made for board and lodging and no day in lieu shall accrue.

Payment shall be made not later than 12 noon on the last day of work prior to going on leave.

(g) Proportionate Leave on Ending Service

If after one month of continuous service in any qualifying 12 month period an employee lawfully leaves their employment or their employment is terminated by the employer through no fault of the employee, the employee shall be paid at that employee's ordinary rate of wages as follows:-

- (i) Day Worker (as defined) - 8.33% of annual leave entitlement for that category of employee for each completed month of continuous service.
- (ii) Shift Worker who is entitled to five weeks leave in a full year - 8.33% of annual leave entitlement for that category of employee for each completed month of continuous service in addition such entitlements established under the provisions of subclause (b) - Annual Leave Exclusive of Holidays with Pay of this clause.
- (iii) Part-Time Employees (as defined) not attracting a 20% Loading.
 - (1) Shift Worker (as defined) - 8.33% of normal hours worked in each completed month of continuous service in addition to such entitlements established under the provisions of subclause (b) - Annual Leave Exclusive of Holidays with Pay of this clause.
 - (2) Day Worker (as defined) - 8.33% of annual leave entitlement for that category of employee for each completed month of continuous service.

Service shall be deemed to be continuous if the employee was engaged as a part-time employee (as defined) during the relevant period.

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(h) Calculation of Continuous Service

For the purpose of this clause, service shall be deemed to be continuous notwithstanding any absence from work on account of any approved leave with pay.

In calculating the period of 12 months continuous service any such absence as mentioned shall not, except to the extent of not more than 91 days in any 12 month period, be taken into account in calculating the period of 12 months continuous service.

(i) Employer Instigated Cancellation of Leave by the Head of Agency

- (i) Where the Head of Agency cancels approved annual leave (whether agreed or otherwise by the employee, and irrespective of when such cancellation notification is given) an employee incurs a monetary loss directly associated with pre-established annual leave holiday arrangements, and such loss is deemed to be unrecoverable, the employee shall be entitled to recover such otherwise unrecoverable costs from the employer.

PROVIDED that such claims must be verified by the production of receipts or other form of documentation indicating the prior expenditure incurred associated with pre-holiday arrangements. This information is to be accompanied by written notification, from the person or organisation with whom or which the payment was made, stating the amount which is not recoverable.

PROVIDED ALWAYS that the employer shall only be liable to pay that portion of the payment declared unrecoverable, which is not subject to an insurance claim or payment.

- (ii) An employee who, during a period of annual leave, responds to an employer instigated request to return to work during such a period of annual leave shall be entitled to redeem from the employer any travel and other associated costs incurred in returning to work and the subsequent resumption of annual leave. Such costs are deemed to be those in excess of costs normally incurred by the employee in travelling daily to and from work.

The reimbursement of costs associated with the resumption of annual leave would only apply when the period of leave was deemed to be continuous, save only for the interruption occasioned by the return to work.

Claims for reimbursement of travel and other associated costs must be accompanied by receipts and any other form of documentation which would be appropriate to the circumstances of the claim.

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- (iii) An employee, on returning to work in response to an employer instigated request, shall be recredited with one day's annual leave for each day or part thereof the employee is deemed to be at work. The employee shall be entitled to observe such additional recredited day or days in addition to that unused portion of approved annual leave (which the employee would have observed but for the interruption occasioned by his/her return to work) immediately upon the expiration of the period of duty for which the employer recalled the employee.

PROVIDED that an employee may elect to take the balance of unused leave and recredited days at a later date.

13. APPRENTICES

- (a) Except where otherwise specifically determined by this award, the terms and conditions of the employment of apprentices in respect of period of indenture, form and effect of indenture, assignment of indenture, cancellation of, and determination of disputes in relation to indentures, proportionate number of apprentices to tradesperson employed preparatory education, course of apprenticeship and the standards of education and trade experience for such course in each trade, attendance of apprentices at compulsory classes and time off for attendance, payment for examinations passed, and disciplinary measures shall be in accordance with the provisions of the Industrial and Commercial Training Act 1985 and the Regulations (or any other Act that may supersede the previously mentioned Act).
- (b) The ordinary hours of employment of apprentices shall not in any case exceed those of a tradesperson.
- (c) No apprentice shall, except in an emergency, work or be required to work overtime (as defined) or shiftwork (as defined) at times which would prevent their attendance at any course of instruction as required by the Industrial and Commercial Training Act 1985 and the Regulations (or any other Act that may supersede the previously mentioned Act).
- (d) Apprentices who are attending approved education training institutions and who present reports of satisfactory conduct shall be reimbursed all fees paid by them.

14. BOARD AND LODGING

- (a) An employee who is provided with board and/or lodging at a health service facility shall have deducted from that employee's salary the following amounts in respect of such board and lodging:

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	\$
(i) Where both board and lodging is provided per week	93.47
(ii) Where lodging but no board is provided per week	17.17
(iii) Where board but no lodging is provided per week	76.30
(b) The amount that may be deducted where meals only are provided shall be as follows:-	

	Rate Per Meal
	\$
LUNCH/EVENING	
3 Course (Soup, Main and Sweet)	4.20
2 Course (Main, Soup or Sweet)	3.10
Single Main - Hot or Cold	2.00
Single Course other than Main Course	1.10
All breakfasts - full	4.20
Continental breakfast	2.50

PROVIDED that the employer may include on the cafeteria menu meals at prices above those covered by the award.

PROVIDED ALWAYS -

- (i) a minimum charge of \$1.10 applies for each meal taken;
- (ii) in each case where a one, two or three course meal is ordered and charged for as above, no extra charge is to be levied for either beverages, toast, bread, butter or condiments.

15. CASUAL EMPLOYEES

A casual employee (as defined) shall:

- (a) be engaged by the hour up to a maximum of 1 calendar month.
- (b) receive a 20% loading at the appropriate rate to compensate for annual leave, sick leave and holidays with pay as prescribed in Clause 12 - Annual Leave, Clause 34 - Sick Leave and Clause 20 - Holidays with Pay.

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- (c) be given a minimum of 2 hours work or pay on each occasion they are required to attend work unless otherwise mutually agreed by the employee, employer and relevant union (as defined).
- (d) be paid penalty payments over and above the 20% loading.

16. COMPASSIONATE LEAVE

An employee shall, on the death of a wife, husband, father, mother, child, stepchild, brother, sister, mother-in-law, father-in-law, stepmother, stepfather, grandfather, grandmother and grandchild, be entitled upon application being made to, and approved by the Head of Agency, to leave up to and including the day of the funeral of such relative and such leave will be without deduction of pay not exceeding the number of ordinary hours worked by the employee in 3 ordinary days.

PROVIDED that no payment shall be made in respect of an employee's rostered days off.

Proof of such death, in the form of a death notice or other written evidence, shall be furnished by the employee to the satisfaction of the employer,

PROVIDED ALWAYS that this clause shall have no operation while the period of entitlement to leave under it coincides with any other period of entitlement to leave.

For the purpose of this clause the words "wife" and "husband" shall not include a wife or husband from whom the employee is separated, but shall include a person who lives with the employee as a de facto wife or husband.

17. CONTRACT OF EMPLOYMENT

- (a) Except as otherwise provided by the State Service Act 1984, employment shall be by the fortnight. Any employee not specifically engaged as a casual employee (as defined) shall be deemed to be employed by the fortnight.
- (b) An employee (other than a casual employee (as defined)) willing to work, who works for less than a full working fortnight, shall be entitled to a full fortnight's wages.
- (c) Employment shall be terminated by 2 weeks notice given by either side or by the payment or forfeiture of 2 weeks wages as the case may be. This shall not affect the right of the employer to dismiss an employee for serious misconduct or serious neglect of duty, in which case wages shall be paid up to the time of dismissal only.

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18. EXCESS FARES

An employee who is required by the Head of Agency to attend work for short periods at a location other than their regular place of employment shall be paid such reasonable fares necessarily incurred.

PROVIDED that no employee shall be entitled to the benefits of this paragraph for more than three months in any one continuous period.

19. GRIEVANCE AND DISPUTE SETTLEMENT PROCEDURE

The objectives of this procedure are to promote the resolution of grievances and disputes by measures based on consultation, co-operation and discussion; to reduce the level of industrial disputation and to avoid interruption to the performance of work and the consequential loss of service to the community and of wages.

- (a) In the first instance, the employees and/or union(s) (as defined) shall attempt to resolve the grievance or dispute with the immediate supervisor. The local union representative(s) shall be present if desired by either party.
- (b) If the grievance or dispute is not settled at that stage, the matter shall be referred to the manager of the work unit. The local union representative shall be present if desired by either party.
- (c) If the grievance or dispute remains unresolved, the matter shall be referred to representatives of regional or corporate management and the state secretary of the appropriate union.
- (d) It is agreed that steps (a) to (c) shall take place within 7 days.
- (e) If the grievance or dispute remains unresolved, the matter shall be referred to the Tasmanian Industrial Commission for decision, which shall be accepted by all parties as settlement of the grievance or dispute.
- (f) Until the grievance/dispute is resolved through any or all of the steps (a) to (e), work shall continue normally in accordance with custom and practice existing before the grievance or dispute arose.

No party shall be prejudiced as to the final settlement of a grievance or dispute by the continuation of normal work as above.

- (g) The foregoing grievance and dispute settling procedure is without prejudice to any statutory rights available to an employee under the provisions of the Tasmanian State Service Act.

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20. HOLIDAYS WITH PAY

- (a) All employees, other than shift workers (as defined), casual employees (as defined) and part-time employees (as defined) engaged to work less than 20 hours per week, shall be entitled to the following holidays without deduction from their wages -

Christmas Day, Boxing Day, New Year's Day, Australia Day, Cup Day (as defined), Hobart Regatta Day (south of Oatlands, including Oatlands), Eight Hours Day, Good Friday, Easter Monday, Easter Tuesday, ANZAC Day, Queen's Birthday, Show Day (as defined) and the first Monday, in November in those districts where Hobart Regatta Day is not observed, or such other day as may be observed in the locality in lieu of any of the aforementioned holidays.

In addition, such other day or days declared from time to time to be State Service holidays, having regard to the declared location of such day or days.

- (b) Payment for the holidays mentioned in subclause (a) of this clause which are taken and not worked, shall be at the normal rate of pay which would have applied to the employee concerned, when if it were not for such holiday, he/she would have had been at work.
- (c) Where an employee who is entitled to holidays' in accordance with subclause (a) of this clause is required to work on any of the holidays mentioned in that subclause, either for part or the whole of such day the employee shall, in the case of a shift worker (as defined) be paid at the rate prescribed in Clause 33 - Shift Work, subclause (h) - Saturday, Sunday and Holiday with Pay shifts, and in the case of a day worker be paid at the overtime rate prescribed in Clause 27 - Overtime (Other than Shift Workers).
- (d) An employee required to work on any of the holidays mentioned in subclause (a) of this clause, where such holiday applies at his/her normal place of work but because his/her duties require the employee to work at a place where the holiday does not apply, shall have the time in lieu of such holiday added to the employee's annual leave entitlement.

PROVIDED that ordinarily no employee shall be entitled to observe more than one full day or one-half day (as the case may be) Cup Day (as defined) holiday in any one year.

21. HOURS OF WORK - DAY WORKER (AS DEFINED)

- (a) The ordinary hours of work for a day worker (as defined) shall be:
- (i) thirty six and three quarters hours per week;
 - (ii) thirty seven and a half hours per week, or;

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(iii) thirty-eight hours per week;

to be worked in five days, Monday to Friday inclusive, in continuous periods of seven hours twenty one minutes, seven and a half hours and eight hours per day respectively between the hours of 7am and 5.30pm except for a meal break of no more than one hour.

PROVIDED that no employee shall be required to work more than 5 hours without a meal break

(b) A day worker (as defined) employed as an operational employee within a hospital who is directed to work during their recognised meal break shall, for all work performed during such period and thereafter until a meal break is allowed, be paid at the rate of double that employee's normal salary rate.

PROVIDED that all new employees from the operative date of 1 December 1993, shall work 38 hours per week, with all existing employees working less than 38 hours per week employed on or before the operative date shall, at their current classification level retain those hours until they reach the top of their classification level and have spent 12 months at that level.

PROVIDED ALWAYS that work performed by day workers (as defined) prior to 7am and after 5.30pm, shall be paid for at overtime rates, but shall be deemed for the purpose of this subclause to be part of the employees ordinary hours of work where his/her ordinary hours of work within the period 7am to 5.30pm in any week, have been less than 36.75, 37.5 or 38, whichever is applicable.

(c) Notwithstanding the provisions of this subclause, the spread of hours may be altered between 7am and 7pm to all or a section of employees by mutual agreement between the employer, the relevant union (as defined) and the majority of the employees affected, but not so as to require any employee to work more than nine hours in any day; or;

(i) for employees working 36.75 hours per week, no more than 147 hours in any 2 consecutive fortnightly pay periods;

(ii) for employees working 37.50 hours per week, no more than 150 hours in any 2 consecutive fortnightly pay periods;

(iii) for all other day workers (as defined), no more than 152 hours in any 2 consecutive fortnightly pay periods.

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22. LEAVE EXPENSES - BASS STRAIT ISLANDS

Where an employee is stationed permanently on the Bass Strait Islands and enters upon leave of absence that employee may, three times in 12 months, on the determination of the employer, be paid the return fares reasonably incurred by the employee for him/herself and any dependant member of the employee's family, permanently resident on the Bass Strait Islands, travelling from his/her station to the nearest seaport or airport on the mainland of this State. Such travel shall include travel via Melbourne when such indirect travel is the most expedient means of travelling to or returning from the nearest seaport or airport on the mainland of this State.

PROVIDED that -

- (a) with the approval of the employer an employee may, in substitution for travel to the nearest seaport or airport in this State, travel to any other seaport or airport in this State or to Melbourne;
- (b) for the purpose of obtaining emergency medical or dental treatment for an employee or dependant member of the employee's family, permanently resident on the Bass Strait Islands, an employee may, by way of reimbursement and, with the approval of the employer, be paid the return fare reasonably incurred for travel from his/her station to the nearest centre in this State or to Melbourne, where such treatment can be obtained. Such reimbursement shall be in substitution for one or all of the return fares for the person concerned, more particularly set forth, in this subclause;
- (c) the above entitlement is not cumulative, each 12 month period standing alone;
- (d) no employee shall be eligible to receive payment for the return fares as set forth above unless such employee has first completed three months continuous service on one or other of the Bass Strait Islands.

23. LIFTING OF PATIENTS

No employee shall be required or permitted to lift or carry by hand any patient who is unable to provide reasonable assistance and weighs over 25 kg without the assistance of another person.

PROVIDED that where any patient, who is unable to provide reasonable assistance, weighs over 76 kg, no employee who is of the opinion that additional assistance is necessary shall be required or permitted to lift or carry by hand such patient without the assistance of 2 other persons.

The expression 'lift' shall include the following:

- (a) raising a patient in bed;
- (b) raising or moving a patient who has fallen;

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- (c) removing a patient from a bed to a chair, wheelchair, commode, trolley, bath or other conveyance or receptacle;
- (d) removing a patient from a chair, wheelchair, commode, trolley, bath or other conveyance or receptacle to a bed or other place.

24. MATERNITY LEAVE

(a) Eligibility for Maternity Leave

An employee who becomes pregnant, shall upon production to the employer of a certificate from a duly qualified medical practitioner stating the presumed date of her confinement, be entitled to maternity leave provided that she has had not less than 12 months' continuous service with that employer immediately preceding the date upon which she proceeds upon such leave.

For the purposes of this clause:

- (i) An employee shall include a part-time employee (as defined) but shall not include an employee engaged upon casual or seasonal work.
- (ii) Maternity leave shall mean unpaid maternity leave.

(b) Period of leave and commencement of leave

- (i) Subject to subclauses (c) and (f) hereof, the period of maternity leave shall be for an unbroken period of from 6 to 52 weeks and shall include a period of 6 weeks compulsory leave to be taken immediately following confinement.
- (ii) An employee shall, not less than 10 weeks prior to the presumed date of confinement, give notice in writing to the employer stating the presumed date of confinement.
- (iii) An employee shall give not less than 4 weeks' notice in writing to the employer of the date upon which she proposes to commence maternity leave stating the period of leave to be taken.
- (iv) The employer by not less than 14 days' notice in writing to the employee may require her to commence maternity leave at any time within 6 weeks immediately prior to her presumed date of confinement.
- (v) An employee shall not be in breach of this clause as a consequence of failure to give the stipulated period of notice in accordance with paragraph (iii) hereof, if such failure is occasioned by the confinement occurring earlier than the presumed date.

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(c) Transfer to a safe job

Where in the opinion of a duly qualified medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue at her present work, the employee shall, if the employer deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until the commencement of maternity leave.

If the transfer to a safe job is not practicable, the employee may, or the employer may require the employee to, take leave for such period as is certified necessary by a duly qualified medical practitioner. Such leave shall be treated as maternity leave for the purposes of subclauses (g), (h), (i) and (j) hereof.

(d) Variation of period of maternity leave

(i) Provided the addition does not extend the maternity leave beyond 52 weeks, the period may be lengthened once only, by the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be lengthened.

(ii) The period of leave may, with the consent of the employer, be shortened by the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be shortened.

(e) Cancellation of maternity leave

(i) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of an employee terminates other than by the birth of a living child.

(ii) Where the pregnancy of an employee then on maternity leave terminates other than by the birth of a living child, it shall be the right of the employee to resume work at a time nominated by the employer which shall not exceed 4 weeks from the date of notice in writing by the employee to the employer that she desires to resume work.

(f) Special maternity leave and sick leave

(i) Where the pregnancy of an employee not then on maternity leave terminates after 28 weeks other than by the birth of a living child then

(1) she shall be entitled to such period of unpaid leave (to be known as special maternity leave) as a duly qualified medical practitioner certifies as necessary before her return to work; or

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- (2) for illness other than the normal consequences of confinement she shall be entitled, either in lieu of or in addition to special maternity leave, to such paid sick leave as to which she is then entitled and which a duly qualified medical practitioner certifies as necessary before her return to work.
- (ii) Where an employee not then on maternity leave suffers illness related to her pregnancy, she may take such paid sick leave as to which she is then entitled and such further unpaid leave (to be known as special maternity leave) as a duly qualified medical practitioner certifies as necessary before her return to work, provided that the aggregate of paid sick leave, special maternity leave and maternity leave shall not exceed 52 weeks.
- (iii) For the purposes of subclauses (g), (h) and (i) hereof, maternity leave shall include special maternity leave.
- (iv) An employee returning to work after the completion of a period of leave taken pursuant to this subclause shall be entitled to the position which she held immediately before proceeding on such leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (c), to the position she held immediately before such transfer.

Where such position no longer exists but there are other positions available, for which the employee is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and salary or wage to that of her former position.

(g) Maternity leave and other entitlements

Provided the aggregate of leave including leave taken pursuant to subclauses (c) and (f) hereof does not exceed 52 weeks:

- (i) An employee may, in lieu of or in conjunction with maternity leave, take any annual leave or any part thereof to which she is then entitled.
- (ii) Paid sick leave or other paid authorised award absences (excluding annual leave), shall not be available to an employee during her absence on maternity leave.

(h) Effect of maternity leave on employment

Notwithstanding any award or other provision to the contrary, absence on maternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of an award.

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- (i) Termination of employment
 - (i) An employee on maternity leave may terminate her employment at any time during the period of leave by notice given in accordance with this award.
 - (ii) The employer shall not terminate the employment of an employee on the ground of her pregnancy or of her absence on maternity leave, but otherwise the rights of a employer in relation to termination of employment are not hereby affected.
- (j) Return to work after maternity leave
 - (i) An employee shall confirm her intention of returning to her work by notice in writing to the employer given not less than 4 weeks prior to the expiration of her period of maternity leave.
 - (ii) An employee, upon expiration of the notice required by paragraph (i) hereof, shall be entitled to the position which she held immediately before proceeding on maternity leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (c) to the position which she held immediately before such transfer. Where such position no longer exists but there are other positions available for which the employee is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and salary or wage to that of her former position.
- (k) Replacement employees
 - (i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on maternity leave.
 - (ii) Before a employer engages, a replacement employee under this subclause, the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.
 - (iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising her rights under this clause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.
 - (iv) Provided that nothing in this subclause shall be construed as requiring a employer to engage a replacement employee.
 - (v) A replacement employee shall not be entitled to any of the rights conferred by this clause except where her employment continues beyond the 12 months' qualifying period.

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25. MEALS ON DUTY

Where, on the determination of the Head of Agency, the nature of an employee's duties are such as to warrant free meals on duty, or where in the Head of Agency's opinion other good reason exists for the provision to an employee of free meals on duty, such meals shall be provided free of charge.

26. NOTICE BOARD

The Head of Agency shall provide a notice board of reasonable dimensions to be erected in the workplace in a prominent position upon which accredited union representatives shall be permitted to post formal signed union notices.

27. OVERTIME - Other Than Shiftworkers

- (a) (i) The Head of Agency may require an employee to work reasonable overtime (as defined) at overtime rates, and such employee shall work overtime (as defined) in accordance with such requirement. No overtime (as defined) shall be worked without the prior approval of the Head of Agency or a person authorised by the Head of Agency to approve overtime (as defined) work.
- (ii) For all time worked in excess of the ordinary hours of work, Monday to Saturday inclusive, payment shall be made at the rate of time and a half for the first two hours, and double time thereafter. For overtime (as defined) work on Sunday, payment of double time and overtime (as defined) performed on a holiday with pay or such other day as may be allowed as a State Service Holiday (other than rostered shiftwork) to be paid at double time and one half.

PROVIDED that, except as provided by Clause 30 - Remote Call, On Call Close Call of this award, where an employee is in receipt of a salary of or exceeding the maximum salary entitlement payable to Level 5 of the Administrative and Clerical classification as prescribed by this award but not exceeding the maximum salary entitlement prescribed for Level 7 of the Administrative and Clerical classification, an entitlement for payment of overtime (as defined) shall be computed at the rate of the maximum salary entitlement payable to Level 5 of the Administrative and Clerical classification.

PROVIDED ALWAYS that, except as provided by Clause 30 - Remote Call, On Call and Close Call of this award, officers in receipt of a salary in excess of the maximum salary entitlement determined for Level 7 Administrative and Clerical classification under this award, shall not be entitled to payment for any overtime (as defined) worked.

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An employee who holds a position which regularly requires them to work on holidays with pay shall, where mutually agreed, by the employee, employer and the appropriate union (as defined), be paid in addition to any paid time off in lieu granted by the employer concerned, at the rate of time and a half of their ordinary rate for the first eight hours worked during their normal spread of hours, and thereafter in accordance with the overtime rates set forth in paragraph (ii) above.

PROVIDED FURTHER that no employee shall receive in the aggregate more than the equivalent of double time and a half of the employee's ordinary rate. For the purposes of computing overtime (as defined), each day's work shall stand alone - except in those cases where overtime (as defined) is continuous from one day to the next.

- (iii) Unless the period of overtime (as defined) is one and a half hours or less, an employee before starting overtime (as defined) shall be allowed a meal break of twenty minutes, which shall be paid for at ordinary rates. The employer and an employee may agree to any variation of this provision to meet the circumstances of the work in hand.
- (iv) An employee required to work overtime (as defined) for more than two hours without being notified on the previous day or earlier that the employee will be so required, shall either be supplied with a meal by the employer, or paid \$9.25 in lieu thereof.
- (v) Allowances prescribed by this award other than Higher and More Responsible Duties and Mixed Functions allowance, shall not be taken into account in the compilation of overtime and penalty rates prescribed by this award.

Notwithstanding the foregoing, the 20% loading payable to casual employees (as defined) and part-time employees (as defined) working less than 20 hours per week shall be taken into account before calculating penalty rates payable for weekend and holiday with pay shifts, but shall not be taken into account when calculating overtime payments.

(b) Rest period after overtime

- (i) When overtime (as defined) work is necessary it shall, wherever reasonably practicable, be so arranged that employees have at least eight consecutive hours off duty between the work of successive days.
- (ii) An employee (other than a casual employee (as defined)) who works so much overtime (as defined) between the termination of ordinary work on one day and the commencement of ordinary work on the next day, that the employee has not had at least eight consecutive hours off duty between those times shall, subject to this section, be released after completion of such overtime (as defined) until that employee has had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

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- (iii) If on the instructions of the employer such an employee resumes or continues work without having had eight consecutive hours off duty, the employee shall be paid at double time until the employee is released from duty for such period and the employee shall then be entitled to be absent until that employee has eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

28. PART-TIME EMPLOYEES (AS DEFINED)

Part-time employees (as defined) shall be entitled to the conditions prescribed by this award, except where such conditions are in conflict with those set out below, in which case this clause will apply.

(a) Annual Leave - Part-Time Shiftworkers

- (i) To qualify as a shiftworker (as defined) for the purposes of receiving an additional week's annual leave a part-time employee (as defined) shall be rostered to perform work on not less than 10 Saturdays and not less than 10 Sundays during any one year.
- (ii) A part-time shiftworker shall have his/her period of annual leave extended by the addition of one day for each holiday with pay as prescribed in Clause 20 - Holidays with Pay, whether or not such holiday is observed on a day which for that employee would have been a rostered day off.

This shall not apply in respect to a statutory holiday which is observed on a Saturday or a Sunday.

- (iii) A part-time shiftworker whose place upon a roster does not rotate (by agreement between the relevant parties and persons bound by this award and the employees concerned) shall only have their period of annual leave extended by the addition of one day for each holiday prescribed in Clause 20 - Holidays with Pay, upon which the employee is rostered to work.

The provisions of paragraphs (ii) and (iii) of this subclause shall not apply in respect to a statutory holiday which is observed on a Saturday or a Sunday.

(b) Calculation of Hourly Rate

- (i) The hourly rate of pay to be paid to a part-time employee (as defined) shall be calculated in the following manner:
 - (1) if a part-time employee (as defined) is employed in a classification where the full-time equivalent hours are 38, then that employee shall be paid at the rate of 1/38 of the salary prescribed in Clause 8 - Salaries for that classification;

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- (2) if a part-time employee (as defined) is employed in a classification where the full-time equivalent hours are 37.50, then that employee shall be paid at the rate of 1/37.50 of the salary prescribed in Clause 8 - Salaries for that classification;
 - (3) if a part-time employee (as defined) is employed in a classification where the full-time equivalent hours are 36.75, then that employee shall be paid at the rate of 1/36.75 of the salary prescribed in Clause 8 - Salaries for that classification;
- (ii) Part-time employees (as defined) working less than 20 hours per week shall receive a 20% loading in lieu of annual leave, sick leave and holidays with pay, at the appropriate rate to compensate for all paid leave and holiday entitlements.
- (c) District Allowance

The district allowance payable to full-time employees under the provisions of this award shall be paid to part-time employees (as defined) on the following basis:-

Less than 10 hours per week	1/4 of the rates prescribed for similar full-time employees
10 hours but less than 20 hours per week	1/2 of the rates prescribed for similar full-time employees
20 hours but less than 30 hours per week	3/4 of the rates prescribed for similar full-time employees
30 hours or more per week	The full amount of the rates prescribed for similar full-time employees

- (d) Hours of Work
- (ii) A part-time employee (as defined) shall be provided with minimum of 2 hours work or pay on each occasion they are required to attend for work unless otherwise mutually agreed by the employee, employer and the appropriate union (as defined).
 - (i) A part-time employee (as defined), engaged as a day worker (as defined), who is required to work outside the spread of hours as prescribed in Clause 21 - Hours of Work (Day worker) shall be paid penalty rates as follows:-
 - (1) Monday to Saturday - time and a half for the first two hours, double time thereafter;
 - (2) Sunday - double time;
 - (3) Holidays with Pay - double time and a half.

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- (iii) A part-time employee (as defined) who is required to work on Saturdays, Sundays and holidays with pay shall be paid for all time worked on those days, the penalty rates prescribed for those days in Clause 27 - Overtime - Other Than Shiftworkers, subclause (a) (ii).

PROVIDED that a part-time employee (as defined) who receives a loading in lieu of annual leave, sick leave and holidays with pay, shall be paid at the rate of 1.7 times the relevant award rate (as defined) for work on a holiday with pay.

(e) Leave Without Pay

A part-time employee (as defined) working less than 20 hours per week who receives a loading in lieu of annual leave, sick leave and holidays with pay, shall be entitled to elect to take up to 4 weeks leave without pay in any one leave year. Leave under this provision shall not be cumulative.

Leave allowed under this provision may be taken by mutual agreement by the employee, employer and the appropriate union (as defined).

(f) Overtime (as defined)

The overtime rate for part-time employees (as defined) shall be calculated by adding the overtime penalty prescribed in Clause 27 - Overtime - Other Than Shiftworkers, to the employee's normal hourly rate.

(g) Shiftwork - Part-time Employees (as defined)

Part-time shiftworkers shall be entitled to the provisions of Clause 33 - Shift Work with the following exceptions:-

- (i) Hours - the maximum hours in any one fortnight shall be eighty.
- (ii) The maximum hours in any one day shall be 8, (except where such hours are worked in accordance with the provisions of Clause 33 - Shift Work, subclause (a)(i)), any time worked outside of these hours shall be paid at the rate of double time.
- (iii) Rosters - the provisions of Clause 33 - Shift Work in this respect shall apply but work by choice or mutual agreement by the employee, employer or appropriate union (as defined) outside rostered shifts shall not be subject to penalty (other than shift, Saturday, Sunday and holiday with pay penalties).

PROVIDED that any time worked in excess of 8 hours per day shall be paid at the rate of double time.

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Where an employee is instructed to work shifts other than in accordance with Clause 33 - Shift Work the employee shall be entitled to the penalty payments prescribed by that clause.

- (iv) Meal breaks - the paid meal break prescribed by Clause 33 - Shift Work shall be given to all employees who work in excess of four hours.

PROVIDED that in determining the amount of leave to which an employee is entitled at any time (other than leave which has been accumulated) the average hours worked per week in the preceding 3 months shall be used except that where an employee has less than 3 months' service, the period per week for which the employee was engaged shall be used.

PROVIDED ALWAYS that in determining the amount of leave to be accumulated for the purposes of Clause 34 - Sick Leave, subclause (d) the entitlement shall be based on the average number of hours worked in 12 months (less the period of sick leave taken).

- (h) Sick Leave For Part-Time Employees (as defined)

Part-time employees (as defined) who work in excess of 20 hours per week shall, in any one year, be entitled to the following sick leave entitlements:-

20 hours to less than 30 hours per week	114 hours p.a.
30 hours and above	152 hours p.a.

29. PAYMENT OF WAGES

- (a) Wages, including overtime (as defined), shall be paid during working hours, at intervals of not more than two weeks and not later than Thursday.

When a holiday with pay, as prescribed in Clause 20 - Holidays with Pay, falls on a normal pay day wages shall be paid on the last working day prior to the holiday with pay.

- (b) Payment shall be by direct deposit into a credit institution nominated by the employee.

The present pay day and time of payment, or method of payment shall not be varied, except after consultation with the appropriate union concerned and an agreed phasing-in period.

- (c) On or prior to pay day the employer shall provide to the employee, particulars in writing, setting out full details of the wages to which the employee is entitled to the statement shall at least include the following information:

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- (i) Date of payment;
 - (ii) Period covered by payment;
 - (iii) The total amount of wages;
 - (iv) The amount of wages at ordinary rate, including the hourly rate;
 - (v) The amount of wages paid as overtime, at the rate of time and one half, including the rate;
 - (vi) The amount of wages paid as overtime, at the rate of double time, including the rate;
 - (vii) The amount paid as shift or other allowances, with sufficient information to allow the employee to identify each payment;
 - (viii) The amount paid as penalty rates for rostered shifts, with sufficient information to allow the employee to identify each payment;
 - (ix) Any payment for annual leave, sick leave, workers compensation, back pay or any other payment not usually included in the employees wages, which shall contain sufficient detail so as to inform an employee how each amount has been calculated;
 - (x) Employees classification;
 - (xi) The amount deducted for taxation purposes;
 - (xii) The amount of any other deduction shall be listed individually and identified;
 - (xiii) The net amount of wages.
- (d) An employee kept waiting for their wages on a normal pay day for more than a quarter of an hour after the usual time for ceasing work shall be paid at overtime rates after that quarter of an hour, with a minimum of a quarter of an hour.

30. RECALL, ON CALL AND CLOSE CALL

- (a) An employee who is recalled to work overtime (as defined) without prior notice thereof shall be paid as follows:-
- (i) In respect of the first recall a minimum payment of 3 hours at the appropriate overtime rate.

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- (ii) In respect of subsequent recalls occurring up to three hours from the commencement of the first recall for which a minimum payment has been attracted, in accordance with (i) of this sub-clause no extra payment shall accrue until the time actually worked exceeds three hours.
- (iii) Payment for all recalls occurring outside the three hour period from the commencement time of the first recall for which a minimum payment has been made shall be calculated at the appropriate overtime rate for actual time worked.
- (iv) The appropriate overtime rate for the purpose of this clause shall be calculated as follows:
 - (1) Professional Employees

For a professional employee classified at Level 1 of this category, on the employees annual salary rate exclusive of all allowances.

For all other professional employees, on the maximum salary payable for a Level 1 employee (as defined) exclusive of all allowances.
 - (2) Technical Employees

For a technical employee classified at Levels 1 and 2 (as defined) of this category, on the employees annual salary rate exclusive of all allowances.

For all other technical employees, at the maximum salary payable for a Level 2 employee (as defined) exclusive of all allowances.
 - (3) Administrative and Clerical Employees

For an administrative and clerical employee classified at Levels 1, 2 and 3 (as defined) of this category, on the employees annual salary rate exclusive of all allowances.

For all other administrative and clerical employees, at the maximum salary payable for a Level 3 employee (as defined) exclusive of all allowances.
 - (4) Operational Employees

For an operational employee classified at Levels 1 through to 7 (as defined) of this category, on the employees annual salary rate exclusive of all allowances.

For all other operational employees, at the maximum salary payable for a Level 7 employee (as defined) exclusive of all allowances.

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- (b) For the purposes of this clause time reasonably spent in travelling to and from work shall be regarded as time worked.
- (c) For the purposes of determining the first recall period each continuous On Call period shall stand alone.

PROVIDED that where a continuous On Call period exceeds 24 hours each 24 hour On Call period shall stand alone.

- (d) Where an employee is recalled to work within three hours of commencing normal duty, the employee shall be paid at the appropriate overtime rate for that period up until the commencement time of the normal duty, but the employee shall not be obliged to work for the full period if the work for which the employee was recalled is completed in less time.
- (e) Where an employee as part of their normal duties returns to work for short periods to perform specific duties such as the checking of equipment or machinery, security or caretaking-type duties and the like that employee shall be excluded from the provisions of this clause.

31. PROTECTIVE CLOTHING AND SAFETY APPLIANCES

- (a) The employer shall maintain at its own expense full and sufficient supplies of safety appliances, such as rubber gloves, disinfectants, etc. for the use of employees.
- (b) The employer shall provide where necessary, suitable protective clothing for the employees. An employee who is supplied with protective clothing, shall wear such clothing in such a way as to achieve the purpose for which it is supplied.
- (c) Reimbursement for the cost to the extent of the damage sustained shall be made where, in the course of the work, an employee's clothing is damaged or destroyed by fire or the use of corrosive substances.

32. SALARY INCREMENTS

- (a) Except where otherwise specifically determined by this award or where inconsistent with any Act, an employee while holding a position within a classification level in respect of which a salary 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.
- (b) An employee who was an employee on the date of this award shall be entitled to receive such increments on the completion of a 12 months service after the date upon which the employee received his/her last salary increment in respect of the employee's present position.

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- (c) An employee whilst continuing to hold the same position shall, unless the employer 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 the employee's previous salary increment was awarded.
- (d) No employee shall be entitled to receive any increase in salary by virtue of this clause unless, in the opinion of the Head of Agency the employee's conduct, diligence and efficiency during the twelve months immediately prior to the date from which such increase would be payable shall have been satisfactory.

33. SHIFT WORK

- (a) Afternoon Shift (as defined) and Night Shift (as defined) Allowances

Subject to existing customs and practices:-

- (i) Shiftworkers (as defined), whilst on afternoon shift (as defined) and night shift (as defined) shall be paid fifteen per cent more than the ordinary rate for such shifts.
- (ii) A shiftworker (as defined) who works on any afternoon shift (as defined) or night shift (as defined) which does not continue for at least five successive afternoons or nights shall be paid for each shift fifty per cent more than their ordinary rate.
- (iii) An employee who:
 - (1) during a period of engagement on shift, works night shift (as defined) only; or
 - (2) remains on night shift (as defined) for a longer period than four consecutive weeks or;
 - (3) works on a night shift (as defined) which does not rotate or alternate with any other shift so as to give the employee at least one-third of his/her working time off night shift (as defined) in each shift cycle;

shall, during such engagement, be paid thirty per cent more than the employee's ordinary rate of pay for all time worked during ordinary working hours on such night shift (as defined) .

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(b) Broken Shifts

Subject to the proviso hereto broken shifts shall not be worked.

PROVIDED that in an emergency situation a broken shift may be worked by mutual agreement between the employer, the employee(s) and the appropriate union. All work performed in excess of a spread of nine hours shall be paid at the rate of double time.

(c) Daylight Saving

In accordance with the Daylight Saving Act 1968:

- (i) An employee who works the extra time at the commencement of Daylight Saving shall not be paid the extra time worked;
- (ii) An employee who works at the end of Daylight Saving shall not be penalised for such time not worked.

(d) 48 Hours Notice of Transfer in Emergencies

To enable the services of a hospital to be carried on in cases of illness or emergency situations an employee working or likely to work as a shiftworker (as defined) may be transferred from a day worker (as defined) to a shiftworker (as defined), or vice versa, subject to a minimum period of 48 hours notice. Payment of the appropriate overtime rates shall be made in lieu of such notice.

(e) Hours

- (i) The ordinary hours of work for shift workers shall not exceed:
 - (1) eight in any one day; nor
 - (2) forty eight in any one week; nor
 - (3) eighty eight in any fourteen consecutive days; nor
 - (4) one hundred and fifty two in the twenty-eight day accounting period.

PROVIDED that an employee may be rostered to work one hundred and sixty hours in an accounting period but shall be paid for only one hundred and fifty two hours plus all additional payments due under subclause (a) - Afternoon and Night Shift Penalties and subclause (h) - Saturdays, Sundays and Holidays with Pay of this clause. The employee shall be given a day off in lieu of the additional 8 hours worked at a mutually convenient time and receive 8 hours pay therefor.

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- (ii) Subject to the following conditions shift workers (as defined) shall work such time as the employer may require:
 - (1) a shift shall consist of not more than eight hours, inclusive of a meal break;
 - (2) except at the regular change-over of shifts an employee shall not be required to work more than one shift in each twenty-four hours;
 - (3) twenty-five minutes shall be allowed to shift workers each shift for a meal break which shall be counted as time worked.

PROVIDED that subject to mutual agreement between the employer, the employees and the appropriate union (as defined), day shift (as defined) employees shall be allowed to extend their paid 25 minute meal break up to 1 hour each day, which shall not count as time worked and shall be unpaid.

- (f) Overtime (as defined)

Work performed by a shiftworker (as defined) outside the ordinary hours of their shift, or on a shift other than a rostered shift (as defined), shall be paid at the rate of double time. But such payment shall not apply in those cases where arrangements have been made between the employees themselves or, in cases due to rotation of shifts, or, when the relieving employee does not attend for duty at the proper time. Where an employee has finished that employee's ordinary shift, such unrelieved employee shall be paid time and a half for the first eight hours, and double time thereafter.

PROVIDED that in cases where the employer has been given at least eight hours notice that an employee rostered to relieve a shiftworker (as defined) will not attend at the proper time, all time spent on duty by the unrelieved shiftworker after completion of his/her normal shift, shall be paid at the rate of double time.

- (g) Rosters (as defined)

There shall be a roster (as defined) for shifts which shall:

- (i) provide for rotation unless all the employees concerned desire otherwise;
- (ii) provide for not more than eight shifts to be worked in any nine consecutive days;
- (iii) not be changed until after four weeks notice.

PROVIDED that an employee's place on such roster shall not be changed, except on one week's notice of such change or, payment of the penalty rates set or provided for. So far as employees present themselves for work in accordance therewith, shifts, shall be worked according to the roster, which shall -

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- (i) provide for a minimum of two consecutive days off duty except where by mutual agreement between the employer, the employee(s) concerned, and the appropriate union alternative arrangements are made;
- (ii) clearly stipulate a 28 day accounting period which shall include a nominated day off in addition to eight rostered days off. Such day off will not be nominated where an employee is required to work 160 hours in the accounting period in accordance with the proviso to subclause (e) - Hours, paragraph (i) of this clause.

The nominated day off shall be rostered to fall on a day of the week other than Saturday or Sunday.

PROVIDED ALWAYS that staff engaged to provide relief on nominated days off pursuant to paragraph (ii) above while engaged in such capacity shall be regarded as shift workers (as defined) for all purposes of the award (except additional annual leave). Rosters covering such relief employees shall not be required to rotate.

(h) Saturday, Sunday and Holidays With Pay

- (i) Where the major portion of a shift falls on a Saturday, the employee shall be paid at the rate of time and one half of the employee's normal salary rate,
- (ii) Where the major portion of which falls on a Sunday or holiday with pay, as prescribed in Clause 20 - Holidays with Pay, the employee shall be paid at the rate of double time,

PROVIDED that such rates shall be in substitution for and not cumulative upon the shift allowances more particularly set out in subclause (f) - Overtime of this clause. The provisions of this subclause shall not prejudice any right of an employee to obtain alternatively any higher rate in respect of that work by virtue of any provision of this award.

- (iii) Where a shiftworker is required to work on a holiday with pay and is granted time off in lieu thereof, the above penalty rate shall not apply.

34. SICK LEAVE

- (a) An employee who is absent from work on account of personal illness, or on account of injury or accident, shall be entitled to leave of absence on full pay (excluding shift or weekend allowances, overtime or penalties) subject to the following conditions and limitations:
 - (i) An employee shall not be entitled to paid leave of absence under this clause for any period in respect of which workers' compensation is being paid.

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- (ii) An employee (except in exceptional circumstances) shall within 2 hours of commencement time of normal duty on the day of the sick leave absence, inform the employer of his/her inability to attend for duty, and as far as practicable state the nature of the injury or illness and the estimated duration of the absence.
- (iii) The employee shall prove to the satisfaction of the employer that he/she was unable, on account of such personal illness, injury or accident to attend for duty on that day or days on which sick leave is claimed.
- (iv) The employee shall not except as prescribed in subclause (b) of this clause be entitled in any one sick leave year to accrue sick leave in excess of 152 hours.

PROVIDED that in the first year of service (as defined) an employee shall only be entitled to 12 hours 40 minutes for each completed month of service.

- (b) If the full period of sick leave as prescribed in subclause (a)(iv) of this clause is not taken in any sick leave year, such proportion as is not taken shall be cumulative from year to year without limitation.
- (c) If an employee is absent on sick leave on a day immediately proceeding or immediately following an accrued day off he/she shall provide a medical certificate in support of such absence.
- (d)
 - (i) A medical certificate shall be required for each sick leave absence after an employee has taken an aggregate of 38 hours without medical certificates in any one sick leave year.
 - (ii) A medical certificate shall be required for any sick leave absence of three or more consecutive working days.
- (e) A sick leave year for the purposes of this clause shall mean 365 days employment including rostered days off, holidays with pay, paid annual leave and paid sick leave.

35. SPECIAL RATES

Subject to subclause (a) of this clause in addition to the salary rates prescribed by Clause 8 - Salaries of this award the following special rates shall be paid to employees including apprentices and trainees.

(a) Cold Places

An employee working for an aggregate of more than one hour per shift in places where the temperature is reduced by artificial means below 0 Celsius shall be paid 30 cents per hour extra for the time so worked. Where the work continues for more than 2 hours, employees shall be entitled to a rest period of 20 minutes every 2 hours without loss of pay.

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(b) Confined Spaces

An employee working in a confined space that is a compartment, space or place the dimensions of which necessitate such employee working in a stooped or otherwise cramped position or without proper ventilation, shall be paid 35 cents per hour extra.

(c) Dirty Work

An employee required to perform work which an authorised representative for the employer and the employee shall agree, is of an unusually dirty or offensive nature shall be paid 30 cents per hour extra. In case of a disagreement between the representative and the employee, the employee shall be entitled within twenty-four hours to ask for a decision on his/her claim by a representative responsible for the management or supervision of the work concerned. In such a case a decision shall be given on the employee's claim within forty-eight hours of it being asked for (unless that time expires on a non working day) or else the said allowance shall be paid. Any dispute arising under this subclause as to whether the work is of an unusually dirty or offensive nature shall be determined by the employer.

(d) Hot Places

An employee working for more than one hour in the shade in places where the temperature is raised by artificial means to between forty-six and fifty-four degrees Celsius, shall be paid 30 cents per hour extra. The temperature shall be decided by a representative of the employer of the hospital concerned after consultation with the employees who claim the extra rate.

(e) Rates not Subject to Penalty Additions

The special rates herein prescribed shall be paid irrespective of the times at which the work is performed and shall not be subject to any premium or penalty additions.

36. UNIFORMS

- (a) Where the employer approves, sufficient suitable and serviceable uniforms shall be provided free of cost to all employees in any occupational group which is required to wear uniforms.
- (b) An employee on leaving their employment shall return any uniform or part thereof provided which is still being used prior to ceasing employment.
- (c) The employer shall, if requested to do so, arrange to have all uniforms (except attendants suits) laundered free of cost to the employee.

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37. UNION OFFICIALS - RIGHT OF ENTRY

Union officials shall have Right of Entry within the work place as prescribed in Section 77 (1) of the Tasmanian Industrial Relation Act 1984.

PROVIDED that the union official makes the employer aware of his/her presence before entering a work area.

38. UNION REPRESENTATIVES/STEWARDS

An employee appointed as a union representative/steward, upon notification by the relevant union to the employer that they are recognised as the accredited representative of the union to which they belong, shall be allowed all necessary time during working hours to submit to the employer matters affecting the employees they represent and further shall be allowed reasonable time during working hours to attend to job matters affecting the union.

PROVIDED that a union representative/steward shall seek the permission of their supervisor before interviewing employees other than outside of their work place and such permission shall not be unreasonably withheld.

39. WORK ABOVE FLOOR LEVEL

In no circumstances shall appliances other than a suitable platform or ladder be used for carrying out work above floor level. Employees engaged on such work are required to comply with the manufacturers specifications regarding the use of such equipment and safety policies and similar instructions available in the workplace.

Work above floor level is defined as that which requires an employee to work on a platform or ladder which raises the employee to a height at least one metre above normal floor height.

40. WORK AWAY FROM NORMAL PLACE OF DUTY

Starting time shall be at the usual place of employment and transport shall be provided to and from distant jobs, except where, having regard to the employee's usual place of residence in relation to the distant job, it is, in the opinion of the employer, more convenient for the employee to commence work at the distant job rather than at his/her usual place of employment, in which case starting time shall be at the distant job.

R J Watling
COMMISSIONER

10 March 1995