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**TASMANIAN INDUSTRIAL COMMISSION**

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

**Australian Workers' Union  
Tasmanian Branch**  
(T.3824 of 1992)

**FISH, AQUACULTURE AND MARINE PRODUCTS AWARD**

COMMISSIONER R J WATLING

2 June 1992

Wage rates - State Wage November 1989 - Second minimum rates adjustment - application granted - FFPP 29 May 1992 - Award variation - Contract of employment

**ORDER BY CONSENT-**

**No. 1 of 1992**

AMEND THE **FISH, AQUACULTURE AND MARINE PRODUCTS AWARD** IN THE FOLLOWING MANNER:

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**Delete Clause 8 - Wage Rates and insert in lieu thereof the following:**

**"8. WAGE RATES**

**DIVISION A - PROCESS ATTENDANTS FINFISH AND OR SHELLFISH**

**1. WAGE RATES**

(a) Employees in a classification level hereunder mentioned shall be paid the base rate and supplementary payment appearing opposite that classification.

| No. | Classification                            | Wage<br>Relativity | Base Rate<br>Per Week | Supplementary<br>Payment | Total<br>Weekly<br>Rate |
|-----|---|--------------------|-----------------------|--------------------------|-------------------------|
|     |   | %                  | \$                    | \$                       | \$                      |
| 1   | Process Attendant<br>Level 1 (as defined) | 76                 | 277.60                | 37.30                    | 314.90                  |
| 2   | Process Attendant<br>Level 2 (as defined) | 80                 | 292.20                | 31.10                    | 323.30                  |
| 3   | Process Attendant<br>Level 3 (as defined) | 93                 | 339.60                | 36.90                    | 376.50                  |
| 4   | Process Attendant<br>Level 4 (as defined) | 100                | 365.20                | 39.80                    | 405.00                  |

(b) Supplementary Payment

The amount appearing in the column headed Supplementary Payment in this clause is to be absorbed against any overaward payment being paid by an employer as from the beginning of the first full pay period on or after 15 November 1991.

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## **DIVISION B - SEA BASED FIN FISH FARM EMPLOYEES**

### 1. WAGE RATES

- (a) Employees in a classification level hereunder mentioned shall be paid the base rate and supplementary payment appearing opposite that classification:

| No. | Classification                                 | Wage<br>Relativity | Base Rate<br>Per Week | Supplementary<br>Payment | Total<br>Weekly<br>Rate |
|-----|--|--------------------|-----------------------|--------------------------|-------------------------|
|     |  | %                  | \$                    | \$                       | \$                      |
| 1   | Finfish Farm Attendant<br>Level 1(as defined)  | 90                 | 328.70                | 35.30                    | 364.00                  |
| 2   | Finfish Farm Attendant<br>Level 2 (as defined) | 101                | 368.90                | 40.50                    | 409.40                  |

- (b) Additional Payments

Finfish Farm Attendants (as defined) who are required by the employer to undertake diving duties shall, in addition to the rates prescribed in subclause (a) of this division receive an amount of \$2.50 per hour, or part thereof, where diving equipment, excluding tools are supplied by the employer. However, in instances where the employee supplies his or her own diving equipment, excluding tools, the amount shall be \$7.00 per hour or part thereof.

- (c) Supplementary Payment

The amount appearing in the column headed Supplementary Payment in subclause (a) of this division is to be absorbed against any overaward payment being paid by an employer as from the beginning of the first full pay period on or after 15 November 1991.

- (d) Translation Schedule

From the first full pay period on or after 15 November 1991 employees occupying classifications in the Poultry Game and Marine Products Award shall be re-classified to one of the appropriate levels as set out below:

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| New Classification | Existing Classification<br>(Poultry, Game and<br>Marine Products Award) |
|--------------------|---|
| Level 1            | New Level/Trainee   |
| Level 2            | Level 1 Process Worker  |
| Level 3            | Forklift driver<br>Boiler Attendant<br>Refrigeration Attendant          |
| Level 4            | Trades Level"   |

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**Delete Clause 13 - Contract of Employment and insert in lieu thereof the following:**

**"13. CONTRACT OF EMPLOYMENT**

(a) General

- (i) Upon commencing work with an employer, all employees shall be classified under the relevant division of this award and at a level as prescribed in Clause 8 - Wage of this award.
- (ii) Further, all employees prior to commencement of duties shall be provided with advice in writing, as to determine classification level and shall remain upon such level and be paid the wage rate thereof until reclassified. Further advice in writing will be issued by the employer if an employee is reclassified.
- (iii) An employer may direct an employee to carry out such duties as are within the limits of the employees' skills, competence and training consistent with the classification structure of this award provided that such duties are not designed to promote de-skilling.
- (iv) This provision does not deny such employees any award entitlement which might be applicable for performing work of a higher classification; nor should the provision enable the employer to pay an employee at a rate lower than the employees' substantive classification for performing work of a lower classification.

(b) Full-time Employees

Full-time employees shall be engaged by the week.

(c) Casual Employees (as defined)

- (i) For casual employees (as defined) written advice as prescribed in subclause (a) (ii) of this clause shall in addition clearly state that the employee is engaged as a casual employee (as defined).
- (ii) The employer shall, at the time of engagement, advise the employee, to the best of the employers' ability, of the period over which they expect to be able to offer ongoing availability of work on an irregular basis and shall regularly review and update this position with the employee as changes occur.
- (iii) Where it is the intention of the employer not to re-engage the employee referred to in subclause (ii) hereof when work becomes available, the employer shall notify the employee in writing of such intention as soon as the decision is made.

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- (iv) Casual employees (as defined) shall be engaged for a minimum of 3 hours per engagement.
  - (v) A casual employee (as defined) for working ordinary time shall be paid per hour one thirty eighth of the weekly rates prescribed for the work performed, plus 20%, such additional amount to be payable in lieu of annual leave, sick leave and public holidays.
- (d) Termination of Employment
- (i) Employment may be terminated only by the giving of one weeks notice by either party or by the payment or forfeiture of one weeks wages as the case may be.
  - (ii) For the purpose of this clause, termination of employment shall include termination with or without notice.
  - (iii) Nothing in this clause shall affect the right of an employer to dismiss and employee without notice for serious and wilful misconduct or neglect of duty.

**PROVIDED** that any dispute or claim arising out of this subclause shall be dealt with in accordance with Clause 29 - Resolution of Disputes contained in this award."

**OPERATIVE DATE:**

The operative date for the foregoing amendments shall be from the first full pay period on or after 29 May 1992.

R J Watling  
**COMMISSIONER**

2 June 1992