

T13990/2012

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MINISTERIAL DRIVERS INDUSTRIAL AGREEMENT 2012



1. TITLE

This Agreement is to be known as the Ministerial Drivers Industrial Agreement 2012.

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3. PARTIES BOUND AND APPLICATION

This Agreement is between the Minister administering the *State Service Act 2000* and the Community and Public Sector Union (State Public Service Federation Tasmania) Inc and the Transport Workers Union of Australia – Victoria/Tasmania Branch, and is to apply to all employees who are assigned the duties of Ministerial Drivers in the Ministerial Transport fleet as contained within this Agreement.

4. DATE OF OPERATION AND DURATION

This Agreement is to take effect from the date of registration and remain in force, expiring on the 30 June 2013.

The parties commit to commence negotiations for a replacement Agreement from 1 March 2013.

5. RELATIONSHIP TO AWARDS AND AGREEMENTS

This Agreement replaces the Ministerial Drivers Industrial Agreement 2009 in its entirety.

Employees bound by this Agreement are, except for this Agreement, subject to the Tasmanian State Service Award (TSSA). Where any inconsistency occurs between this Agreement and the Award, this Agreement is to prevail to the extent of any inconsistency.

6. DEFINITIONS

'Casual Ministerial Driver' is an employee, employed on an irregular basis and at short notice and where the offered employment may be accepted or rejected on each and every occasion, and is paid a loading of 20% in addition to the normal rate of salary in lieu of paid leave entitlements and Holidays with Pay as prescribed by the Tasmanian State Service Award. A casual driver is not to receive the industry allowance.

'Employer' is the Minister administering the *State Service Act 2000*



'Employee' means a permanent, fixed-term or casual employee appointed under the *State Service Act 2000* and who is appointed as a Ministerial Driver on a full-time, part-time or casual basis.

'4 weekly cycle' means two consecutive pay periods (on a continuing basis) consisting of 20 working days and 8 non- working days.

Manager, Ministerial Transport means an employee, however designated, who is employed to manage the provision of Ministerial Transport.

7. SALARIES AND INDUSTRY ALLOWANCE

(a) Salary increases

Salaries are effective from the first full pay period on or after the dates as shown below. The total salaries shown below include the industry allowance. The salary increases are \$1000 per annum and the Industry Allowance is increased by 2% per annum.

Ministerial Driver Increases	Salary	Industry Allowance (nominal 120 hours)	Total
2% 3/3/11	\$43 112	\$37 243	\$80 355
\$1000 or 2% Ffppooa 1/12/11	\$44,112	\$37,988	\$82,100
\$1000 or 2% Ffppooa 1/12/12	\$45,112	\$38,748	\$83,860
Ministerial Driver (Premier)	Salary	Industry Allowance (nominal 120 hours)	Total
2% 3/3/11	\$43 112	\$45 713	\$88 825
\$1000 or 2% Ffppooa 1/12/11	\$44,112	\$46,627	\$90,739



\$1000 or 2% Ffppooa 1/12/12	\$45,112	\$47560	\$92,672

Industry Allowance

Industry Allowance – (Ministerial Driver)

The industry allowance is an allowance to compensate an employee in full for all irregular and additional working hours including:

- work on weekends and public holidays;
- availability and recall provisions; and
- disruption to family and social life.

An employee in receipt of the industry allowance is not eligible for overtime, availability and recall provisions of the Tasmanian State Service Award. The Industry Allowance is based on 44 hours of work in excess of 76 hours per fortnight.

Industry allowance – Ministerial Driver (Premier)

A ministerial driver who undertakes the duties of Ministerial Driver (Premier) is paid additional compensation in recognition of additional out of hours work and increased security and responsibilities associated with the Officer of the Premier. The allowance is only payable whilst a Ministerial Driver is undertaking the duties of Ministerial Driver (Premier).

(b) Casual Ministerial Driver Salaries

Salaries are effective from the first full pay period on or after the dates as shown below. The Industry Allowance is not payable to a casual Ministerial Driver.

Casual Ministerial Driver	Salary	Plus 20% Loading	Total
2% 3/3/11	\$43,112	Plus 20% Loading	\$51 734
\$1000 or 2% Ffppooa 1/12/11	\$44,112	Plus 20% Loading	\$52,934



\$1000 or 2% Ffppooa 1/12/12	\$45,112	Plus 20% Loading	\$53,134

8. CLASSIFICATION DESCRIPTOR

For the purpose of this clause:

'General supervision' means that general instructions are given 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.

'Conventional' means a regular practice or procedure according to well established methods.

CLASSIFICATION DESCRIPTOR	
Focus	Work requiring the application of high level conventional operational practices, and standards in providing services for the Ministerial Transport fleet.
Context and Framework	<p>General instructions on techniques, methods, priorities and timeframes are provided to achieve the required outcomes or objectives.</p> <p>Discretion and choice in selecting the most appropriate methods for completing the allocated tasks is expected and encouraged.</p> <p>Work at this level is undertaken independently with access to general supervision.</p>
Expertise	Knowledge and skill is consistent with experience and/or formal training in order to perform high level conventional operational work in providing services for the Ministerial Transport fleet.



CLASSIFICATION DESCRIPTOR	
Interpersonal Skills	<p>Exercises well-developed communication skills consistent with developing a rapport with Ministers, Ministerial staff, parliamentary and departmental staff, clients and members of the public.</p> <p>Work at this level may include oral and written reporting on issues associated with efficient and effective service delivery.</p>
Judgement	<p>Judgement and/or initiative is expected in selecting the most appropriate means of completing and prioritising work.</p> <p>Problem solving may be required, especially when working away from supervision.</p> <p>More complex and unusual situations would be referred to the manager for further instruction.</p>
Influence of Outcomes	<p>The influence of this work is to undertake high level conventional operational duties in providing ministerial driving services.</p>
Responsibility for Outcomes	<p>Responsible for the satisfactory completion of high level conventional operational duties to a prescribed standard.</p> <p>Responsible for the effective operation of vehicles and the safe transport of Ministers and Ministerial staff and clients of the Ministerial Transport fleet.</p>

9. HOURS OF WORK

- (i) The ordinary hours of work for Ministerial Drivers are 76 ordinary hours per fortnight, plus a nominal 44 additional hours that are to be paid as the Industry Allowance. This represents a maximum of 120 hours of work per fortnight in each 2 week consecutive period of a four weekly cycle.
- (ii) The ordinary hours of work for Ministerial Drivers are between 8.00 am to 4.36 pm excluding a one hour meal break.
- (iii) An employee must notify the Manager Ministerial Transport when approaching 120 hours of time worked during each 2 week period, and the employer is to provide a replacement driver wherever practical, or implement other appropriate arrangements.



- (iv) A Ministerial Driver is required to remain in telephone contact with their designated Minister in the event of an emergency occurring. The Industry Allowance includes this circumstance.
- (v) A Ministerial Driver is required to have eight (8) days off in each four (4) weekly work cycle. Any such specified day(s) not taken within this time period may accumulate beyond this time period, subject to workplace health and safety requirements, and at the discretion of the Manager, Ministerial Transport. The number of days that may accumulate is not to exceed four (4) and these days must be taken in the following 2 week work period. The designated Minister and the Manager, Ministerial Transport are to make the arrangements necessary to manage appropriate time off.
- (vi) A Ministerial Driver who is not required for driving duties must notify the Manager, Ministerial Transport as soon as reasonably practical and may apply to take time off duty, which may include the normal entitlement, and any accumulated day(s) as specified in sub-clause (v).
- (vii) Log Books are to be kept, as required by the employer, to record driving time and kilometrage travelled with this record to be endorsed by the relevant client of the Ministerial Transport fleet and/or the Manager, Ministerial Transport.
- (viii) The Ministerial Driver is required to complete time sheets that records all time worked, including start and finishing times and days off with this record to be signed by the relevant client of the Ministerial Transport fleet and/or the Manager, Ministerial Transport.
- (ix) It is a condition of employment that Log Books as specified in sub-clause (vii) and time sheets as specified in sub-clause (viii) are accurate and up-to-date and are provided to the Manager, Ministerial Transport immediately following the conclusion of the relevant time period.
- (x) The usual place of employment is the Drivers Garage and/or the Minister or client's residence. All travel to and from the Driver's residence and the usual place of employment is counted as time worked. All travel time in excess of the usual travel time is not counted as time worked, unless there are no alternative sources of accommodation away from the Driver's residence.
- (xi) An employee who is required to work on a Holiday with Pay is to be granted a day off in lieu of the day worked. This day is in addition to the entitlement specified in sub-clause (v) and is to be managed consistent with sub-clauses (v) and (vi), except that time in lieu of working on a Holiday with Pay may be accumulated to the equivalent of 5 days which may be taken in conjunction with recreational leave at the discretion of the Manager, Ministerial Transport.
- (xii) Wherever practicable an employee is to receive an eight hour break between the end of a period of time worked and any further period of time to be worked.



- (xiii) (a) Ministerial Drivers are entitled to meal allowances when required to:
 - (1) commence work two (2) hours or more before the normal commencement time; or
 - (2) continue on duty two (2) hours or more after the normal finishing time.
- (b) The meal allowances payable are those prescribed in the Tasmanian State Service Award as prescribed.
- (c) The meal allowances payable according to this clause are applicable on any day worked.

10. UNIFORM AND PROTECTIVE EQUIPMENT

(a) Uniforms

- (i) The uniform as described is compulsory and must be worn at all times while on duty. Uniforms may only be worn for work purposes. Items other than those specified in this clause must not be worn. An employee who presents for work in other than the required uniform will be considered ineligible for duties.
- (ii) Maintenance of the uniform remains the responsibility of the employee.
- (iii) Jackets are to be worn by Drivers at all times while at Parliament or Government Houses or as directed otherwise by their Minister or Manager.

(b) Approved uniform

An employee is to be provided with a uniform by 30 October each year that is to consist of:

- (i) a suit comprising a jacket and two pairs of trousers / skirts
- (ii) six shirts /blouses
- (iii) eight pairs of socks /stockings
- (iv) two ties
- (v) one jumper
- (vi) up to \$100.55 of reimbursement for plain black shoes to be adjusted in accordance with the reported Hobart Capital City Consumer Price Index (CPI) rates updated in the September quarter figure of each year of the Agreement.

Further negotiations may occur between the employer and an employee for replacement items prior to the 1st October each year in the event of an unforeseen circumstance or alternatively additional items may be provided should such items be deemed necessary.



(c) Personal Protective Equipment

All personal protective equipment is to be issued and worn as required.. A list of such items is to be established, reviewed and maintained by the employer.

11. DRIVERS LICENCES

- (a) It is a condition of employment that all employees hold a current Tasmanian Driver's licence.

12. USE OF MINISTERIAL VEHICLES

A ministerial vehicle may be driven by the relevant Minister, client, passenger or an approved employee if the assigned Ministerial Driver becomes ill or fatigued during a journey.

13. MEDICAL EXAMINATION

- (a) An employee is to undertake a regular medical examination, paid by the employer, to ascertain their fitness to undertake the duties of Ministerial Driver.
- (b) An employee under the age of 50 years is required to have a medical examination each three years and over the age of 50 years each year.
- (c) The examining medical practitioner may be nominated by the employee and in the event of a medical problem being detected the employer may request the employee to seek another opinion.
- (d) A written report following the examination by a medical practitioner is to be forwarded to the employer and the employee on the prescribed form.
- (e) Reports arising from a medical examination are confidential.

14. OCCUPATIONAL HEALTH AND SAFETY

- (a) Employees are strongly encouraged to maintain a healthy lifestyle and are to be allowed up to a maximum of two paid hours each week, non-cumulative, to attend a gymnasium; and/or an approved health and /or fitness program; and/or undertake appropriate physical activities.
- (b) The reasonable cost of fees for attendance at a gymnasium or an approved health and or fitness program activity is to be met by the employer.



- (c) The absence from work by employees attending a gymnasium and/or an approved health and /or fitness activity program is at the direction of the Manager, Ministerial Transport.

15. TRAINING

An employee is to undertake and pass the "in house" basic driver training program prior to employment to ascertain their ability to perform the duties of a Ministerial Driver and employees may, as part of their duties, be required to participate in additional training programs /seminars and the like that are pertinent to their duties, such as advanced driving, first aid and security.

16. GRIEVANCES AND DISPUTE SETTLING PROCEDURE

Grievances and disputes that arise in the workplace are to be dealt with in accordance with the provisions of the Tasmanian State Service Award.

17. NO EXTRA CLAIMS

The parties to this Agreement undertake that, for the life of this Agreement, they will not make any additional claims relating to any matter included in this Agreement.

18. LEAVE RESERVED MATTERS

- (a) The parties are committed to ensure the work practices of Ministerial Drivers satisfy health and safety requirements;
- (b) The parties recognise that the introduction of the proposed national Work, Health and Safety Act in Tasmania and associated regulations and Codes of Practice, to be introduced in 2013, may require a review of some of the work arrangements specified in this Agreement.
- (c) The parties commit to reviewing this Agreement in light of these new requirements and for the outcome of that review to be addressed through the negotiation of a replacement Agreement.



19. SIGNATURES

SIGNED FOR AND ON BEHALF OF
COMMUNITY AND PUBLIC SECTOR UNION
(STATE PUBLIC SERVICE FEDERATION TASMANIA) INC

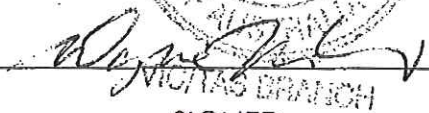


SIGNED

19.11.2012

Date

SIGNED FOR AND ON BEHALF OF
TRANSPORT WORKERS UNION OF AUSTRALIA
VICTORIA/TASMANIA BRANCH



MICHAEL BRANCH

SIGNED

14.11.2012

Date

SIGNED FOR AND ON BEHALF OF
MINISTER ADMINISTERING THE
STATE SERVICE ACT 2000



SIGNED

19.11.2012



This Agreement is registered pursuant to Section 56(1) of the Industrial Relations Act 1984