

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.2399 of 1990

**IN THE MATTER OF AN APPLICATION
BY THE TASMANIAN PUBLIC SERVICE
ASSOCIATION TO VARY **NOMINATED
PUBLIC SECTOR AWARDS****

AND

T.2508 of 1990

**IN THE MATTER OF AN APPLICATION
BY THE HOSPITAL EMPLOYEES
FEDERATION OF AUSTRALIA, TASMANIA
BRANCH, TO VARY THE CLERICAL
EMPLOYEES; GENERAL OFFICERS;
HOSPITAL EMPLOYEES (PUBLIC
HOSPITALS); HOSPITAL SCIENTISTS;
JUNIOR EMPLOYEES; KEYBOARD
EMPLOYEES AND OFFICE ASSISTANTS;
PHYSIOTHERAPISTS, OCCUPATIONAL
THERAPISTS AND SPEECH
PATHOLOGISTS; SOCIAL TRAINERS;
AND WELFARE WORKERS AWARDS**

**RE: STRUCTURAL EFFICIENCY
PRINCIPLE**

ORDER -

**No. 1 of 1990
(Consolidated)**

AMEND THE **CLERICAL EMPLOYEES AWARD** BY DELETING ALL CLAUSES CONTAINED THEREIN, AND INSERTING IN LIEU THEREOF THE FOLLOWING:

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

1. TITLE

This award shall be known as the "Clerical Employees Award".

2. SCOPE

Subject to the exceptions and conditions contained herein, this Award shall apply to all persons permanently or temporarily employed under the provisions of either the Tasmanian State Service Act 1984, or the Tasmanian Development Act 1983, who occupy a position which for the purposes of this Award involves duties either of an administrative or clerical nature.

PROVIDED that this award shall not be binding in respect of, or applicable to, employees for whom coverage by this award is specifically excluded by another award of the Tasmanian Industrial Commission.

3. ARRANGEMENT

<u>SUBJECT MATTER</u>	<u>CLAUSE NO.</u>
Title	1
Scope	2
Arrangement	3
Date of Operation	4
Supersession and Savings	5
Parties and Persons Bound	6
Definitions	7
Salaries	8
Conditions of Service	9
New Appointments and Promotions	10
Qualifications	11
Salary Increments	12

4. DATE OF OPERATION

This award shall come into operation from the beginning of the first full pay period to commence on or after 18 July 1990.

PROVIDED that it is a term of this award (arising from the decision of the Tasmanian Industrial Commission State Wage Case of 30 October 1989) that the union/s undertake/s, for the duration of the principles determined by that decision, not to pursue any extra claims, award or overaward, except where consistent with those principles.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

5. SUPERSESSION AND SAVINGS

This award incorporates and supersedes the Clerical Employees Award (No. 4 of 1989 - Consolidated).

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

PROVIDED ALWAYS that the provisions of the Tasmanian State Service Act 1984 and the regulations made thereunder, and the Tasmanian Development Act 1983 and the regulations made thereunder, as the case may require, shall continue to apply to employees or classes of employee covered by this award as and where such Acts and regulations are applicable, save insofar as the salary to be received by, and the conditions of service of such employees or classes of employee are inconsistent with the provisions of this award.

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 organisations of employees in respect of whom award interest has been determined:
 - (i) the Hospital Employees Federation of Australia Tasmania Branch, and the officers of that organisation and their members for whom classifications appear in this award;
 - (ii) the Tasmanian Public Service Association and the officers of that organisation and their members for whom classifications appear in this award; and
- (c) the controlling authority having an interest in this award is the Minister responsible for the administration of the Tasmanian State Service Act 1984, in relation to all employees (as defined).

7. DEFINITIONS

In this award, unless the contrary intention appears:

'Employee' means a person permanently or temporarily employed under the provisions of the Tasmanian State Service Act 1984, or the Tasmanian Development Act 1983, and who occupies a position which for the purposes of this award involves duties of either an administrative or clerical nature.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

'Part-time employee' means a person other than a full-time or casual employee, engaged to work regularly in each pay period for less hours than an equivalently classified full-time employee.

'Full-time employee' means a person engaged to work for the full ordinary hours prescribed.

'Temporary employee' means a person engaged by the controlling authority who either:

- (a) is engaged to relieve a full-time or part-time employee for specific periods of leave; or
- (b) is engaged temporarily for specific duties over a fixed time period determined by the controlling authority.

PROVIDED that engagement of an employee under subclauses (a) and (b) above shall require of the controlling authority that the period of engagement be specified as to the number of hours, days or weeks to be worked; with the further proviso that where the period of engagement is specified as 5 consecutive working days or less the terms of employment shall be the same as those defined for casual employees.

'Casual employee' means a person engaged to work on an irregular basis by a controlling authority as and when required but does not include any person employed on a part-time, full-time or permanent basis.

'Controlling Authority' in the case of an employee employed under the Tasmanian State Service Act 1984 means the Minister administering that Act; and in the case of an employee employed under the Tasmanian Development Act 1983 means the principal officer of the Tasmanian Development Authority.

8. SALARIES

An employee classified or graded within a class or grade prescribed by this award shall, subject to satisfying the prescribed requirements, be paid at the salary rate determined for the relevant classification as hereinafter set forth.

PROVIDED that an employee paid in accordance with the rates established for persons under 21 years of age in Class I of this award shall on being promoted to a classification above Class I be paid at the salary rate prescribed for the position to which they have been appointed.

PROVIDED ALWAYS that an employee under 21 years of age with dependents may, on the determination of the controlling authority, be paid the salary he/she would normally receive on attaining the age of 21 years.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

For the purposes of this proviso, a 'dependent' in relation to an employee means:

- (a) in the case of a relative of that employee, a person who normally resides with that employee; and
- (b) in any other case, a person who has resided with that employee for a period of at least 12 months, and who is wholly or substantially dependant on that employee for financial support;
- (c) 'relative' as referred to in paragraph (a) above means spouse, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant, adopted child and foster child of the employee's spouse.

PROVIDED FURTHER that tourist officers in Tourism Tasmania covered by this award shall continue to be paid at the salary rates prescribed in Order No 1 of 1988 (Consolidated).

PROVIDED ALSO that it is a condition of the 4% second tier adjustment applied to the wage rates in this award that the package of restructuring and efficiency offsets referred to in Registered Agreement T.1233 of 1988 be implemented and/or observed in relation to all employees for whom salary rates appear in this award.

Where there is an inconsistency between a provision of:

- (a) either this award, the General Conditions of Service Award, an Instruction, or Regulation, and
- (b) the Agreement referred to, the terms of which apply to employees covered by this award;

that provision shall be read subject to the relevant provision contained in the Agreement.

1. ADMINISTRATIVE AND CLERICAL EMPLOYEES	Salary per annum
	\$
Class I	
16 years and under	10411
17 years	11925
18 years	13818
19 years	15900
20 years	17604

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

PROVIDED that the salaries shall be:

55 per cent at age 16 years
63 per cent at age 17 years
73 per cent at age 18 years
84 per cent at age 19 years
93 per cent at age 20 years

of the first year of service of an Administrative and Clerical Officer Class I.

21 years and over:

1st year of service	18929
2nd year of service	19419
3rd year of service	19902
4th year of service	20401
5th year of service	20917
6th year of service	21416
7th year of service and thereafter	21970

Class II

1st year of service	22786
2nd year of service	23495
3rd year of service and thereafter	24192

Class III

1st year of service	24895
2nd year of service and thereafter	25596

Class IV

1st year of service	26287
2nd year of service and thereafter	26981

Class V

1st year of service	27528
2nd year of service and thereafter	28140

Class VI

1st year of service	28723
2nd year of service	29310
3rd year of service and thereafter	29893

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Class VII	
1st year of service	30484
2nd year of service	31220
3rd year of service and thereafter	31949
Class VIII	
1st year of service	32679
2nd year of service	33269
3rd year of service and thereafter	34003
Class IX	
1st year of service	34585
2nd year of service	35327
3rd year of service and thereafter	36054
Class X	
1st year of service	36785
2nd year of service and thereafter	37517
Class XI	
1st year of service	38323
2nd year of service and thereafter	39132
Class XII	
1st year of service	39933
2nd year of service and thereafter	40738
Class XIII	42360
Class XIV	43965
Class XV	45726
Class XVI	47487
Class XVII	49078
Class XVIII	50810
Class XIX	52807

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Class XX	54800
Class XXI	56798

2. CLERICAL ASSISTANTS

Class I

16 years and under	9802
17 years	11228
18 years	13010
19 years	14970
20 years	16574

PROVIDED that the salaries shall be:

- 55 per cent at age 16 years
- 63 per cent at age 17 years
- 73 per cent at age 18 years
- 84 per cent at age 19 years
- 93 per cent at age 20 years

of the first year of service of a Clerical Assistant Class I.

Class IA – Library Assistants

16 years and under	10211
17 years	11697
18 years	13553
19 years	15595
20 years	17266

PROVIDED that the salaries shall be:

- 55 per cent at age 16 years
- 63 per cent at age 17 years
- 73 per cent at age 18 years
- 84 per cent at age 19 years
- 93 per cent at age 20 years

of the fourth year of service and thereafter of a Clerical Assistant Class I and IA, 21 years and over.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Class I and IA 21 years and over:

1st year of service	17822
2nd year of service	18067
3rd year of service	18320
4th year of service and thereafter	18566

Class II

1st year of service	18811
2nd year of service	19055
3rd year of service and thereafter	19295

Class III

1st year of service	19537
2nd year of service	19777
3rd year of service and thereafter	20020

Class IV

1st year of service	20281
2nd year of service	20532
3rd year of service and thereafter	20785

Class V

1st year of service	21043
2nd year of service and thereafter	21292

Class VI

1st year of service	21557
2nd year of service and thereafter	21830

Class VII

1st year of service	22117
2nd year of service and thereafter	22523

Class VIII

1st year of service	22932
2nd year of service and thereafter	23347

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Class IX

1st year of service	23773
2nd year of service and thereafter	24192

Class X

1st year of service	24613
2nd year of service and thereafter	25041

3. PART-TIME AND CASUAL EMPLOYEES

For classifications refer Clause 8 1. and 2.

Employees engaged on a part-time or casual basis shall have their salaries determined in the following manner:

- (a) Part-time employees shall be paid in the proportion that the hours worked bear to the normal weekly rate prescribed for the equivalent full-time employee.
- (b) Casual employees shall be paid in the proportion that the hours worked bear to the normal weekly rate prescribed for the equivalent full-time employee plus a 20 per centum loading to compensate for annual leave, sick leave and public holidays.
- (c) The normal weekly salary rate means 1/52nd of a full-time employee's annual salary exclusive of allowances and overtime.

PROVIDED that a casual employee's terms of engagement shall be by the hour with a minimum payment of 3 hours for each day worked.

PROVIDED ALWAYS that persons engaged as temporary part-time and casual employees prior to 1 December 1985 shall not suffer any loss of entitlement through the implementation of this award.

9. CONDITIONS OF SERVICE

Unless otherwise prescribed by this award, conditions of service shall be as prescribed in the General Conditions of Service Award, provided that where conditions are not prescribed therein, the Tasmanian State Service Act 1984 and Regulations thereof or the Tasmanian Development Act 1983 and Regulations thereof, as the case may require, shall apply.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

10. NEW APPOINTMENTS AND PROMOTIONS

The commencing salary of a person or employee either on first appointment or on promotion to a position within a class or grade of a classification in respect of which salary scales are prescribed by this award under Clause 8(1) and (2) shall be the minimum salary for that position on the appropriate scale, except in any case where, in the opinion of the controlling authority, the qualifications and the practical experience of such person or employee in the appropriate field justify a higher salary.

11. QUALIFICATIONS

Unless otherwise prescribed no person shall hold a position classified or graded within a class or grade prescribed by this award unless he/she is eligible for appointment as an employee (as defined) and in addition possesses those qualifications and/or has that experience deemed necessary by the Commissioner for Public Employment for the efficient discharge of the duties of the position to be filled.

12. SALARY INCREMENTS

- (a) Except where otherwise determined by this award, or where inconsistent with any Act, an employee, while holding a position classified or graded within a class or grade of a classification in respect of which a salary scale is prescribed by this Award, and who for not less than twelve months has been in receipt of a salary less than the maximum salary prescribed for such classification, shall be entitled to receive the annual increment prescribed for such classification until the maximum salary is reached.

PROVIDED that an employee who was an employee on the date of this Award shall be entitled to receive such increment on the anniversary of the date upon which he/she received his/her last salary increment in respect of his/her present position.

PROVIDED ALWAYS that an employee engaged to work on a part-time basis shall receive such increment on completion of the number of hours that a full-time employee would have worked during the period of one complete year.

- (b) An employee whilst continuing to hold the same office or position shall, unless the controlling authority otherwise determines, be deemed, for the purposes of this clause, to have been in receipt of a salary during any period of leave without pay in the twelve months immediately following the date upon which his/her previous salary increment was awarded.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

- (c) Notwithstanding anything contained in this award, no employee shall be entitled to receive any increase in salary by virtue of this clause unless, in the opinion of the controlling authority, his/her conduct, diligence and efficiency during the twelve months immediately prior to the date from which such increase would be payable shall have been satisfactory.

A. Robinson
COMMISSIONER

13 August 1990