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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.2146 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TRADES AND LABOR COUNCIL TO VARY **ALL PRIVATE AND PUBLIC SECTOR AWARDS AND AGREEMENTS** TO INCREASE WAGE RATES AND ALLOWANCES GENERALLY AND TO REVIEW THE WAGE FIXATION PRINCIPLES

AND

T.2152 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN PUBLIC SERVICE ASSOCIATION TO VARY **NOMINATED AWARDS AND AGREEMENTS** RE SALARIES, ALLOWANCES AND AWARD RESTRUCTURING

AND

T.2167 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TEACHERS FEDERATION TO VARY **NOMINATED AWARDS** TO INCREASE SALARIES AND SALARY-RELATED ALLOWANCES

CONSEQUENT ON THE DECISION OF THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION IN THE NATIONAL WAGE DECISION OF 7 AUGUST 1989

ORDER -

**No. 4 of 1989
(Consolidated)**

AMEND THE **CLERICAL EMPLOYEES 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 "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

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4. DATE OF OPERATION

This award shall come into operation from the beginning of the first full pay period to commence on or after 23 November 1989.

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.

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5. SUPERSESSION AND SAVINGS

This award incorporates and supersedes the Clerical Employees Award (No. 3 of 1988 - Consolidated), No. 1 of 1989, No. 2 of 1989 and No. 3 of 1989.

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.

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'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 (i) and (ii) 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.

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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	10053
17 years	11516
18 years	13344
19 years	15354
20 years	16999

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21 years and over:

1st year of service	18279
2nd year of service	18769
3rd year of service	19252
4th year of service	19751
5th year of service	20267
6th year of service	20766
7th year of service and thereafter	21320

Class II

1st year of service	22006
2nd year of service	22715
3rd year of service and thereafter	23412

Class III

1st year of service	24115
2nd year of service and thereafter	24816

Class IV

1st year of service	25507
2nd year of service and thereafter	26201

Class V

1st year of service	26748
2nd year of service and thereafter	27320

Class VI

1st year of service	27886
2nd year of service	28456
3rd year of service and thereafter	29022

Class VII

1st year of service	29596
2nd year of service	30311
3rd year of service and thereafter	31018

Class VIII

1st year of service	31727
2nd year of service	32300
3rd year of service and thereafter	33013

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Class IX	
1st year of service	33578
2nd year of service	34298
3rd year of service and thereafter	35004
Class X	
1st year of service	35714
2nd year of service and thereafter	36424
Class XI	
1st year of service	37207
2nd year of service and thereafter	37992
Class XII	
1st year of service	38770
2nd year of service and thereafter	39551
Class XIII	41126
Class XIV	42684
Class XV	44394
Class XVI	46104
Class XVII	47649
Class XVIII	49330
Class XIX	51269
Class XX	53204
Class XXI	55144
2. CLERICAL ASSISTANTS	
Class I	
16 years and under	9444
17 years	10818
18 years	12536
19 years	14424
20 years	15970

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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	9854
17 years	11287
18 years	13079
19 years	15049
20 years	16662

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.

Class I and IA 21 years and over:

1st year of service	17172
2nd year of service	17417
3rd year of service	17670
4th year of service and thereafter	17916

Class II

1st year of service	18161
2nd year of service	18405
3rd year of service and thereafter	18645

Class III

1st year of service	18887
2nd year of service	19127
3rd year of service and thereafter	19370

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Class IV

1st year of service	19631
2nd year of service	19882
3rd year of service and thereafter	20135

Class V

1st year of service	20393
2nd year of service and thereafter	20642

Class VI

1st year of service	20907
2nd year of service and thereafter	21180

Class VII

1st year of service	21467
2nd year of service and thereafter	21873

Class VIII

1st year of service	22152
2nd year of service and thereafter	22567

Class IX

1st year of service	22993
2nd year of service and thereafter	23412

Class X

1st year of service	23833
2nd year of service and thereafter	24261

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.

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- (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.

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.

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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.
- (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

30 November 1989