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**IN THE TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

**T.432 and T.435 of 1986**

**IN THE MATTER OF** APPLICATIONS BY  
THE TASMANIAN PUBLIC SERVICE  
ASSOCIATION AND THE TASMANIAN  
TRADES AND LABOR COUNCIL TO VARY  
SALARIES AND ALLOWANCES IN  
AWARDS IN ACCORDANCE WITH THE  
NATIONAL WAGE CASE DECISION OF  
26 JUNE 1986

**ORDER -**

**No. 1 of 1986  
(Consolidated)**

AMEND THE **LEGAL PRACTITIONERS AWARD** BY DELETING ALL THE CLAUSES  
CONTAINED THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING:

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## **1. TITLE**

This award shall be known as the "Legal Practitioners Award".

## **2. SCOPE**

Subject to the exceptions and conditions contained herein, this award shall apply to the employment of persons employed under the Public Service Act 1973 and for whom classifications appear in this award.

## **3. ARRANGEMENT**

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## **4. DATE OF OPERATION**

This award shall come into operation as from the first full pay period commencing on or after 1 July 1986.

**PROVIDED** that, it is a term of this award that the unions undertake that, for a period of six months, they will not pursue any extra claims, award or overaward, except where consistent with the Principles of Wage Fixation of the Tasmanian Industrial Commission.

## **5. SUPERSESSION AND SAVINGS**

This award incorporates and supersedes No. 2 of 1985 (Consolidated).

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

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## **6. PARTIES BOUND**

This award shall apply to, and be binding upon:

- (a) the Legal Officers' Branch of the Tasmanian Public Service Association and the Officers of that organisation and their members for whom classifications appear in this award;
- (b) the Public Service Board in relation to all officers (as defined) for whom classifications appear in this award, whether members of a Registered Organisation or not;
- (c) the Tasmanian Public Service Association and the Officers of that organisation and their members for whom classifications appear in this award;
- (d) the Tasmanian Trades and Labor Council.

## **7. DEFINITIONS**

- (a) **'Legal Practitioner'** means a person admitted, or qualified for and entitled to be admitted, as a barrister or a practitioner of the Supreme Court of Tasmania under the provisions of The Legal Practitioners' Act 1959.
- (b) **'Officer'** means an adult person permanently or temporarily employed under the provisions of the Public Service Act 1973, in the Public Service of the State, who, being an employee within the meaning of Part V of the Public Service Act 1973, and being a legal practitioner on the date upon which this award comes into force, occupies a position, the duties of which require the performance of legal work of a professional nature or who after that date is appointed to one of such positions.

## **8. SALARIES**

An officer 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.

### **LEGAL PRACTITIONER**

	Salary per annum \$
Class I	
1st year of service	23458
2nd year of service	24966
3rd year of service and thereafter	26476
Class II	
1st year of service	27982
2nd year of service and thereafter	29491

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Class III	
1st year of service	30998
2nd year of service and thereafter	32505
Class IV	
Grade 1	33787
Grade 2	35225
Grade 3	36658
Grade 4	38093
Grade 5	39529
Grade 6	40960
Grade 7	42395
Class V	
Grade 1	44228
Grade 2	46626
Grade 3	49022
Grade 4	52235
Class VI	
Grade 1	57022
Grade 2	59416
<b>PARLIAMENTARY COUNSEL</b>	<b>63002</b>

## **9. CONDITIONS OF SERVICE**

The conditions of service of officers shall be in accordance with the provisions of the General Conditions of Service Award of this Commission.

## **10. NEW APPOINTMENTS AND PROMOTION**

The commencing salary of a person or officer either on first appointment or on promotion to a position classified within a class or grade in respect of which a salary scale is prescribed by this award shall be as determined by the controlling authority, having regard to the qualifications and the practical experience as a legal practitioner of such person or officer.

## **11. PROGRESSION**

An officer who has served for twelve months on the maximum salary rate prescribed for either Legal Practitioner Class I or Legal Practitioner Class II respectively shall be advanced to Legal Practitioner Class II or Legal Practitioner Class III, as the case may require, subject to:

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- (i) the fulfilment of the requirements necessary for appointment to such class;
- (ii) a certificate by the permanent head of the department that such officer is worthy of advancement, and is qualified for and will be required to undertake the duties of an officer within that class; and
- (iii) the acceptance by the controlling authority concerned of such certificate.

## **12. QUALIFICATIONS**

No person shall hold a position classified or graded within a class or grade prescribed by this award unless he fulfils the following requirements:

- (a) Legal Practitioner Class I - unless he is a legal practitioner as defined in this award.
- (b) Legal Practitioner Class II and above - unless he is a legal practitioner as defined in this award with at least three years practical experience in legal work of a professional nature subsequent to becoming a legal practitioner.

**PROVIDED** always that a legal practitioner may, on the determination of the controlling authority, be appointed, promoted or classified within Legal Practitioner Class II, and above, where, in his opinion, special circumstances exist which warrant such determination.

## **13. SALARY INCREMENTS**

- 1. Except where otherwise specifically determined by this award, or where inconsistent with any Act, an officer while holding a position classified or graded within a class or grade 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** always that an officer who was an officer on the date of this award shall be entitled to receive such increment on the anniversary of the date upon which he received his last salary increment in respect of his present position.

- 2. An officer 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 previous salary increment was awarded.

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

L.A. Koerbin  
**PRESIDENT**

1 September 1986