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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for an award or variation of an award

Australian Municipal, Administrative, Clerical & Services Union

(T9729 of 2001)

Barristers and Solicitors Award
Broadcasting and Television Award
Business Services Award
Clerical and Administrative Employees (Private Sector) Award
Community Services Award
Disability Services Providers Award
Estate Agents Award
Fuel Merchants Award
Insurance Award
Medical Practitioners (Private Sector) Award
Photographic Industry Award
Public Accountants Award
Softgoods Award
Textile Award
Totalizator Agency Award
Wholesale Trades Award

The Australian Workers' Union, Tasmania Branch

(T9738 of 2001)

Australian Cement Holdings Enterprise Award
Automotive Industries Award
Bootmakers Award
Butter and Cheesemakers Award
Civil Construction and Maintenance Award
Clay and Mud Products Award
Concrete Products Award
Dairy Processing Award
Farming and Fruit Growing Award
Fish Aquaculture and Marine Products Award
Horticulturists Award
Leather, Canvas and Sheet Plastic Fabrication Award
Meat Processing Industry Award
Metal and Engineering Industry Award
Monumental Masons Award
Optical Industries Award
Pasminco Hobart Smelter Enterprise Award
Pasminco Rosebery (Mining) Award
Plant Nurseries Award
Produce Award
Public Vehicles Award
Quarrying and Lime Processing Award
Rubber Trades Award

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Shellfish Industry Award
Silviculture and Afforestation Award
Timber Merchants Award
Wireworking Award

**Australian Liquor, Hospitality and Miscellaneous Workers Union -
Tasmanian Branch**

(T9740 of 2001)

Aerated Waters Award
Automotive Industries Award
Baking Industry Award
Cleaning and Property Services Award
Fibreglass and Plastics Award
Furnishing Trades Award
Health and Fitness Centres Award
Hotels, Resorts, Hospitality and Motels Award
Ice Cream Makers Award
Independent Schools (Non Teaching) Staff Award
Laundry and Dry Cleaning Award
Leather, Canvas and Sheet Plastic Fabrication Award
Licensed Clubs Award
Miscellaneous Workers Award
Restaurant Keepers Award
Retail Trades Award
Security Industry Award
Shipping Award
Veterinary Services Award
Wholesale Plant Bakeries Award

The Shop, Distributive & Allied Employees Association, Tasmania Branch

(T9741 of 2001)

Automotive Industries Award
Bootmakers Award
Hairdressers Award
Insurance Award
Retail Pharmacy Award
Retail Trades Award
Timber Merchants Award
Wholesale Trades Award

The Australasian Meat Industry Employees Union, Tasmanian Branch

(T9778 of 2001)

Meat Retailing Award

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FULL BENCH:

PRESIDENT P L LEARY
DEPUTY PRESIDENT R J WATLING
COMMISSIONER T J ABEY

Award variation - nominated private sector awards - meal allowance - increase to reflect CPI movements - 11.78% - applications granted - operative date fpp 3 September 2001

TIMBER MERCHANTS AWARD

ORDER BY CONSENT -

No. 2 of 2001

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THE **TIMBER MERCHANTS AWARD** IS VARIED IN THE FOLLOWING MANNER:

By deleting Clause 26 - Overtime, Saturday, Sunday and Holiday Payments and inserting in lieu thereof the following:

"26. OVERTIME, SATURDAY, SUNDAY AND HOLIDAY PAYMENTS

(a) Payment for Working Overtime

- (i) Except as otherwise provided in this award, all time worked outside the spread of hours prescribed in Clause 22 - Hours, and Clause 37 - Shift Work of this award or in excess of the ordinary daily or shift number of hours prescribed therein or elsewhere, shall be paid for at the rate of time and a half for the first two hours and double time thereafter.
- (ii) In computing overtime each day's work shall stand alone.
- (iii) For the purpose of this clause ordinary hours shall mean the hours fixed in an establishment in accordance with Clause 22 - Hours, Clause 23 - Implementation of 38-Hour Week, Clause 32 - Procedures for In-Plant Discussions in Relation to 38-Hour Week, and Clause 37 - Shift Work, of this award.
- (iv) When computing overtime the hourly rate shall be determined by dividing the appropriate weekly rate by 38, even in cases when an employee works more than 38 hours per week.

(b) Rest Period After Overtime

- (i) When overtime work is necessary, it shall, whenever reasonably practicable, be so arranged that employees have at least 10 consecutive hours off duty between the work of successive days.
- (ii) An employee (other than a casual employee) who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he has not had at least ten consecutive hours off duty between those times shall, subject to this subclause, be released after completion of such overtime until he has had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.
- (iii) If on the instructions of his employer such an employee resumes or continues work without having had such ten consecutive hours off duty, he shall be paid at double rates for such period until he is released from duty and he shall then be entitled to be absent until he has had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.
- (iv) The provisions of this subclause shall apply in the case of shiftworkers as if eight hours were substituted for ten hours when overtime is worked:

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- (1) for the purpose of changed shift rosters; or
- (2) where a shift worker does not report for duty and a day worker or a shift worker is required to replace such shift worker; or
- (3) where a shift is worked by arrangement between the employees themselves.

(c) Meals and Meal Allowances

- (i) An employee required to work overtime for two hours or more without being notified the day before that he will be so required to work shall either be supplied with a meal by his employer or paid \$11.60 for the first meal and for each subsequent meal after each further four hours overtime where the employee is required to continue working after each four hours but such payment need not be made to employees living in the same locality as their place of employment who can reasonably return home for meals.
- (ii) Unless the employer advises the employee on the previous day that the amount of overtime to be worked will necessitate the partaking of a second or subsequent meal (as the case may be) the employer shall provide such second and/or subsequent meals or make payment in lieu thereof as above prescribed.
- (iii) If an employee pursuant to notice has provided a meal or meals and is not required to work overtime or is required to work less than the amount advised he shall be paid as above prescribed for the meal or meals provided.

(d) Crib Breaks

(i) Outside Ordinary Hours:

- (1) An employee working overtime on the instructions of his employer, shall be allowed crib time of twenty minutes without deduction of pay after each four and a half consecutive hours of overtime worked if the employee continues to work after such crib time.
- (2) Unless the period of overtime is two hours or less, an employee shall be allowed a meal break of twenty minutes before starting overtime after working ordinary hours, which shall be paid for at ordinary rates.

An employer and an employee may agree to any variation of this provision to meet the circumstances of the work in hand; provided that the employer shall not be required to make any payment in respect of any time allowed in excess of twenty minutes.

- (ii) Saturdays: An employee working overtime on a Saturday shall be allowed a crib time of twenty minutes without deduction of pay after each four and one

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half hours of overtime worked if the employee continues work after such crib time.

PROVIDED that where a day worker on a five day week is required to work overtime on a Saturday the first prescribed crib time shall if occurring between 10.00am and 1.00pm be paid at ordinary rates.

- (iii) Sundays and Public Holidays: An employee, not engaged on continuous shift work, working on a Sunday or public holiday shall be allowed a crib time of twenty minutes without deduction of pay after each four and a half hours of work, if the employee continues work after such crib time.

PROVIDED that where a day worker is required to work on a Sunday or public holiday he first prescribed crib time shall, if occurring between 10.00am and 1.00pm, be paid at ordinary rates.

- (e) Time Occupied in Starting Up and Closing Down Engines, etc.

(i) Time occupied in raising steam or in starting up, closing down engines or banking fires shall be regarded as time worked, but where the number of ordinary working hours as provided in subclause (a) of this clause is less than 44 per week, and the time so occupied causes the employee to work in excess over such number of working hours, he shall to the extent of the difference between such number and forty four hours per week receive additional payment at the rate of time and a half for working such excess.

(ii) In the bush or in bush sawmills or in log sawmills outside cities and towns each engine driver or fireman when so engaged shall be allowed 1 1/2 hours per day at ordinary rates for preparing and/or closing down engines and/or for raising steam and/or banking fires on boilers.

- (f) Payment for Work on Saturdays

All work performed on a Saturday by weekly employees (other than watchmen), on the instructions of the employer, shall be paid for at the rate of time and a half for the first two hours and double time thereafter with a minimum payment as for three hours at such rate.

- (g) Payment for Work on Sundays

All work performed on Sundays by weekly employees (other than watchmen), on the instructions of the employer, shall be paid for at the rate of double time with a minimum payment as for three hours at such rate.

- (h) Payment for Work on Holidays

Except as prescribed by subclause (d) of Clause 21 - Holidays, all work performed by weekly employees (other than watchmen) on holidays, on the instructions of the employer, shall be paid for at the rate of double time and a half with a minimum payment as for three hours at such rate. Such double time and a half shall include

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the ordinary rate of pay where due under Clause 21 - Holidays, for ordinary hours of work.

- (i) Call Back
 - (i) An employee recalled to work overtime after leaving his employer's business premises (whether notified before or after leaving the premises) shall be paid for a minimum of four hours work at the appropriate rate.
 - (ii) Except in unforeseen circumstances the employee shall not be required to work the full four hours work if the work he was recalled to perform is completed in a shorter period.
- (j) Until otherwise ordered, overtime for watchmen shall be at ordinary rate of pay per hour up to the hours fixed by the Security Industry Award and thereafter shall be at time and a half rate per hour.
- (k) The provisions of this clause shall not apply to apprentices.
- (l) An employer may require an employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirements."

OPERATIVE DATE

This variation shall come into operation from the first full pay period to commence on or after 3 September 2001.

P L Leary
PRESIDENT

4 September 2001