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**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984  
s23 application for award or variation of award

**Australian Municipal, Administrative, Clerical and Services Union**  
(T8603 of 1999)

Aerated Waters Award  
Barristers and Solicitors Award  
Broadcasting and Television Award  
Clerical and Administrative Employees (Private Sector) Award  
Disability Service Providers Award  
Estate Agents Award  
Fuel Merchants Award  
Furnishing Trades Award  
Independent Schools (Non-Teaching Staff) Award  
Insurance Award  
Marine Boards Award  
Medical Practitioners (Private Sector) Award  
Photographic Industry Award  
Public Accountants Award  
Restaurant Keepers Award  
Retail Trades Award  
Shipping Award  
Softgoods Award  
Textile Award  
Totalizator Agency Award  
Wholesale Trades Award

**The Australian Workers' Union, Tasmania Branch**  
(T8613 of 1999)

Australian Cement Holdings Enterprise Award  
Automotive Industries Award  
Bootmakers Award  
Butter and Cheesemakers Award  
Clay and Mud Products Award  
Concrete Products Award  
Civil Construction and Maintenance Award  
Dairy Processing Award  
Pasminco Hobart Smelter Enterprise Award  
Farming and Fruit Growing Award  
Fish Aquaculture and Marine Products Award  
Horticulturists Award  
Meat Processing Industry Award  
Metal and Engineering Industry Award  
Monumental Masons Award  
Optical Industries Award  
Pasminco Rosebery (Mining) Award  
Plant Nurseries Award  
Produce Award

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Public Vehicles Award  
Quarrymens Award  
Rubber Trades Award  
Shellfish Industry Award  
Timber Merchants Award  
Wireworking Award

**The Australasian Meat Industry Employees Union, Tasmanian Branch**  
(T8621 of 1999)

Meat Processing Industry Award  
Meat Retailing Award

**Shop, Distributive and Allied Employees Association, Tasmanian Branch**  
(T8624 of 1999)

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

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

(T8628 of 1999, T8629 of 1999 and T8630 of 1999)

Cleaning and Property Services Award  
Fibreglass and Plastics Award  
Health and Fitness Centres Award  
Ice Cream Makers Award  
Laundry and Dry Cleaning Award  
Miscellaneous Workers Award  
Security Industry Award  
Veterinary Services Award  
Wholesale Plant Bakeries Award  
Baking Industry Award  
Hotels, Resorts, Hospitality and Motels Award  
Licensed Clubs Award

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FULL BENCH:  
DEPUTY PRESIDENT B R JOHNSON  
COMMISSIONER R J WATLING  
COMMISSIONER P A IMLACH

Award variation - nominated private sector awards - meal allowance - increase to reflect CPI movements - applications granted - operative ffpp 27 September 1999

## **WHOLESALE PLANT BAKERIES AWARD**

**ORDER BY CONSENT**

**No. 3 of 1999**

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AMEND THE **WHOLESALE PLANT BAKERIES AWARD** IN THE FOLLOWING MANNER:

**Delete Clause 21 Overtime and insert in lieu thereof the following:**

**"21. OVERTIME**

- (a) All work performed in excess of ordinary hours shall be deemed to be overtime and shall be paid in accordance with this clause.

An employee may be required to work reasonable overtime in accordance with the employer's requirements.

- (b) Monday to Saturday

The rate of pay for overtime performed on any day Monday to Saturday inclusive shall be at time and one half for the first two hours, and double time thereafter.

- (c) Sunday

The rate of pay for overtime worked on a Sunday shall be double time for all hours so worked.

- (d) Holidays with Pay

The rate of pay for overtime worked on any of the holidays with pay specified Clause 18 - Holidays with Pay shall be double time and one half for all hours so worked.

- (e) Meal Money

An employee required to work overtime for at least 2 hours beyond the employee's normal finishing time shall either be supplied with an adequate meal or be paid a meal allowance of \$10.00

**PROVIDED** that this provision shall not apply in circumstances where the employer has provided a minimum of 8 hours notice of the requirement to work overtime.

- (f) Rest Period

(i) An employee (other than a casual employee) who works so much overtime between the termination of the ordinary work on one day and the commencement of their ordinary work on the next day that the employee did not have at least 10 consecutive hours off duty between those times shall be released after completion of such overtime until the employee has had 10 consecutive hours off duty without loss of pay for ordinary time work occurring during such absence.

**PROVIDED** that in exceptional circumstances such as the breakdown of machinery the rest break shall be of 8 hours in lieu of 10 hours

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- (ii) An employee required to commence work without having had such 10 or 8 hour break as specified in subclause (d)(i) shall be paid at overtime rates until the break is allowed.

(g) Call Back

An employee recalled to work overtime after leaving the employer's business premises (whether notified before or after leaving the premises) shall be paid for a minimum of 4 hours' work at the appropriate rate for each time the employee is so recalled.

**PROVIDED** that except in the case of unforeseen circumstances arising, the employee shall not be required to work the full 4 hours if the job the employee was recalled to perform is completed within a shorter period.

This subclause shall not apply in cases where it is customary for an employee to return to the employer's premises to perform a specific job outside ordinary working hours, or where the overtime is continuous (subject to a reasonable meal break) with the completion or commencement of ordinary working time.

Overtime worked in the circumstances specified in this subclause shall not be regarded as overtime for the purposes of subclause (b) of this clause where the actual time worked is less than 2 hours on such recall or on each of such recalls.

(h) Time Off in Lieu of Payment

Notwithstanding provisions elsewhere in the award, the employer and the majority of employees at an enterprise may agree to establish a system of time off in lieu of overtime provided that:

- (i) An employee may elect, with the consent of the employer, to take time off in lieu of payment for overtime at a time or times agreed with the employer.
- (ii) Overtime taken as time off during ordinary time hours shall be taken at the ordinary time rate, that is an hour for each hour worked (unless otherwise provided elsewhere in the award).
- (iii) An employer shall, if requested by an employee, provide payment at the rate provided for the payment of overtime as prescribed in this clause, for any overtime worked under this subclause where such time has not been taken within four weeks of accrual.
- (iv) An employee or the employees may choose to request a union party to this award, to represent their interests in negotiations referred to in paragraph (i) of this subclause.
- (v) Once a decision has been taken to introduce an enterprise system of time off in lieu, in accordance with this clause, its terms must be set out in the time

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and wages records kept pursuant to Regulation 25 of the Industrial Relations Regulations 1993.

- (vi) An employer shall record these time off in lieu arrangements in the time and wages book, pursuant to Regulation 25 of the Industrial Relations Regulations 1993."

#### **OPERATIVE DATE**

This Order shall come into operation from the first full pay period to commence on or after 27 September 1999.

R J Watling  
**COMMISSIONER**

28 September 1999