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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 ffpp 3 September 2001

PUBLIC VEHICLES AWARD

ORDER BY CONSENT

No. 3 of 2001

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THE **PUBLIC VEHICLES AWARD** IS VARIED IN THE FOLLOWING MANNER:

1. By deleting Clause 22 - OVERTIME [Division A] and inserting in lieu thereof the following:

22. OVERTIME

[a] For all employees on a regular roster, payment shall be made at the rate of time and a half for the first two hours and double time thereafter for all time of duty before the rostered time of commencing work or after the rostered time of ceasing work or on a rostered day off, such double time to continue until the employee has been relieved from duty for at least eight hours.

PROVIDED that an employee who is required to report for work on a rostered day off duty shall be paid a minimum as for two hours work at the appropriate rate.

[b] For all other employees other than casual employee, payment shall be made at the rate of time and a half for the first two hours and double time thereafter for all time of duty before the ordinary time of commencing work or after the ordinary time of ceasing work or on a day which is not a regular working day, such double time to continue until the employee has been relieved from duty for at least eight hours.

In addition to normal overtime rates a casual employee while working overtime or outside of ordinary hours shall be paid on a hourly basis one thirty eighth of the appropriate weekly wage rate prescribed by the award plus 10 per cent of ordinary time earnings.

[c] An employee required to work overtime for more than two hours without being notified the day before that he/she will be so required to work shall either be supplied with a meal by the employer or paid \$11.60 for each meal.

If an employee pursuant to notice, has provided a meal or meals and is not required to work overtime, he/she shall be paid as above prescribed for meals so provided.

[d] As a condition to the operation of a 38 hour week any employee who may be required by the employer to work reasonable overtime at the overtime rates herein prescribed shall work such overtime in accordance with such requirements.

[e] Any union or association of employees shall not, either directly or indirectly, be a party to or concerned in any ban, limitation or restriction upon the working of overtime in accordance with the requirements of subclause (c) hereof.

[f] Except as provided in subclauses (a) and (b) hereof in computing overtime, each day's work shall stand alone.

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[g] 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 of this award, 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 negotiation 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 and wages records kept pursuant to Regulation 25 of the Industrial Relations Regulations 1993.
- [vi] An employer shall record time off in lieu arrangements in the time and wages book as prescribed in Clause 31 - Time and Wages Book of this award at each time this provision is used."

2. By deleting Clause 40 - OVERTIME [Division B] and inserting in lieu thereof the following:

"40. OVERTIME

- (a) For all time of duty outside the ordinary hours of duty payment shall be made at time and one half for the first two hours and double time thereafter, such double time to continue until the employee has been relieved from duty for at least eight hours.

PROVIDED that an employee who is required to report for work on a rostered day off shall be paid a minimum amount of \$1.80.

- (b) An employee required to work overtime for more than two hours without being notified the day before that he/she will be so required to work shall either be supplied with a meal by the employer or paid \$11.60 for each meal.

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(c) If an employee pursuant to notice has provided a meal or meals and is not required to work overtime, he/she shall be paid as above prescribed for meals so provided.

(d) 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 of this award, 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 negotiation 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 and wages records kept pursuant to Regulation 25 of the Industrial Relations Regulations 1993.
- (vi) An employer shall record time off in lieu arrangements in the time and wages book as prescribed in Clause 31 - Time and Wages Book of this award at each time this provision is used."

OPERATIVE DATE

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

P C Shelley
COMMISSIONER

7 September 2001