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TASMANIAN INDUSTRIAL COMMISSION

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

Tasmanian Trades and Labor Council
(T7702 of 1998)

Private and public sector awards

FULL BENCH:

PRESIDENT F D WESTWOOD
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1998 - application to review the Wage fixing Principles and to vary awards in a manner consistent with the Australian Industrial Relations Commission decision in Print number Q 1998 Safety Net Review - Wages - Agreed Settlement - Two-stage Arbitrated Safety Net Adjustment - ffpp on or after 14 July 1998 and ffpp on or after 14 October 1998 - Revised Wage Fixing Principles - Approved

MEAT PROCESSING INDUSTRY AWARD

ORDER BY CONSENT-

No. 1 of 1998

AMEND THE **MEAT PROCESSING INDUSTRY AWARD** IN THE FOLLOWING MANNER:

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1. Delete Clause 8 - Wage Rates and insert in lieu thereof the following:

"8. WAGE RATES

(A) Operative from the first full pay period to commence on or after 14 July 1998:

1. ADULTS

(a) An adult employee of a classification specified herein employed in any of the industries or divisions hereof to which this award applies shall, except as otherwise specified, be paid the weekly wage rate herein assigned to that classification.

(i) Operative from the first full pay period to commence on or after 14 July 1998:

	*Base Rate Relativity %	Base Rate	Safety Net Adjustment \$	Total Weekly Wage Rate \$
Meat Industry Employee Entry Level	80	333.80	44.00	377.80
Meat Industry Employee Level 1	85	354.60	44.00	398.60
Meat Industry Employee Level 2	88	367.10	44.00	411.10
Meat Industry Employee Level 3	90	375.50	44.00	419.50
Meat Industry Employee Level 4	95	396.30	44.00	440.30
Meat Industry Employee Level 5	100	417.20	44.00	461.20
Meat Industry Employee Level 6	105	438.10	44.00	482.10
Meat Industry Employee Level 7	110	458.90	44.00	502.90

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- (ii) Operative from the first full pay period to commence on or after 14 October 1998:

	*Base Rate Relativity %	Base Rate	Safety Net Adjustment \$	Total Weekly Wage Rate \$
Meat Industry Employee Entry Level	80	333.80	48.00	381.80
Meat Industry Employee Level 1	85	354.60	48.00	402.60
Meat Industry Employee Level 2	88	367.10	48.00	415.10
Meat Industry Employee Level 3	90	375.50	48.00	423.50
Meat Industry Employee Level 4	95	396.30	48.00	444.30
Meat Industry Employee Level 5	100	417.20	48.00	465.20
Meat Industry Employee Level 6	105	438.10	48.00	486.10
Meat Industry Employee Level 7	110	458.90	48.00	506.90

- (b) Piecework - Slaughterer

- (i) An employee engaged on piecework to perform slaughtering duties shall receive a loading of 10% on the relevant classification rate (ie. Meat Industry Employee Level 5) while on annual leave, sick leave, holidays with pay, rostered days off or compassionate leave.

2. JUNIOR WORKERS

The minimum weekly wage rates that may be paid to junior workers shall be the undermentioned percentages of Level 2 adjusted to the nearest ten (10) cents:

	%
Under 17	50
17 to 18 year old	60
18 to 19 year old	70
19 to 20 year old	80
20 to 21 year old	90

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3. APPRENTICES

The minimum weekly wage rate for apprentices engaged as an apprentice slaughterer, apprentice butcher or apprentice smallgoods person shall be the undermentioned percentages of the tradespersons wage contained in Level 5:

	%
First year	50
Second year	65
Third year	72
Fourth year	95

PROVIDED that employees employed as apprentices and who do not receive accredited off-the job technical training shall be paid the relevant tradespersons weekly wage rate as set out in Wage Rates - Level 5.

4. PIECEWORK RATES

(A) Operative from the first full pay period to commence on or after 14 July 1998:

By mutual agreement between the employer and the employee piecework may be worked and if so, piecework rates may be paid as follows:

(a) Cattle -	\$
1. Works registered for export	
(i) When dressed on a cradle	5.9450
(ii) Using mechanical hide puller	5.3504
2. Works not registered for export	7.6434
3. Killafaddy	5.9450
4. Cobbs Hill	5.9450

Bulls and/or bull stags 181.5 kg and over shall be paid for at double the appropriate cattle rate.

(b) Sheep and/or Lambs -	\$
1. Solo	1.5716
2. Cobbs Hill	1.2967
3. Chain (in works registered for Export)	1.2967

(c) Calves (dressed carcass weights) -	
1. 22.75 kg and under	1.4956
22.76 kg to 36.25 kg	2.5504
36.26 kg to 54.5 kg	3.9523
54.51 kg to 113.5 kg	5.3339
113.51 kg and over to be classed as cattle	

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2.	Calf-chain where mechanical hide puller is operated		1.2344
(d)	Pigs (dressed carcass weight) -	Manual	Machine
		\$	\$
1.	27.25 kg and under	3.5383	2.4040
	27.26 kg to 54.5 kg	4.7353	3.5939
	54.51 kg to 90.75 kg	5.9554	4.7880
	90.76 kg and over	9.5678	7.0966
2.	Boars, 55.0 kg and over (except intensive lot fed boars)		7.0966
(e)	Rams and Ram Stags -		
1.	Solo		3.1432
2.	Cobbs Hill		2.5934
3.	Chain (in works registered for export)		2.5934
(f)	Ram lambs (up to first showing of two teeth) -		
1.	Solo		2.3574
2.	Cobbs Hill		1.9451
3.	Chain (in works registered for export)		1.9451
(i)	Boners may be employed at the following piecework rates:		
(A)	Mutton - 1.0924 for each carcass; rams shall be paid at double rates whenever done;		
	Birdcage sheep - 4 carcasses shall count as 5 sheep; sheep, or portion of sheep over 29 kg to be paid for at rate and a half.		
(B)	Beef -		
	Standard cut for canning or U.S.A. Market boneless beef, including the removal of fillet in 1 piece - 1.4309 per quarter;		
	Boned out as specified cuts or precision boning - 1.5318 per quarter.		
	Penalty for heavyweight cows and steers - carcass in excess of 272 kg shall be at one and a half times the rate prescribed; bulls shall be paid for at double rates whenever done.		
	'Precision boning' means the removal of meat in the form of specified trade cuts, or portions of fabricated meats by methods such as seaming which requires an increase in the work to be performed by the boner in order to complete the task.		

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Boners shall be required to remove the paddy-whack.

Where boners are required to derive boneless meat for canning or U.S.A. Market, boneless beef from pieces of bone-in meat listed above, they shall be paid a loading of 15% on the amount prescribed per quarter.

(C) Calves -	\$
up to 27.25 kg	1.1149
27.26 kg to 54.5 kg	1.6680
54.51 kg to 90.75 kg	3.3105
over 90.75 kg to be paid at beef prices.	

bird-caged calves - 4 carcasses shall count as 5;
 bird-caged calves boned in the side method with intercostal muscle attached - 4 shall count as 6.

(D) Pork -
\$3.1133 per 45.5 kg bone-in weight;
\$2.4995 per 45.5 kg when de-fatted and de-rinded.

An employee who is required to bone hot meat, ie. meat which has not previously been chilled and is boned within 8 hours of slaughtering, shall be paid an additional 10% on the appropriate rates prescribed.

An employee who is required to bone boars shall be paid at double the ordinary rate.

(ii) **Slicer - Trimmers** may be employed at the following piecework rates:

(A) Mutton -	
prepared for local market - \$0.5167 per carcass;	
prepared for U.S.A. or export market - \$0.6309 per carcass.	
(B) Beef -	
prepared for local market - \$0.8838 per quarter;	
prepared for U.S.A. or export market - \$1.1534 per quarter.	
(C) Veal -	\$
prepared for local market:	
up to 27.25 kg per carcass-	0.2643
27.26 kg to 54.5 kg per carcass-	0.3597
54.51 kg to 90.75 kg to carcass-	0.7605

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prepared for U.S.A. or export market	
up to 27.25 kg per carcass-	0.5167
27.26 kg to 54.5 kg per carcass	0.8146
54.51 kg to 90.75 kg per carcass	1.4178
penalties, bulls and rams - 1 shall equal 1 1/2	

(D) Additions to Piecework Rates

(1) Mutton (Export)

Squaring and deseaming backstraps - an additional 5% per carcass.

(2) Beef (Export)

(i) Denuded topside - an additional 6.25% per hind quarter.

(ii) Seaming shin muscle from silverside - an additional 2.5% per hind quarter.

(E) Silverside Flats and Eyes - an additional 2.5% per hind quarter.

(B) Operative from the first full pay period to commence on or after 14 October 1998:

By mutual agreement between the employer and the employee piecework may be worked and if so, piecework rates may be paid as follows:

(a) Cattle -	\$
1. Works registered for export	
(i) When dressed on a cradle	5.9967
(ii) Using mechanical hide puller	5.3969
2. Works not registered for export	7.7099
3. Killafaddy	5.9962
4. Cobbs Hill	5.9962

Bulls and/or bull stags 181.5 kg and over shall be paid for at double the appropriate cattle rate.

(b) Sheep and/or Lambs -	\$
1. Solo	1.5853
2. Cobbs Hill	1.3080
3. Chain (in works registered for Export)	1.3080

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(c) Calves (dressed carcass weights) -

1.	22.75 kg and under	1.5086
	22.76 kg to 36.25 kg	2.5726
	36.26 kg to 54.5 kg	3.9867
	54.51 kg to 113.5 kg	5.3803
	113.51 kg and over to be classed as cattle	
2.	Calf-chain where mechanical hide puller is operated	1.2451

(d) Pigs (dressed carcass weight) -

	Manual \$	Machine \$
1.		
	27.25 kg and under	3.5691
	27.26 kg to 54.5 kg	4.7765
	54.51 kg to 90.75 kg	6.0072
	90.76 kg and over	9.6510
2.	Boars, 55.0 kg and over (except intensive lot fed boars)	7.1583

(e) Rams and Ram Stags -

1.	Solo	3.1706
2.	Cobbs Hill	2.6160
3.	Chain (in works registered for export)	2.6160

(f) Ram lambs (up to first showing of two teeth) -

1.	Solo	2.3780
2.	Cobbs Hill	1.9620
3.	Chain (in works registered for export)	1.9620

(i) **Boners** may be employed at the following piecework rates:

- (A) Mutton - 1.1023 for each carcass;
rams shall be paid at double rates whenever done;
- Birdcage sheep - 4 carcasses shall count as 5 sheep;
sheep, or portion of sheep over 29 kg to be paid for at rate
and a half.

(B) Beef -

Standard cut for canning or U.S.A. Market boneless beef, including the removal of fillet in 1 piece - 1.4439 per quarter;

Boned out as specified cuts or precision boning - 1.5457 per quarter.

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Penalty for heavyweight cows and steers - carcase in excess of 272 kg shall be at one and a half times the rate prescribed; bulls shall be paid for at double rates whenever done.

'**Precision boning**' means the removal of meat in the form of specified trade cuts, or portions of fabricated meats by methods such as seaming which requires an increase in the work to be performed by the boner in order to complete the task.

Boners shall be required to remove the paddy-whack.

Where boners are required to derive boneless meat for canning or U.S.A. Market, boneless beef from pieces of bone-in meat listed above, they shall be paid a loading of 15% on the amount prescribed per quarter.

(C) Calves -	\$
up to 27.25 kg	1.1250
27.26 kg to 54.5 kg	1.6832
54.51 kg to 90.75 kg	3.3406
over 90.75 kg to be paid at beef prices.	

bird-caged calves - 4 carcasses shall count as 5;
bird-caged calves boned in the side method with intercostal muscle attached - 4 shall count as 6.

(D) Pork -

\$3.1416 per 45.5 kg bone-in weight;
\$2.5222 per 45.5 kg when de-fatted and de-rinded.

An employee who is required to bone hot meat, ie. meat which has not previously been chilled and is boned within 8 hours of slaughtering, shall be paid an additional 10% on the appropriate rates prescribed.

An employee who is required to bone boars shall be paid at double the ordinary rate.

(ii) **Slicer - Trimmers** may be employed at the following piecework rates:

(A) Mutton -

prepared for local market - \$0.5217 per carcase;
prepared for U.S.A. or export market - \$0.6370 per carcase.

(B) Beef -

prepared for local market - \$0.8924 per quarter;
prepared for U.S.A. or export market - \$1.1646 per quarter.

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- | | |
|---|--------|
| (C) Veal - | \$ |
| prepared for local market: | |
| up to 27.25 kg per carcass- | 0.2669 |
| 27.26 kg to 54.5 kg per carcass- | 0.3632 |
| 54.51 kg to 90.75 kg to carcass- | 0.7678 |
| prepared for U.S.A. or export market | |
| up to 27.25 kg per carcass- | 0.5217 |
| 27.26 kg to 54.5 kg per carcass- | 0.8225 |
| 54.51 kg to 90.75 kg per carcass- | 1.4316 |
| penalties, bulls and rams - 1 shall equal 1 1/2 | |
- (D) Additions to Piecework Rates
- (1) Mutton (Export)
- Squaring and deseaming backstraps - an additional 5% per carcass.
- (2) Beef (Export)
- (i) Denuded topside - an additional 6.25% per hind quarter.
- (ii) Seaming shin muscle from silverside - an additional 2.5% per hind quarter.
- (E) Silverside Flats and Eyes - an additional 2.5% per hind quarter.

5. SUPPORTED WAGE SYSTEM

(a) Eligibility Criteria

Subject to this subclause an employer may engage employees at a supported wage rate (as set out in paragraph (c) of this subclause) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

PROVIDED that this subclause does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

PROVIDED ALWAYS that this subclause does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the Disability Services Act 1986 and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under Section 10 or under Section 12A of the above Act, or if a part only has received recognition, that part.

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(b) For the purposes of this subclause:

'Supported Wage System' means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

'Accredited Assessor' means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System.

'Disability Support Pension' means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the Social Security Act 1991, as amended from time to time, or any successor to that scheme.

'Assessment instrument' means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

(c) Supported Wage Rates

Employees to whom this subclause applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

Assessed capacity (paragraph (d))	% of prescribed award rate
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

PROVIDED that the minimum amount payable shall be not less than \$50 per week.

(d) Assessment of Capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

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- (i) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
 - (ii) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.
- (e) Lodgment of Assessment Instrument
- (i) All assessment instruments under the conditions of this subclause, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Tasmanian Industrial Commission.
 - (ii) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the award, is not a party to the assessment, it shall be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and shall take effect unless an objection is notified to the Registrar of the Tasmanian Industrial Commission within 10 working days.
- (f) Review of Assessment
- The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.
- (g) Other Terms and Conditions of Employment
- Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this subclause shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.
- (h) Workplace Adjustment
- An employer wishing to employ a person under the provisions of this subclause shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.
- (i) Trial Period
- (i) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this subclause for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.

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- (ii) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with paragraphs (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$50 per week or such greater amount as is agreed from time to time between the parties.
- (iv) Work trials should include induction or training as appropriate to the job being trialed.
- (v) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under paragraph (c) hereof."

2. Delete Clause 9 - Allowances and insert in lieu thereof the following:

"9. ALLOWANCES

Drivers

A smallgoods seller who operates a refrigerated vehicle shall be paid per week an extra \$3.50.

Motor, drawing trailer \$1.60 per day extra.

Further additional amount for employee carting specially offensive material - \$2.50 per week extra.

Further additional amount for driver who loads and/or unloads carcasses - \$2.00 per week extra.

Driver's Licence

If an employee employed in any of the classifications in respect of which this award is made uses the employee's driver's licence exclusively in the business of driving any class or type of motor vehicle in respect of which such employee is required to hold a licence, the employee's licence fee shall be paid by the employer at the time of the employee taking annual leave.

First Aid

The employer shall provide and maintain a sufficient first aid box for injured employees. Such first aid box shall be to the satisfaction of the Tasmanian Industrial Commission.

An employee who holds current first aid qualifications from St. John Ambulance or similar body, and who is appointed by the employer to perform first aid duty shall be paid \$1.20 per day extra.

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Freezers

An employee required to work in temperatures:

- (a) from -2 to -16 degrees C., shall be paid per hour extra 14 cents
- (b) from -16 to -18 degrees C., shall be paid per hour extra 34 cents
- (c) from -18 to -21 degrees C., shall be paid per hour extra 45 cents
- (d) in excess of -21 degrees C., shall be paid per hour extra 61 cents

PROVIDED that employees engaged in the sawing and packing of frozen meat cuts shall be paid per hour, whilst so engaged 36 cents.

Incidental Expenses

Where an employee is involved in meeting the cost of fares, accommodation or other expenses incurred as a result of attending for work to which the employee is directed by the employer, the employee shall be reimbursed for all expenses reasonably incurred.

When required to use the employee's own vehicle, the employee shall be paid an allowance of 38 cents per kilometre.

Leading Hands

Leading hands not otherwise provided for:

In charge of 3 to 10 employees	-	\$16.70 per week extra.
In charge of 10 to 20 employees	-	\$24.50 per week extra.
In charge of 20 or more employees	-	\$31.70 per week extra.

Maintenance

Employees classified in item 3 hereof who are holders of an 'A' Grade licence shall be paid an additional allowance of \$10.90 per week.

A licence nominee shall be paid an allowance of \$30.70 per week in addition to the weekly wage.

Meals

An employee (other than an employee employed in an abattoir) who is required overtime for more than one and one half hours without being notified the previous day shall either be supplied with a meal by the employer or be paid a meal allowance of \$9.65.

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Other Allowances

In addition to the rates prescribed above, to compensate for the disabilities of the industry not otherwise provided for in this award, employees shall be paid an allowance of :

- (i) \$12.20 per week when engaged upon construction work, and
- (ii) \$6.10 per week when engaged upon maintenance work.

An employee engaged on work of cleaning or scraping any boiler, flue or economiser shall whilst so employed be paid an additional amount per hour to the employee's ordinary or overtime pay of 99 cents.

Penalty Rates For Slaughtering

- (a) Treble rates shall be payable for diseased sheep, lambs, cattle and pigs which are condemned by the Meat Inspector for tuberculosis or for diseases contagious to human beings.

Any dispute arising out of this subclause shall be referred to the Stock Inspector for adjudication and his decision shall be final and binding on the employer and the employees.

- (b) Cattle that have to be carted in or dragged to the killing floor shall be paid for at time and a half or rate and a half.
- (c) If, in the opinion of the Superintendent or the Superintendent's nominee, sheep are unreasonably dirty or objectionable, payment shall be made at double rates.
- (d) Double woolled sheep (ie.) sheep which have in excess of 18 months wool) payment shall be made at double rate.
- (e) For solo slaughtering sheep weighing from 29.00kg to 40.75kg dressed weight shall be paid for at rate and a half.
- (f) Sheep weighing over 40.75kg shall be paid for at double rates.
- (g) Rams weighing 40.75kg and over dressed weight shall be paid for at treble rates.
- (h) Any employee other than a slaughterer who is required to cut and handle any stock condemned by a veterinary officer or meat inspector for tuberculosis or for diseases contagious to human beings shall be paid the following penalty rates:

54 cents per head for pigs, sheep and calves and \$1.08 per head for cattle.

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Saving Serum and Skinning Slink

An employee required to perform the task or tasks of saving foetal calf serum or skinning slinks shall in addition to the employee's normal rate of pay prescribed by this award be paid as a penalty payment for each hour or part thereof the employee is engaged on either or both of such tasks an amount of 95 cents.

Tools of Trade

All employees (other than pieceworkers) engaged in classifications that are proclaimed as trades under the *Vocational Education and Training Act, 1994* shall either be supplied with all tools by the employer or be paid a tool allowance of not less than \$9.00 per week.

Pieceworkers shall supply their own tools of trades.

An Employer shall provide each apprentice with such tools as are customarily used in the trade, such tools to remain the property of the employer.

Employees (including juniors) other than those mentioned above shall be supplied with all tools and equipment or be paid an allowance of \$1.00 per week.

PROVIDED that such allowances shall not be subject to adjustment when computing payments for shifts penalty rates, for weekend or holiday work, for overtime or for any other purpose.

Travelling

When an employee uses the employee's own motor vehicle at the request of the employer the employer shall be paid an allowance of 38 cents per kilometre travelled in the course of the employee's duties.

FOLLOW-ON LABOUR SLAUGHTERER SECTION

The rates to be paid to follow-on labour for overs shall be 10 cents for sheep and lambs and 46 cents for cattle or calf equivalents:

Weight for calf equivalents

22.75 kg and under	11 cents
22.76 kg to 36.25 kg	11 cents
36.26 kg to 54.5 kg	16 cents
54.6 kg to 113.5 kg	26 cents

Payment for overs shall be made to follow-on labour for cattle, sheep and lambs processed by slaughterer in excess of the prescribed weekly tallies.

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That an additional payment of 16 cents per head be paid to follow-on labour employed in the Pig Slaughtering Section for all pigs processed in excess of 200 per week per slaughterer. In the calculation of the number processed on any week each pig shall be counted as one unit irrespective of weight and type."

OPERATIVE DATE

This Order shall come into operation from the first full pay period to commence on or after 14 July 1998.

R J Watling
COMMISSIONER

22 July 1998