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TASMANIAN INDUSTRIAL COMMISSION

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

Tasmanian Chamber of Commerce and Industry Limited
(T8963 of 2000)

Australian Cement Holdings Enterprise Award
Broadcasting and Television Award
Butter and Cheesemakers Award
Civil Construction and Maintenance Award
Clerical and Administrative Employees (Private Sector) Award
Dairy Processing Award
Estate Agents Award
Farming and Fruit Growing Award
Fibreglass and Plastics Award
Fish Aquaculture and Marine Products Award
Fuel Merchants Award
Furnishing Trades Award
Horticulturists Award
Hotels, Resorts, Hospitality and Motels Award
Independent Schools (Non-Teaching Staff) Award
Insurance Award
Licensed Clubs Award
Marine Boards Award
Meat Processing Industry Award
Medical Diagnostic Services (Private Sector) Award
Medical Practitioners (Private Sector) Award
Miscellaneous Workers Award
Nursing Homes Award
Optical Industries Award
Photographic Industry Award
Plant Nurseries Award
Printers Award
Produce Award
Public Accountants Award
Public Vehicles Award
Restaurant Keepers Award
Retail Trades Award
Rubber Trades Award
Shellfish Industry Award
Textile Award
Timber Merchants Award
Totalizator Agency Award
Wholesale Pharmaceutical Award
Wholesale Trades Award

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FULL BENCH:
DEPUTY PRESIDENT R J WATLING
COMMISSIONER T J ABNEY
COMMISSIONER A W PEARCE

Award variation - nominated private sector awards - application amended - deletion of obsolete training provisions - application granted - operative fpp 7 September 2000

WHOLESALE PHARMACEUTICAL AWARD

ORDER BY CONSENT

No. 3 of 2000

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THE **WHOLESALE PHARMACEUTICAL AWARD** IS VARIED IN THE FOLLOWING MANNER:

- 1. By deleting Clause 3 - ARRANGEMENT, and inserting in lieu thereof the following:**

“3. ARRANGEMENT

<u>Subject Matter</u>	<u>Clause No.</u>	<u>Page No.</u>
Title	1	
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Expenses and Accommodation	14	
Holidays with Pay	15	
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Occupational Superannuation	18	
Overtime	19	
Parental Leave	20	
Part-time Employees	21	
Payment of Wages	22	
Ratio of Juniors to Adult Employees	23	
Rest Period	24	
Saturday, Sunday and Holiday Work	25	
Settlement of Disputes	26	
Sick Leave	27	
Structural Efficiency	28	
Tea Money	29”	

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2. By deleting Clause 7 - DEFINITIONS, and inserting in lieu thereof the following:

"7. DEFINITIONS

'Casual employee' means any person who is employed on a casual basis and includes any person who is employed for a period not exceeding 4 weeks at any one time.

'Clerk' means a clerk, bookkeeper, timekeeper, cashier and typist, including typist-stenographer.

'Commercial traveller' shall mean a person over the age of 21 years employed outside the employer's place of business in the process, trade, business or occupation of:

- (a) soliciting orders for articles, goods, wares, merchandise or materials:
 - (i) wholesale in quantity for resale;
 - (ii) to be used by the purchaser or by persons in the manufacture, production, preparation or distribution of commodities for sale;
- (b) soliciting orders for articles, goods, wares, merchandise or materials to be used by the purchaser or by the person from whom the order was solicited in his, her or their business, trade or occupation or (in the case of a public or semi-public body) for the purpose of its undertaking;
- (c) buying outside the employer's place of business for some person, firm or company engaged in wholesale business for resale in any form.

'Country traveller' shall mean a commercial traveller (as defined) who spends at least 2 week nights in any 1 week away from his or her normal place of residence or home town, but it shall be a condition of this award that an employer of a country traveller (as defined) shall at all times retain the right to instruct such traveller to remain away from his or her normal place of residence or home town until Friday and that a country traveller (as defined) shall comply with any instructions received from his or her employer regarding this matter.

'Maker's capacity' shall mean the capacity attributed to the vehicle by the manufacturer as a maximum gross rating less the vehicle's tare, except in cases where on any day the maximum weight of any load exceeds such capacity by one third or more thereof, in which cases such maximum load shall, for the purposes of assessing the wages to be paid for that day, be deemed to be the maker's capacity.

'Show day' means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the employee is employed, or such other day which, in the absence of such a local show day (as defined), is agreed on by the employee and the employer.

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'Wholesale Pharmaceutical Industry' for the purposes of this award shall mean the wholesaling and/or distribution of pharmaceutical products in accordance with a licence issued under the *Poisons Act, 1971*, and may include the wholesaling and/or distribution of other medicines and non-prescription pharmaceutical products and other goods."

3. By deleting Clause 30 - TRAINEESHIPS (ATS).

OPERATIVE DATE

This variation shall come into operation from the first full pay period to commence on or after 7 September 2000.

RJ Watling
DEPUTY PRESIDENT

18 September 2000