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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

FUEL MERCHANTS AWARD

ORDER BY CONSENT

No. 2 of 2001

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

By deleting Clause 25 - MEAL TIMES and inserting in lieu thereof the following:

"25. MEAL TIMES

- (a) (i) Subject to paragraph (b)(i) below each employee shall be allowed an unpaid meal break of not less than 45 minutes and not more than one hour to be taken between 11.00am and 3.00pm.

PROVIDED that by agreement between the employer and the majority of employees at an establishment the meal break may be less than 45 minutes. Such agreement shall be notified to the relevant union within seven working days.

- (ii) An employee required to work through the customary meal break shall be paid at the rate of ordinary time, in addition to any payment due in respect of a weekly or casual wage, until such time as the meal break begins.
- (b) (i) Except as otherwise provided in this clause, no employee shall be required to work for longer than 5½ hours without a break for a meal.
- (ii) All time worked over 5½ hours until such a break is allowed shall be paid for at the rate of ordinary time, the payment to be in addition to any payment due in respect of a weekly or casual wage.
- (iii) This subclause shall not apply to the evening meal time in the case of any employee returning to the yard or depot after the conclusion of any journey or delivery where such employee ceases work not later than 7.00pm on Monday to Friday inclusive.
- (c) (i) Where an employee is required otherwise than because of the employee's own default or delay to continue working after 6.00pm on Monday to Friday inclusive, or 1.00pm on Saturday, without having been informed in some way on the preceding working day that the employee will be so required, the employee shall be allowed \$11.60 as meal money.
- (ii) An employee who is notified under this subclause that the employee will be required to continue working, but who is not so required to continue working, shall be paid the prescribed meal money.
- (iii) This subclause shall not apply in the case of any employee returning to the yard or depot after the conclusion of any journey or delivery where such employee ceases work not later than 7.00pm.
- (iv) The obligation to pay ordinary time under this clause in addition to weekly or other wages and overtime under any other clause shall not be cumulative, but the employee, in cases coming within this clause, shall be entitled only to the

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higher payment.”

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