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**TASMANIAN INDUSTRIAL COMMISSION**

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

**Construction, Forestry, Mining and Energy Union,  
Tasmanian Branch**  
(T.5663 of 1995)

**MONUMENTAL MASONS AWARD**

COMMISSIONER P A IMLACH

21 August 1995

Award variation - second \$8 safety net adjustment - consent matter - award varied operative from ffpp 26 July 1995

**ORDER BY CONSENT -**

**No. 1 of 1995**

AMEND THE **MONUMENTAL MASONS 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**

1. WAGE RATES

(a) Adult employees of a classification hereunder mentioned shall be paid the weekly wage rate opposite that classification.

|   | Base<br>Rate<br>\$ | Safety Net<br>Adjustment<br>\$ | Weekly<br>Wage Rate<br>\$ |
|---|--------------------|--------------------------------|---------------------------|
| (i) Monumental Masons                             | 355.60             | 16.00                          | 371.60                    |
| (ii) All other employees<br>(irrespective of age) | 294.20             | 16.00                          | 310.20                    |

2. FOREMAN AND LEADING HANDS

A person specifically appointed to be a foreman or a leading hand shall be paid at the rate of the undermentioned additional amounts above the rates of the highest classification supervised, or his own rate, whichever is the highest, in accordance with the number of persons in his charge:

|   | Amount<br>Per Week<br>\$ |
|---|--------------------------|
| (a) in charge of not more than 1 person         | 8.90                     |
| (b) in charge of 2 and not more than 5 persons  | 19.50                    |
| (c) in charge of 6 and not more than 10 persons | 24.50                    |
| (d) in charge of more than 10 persons           | 32.80                    |

3. MINIMUM WAGE

- (a) Notwithstanding the provisions of subclause 1 - Wage Rates of this clause, no adult employee shall be paid less than the rate of \$241.10.
- (b) Provided that payments for overtime, holiday and weekend penalties, and disability allowances prescribed in this award shall not be taken into account in the calculation of such minimum weekly rate of wage.

Where a minimum rate of pay as aforesaid is applicable to an employee for work in ordinary hours the same rate shall be applicable to the calculation of overtime and all other penalty rates payments during sick leave and annual leave, and for all other purposes of this award.

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4. APPRENTICES

The minimum rates of wages that may be paid to apprentices shall be the undermentioned percentages of the rate prescribed for Monumental Masons in subclause 1(a) - Wage Rates of this clause adjusted to the nearest 10 cents.

|             | Percentage<br>% | Amount<br>Per Week<br>\$ |
|-------------|-----------------|--------------------------|
| First year  | 38              | 141.20                   |
| Second year | 55              | 204.40                   |
| Third year  | 75              | 278.70                   |
| Fourth year | 90              | 334.40                   |

5. HOURLY RATE

To an employee engaged by the hour on hourly rate (calculated to four decimal places of a dollar) equivalent to one fortieth of fifty two over forty six point eight of the weekly wage rate which would be payable in pursuance of subclause 1 - Wage Rates, subclause 3 - Foreman and Leading Hands of this clause and Clause 9 - Allowances, subclause (c) - Disability Allowance of this award, had the employee been engaged by the week.

**PROVIDED** that a casual employee shall be paid an additional 33 1/3 per cent loading on the hourly rate prescribed for the classification."

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

**"9. ALLOWANCES**

(a) Tool Allowance

In addition to the rates prescribed in Clause 8 - Wage Rates, subclause 1 - Wage Rates of this award and subclause (c) - Disability Allowance of this clause, employees shall be paid a tool allowance per week in accordance with the following:

|               |         |
|---------------|---------|
| Carver        | \$11.50 |
| Letter Cutter | \$11.50 |
| Stonemason    | \$11.50 |

When all tools are supplied by the employer this clause does not apply.

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(b) Allowance for Distant Jobs

- (i) For the purposes of this subclause, 'a distant job' is one in respect of which the distance or the travelling facilities available to and from makes it reasonably necessary that the employee shall live and sleep at some other place than his usual place of residence.
- (ii) For an employee engaged on work on a distant job as defined in (i) above, the employer shall provide suitable board and accommodation, and if such is not provided by the employer he shall pay to the employee an allowance to enable him to provide himself with suitable board and accommodation at the following rates:

if employed on the job for less than a full working week \$25.00 per day;

if employed on the job for a full working week or longer, at the rate of \$174.70 per week (of 7 days).

(c) Disability Allowance

- (i) In addition to the rates prescribed in Clause 8 - Wage Rates, subclause 1 Wage Rates and subclause 4 - Apprentices of this award, all employees engaged on construction work on site shall be paid an allowance of \$14.20 per week to compensate for the following disabilities of the industry, namely being subjected to
  - (a) climatic conditions when working in the open on all types of work or on multi-storey buildings prior to it being enclosed;
  - (b) the physical disadvantage of having to climb stairs or ladders, particularly on multi-storey buildings prior to an elevator being available;
  - (c) dust blowing in the wind on building sites;
  - (d) sloppy and muddy conditions associated with the initial stages of erection of a building;
  - (e) dirty conditions caused by the use of form oil or from green timber;
  - (f) drippings from newly poured concrete;
  - (g) the disability of working on all types of scaffold, other than a single plank or a bosun's chair; and
  - (h) the lack of usual amenities associated with factory work (eg. meal rooms, change rooms, lockers, etc.)

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- (ii) In addition to the rates prescribed in Clause 8 - Wage Rates, subclause 1 Wage Rates and subclause 4 - Apprentices of this award, all employees engaged on maintenance work shall be paid an allowance of \$7.10 per week to compensate for disabilities of the industry not otherwise provided for in this award.
- (iii) **"Construction work"** means work in connection with the erection, repair, maintenance, renovation, ornamentation, or demolition of buildings or structures, and the making, preparing, assembling or fitting in connection therewith or the making, preparing, assembling, and the fixing of any material necessitating the use of tools or machines."

**3. Delete Clause 23 - Service Increments and insert in lieu thereof the following:**

**"23. SERVICE INCREMENTS**

- (a) In addition to any other payment to which an employee other than a casual may be entitled under this award, an adult employee shall be entitled as follows to an additional payment according to the years of service he has completed in the industry. The amount payable shall in each case be regarded as part of the employee's ordinary rate of pay for all purposes

|   | Per Week<br>\$ |
|---|----------------|
| After completion of 1 year's service in the industry  | 2.30           |
| After completion of 2 year's service in the industry  | 3.40           |
| After completion of 3 year's service in the industry  | 4.50           |
| After completion of 5 year's service in the industry  | 5.50           |
| After completion of 10 year's service in the industry | 11.10          |

- (b) The onus shall be upon the employee to satisfy the employer that he has completed the number of years service in the industry which he claims.
- (c) For the purpose of this clause, 'service in the industry' shall mean service in Tasmania provided that where an employee commencing in the industry in Tasmania has worked in the industry in another State, service in that State shall count for purpose of service in Tasmania, subject to the production of evidence satisfactory to the employer of such service."

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**4. Delete Clause 25 - Special Rates and protective clothing and insert in lieu thereof the following:**

**"25. SPECIAL RATES AND PROTECTIVE CLOTHING**

(a) Swing Scaffold

A payment of \$2.33 for the first 4 hours or any portion thereof, and 48 cents for each hour thereafter on any day shall be made to any person employed.

- (i) on any type of swing scaffold or any scaffold suspended by rope or cable, bosun's chair etc.;
- (ii) on a suspended scaffold requiring the use of steel or iron hooks or angle irons at a height of 6 metres or more above the nearest horizontal plane.

**PROVIDED** that an apprentice with less than 2 years experience shall not use a swing scaffold or bosun's chair.

**PROVIDED FURTHER** that solid plasterers when working off a swing scaffold shall receive an additional 10 cents per hour.

(b) Explosive Powered Tools

An operator of explosive powered tools, as defined in this award who is required to use an explosive powered tool, shall be paid 76 cents for each day on which he uses such a tool.

(c) Flexible Drive Polishing Machines

Operators of flexible drive polishing machines shall be supplied with aprons by the employer when requested, but no such employee shall be entitled to more than one apron in any one year.

(d) Heavy Blocks

The employer shall provide mechanical means for the handling, lifting and placing of heavy blocks, or pay in lieu thereof the following allowances to employees engaged on such work:

|   |                   |
|---|-------------------|
| where the blocks weigh over 5.5 kg and under 9 kg | 33 cents per hour |
| where the blocks weigh 9 kg or over up to 18 kg   | 56 cents per hour |
| where the blocks weigh over 18 kg                 | 82 cents per hour |

An employee shall not be required to lift a building block in excess of 20 kg in weight unless such employee is provided with a mechanical aid or with an assisting employee; provided that an employee shall not be required to manually lift any building block in excess of 20 kg in weight to a height of more than 4 feet (1.2m) above the working platform."

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**OPERATIVE DATE:**

The foregoing variation shall come into effect from the first full pay period commencing on or after 26 July 1995.

PA Imlach  
**COMMISSIONER**

21 August 1995