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**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984  
s23 application for award or variation of 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  
Shellfish Industry Award

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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

**PASMINCO ROSEBERY (MINING) AWARD**

**ORDER BY CONSENT**

**No. 2 of 2001**

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THE **PASMINCO ROSEBERY (MINING) AWARD** IS AMENDED IN THE FOLLOWING MANNER:

By deleting Clause 22 - OVERTIME, and inserting in lieu thereof the following:

**"22. OVERTIME**

- (a) Employees shall be required to work a reasonable amount of overtime in addition to the rostered hours of duty.
- (b) All hours worked in excess of the rostered hours of duty shall be paid at twice the hourly rate.
- (c) An employee involved in or in relation to a maintenance function shall work during meal breaks at the ordinary rates prescribed herein whenever instructed to do so for the purpose of making good breakdowns of plant or upon the maintenance of plant which can only be done while such plant is idle.

**PROVIDED** that an employee shall not work for more than 5 hours without a break for a meal.

- (d) Shift workers shall be paid at the rate of double time for all time of duty beyond 8 hours per day, except where the excess time of duty is:
  - (i) by arrangement between the employees themselves;
  - (ii) for the purpose of effecting the customary rotation of shifts and reliefs.
- (e) Where an employee notified of an overtime shift receives less than 8 hours' notice from its starting time to its cancellation, he/she shall be paid standing-by time at his/her ordinary rate of pay for such period as the notice of cancellation is short of 8 hours, and the employee who has reported for duty without being notified by the employer shall accept such work as is offered in lieu of his/her normal work.
- (f) Shift Relief

Notwithstanding anything contained elsewhere in this award where an employee is not relieved as scheduled at the termination of shift through no fault of the employer, the employee shall continue to perform duty until relieved or otherwise authorised by the employer to finish work. The employer shall endeavour to find a relief at the earliest notification. In these circumstances the employee shall be paid pursuant to subclause (b) of Clause 22 - Overtime, for all hours in excess of 8.

- (g) Callouts

Employees who are called to work outside their rostered hours of work shall be given a minimum of 4 hours work and shall be paid pursuant to subclause (b) of Clause 22 - Overtime. Each callout shall stand alone.

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- (h) In computing overtime, each day's work shall stand alone.
- (i) An employee required to work overtime for one and a quarter hours or more following his/her ordinary day of shift without being notified the previous day or earlier that he/she shall be so required to work shall either be supplied with meals at the proper intervals or shall be given the sum of \$11.60 per meal in lieu thereof.
- (j) Employees required to work one and a quarter hours or more overtime following their ordinary day or shift shall be allowed 30 minutes for crib (which may be taken in relays) and at intervals of every 4 hours thereafter outside ordinary working hours (the same to be paid at overtime rates).

Rest Period

- (k) When a day worker is required to change from day work to night shift commencing at midnight on the same day he/she shall be allowed to cease work at 4.00 pm.  
**PROVIDED** that employees working on shaft maintenance shall be allowed to cease work at 2.00pm without loss of pay for ordinary hours of employment on that day.
- (l) If an employee is required to work sufficiently long not to have 10 consecutive hours rest before his/her next ordinary starting time, he/she shall be entitled to take 10 hours rest without loss of any of his/her pay for the following shift.
- (m) An employee who is required to commence work at overtime rates 4 or more hours before his/her normal commencing time for duty on that day and who by direction does not cease duty prior to his/her normal commencing time shall be paid for all ordinary hours worked on that day at the rate of double time or be released from duty without loss of ordinary pay until he/she has had not less than 10 consecutive hours rest period following the completion of the overtime duty as performed.
- (n) The provisions of the above subclause (m) shall apply in the case of shift workers as if 8 hours were substituted for 10 hours when overtime is worked for:
  - (i) the purpose of changing shift rosters; or
  - (ii) where a shift worker does not report for duty and a day worker or a shift worker is required to cover such absence;
  - (iii) where a shift is worked by arrangement between the employees themselves.
- (o) When day workers work less than 5 successive shifts (inclusive of any Rostered Leisure Days), overtime at the rates prescribed for day workers shall be paid instead of the allowance for shift work."

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**OPERATIVE DATE**

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

P A Imlach  
**COMMISSIONER**

4 September 2001