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## **TASMANIAN INDUSTRIAL COMMISSION**

### Industrial Relations Act 1984

s23 application for award or variation of award

#### **Australian Liquor, Hospitality and Miscellaneous Workers Union - Tasmanian Branch**

(T9245 of 2000)

- 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

#### **Australian Municipal, Administrative, Clerical and Services Union**

(T9248 of 2000)

- Barristers and Solicitors Award
- Broadcasting and Television Award
- Clerical and Administrative Employees (Private Sector) Award
- Community Services Award
- Disability Service Providers Award
- Estate Agents Award
- Fuel Merchants Award
- Insurance Award
- Marine Boards Award
- Medical Practitioners (Private Sector) Award
- Photographic Industry Award
- Public Accountants Award
- Softgoods Award
- Textile Award
- Totalizator Agency Award
- Wholesale Trades Award

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**Shop, Distributive and Allied Employees Association, Tasmanian Branch**

(T9251 of 2000)

Automotive Industries Award  
Bootmakers Award  
Hairdressers Award  
Insurance Award  
Retail Pharmacy Award  
Retail Trades Award  
Timber Merchants Award  
Wholesale Trades Award

**The Australian Workers' Union, Tasmania Branch**

(T9275 of 2000)

Australian Cement Holdings Enterprise Award  
Automotive Industries Award  
Bootmakers Award  
Butter and Cheesemakers Award  
Clay and Mud Products Award  
Concrete Products Award  
Civil Construction and Maintenance 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 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  
Quarrymens Award  
Rubber Trades Award  
Shellfish Industry Award  
Timber Merchants Award  
Wireworking Award

**The Australasian Meat Industry Employees Union, Tasmanian Branch**

(T9278 of 2000)

Meat Retailing Award

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FULL BENCH:  
DEPUTY PRESIDENT R J WATLING  
COMMISSIONER P A IMLACH  
COMMISSIONER T J ABEY

Award variation - nominated private sector awards - meal allowance - increase to reflect  
CPI movements - applications granted - operative ffpp 23 November 2000

**QUARRYMENS AWARD**

**ORDER BY CONSENT**

**No. 3 of 2000**

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**THE QUARRYMENS AWARD IS VARIED IN THE FOLLOWING MANNER:**

By deleting Clause 26 - OVERTIME, and inserting in lieu thereof the following:

**"26. OVERTIME**

(a) Day Workers

(i) Penalty Rates

Except as elsewhere prescribed herein, all work done outside ordinary hours shall be paid for at the rate of time and a half for the first 2 hours and double time thereafter, such double time to continue until the completion of overtime work.

(ii) Rest Period After Overtime

When overtime is necessary it shall, wherever reasonably practicable, be so arranged that employees have at least 10 consecutive hours off duty between the work of successive days.

An employee (other than a casual employee) who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he has not had at least 10 consecutive hours off duty between those times shall, subject to this subclause be released after completion of such overtime until he has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

If on the instructions of his employer such an employee resumes or continues work without having had such 10 consecutive hours off duty he shall be paid at double rates until he is released from duty for such period and he shall then be entitled to be absent until he has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

(iii) Overtime on Sunday or a Holiday

An employee required to work overtime on a Sunday or a holiday shall be afforded at least 4 hours work or paid for 4 hours at the appropriate overtime rate, except where such overtime is worked immediately before or immediately following an employee's ordinary rostered hours of work, when payment will be made for the actual hours worked at such appropriate overtime rate.

(iv) Overtime on Saturday

(1) An employee required to work overtime on a Saturday shall be afforded at least 4 hours' work or paid for 4 hours at the appropriate rate.

(2) This subclause shall not apply to any employee performing work on recall.

(v) Standing By

An employee notified to hold himself in readiness for work outside his ordinary working hours shall until released, be paid standing by time at his ordinary rate of wage from the time he so holds himself in readiness.

(vi) Working During Meal Breaks

All work performed by day workers during meal breaks and thereafter until a meal break is allowed shall be paid for at the rate of double the ordinary rate of wage.

(vii) Meal Breaks - Maintenance Employees

An employee employed on regular maintenance shall work during meal breaks at the ordinary rate of wage whenever instructed so to do for the purpose of making good breakdowns of plant or upon routine maintenance of plant which can only be done whilst such plant is idle.

(viii) Meal Breaks During Overtime

- (1) An employee working overtime for one and one-half hours or more after working ordinary hours shall be allowed a meal break of 20 minutes which shall be paid for at the appropriate overtime rate.
- (2) An employee working overtime shall be allowed a meal break of 20 minutes at the appropriate overtime rate after each 4 hours of overtime worked provided he continues work after such meal break.
- (3) The employer and an employee may agree to any variation of this subclause to meet the circumstances of the work in hand provided that the employer shall not be required to make any payment in respect of any time allowed in excess of 20 minutes.

(b) Shift Workers

(i) Penalty Rates

Excepting as hereinbefore provided, shift workers shall be paid at the rate of double time for all time of duty in excess of 8 hours per day or outside their regular rostered hours of duty, such double time to continue until the employee has been relieved from duty for at least 10 consecutive hours except where the excess time of duty is -

- (1) by arrangement between the employees themselves;

- (2) for the purpose of effecting the customary rotation of shifts;
- (3) on a shift to which an employee is transferred on short notice as an alternative to standing down the employees in circumstances which would entitle the employer to deduct payment for a day in accordance with subclause (d), Clause 15 - Contract of Employment hereof.

Provided that, when not less than 10 hours notice has been given to the employer by the relief man that he will be absent from work and the employee whom he should relieve is not relieved, the unrelieved employee shall be paid the overtime rates herein prescribed.

(ii) Change of Shift

Where a shift worker, except on a normal relief or when warned on his previous shift, is required for any reason to change from one shift to another, he shall be paid overtime on the above scale for the first shift after such change and thereafter at ordinary time.

(iii) Rates not Cumulative

Overtime rates prescribed by this subclause are to be computed on the ordinary rates of pay and are not cumulative on the rates prescribed in Clause 21 - Holiday & Weekend Penalty Rates hereof.

(iv) Overtime Preceding a Public Holiday

A shift worker who works overtime between 11p.m. and midnight on a day immediately preceding a public holiday shall be paid for such time at the rate of double and one-half his ordinary rate of wage.

(v) Rest Period After Overtime

When overtime work including work on a Sunday or holiday is necessary, it shall wherever reasonably practicable, be so arranged than an employee works not more than 16 hours in any period of 24 consecutive hours and so that each employee may have at least 10 consecutive hours off duty between the work of successive days.

(c) Recalls

- (i) An employee recalled to work overtime after leaving the employer's premises shall be paid for a minimum of 4 hours' work at the appropriate overtime rate for each time he is so recalled; provided that, except in the case of unforeseen circumstances arising, the employee shall not be required to work the full 4 hours if the work he was recalled to perform is completed within a shorter period.
- (ii) Paragraph (i) hereof shall not apply:-

- (1) In cases where it is customary for an employee to return to the employer's premises for periods not exceeding 1 hour each to perform a specific job outside his ordinary working hours in which case he shall be paid for a minimum of one hour's work at the appropriate rate for each time he is so recalled; or
- (2) Where the overtime is continuous (subject to a reasonable meal break) with the commencement of ordinary working time.
- (iii) Where the actual time worked is less than 4 hours on such recall or on each of such recalls, overtime worked in the circumstances specified in this subclause shall not be regarded as overtime for the purposes of subclause (b) (v) hereof.
- (iv) As to recalls of less than 4 hours when an employee finishes a period of work he shall, subject to this subclause, be released until he has had 10 consecutive hours off duty without loss of pay for his ordinary working time occurring during such absence.  
  
If, on the employer's instructions, such an employee resumes or continues work without having had such 10 consecutive hours off duty, he shall be paid at double the ordinary rate of wage until he is released from duty for such period and he shall then be entitled to be absent until he has had 10 consecutive hours off duty without loss of pay for his ordinary working time occurring during such absence.
- (v) The provisions of this subclause shall not apply where a shift is worked by arrangement between the employees themselves.

(d) Meal Money

An employee required to work overtime without having been notified on the previous day or shift for more than one and one-half hours shall either be supplied with meals by his employer or be paid \$10.40 for each meal.

(e) Transport of Employees

Where an employee after having worked overtime or a shift for which he has not been regularly rostered or in order to commence overtime work or a shift for which he has not been regularly rostered has to travel at a time when reasonable means of transport is not available the employer shall provide him with a conveyance to and/or from his home or pay him his ordinary rate of wage for the time reasonably occupied in travelling to and/or from his home.

(f) Night Work for Day Workers

- (i) Subject to Clause 26(a)(iv) but otherwise notwithstanding anything elsewhere contained in this award a day worker who in lieu of ordinary day work, works at night for a period of not less than 8 hours on less than 5 consecutive nights shall be paid at the rate of one and one-half times the ordinary rate of wage,

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except on a Saturday, a Sunday or a holiday, when he shall be paid at the appropriate overtime rate prescribed for day workers.

(ii) In this subclause 'night' means any hours between 4.00p.m. and 8.00a.m.

(g) Time Off in Lieu of Overtime

By agreement between an employee and employer, time off in lieu of overtime may be allowed. Such time off shall be at the penalty equivalent."

#### **OPERATIVE DATE**

This variation shall come into operation from the first full pay period to commence on or after 23 November 2000.

P C Shelley  
**COMMISSIONER**

11 December 2000