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TASMANIAN INDUSTRIAL COMMISSION

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

Australian Municipal, Administrative, Clerical and Services Union
(T8603 of 1999)

Aerated Waters Award
Barristers and Solicitors Award
Broadcasting and Television Award
Clerical and Administrative Employees (Private Sector) Award
Disability Service Providers Award
Estate Agents Award
Fuel Merchants Award
Furnishing Trades Award
Independent Schools (Non-Teaching Staff) Award
Insurance Award
Marine Boards Award
Medical Practitioners (Private Sector) Award
Photographic Industry Award
Public Accountants Award
Restaurant Keepers Award
Retail Trades Award
Shipping Award
Softgoods Award
Textile Award
Totalizator Agency Award
Wholesale Trades Award

The Australian Workers' Union, Tasmania Branch
(T8613 of 1999)

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
Pasminco Hobart Smelter Enterprise Award
Farming and Fruit Growing Award
Fish Aquaculture and Marine Products Award
Horticulturists Award
Meat Processing Industry Award
Metal and Engineering Industry Award
Monumental Masons Award
Optical Industries Award
Pasminco Rosebery (Mining) Award

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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
(T8621 of 1999)

Meat Processing Industry Award
Meat Retailing Award

Shop, Distributive and Allied Employees Association, Tasmanian Branch
(T8624 of 1999)

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

Australian Liquor, Hospitality and Miscellaneous Workers Union - Tasmanian Branch

(T8628 of 1999, T8629 of 1999 and T8630 of 1999)

Cleaning and Property Services Award
Fibreglass and Plastics Award
Health and Fitness Centres Award
Ice Cream Makers Award
Laundry and Dry Cleaning Award
Miscellaneous Workers Award
Security Industry Award
Veterinary Services Award
Wholesale Plant Bakeries Award
Baking Industry Award
Hotels, Resorts, Hospitality and Motels Award
Licensed Clubs Award

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FULL BENCH:

DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING
COMMISSIONER P A IMLACH

Award variation - nominated private sector awards - meal allowance - increase to reflect CPI movements - applications granted - operative ffpp 27 September 1999

PASMINCO ROSEBERY (MINING) AWARD

ORDER BY CONSENT -

No. 2 of 1999

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

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Delete Clause 22 - Overtime and insert 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.

- (h) In computing overtime, each day's work shall stand alone.

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- (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 \$10.00 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 Order shall come into operation from the first full pay period to commence on or after 27 September 1999.

P A Imlach
COMMISSIONER

27 September 1999