IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.2399 of 1990

IN THE MATTER OF AN APPLICATION
BY THE TASMANIAN PUBLIC SERVICE
ASSOCIATION TO VARY NOMINATED
PUBLIC SECTOR AWARDS

RE: STRUCTURAL EFFICIENCY
PRINCIPLE

ORDER -

No. 5 of 1990
(Consolidated)

AMEND THE GENERAL CONDITIONS OF SERVICE AWARD BY DELETING ALL
CLAUSES CONTAINED THEREIN, AND INSERTING IN LIEU THEREOF THE FOLLOWING:
1. **TITLE**

This award shall be known as the "General Conditions of Service Award".

2. **SCOPE**

Subject to the exceptions and conditions contained herein, this award shall apply to all persons permanently or temporarily employed under the provisions of either the Tasmanian State Service Act 1984 or the Tasmanian Development Act 1983.

3. **ARRANGEMENT**

<table>
<thead>
<tr>
<th>SUBJECT MATTER</th>
<th>CLAUSE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>1</td>
</tr>
<tr>
<td>Scope</td>
<td>2</td>
</tr>
<tr>
<td>Arrangement</td>
<td>3</td>
</tr>
<tr>
<td>Date of Operation</td>
<td>4</td>
</tr>
<tr>
<td>Supersession and Savings</td>
<td>5</td>
</tr>
<tr>
<td>Parties and Persons Bound</td>
<td>6</td>
</tr>
<tr>
<td>Definitions</td>
<td>7</td>
</tr>
<tr>
<td>Allowances</td>
<td>8</td>
</tr>
<tr>
<td>A. Coxswain's Certificate Allowance</td>
<td></td>
</tr>
<tr>
<td>B. Diving Allowance</td>
<td></td>
</tr>
<tr>
<td>C. Diving Operations Supervision Allowance</td>
<td></td>
</tr>
<tr>
<td>D. Electrical Tradesman's Allowance</td>
<td></td>
</tr>
<tr>
<td>E. First Aid Certificate Allowance</td>
<td></td>
</tr>
<tr>
<td>F. Foul and Nauseous Linen Allowance</td>
<td></td>
</tr>
<tr>
<td>G. Licence Nominee Allowance</td>
<td></td>
</tr>
<tr>
<td>H. Licence Reimbursement</td>
<td></td>
</tr>
<tr>
<td>I. Location Allowances</td>
<td></td>
</tr>
<tr>
<td>1. Camp Allowance</td>
<td></td>
</tr>
<tr>
<td>2. District Allowance</td>
<td></td>
</tr>
<tr>
<td>J. Meal Allowances</td>
<td></td>
</tr>
<tr>
<td>K. Plumber's Nominee Allowance</td>
<td></td>
</tr>
<tr>
<td>L. Plumber's Registration Allowance</td>
<td></td>
</tr>
<tr>
<td>M. Recreation Leave Allowance</td>
<td></td>
</tr>
<tr>
<td>N. Site Allowances</td>
<td></td>
</tr>
<tr>
<td>1. Preamble</td>
<td></td>
</tr>
<tr>
<td>2. Definitions</td>
<td></td>
</tr>
<tr>
<td>3. Implementation of Site Allowance</td>
<td></td>
</tr>
<tr>
<td>4. Scale of Site Allowance</td>
<td></td>
</tr>
<tr>
<td>O. Training Courses and Conferences Allowance</td>
<td></td>
</tr>
</tbody>
</table>
This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

P. Travelling
   1. Excess Fares
   2. Kilometreage Allowance
      2.1 Required User Category
      2.2 Occasional User Category
   3. Travelling Allowances
Q. Higher and More Responsible Duties Allowance
   1. Higher Duties Allowance
   2. More Responsible Duties Allowance
R. Other Allowances

Deductions from Salary
   A. Board and Lodging
   B. Meals on Duty
   C. Other Deductions

Holidays

Hours of Duty and Penalty Payments
   A. Hours of Duty
   B. Penalty Payments
      1. Afternoon and Night Shift Allowances
      2. Call Back
      3. Overtime
         3.3 (a) Other than Shift Workers
            (b) Shift Workers
   4. Saturday, Sunday and Holiday Work
      4.1 Saturday Work
      4.2 Sunday and Holiday Work
         (a) Seven-day Shift Workers
         (b) Other Shift Workers
   5. Standby and Availability
      (a) Availability Allowance
      (b) Standby Allowance

Industrial Clothing
   A. Uniforms
   B. Protective Clothing

Overtime and Extra Remuneration

Appendix I - DMR Disability Allowance

4. DATE OF OPERATION

This award shall come into operation on and from the first pay period commencing on or after 18 July 1990.

PROVIDED that it is a term of this award (arising from the decision of the Tasmanian Industrial Commission State Wage Case of 30 October 1989) that the union(s) undertake(s), for the duration of the principles determined by that decision, not to pursue any extra claims, award or overaward, except where consistent with those principles.
5. SUPERSESSION AND SAVINGS

This award incorporates and supersedes the General Conditions of Service award (No. 4[9] of 1989 - Consolidated) and the amendments (Nos. 1, 2, 3 and 4 of 1990) made thereto.

PROVIDED that no right, obligation or liability incurred or accrued under any of the abovementioned provisions shall be affected by the replacement and supersession.

PROVIDED ALWAYS that the provisions of the Tasmanian State Service Act 1984 and regulations thereof and the Tasmanian Development Act 1983 and regulations thereof, as the case may require, shall continue to apply to employees or classes of employee covered by this award as and where such Acts and Regulations are applicable, save insofar as the salary to be received by, and the conditions of service of such employees or classes of employee are inconsistent with the provisions of this award.

6. PARTIES AND PERSONS BOUND

Unless otherwise specified, this award shall have application to and be binding upon:

(a) the Minister responsible for the administration of the Tasmanian State Service Act 1984, in relation to all employees (as defined) for whom classifications appear in this award, whether members of a Registered Organisation or not;

(b) the Tasmanian Development Authority in relation to all employees (as defined) for whom classifications appear in this award, whether members of a Registered Organisation or not; and

(c) the following organisations, their officers and members:

(i) the Association of Professional Engineers, Australia, Tasmanian Branch;

(ii) the Electrical Trades Union of Australia, Tasmanian Branch;

(iii) the Federated Engine Drivers' and Firemen's Association of Australasia, Tasmanian Branch;

(iv) the Heads of Tasmanian Government Organisations Association;

(v) the Hospital Employees Federation of Australia, Tasmania Branch.

(vi) the Printing and Kindred Industries Union, Tasmanian Branch.

(vii) the Tasmanian Prison Officers' Association;

(viii) the Tasmanian Salaried Medical Practitioners' Society; and
(ix) the Tasmanian Public Service Association.
(x) the Tasmanian Technical Colleges Staff Society.

7. DEFINITIONS

In this award, unless the contrary intention appears -

'Administering authority' means the Mental Health Services Commission or the Board of Management of the Royal Derwent Hospital.

'Afternoon shift' means a shift terminating after 7 p.m. and at or before midnight.

'Continuous work' means work carried on with consecutive shifts of men throughout the twenty-four hours of each of at least six consecutive days without interruption except during breakdowns or meal breaks or due to unavoidable causes beyond the control of the controlling authority or administering authority as the case may be.

'Controlling authority' in the case of an employee employed under the Tasmanian State Service Act 1984 means the Minister administering that Act; and in the case of an employee employed under the Tasmanian Development Act 1983 means the principal officer of the Tasmanian Development Authority.

'Employee' means a person permanently or temporarily employed under the provisions of the Tasmanian State Service Act 1984, or the Tasmanian Development Act 1983.

'Field officer' means an employee so designated by the controlling authority and who is required to perform his duties without close supervision.

'Isolated area' means any area, centre, district or location, embraced by the Commonwealth Taxation Zone B prescription, together with such other areas, centres, districts or locations as may be approved by the Tasmanian Industrial Commission, including the following:-

King Island, Flinders Island, Cape Barren Island, Maria Island and Bruny Island.

'Night shift' means a shift terminating after midnight and at or before 8.00a.m.

'Normal salary rate' means an employee's normal salary exclusive of all allowances.

'Public holiday' means any day which is a bank holiday or bank part holiday under the Bank Holidays Act 1919, either throughout the State or in any particular locality thereof, or any specified day or specified part day appointed by the Governor as a holiday.

'Seven day shift worker' means a shift worker regularly rostered for duty in accordance with a roster covering a period of seven days per week;
'Shift worker' means an employee who is regularly required to undertake shift and/or weekend work (other than overtime) in accordance with a roster approved by the controlling authority concerned.

8. ALLOWANCES

A. COXSWAIN'S CERTIFICATE ALLOWANCE

An employee whose classification and/or training does not ordinarily comprehend the attainment of a Coxswain's Certificate and/or Engine Drivers' Certificate, but who in the performance of his duties may from time to time require a current Coxswain's and/or Engine Drivers' Certificate issued by the appropriate Navigation and Survey Authority, shall, upon the determination of the controlling authority, be paid an allowance at the rate of $457 per annum.

B. DIVING ALLOWANCE

An employee not classified as a Diver, but who is qualified to dive and is directed by his controlling authority to perform underwater duty, shall be paid an allowance at a rate not exceeding $410 per annum.

PROVIDED that such employee shall only dive in safe working conditions. Responsibility for determining what constitutes safe working conditions shall rest upon the controlling authority or the appropriate inspecting authority as the case may be.

C. DIVING OPERATIONS SUPERVISION ALLOWANCE

An employee who:

(a) holds formal qualifications as a diving inspector; or

(b) is otherwise accredited as a diving inspector; and

(c) is in any case deemed by the Secretary for Labour to be suitably qualified and required to act as an inspector of estuaries and inland waters diving operations;

shall be paid an allowance of $410 per annum.

D. ELECTRICAL TRADESMAN'S ALLOWANCE

1. An electrical tradesman who holds an 'A' Grade Wireman's Licence shall be paid in addition to his normal salary rate an allowance of $13.90 per week.

2. An electrical tradesman who holds an Electronics Certificate and who meets fully the requirements as defined herein shall be paid a Special Class Electricians Certificate allowance of $22.70 per week.
For the purpose of this paragraph 'Electrician Special Class' means an electrical fitter or electrical mechanic who is mainly engaged on complex or intricate circuitry, or both, the performance of which work requires the use of 'additional knowledge' as herein defined.

For the purposes of this paragraph 'additional knowledge' means knowledge in excess of that gained by the satisfactory completion of the appropriate technical college trade course which has been acquired by virtue of his:

(a) having had not less than two years on-the-job experience as a tradesman working mainly on such complex or intricate circuitry work as will enable the tradesman to perform such work unsupervised where necessary and practicable; and

(b) having, by virtue of either the satisfactory completion of a prescribed post-trade course in industrial electronics or the achievement of a comparable standard of knowledge by other means including the on-the-job experience referred to in subparagraph (a) hereof, gained a sufficient comprehension of such complex or intricate circuitry work as will enable the tradesman to examine, diagnose and modify systems comprising interconnected circuits.

For the purposes of this paragraph the following courses are deemed to be prescribed post-trade courses in industrial electronics:

(i) the Post-Trade Industrial Electronics Course of the New South Wales Department of Technical Education;

(ii) the Industrial Electronics Course (Grades 1 and 2) as approved by the Education Department of Victoria;

(iii) the Industrial Electronics Course of the South Australian School of Electrical Technology;

(iv) the Industrial Electronics (Course 'C') of the Department of Education, Queensland;

(v) the Industrial Electronics Course of the Department of Technical and Further Education, Tasmania; and

(vi) a Certificate in Electrical Engineering issued by a Technical and Further Education Institution.

E. FIRST AID CERTIFICATE ALLOWANCE

An employee holding a current St. John Ambulance First Aid Certificate, or a certificate deemed by the controlling authority to be equivalent thereto, who is nominated and required by the controlling authority to perform first aid duty, shall be paid an allowance of $390 per annum.
F. FOUL AND NAUSEOUS LINEN ALLOWANCE

1. An employee or relieving employee employed on the laundry staff of a hospital, home or institution, who is actually required to handle unusually foul or nauseous linen may, on the determination of the controlling authority or administering authority, as the case may be, be paid in addition to his normal salary an allowance of $7.60 per week.

Provided that this payment shall not apply to a Laundry Superintendent, Deputy Laundry Superintendent or other similar classification except when actually relieving the employee usually required to handle such foul or nauseous linen, but only as on and from the twentieth day of September 1983.

2. Utility Officers and Trade Instructors - Risdon Prison:--

Until further order a Senior Utility Officer or a Trade Instructor employed in Risdon Prison who is regularly required to clear blocked sewerage or other effluent discharge pipes, including laundry waste traps, shall be deemed to have qualified for payment of this allowance, for all purposes other than overtime or penalty addition.

G. LICENCE NOMINEE ALLOWANCE

An employee who holds an 'A' Grade Wireman's Licence and is employed as an electrical mechanic and who is the nominee of the controlling authority or administering authority, as the case may be, of a hospital or institution registered with the Hydro-Electric Commission as an electrical contractor, and provided such electrical mechanic is at all times acceptable to the said Commission, he shall be paid, whilst acting as such nominee, a licence nominee allowance of $38.50 per week.

Provided that this allowance shall apply to only one employee in each hospital or institution so registered, except that it may be extended to include a nominee, approved by the Hydro Electric Commission, on those occasions where such nominee is required to relieve the permanent nominee during periods of approved leave of absence exceeding five working days.

H. LICENCE REIMBURSEMENT

An employee in an occupational group whose duties are such that he is not ordinarily expected to drive a motor vehicle to perform his duties, but through changed circumstances necessarily obtains and maintains a driving licence together with such endorsements as may be appropriate because he is assigned to duties requiring a licence, shall be entitled to reimbursement of the cost levied by the licensing authority issuing such licence or endorsement.
Explanatory Note

It is intended that this clause shall apply to a limited number of employees. It does not apply to Chauffeurs, Field Officers who regularly drive in their day-to-day duties, or to Nurses as a general occupational group, but some special classes of Nurses who are required as an incidental but necessary part of their duties to drive a motor vehicle might be eligible, e.g. Domiciliary Nurses. Domestics employed as visiting 'home helps' might be another example of those eligible for reimbursement.

I. LOCATION ALLOWANCES

1. Camp Allowance

Where in the performance of his duties an employee is required to camp and tents or other means of accommodation are provided, and he is absent from his normal place of residence, he shall be paid a camp allowance in accordance with the following rates:

<table>
<thead>
<tr>
<th>Rates per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
</tr>
<tr>
<td>(a) Where a cook is provided</td>
</tr>
<tr>
<td>(b) Where a cook is not provided</td>
</tr>
</tbody>
</table>

Such allowance to be inclusive of all special conditions such as the carrying of tents and equipment, travelling over rough terrain and for work performed in severe climatic conditions.

2. District Allowance

2.1 The purpose of this General Allowance is to compensate for excess costs necessarily incurred by an employee living in an 'isolated area' and without limiting the foregoing includes partial reimbursement for STD, freight, fuel and depreciation costs.

2.2 Where a person is stationed permanently in one or other of the following districts he may, on the determination of the controlling authority, be paid an allowance in accordance with the following rates:

<table>
<thead>
<tr>
<th>(a) Category R</th>
<th>Rate Per Annum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
<tr>
<td>Remote locations approved as such by the Public Service Board including Bass Strait Islands, Maria Island and Bruny Island.</td>
<td></td>
</tr>
<tr>
<td>(i) Person with dependent relatives residing with him:</td>
<td>1923</td>
</tr>
<tr>
<td>(ii) Other (no dependants)</td>
<td>960</td>
</tr>
</tbody>
</table>
(b) Category B

Locations under the Commonwealth Taxation Zone B prescription.

(i) Person with dependent relatives residing with him: 960

(ii) Others (no dependants) 481

(c) Category S

Special Locations as may be approved by the Public Service Board -

(i) Person with dependent relatives residing with him 481

(ii) Others (no dependants) 244

**PROVIDED** that an employee with dependants residing with him shall be regarded as an employee without dependants if his spouse, of entitlement arising from employment, is in receipt of a district allowance.

**PROVIDED ALWAYS** that a junior employee ineligible by age from holding a driving licence, shall be paid a rate calculated on the basis of the proportion that the junior employee's salary bears to the appropriate adult salary rate, provided that the junior employee shall in any case receive not less than 50 per cent of the relevant single adult allowance.

**PROVIDED FURTHER** that a junior employee qualified by age to hold a driving licence shall be paid the full adult single allowance.

J. **MEAL ALLOWANCES**

1. Where an employee is required to commence duty at his headquarters not less than one and a half hours before, or to remain on duty for not less than one and a half hours after, the normal hours of duty, and that requirement necessitates his obtaining a meal away from home, that employee shall, subject to this paragraph, be paid a meal allowance at the following rates:

<table>
<thead>
<tr>
<th>Meal</th>
<th>Rate of Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td>5.65</td>
</tr>
<tr>
<td>Lunch (or midday meal)</td>
<td>6.20</td>
</tr>
<tr>
<td>Dinner (or evening meal)</td>
<td>11.00</td>
</tr>
</tbody>
</table>

S085
PROVIDED that where an employee who is required to work overtime on a Saturday, Sunday or public holiday, has been given prior notice thereof the previous day or earlier, he shall not be entitled to the payment of meal allowances BUT where such prior notice has not been given he shall attract such payment.

2. Where the duties of an employee require him to travel from his headquarters and he is more than 10 miles or 16 kilometres therefrom at his normal meal hour, that employee shall, subject to this paragraph, be paid:

(a) in the case of a meal purchased by the employee at any hotel, boarding house, or public eating place, a meal allowance at the following rates:

<table>
<thead>
<tr>
<th>Meal</th>
<th>Rate of Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td>$5.65</td>
</tr>
<tr>
<td>Lunch (or midday meal)</td>
<td>$6.20</td>
</tr>
<tr>
<td>Dinner (or evening meal)</td>
<td>$11.00</td>
</tr>
</tbody>
</table>

(b) in the case of a meal provided by the employee himself, a meal allowance of $1.85 for each meal so provided.

3. The meal allowances prescribed in this subclause shall not be paid unless the Head of Agency in which the employee is employed is satisfied that the employee was required to perform his duties at such a place and time that it was not reasonably practical for him to return to his normal place of residence for a meal, and that the employee, in the case where a meal is purchased, did in fact incur the expense claimed, and unless:

(a) in the case of breakfast, the employee was required to commence duty not less than one and a half hours before his normal hour for commencing duty; and

(b) in the case of dinner, the employee was required to remain on duty for not less than one and a half hours after his normal hour for ceasing duty.

4. A meal allowance in excess of or at variance with the rates set forth in this subclause may be paid if, on the determination of the controlling authority concerned, special circumstances existed which justified the excess or variation.

K. PLUMBER'S NOMINEE ALLOWANCE

An employee who is a registered plumber, other than a Foreman Plumber (classified as such), and who is required to act as the nominee of the Agency or State Authority and to assume responsibility in his own name for the plumbing work of that Agency or State Authority shall be paid, whilst acting as such nominee, an allowance of $38.50 per week.
PROVIDED that a registered plumber, relieving or acting in the capacity of Foreman Plumber shall not, whilst so acting, be eligible for any such allowance.

L. PLUMBER’S REGISTRATION ALLOWANCE

An employee who is a plumber registered as such by the appropriate State authority shall, in addition to his normal salary, be paid a Registration Allowance at the rate of $15.00 per week.

M. RECREATION LEAVE ALLOWANCE

During a period of recreation leave an employee shall be paid an allowance by way of additional salary, calculated at the rate of salary prescribed for the relevant classification by an award of the Tasmanian Industrial Commission as follows:

Employees other than those employed on Shift Work - An employee who during the period of such recreation leave would have worked on day work only - an allowance calculated at the rate of 17.5 per cent of his normal salary, plus where applicable, any allowance of a permanent nature payable to such employee and deemed by the controlling authority concerned to be in the nature of additional salary.

Shift Worker - An employee who but for the period of recreation leave would have worked shift work - an allowance calculated at the rate of 17.5 per cent of his normal salary plus, where applicable any allowances of a permanent nature payable to such employee and deemed by the controlling authority to be in the nature of additional salary.

PROVIDED that an employee who would have received shift payments as prescribed by Clause 11 (Hours of Duty and Penalty Payments) paragraph 1 and paragraph 4 of this award had he not been on recreation leave during the relevant period, and where such shift payments would have entitled him to a greater monetary amount than an allowance of 17.5 per cent of his normal salary plus where applicable allowances, his recreation leave allowance shall be calculated as an amount equivalent to the shift payment he would have received in accordance with his projected shift roster.

PROVIDED that such allowance shall -

(a) be calculated on the basis of a maximum period in any one leave year as follows:

(i) in the case of a seven-day shift worker a period of five weeks recreation leave; and

(ii) in all other cases a period of four weeks recreation leave;
(b) in no case where the allowance is calculated on the basis of 17.5 per cent of normal salary shall it exceed the allowance which would be payable in respect of the classification of Administrative and Clerical Employee Class IX, First Year of Service of the Clerical Employees Award (S081), on and from the first day of October, in respect of all recreation leave accrued during the previous 12 months.

(c) not apply to proportionate recreation leave accrued by an employee in the leave year of the year of termination of service where such employee voluntarily resigns or whose services are terminated for disciplinary or other good reason;

(d) be calculated in the case of:

(i) a non-shift worker, at the salary rate applicable to the employee concerned, on the first day of October in the year in which the recreation leave is credited; and

(ii) a shift worker, where the allowance is calculated as to projected shift roster, at the salary rate applicable to the employee concerned as at the date of commencement of recreation leave; and

(iii) a shift worker, where the allowance is calculated at 17.5 per cent of his normal salary, at the salary rate applicable to the employee concerned on the first day of October in the year in which the recreation leave is credited.

(e) not be cumulative. Any balance of such allowance due to an employee at the expiration of a period of one year following the date upon which the recreation leave was credited shall be paid to such employee as soon as is practicable after the date of the expiration of such period.

N. SITE ALLOWANCES

1. Preamble

on application and subject to the Commission ratifying or awarding site allowance in respect to building construction sites (as defined) or major road construction project (as defined) and subject to such sites (or projects) being included in this award, payment of the site allowance to eligible employees (as defined) covered by this award shall be considered and paid in accordance with the criteria set in subclause 3 (Implementation of Site Allowance).
2. Definitions

(a) For the purpose of this clause a 'building construction site' shall be deemed to be a site for which a site allowance has already been established (by ratification or award of either the Australian Industrial Relations Commission or the Tasmanian Industrial Commission under the terms of the site allowance clause of the National Building Trades Award or the Building Trades Award respectively) and on which work related to the construction of the building is still in progress.

(b) For the purposes of this clause a 'major road construction project' shall be deemed to be a project which involves the construction of or reconstruction of State classified roads, bridges and other ancillary works which are directly related to the project and on which a site allowance has already been established (by ratification or award of either the Australian Industrial Relations Commission under the terms of the site allowance clause of Australian Workers Union (Tasmanian Public Sector) Award 1987 or the Australian Workers Union (Consolidated) Award and on which work related to the project is still in progress.

(c) For the purposes of this clause 'eligible employees' shall mean employees of Government agencies who perform work on building construction sites (as defined) or major road construction projects (as defined) and who in the course of such work may be exposed to site conditions (as defined).

Entitlement to payment of an allowance shall be determined in accordance with the criteria set out in subclause 3 (Implementation of Site Allowance).

The definition of 'eligible employees' shall not include employees who do not meet the criteria as set out in subclause 3 (Implementation of Site Allowance); nor shall it include employees who work in the near vicinity or adjacent to the actual building construction site or the actual major road construction project (whether or not their work is directly associated with the construction work being performed on the actual site or actual project).

(d) For the purposes of this clause eligible employees shall be deemed to be 'Exposed to Site Conditions' if physically exposed to the conditions and elements existing on the actual site or actual project without the protection afforded by offices (whether temporary or permanent buildings) or motor vehicles.

3. Implementation of Site Allowance

Site allowances shall be paid in accordance with the criteria set out below for the actual site or the actual road construction project locations set out in subclause 4 (Scale of Site Allowances).
(a) Eligible Employees Employed and Based on the Actual Site or Actual Project under Construction:

(i) Who are regularly required to work on-site such that they are normally exposed to the site conditions for more than two hours each day shall be entitled to payment of the site allowance for all hours worked at the project.

(ii) Who do not otherwise qualify for payment under (i) above, but are regularly required to work on-site for differing periods each day, such that they are often exposed to the site conditions for two hours on any one day, shall be entitled to payment of the site allowance as for half of their substantive working hours each week on a continuing basis.

(iii) Who do not qualify under (i) or (ii), but who, from time to time, are exposed to the actual site conditions shall be entitled to the site allowance at the rate of 2 hours per day on a continuous basis.

(b) Employees Required to Work on the Actual Site or Actual Project but not Otherwise Based Thereon

Those employees not based on the project, but working on the actual site or actual project on a regular and continuing basis shall receive the site allowance for hours worked onsite, where such work extends beyond ten hours in any one week.

(c) PROVIDED that in each case, employees shall be nominated by the Agency Head as to whether they are eligible under subclause (a)(i), (a)(ii), (a)(iii) or (b) hereof, provided that the appropriate unions shall have the right to make representations on behalf of any employee who is excluded.

PROVIDED FURTHER that:

(d) For the purposes of 1(a)(i) above, the hours worked by employees on flexible working hours shall be regarded as their substantive daily hours plus paid overtime, if any.

(e) The allowance shall compensate for all on-site disabilities associated with construction work on the project.

(f) The allowance will not be payable during any period of leave.

(g) Payment of the allowance shall cease on the scheduled completion date of the actual site building or road construction project (or section of it), or later if work continues beyond the scheduled completion date and then until work is completed and labour is deemed generally to have vacated the site.
(h) The allowance will not apply to employees who are subsequently engaged on maintenance work on the site location after either the building construction is completed or the major road construction project, or sections of it, are completed and opened to traffic.

4. Scale of Site Allowances

Pursuant to the provisions of this clause the following listings constitute sites in respect of which site allowances are applicable and upon which work was in progress as at 15 April 1989.

<table>
<thead>
<tr>
<th>Department of Main Roads</th>
<th>Amount per Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern Outlet (Hobart)</td>
<td>0.55</td>
</tr>
<tr>
<td>Northern Outlet (Brooker Highway)</td>
<td>0.55</td>
</tr>
<tr>
<td>Bellerive Bypass</td>
<td>0.55</td>
</tr>
<tr>
<td>Arthur Highway (Hawke Hill)</td>
<td>0.55</td>
</tr>
<tr>
<td>Lake Highway (Poatina to Breona)</td>
<td>0.55</td>
</tr>
<tr>
<td>Huon Highway</td>
<td>0.55</td>
</tr>
<tr>
<td>Tasman Highway (Black Charlie to Orford)</td>
<td>0.55</td>
</tr>
<tr>
<td>Westerway Main Road - National Park</td>
<td>0.55</td>
</tr>
<tr>
<td>Lake Highway (Golden Valley to Breona)</td>
<td>0.55</td>
</tr>
<tr>
<td>Deloraine Bypass (Roadworks)</td>
<td>0.55</td>
</tr>
<tr>
<td>Bass Highway (Forth to Ulverstone)</td>
<td>0.55</td>
</tr>
<tr>
<td>Bass Highway (Ulverstone to Penguin)</td>
<td>0.55</td>
</tr>
<tr>
<td>Bass Highway (West Park to Cooee)</td>
<td>0.55</td>
</tr>
<tr>
<td>Strahan Slipway</td>
<td>0.55</td>
</tr>
<tr>
<td>East Tamar Highway</td>
<td>0.55</td>
</tr>
<tr>
<td>Tasman Highway (Branxholm)</td>
<td>0.55</td>
</tr>
<tr>
<td>Prospect Bypass</td>
<td>0.55</td>
</tr>
<tr>
<td>Scamander River Bridge</td>
<td>0.55</td>
</tr>
<tr>
<td>Legerwood River Bridge</td>
<td>0.55</td>
</tr>
<tr>
<td>Southern Outlet (Kings Meadows Connector)</td>
<td>0.55</td>
</tr>
<tr>
<td>Bass Highway (Bishopsbourne Underpass)</td>
<td>0.55</td>
</tr>
<tr>
<td>Lyell Highway (Gretna)</td>
<td>0.55</td>
</tr>
<tr>
<td>Bruny Island</td>
<td>0.55</td>
</tr>
<tr>
<td>Bass Highway (Don to Ulverstone)</td>
<td>0.55</td>
</tr>
<tr>
<td>Bass Highway (Sisters Hills)</td>
<td>0.55</td>
</tr>
<tr>
<td>Falmouth - Chain of Lagoons</td>
<td>0.65</td>
</tr>
<tr>
<td>Smithton - Zeehan Link Road</td>
<td>0.95</td>
</tr>
<tr>
<td>Guildford - Hampshire Link Road</td>
<td>0.95</td>
</tr>
<tr>
<td>Que River - Learys Corner (Cradle Mountain)</td>
<td>0.95</td>
</tr>
<tr>
<td>Bridgewater Bridge</td>
<td>0.95</td>
</tr>
<tr>
<td>Lyell Highway (Nelson River - Donaghys Hill)</td>
<td>0.95</td>
</tr>
</tbody>
</table>
0. **TRAINING COURSES AND CONFERENCES ALLOWANCE**

An employee who is required or is authorised to attend either a training course, conference or other similar function where full accommodation is provided at no cost to such employee, he shall be paid an allowance for incidental expenses for each day of such attendance at the rate of:

<table>
<thead>
<tr>
<th>Rate per Day</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Within this State</td>
<td>9.85</td>
</tr>
<tr>
<td>(b) Outside this State</td>
<td>13.80</td>
</tr>
</tbody>
</table>

P. **TRAVELLING**

1. **Excess Fares**

An employee who in the normal course of employment is not required to travel to different locations for the performance of his duties, but with the knowledge and approval of the controlling authority, is required for short periods to attend work at a location other than his regular place of employment shall be paid such reasonable additional fares necessarily incurred.

**PROVIDED** that no employee shall be entitled to the benefits of this paragraph for more than three months in any one continuous period.

2. **Kilometrage Allowance**

2.1 **Required User Category**

Where an employee is required in writing by the controlling authority to have available on a regular basis a private motor vehicle which the employee will be required to use for official purposes, and the employee agrees in writing so to do an allowance shall be paid for such use in accordance with the following rates:
<table>
<thead>
<tr>
<th>ANNUAL KILOMETREAGE TRAVELLED</th>
<th>CENTS PER KILOMETRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ON DUTY IN A FINANCIAL YEAR</td>
<td>Rate 1</td>
</tr>
<tr>
<td></td>
<td>Rate 2</td>
</tr>
<tr>
<td></td>
<td>2 litres</td>
</tr>
<tr>
<td></td>
<td>Less than 2 litres</td>
</tr>
<tr>
<td></td>
<td>and above</td>
</tr>
<tr>
<td>- First 10,000 kilometres</td>
<td>45.03 (100%)</td>
</tr>
<tr>
<td>- Any additional kilometres</td>
<td>23.87 (53%)</td>
</tr>
<tr>
<td></td>
<td>38.73 (86%)</td>
</tr>
<tr>
<td></td>
<td>20.71 (46%)</td>
</tr>
</tbody>
</table>

*PROVIDED* that where the controlling authority wishes to withdraw the requirement to provide a private motor vehicle then, except where special circumstances exist, at least one year's notice in writing shall be given, and the notice period shall be specified to end on 30 June.

### 2.2 Occasional User Category

Where an employee is not required to provide a private motor vehicle for official use as prescribed in subparagraph 2.1 but otherwise receives approval from the controlling authority to use a private motor vehicle for official purposes on an occasional basis, an allowance shall be paid in accordance with the following rates:

<table>
<thead>
<tr>
<th>ANNUAL KILOMETREAGE TRAVELLED</th>
<th>CENTS PER KILOMETRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ON DUTY IN A FINANCIAL YEAR</td>
<td>Rate 3</td>
</tr>
<tr>
<td></td>
<td>Rate 4</td>
</tr>
<tr>
<td></td>
<td>2 litres</td>
</tr>
<tr>
<td></td>
<td>Less than 2 litres</td>
</tr>
<tr>
<td></td>
<td>and above</td>
</tr>
<tr>
<td>- First 10,000 kilometres</td>
<td>30.02 (100%)</td>
</tr>
<tr>
<td>- Any additional kilometres</td>
<td>15.91 (53%)</td>
</tr>
<tr>
<td></td>
<td>25.82 (86%)</td>
</tr>
<tr>
<td></td>
<td>13.81 (46%)</td>
</tr>
</tbody>
</table>

*PROVIDED* that the rates set out in this subparagraph shall not apply until such time as they exceed the rates which were effective as at 12 June 1985. The rates effective as at 12 June 1985 shall be known as the "Interim Occasional User Allowance" and shall not be varied.

*PROVIDED ALSO* that an employee entitled to Rate 4 who as at 12 June 1985 was entitled to the rates which are now Rate A of the Interim Occasional User Allowance, set out below, for the use of a particular vehicle, shall continue to receive Rate A for the use of that same vehicle until the Rate 4 rates exceed **28.77** cents and **15.14** cents, where applicable.

### INTERIM OCCASIONAL USER ALLOWANCE

<table>
<thead>
<tr>
<th>ANNUAL KILOMETREAGE TRAVELLED</th>
<th>CENTS PER KILOMETRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ON DUTY IN A FINANCIAL YEAR</td>
<td>Rate A</td>
</tr>
<tr>
<td></td>
<td>Rate B</td>
</tr>
<tr>
<td></td>
<td>16 HP or more</td>
</tr>
<tr>
<td></td>
<td>Less than 16 HP</td>
</tr>
<tr>
<td></td>
<td>inc. rotary engines</td>
</tr>
<tr>
<td>- First 10,000 kilometres</td>
<td>28.77</td>
</tr>
<tr>
<td>- Any additional kilometres</td>
<td>15.14</td>
</tr>
<tr>
<td></td>
<td>24.62</td>
</tr>
<tr>
<td></td>
<td>13.12</td>
</tr>
</tbody>
</table>
2.3 For the purposes of subparagraphs 2.1 and 2.2, the rates specified therein shall apply as follows:

RATES 1 and 3 Apply to motor vehicles generally recognised as having an engine capacity of 2.0 litres or more and include rotary engines.

RATES 2 and 4 Apply to motor vehicles generally recognised as having an engine capacity of less than 2.0 litres.

2.4 The rates specified in subparagraphs 2.1 and 2.2 shall not be varied as a consequence of National Wage Case decisions. The rates shall be varied upon application subsequent to 30 March and 30 September of each year after the Hobart Transportation, Private Motoring sub-group, Consumer Price Index Numbers for the quarters ending 30 March and 30 September respectively, become available. The Rate 1 and Rate 3 variations for the first 10,000 kilometres travelled shall be calculated in accordance with the formula specified in decision T.33 of 1985 dated 13 June 1985.

Variations to the other rates specified in the tables in subparagraphs 2.1 and 2.2 shall be calculated by applying the percentage shown in brackets to the relevant first 10,000 kilometres rate (as varied) shown as 100%.

2.5 An employee shall not receive an allowance for kilometres travelled in excess of 16,000 kilometres in any one financial year unless authorised by the controlling authority concerned on the recommendation of the Head of Agency, to travel a greater distance in that year.

2.6 In addition the following allowances shall be paid to employees:

(a) Where stationed in Category R as provided in subclause I, paragraph 2 "District Allowance", subparagraph (a) thereof - $24.70 per month plus $9.90 per 1,600 kms. travelled on duty.

(b) Where stationed in Category B as provided in subclause I, paragraph 2 "District Allowance", subparagraph (b) thereof - $16.40 per month plus $9.90 per 1,600 kms. travelled on duty.

(c) Where authorised to use a utility, four-wheel drive motor vehicle or any other special type of motor vehicle approved by the controlling authority concerned - $9.90 per month.

(d) Where authorised to use a trailer attached to the motor vehicle 2.97 cents for each kilometre travelled on duty with the trailer attached.

(e) Where authorised to use a motor vehicle on work involving the regular carrying of heavy equipment $9.90 per month.
(f) Where authorised to use a motor cycle - 9.67 cents for each kilometre travelled on duty.

2.7 Where an employee is required to provide a private motor vehicle in accordance with subparagraph 2.1 of this subclause and the distance travelled on duty in any financial year does not exceed 4,000 kilometres, the employee shall be paid an allowance calculated by multiplying the appropriate rate per kilometre by the difference between the actual number of kilometres travelled on duty during that year and 4,000 kilometres.

2.8 Where a part-time employee is eligible for any payment under subparagraph 2.7, such allowance shall be calculated on the proportion of the total hours worked in that year by the part-time employee to the annual standard hours for a full-time employee of the same classification.

2.9 Unless otherwise directed by the controlling authority, kilometrage on duty shall be the distance travelled from an employee’s place of employment to his or her destination and return to his or her place of employment.

2.10 A kilometrage allowance in excess of or at variance with the rates set forth in subparagraphs 2.1 and 2.2 of this paragraph may be paid if, on the determination of the controlling authority concerned, special circumstances exist which justify such excess or variation.

3. Travelling Allowances

3.1 Employees travelling on duty who are required to remain away from their normal place of residence overnight shall be paid an allowance calculated in accordance with the following components:

<table>
<thead>
<tr>
<th>Component</th>
<th>Within Tasmania</th>
<th>Outside Tasmania</th>
<th>Sydney</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overnight Absence From Normal Place of Residence</td>
<td>$55.90</td>
<td>$78.20</td>
<td>$91.40</td>
</tr>
<tr>
<td>Breakfast (preceding or following an overnight absence) applicable hours 7.00 am - 8.30 am</td>
<td>$9.10</td>
<td>$9.10</td>
<td>$9.10</td>
</tr>
<tr>
<td>Lunch (preceding or following an overnight absence) applicable hours 12.30 pm - 2.00 pm</td>
<td>$8.10</td>
<td>$8.10</td>
<td>$8.10</td>
</tr>
</tbody>
</table>
Dinner (preceding or following an overnight absence) applicable hours
6.00 pm - 7.30 pm 17.30 17.30 17.30

**PROVIDED** that if the employee so wishes, he or she shall be allowed advance payment of the estimated allowance payable for the period of travel in question.

3.2 In addition to the allowance available in accordance with paragraph 3.1 of this subclause and provided the controlling authority is satisfied that the employee did incur the expense claimed, an employee shall be entitled to reimbursement of reasonable expenses incurred, as a result of his or her absence from the normal place of residence, for the following purposes:

(a) a telephone call to the employee's spouse or children each twenty four hours;

(b) dry cleaning or laundry required as the result of an extended absence.

3.3 Notwithstanding paragraph 3.1 of this subclause where the controlling authority is satisfied that no reasonable alternative accommodation is available, the employee may be reimbursed for actual expenses incurred.

3.4 Where an employee travels with a Judge or a Minister or in a representative capacity for the State, or on special duties as determined by the controlling authority, and thereby incurs additional expense, the employee may be paid such travelling allowance as may be determined by the controlling authority.

3.5 Where public transport is not conveniently available and employees in the performance of their duties find it necessary to hire other forms of transport, they shall, subject to the approval of the controlling authority, be reimbursed the actual costs incurred in the hiring of such transport.

3.6 Where employees in the performance of their duties are required to be stationed temporarily at any place other than their usual headquarters for a period exceeding three weeks, and are absent from their normal place of residence, and have to procure board and lodging, whilst so stationed, they shall be paid a travelling allowance at the following rates:

(i) for the first three weeks in accordance with the rates set forth in paragraph 3.1 of this subclause; and

(ii) thereafter, at such rate as the controlling authority concerned may determine.

3.7 Where the controlling authority certifies that the duties of an employee involve systematic travelling, the controlling authority shall determine the rate to be paid to such employee within the limits of the rates set forth in paragraph 3.1 of this subclause.
3.8 Where an employee in the performance of his duties is required to travel:

(a) Within Australia (including Papua New Guinea and New Zealand) - by ship, aircraft, railway train, or other means of conveyance, where he is provided with meals and sleeping quarters, that employee, while so travelling, shall be paid a travelling allowance at the rate of:

<table>
<thead>
<tr>
<th>Rates per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
</tr>
<tr>
<td>(i) Within this State</td>
</tr>
<tr>
<td>(ii) Outside this State</td>
</tr>
</tbody>
</table>

(b) Outside Australia, Papua New Guinea and New Zealand - that employee, while so travelling, shall be paid a travelling allowance at such rate as the Controlling Authority may approve.

3.9 Where an employee is permanently stationed on the Bass Strait Islands and enters upon leave of absence he may, three times in every year, on the determination of the controlling authority concerned, be paid the return fares reasonably incurred by him for himself or for any dependent member of his family, permanently resident on the Bass Strait Islands, travelling from his station to the nearest seaport or airport on the mainland of this State. Such travel shall include travel via Melbourne when such indirect travel is the most expedient means of travelling to or returning from the nearest seaport or airport on the mainland of this State.

PROVIDED that -

(i) with the approval of the controlling authority concerned, an employee may, in substitution for travel to the nearest seaport or airport in this State, travel to any other seaport or airport in this State or to Melbourne;

(ii) for the purpose of obtaining emergency medical or dental treatment for an employee or dependent member of his family, permanently resident on the Bass Strait Islands, an employee may by way of reimbursement and, with the approval of the controlling authority concerned, be paid the return fare reasonably incurred for travel from his station to the nearest centre in this State or to Melbourne, whereat such treatment can be obtained. Such reimbursement shall be in substitution for one or both of the return fares for the person concerned, more particularly set forth in this subparagraph;

(iii) the above entitlement is not cumulative, each year standing alone;

(iv) no employee shall be eligible to receive payment for the return fares as set forth above unless such employee has first completed three months continuous service on one or other of the Bass Strait Islands.
3.10 (a) Where an employee is required in the performance of his duties, either on
appointment or transfer, to move from his place of residence to another
district, and

(i) he is unable to obtain accommodation for his family in that district and
thereby incurs additional expense;

(ii) there is available in that district for the employee's family only such
accommodation as will involve the employee in excessive expenditure,

the controlling authority concerned may, on the recommendation of the
permanent head of his department, grant to such employee a special
allowance at such rate as the controlling authority concerned may determine;

(b) Such allowance shall be payable in the first instance for a period not
exceeding three months as the controlling authority concerned may, as he
deems necessary, extend such period for any number of additional periods
not exceeding three months at any one time.

(c) The controlling authority concerned may, at any time, increase, reduce or
revoke any allowance granted under this subparagraph;

(d) An employee who receives an allowance under this subparagraph shall
immediately report to the controlling authority concerned any alteration of the
circumstances in consideration of which such allowance was granted or
renewed.

Q. HIGHER AND MORE RESPONSIBLE DUTIES ALLOWANCE

1. Higher Duties Allowance

1.1 Where an employee is directed by the controlling authority to perform temporarily
the duties of an employee with a higher classification for a period of five days or
more, that employee shall be paid an allowance equal to the difference between the
employee's own salary and the minimum salary of the higher position.

1.2 Where an employee is directed by the controlling authority to perform temporarily a
part of the duties of an employee with a higher classification for a period of five
days or more, that employee will receive an allowance established by reference to
the proportion that the duties assumed bear to the whole of the duties of the higher
position and the difference between the employee's substantive salary and the
minimum salary of the higher position.

1.3 Where an employee is promoted to a higher position in which that employee has
previously been performing the duties in a temporary capacity, that employee will
receive the increment to which the employee would normally have been entitled
had the employee been promoted to the position at the commencement of the
period of acting duty.
1.4 Where an employee continues to perform the higher duties as provided for in subparagraph 1.1 for a period of more than twelve months an increment if provided for in the higher classified position shall be paid.

PROVIDED that no employee shall be entitled to receive any increase in salary by virtue of this subparagraph unless, in the opinion of the controlling authority, his conduct, diligence and efficiency during the twelve months immediately prior to the date from which such increase would be payable shall have been satisfactory.

1.5 For the purposes of paragraph 1 reference to employee does not include temporary or casual employees.

2. More Responsible Duties Allowance

2.1 Where an employee is required to perform more responsible duties which are not capable of being paid as provided for in subparagraphs 1.1 and 1.2 above the controlling authority shall authorise a more responsible duties allowance.

The allowance shall be established by reference to the value of the more responsible duties involved.

2.2 For the purposes of paragraph 2 reference to employee does not include temporary or casual employees.

3. Where an employee receiving an allowance under paragraphs 1 or 2 above proceeds on approved leave, sick leave or leave in lieu of overtime, the employee will continue to receive that allowance provided that the duties continue after the period or such leave.

4. Payment for overtime shall be at the classification rate inclusive of the allowance provided in paragraphs 1 or 2 above.

R. OTHER ALLOWANCES

Until otherwise determined by the Tasmanian Industrial Commission, and where not otherwise, specifically determined by this award, allowances for proficiency, relieving duty, higher duty, extra duty, tools and clothing, shall be granted to employees covered by this award, at the rate and in accordance with the terms and conditions for the time being prescribed by regulation for employees in the State Service.
9. **DEDUCTIONS FROM SALARY**

**A. BOARD AND LODGING**

1. An employee who is provided with board and/or lodging at a State hospital, home or institution shall, subject to any subsequent basic salary component adjustment, have deducted from his salary the following amounts in respect of such board and lodging:

<table>
<thead>
<tr>
<th>Adult</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Where both board and lodging is provided per week</td>
<td>45.28</td>
</tr>
<tr>
<td>(b) Where lodging but no board is provided per week</td>
<td>15.08</td>
</tr>
<tr>
<td>(c) Where board but no lodging is provided per week</td>
<td>30.18</td>
</tr>
</tbody>
</table>

2. An employee employed on the nursing staff of a State hospital, home or institution who, if board and lodging were available would normally be required to live in, but for whom board and lodging is not made available, shall receive in addition to the salary rates prescribed in a relevant award of the Tasmanian Industrial Commission an allowance of **$6.50** per week, and shall also be provided with one meal per day. This paragraph shall not apply to any employee living out during periods of annual recreation leave or long service leave.

3. An employee employed on the nursing staff of a public service hospital, home or institution, who is provided with board and lodging facilities, shall be entitled to laundry free of charge.

**B. MEALS ON DUTY**

Where an employee not subject to subclause A of this clause is supplied meals on duty, the amount to be paid by such employee in respect of each meal so supplied shall be as follows:

<table>
<thead>
<tr>
<th>Rate per Meal</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Luncheon or Evening Meal</td>
<td></td>
</tr>
<tr>
<td>Two or three courses</td>
<td>2.25</td>
</tr>
<tr>
<td>Single hot or cold main course</td>
<td>1.75</td>
</tr>
<tr>
<td>Single (other) course, ie soup or sweets</td>
<td>1.60</td>
</tr>
<tr>
<td>2. Breakfast</td>
<td></td>
</tr>
<tr>
<td>All breakfasts</td>
<td>1.60</td>
</tr>
</tbody>
</table>
This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

PROVIDED that:

(i) a minimum charge of $1.60 applies for each meal taken;

(ii) in each case where a one, two or three-course meal is ordered and charged for as above, no extra charge is to be levied for either beverages, toast, bread, butter or condiments;

(iii) the controlling authority concerned may exempt an employee from such payment where, in his opinion, the nature of the employee's duties or other good reason exists for the provision of free meals whilst on duty.

C. OTHER DEDUCTIONS

Except where otherwise specified herein or in a relevant award of the Tasmanian Industrial Commission, or until otherwise determined by the Commission, deductions from salaries on account of quarters, fuel, light, power, board and other facilities and amenities provided for employees covered by this award, and the rates of those deductions, and the basis on which they shall be calculated, shall be in accordance with the terms and conditions for the time being prescribed by regulation for employees in the Public Service of the State and in the State Service.

10. HOLIDAYS

1. In line with Section 75(1) of the Tasmanian State Service Act 1984, employees are entitled to the following as paid holidays:

New Year's Day; Australia Day; Labour Day; Good Friday; Easter Monday; Easter Tuesday; Anzac Day; Queen's Birthday; Show and Cup day holidays (as gazetted for the particular localities); Hobart Regatta Day (south of Oatlands); the first Monday in November where Hobart Regatta Day is not observed; Christmas Day; and Boxing Day;

or such other days as may be deemed to be publicly observed as the abovementioned holidays by virtue of the Act.

PROVIDED that if any other day be, by State Act of Parliament or State proclamation, substituted for any of the abovementioned holidays, the day so substituted shall be observed.

2. Notwithstanding subclause 1 hereof, employees may be required to attend work during any such holiday, as provided for by Section 75(4) of the Tasmanian State Service Act 1984.

PROVIDED ALWAYS that this clause does not affect the right to pay casual employees a loading in lieu of public holiday entitlements in accordance with award provisions to that effect.
11. HOURS OF DUTY AND PENALTY PAYMENTS

A. HOURS OF DUTY

Except where otherwise specified in a relevant award of the Tasmanian Industrial Commission, or until otherwise determined by the Commission, the ordinary hours of duty of employees covered by this award, and the times during which such hours shall be worked, shall be in accordance with the hours of duty for the time being prescribed by regulation for employees in the State Service.

PROVIDED that in respect of employees employed in a Social Welfare Department institution, the daily spread of hours shall -

(i) for cooks, not exceed twelve hours;

(ii) for other staff, excepting superintendents and resident matrons, not exceed ten hours.

For all time worked in excess of such spread of hours, payment shall be made at the rate of one and a half times the ordinary calculated daily rate.

PROVIDED ALWAYS that in respect of employees employed as Ward Aids who are approved by the Mental Health Services Commission to be rostered on shift work at the Royal Derwent Hospital, the ordinary hours of work shall not exceed eleven hours twenty-six minutes per day (exclusive of meal breaks) within a spread of:

(i) thirteen hours for those commencing work in the morning; and

(ii) twelve hours for those commencing work in the evening.

B. PENALTY PAYMENTS

1. Afternoon and Night Shift Allowances

An employee regularly rostered for duty on afternoon or night shifts shall be paid 15 per cent more than the normal salary rate for such shifts.

PROVIDED that an employee employed as a Ward Aid at the Royal Derwent Hospital who is regularly rostered to work 'long shifts' of eleven hours twenty-six minutes for each of two days and is then rostered off duty for two days shall be paid 10 per cent more than his ordinary salary rate for each shift so worked.

2. Call Back

Where an employee:

(a) to whom Clause 11 paragraph 5(a) of this award applies is recalled to work overtime; or

S085
(b) is recalled to work overtime after ceasing work without prior notice thereof to meet an emergency situation who is eligible, in accordance with Clause 11 paragraph 3 of this award, for the payment of overtime worked, shall in respect of the first recall be paid for a minimum of four hours at the appropriate overtime rate, and in respect of subsequent calls occurring during the four-hour spread of which a minimum payment has been attracted, no extra payment shall accrue until the time actually worked exceeds four hours. Payment for all recalls occurring outside the first minimum payment spread shall be calculated at the appropriate overtime rate for actual time worked. Time reasonably spent in travelling to and from work shall be regarded as time worked.

**PROVIDED** that where an employee by custom and practice returns to work for short periods to perform specific duties such as the checking of equipment or machinery, security or caretaking-type duties and the like, shall on the determination of the controlling authority be excluded from the provision of this paragraph.

3. Overtime

3.1 A controlling authority may require any employee to work reasonable overtime, and such employee shall work overtime in accordance with the conditions hereinafter set forth.

3.2 No payment shall be made for overtime worked unless the overtime work performed is at the direction of the employee's supervisor who shall obtain prior approval from the controlling authority that such overtime be worked.

3.3 Subject to paragraphs 3.5, 3.6 and 3.7 of this subclause, an employee required to work overtime shall be entitled to payment for such overtime worked, in accordance with the following rates:

(a) Other than Shift Workers -

(i) Monday to Friday inclusive - at the rate of time and one-half of his/her normal salary rate for the first three hours, and double time thereafter;

(ii) Saturdays and Sundays - at the rate of double his/her normal salary rate for all time so worked;

(iii) Public Holidays - at the rate of double and one-half of his/her normal salary rate for all time so worked.

S085
PROVIDED that an employee who holds a position which regularly requires him/her to work on public holidays shall, where mutually agreeable, be paid, in addition to any paid time-off in lieu granted, at the rate of time and a half of his/her ordinary rate for the first eight hours worked during his/her normal spread of hours, and thereafter in accordance with the overtime rates set forth in subparagraph (a) hereof.

PROVIDED ALWAYS that no employee shall receive in the aggregate more than the equivalent of double time and a half of his/her ordinary rate.

(b) Shift Workers - an employee required to work shift work for all time worked in excess of or outside the ordinary working hours prescribed, or on a shift other than a rostered shift shall:

(i) if employed on continuous work (as defined) be paid at double his/her ordinary salary rate;

(ii) if employed on other than continuous shift work be paid from Monday to Friday, inclusive, at the rate of time and a half of his/her normal salary rate for the first three hours and double time thereafter, and for overtime worked on his/her rostered day off or on a Saturday, Sunday or a public holiday, at the rate of double his/her normal salary rate, except in each case when the time is worked either by arrangement between the employees themselves or for the purpose of effecting customary rotation of shifts.

PROVIDED that when not less than eight hours notice has been given to the departmental head or administering authority, as the case may be, by a relief employee that he will be absent from work and the employee whom he should relieve is not relieved and is required to continue to work on his rostered time off, the unrelieved employee shall be paid double time.

3.4 For the purpose of computing overtime, each day's work shall stand alone.

3.5 An employee's entitlement to payment for overtime worked shall be computed at his normal salary rate EXCEPT that -

(a) where, unless the controlling authority otherwise determines, such employee is in receipt of a salary of or exceeding the maximum salary entitlement payable to a Clerical Employee Class VII under the Clerical Employees Award, BUT not exceeding the maximum salary entitlement payable to a Clerical Employee Class X of the said award, his/her entitlement to payment for overtime shall be computed at the rate of the maximum salary entitlement payable to a Clerical Employee Class VII;

(b) where the whole of any portion of the staff of either a Government department or an administering authority in the Mental Health Service is required to perform overtime work of such a character as not to warrant the payment of the rates specified in paragraph 3.3 of this subclause, the
controlling authority shall, subject to subparagraph (a) hereof, determine the rate which shall be allowed, and such rate shall be applicable to all or any of the eligible employees engaged in such work, irrespective of any difference in the salary rate received by them respectively.

3.6 Employees who do not work under close supervision, or whose hours of duty are not specifically defined, shall be entitled to payment for overtime worked provided that such overtime is authorised by the controlling authority.

Such overtime may be compensated for in one of the following ways provided there is mutual agreement between the employee and the controlling authority:

(a) Payment at appropriate overtime rates as set out in paragraph 3.3 hereof.
(b) Time off in lieu at overtime rates as set out in paragraph 3.3 hereof.
(c) A combination of items (a) and (b) above.
(d) Payment of an allowance in settlement of any overtime worked.

**PROVIDED** that the method of compensation for field officers shall be agreed between the employee and controlling authority as soon as practicable after 1 July each year.

In special circumstances the agreement so reached may be varied by mutual consent.

In the context of the above 'authorised' shall mean verbal or written authorisation to complete or perform work recognised as overtime.

3.7 Employees in receipt of a salary in excess of the maximum salary entitlement determined for a Clerical Employee Class X under the Clerical Employees Award, shall not be entitled to payment for overtime worked.

3.8 (a) No overtime work other than that of shift workers shall commence before 6.15 p.m. on any day except in cases of extreme urgency or in those cases where overtime is worked on a Saturday, Sunday or public holiday, or where in the opinion of the controlling authority special circumstances exist which warrant commencement at an earlier hour;

(b) An employee other than a shift worker working overtime on a Saturday, Sunday or on a public holiday shall be entitled to a meal break of thirty minutes between the hours of 12 noon and 2 p.m. Provided that such meal break shall not be regarded as time worked;

(c) Except in cases of extreme urgency, and with the prior approval of the controlling authority, an employee shall not be permitted or required to perform overtime work on more than four nights in any fortnight, or for more than eight hours in any one day.
3.9  (a) When overtime work is necessary it shall, whenever reasonably practicable, be so arranged that employees have at least eight consecutive hours off duty between the work of successive days.

(b) Employees who work so much overtime between the termination of their ordinary work on one day and the commencement of their ordinary work on the next day that the employee has not had at least eight, consecutive hours off duty between those times, shall, subject to this section, be released after completion of such overtime until that employee has had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

(c) Subject to paragraph 3.5 of this subclause, if on the instructions of the controlling authority, employees resume or continue work without having had eight consecutive hours off duty, they shall be paid at double their normal salary rates until they have been released from duty for a continuous period of at least eight hours and they shall then be entitled to be absent until they have had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

(d) This paragraph shall not apply to an employee on standby who is recalled to duty unless that employee is required to work for an actual period of three hours or more on such recall or on each of such recalls.

(e) Until otherwise determined by the Tasmanian Industrial Commission, this paragraph shall not apply to field employees and employees who do not work under close supervision.

3.10 Where practicable an employee required to work overtime shall be given at least twenty-four hours notice prior to the commencement thereof.

4. Saturday, Sunday and Holiday Work

4.1 Saturday Work - The rate to be paid to an employee regularly rostered for duty (other than overtime work) on a Saturday, shall be time and a half of the employee's normal-salary rate, but such rate shall be in substitution for, and not cumulative upon the shift allowances more particularly set forth in Clause 11 paragraph 1. Provided that a shift worker on a rostered shift, the major portion of which falls on a Saturday, shall be paid the above rate for the whole of such shift.

4.2 Sunday and Holiday Work -

(a) Seven-day Shift Workers - Seven-day shift workers for work on a rostered shift, the major portion of which is performed on a Sunday or holiday (as prescribed) shall be paid at the rate of double time.
(b) Other Shift Workers - Shift workers other than seven-day shift workers shall be paid for all time worked -

(i) on a Sunday, at the rate of double the employee's ordinary salary rate, such rate to continue until the employee is relieved from duty;

(ii) on a holiday, at the rate of double time and one-half, such rate to continue until the employee is relieved from duty.

The above rates shall be in substitution for, and not cumulative upon the shift allowances more particularly set forth in Clause 11 paragraph 1.

PROVIDED that -

(i) where a shift commences before midnight on a Sunday or a holiday and where the major portion of such shift falls on the following day the time so worked before midnight shall not entitle an employee employed on such a shift to the Sunday or holiday rate.

PROVIDED ALWAYS that the time worked by an employee on a shift commencing before midnight on a day preceding a Sunday or holiday and extending into a Sunday or holiday shall be regarded as time worked on such Sunday or holiday;

(ii) where a shift worker is required to work on a holiday as herein prescribed and is granted time off in lieu thereof the above penalty rate shall not apply;

(iii) for the purpose of this subclause 'Shift Worker' means an employee who is regularly required to undertake shift work (other than overtime) in accordance with a roster approved by the controlling authority.

5. Standby and Availability

(a) Availability Allowance - An employee other than an employee to whom subparagraph (b) of this paragraph relates, who is directed by his permanent head or administering authority, as the case may be, to remain at home or within close telephone contact thereof and hold himself in readiness to return to work without delay or within a reasonable time of being recalled or to monitor telephone calls and/or attend to after hours calls if required, shall be paid an allowance of $9.88 per day.
Savings Provision - An employee who, prior to the beginning of the first full pay period commencing on or after the first day of January 1984, was rostered for standby duty and entitled to payment therefor under the terms of the Public Service Conditions of Service (Miscellaneous Provisions) Principal Award (now rescinded) shall until further order, if performing the same duties as before and for which he would now qualify for the above availability allowance, be entitled in any case to a minimum daily payment of $24.45 for each day of rostered availability duty.

(b) Standby Allowance - An employee authorised by his controlling authority or administering authority, as the case may be, regularly rostered on an approved roster for standby duty to meet emergency situations, who is required to standby at his home on immediate call and may be required for immediate recall to duty, shall:

(i) if not required to commence work, be paid equivalent to six hours at his normal salary rate; or

(ii) if required to commence work, be paid in accordance with Clause 11 paragraph 2 of this award.

PROVIDED that in placita (i) and (ii) hereof there be a minimum payment of $27.12.

12. INDUSTRIAL CLOTHING

A. UNIFORMS

1. Where an employee is required by the permanent head of his department, with the approval of the controlling authority concerned, to wear a uniform in the normal course of his official duties, such uniform shall be supplied free of cost to the employee.

2. An employee supplied with a uniform, on leaving the service of his department shall, if required to do so by the controlling authority concerned, return such uniform or part thereof which is still in use by him immediately prior to his leaving.

B. PROTECTIVE CLOTHING

1. Where, on the determination of the controlling authority concerned, an employee's official duties are such as to necessitate the wearing of protective clothing including wet weather gear such protective clothing or wet weather gear shall be supplied free of cost to the employee.
PROVIDED that a construction supervisor who satisfies the departmental head that the number of visits to construction sites likely to be made by him in the course of his employment will be such as to put him at substantially the same risk as permanent site workers shall be entitled to such protective clothing (including footwear) as his departmental head considers appropriate to the circumstances.

2. An employee who is, pursuant to this subclause, supplied with protective clothing or wet weather gear, shall wear it in such a way as to achieve the purpose for which it is supplied.

3. An employee supplied with protective clothing or wet weather gear on leaving the service of his department shall, if required to do so by the controlling authority concerned, return such protective clothing or wet weather gear which is still in use by him immediately prior to his leaving.

13. OVERTIME AND EXTRA REMUNERATION

Except where otherwise specified herein or in a relevant Award of the Tasmanian Industrial Commission, or until otherwise determined by the Tasmanian Industrial Commission, overtime payments and the rates of remuneration and conditions in respect of minimum earning, night work, special duty and of work at any other time outside the ordinary hours of duty, payable to employees covered by this Award shall be at the rates and in accordance with the terms and conditions for the time being prescribed by regulation for employees in the State Service.

PROVIDED that overtime shall be restricted to the lowest effective minimum.

A. Robinson
DEPUTY PRESIDENT

13 August 1990
APPENDIX I

DMR DISABILITY ALLOWANCE

A disabling accommodation allowance of $8.00 per week shall be payable to employees of the Department of Main Roads at the Moonah Depot.

The allowance shall be in compensation for the abnormal factors related to employment in the relevant work places as described in the Department of Labour and Industry report of June 1987. The allowance whilst in force shall be subject to adjustment in accordance with National Wage Case decisions, and shall operate from 16 July 1987 and shall remain in force until the disabling condition/s (in the specified work-place) for which the allowance is payable is/are deemed to have been removed in accordance with the requirements and subject to the certification of the Department of Labour and Industry. For the purposes of this provision, the allowance shall remain payable in full until all disabling factors in the designated area are satisfactorily eliminated.

PROVIDED that the allowance shall not be subject to any penalty or premium addition and shall not be payable on account of any incidence of unpaid or paid leave in which case the allowance shall be proportionately reduced by 1/5th for each day of such absence.

PROVIDED FURTHER that the allowance shall not be taken into account for superannuation purposes.