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**TASMANIAN INDUSTRIAL COMMISSION**

**Industrial Relations Act 1984**  
s.23 application for award or variation of award

**Minister Administering the State Service Act 2000**  
(T12691 of 2006)

**COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD**

COMMISSIONER T J ABEY

**Award variation – Clause 30 – availability – variation approved – operative date  
29 June 2006**

**ORDER BY CONSENT –**

**No. 2 of 2006**

AMEND THE **COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD** IN  
THE FOLLOWING MANNER:

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**1. By deleting Clause 30 - Recall, On Call and Close Call, and inserting in lieu thereof the following:**

**"13A. AVAILABILITY AND RECALL**

- (a) Availability
- (i) The employer may require an employee, by way of a roster or direction, to be available to resume duty. The employee must remain:
    - (1) Fit for duty; and
    - (2) Contactable while so rostered or directed; and
    - (3) Able to resume duty or return to work as soon as practicable.
  - (ii) An employee rostered or directed to be available will be paid \$2.50 per hour for each hour they are required to be available.
  - (iii) Where an employee is required to resume duty at a workplace the employee will be remunerated in accordance with the Recall, On Call provisions of this clause.
    - (1) For the purpose of this subclause, time reasonably spent in travelling to and from work will be regarded as time worked.
    - (2) An employee is required to maintain a record, in the form of a timesheet, of all time worked.
  - (iv) Where an employee is required to perform duties out of hours without the requirement to resume duty at the workplace, the employee will be remunerated hour for hour at their normal rate of pay.
    - (1) Remuneration will be calculated on the cumulative hours worked and be rounded to the nearest hour with a minimum payment of one hour. For the purposes of this calculation each day of availability stands separately.
    - (2) An employee is required to maintain a record, in the form of a timesheet, of all time worked.
- (b) An employee who is recalled to work overtime without prior notice thereof shall be paid as follows:
- (i) In respect of the first recall a minimum payment of three hours at the appropriate overtime rate.

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- (ii) In respect of subsequent recalls occurring up to three hours from the commencement of the first recall for which a minimum payment has been attracted, in accordance with paragraph (i) of this subclause no extra payment shall accrue until the time actually worked exceeds three hours.
- (iii) Payment for all recalls occurring outside the three hour period from the commencement time of the first recall for which a minimum payment has been made shall be calculated at the appropriate overtime rate for actual time worked.
- (iv) The appropriate overtime rate for the purpose of this clause shall be calculated as follows:
  - (1) Professional Employees

For a professional employee classified at Level 1 of this category, on the employees annual salary rate exclusive of all allowances.

For all other professional employees, on the maximum salary payable for a Level 1 employee exclusive of all allowances.
  - (2) Technical Employees

For a technical employee classified at Levels 1 and 2 of this category, on the employees annual salary rate exclusive of all allowances.

For all other technical employees, at the maximum salary payable for a Level 2 employee exclusive of all allowances.
  - (3) Administrative and Clerical Employees

For an administrative and clerical employee classified at Levels 1, 2 and 3 of this category, on the employees annual salary rate exclusive of all allowances.

For all other administrative and clerical employees, at the maximum salary payable for a Level 3 employee exclusive of all allowances.
  - (4) Operational Employees

For an operational employee classified at Levels 1 through to 7 of this category, on the employees annual salary rate exclusive of all allowances.

For all other operational employees, at the maximum salary payable for a Level 7 employee exclusive of all allowances.
- (c) For the purposes of this clause time reasonably spent in travelling to and from work shall be regarded as time worked.

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- (d) For the purposes of determining the first recall period each continuous on call period shall stand alone.

**PROVIDED** that where a continuous on call period exceeds 24 hours each 24 hour on call period shall stand alone.

- (e) Where an employee is recalled to work within three hours of commencing normal duty, the employee shall be paid at the appropriate overtime rate for that period up until the commencement time of the normal duty, but the employee shall not be obliged to work for the full period if the work for which the employee was recalled is completed in less time.
- (f) Where an employee as part of their normal duties 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 that employee shall be excluded from the provisions of this clause."

**2. By renumbering Clauses 31 to 41, to Clauses 30 to 40.**

**OPERATIVE DATE**

This variation shall come into operation on and from 29 June 2006.

Tim Abey  
**COMMISSIONER**

29 June 2006