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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.2146 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TRADES AND LABOR COUNCIL TO VARY **ALL PRIVATE AND PUBLIC SECTOR AWARDS AND AGREEMENTS** TO INCREASE WAGE RATES AND ALLOWANCES GENERALLY AND TO REVIEW THE WAGE FIXATION PRINCIPLES

AND

T.2147 of 1989

IN THE MATTER OF AN APPLICATION BY THE BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA (TASMANIAN BRANCH) TO VARY THE **BUILDING TRADES AWARD** RE BASE RATE FOR TRADES PERSON IN DIVISION A. AND TO INCREASE WORK RELATED ALLOWANCES

AND

T.2152 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN PUBLIC SERVICE ASSOCIATION TO VARY **NOMINATED AWARDS AND AGREEMENTS** RE SALARIES, ALLOWANCES AND AWARD RESTRUCTURING

AND

T.2167 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TEACHERS FEDERATION TO VARY NOMINATED AWARDS TO INCREASE SALARIES AND SALARY-RELATED ALLOWANCES

CONSEQUENT ON THE DECISION OF THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION IN THE NATIONAL WAGE DECISION OF 7 AUGUST 1989

ORDER -

**No. 5 of 1989
(Consolidated)**

AMEND THE **BROADCASTING AND TELEVISION AWARD** BY DELETING ALL CLAUSES CONTAINED THEREIN, AND INSERTING IN LIEU THEREOF THE FOLLOWING:

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1. TITLE

This award shall be known as the "Broadcasting and Television Award".

2. SCOPE

This award is established in respect of the trade of a proprietor of a commercial broadcasting station or commercial television station, as defined in the Broadcasting and Television Act 1942 - 1963 of the Australian Parliament.

3. ARRANGEMENT

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4. DATE OF OPERATION

This award shall come into operation from the beginning of the first full pay period to commence on or after 23 November 1989.

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. SUPERSESSON AND SAVINGS

This award incorporates and supersedes the Broadcasting and Television Award No 3 of 1988 - (Consolidated), No 1 of 1989, No 2 of 1989, No 3 of 1989 and No 4 of 1989.

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

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6. PARTIES AND PERSONS BOUND

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

- (a) all employers (whether members of a Registered Organisation or not) who are engaged in the industry specified in Clause 2 - Scope;
- (b) all employees (whether members of a Registered Organisation or not) for whom classifications appear in this award and who are employed in the industry specified in Clause 2 - Scope;
- (c) the following organisations of employees in respect of whom award interest has been determined:
 - (i) the Actors Equity of Australia, Victorian Division, and the officers of that organisation and their members who are employed in the industry specified in Clause 2 - Scope;
 - (ii) the Australian Theatrical and Amusement Employees Association, Tasmanian Branch, and the officers of that organisation and their members who are employed in the industry specified in Clause 2 - Scope;
 - (iii) the Federated Clerks Union of Australia, Tasmanian Branch and the officers of that organisation and their members who are employed in the industry specified in Clause 2 - Scope;
 - (iv) the Musicians' Union of Australia, Hobart Branch, and the officers of that organisation and their members who are employed in the industry specified in Clause 2 - Scope;
- (d) the following organisation of employers in respect of whom award interest has been determined:

the Tasmanian Confederation of Industries.

7. DEFINITIONS

For the purposes of Division A - Broadcasting:

- (a) **'Announcer'** means an employee who is engaged in making announcements, speaking and/or describing an event or events into a microphone for the purposes of broadcasting or recording and in duties ordinarily associated with such work.
- (b) **'Announcer Grade (I)'** employee who in addition to announcing the time of the day, playing of records and/or controlling transcriptions and/or making announcements, including reading of news, stock reports or sporting results, is required to carry out 'specialist work' or to 'ad lib' when required by the employer.

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- (c) **'Announcer Grade (II)'** means an employee not coming within the definition of 'Announcer Grade (I)' but who is employed on the announcing of time of day, playing of records and/or controlling transcriptions and/or making announcements, including reading of news, stock reports or sporting results, but does not include other 'specialist work' or 'ad lib' for more than one minute at any one time.
- (d) **'Broadcasting station'** shall include transmitter control rooms and technical equipment used in conjunction therewith operating under one call sign and the one licence whether on the same or different premises.
- (e) A **'day'** means midnight to midnight.
- (f) **'Officer in charge of the station'** shall mean the manager, if there, and if not there, then his officially appointed deputy.

8. WAGE RATES

DIVISION A – BROADCASTING

1. ANNOUNCERS

Adult employees of a classification hereunder mentioned shall be paid the amount assigned opposite that classification.

	Margins Per Week	
	Hobart	Launceston
	\$	\$
Announcers, male, on appointment and until obtaining six months' experience	194.40	194.40
Announcers, Grade II, as defined	198.70	196.90
Announcers, Grade I, as defined	206.00	204.20

Announcers, female – 75% of the total wage of male announcers.

	North-West Coast	Queenstown & Elsewhere
	\$	\$
Announcers, male on appointment and until obtaining six months' experience	194.40	194.40
Announcers, Grade II, as defined	196.10	195.20
Announcers, Grade I, as defined	201.80	198.70

Announcers, female - 75% of the total wage of male announcers.

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2. CLERKS

Except as prescribed in paragraph (iv) hereof adult employees of a classification hereunder mentioned shall be paid the amount assigned opposite that classification.

	Margins Per Week \$
(i) Adults	
1. 1st year's adult experience	289.90
2nd year's adult experience	311.10
3rd year's adult experience & thereafter	338.70
2. An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account	452.20
3. A clerk who is in charge of and responsible for the work of	
(a) 5 or more employees	400.10
(b) 3 or 4 employees	384.10
(c) 2 employees	376.10

'Employees' in this subsection shall mean any male or female clerk, typist or stenographer and shall include the clerk-in-charge.

(ii) Estimating Service

In estimating the number of years service of an employee, the total clerical experience in the service of every employer in the trades or groups of trades in respect of awards of the Tasmanian Industrial Commission applicable to private industry employees, shall be taken into account.

(iii) Juniors

The minimum rates of wages that may be paid to juniors shall be the undermentioned percentages of the 2nd year adult rate prescribed in paragraph (i) hereof adjusted to the nearest 10 cents.

	%
Under 16 years of age	40
16 to 17 years of age	45
17 to 18 years of age	55
18 to 19 years of age	70
19 to 20 years of age	80
20 to 21 years of age	90

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(iv) Proviso

When determining the margin payable to an employee attaining the age of 21 years, who has been employed as a junior clerk in the trades or groups of trades in respect of awards of the Tasmanian Industrial Commission, applicable to private industry employees, experience obtained after reaching the age of 18 years shall be counted as adult experience.

(v) Additional Payments

In addition to the weekly rates prescribed herein, the following additional amounts per week shall be paid to stenographers, audio-typists, teletypists, accounting machine, computer, data processing, tabulating machine, card punch and verifier operators.

	Amount \$
Under 16 years of age	1.00
16 to 17 years of age	1.20
17 to 18 years of age	1.30
18 to 19 years of age	1.50
19 to 20 years of age	1.90
20 to 21 years of age	2.00
21 years of age and over	2.60

3. MINIMUM WAGE

- (a) Notwithstanding the provisions of subclause 2 hereof, no adult employee shall be paid less than the rate of \$241.10 per week.
- (b) **PROVIDED** that payments for overtime, special rates, holiday and weekend penalties and shift allowances, prescribed in this award shall not be taken into account in the calculation of such minimum weekly rate of wage.

Where a minimum rate of pay as aforesaid is applicable to an employee for work in ordinary hours the same rate shall be applicable to the calculation of overtime and all other penalty rates, payments during sick leave and annual leave, and for all other purposes of this award.

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DIVISION B - TELEVISION

1. TECHNICAL AND PRODUCTION

Adult employees of a classification hereunder mentioned shall be paid the margin assigned opposite that classification.

No.	Classification	Margin Per Week
		\$
1.	Senior technician, i.e. a technician who is engaged on work the performance of which requires him to hold a Television Operator's Certificate of Proficiency	245.10
2.	Technician, qualified, i.e. an Employee who holds a Television Operator's Certificate of Proficiency, and who, under direction, maintains and operates television equipment	219.00
3.	Technician, unqualified, i.e. an employee who does not hold a Television Operator's Certificate of Proficiency, but who under direction maintains and operates television equipment	210.00
4.	Co-ordinator switcher, i.e. an employee who is required to operate the unit of the control panel which co-ordinates both the video and audio parts of a programme being transmitted or recorded	210.00
5.	Studio control operator, i.e. an Employee who under direction performs in the course of his duties telecine control, audio-control, television camera operation, floor control, or lighting duties	204.20

Provided that in respect to Employees classified in items, 3, 4 and 5 hereof, additional amounts shall be paid as follows

If such employee holds a Broadcast Operators Certificate, he shall be paid an additional \$1.00 per week.

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If such employee holds a Television Operators Certificate, he shall be paid a further \$3.20 per week.

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|-----|--|--------|
| 6. | Director, i.e. an employee who in the course of his duties is required to direct the co-ordination of live and/or composite live programmes | 219.00 |
| 7. | Cine-cameraman, i.e. an Employee who records events on cine-camera | 219.00 |
| 8. | Still photographer, i.e. an employee who is required to record non-moving photographs | 213.70 |
| 9. | Card artise, i.e. an employee who is required to transcribe, in a form suitable for transmission, words, number and related decorative designs | 219.00 |
| 10. | Announcer, i.e. an employee who reads or ad libs announcements directly related to the programme being transmitted or recorded | 206.00 |

After the first year of adult experience \$3.30 per week extra.

After the second year of adult experience, a further \$3.30 per week extra.

- | | | |
|-----|--------------------------|--------|
| 11. | Property maintenance man | 212.30 |
| 12. | Inexperienced adults | 194.40 |

Inexperienced adults may be employed in any of the above classifications other than those of technicians for a period not exceeding the first 6 months of their employment. As soon as such employee has acquired sufficient experience in the employer's opinion to be classified in one of the above classifications he shall be so classified, and thereafter shall be entitled to the margin appropriate to his classification.

- | | | |
|-----|---|--------|
| 13. | Employees (other than musicians) not otherwise classified | 192.30 |
|-----|---|--------|

Female employees classified in items 1 to 13 inclusive, shall be paid 75% of the total wage applicable to male Employees so classified.

14. Film department employees -

(a) Males -

1st year's adult experience	193.90
2nd year's adult experience	198.50
3rd year's adult experience & thereafter	206.00

(b) Females -

1st year's adult experience	190.60
2nd year's adult experience	193.80
3rd year's adult experience & thereafter	199.00

PROVIDED that an employee who has been employed as a junior clerk in this department shall be paid, on attaining the age of 21 years, the appropriate margin prescribed for an adult according to the number of years experience the said employee has obtained in this department before attaining the age of 21 years.

15. Certificate Allowance - The minimum rates of wages for junior employees in this division shall be increased by the sum of \$1.00 per week if he is the holder of a Broadcast Operator's Certificate of Proficiency and by a further sum of \$3.40 per week if he becomes the holder of a Television Operator's Certificate of Proficiency. A junior employee who has attained the age of 18 years and is required by his employer to perform work, the performance of which requires him to hold a Television Operator's Certificate of Proficiency shall be paid at the rate of wages prescribed for an adult studio control operator in item 5.

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2. CLERKS

Except as prescribed in paragraph (iv) hereof, adult employees of a classification hereunder mentioned shall be paid the amount assigned opposite that classification.

	Margin Per Week \$
(i) Adults	
1. 1st year's adult experience	289.90
2nd year's adult experience	311.10
3rd year's adult experience & thereafter	338.70
2. An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account	452.20
3. A clerk who is in charge of and responsible for the work of	
(a) 5 or more employees	400.10
(b) 3 or 4 employees	384.10
(c) 2 employees	383.60

'Employees' in this item shall mean any male or female clerk, typist or stenographer and shall include the clerk-in-charge.

(ii) Estimating Service

In estimating the number of years service of an employee, the total clerical experience in the service of every employer in the trades or groups of trades in respect of awards of the Tasmanian Industrial Commission applicable to private industry employees, shall be taken into account.

(iii) Juniors

The minimum rates of wages that may be paid to juniors shall be the undermentioned percentages of the 2nd year adult rate prescribed in paragraph (i) adjusted to the nearest 10 cents.

	%
Under 16 years of age	40
16 to 17 years of age	45
17 to 18 years of age	55
18 to 19 years of age	70
19 to 20 years of age	80
20 to 21 years of age	90

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(v) Additional Payments

In addition to the weekly rates prescribed herein, the following additional amounts per week shall be paid to stenographers, audio-typists, teletypists, accounting machine, computer, data processing, tabulating machine, card punch and verifier operators.

	Amount \$
Under 16 years of age	1.00
16 to 17 years of age	1.20
17 to 18 years of age	1.30
18 to 19 years of age	1.50
19 to 20 years of age	1.80
20 to 21 years of age	1.90
21 years of age and over	2.50

3. MINIMUM WAGE

The Minimum Wage for Division A, as provided in this clause, shall also apply to employees of Division B.

9. ANNUAL LEAVE

(a) Period of Leave

(i) Dayworkers

A period of 28 consecutive days' leave shall be allowed annually to an employee after 12 months' continuous service (less the period of annual leave).

(ii) Shiftworkers

In addition to the leave prescribed in paragraph (i) hereof, shiftworkers who are rostered to work regularly on Sundays and Holidays throughout any qualifying 12 monthly period shall be allowed 7 consecutive days' leave including nonworking days.

Where an employee with 12 months' service is employed for part of the 12 monthly period as a shiftworker, he/she shall be entitled to have the period of annual leave prescribed in paragraph (i) increased by one half a day for each month he/she is continuously so employed.

(b) Annual Leave Exclusive of Public Holidays

If any of the holidays prescribed by Clause 14 - Holidays With Pay falls within an employee's period of annual leave and is observed on a day which, in the case of that employee, would have been an ordinary working day, there shall be added to the period of annual leave, one day for each such holiday so occurring.

(c) Payment in Lieu Prohibited

Except as provided in subclause (g) hereof, payment shall not be made or accepted in lieu of annual leave.

(d) Time of Taking Leave

Annual leave shall be given at a time fixed by the employer within a period not exceeding 6 months from the date when the right to annual leave accrued and after not less than 2 weeks' notice to the employee.

(e) Payment for Period of Leave

All employees, before going on annual leave, shall be paid the amount of wages they would have received in respect of the ordinary time they would have worked had they not been on leave during the relevant period. In addition thereto, all employees, other than temporary or part-time employees, shall be paid an amount equivalent to the minimum wage as prescribed in Clause 8 - Wage Rates.

(f) Leave Allowed Before Due Date

An employer may allow annual leave to an employee before the right thereto has accrued due, but where it is taken in such a case a further period of annual leave shall not commence to accrue until after expiration of the 12 months in respect of which annual leave has been taken before it accrued.

Where leave has been granted to an employee pursuant to this subclause before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the 12 months' continuous service in respect of which the leave was granted, the employer may, for each completed month of the qualifying period of 12 months not served by the employee, deduct from whatever remuneration is payable upon the termination of the employment one-twelfth of the amount of wage paid on account of the annual leave which amount shall not include any sums paid for any of the holidays prescribed by Clause 14 - Holidays With Pay.

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(g) Proportionate Leave on Termination of Service

If after one completed month of service in any qualifying 12 monthly period an employee lawfully leaves his/her employment, or his/her employment is terminated by the employer through no fault of the employee, the employee shall be paid at his/her ordinary rate of wage as follows:

thirteen and one third hours for each completed month of continuous service; the service being in respect of which leave has not been granted.

10. COMPASSIONATE LEAVE

An employee shall on the death of a wife, husband, father, mother, child, step-child, brother, sister, mother-in-law, father-in-law, stepmother, stepfather, grandfather, grandmother, be entitled upon application being made to, and approved by the employer, to leave up to and including the day of the funeral of such relative and such leave will be without deduction of pay not exceeding the number of ordinary hours worked by the employee in 3 ordinary days, provided that no payment shall be made in respect of an employee's rostered days off.

Proof of such death, in the form of a death notice or other written evidence, shall be furnished by the employee to the satisfaction of the employer, provided furthermore that this clause shall have no operation while the period of entitlement to leave under it coincides with any other period of entitlement to leave.

For the purpose of this clause the words 'wife' and 'husband' shall not include a wife or husband from whom the employee is separated, but shall include a person who lives with the employee as a de facto wife or husband.

11. CONDITIONS GENERAL TO THE AWARD

Employees may be allowed to exchange shifts, days off, or to perform duty for another employee with the consent of the officer in charge.

Any excessive hours worked as a result of such exchange shall not be paid for at penalty rates.

12. CONTINUITY OF EMPLOYMENT

- (a) The employment of employees with more than 2 years' service may be terminated by either side on giving one month's notice in writing.
- (b) The employment of employees with more than one year's service but not more than 2 years' service may be terminated by either side on giving 2 weeks' notice in writing.

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- (c) The employment of employees with less than one year's service may be terminated by either side on giving one week's notice in writing.
- (d) Nothing in this clause shall prevent agreements from being entered into between employer and employee for a longer period of service and notice.
- (e) Nothing in this clause shall be deemed to restrict the right of the employers to dispense with the services of their employees for misconduct, negligence, or other sufficient disciplinary reasons.

13. EXTRA RATES NOT CUMULATIVE

Extra rates in this award are not cumulative so as to exceed the maximum of double the ordinary rates.

14. HOLIDAYS WITH PAY

- (a) All employees (other than casuals) shall be allowed the following days as paid holidays:- New Year's Day, Australia Day, Hobart Regatta Day (south of Oatlands), Labour Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Show Day (as defined), the first Monday in November (where Hobart Regatta Day is not observed), Christmas Day and Boxing Day.
- (b) Payment for the holidays mentioned in subclause (a) which are taken and not worked, shall be at the normal rate of pay which would have applied to the employee concerned, when, if it were not for such holiday, he/she had been at work.
- (c) Payment to an employee for work performed on holidays mentioned in subclause (a) shall be at the rates prescribed elsewhere in this award.
- (d) **'Show Day'** means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the employee is employed; or such other day which, in the absence of such a local show day, is agreed on by the employee and the employer, therefore making a total of 11 paid public holidays per year.

15. HOURS

- (a) For Shiftworkers
 - (i) The ordinary hours of employment shall be 40 per week or 80 per fortnight or 120 in each 3 weeks, to be worked in such shifts as may be mutually arranged between the employer and the employees concerned.

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- (ii) The times, when mutually arranged, shall be rostered and on such roster each employee shall be granted at least one day off in 7 days, 2 days off in 14 days, or 3 days off in 21 days according to the spread of hours over the period and in addition thereto, such other number of days or half-days off as will permit the employee concerned to have a total of 6 days off in any 3 weekly period.
 - (iii) The hours of any employee shall be completed within a period of 10 consecutive hours on any one day or shift.
 - (iv) Subject to paragraph (iii) hereof, the hours prescribed by this clause may be varied by mutual consent to meet the circumstances of the work.
- (b) For Other Employees
- (i) The ordinary hours of employment shall be 40 per week or 80 per fortnight or 120 in each 3 weeks, to be worked as may be mutually arranged between the employer and the employees concerned.
 - (ii) The times, when mutually arranged, shall be rostered and on such roster each employee shall be granted at least one day off in 7, 2 in 14, or 3 in 21 days according to the spread of hours over the period.
 - (iii) The spread of hours, inclusive of meal breaks, shall not exceed a total of 10 hours per day for any one employee.
 - (iv) Except where mutually agreed an employee shall be given at least 2 days' notice of any change in his/her roster for work.

16. MATERNITY LEAVE

(a) Eligibility for Maternity Leave

An employee who becomes pregnant, shall upon production to her employer of a certificate from a duly qualified medical practitioner stating the presumed date of her confinement, be entitled to maternity leave provided that she has had not less than 12 months' continuous service with that employer immediately preceding the date upon which she proceeds upon such leave.

For the purposes of this clause:

- (i) An employee shall include a part-time employee but shall not include an employee engaged upon casual or seasonal work.
- (ii) Maternity leave shall mean unpaid maternity leave.

(b) Period of Leave and Commencement of Leave

- (i) Subject to subclauses (c) and (f) of this clause the period of maternity leave shall be for an unbroken period of from 6 to 52 weeks and shall include a period of 6 weeks compulsory leave to be taken immediately following confinement.
- (ii) An employee shall, not less than 10 weeks prior to the presumed date of confinement, give notice in writing to her employer stating the presumed date of confinement.
- (iii) An employee shall give not less than 4 weeks' notice in writing to her employer of the date upon which she proposes to commence maternity leave stating the period of leave to be taken.
- (iv) An employer by not less than 14 days' notice in writing to the employee may require her to commence maternity leave at any time within 6 weeks immediately prior to her presumed date of confinement.
- (v) An employee shall not be in breach of this clause as a consequence of failure to give the stipulated period of notice in accordance with paragraph (iii) above, if such failure is occasioned by the confinement occurring earlier than the presumed date.

(c) Transfer to a Safe Job

Where in the opinion of a duly qualified medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue at her present work, the employee shall, if the employer deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until the commencement of maternity leave.

If the transfer to a safe job is not practicable, the employee may, or the employer may require the employee to, take leave for such period as is certified necessary by a duly qualified medical practitioner. Such leave shall be treated as maternity leave for the purposes of subclauses (g), (h), (i) and (j) of this clause.

(d) Variation of Period of Maternity Leave

- (i) Provided the addition does not extend the maternity leave beyond 52 weeks, the period may be lengthened once only, save with the agreement of the employer, by the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be lengthened.
- (ii) The period of leave may, with the consent of the employer, be shortened by the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be shortened.

(e) Cancellation of Maternity Leave

- (i) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of an employee terminates other than by the birth of a living child.
- (ii) Where the pregnancy of an employee then on maternity leave terminates other than by the birth of a living child, it shall be the right of the employee to resume work at a time nominated by the employer which shall not exceed 4 weeks from the date of notice in writing by the employee to the employer that she desires to resume work.

(f) Special Maternity Leave and Sick Leave

- (i) Where the pregnancy of an employee not then on maternity leave terminates after 28 weeks other than by the birth of a living child then
 - (a) she shall be entitled to such period of unpaid leave (to be known as special maternity leave) as a duly qualified medical practitioner certifies as necessary before her return to work, or
 - (b) for illness other than the normal consequences of confinement she shall be entitled, either in lieu of or in addition to special maternity leave, to such paid sick leave as to which she is then entitled and which a duly qualified medical practitioner certifies as necessary before her return to work.
- (ii) Where an employee not then on maternity leave suffers illness related to her pregnancy, she may take such paid sick leave as to which she is then entitled and such further unpaid leave (to be known as special maternity leave) as a duly qualified medical practitioner certifies as necessary before her return to work, provided that the aggregate of paid sick leave, special maternity leave and maternity leave shall not exceed 52 weeks.
- (iii) For the purposes of subclauses (g), (h) and (i) of this clause, maternity leave shall include special maternity leave.
- (iv) An employee returning to work after the completion of a period of leave taken pursuant to this subclause shall be entitled to the position which she held immediately before proceeding on such leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (c) of this clause to the position she held immediately before such transfer.

Where such position no longer exists but there are other positions available, for which the employee is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and salary or wage to that of her former position.

(g) Maternity Leave and Other Leave Entitlements

Provided the aggregate of leave including leave taken pursuant to subclauses (c) and (f) of this clause does not exceed 52 weeks:

- (i) an employee may, in lieu of or in conjunction with maternity leave, take any annual leave or any part thereof to which she is then entitled;
- (ii) paid sick leave or other paid authorised award absences (excluding annual leave), shall not be available to an employee during her absence on maternity leave.

(h) Effect of Maternity Leave on Employment

Notwithstanding any award or other provision to the contrary, absence on maternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of an award.

(i) Termination of Employment

- (i) An employee on maternity leave may terminate her employment at any time during the period of leave by notice given in accordance with this award.
- (ii) An employer shall not terminate the employment of an employee on the ground of her pregnancy or of her absence on maternity leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

(j) Return to Work After Maternity Leave

- (i) An employee shall confirm her intention of returning to her work by notice in writing to the employer given not less than 4 weeks prior to the expiration of her period of maternity leave.
- (ii) An employee, upon expiration of the notice required by paragraph (i) above, shall be entitled to the position which she held immediately before proceeding on maternity leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (c) of this clause to the position which she held immediately before such transfer. Where such position no longer exists but there are other positions available for which the employee is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and salary or wage to that of her former position.

(k) Replacement Employees

- (i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on maternity leave.

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- (ii) Before an employer engages a replacement employee under this subclause, the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.
- (iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising her rights under this clause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.
- (iv) **PROVIDED** that nothing in this subclause shall be construed as requiring an employer to engage a replacement employee.
- (v) A replacement employee shall not be entitled to any of the rights conferred by this clause except where her employment continues beyond the 12 months' qualifying period.

17. MEAL ALLOWANCE

When an employee is required by the employer to sleep on the premises of the employer in order to be available for his/her work, the employer shall pay to the employee the sum of \$4.90 for each meal provided by the employee during the period that he/she is required to remain at the station; provided that the number of meals to be paid for by the employer shall not exceed 3 in any period of 24 hours.

18. MIXED FUNCTIONS

- (a) Where an employee is engaged in any one week for more than half of such week at work in a higher class than he/she is employed to perform he/she shall be paid for the full week at the higher rate payable for any such work under the award, but if he/she is engaged for less than half of any such week he/she shall only be paid at the rates fixed by the award for the work he/she actually performs.
- (b) Nothing in this award shall prevent an employee covered by this award being called upon to perform other duties, provided that an employee shall not be required to perform the work of rigging and/or painting of masts without the consent of the employee first being obtained.

19. OCCUPATIONAL SUPERANNUATION

- (a) Contribution

An employer shall make a contribution equivalent to 3% of ordinary time earnings in respect of all eligible employees as from 1 August, 1989. Such earnings shall

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exclude overtime and allowances in the nature of a reimbursement (such as meal money).

(b) Casual and Part-time Employees

In the case of casual and part-time employees, contributions shall be made where the employee works at least 38 hours per month averaged over a Fund Billing Statement month. Provided that in the case of casual employees, no payment shall be required until an employee has at least 3 months continuous employment at an average of at least 38 hours per fund billing month.

(c) Fund

Contributions determined in accordance with subclause (a) shall be made into:

(i) TASPLAN; or

(ii) A fund approved in accordance with the Commonwealth Operational Standards for Occupational Superannuation Funds to which an employer was making contributions prior to 1 July 1989; and which is endorsed by the Tasmanian Industrial Commission.

(d) This clause shall apply to clerical classifications only.

(e) Exemptions

The Companies named herein shall make contributions into the nominated funds in lieu of TASPLAN.

Company	Fund
Tasmanian Television New Town	ENT Limited Staff Superannuation Fund
Southern Cross Network Launceston	Australian Retirement Fund
7HO Commercial Broadcasters Pty Ltd Hobart	Commercial Broadcasters Pty Ltd Staff Superannuation Plan

20. OVERTIME

(a) All time worked outside the ordinary hours prescribed in Clause 15 - Hours shall be overtime and shall be paid for at time and a half for the first 4 hours and double time thereafter.

(b) All time worked on Saturday by employees on shift work shall be paid for at time and a quarter.

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- (c) In cases where an employee having completed his/her usual work for the day and having returned home is recalled for duty, he/she shall be paid overtime at the rates prescribed and for a minimum of 2 hours' work.
- (d) Before starting overtime after working ordinary hours a meal break of at least 45 minutes shall, wherever practicable, be allowed, unless the period of overtime is less than one and a half hours. An employer and an employee may mutually agree to any variation of this subclause to meet the circumstances of the work in hand.
- (e) When an employee working overtime finishes work at a time when reasonable means of transport is not available, the employer shall provide him/her with a conveyance or pay his/her current wage for the time occupied in reaching his/her home.
- (f) In computing overtime for the purposes of this clause, each day's work shall stand alone.
- (g) By agreement between the employer and employee, an employee may take time off in lieu of overtime at the penalty equivalent.

21. PART-TIME AND CASUAL EMPLOYMENT

- (a) Part-time employees engaged to regularly work less than 40 hours per week shall be entitled to the holidays, annual leave and sick leave prescribed elsewhere in this award on a pro rata basis. The wage rate payable per hour shall be one fortieth of the relevant weekly rate.
- (b) A casual employee for working ordinary time shall be paid per hour one fortieth of the weekly rate plus a loading of 20%. Such loading shall be in lieu of annual leave, sick leave and public holidays.

22. PAYMENT OF WAGES

- (a) Wages shall be paid not less often than fortnightly.
- (b) Not more than 2 days' wages shall be kept in hand by the employer.
- (c) Where the services of an employee are dispensed with, wages shall be paid to him/her forthwith or forwarded to him/her by registered post within 2 days of the termination of employment.

23. QUARTERS

- (a) Where quarters are provided by the employer and the employee is required and agrees to occupy them permanently or from time to time or where the quarters are

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provided by the employer and the station is 1.61km distant from the nearest residential area, the accommodation shall be adequate in all respects and the quarters shall be equipped with all reasonable facilities and conveniences.

- (b) In the event of any dispute arising as to the facilities and conveniences the matter shall be referred to the Secretary for Labour.

24. SHIFT DUTY ALLOWANCE

For all time worked on shifts which finish after 12.30am or commence before 5.30am an employee shall be paid an additional 10% on the rate for such shift.

25. SICK LEAVE

- (a) An employee, other than one engaged as a casual or part-time employee, who is absent from work on account of personal illness or on account of injury by accident shall be entitled to leave of absence without deduction of pay, subject to the following conditions and limitations:
- (i) he/she shall not be entitled to such leave of absence for any period in respect of which he/she is entitled to workers' compensation;
 - (ii) he/she shall, as soon as possible and where practicable within one hour of the commencement of the employee's normal working day, inform the employer of his/her inability to attend for work, and as far as may be practicable, state the nature of the illness or injury and the estimated duration of the absence;
 - (iii) he/she shall prove to the satisfaction of the employer (or in the event of a dispute, the Industrial Commission), that he/she was unable on account of such illness or injury to attend for work on the day or days for which the sick leave is claimed;
 - (iv) he/she shall not be entitled in any year to sick leave in excess of eighty hours of ordinary working time.

PROVIDED that during the first three months of employment, sick leave shall accrue on the basis of 6.66 hours for each completed calendar month of service with the employer.

- (b) Sick leave shall accumulate from year to year so that any balance of the period specified in subclause (a) paragraph (iv) of this clause which has in any year not been allowed to an employee by an employer as paid sick leave shall be allowed by that employer in a subsequent year without diminution of the sick leave prescribed in respect of that year.

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26. SUNDAY AND HOLIDAY WORK

- (a) For all time of duty on a Sunday or any of the holidays mentioned in Clause 14 - Holidays With Pay, payment shall be made at the rate of time and one half with a minimum payment as for 4 hours' work.
- (b) All time worked in excess of the rostered hours in any one shift on a Sunday or a holiday shall be paid for at double ordinary time, except where such excess time is worked by arrangement between the employees concerned with the consent of the officer in charge of the station.

27. TOOLS OF TRADE

The employer shall provide for each employee such tools as are customarily provided. The employee shall replace or pay for any tools so provided if lost through his/her negligence.

28. TRANSPORT AFTER OVERTIME

An employee working overtime at a time when public transport or the employee's normal means of transport is not available shall be provided with a conveyance home by the employer.

CONDITIONS FOR EMPLOYEES IN DIVISION B - TELEVISION

29. AIR TRAVEL

- (a) The employer shall not require an employee to undertake an assignment if it necessitates his/her travelling by air, and such employee has a reasonable objection to air travel.
- (b) All air travel shall be made on a regular commercial passenger carrying aircraft unless the employee is requested and agrees to travel on approved charter aircraft.

30. CASUAL EMPLOYMENT

A casual employee for working ordinary time shall be paid per hour one fortieth of the weekly rate plus a loading of 20%. Such loading shall be in lieu of annual leave, sick leave and public holidays.

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31. DRESS ALLOWANCE

Full-time employees who are engaged as announcers or comperes whose duties include on camera appearances with make-up on not less than 3 days in any one week shall be paid a dress allowance of \$3.30 per week for that week.

PROVIDED that the allowance prescribed above shall not apply to an employee who is in receipt of clothing and/or accessories supplied by the employer.

32. EXISTING WAGE RATES

An employee who is at present in receipt of a wage rate in excess of that herein prescribed shall not have such wage rate reduced as a result of this award.

32. GENERAL CONDITIONS

(a) The provisions of the following clauses in Division A shall also apply to employees in this Division:

- Clause 9. Annual Leave
- 10. Compassionate Leave
- 14. Holidays With Pay
- 16. Maternity Leave
- 24. Sick Leave

(b) The provisions of the following clauses of Division A:-

- Clause 9. Annual Leave
- 14. Holidays With Pay
- 16. Maternity Leave
- 24. Sick Leave

shall also apply to employees (other than casuals) not classified in Clause 8 - Wage Rates, Division B - Television, subclause 1, Technical and Production.

34. HEIGHT MONEY

Employees engaged on work which the employer and employee agree is work for which height money should be paid shall be paid such amount as is agreed to be reasonable, having regard to all the circumstances, but in the event of agreement not being reached the matter shall be referred to the Tasmanian Industrial Commission for determination.

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35. HOURS OF WORK

- (a) The ordinary hours of work shall not exceed 40 hours per week, or 80 hours per fortnight, or 120 hours in 3 consecutive weeks to be worked wherever reasonably possible in shifts of 8 hours per day, and in any event not exceeding 9 hours per day (exclusive of meal periods).
- (b) Notwithstanding the provisions of subclause (a) where for the reason of adverse weather or other conditions prevailing en route to or from television equipment installations so as to make travel on such route hazardous or impossible and the observation of this clause impracticable, employees required to perform work in such localities shall work the hours prescribed in such manner as may be mutually agreed between the employer and the employee.

36. MIXED FUNCTIONS

- (a) An employee shall be classified according to the main duties which he/she performs but an employee shall perform whatever work or duties the employer may require and which the employee is capable of performing.
- (b) An employee engaged for 4 or more hours on any day or shift on duties carrying a higher rate of pay than his/her ordinary classification shall be paid the higher rate for such day or shift.

37. NOTICE BOARD

The employer shall permit an authorised representative of employees to post formal notices, signed or counter-signed by such representative, on a notice board located on the employer's premises.

38. OVERTIME

- (a) All time worked in excess of the ordinary rostered hours shall be overtime and shall be paid as follows:
 - (i) Monday to Friday, inclusive - at the rate of time and a half for the first 3 hours, and double time thereafter.
 - (ii) Saturdays - at the rate of time and three quarters for the first 3 hours, and double time thereafter.
 - (iii) Sundays and Public Holidays - at the rate of double time.

PROVIDED that where an employee is specially brought in for the purpose of working overtime on a Saturday or public holiday, the minimum payment shall be as for 4 hours work.

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- (b) In computing overtime, each day's work shall stand alone.
- (c) Except in the case of a change of roster, an employee who is required to work on any day for which he/she is rostered off duty pursuant to subclause (j) of Clause 41 - Rosters shall be entitled to payment at the rate of double time for all time worked, with a minimum payment as for 4 hours worked.
- (d) Where an employee having completed his/her usual work and having returned to his/her home is re-called for work not continuous with his/her next rostered shift, he/she shall be paid for that call at the rate of double time for all time worked with a minimum payment as for 2 hours at double time.
- (e) An employee who finishes overtime work at a time when reasonable means of transport is not available shall either be provided by the employer with a conveyance to his/her home, or be paid at the overtime rate for the time reasonably required to reach his/her home after the termination of the overtime worked.
- (f) When requested by the employer an employee shall work such overtime as is necessary to meet the reasonable needs of the employer.
- (g) The rates prescribed as payments additional to minimum ordinary weekly rates shall not be cumulative so as to exceed the maximum of double ordinary rates.

39. PART-TIME EMPLOYEES

Part-time employees engaged to regularly work less than 40 hours per week shall be entitled to the holidays, annual leave and sick leave prescribed elsewhere in this award on a pro rata basis. The wage rate payable per hour shall be one fortieth of the relevant weekly rate.

40. PAYMENT OF WAGES

- (a) Wages shall be paid not less often than fortnightly.
- (b) Where the services of an employee are terminated all payments due to him/her under this award shall be paid to him/her on the day of such termination or posted by registered mail to him/her prior to the next pay day.
- (c) Should an employee be short paid in any week he shall receive the amount short paid on the following pay day.

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41. PROTECTIVE CLOTHING

The employer shall provide free of cost to employees all necessary protective clothing required in the performance of their duties.

42. RIGHT OF ENTRY

The Secretary for Labour may authorise an official of a union (to be named by him/her) and thereupon such official shall have the right, in accordance with the terms of such authorisation to enter any place where work is being carried on under this award subject to the following conditions:

- (a) The authorisation shall be in writing signed by the Secretary for Labour.
- (b) The authorisation shall state the time at which the entry is authorised. Such time may be any reasonable time.
- (c) The purpose of entry during authorised working hours shall be confined to interviewing the appointed representatives of the union in the place mentioned in the authorisation, or with the consent of the employer or his/her representative of interviewing any member of the union employed therein; or if authorised during a meal hour or at a non-working time of interviewing any workers engaged at the place who are willing to be interviewed.
- (d) **PROVIDED** that:
 - (i) Except during any meal hour, or non-working time, not more than one such official shall be permitted to enter the place in question at one time except by express consent of the employer or his/her representative.
 - (ii) Before entering any such place the official shall produce the authorisation of the employer or his/her representative.
 - (iii) If the employer alleges that an official is unduly interfering with the work of the job or is causing dissatisfaction among the employees thereon, or is offensive in his/her manner or is committing a breach of any of the conditions set out in this clause, such employer may refuse to allow the official to enter into or to remain on the place but the official shall have the right to bring such refusal to the attention of the Secretary for Labour who may either cancel the authorisation or refer the matter to the Tasmanian Industrial Commission.

43. ROSTERS

All employees under this award shall be rostered for their ordinary hours of work in accordance with the following provisions:

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- (a) All rosters shall specify the commencing and finishing times of the ordinary hours of work of the respective shifts of each employee.
- (b) The rosters shall be posted at each station at least 4 days before they come into operation provided that a roster may be departed from at short notice in cases of emergency over which the employer has no control.
- (c) Employees shall be allowed to exchange shifts or days off or to perform duty for other employees, provided the approval of the officer in charge of the department or section concerned has been obtained, and provided further that any excess hours worked as a result of such exchange shall not involve the employer in overtime payments.
- (d) Employees shall be entitled to a minimum period of 10 hours break between rostered shifts. Should an employee be required to resume work without having a break of at least 10 hours between rostered shifts, he/she shall be paid at the rate of double time for all time worked until he/she has had a break of at least 10 hours.

PROVIDED that compliance with the provisions of this subclause shall not be required under the circumstances referred to in subclause (b) of Clause 34 - Hours of Work, and in such circumstances the break between rostered shifts shall be such as may be mutually agreed between the employee and the employer.

- (e) Rosters may be spread over one, 2 or 3 weeks of ordinary time.
- (f) When a roster provides for less than 4 hours' work the shift shall be deemed to be one of 4 hours' ordinary time.
- (g) A roster shall not provide for more than one shift of 4 hours in any roster week.
- (h) If by agreement or otherwise an employee is rostered in any week of the roster to work not more than 24 ordinary hours such hours shall be rostered in not more than 3 shifts, and if he/she is so rostered to work not more than 32 ordinary hours, such hours shall be rostered in not more than 4 shifts.
- (i) Except with the mutual consent of the employer and the employee concerned, rostered ordinary hours shall not exceed 48 in any one week of the roster.
- (j) All rosters shall be such as to allow one clear day off in each roster week.

In this subclause a clear day shall mean

- (i) In the case of an employee whose last preceding shift ended at or after 7.00pm on any day, not less than 30 hours.
- (ii) In the case of an employee whose last preceding shift ended before 7.00pm on any day, not less than 36 hours.

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- (k) Where an employee's rostered day off falls on a public holiday such employee shall have one additional non-working day added to his/her annual leave.

44. SATURDAY AND SUNDAY SHIFT WORK

- (a) All work performed by a shift worker as part of his/her ordinary rostered hours between midnight on Friday and midnight on Saturday shall be paid for at the rate of time and a quarter.
- (b) All work performed by a shift worker as part of his/her ordinary rostered hours between midnight on Saturday and midnight on Sunday shall be paid for at the rate of time and one half.

45. SHIFT DUTY ALLOWANCE

- (a) An employee who works a rostered shift which finishes after 7.00pm of a shift which finishes at or before 7.00am on any day shall be paid for that shift 10 per centum more than his/her ordinary rate of pay.
- (b) An employee who works a rostered shift which begins before 7.00am on any day shall be paid for that shift 10 per centum more than his/her ordinary rate of pay.
- (c) Such allowances shall not be taken into account in computing the additional rates prescribed in this award for overtime, Saturday or Sunday work, work on public holidays, or any payment for annual leave or sick leave.

46. TERMINATION OF SERVICE

- (a) The services of employees with more than 2 years' service may be terminated by either side on giving one month's notice in writing.
- (b) The services of employees with more than one year's service but not more than 2 years' service may be terminated by either side on giving 2 weeks' notice in writing.
- (c) The services of employees with less than one year's service may be terminated by either side on giving one week's notice in writing.
- (d) Nothing in this clause shall prevent agreements between employer and employee for a longer period of service and notice.
- (e) Nothing in this clause shall be deemed to restrict the right of the employers to dispense with the services of their employees for misconduct, negligence or other sufficient disciplinary reasons.

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47. TIME AND WAGES RECORD

Each employer shall keep a record from which can be readily ascertained the name of each employee and his/her occupation, the hours worked each day and the wages and allowances paid each week.

The time occupied by an employee in filling in any time record or cards or in the making of records shall be treated as time of duty, but this does not apply to checking in or out when entering or leaving the employer's premises.

The time and wages record shall be open for inspection to duly accredited employees' representative during the usual office hours at the employer's office or other convenient place.

The representative making such inspection shall be entitled to take a copy of entries in a time and wages record relating to a suspected breach of the award.

48. TRAVELLING ALLOWANCES

The employer shall reimburse an employee for all travelling and other expenses reasonably incurred in performing work as required by his/her employer. Where an employee agrees to use his/her own motor vehicle at the request of his/her employer, he/she shall be paid an allowance as provided in subclause (b) of Clause 46 - Transport and Transport Allowances.

49. TOOLS OF TRADE

The employer shall provide all tools necessary for the work to be performed.

R.K. Gozzi
COMMISSIONER

11 December 1989