

# Hospitality Industry (General) Award 2010

The above award was first made on 19 December 2008 [[PR985119](#)]

This consolidated version of the award includes a variation made on 4 December 2009 [[PR991389](#)]; 10 December 2009 [[PR990534](#)]; 23 December 2009 [[PR992056](#)]; 30 December 2009 [[PR992195](#)]; 20 January 2010 [[PR992315](#)]; 10 March 2010 [[PR994907](#)]; 26 March 2010 [[PR994455](#)]; 4 June 2010 [[PR997632](#)], 4 June 2010 [[PR997772](#)]; 18 June 2010 [[PR998103](#)]; 18 June 2010 [[PR997888](#)]; 29 June 2010 [[PR998748](#)]; 16 July 2010 [[PR999412](#)]; 17 December 2010 [[PR505248](#)]; 20 June 2011 [[PR509040](#)]; 21 June 2011 [[PR509162](#)]; 21 June 2011 [[PR510670](#)]; 4 October 2011 [[PR514972](#)]

NOTE: **Transitional provisions** may apply to certain clauses – see [clause 2](#) and [Schedules A, B and C](#).

To determine the transitional amount or loading, go to the version of this modern award in operation [prior to 1 July 2010](#) which does **not** include:

- (a) variations to minimum wages resulting from the Annual Wage Review 2009-10; or
- (b) variations in expense related allowances operative from 1 July 2010.

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## Part 1—Application and Operation

### 1. Title

This award is the *Hospitality Industry (General) Award 2010*.

### 2. Commencement and transitional

[Varied by [PR992056](#)]

**2.1** This award commences on 1 January 2010.

**2.2** The monetary obligations imposed on employers by this award may be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase any overaward payment.

**2.3** This award contains transitional arrangements which specify when particular parts of the award come into effect. Some of the transitional arrangements are in clauses in the main part of the award. There are also transitional arrangements in Schedule A, Schedule B and Schedule C. The arrangements in Schedules A, B and C deal with:

- minimum wages and piecework rates
- casual or part-time loadings
- Saturday, Sunday, public holiday, evening or other penalties
- shift allowances/penalties.

**2.4** Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, Fair Work Australia may make any order it considers appropriate to remedy the situation.

**2.5** Fair Work Australia may review the transitional arrangements in this award and make a determination varying the award.

**2.6** Fair Work Australia may review the transitional arrangements:

- (a) on its own initiative; or
- (b) on application by an employer, employee, organisation or outworker entity covered by the modern award; or
- (c) on application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award; or

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- (d) in relation to outworker arrangements, on application by an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the arrangements relate.

### 3. Definitions and interpretation

[Varied by [PR991389](#), [PR992056](#), [PR994455](#), [PR997772](#), [PR505248](#)]

#### 3.1 In this award, unless the contrary intention appears:

[Definition of **Act** substituted by [PR994455](#) from 01Jan10]

**Act** means the *Fair Work Act 2009* (Cth)

[Definition of **agreement-based transitional instrument** inserted by [PR994455](#) from 01Jan10]

**agreement-based transitional instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**appropriate level of training** means that an employee:

- (a) has completed an appropriate training program that meets the training and assessment requirements of a qualification or one or more designated units of competency from a Training Package; and/or
- (b) has been assessed by a qualified skills assessor to have skills at least equivalent to those attained in an appropriate training course; and/or
- (c) as at 30 June 2010, has been doing the work of a particular classification for a period of at least three months.

(Note 1: Any dispute concerning (c) above may be referred to Fair Work Australia for determination. Fair Work Australia may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge, and that these are relevant to the work the employee is doing.)

(Note 2: The minimum classification level for an employee who has completed AQF Certificate III qualifications relevant to the classification in which they are employed and who utilises skills and knowledge derived from Certificate III competencies relevant to the work undertaken is the Level 4 rate prescribed in clause 20.1. Any dispute concerning an employee's entitlement to be paid at Level 4 may be referred to Fair Work Australia for determination. Fair Work Australia may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge derived from Certificate III competencies, and that these are relevant to the work the employee is doing.)

[Definition of **award-based transitional instrument** inserted by [PR994455](#) from 01Jan10]

**award-based transitional instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**casino** means a gaming establishment holding a casino license under relevant State or Territory legislation

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**catering by a restaurant business** means the provision by a restaurant of catering services for any social or business function where such services are incidental to the major business of the restaurant

[Definition of **Commission** deleted by [PR994455](#) from 01Jan10]

[Definition of **Division 2B State award** inserted by [PR505248](#) ppc 01Jan11]

**Division 2B State award** has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Division 2B State employment agreement** inserted by [PR505248](#) ppc 01Jan11]

**Division 2B State employment agreement** has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **employee** substituted by [PR994455](#), [PR997772](#) from 01Jan10]

**employee** means national system employee within the meaning of the Act

[Definition of **employer** substituted by [PR994455](#), [PR997772](#) from 01Jan10]

**employer** means national system employer within the meaning of the Act

[Definition of **enterprise award** deleted by [PR994455](#) from 01Jan10]

[Definition of **enterprise award-based instrument** inserted by [PR994455](#) from 01Jan10]

**enterprise award-based instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**liquor service employee** means a person employed to sell or dispense liquor in bars and/or bottle departments or shops and includes a cellar employee

[Definition of **NAPSA** deleted by [PR994455](#) from 01Jan10]

[Definition of **NES** substituted by [PR994455](#) from 01Jan10]

**NES** means the National Employment Standards as contained in [sections 59 to 131](#) of the *Fair Work Act 2009* (Cth)

[Definition of **on-hire** inserted by [PR994455](#) from 01Jan10]

**on-hire** means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client

**relevant apprenticeship legislation** means any awards and/or regulations made by any State Apprenticeship Authority

**resort** means an establishment providing hotel services, accommodation, food and beverages with access to recreation facilities for guests, and includes an offshore island resort

[Definition of **restaurant** substituted by [PR994455](#) from 01Jan10]

**restaurant** means a restaurant, reception centre, night club, licensed cafe and licensed roadhouse and includes any tea room or cafe

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**rostered day off (RDO)** means any continuous 24 hour period between the completion of the last ordinary shift and the commencement of the next ordinary shift on which an employee is rostered for duty

**spread of hours** means the period of time elapsing from the time an employee commences duty to the time the employee ceases duty within any period of 24 hours

**standard weekly rate** means the minimum weekly wage for a level 4 rate (Cook (tradesperson) grade 3) in clause 20.1. **Standard hourly rate** means the minimum hourly wage for a level 4 classification (Cook (tradesperson) grade 3) in clause 20.1.

[Definition of **transitional minimum wage instrument** inserted by [PR994455](#) from 01Jan10]

**transitional minimum wage instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**3.2** Where this award refers to a condition of employment provided for in the NES the NES definition applies.

## 4. Coverage

[Varied by [PR991389](#), [PR992056](#), [PR994455](#)]

**4.1** This industry award covers employers throughout Australia in the hospitality industry and their employees in the classifications within Schedule D—Classification Definitions to the exclusion of any other modern award. The award does not cover employers in the following industries:

- (a) clubs registered or recognised under State or Territory legislation;
- (b) boarding schools;
- (c) residential colleges;
- (d) hospitals;
- (e) orphanages;
- (f) any council, county council, municipal council, shire, shire council or local government body as defined by the *Local Government Act 1993* (NSW); the *Local Government Act 1989* (Vic); the *Local Government Act 1993* (Qld); the *City of Brisbane Act 1924* (Qld), the *Local Government Act 1995* (WA); the *Local Government Act 1999* (SA); the *Local Government Act 1993* (Tas); and the *Local Government Act 2008* (NT);
- (g) catering by a restaurant business;
- (h) theme parks;
- (i) in-flight catering for airlines;

[4.1(j) substituted by [PR994455](#) from 01Jan10]

- (j) restaurants covered by the *Fast Food Industry Award 2010*, the *Registered and Licensed Clubs Award 2010* or the *Restaurant Industry Award 2010*;

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- (k) contract cleaning undertaken by companies not operating exclusively in the hospitality industry;
- (l) catering services provided by aged care employers (except where these services are provided by a hospitality industry employer for or within an aged care facility);
- (m) contract security, contract gardening or contract maintenance provided by an external provider, whose primary business falls outside the hospitality operation; and
- (n) businesses primarily concerned with the sale of petroleum or mixed functions involving the sale of petroleum.

[4.5 renumbered as 4.2 and substituted by [PR994455](#) from 01Jan10]

**4.2** For the purpose of clause 4.1, **hospitality industry** includes hotels; motor inns and motels; boarding establishments; condominiums and establishments of a like nature; health or recreational farms; private hotels, guest houses, serviced apartments; caravan parks; ski lodges; holiday flats or units, ranches or farms; hostels, or any other type of residential or tourist accommodation; wine saloons, wine bars or taverns; liquor booths; resorts; caterers; restaurants operated in or in connection with premises owned or operated by employers otherwise covered by this award; casinos; and function areas and convention or like facilities operating in association with the aforementioned.

[4.2 renumbered as 4.3 by [PR994455](#) from 01Jan10]

**4.3** The award does not cover an employee excluded from award coverage by the Act.

[4.3 renumbered as 4.4 and substituted by [PR994455](#) from 01Jan10]

**4.4** The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

[4.4 and 4.6 deleted by [PR994455](#) from 01Jan10]

[New 4.5, 4.6, 4.7 and 4.8 inserted by [PR994455](#) from 01Jan10]

**4.5** The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

**4.6** This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

**4.7** This award covers employers which provide group training services for apprentices and/or trainees engaged in the industry and/or parts of industry set out at clause 4.1 and those apprentices and/or trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are

being performed. This subclause operates subject to the exclusions from coverage in this award.

- 4.8** Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

## **5. Access to the award and the National Employment Standards**

The employer must ensure that copies of this award and the NES are available to all employees to whom they apply either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible.

## **6. The National Employment Standards and this award**

The [NES](#) and this award combine to contain the minimum conditions of employment for employees covered by this award.

## **7. Award flexibility**

[Varied by [PR994455](#)]

- 7.1** Notwithstanding any other provision of this award, an employer and an individual employee may agree to vary the application of certain terms of this award to meet the genuine individual needs of the employer and the individual employee. The terms the employer and the individual employee may agree to vary the application of are those concerning:

- (a) arrangements for when work is performed;
- (b) overtime rates;
- (c) penalty rates;
- (d) allowances; and
- (e) leave loading.

- 7.2** The employer and the individual employee must have genuinely made the agreement without coercion or duress.

- 7.3** The agreement between the employer and the individual employee must:

- (a) be confined to a variation in the application of one or more of the terms listed in clause 7.1; and

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[7.3(b) substituted by [PR994455](#) from 01Jan10]

- (b) result in the employee being better off overall than the employee would have been if no individual flexibility agreement had been agreed to.

[7.4 substituted by [PR994455](#) from 01Jan10]

**7.4** The agreement between the employer and the individual employee must also:

- (a) be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;
- (b) state each term of this award that the employer and the individual employee have agreed to vary;
- (c) detail how the application of each term has been varied by agreement between the employer and the individual employee;
- (d) detail how the agreement results in the individual employee being better off overall in relation to the individual employee's terms and conditions of employment; and
- (e) state the date the agreement commences to operate.

[7.5 deleted by [PR994455](#) from 01Jan10]

[7.6 renumbered as 7.5 by [PR994455](#) from 01Jan10]

**7.5** The employer must give the individual employee a copy of the agreement and keep the agreement as a time and wages record.

[New 7.6 inserted by [PR994455](#) from 01Jan10]

**7.6** Except as provided in clause 7.4(a) the agreement must not require the approval or consent of a person other than the employer and the individual employee.

**7.7** An employer seeking to enter into an agreement must provide a written proposal to the employee. Where the employee's understanding of written English is limited the employer must take measures, including translation into an appropriate language, to ensure that the employee understands the proposal.

**7.8** The agreement may be terminated:

- (a) by the employer or the individual employee giving four weeks' notice of termination, in writing, to the other party and the agreement ceasing to operate at the end of the notice period; or
- (b) at any time, by written agreement between the employer and the individual employee.

**7.9** The right to make an agreement pursuant to this clause is in addition to, and is not intended to otherwise affect, any provision for an agreement between an employer and an individual employee contained in any other term of this award.

## Part 2—Consultation and Dispute Resolution

### 8. Consultation regarding major workplace change

#### 8.1 Employer to notify

- (a) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must notify the employees who may be affected by the proposed changes and their representatives, if any.
- (b) **Significant effects** include termination of employment, major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations; and the restructuring of jobs. Provided that where this award makes provision for alteration of any of these matters an alteration is deemed not to have significant effect.

#### 8.2 Employer to discuss change

- (a) The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in clause 8.1, the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.
- (b) The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in clause 8.1.
- (c) For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees provided that no employer is required to disclose confidential information the disclosure of which would be contrary to the employer's interests.

### 9. Dispute resolution

[Varied by [PR994455](#)]

- 9.1 In the event of a dispute in relation to a matter about this award, or in relation to the NES, in the first instance the parties must attempt to resolve the matter at the workplace by discussions between the employee or employees concerned and the relevant supervisor. If such discussions do not resolve the dispute, the parties will endeavour to resolve the dispute in a timely manner by discussions between the employee or employees concerned and more senior levels of management as appropriate.

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[9.2 varied by [PR994455](#) from 01Jan10]

**9.2** If a dispute in relation to a matter arising under this award or the NES is unable to be resolved at the workplace, and all appropriate steps under clause 9.1 have been taken, a party to the dispute may refer the dispute to Fair Work Australia.

[9.3 varied by [PR994455](#) from 01Jan10]

**9.3** The parties may agree on the process to be utilised by Fair Work Australia including mediation, conciliation and consent arbitration.

[9.4 varied by [PR994455](#) from 01Jan10]

**9.4** Where the matter in dispute remains unresolved Fair Work Australia may exercise any method of dispute resolution permitted by the Act that it considers appropriate to ensure the settlement of the dispute.

**9.5** An employer or employee may appoint another person, organisation or association to accompany and/or represent them for the purposes of this clause.

**9.6** While the dispute resolution procedure is being conducted, work must continue in accordance with this award and the Act. Subject to applicable occupational health and safety legislation, an employee must not unreasonably fail to comply with a direction by the employer to perform work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.

## Part 3—Types of Employment and Termination of Employment

### 10. Types of employment

**10.1** Employees under this award will be employed in one of the following categories:

- (a) full-time;
- (b) part-time; or
- (c) casual.

**10.2** At the time of engagement an employer will inform each employee of the terms of their engagement and in particular whether they are to be full-time, part-time or casual.

### 11. Full-time employment

A full-time employee is an employee who is engaged to work an average of 38 ordinary hours per week.

### 12. Part-time employment

[Varied by [PR992056](#)]

**12.1** An employer may employ part-time employees in any classification in this award.

- 12.2** A part-time employee is an employee who:
- (a) works less than full-time hours of 38 per week;
  - (b) has reasonably predictable hours of work; and
  - (c) receives, on a pro rata basis, equivalent pay and conditions to those of full-time employees who do the same kind of work.
- 12.3** At the time of engagement the employer and the part-time employee will agree in writing on a regular pattern of work, specifying at least the hours worked each day, which days of the week the employee will work and the actual starting and finishing times each day.
- 12.4** Any agreed variation to the hours of work will be recorded in writing.
- 12.5** An employer is required to roster a part-time employee for a minimum of three consecutive hours on any shift.
- 12.6** An employee who does not meet the definition of a part-time employee and who is not a full-time employee will be paid as a casual employee in accordance with clause 13—Casual employment.
- 12.7** All time worked in excess of the hours as agreed under clause 12.3 or varied under clause 12.4 will be overtime and paid for at the rates prescribed in clause 33—Overtime.
- 12.8** A part-time employee employed under the provisions of this clause must be paid for ordinary hours worked at the rate of 1/38th of the weekly rate prescribed in clause 20—Minimum wages, for the work performed.

### **13. Casual employment**

- 13.1** A casual employee is an employee engaged as such and must be paid a casual loading of 25% as provided for in this award. The casual loading is paid as compensation for annual leave, personal/carer's leave, notice of termination, redundancy benefits and the other entitlements of full-time or part-time employment.
- 13.2** On each occasion a casual employee is required to attend work they are entitled to a minimum payment for two hours' work.
- 13.3** A casual employee must be paid at the termination of each engagement, but may agree to be paid weekly or fortnightly.
- 13.4 Conversion to full-time or part-time employment**
- (a) This clause only applies to a regular casual employee.
  - (b) A regular casual employee means a casual employee who is employed by an employer on a regular and systematic basis for several periods of employment or on a regular and systematic basis for an ongoing period of employment during a period of at least 12 months.

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- (c) A regular casual employee who has been engaged by a particular employer for at least 12 months may elect (subject to the provisions of this clause) to have their contract of employment converted to full-time or part-time employment.
- (d) An employee who has worked at the rate of an average of 38 or more hours a week in the period of 12 months casual employment may elect to have their employment converted to full-time employment.
- (e) An employee who has worked at the rate of an average of less than 38 hours a week in the period of 12 months casual employment may elect to have their employment converted to part-time employment.
- (f) Where a casual employee seeks to convert to full-time or part-time employment, the employer may consent to or refuse the election, but only on reasonable grounds. In considering a request, the employer may have regard to any of the following factors:
  - the size and needs of the workplace or enterprise;
  - the nature of the work the employee has been doing;
  - the qualifications, skills, and training of the employee;
  - the trading patterns of the workplace or enterprise (including cyclical and seasonal trading demand factors);
  - the employee's personal circumstances, including any family responsibilities; and
  - any other relevant matter.
- (g) Where it is agreed that a casual employee will have their employment converted to full-time or part-time employment as provided for in this clause, the employer and employee must discuss and agree upon:
  - the form of employment to which the employee will convert—that is, full-time or part-time employment; and
  - if it is agreed that the employee will become a part-time employee, the matters referred to in clause 12—Part-time employment.
- (h) The date from which the conversion will take effect is the commencement of the next pay cycle following such agreement being reached unless otherwise agreed.
- (i) Once a casual employee has converted to full-time or part-time employment, the employee may only revert to casual employment with the written agreement of the employer.
- (j) An employee must not be engaged and/or re-engaged (which includes a refusal to re-engage) to avoid any obligation under this award.
- (k) Nothing in this clause obliges a casual employee to convert to full-time or part-time employment, nor permits an employer to require a casual employee to so convert.

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- (l) Nothing in this clause requires the employer to convert the employment of a regular casual employee to full-time or part-time employment if the employee has not worked for 12 months or more in a particular establishment or in a particular classification stream.
- (m) Nothing in this clause requires an employer to increase the hours of a regular casual employee seeking conversion to full-time or part-time employment.

### **14. Apprentices**

- 14.1** Apprentices will be engaged in accordance with relevant apprenticeship legislation and be paid in accordance with clause 20.4.
- 14.2** An apprentice under the age of 18 years must not, without their consent, be required to work overtime or shift work.

### **15. Junior employees**

[15.1 substituted by [PR994907](#) ppc 10Mar10]

- 15.1** Junior employees will be paid in accordance with clause 20.5. Where the law permits, junior employees may be employed as liquor service employees (being persons employed to sell or dispense liquor in bars and/or bottle departments or shops, as well as cellar employees or other places where liquor is sold) and must be paid at the adult rate of pay in clause 20.1 for the classification for the work being performed.
- 15.2** An employer may at any time demand the production of a birth certificate or other satisfactory proof for the purpose of ascertaining the correct age of a junior employee. If a birth certificate is required, the cost of it must be borne by the employer.
- 15.3** No employee under the age of 18 years will be required to work more than 10 hours in a shift.

### **16. Termination of employment**

- 16.1** Notice of termination is provided for in the NES.
- 16.2** **Notice of termination by an employee**

The notice of termination required to be given by an employee is the same as that required of an employer, except that there is no requirement on the employee to give additional notice based on the age of the employee concerned. If an employee fails to give the required notice the employer may withhold from any monies due to the employee on termination, under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by this clause, less any period of notice actually given by the employee.

### **16.3 Job search entitlement**

Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.

## **17. Redundancy**

[Varied by [PR994455](#), [PR505248](#)]

**17.1** Redundancy pay is provided for in the NES.

### **17.2 Transfer to lower paid duties**

Where an employee is transferred to lower paid duties by reason of redundancy the same period of notice must be given as the employee would have been entitled to if the employment had been terminated and the employer may, at the employer's option, make payment instead of an amount equal to the difference between the former ordinary time rate of pay and the new ordinary time rate for the number of weeks of notice still owing.

### **17.3 Employee leaving during notice period**

An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee will be entitled to receive the benefits and payments they would have received under this clause had they remained in employment until the expiry of the notice, but will not be entitled to payment instead of notice.

### **17.4 Job search entitlement**

- (a) An employee given notice of termination in circumstances of redundancy will be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.
- (b) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee will, at the request of the employer, be required to produce proof of attendance at an interview or they will not receive payment for the time absent. For this purpose a statutory declaration will be sufficient.
- (c) This entitlement applies instead of clause 16.3.

### **17.5 Transitional provisions – NAPSA employees**

[17.5 substituted by [PR994455](#) from 01Jan10; renamed by [PR505248](#) ppc 01Jan11]

- (a) Subject to clause 17.5(b) an employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with the terms of a notional agreement preserving a State award:
  - (i) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances

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of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and

- (ii) that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.
- (b) The employee's entitlement to redundancy pay under the notional agreement preserving a State award is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.
- (c) This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument.
- (d) Clause 17.5 ceases to operate on 31 December 2014.

### 17.6 Transitional provisions – Division 2B State employees

[17.6 inserted by [PR505248](#) ppc 01Jan11]

- (a) Subject to clause 17.6(b), an employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with the terms of a Division 2B State award:
  - (i) that would have applied to the employee immediately prior to 1 January 2011, if the employee had at that time been in their current circumstances of employment and no Division 2B State employment agreement or enterprise agreement had applied to the employee; and
  - (ii) that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.
- (b) The employee's entitlement to redundancy pay under the Division 2B State award is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.
- (c) This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument.
- (d) Clause 17.6 ceases to operate on 31 December 2014.

## Part 4—Classifications and Minimum Wage Rates

### 18. Work organisation

Employees must undertake duties as directed within the limits of their competence and may undertake duties across the different streams contained in the classification definitions in Schedule D—Classification Definitions.

### 19. Classifications

The definitions of the classification levels in clause 20—Minimum wages are contained in Schedule D—Classification Definitions.

**20. Minimum wages**

[Varied by [PR992056](#), [PR994455](#), [PR997888](#), [PR509040](#), [PR514972](#)]

**20.1 General**

[20.1 varied by [PR994455](#) ppc 01Jan10, [PR997888](#), [PR509040](#) , [PR514972](#) ppc 04Oct11]

An adult employee within a level specified in the following table (other than an apprentice) will be paid not less than the rate per week assigned to the classification, as defined in Schedule D—Classification Definitions, for the area in which such employee is working. An employee’s rate of pay is inclusive of the award rate set out in this clause and the additional allowance for a fork-lift driver set out in clause 21.2(a).

Level	Classification	Minimum weekly wage	Minimum hourly wage
		\$	\$
Introductory		589.30	15.51
Level 1	Food and beverage attendant grade 1	606.40	15.96
	Guest service grade 1		
	Kitchen attendant grade 1		
Level 2	Clerical grade 1	629.70	16.57
	Cook grade 1		
	Door person/security officer grade 1		
	Food and beverage attendant grade 2		
	Front office grade 1		
	Guest service grade 2		
	Kitchen attendant grade 2		
	Leisure attendant grade 1		
	Gardener grade 1		
	Storeperson grade 1		
	Level 3		
Cook grade 2			
Food and beverage attendant grade 3			
Fork-lift driver			
Front office grade 2			
Guest service grade 3			
Handyperson			
Kitchen attendant grade 3			

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<b>Level</b>	<b>Classification</b>	<b>Minimum weekly wage</b>	<b>Minimum hourly wage</b>
		\$	\$
	Leisure attendant grade 2		
	Gardener grade 2		
	Storeperson grade 2		
	Timekeeper/security officer grade 2		
Level 4	Clerical grade 3	686.20	18.06
	Cook (tradesperson) grade 3		
	Food and beverage attendant (tradesperson) grade 4		
	Front office grade 3		
	Guest service grade 4		
	Leisure attendant grade 3		
	Gardener grade 3 (tradesperson)		
	Storeperson grade 3		
Level 5	Clerical supervisor	729.30	19.19
	Cook (tradesperson) grade 4		
	Food and beverage supervisor		
	Front office supervisor		
	Guest service supervisor		
	Gardener grade 4 (tradesperson)		
Level 6	Cook (tradesperson) grade 5	748.80	19.71

**20.2 Managerial staff—hotels**

[20.2(a) varied by [PR997888](#), [PR509040](#) ppc 01Jul11]

- (a) The minimum annual salary payable to employees within the Managerial staff—hotels classification level within Schedule D, will be \$39,005 per annum.

[20.2(b) varied by [PR997888](#), [PR509040](#) ppc 01Jul11]

**(b) Salaries absorption**

Employees within the Manager classification level within clause 20.2(a), who are in receipt of a salary of 25% in excess of the minimum annual salary rate of \$39,005 per annum (in receipt of a salary of at least \$48,756.25 per annum), will not be entitled to the benefit of the terms and conditions within the following clauses:

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- clause 12—Part-time employment;
  - clause 21—Allowances;
  - clause 29—Ordinary hours of work;
  - clause 31—Breaks;
  - clause 32—Penalty rates;
  - clause 33—Overtime;
  - clause 34.2—Payment for annual leave;
  - clause 37.1(b)(i)—additional arrangements for full-time employees (on public holidays);
  - clause 39—Provision of employee accommodation and meals.
- (c) An employee being paid according to clause 20.2(b) will be entitled to a minimum of eight days off per four week cycle. Further, where an employee is being paid according to clause 20.2(b) and works a public holiday the employee will be entitled to a day off for each public holiday worked.
- (d) For the purpose of calculating the weekly equivalent of the annual salary rates prescribed by this clause, the divisor of 52 will be used and the resultant amount will be taken to the nearest 10 cents. All calculations required to be made under this award for the purpose of determining hourly amounts payable to an employee will be calculated on the weekly equivalent of the annual salary.
- (e) A hotel manager will be reimbursed for all monies reasonably expended by the hotel manager for and on behalf of the employer subject to hotel policy or approval.

### 20.3 Casino gaming classifications

[20.3 varied by [PR997888](#), [PR509040](#) ppc 01Jul11]

An adult employee of a classification specified in the table hereunder must be paid not less than the rate per week assigned to the classification, as defined in the Casino Gaming Stream within Schedule D—Classification Definitions, for the work on which the employee is engaged:

Level	Classification	Minimum weekly rate
		\$
Introductory		606.40
Level 1	Casino electronic gaming employee grade 1	643.10
Level 2	Casino electronic gaming employee grade 2	664.60
	Casino equipment technician grade 1	
	Casino table gaming employee grade 1	

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<b>Level</b>	<b>Classification</b>	<b>Minimum weekly rate</b>
		<b>\$</b>
	Customer liaison officer	
	Gaming finance employee grade 1	
Level 3	Casino equipment technician grade 2	686.20
	Gaming finance employee grade 2	
	Security officer grade 1	
Level 3A	Casino table gaming employee grade 2	718.50
Level 4	Casino equipment technician grade 3	729.30
	Gaming finance employee grade 3	
	Security officer grade 2	
Level 5	Casino table gaming employee grade 3	750.90
	Gaming finance employee grade 4	
Level 6	Casino table gaming employee grade 4	772.40
	Gaming finance employee grade 5	
	Surveillance operator	

**20.4 Apprentices wages**

**(a) Cooking apprenticeship**

- (i) A person who has completed a full apprenticeship for cooking must be paid not less than the [standard weekly rate](#).
- (ii) An employee apprenticed in the cooking trade will be paid the percentage of the [standard weekly rate](#), as follows:

<b>Year</b>	<b>%</b>
First	55
Second	65
Third	80
Fourth	95

**(b) Waiting apprenticeship**

- (i) Any person who has completed a full apprenticeship as a qualified tradesperson must be paid not less than the [standard weekly rate](#).

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- (ii) An employee apprenticed in the waiting trade will be paid the [standard weekly rate](#), or the wage as otherwise prescribed, as follows:

First six months      70%

Second six months    85%

Third six months      Midway between the total rate prescribed for food and beverage attendant grade 2 (waiter) in clause 20.1 and the [standard weekly rate](#); and

Fourth six months    Midway between the total rate prescribed for third six months, above, and the [standard weekly rate](#).

**(c) Proficiency payments—cooking trade**

**(i) Application**

Proficiency pay as set out in clause 20.4(c)(ii) will apply to apprentices who have successfully completed their schooling in a given year.

**(ii) Payments**

Apprentices must receive the [standard weekly rate](#) during the latter half of the fourth year of the apprenticeship where the standard of proficiency has been attained on one, two or three occasions on the following basis:

(1) one occasion only:

- for the first nine months of the fourth year of apprenticeship, the normal fourth year rate of pay;
- thereafter, the [standard weekly rate](#).

(2) on two occasions:

- for the first six months of the fourth year of apprenticeship, the normal fourth year rate of pay;
- thereafter, the [standard weekly rate](#).

(3) on all three occasions:

- for the entire fourth year, the [standard weekly rate](#).

**(d) Proficiency payments—waiting trade**

**(i) Application**

Proficiency pay as set out in clause 20.4(d)(ii) will apply to level 2 apprentices who have successfully completed their schooling in the first year.

**(ii) Payments**

Apprentices who have attained the standard of proficiency in their first year must receive the [standard weekly rate](#) during the latter half of the second year of apprenticeship.

**20.5 Juniors**

**(a) Junior employees (other than office juniors)**

The minimum rates of wages for junior employees are the undermentioned percentages of the rates prescribed for the appropriate adult classification for the work performed for the area in which such junior is working:

<b>Age</b>	<b>% of adult rate</b>
16 years and under	50
17 years	60
18 years	70
19 years	85
20 years	100

**(b) Junior office employees**

The minimum rates of wages for junior office employees are the undermentioned percentages of rates prescribed for the grade in which they are working:

<b>Age</b>	<b>% of adult rate</b>
Under 16 years	45
16 years	55
17 years	65
18 years	75
19 years	90
20 years	100

**21. Allowances**

[Varied by [PR994455](#), [PR998103](#), [PR505248](#), [PR509162](#)]

**21.1 Expenses incurred in the course of employment**

**(a) Meal allowance**

[21.1(a)(i) varied by [PR998103](#), [PR509162](#) ppc 01Jul11]

- (i)** An employee required to work overtime for more than two hours without being notified on the previous day or earlier that they will be so required to work must either be supplied with a meal by the employer or be paid an allowance of \$11.14.
- (ii)** If an employee who has been given notice of a requirement to work overtime has provided a meal and is not required to work overtime or is required to work less than the amount advised, they must be paid as

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prescribed above for the meal which they have provided but which is surplus.

### **(b) Clothing, equipment and tools**

- (i)** Where a cook is required to use their own tools, the employer must pay an allowance of \$1.55 per day or part thereof up to a maximum of \$7.60 per week.
- (ii)** Where the employer requires an employee to wear any special clothing such as coats, dresses, caps, aprons, cuffs and any other articles of clothing, the employer must reimburse the employee for the cost of purchasing such special clothing. The provisions of this clause do not apply where the special clothing is paid for by the employer.
- (iii)** Where the employee is responsible for laundering the special clothing the employer must reimburse the employee for the demonstrated costs of laundering it.
- (iv)** The employer and the employee may agree on an arrangement under which the employee will wash and iron the special clothing for an agreed sum of money to be paid by the employer to the employee each week.
- (v)** For the purposes of this clause black and white attire (not being dinner suit or evening dress), shoes, hose and/or socks are not special clothing.
- (vi)** Where it is necessary that an employee wear waterproof or other protective clothing such as waterproof boots, aprons, or gloves, the employer must reimburse the employee for the cost of purchasing such clothing. The provisions of this clause do not apply where the protective clothing is paid for by the employer.
- (vii)** An employer may require an employee on commencing employment to sign a receipt for item/s of uniform and property. This receipt must list the item/s of uniform and property and the value of them. If, when an employee ceases employment, the employee does not return the item/s of uniform and property (or any of them) in accordance with the receipt, the employer will be entitled to deduct the value as stated on the receipt from the employee's wages.
- (viii)** In the case of genuine wear and tear, damage, loss or theft that is not the employee's fault the provisions of clause 21.1(b)(vii) will not apply.
- (ix)** Where the employer requires an employee to provide and use any towels, tools, ropes, brushes, knives, choppers, implements, utensils and materials, the employer must reimburse the employee for the cost of purchasing such equipment. The provisions of this clause do not apply where these items are paid for by the employer.

### **(c) Uniform/laundry allowance—catering employees, including airport catering employees**

Where a catering employer requires any employee to wear any special uniform, dress or clothing, the employer must reimburse the employee for the cost of purchasing such special clothing. The provisions of this clause do not apply

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where the special clothing is paid for by the employer. Unless such uniform, dress or clothing is laundered by the employer, the employee will be paid a laundry allowance of \$6.00 per week; and in the case of regular part-time employees and casual employees, \$2.05 for each uniform laundered.

For the purposes of this clause, black and white attire (not being dinner suit or evening dress), shoes, hose and/or socks are not special clothing.

**(d) Laundry allowance—motel employees**

Where any employee is required to wear a special uniform such uniform must be provided and laundered by the employer free of cost to the employee or if mutually agreed that the employee will launder such uniform the employer must pay the employee an allowance of \$2.40 per uniform laundered with a maximum of \$7.45 per week.

**(e) Vehicle allowance**

An employee within the Managerial staff—hotels classification level within Schedule D—Classification Definitions who is required by their employer to use their own vehicle in or in connection with the official business of the employer must be paid an allowance of \$0.74 for each kilometre of authorised travel. An employer may require an employee to record full details of all such official travel requirements in a log book as a pre-condition for the employee qualifying for the allowance.

**(f) Working late**

When an employer requires an employee to work until it is unreasonable to travel by their normal method of transport home the employer must pay the cost of transport for the employee to get home. This clause does not apply where the employer provides accommodation for the employee for the night free of charge or provides transport for the employee to get home.

**(g) Working early**

When an employer requires an employee to start work before their normal starting time and before their normal method of transport to work is available the employer must pay the cost of transport for the employee to get to work. This clause does not apply where the employer provides transport for the employee to get to work.

**(h) Working away from usual place of work**

This clause applies where an employer requires an employee other than a casual to work at a place more than 80 kilometres from the employee's usual place of work. In these circumstances the employer must pay the employee an amount equal to the cost of fares reasonably spent by the employee in travelling from the employee's usual place of work to the new place of work. However, the employer may recover any amount paid to an employee under this clause if the employee concerned leaves their employment or is dismissed for misconduct within three months of receiving such a payment.

**(i) Travel allowance—airport catering employees**

All employees engaged by airport catering employers must be paid a travelling allowance of \$6.40 for each day the employee attends work.

**(j) Adjustment of expense related allowances**

At the time of any adjustment to the [standard rate](#), each expense related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.

The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

<b>Allowance</b>	<b>Applicable Consumer Price Index Figure</b>
Meal allowance	Take away and fast foods sub-group
Clothing, equipment and tools allowance	Clothing and footwear group
Vehicle/travel allowance	Private motoring sub-group

**21.2 Allowances for responsibilities or skills that are not taken into account in rates of pay**

**(a) Fork-lift driver**

In addition to the wage rates set out in clause 20.1, a fork-lift driver must be paid an additional allowance, per week, equal to 1.5% of the [standard weekly rate](#) for all purposes.

**(b) First aid allowance**

An employee who has undertaken a first aid course and who is the holder of a current recognised first aid qualification such as a certificate from the St John Ambulance or similar body must be paid an allowance, per week, equal to 1.2% of the [standard weekly rate](#) if they are appointed by the employer to perform first aid duty.

**(c) Airport catering**

The following supervisory allowances are payable for employees of airport catering employers, and are to be treated as part of the wage rate for all award payment calculations:

<b>Supervisory allowance</b>	<b>% of the <a href="#">standard rate</a> per week</b>
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A person required to supervise:

up to 5 employees	2.00
6 to 10 employees	2.75

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<b>Supervisory allowance</b>	<b>% of the <u>standard rate</u> per week</b>
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A person required to supervise:

11 to 20 employees	3.10
more than 20 employees	5.20

**21.3 Allowance for disabilities associated with the performance of particular tasks or work in particular conditions or locations**

**(a) Broken periods of work**

[21.3(a) substituted by [PR994455](#) from 01Jan10]

Employees other than casuals who have a broken work day must receive an additional allowance as follows:

- where the time between periods of work is two hours and up to three hours—an allowance per day equal to 0.33% of the standard weekly rate; or
- where the time between periods of work is more than three hours—an allowance per day equal to 0.5% of the standard weekly rate.

**(b) Overnight stay allowance**

Where an employee is requested to stay on the employer's premises for the purpose of providing prompt assistance to guests outside of ordinary business operating hours, the following arrangements will apply:

- (i) The employee will be paid an amount equal to 6% of the standard weekly rate per overnight stay period;
- (ii) This payment will be deemed to provide compensation for the overnight stay and also includes compensation for all work necessarily undertaken by an employee up to an hour's duration;
- (iii) Any work necessarily performed during an overnight stay period by an employee in excess of a total of one hour's duration must be paid for at the rate of 150%; and
- (iv) Time worked in accordance with this provision will not be taken into account for the purposes of hours of work, overtime, leave accruals and the like.

**21.4 District allowances**

**(a) Northern Territory**

An employee in the Northern Territory is entitled to payment of a district allowance in accordance with the terms of an award made under the *Workplace Relations Act 1996* (Cth):

[21.4(a)(i) substituted by [PR994455](#) from 01Jan10]

- (i) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances

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of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and

(ii) that would have entitled the employee to payment of a district allowance.

### (b) Western Australia

[21.4(b) substituted by [PR994455](#) from 01Jan10]

An employee in Western Australia is entitled to payment of a district allowance in accordance with the terms of a notional agreement preserving a State award or an award made under *Workplace Relations Act 1996* (Cth):

(i) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and

(ii) that would have entitled the employee to payment of a district allowance.

(c) Clause 21.4 ceases to operate on 31 December 2014.

## 21.5 Accident pay

[21.5(a) varied by [PR994455](#); substituted by [PR505248](#) ppc 01Jan11]

(a) Subject to clause 21.5(b), an employee is entitled to accident pay in accordance with the terms of an award made under the *Workplace Relations Act 1996* (Cth) that would have applied to the employee immediately prior to 27 March 2006, a notional agreement preserving a State award that would have applied to the employee immediately prior to 1 January 2010 or a Division 2B State award that would have applied to the employee immediately prior to 1 January 2011:

(i) if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument, enterprise agreement or Division 2B State employment agreement had applied to the employee; and

(ii) that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.

[21.5(b) substituted by [PR994455](#), [PR505248](#) ppc 01Jan11]

(b) The employee's entitlement to accident pay under the award, the notional agreement preserving a State award or the Division 2B State award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.

(c) This clause does not operate to diminish an employee's entitlement to accident pay under any other instrument.

(d) Clause 21.5 ceases to operate on 31 December 2014.

## **22. Supported wage system**

[Varied by [PR992056](#)]

See Schedule E

## **23. National training wage**

[Varied by [PR992056](#)]

See Schedule F

## **24. School-based apprenticeship**

[Varied by [PR992056](#)]

See Schedule G

## **25. Higher duties**

[Mixed functions renamed as Higher duties by [PR994455](#) from 01Jan10]

- 25.1** Except for Food and beverage attendants grade 2 and 3 as defined in Schedule D— Classification Definitions an employee engaged for two or more hours of one day on duties carrying a higher rate than their ordinary classification must be paid the higher rate for such day. If for less than two hours the employee must be paid the higher rate for the time so worked.
- 25.2** A higher paid employee will, when necessary, temporarily relieve a lower paid employee without loss of pay.

## **26. Payment of wages**

- 26.1** Except upon the termination of employment, all wages including overtime must be paid on any day other than Friday, Saturday or Sunday in each week. However, by agreement between the employer and the majority of employees in the workplace, in a week where a holiday occurs payment of wages may be made on Friday.
- 26.2** By agreement between the employer and the employee wages may be paid either weekly or fortnightly by one of the following means:
- cash;
  - cheque; or
  - payment into the employee's bank account by electronic funds transfer, without cost to the employee.
- 26.3** However, an employer may pay an employee weekly by cash without consultation.
- 26.4** Employees who are paid their wages at any time other than during their working time, will, if kept waiting more than 15 minutes, be paid overtime rates for all such waiting time.

**26.5** Employees who are not paid by electronic funds transfer and whose rostered day off falls on pay day must be paid their wages, if they so desire, before going off duty on the working day prior to their day off.

**27. Annualised salary arrangements**

**27.1** As an alternative to being paid by the week according to clause 20—Minimum wages, by agreement between the employer and the employee an employee may be paid at a rate equivalent to an annual salary of at least 25% or more above the rate prescribed in clause 20, times 52 for the work being performed. In such circumstances, and despite clause 26.2, an employer paying an employee according to this clause may elect to pay the employee monthly.

**27.2** An agreement provided for in clause 27.1 will have regard to the pattern of work in the employee's occupation, industry or enterprise but must not disadvantage the employee involved. The employer and the individual employee must genuinely make the agreement without coercion or duress.

**27.3** An agreement provided for in clause 27.1 will, unless the parties otherwise agree, relieve the employer of the requirements under clauses 32—Penalty rates and 33—Overtime (or other award clauses prescribing monetary entitlements, as specified in the agreement) to pay penalty rates and/or overtime (or other specified award-derived monetary entitlements) that the employer would otherwise be obliged to pay in addition to the weekly award wage for the work performed and the hours worked by the employee, provided that the salary paid over a year will be sufficient to cover what the employee would have been entitled to if all award overtime and penalty rate payment obligations (and other monetary entitlements specified in the agreement) had been complied with.

**27.4** Provided further in the event of termination of employment prior to completion of a year the salary paid during such period of employment will be sufficient to cover what the employee would have been entitled to if all award overtime and penalty rate payment obligations had been complied with.

**27.5** An employee being paid according to this clause will be entitled to a minimum of eight days off per four week cycle. If such an employee is required to work on a public holiday, they are entitled to a day off in lieu or a day added to their annual leave entitlement.

**27.6** Where payment in accordance with this clause is adopted, the employer must keep a daily record of the hours worked by an employee which will show the date and start and finish times of the employee for the day. The record must be countersigned weekly by the employee and must be kept at the place of employment for a period of at least six years.

## **28. Superannuation**

[Varied by [PR990534](#), [PR992056](#), [PR994455](#)]

### **28.1 Superannuation legislation**

- (a) Superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deals with the superannuation rights and obligations of employers and employees. Under superannuation legislation individual employees generally have the opportunity to choose their own superannuation fund. If an employee does not choose a superannuation fund, any superannuation fund nominated in the award covering the employee applies.
- (b) The rights and obligations in these clauses supplement those in superannuation legislation.

### **28.2 Employer contributions**

- (a) An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee.
- (b) The employer must make contributions for each employee for such month where the employee earns \$350.00 or more in a calendar month.

### **28.3 Voluntary employee contributions**

- (a) Subject to the governing rules of the relevant superannuation fund, an employee may, in writing, authorise their employer to pay on behalf of the employee a specified amount from the post-taxation wages of the employee into the same superannuation fund as the employer makes the superannuation contributions provided for in clause 28.2.
- (b) An employee may adjust the amount the employee has authorised their employer to pay from the wages of the employee from the first of the month following the giving of three months' written notice to their employer.
- (c) The employer must pay the amount authorised under clauses 28.3(a) or (b) no later than 28 days after the end of the month in which the deduction authorised under clauses 28.3(a) or (b) was made.

### **28.4 Superannuation fund**

[28.4 varied by [PR994455](#) from 01Jan10]

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 28.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 28.2 and pay the amount authorised under clauses 28.3(a) and (b) to one of the following superannuation funds or its successor:

- (a) HOST-PLUS;
- (b) Sunsuper;
- (c) InTrust Super;
- (d) HostWest Superannuation Fund;
- (e) Westscheme Superannuation Fund;
- (f) Asset Limited; or
- (g) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund.

### 28.5 Absence from work

Subject to the governing rules of the relevant superannuation fund, the employer must also make the superannuation contributions provided for in clause 28.2 and pay the amount authorised under clauses 28.3(a) or (b):

- (a) **Paid leave**—while the employee is on any paid leave;
- (b) **Work-related injury or illness**—in respect of any employee entitled to accident pay, pursuant to clause 21.5, for the period of absence from work of the employee due to work-related injury or work-related illness provided that:
  - (i) the employee is receiving workers compensation payments or is receiving regular payments directly from the employer in accordance with the statutory requirements; and
  - (ii) the employee remains employed by the employer.

## Part 5—Hours of Work and Related Matters

### 29. Ordinary hours of work

29.1 The hours of work of a full-time employee are an average of 38 per week.

29.2 The average of 38 hours per week is to be worked in one of the following ways:

- a 19 day month, of eight hours per day;
- four days of eight hours and one day of six hours;
- four days of nine and a half hours per day;
- five days of seven hours and 36 minutes per day;
- 152 hours each four week period with a minimum of eight days off each four week period;

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- 160 hours each four week period with a minimum of eight days off each four week period plus a rostered day off;
  - any combination of the above.
- 29.3** Subject to clause 29.1, the arrangement for working the average of 38 hours per week is to be agreed between the employer and the employee from the alternatives in clause 29.2.
- 29.4** Subject to clause 29.1, the agreed hours of work arrangement must meet the following conditions:
- (a) A minimum of six hours and a maximum of 11 and a half hours may be worked on any one day. The daily minimum and maximum hours are exclusive of meal break intervals.
  - (b) An employee cannot be rostered to work for more than 10 hours per day on more than three consecutive days without a break of at least 48 hours immediately following.
  - (c) No more than eight days of more than 10 hours may be worked in a four week period.
- 29.5** Where the hours of work arrangement provides for 160 hours per four week period with a rostered day off:
- (a) No employee is to work more than 10 days in a row without a rostered day off.
  - (b) Where practicable the rostered day off must be contiguous with an employee's normal days off.
  - (c) Rostered days may be banked, up to a maximum of five days.
  - (d) An employee may elect, with the consent of the employer, to take rostered days off in part day amounts.
  - (e) If a rostered day off falls on a public holiday then, where practicable, the next day is to be taken as the rostered day off.
- 29.6** The entitlement to a rostered day off on full pay is subject to the following:
- (a) each day of paid leave, except annual leave and long service leave, and any public holiday occurring during the four week cycle must be regarded as a day worked for accrual purposes; and
  - (b) an employee who has not worked a complete four week cycle in order to accrue a rostered day off must be paid a pro rata amount for credits accrued for each day worked in the cycle. The pro rata amount is 24 minutes pay for each eight hour day worked.
- 29.7** Where the hours of work arrangement provides for 152 hours each four week period:
- (a) No employee is to work more than 10 days in a row without a rostered day off;
  - (b) Where an employee works more than 20 days each four week period, the 21st and any subsequent days worked in the four week period must be paid at the rates prescribed in clause 33—Overtime.

**29.8 Catering in remote locations**

- (a) Notwithstanding clauses 29.1 to 29.7, catering employers, servicing clients in remote locations, may schedule work over consecutively recurring cycles followed by consecutive non-working days. Such work cycles will only be altered or introduced by agreement between an employer and the majority of their employees.
- (b) The total ordinary hours of work during a cycle will not exceed 40 hours multiplied by the number of working and non-working weeks in the cycle.
- (c) Overtime rates will be paid for any time in excess of eight hours per day or in excess of the total ordinary hours prescribed in clause 29.8(b).
- (d) Wages may be paid according to a weekly average of the ordinary hours worked even though more or less than 40 ordinary hours may be worked in any particular week of the work cycle.
- (e) An employee whose hours of duty are worked in accordance with this clause will accrue an entitlement to paid accrued days off in accordance with the provisions of clause 29.5.
- (f) An employee will have no entitlement to payment for the non-working days.

**29.9 Make-up time**

- (a) Make-up time means an arrangement under which an employee takes time off during their ordinary hours of work and makes up that time later. The employer and a majority of employees in a workplace may agree to introduce make-up time subject to the following conditions:
  - (i) An employer who intends to introduce make-up time will consult with its employees and their representatives.
  - (ii) After the employer and a majority of employees have agreed to introduce make-up time an employee may elect, with the consent of their employer, to work make-up time.
- (b) Make-up time arrangements must comply with the conditions set out in clauses 31—Breaks and 32—Penalty rates.
- (c) The employer must record make-up time arrangements in the time and wages records.

**29.10 Spread of hours**

Where broken shifts are worked the spread of hours can be no greater than 12 hours per day.

**29.11 Minimum break between shift**

The roster for all employees other than casuals will provide for a minimum 10 hour break between the finish of ordinary hours on one day and the commencement of ordinary hours on the following day. In the case of changeover of rosters, eight hours will be substituted for 10 hours.

## **30. Rostering**

- 30.1** A roster for full-time and part-time employees showing normal starting and finishing times and the name of each employee must be prepared by the employer and must be posted in a conspicuous place accessible to the employees concerned.
- 30.2** The roster will be alterable by mutual consent at any time or by amendment of the roster on seven days' notice. Where practicable two weeks' notice of rostered day or days off should be given provided that the days off may be changed by mutual consent or through sickness or other cause over which the employer has no control.

## **31. Breaks**

- 31.1** If an employee, including a casual employee, is required to work for five or more hours in a day they must be given an unpaid meal break of no less than 30 minutes. The break must be given no earlier than one hour after starting work and no later than five and a half hours after starting work.
- 31.2** If the unpaid meal break is rostered to be taken after five hours of starting work, the employee must be given an additional 20 minute paid meal break. The employer must allow the employee to take this additional meal break no earlier than two hours after starting work and no later than five hours after starting work.
- 31.3** If an employee is not given the unpaid meal break at the time the employer has told them it will be given, the employer must pay the employee an extra hourly or part thereof payment at the rate of 50% of the ordinary hourly rate from the time the meal break was to commence until either the meal break is given or the shift ends.
- 31.4** If clause 31.3 does not apply and an employee is not given a meal break in accordance with clause 31.1 the employer must pay the employee an extra hourly or part thereof payment at the rate of 50% of the ordinary hourly rate from the end of six hours until either the meal break is given or the shift ends.
- 31.5** If an employee is required to work more than five hours after they are given the unpaid meal break, they must be given an additional 20 minute paid break.
- 31.6** If a full-time or part-time employee is required to work more than 10 ordinary hours in the day, they will be given two additional 20 minute paid breaks. In rostering for these breaks, the employer must make all reasonable efforts to ensure an even mix of work time and breaks.
- 31.7** If an employee is required to work more than two hours' overtime after completion of the employee's rostered hours, they must be given an additional 20 minute paid break.

## **32. Penalty rates**

[Varied by [PR994455](#)]

- 32.1** An employee performing work on the following days will be paid the following percentage of the minimum wage rate in clause 20—Minimum wages for the relevant classification:

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	<b>Monday to Friday</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Public holiday</b>
	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
Full-time and part-time	100	125	175	250
Casual (inclusive of the 25% casual loading)	125	150	175	275

### 32.2 Public holidays

[32.2 substituted by [PR994455](#) from 01Jan10]

- (a) An employee other than a casual working on a public holiday will be paid for a minimum of four hours' work.
- (b) Employees who work on a prescribed holiday may, by agreement, perform such work at ordinary rates plus 50% additional loading rather than the penalty rate prescribed in clause 32.1, provided that equivalent paid time is added to the employee's annual leave or one day instead of such public holiday will be allowed to the employee during the week in which such holiday falls. Provided that such holiday may be allowed to the employee within 28 days of such holiday falling due.
- (c) An employee other than a casual working on Christmas Day when it falls on a weekend will be paid an additional loading of 50% of their ordinary time rate for the hours worked on that day and will also be entitled to the benefit of a substitute day.

[32.3 deleted by [PR994455](#) from 01Jan10]

[32.4 and 32.5 renumbered as 32.3 and 32.4 by [PR994455](#) from 01Jan10]

### 32.3 Other penalty

Employees will be entitled to the following additional penalty for work performed at the following times:

- (a) Monday–Friday—7.00 pm to midnight: 10% of the [standard hourly rate](#) per hour or any part of an hour for such time worked within the said hours;
- (b) Monday–Friday—midnight to 7.00 am: 15% of the [standard hourly rate](#) per hour or any part of an hour for such time worked within the said hours.

### 32.4 Penalty rates not cumulative

Except as provided in clause 31—Breaks, where time worked is required to be paid for at more than the ordinary rate such time will not be subject to more than one penalty, but will be subject to that penalty which is to the employee's greatest advantage.

### **33. Overtime**

#### **33.1 Reasonable overtime**

- (a) Subject to clause 33.1(b) an employer may require an employee other than a casual employee to work reasonable overtime at overtime rates.
- (b) An employee may refuse to work overtime in circumstances where the working of such overtime would result in the employee working hours which are unreasonable having regard to:
  - (i) any risk to the employee's health and safety;
  - (ii) the employee's personal circumstances including any family responsibilities;
  - (iii) the needs of the workplace or enterprise;
  - (iv) the notice (if any) given by the employer of the overtime and by the employee of their intention to refuse it; and
  - (v) any other relevant matter.

#### **33.2 Entitlement to overtime rates**

- (a) A full-time employee is paid at overtime rates for any work done outside of the hours set out in clause 29—Ordinary hours of work.
- (b) A part-time employee is paid at overtime rates in the circumstances specified in clause 12.7.

#### **33.3 Overtime rates**

- (a) The following overtime rates are payable to an employee, depending on the time at which the overtime is worked:
  - (i) Monday to Friday: 150% of their normal rate of pay for the first two hours of overtime; and twice their normal rate of pay for the rest of the overtime.
  - (ii) Between midnight Friday and midnight Sunday: twice their normal rate of pay for any work done.
  - (iii) On a rostered day off: twice their normal rate of pay for any work done. An employee must be paid for at least four hours even if they work for less than four hours.
- (b) The four hour minimum payment does not apply to work which is part of the normal roster which began the day before the rostered day off; or when overtime worked is continuous from the previous day's duty.
- (c) **Overtime stands alone**

Overtime worked on any day stands alone.

## Part 6—Leave and Public Holidays

### 34. Annual leave

[Varied by [PR992056](#), [PR992195](#), [PR994455](#)]

#### 34.1 Leave entitlement

Annual leave is provided for in the NES. It does not apply to casual employees.

For the purpose of the additional week of leave provided by the NES, a **shiftworker** is a seven day shiftworker who is regularly rostered to work on Sundays and public holidays in a business in which shifts are continuously rostered 24 hours a day for seven days a week.

#### 34.2 Payment for annual leave

The NES prescribes the basis for payment for annual leave, including payment for untaken leave upon the termination of employment.

In addition to the payment provided for in the NES, an employer is required to pay an additional leave loading of 17.5% of that payment.

#### 34.3 Requirement to take leave notwithstanding terms of the NES

An employer may require an employee to take annual leave by giving at least four weeks' notice in the following circumstances:

- (a) as part of a close-down of its operations; or
- (b) where more than eight weeks' leave is accrued.

#### 34.4 Special leave without pay arrangements in respect of catering provided for boarding schools and residential colleges

Where an employee is employed at or in connection with catering functions in primary and secondary boarding schools or residential colleges associated with tertiary educational institutions the following provisions apply:

[34.4(a) varied by [PR994455](#) from 01Jan10]

- (a) An employee may be required to take leave without pay during official term breaks, semester breaks and the Christmas/summer vacation (the relevant period) provided that:
  - an employee will be given as much notice as is practicable of the start and finish of the relevant period. Such notice must be at least one week. The notice must be provided to the employee in writing. Once the notice is provided to the employee, the period of leave without pay may be varied by agreement between the employee and employer;
  - an employee may take accrued annual leave or long service leave during the relevant period;
  - all periods of leave without pay will count for the purposes of accruing personal/carer's leave, annual leave and long service leave;

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- if appropriate work is available for the employee to perform during the relevant period, an employee will be offered that work. For the purposes of this subclause, appropriate work is work able to be performed by the employee within the employee's skills and experience; and
  - where an employee performs appropriate work, the employee will be paid at the rate applicable to the work performed.
- (b) No employee will have their employment terminated by reason of not being able to perform work during the relevant period.

### **35. Personal/carer's leave and compassionate leave**

Personal/carer's leave and compassionate leave are provided for in the NES.

### **36. Community service leave**

Community service leave is provided for in the NES.

### **37. Public holidays**

[Varied by [PR994455](#), [PR997632](#)]

#### **37.1 National Employment Standards**

##### **(a) Public holidays are provided for in the NES**

[37.1(a) substituted by [PR994455](#) from 01Jan10]

By agreement between the employer and the majority of employees in the relevant enterprise or section of the enterprise, an alternative day may be taken as the public holiday instead of any of the days prescribed in s.115 of the Act.

##### **(b) Additional arrangements for full-time employees:**

- (i) A full-time employee whose rostered day off falls on a public holiday must, subject to clause 32.2, either:
- be paid an extra day's pay; or
  - be provided with an alternative day off within 28 days; or
  - receive an additional day's annual leave.
- (ii) A full-time employee who works on a public holiday which is subject to substitution as provided for by the NES will be entitled to the benefit of the substitute day.

##### **(c) Arrangements for part-time employees**

[37.1(c) inserted by [PR997632](#) from 12May10]

Part-time employees are entitled to public holidays prescribed in s.115 of the Act without loss of pay if those public holidays fall on days agreed under

clauses 12.3 and 12.4. Part-time employees who work on a public holiday must be paid in accordance with clause 32.

## Part 7—Industry Specific Provisions

### 38. No deduction for breakages or cashiering underings

An employer must not deduct any sum from the wages or income of an employee in respect of breakages or cashiering underings except in the case of wilful misconduct.

### 39. Provision of employee accommodation and meals

[Varied by [PR994455](#), [PR997888](#), [PR509040](#)]

#### 39.1 Right to make deductions

When an employer provides their employees with accommodation, meals or both, then the employer may deduct an amount of money from the employee's wages in accordance with this clause.

#### 39.2 Adult employees

[39.2 varied by [PR997888](#), [PR509040](#) ppc 01Jul11]

The amounts set out in the table below may be deducted from the wages of an adult employee for the provision of accommodation, meals or both by their employer. The same amounts may be deducted from the wages of a junior employee in receipt of adult wages.

<b>Service provided</b>	<b>Deduction \$ per week</b>
Single room and 3 meals a day	171.55
Shared room and 3 meals a day	167.26
Single room only, no meals	162.97
Shared room only, no meals	158.68
A meal	6.86

NOTE: The 'Single room and 3 meals a day' amount is calculated at 25% of the [standard weekly rate](#). The following internal relativity is then applied:

	<b>%</b>
Single room and 3 meals a day	100
Shared room and 3 meals a day	97.5
Single room only, no meals	95.0
Shared room only, no meals	92.5
A meal	1% of the <a href="#">standard weekly rate</a>

**39.3 Junior employees receiving junior rates**

[39.3 varied by [PR994455](#) ppc 01Jan10, [PR997888](#), [PR509040](#) ppc 01Jul11]

The amounts set out in the table below may be deducted from the wages of a junior employee who is being paid junior rates of pay for the provision of accommodation, meals or both by the employer. The amount which may be deducted depends on the age of the employee.

Service provided	Age	Deduction	Deduction
		% of adult deduction	per week \$
Single room and 3 meals a day	15 yrs & under	45	77.20
	16 yrs	55	94.35
	17 yrs	70	120.09
	18 yrs	80	137.24
	19 yrs	90	154.40
Shared room and 3 meals a day	15 yrs & under	45	75.27
	16 yrs	55	91.99
	17 yrs	70	117.08
	18 yrs	80	133.81
	19 yrs	90	150.53
Single room only; no meals	15 yrs & under	45	73.34
	16 yrs	55	89.63
	17 yrs	70	114.08
	18 yrs	80	130.38
	19 yrs	90	146.67
Shared room only; no meals	15 yrs & under	45	71.41
	16 yrs	55	87.27
	17 yrs	70	111.08
	18 yrs	80	126.94
	19 yrs	90	142.81
A meal	Same rate all ages	—	6.86

**39.4 Deductions for meals**

[39.4 inserted by [PR994455](#) from 01Jan10]

An employer may deduct an amount from an employee's wages for providing the employee with a meal only if:

- (a) the employee does not live in accommodation provided by the employer; and
- (b) the meal is provided during the employee's normal working hours.

[Part 8 deleted by [PR994455](#) from 01Jan10]

## Schedule A—Transitional Provisions

[Varied by [PR992056](#), [PR505248](#)]

NOTE: The general transitional provisions in this Schedule operate subject to the special transitional provisions for South Australia in Schedule B and for Western Australia in Schedule C for particular modern award provisions.

### A.1 General

**A.1.1** The provisions of this schedule deal with minimum obligations only.

**A.1.2** The provisions of this schedule are to be applied:

- (a) when there is a difference, in money or percentage terms, between a provision in a relevant transitional minimum wage instrument (including the transitional default casual loading) or award-based transitional instrument on the one hand and an equivalent provision in this award on the other;
- (b) when a loading or penalty in a relevant transitional minimum wage instrument or award-based transitional instrument has no equivalent provision in this award;
- (c) when a loading or penalty in this award has no equivalent provision in a relevant transitional minimum wage instrument or award-based transitional instrument; or
- (d) when there is a loading or penalty in this award but there is no relevant transitional minimum wage instrument or award-based transitional instrument.

### A.2 Minimum wages – existing minimum wage lower

**A.2.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage lower than that in this award for any classification of employee.

**A.2.2** In this clause minimum wage includes:

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
- (b) a piecework rate; and
- (c) any applicable industry allowance.

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**A.2.3** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

**A.2.4** The difference between the minimum wage for the classification in this award and the minimum wage in clause A.2.3 is referred to as the transitional amount.

**A.2.5** From the following dates the employer must pay no less than the minimum wage for the classification in this award minus the specified proportion of the transitional amount:

### **First full pay period on or after**

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

**A.2.6** The employer must apply any increase in minimum wages in this award resulting from an annual wage review.

**A.2.7** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

## **A.3 Minimum wages – existing minimum wage higher**

**A.3.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage higher than that in this award for any classification of employee.

**A.3.2** In this clause minimum wage includes:

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
- (b) a piecework rate; and
- (c) any applicable industry allowance.

**A.3.3** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

**A.3.4** The difference between the minimum wage for the classification in this award and the minimum wage in clause A.3.3 is referred to as the transitional amount.

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**A.3.5** From the following dates the employer must pay no less than the minimum wage for the classification in this award plus the specified proportion of the transitional amount:

**First full pay period on or after**

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

**A.3.6** The employer must apply any increase in minimum wages in this award resulting from an annual wage review. If the transitional amount is equal to or less than any increase in minimum wages resulting from the 2010 annual wage review the transitional amount is to be set off against the increase and the other provisions of this clause will not apply.

**A.3.7** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

### **A.4 Loadings and penalty rates**

For the purposes of this schedule loading or penalty means a:

- casual or part-time loading;
- Saturday, Sunday, public holiday, evening or other penalty;
- shift allowance/penalty.

### **A.5 Loadings and penalty rates – existing loading or penalty rate lower**

**A.5.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a lower rate than the equivalent loading or penalty in this award for any classification of employee.

**A.5.2** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument for the classification concerned.

**A.5.3** The difference between the loading or penalty in this award and the rate in clause A.5.2 is referred to as the transitional percentage.

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**A.5.4** From the following dates the employer must pay no less than the loading or penalty in this award minus the specified proportion of the transitional percentage:

**First full pay period on or after**

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

**A.5.5** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

### **A.6 Loadings and penalty rates – existing loading or penalty rate higher**

**A.6.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a higher rate than the equivalent loading or penalty in this award, or to pay a particular loading or penalty and there is no equivalent loading or penalty in this award, for any classification of employee.

**A.6.2** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument.

**A.6.3** The difference between the loading or penalty in this award and the rate in clause A.6.2 is referred to as the transitional percentage. Where there is no equivalent loading or penalty in this award, the transitional percentage is the rate in A.6.2.

**A.6.4** From the following dates the employer must pay no less than the loading or penalty in this award plus the specified proportion of the transitional percentage:

**First full pay period on or after**

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

**A.6.5** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

**A.7 Loadings and penalty rates – no existing loading or penalty rate**

**A.7.1** The following transitional arrangements apply to an employer not covered by clause A.5 or A.6 in relation to a particular loading or penalty in this award.

**A.7.2** Prior to the first full pay period on or after 1 July 2010 the employer need not pay the loading or penalty in this award.

**A.7.3** From the following dates the employer must pay no less than the following percentage of the loading or penalty in this award:

**First full pay period on or after**

1 July 2010	20%
1 July 2011	40%
1 July 2012	60%
1 July 2013	80%

**A.7.4** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

**A.8 Former Division 2B employers**

[A.8 inserted by [PR505248](#) ppc 01Jan11]

**A.8.1** This clause applies to an employer which, immediately prior to 1 January 2011, was covered by a Division 2B State award.

**A.8.2** All of the terms of a Division 2B State award applying to a Division 2B employer are continued in effect until the end of the full pay period commencing before 1 February 2011.

**A.8.3** Subject to this clause, from the first full pay period commencing on or after 1 February 2011 a Division 2B employer must pay no less than the minimum wages, loadings and penalty rates which it would be required to pay under this Schedule if it had been a national system employer immediately prior to 1 January 2010.

**A.8.4** Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was lower than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay more than the minimum wage, loading or penalty rate in this award.

**A.8.5** Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was higher than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay less than the minimum wage, loading or penalty rate in this award.

**A.8.6** In relation to a Division 2B employer this Schedule commences to operate from the beginning of the first full pay period on or after 1 January 2011 and ceases to operate from the beginning of the first full pay period on or after 1 July 2014.

## Schedule B—Transitional Provisions in respect of South Australia

[Sched B varied by [PR992056](#), [PR992315](#), [PR997888](#), [PR999412](#), [PR505248](#), [PR509040](#)]

[Note substituted by [PR505248](#) ppc 01Jan11]

NOTE: The transitional provisions in respect of South Australia in this Schedule operate instead of the general transitional provisions in Schedule A in respect of the particular modern award provisions dealt with in this Schedule. The transitional provisions in this Schedule apply to all employers in the hospitality industry who meet the conditions of B.1.1 and B.1.2.

This award covers State Referred Employers and State Referred Employees from 1 January 2011 noting that the National Employment Standards have applied since 1 January 2010 (subject to the no detriment rule — Item 37, Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*).

The award coverage exemptions as listed in subclauses 4.1(a) to (n) also apply to State Referred Employers.

[B.1 substituted by [PR992315](#); [PR999412](#) ppc 16Jul10]

**B.1.1** Clause B.3.1 of Schedule B applies throughout South Australia to employers in the hospitality industry who hold a Hotel Licence, Entertainment Venue Licence or a Special Circumstances Licence (including those that previously held a General Facility Licence).

**B.1.2** Clause B.3.2 of Schedule B applies throughout South Australia to employers in the hospitality industry who hold a Hotel Licence, a Special Circumstances Licence or a Residential Licence.

[B.1.3 inserted by [PR505248](#) ppc 01Jan11]

### **B.1.3 Division 2B State Referred Employers and Employees**

All of the terms of a Division 2B State award applying to a Division 2B employer are continued in effect until the end of the full pay period commencing before 1 February 2011.

The other transitional provisions in Schedule B apply to all hospitality industry State Referred Employers who meet the license coverage criteria of B.1.1 and/or B.1.2 from 1 February 2011.

A **State Referred Employer** is a national system employer who becomes such by virtue of s.30N of the *Fair Work Act 2009*.

A **State Referred Employee** is a national system employee who becomes such by virtue of s.30M of the *Fair Work Act 2009*.

[B.2 substituted by [PR992315](#), [PR505248](#) ppc 01Jan11]

**B.2** Schedule B will apply from 1 January 2010 to employers covered by an award-based transitional instrument immediately prior to 1 January 2010. It will apply from 1 January 2011 to employers covered by a Division 2B State award immediately prior to 1 January 2011. The Schedule will cease to operate from 31 December 2014.

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**B.3** The following clauses outlined below replace the corresponding clause or part thereof in the body of this Modern Award:

**B.3.1 Hotels, Clubs etc Award** [AN150066 – SA or RA150066 – SA]

[B.3.1 renamed by [PR505248](#) ppc 01Jan11]

**(a) Minimum Rates of Pay**

[New B.3.1(a) inserted by [PR505248](#) ppc 01Jan11]

The provisions of clause 20, of the award and in particular 20.1 – General Minimum Weekly and Hourly Wages, do not apply to State Referred Employers covered by B.3.1 until the first full pay period commencing on or after 1 February 2011.

Refer to clause B.1.3– Division 2B State Referred Employers for more information.

[B.3.1(a) to B.3.1(h) renumbered as B.3.1(b) to B.3.1(i) by [PR505248](#) ppc 01Jan11]

**(b) Part-time employment** [clause 12 in the award]

- (i) An employer may employ part-time employees in any classification in this award.
- (ii) A **part-time employee** means an employee who is employed on a regular and systematic basis for a minimum of 15 ordinary hours per week and up to a maximum of 35 ordinary hours per week.
- (iii) An employer is required to roster a part-time employee for a minimum of two consecutive hours on any shift.
- (iv) An employee who does not meet the definition of a part-time employee and who is not a full-time employee will be paid as a casual employee in accordance with clause B.3.1(fa)(ii) within this Schedule.
- (v) All time worked in excess of eight hours per day, outside the spread of hours specified in clause 29.2 of this award or in excess of 35 ordinary hours per week will be overtime and paid for at the rates prescribed in clause B.3.1(g)(ii) of this schedule.

[B.3.1(a)(vi) substituted by [PR999412](#) ppc 16Jul10]

- (vi) A part-time employee who is employed under the provisions of this clause must be paid for ordinary hours at the rate of 1/38<sup>th</sup> of the weekly rate prescribed in clause 20—Minimum wages, of the award, plus a 10% loading.

The 10% loading is not payable in circumstances where the following loadings apply:

- Saturday (clause B.3.1(fa)(ii))
- Sunday (clause B.3.1(fa)(ii))
- Public holidays (clause B.3.1(fa)(ii))
- Overtime (clause B.3.1(g))

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The part-time loading is payable in addition to any allowance payable under clause B.3.1(fb).

**(c) Apprentice wages [clause 20.4 in the award]**

**(i) Cooking apprenticeship**

- A person who has completed a full apprenticeship for cooking must be paid not less than the [standard rate](#).
- An employee apprenticed in the cooking trade will be paid the percentage of the [standard rate](#), as follows:

Year	2010	2011	2012	2013
	%	%	%	%
First year	55	55	55	55
Second year	65	65	65	65
Third year	77.5	80	80	80
Fourth year	87.5	90	92.5	95

**(ii) Adult apprentices**

Any apprentice cook who is 21 years of age or older will receive a minimum rate of pay equal to 95% of the rate for a Level 3 employee.

[B.3.1(c) substituted by [PR999412](#) ppc 16Jul10]

**(d) Junior employees (other than office juniors) [clause 20.5(a) in the award]**

The minimum rates of pay for junior employees are the undermentioned percentages of the rates prescribed for the appropriate adult classification for the work performed for the area in which such junior is working:

Year	2010	2011	2012	2013	2014
	%	%	%	%	%
16 years and under	60	57.5	55	52.5	50
17 years	60	60	60	60	60
18 years	70	70	70	70	70
19 years	85	85	85	85	85
20 years	95	95	95	Adult	Adult
21 years	Adult	Adult	Adult	Adult	Adult

**(e) Allowance for disabilities associated with performance of particular tasks or work in particular conditions or locations**

**(i) Broken periods of work [clause 21.3(a) in the award]**

- Employees other than casuals who have a broken work day must receive an additional allowance for the spread of hours described in clause 29—Ordinary hours of work, in the award, as follows:

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	<b>Rate per day</b> <b>% of <u>standard weekly rate</u></b>
Under 10 hours	Nil
10 hours and under 10.5 hours	0.21
10.5 hours and under 11.5 hours	0.41
11.5 hours or more	0.62

- Provided that where any such broken work period extends into any period for which clause B.3.1(fb)—Other penalty, or clause B.3.1(g)—Overtime of this schedule apply, the penalties or allowances will not be cumulative, but the highest applicable penalty or allowance will apply.

[B.3.1(e) varied by [PR992315](#); [PR999412](#) ppc 16Jul10]

**(f) Penalty rates** [clause 32 in the award]

- (fa)(i)** Sub-clauses B.3.1(fa)(ii) and B.3.1(fa)(iii) outlined below replace sub-clause 32.1 and 32.3—Other penalty, in the award.

Sub-clauses 32.2—Public holidays and 32.4—Penalty rates not cumulative, as contained in clause 32—Penalty rates, of the award will continue to apply as from 1 January 2010.

- (fa)(ii)** A full-time and part-time employee performing work on the following days will be paid the following percentage of the minimum wage rate in clause 20—Minimum wages for the relevant classification:

**(fa)(ii)(1) Front of house employees**

	<b>Monday to Friday</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Public holiday</b>
	%	%	%	%
<b>Full-time</b>	100	150	200	250
<b>Part-time</b>	110	150	200	250

**(inclusive of the  
10% loading in  
clause  
B.3.1(b)(vi))**

**(fa)(ii)(2) Back of house employees**

	<b>Monday to Friday</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Public holiday</b>
	%	%	%	%
<b>Full-time</b>	100	150	175	250
<b>Part-time</b>	110	150	175	250

**(inclusive of the  
10% loading in  
clause B.3.1(b)(vi))**

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**(fa)(ii)(3)** In clause B.3.1(fa)(ii)(1) and B.3.1(fa)(ii)(2) the following definitions apply:

***Front of house (FOH)*** will mean:

A Food and Beverage Attendant of any level or employee holding approval as a Gaming Employee or Gaming Manager who is engaged in any one of the following:

- Supplying, dispensing or mixing of liquor from a bar or the sale of liquor from the bottle department; or
- Assisting in the cellar or bottle department with or without supervision or having full control of a cellar or liquor store (including the receipt, delivery and recording of goods within the cellar or liquor store).

***Back of House (BOH)*** will mean:

An employee who is engaged in any one of the following classifications as set out in this clause:

- Kitchen
- Guest services
- General
- Food and Beverage Attendant or employee holding approval as a Gaming Employee or Gaming Manager serving but not dispensing alcohol or other beverages.

**(fa)(iii) Rates of pay for casual employees**

- Casual employees must be paid per hour at the rate of 1/38<sup>th</sup> of the weekly rate prescribed for the work performed plus 50%.
- Casual employees will not be entitled to any loadings for work performed between 7.00 pm and 7.00 am, Monday to Friday, on Saturday or Sunday or for work performed on a public holiday or overtime.
- The allowances contained within 21—Allowances, of the award, will not be payable to casuals employed in accordance with this Schedule.

[“Front of house” heading inserted by administrative error; deleted 28Jul11]

**(fb) Other penalty**

- (i) An employee (other than a casual employee) who is required to work any of their ordinary hours between the hours of 7.00 pm and 7.00 am, Monday to Friday inclusive, will be paid an additional amount of 0.25% of the [standard weekly rate](#) per hour or part of an hour for such time worked within the said hours.

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(ii) Provided that:

- in the case of any such employee (other than a casual employee) the minimum payment in respect of any one day will be 0.35% of the [standard weekly rate](#);
- an employee (other than a casual employee) who is required to work their total ordinary hours between 7.00 pm and 7.00 am Monday to Friday inclusive will be paid 0.25% of the [standard weekly rate](#) per hour, with a minimum payment in the case of a full-time employee only of 1.85% of the [standard weekly rate](#) per day; and
- this clause will not apply on any of the public holidays prescribed in the NES.

(g) **Overtime** [clause 33 in the award]

(i) **Entitlement to overtime rates**

- A full-time employee is paid at overtime rates for any work done outside of the hours set out in clause 29—Ordinary hours of work.
- A part-time employee is paid at overtime rates in the circumstances specified in clause B.3.1(b)(v) in this Schedule.

(ii) **Overtime rates**

The following overtime rates are payable to an employee, other than a casual employee, depending on the time at which the overtime is worked:

- Monday to Friday: 150% of their normal rate of pay for the first three hours of overtime, 200% for the rest of the overtime.
- Between midnight Friday and midnight Saturday: 175% of their normal rate of pay for the first three hours of overtime, 200% for the rest of the overtime.
- Between midnight Saturday and midnight Sunday: 200%.
- On a rostered day off falling Monday–Saturday: 150% for the first eight hours, 175% for the next three hours and 200% thereafter.
- On a rostered day off falling on a Sunday: 200%.

(iii) **Overtime stands alone**

Overtime worked on any day stands alone.

[B.3.1(g) inserted by [PR999412](#) ppc 16Jul10]

(h) **Breaks**

Clause B.3.1(h) replaces clause 31 of the award.

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- (ha)** Each employee (not being a casual employee) will be granted a meal interval of not less than 30 minutes and not more than 60 minutes to be commenced:
- (i)** At any time after completion of one and a half hour's work but no later than five hours after commencement of duty; or
  - (ii)** At any time after completion of one hour's work but no later than six hours after commencement of duty, provided that where an employee is required to work for more than five hours before such a meal break then an employee will be allowed a 20 minute meal break without loss of pay during such work periods at a time suitable to the employer between two and five hours worked.

Where it is not possible to grant an employee such meal breaks, the employee will be paid at the rate of the day plus half time additional at the ordinary weekly rate until released for a meal. Provided further that where an employee is required to work in excess of five hours after their first meal interval the employee will be granted a further meal interval of 20 minutes to be treated as time worked.

- (hb)** Where an employee is required to work overtime and such overtime follows the completion of the employees' normal hours of work a 20 minute paid meal break will be allowed where such overtime exceeds two hours work.
- (hc)** Notwithstanding the provisions of clause B.3.1(ha), employees rostered to work more than ten ordinary hours in a shift will be entitled to two paid 20 minute meal breaks in addition to an unpaid meal break of at least half an hour. In rostering for these breaks, the employer will make all reasonable efforts to provide these breaks at a time which gives the employees an even mix of work time and breaks.

**(hd) Casual employees—meal times and meals**

A casual employee required to work for a continuous period in excess of six hours, will be granted an unpaid meal interval of 30 minutes to be commenced after completing not less than two hours of duty and will not work in excess of six hours without a meal break. Provided that where it is not possible to grant the meal interval on any day, the employer will pay the casual employee in addition to time worked, 60 minutes at the applicable rate.

Provided further that a casual employee required to work for a continuous period in excess of five hours but no more than six hours will be granted an unpaid meal interval of 20 minutes during such work period at a time suitable to the employer between two and five hours worked. Where it is not possible to grant such break the employer will pay the casual employee in addition to time worked, 20 minutes at the applicable rate.

[B.3.1(g) renumbered by [PR999412](#) ppc 16Jul10]

(i) **Classification Definitions** [Schedule D in the award]

**Food and beverage** [D.2.1 in the award]

(i) **Food and beverage attendant grade 1** means an employee who is engaged in any of the following:

- picking up glasses;
- emptying ashtrays;
- general assistance to food and beverage attendants of a higher grade not including service to customers;
- removing food plates;
- setting and/or wiping down tables;
- cleaning and tidying of associated areas.

(ii) **Food and beverage attendant grade 2** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:

- supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department;
- assisting in the cellar or bottle department;
- undertaking general waiting duties of both food and/or beverage including cleaning of tables;
- receipt of monies;
- attending a snack bar;
- engaged on delivery duties.

(iii) **Food and beverage attendant grade 3** means an employee who has the appropriate level of training and is engaged in any of the following:

- supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department;
- assisting in the cellar or bottle department, where duties could include working up to four hours per day (averaged over the relevant work cycle) in the cellar without supervision;
- undertaking general waiting duties of both food and/or beverage including cleaning of tables;
- receipt and dispensing of monies;
- assembly and preparation of ingredients for cooking;
- general pantry duties.

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In addition to the tasks performed by a Food and beverage attendant grade 2 the employee is also involved in:

- the operation of a mechanical lifting device;
- operates a TAB or Lotteries Commission Terminal;
- holds an approval as a Gaming Machine Employee pursuant to the *Gaming Machines Act 1992 (SA)*,

and/or means an employee who is engaged in any of the following:

- mixing a range of sophisticated drinks;
- supervising food and beverage attendants of a lower grade;
- taking reservations, greeting and seating guests;
- training food and beverage attendants of a lower level.

**(iv) Food and beverage attendant (tradesperson) grade 4** means an employee who:

- supervises food and beverage attendants of a lower level;
- has completed an apprenticeship in waiting or who has passed the appropriate trade test and carries out specialised skilled duties in a fine dining room or restaurant;
- full control of a cellar or liquor store (including the receipt, delivery and recording of goods within such an area);
- is a full time or part time employee who holds an approval as a Gaming Machine Manager pursuant to the *Gaming Machines Act 1992 (SA)*;
- is a casual employee who holds an approval as a Gaming Machine Manager pursuant to the *Gaming Machines Act 1992 (SA)* and undertakes the duties of a Gaming Machine Manager for any engagement.

**(v) Food and beverage supervisor Level 5** means:

- An employee who has the appropriate level of training including a supervisory course and has the responsibility for supervision, training and coordination of Food and Beverage staff, or stock control for a bar or series of bars;
- Is an employee who holds an approval as a Responsible Person pursuant to the *Liquor Licensing Act 1997 (SA)* and is appointed by the employer or Manager to act as a Responsible Person. Where a person has been approved as a Responsible Person, whether full-time, regular part-time or casual, and is performing the duties of a Responsible Person pursuant to a direction given by the employer or manager, they are to be paid at Level 5 for the time actually worked as a Responsible Person only.

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**B.3.2 Clerks (Clubs, Hotels and Motels) Award** [AN150037 – SA or RA150037 – SA]

[New B.3.2 inserted by [PR992315](#) from 20Jan10; renamed by [PR505248](#) ppc 01Jan11]

**(a) Minimum wages** [clause 20 in the award]

[B.3.2(a) varied by [PR997888](#), [PR509040](#) ppc 01Jul11]

[Note inserted by [PR505248](#) ppc 01Jan11]

NOTE: The rates of pay outlined in clause B.3.2(a) do not apply to State Referred Employers until the first full pay period commencing on or after 1 February 2011.

Refer to B.1.3– Division 2B State Referred Employers for more information.

An adult employee within a level specified in the following table will be paid not less than the rate per week assigned to the classification, as defined in Schedule D, for the area in which such employee is working.

<b>Level</b>		<b>Minimum weekly wage \$</b>
Level 1	1st year of adult service	630.00
	2nd and subsequent year of adult service	641.00
Level 2	1st year of adult service	651.60
	2nd and subsequent year of adult service	662.20
Level 3	1st year of adult service	686.20
	2nd and subsequent year of adult service	696.80
Level 4	1st year of adult service	707.80
	2nd and subsequent year of adult service	718.40
Level 5	1st year of adult service	729.00
	2nd and subsequent year of adult service	737.70

**(b) Classification Definitions** [Schedule D in the award]

**(ba) Guest services stream** [D.2.3 in the award]

**(i) Guest service grade 1** means an employee who performs any of the following:

- laundry and/or linen duties which may include minor repairs to linen or clothing such as buttons, zips, seams, and working with flat materials;
- the collection and delivery of guests' personal dry cleaning and laundry, linen and associated materials to and from accommodation areas;
- performs general cleaning duties; and
- parking guests' cars.

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- (ii) **Guest service grade 2** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:
- servicing accommodation areas and cleaning thereof;
  - receiving and assisting guests at the entrance to the establishment;
  - driving a passenger vehicle or courtesy bus;
  - transferring guests' baggage to and from rooms;
  - assisting in the dry cleaning process;
  - cleaning duties using specialised equipment and chemicals; and
  - providing butler services such as food, beverage and personalised guest service.
- (iii) **Guest service grade 3** means an employee who has the appropriate level of training and who is engaged in any of the following:
- supervising guest service employees of a lower grade;
  - providing butler services such as food, beverage and personalised guest service;
  - major repair of linen and/or clothing including basic tailoring and major alterations and refitting; and
  - dry cleaning.
- (iv) **Guest service grade 4** means an employee who has completed an apprenticeship or who has passed the appropriate trade test or otherwise has the appropriate level of training to perform the work of a tradesperson in dry cleaning, tailoring or as a butler.
- (v) **Guest service supervisor** means an employee who has the appropriate level of training including a supervisory course, who supervises, trains and coordinates the work of employees engaged in a housekeeping department.
- (bb) **Clerical stream—South Australia** [D.2.4 in the award]
- (i) **Level 1** means an employee who has not achieved the appropriate level of training and who is primarily engaged in one or more of the following:
- front office duties such as receptionist, telephonist, cashier, information services, or reservations;
  - performs basic clerical and routine office duties like collating, filing, photocopying and delivering messages;
  - general clerical duties like typing, basic data entry and calculation functions;
  - accounts; and

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- night auditing.
- (ii) **Level 2** means an employee who has the appropriate level of training and who is primarily engaged in one or more of the following:
- front office duties such as receptionist, telephonist, cashier, information services, or reservations;
  - clerical duties of an advanced nature;
  - general clerical duties like typing, basic data entry and calculation functions;
  - accounts; and
  - night auditing.
- (iii) **Level 3** means an employee appointed as such who has the appropriate level of training and who carries out:
- general or secretarial or stenographic duties;
  - clerical duties of an advanced nature;
  - recognised experience in complex duties;
  - may be responsible for guidance of other office personnel and may check and allocate their work; and
  - is in the front office engaged in duties including assisting in training and supervision of front office employees of the lower grade(s).
- (iv) **Level 4** means an employee appointed as such who has the appropriate level of training including a supervisory course, and trains, coordinates and supervises the work of front office and/or clerical employees in motels or clubs, or front office employees in a hotel.
- (v) **Level 5** means an employee who has the appropriate level of training including a supervisory course and also trains, coordinates and supervises the work of front office or clerical employees in a hotel.

## Schedule C—Transitional Provisions in respect of Western Australia

[Sched C varied by [PR992056](#), [PR994455](#)]

NOTE: The transitional provisions in respect of Western Australia in this Schedule operate instead of the general transitional provisions in Schedule A—Transitional Provisions in respect of the particular modern award provisions dealt with in this Schedule.

[C.1 substituted by [PR994455](#) from 01Jan10]

**C.1** Schedule C will apply from 1 January 2010 and will cease to operate on 31 December 2014.

**C.2 Junior employees** [clause 15 of the award]

[C.2.1 varied by [PR994455](#) from 01Jan10]

**C.2.1** Junior employees will be paid in accordance with clause 20.5—Juniors, on reaching the age of 18 years, may be employed in the bar or other places where liquor is sold.

**C.2.2** An employer may at any time demand the production of a birth certificate or other satisfactory proof for the purpose of ascertaining the correct age of a junior employee. If a birth certificate is required, the cost of it must be borne by the employer.

**C.2.3** No employee under the age of 18 years will be required to work more than 10 hours in a shift.

**C.3 Breaks** [clause 31 of the award]

**C.3.1** Every employee will be entitled to a meal break of not less than one half hour nor more than one hour after not more than five hours of work.

**C.3.2** Where it is not possible for the employer to grant a meal break on any day, the said meal break will be treated as time worked and the employee will be paid at the rate applicable to the employee at the time such meal break is due, plus 50% of the prescribed ordinary hourly rate applying to such employee, until such time as the employee is released for a meal.

**C.3.3** In addition to a break for a meal, there may be one other break of at least one hour during each shift. Such break may be taken in conjunction with the meal break.

**C.3.4** Where an employee is required to work five or more consecutive hours in a shift the employee will also be entitled to one only paid break of 10 minutes at a time agreed between the employer and the employee provided that the employer must not require that the break be taken in the first or last hour of any work period and the employee will not work more than five hours before either the paid or unpaid break is taken.

## Schedule D—Classification Definitions

[Sched D varied by [PR992056](#), [PR994455](#), [PR514972](#)]

### D.1 Introductory level

In respect of all classification streams, introductory level means the level of an employee who enters the industry and who has not demonstrated the competency requirements of level 1. Such an employee will remain at this level for up to three months while the appropriate training for level 1 is undertaken and assessment made to move from the introductory level to level 1. At the end of three months from entry, an employee will move to level 1 other than where agreement has been reached and recorded between the employee and the employer that further training of up to three months is required for the employee to achieve competence for movement to level 1.

### D.2 General classification definitions

#### D.2.1 Food and beverage stream

**Food and beverage attendant grade 1** means an employee who is engaged in any of the following:

- picking up glasses;
- emptying ashtrays;
- general assistance to food and beverage attendants of a higher grade not including service to customers;
- removing food plates;
- setting and/or wiping down tables; and
- cleaning and tidying of associated areas.

**Food and beverage attendant grade 2** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:

- supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department;
- assisting in the cellar or bottle department;
- undertaking general waiting duties of both food and/or beverage including cleaning of tables;
- receipt of monies;
- attending a snack bar; and
- engaged on delivery duties.

**Food and beverage attendant grade 3** means an employee who in addition to the tasks performed by a **Food and beverage attendant grade 2** is engaged in any of the following:

- the operation of a mechanical lifting device;
- attending a wagering (e.g. TAB) terminal, electronic gaming terminal or similar terminal;
- full control of a cellar or liquor store (including the receipt, delivery and recording of goods within such an area);
- mixing a range of sophisticated drinks;
- supervising food and beverage attendants of a lower grade;
- taking reservations, greeting and seating guests; and
- training food and beverage attendants of a lower grade.

**Food and beverage attendant (tradesperson) grade 4** means an employee who has completed an apprenticeship in waiting or who has passed the appropriate trade test and as such carries out specialised skilled duties in a fine dining room or restaurant.

**Food and beverage supervisor** means an employee who has the appropriate level of training including a supervisory course and who has the responsibility for supervision, training and co-ordination of food and beverage staff, or stock control for a bar or series of bars.

#### D.2.2 Kitchen stream

**Kitchen attendant grade 1** means an employee engaged in any of the following:

- general cleaning duties within a kitchen or food preparation area and scullery, including the cleaning of cooking and general utensils used in a kitchen and restaurant;
- assisting employees who are cooking;
- assembling and preparing ingredients for cooking; and
- general pantry duties.

**Kitchen attendant grade 2** means an employee who has the appropriate level of training and who is engaged in specialised non-cooking duties in a kitchen or food preparation area, or supervision of kitchen attendants.

**Kitchen attendant grade 3** means an employee who has the appropriate level of training including a supervisory course and has the responsibility for the supervision, training and co-ordination of kitchen attendants of a lower grade.

**Cook grade 1** means an employee who carries out cooking of breakfasts and snacks, baking, pastry cooking or butchering.

**Cook grade 2** means an employee who has the appropriate level of training and who performs cooking duties including baking, pastry cooking or butchering.

**Cook (tradesperson) grade 3** means a commi chef or equivalent who has completed an apprenticeship or who has passed the appropriate trade test, and who is engaged in cooking, baking, pastry cooking or butchering duties.

**Cook (tradesperson) grade 4** means a demi chef or equivalent who has completed an apprenticeship or has passed the appropriate trade test and who is engaged to perform general or specialised cooking, butchering, baking or pastry cooking duties and/or supervises and trains other cooks and kitchen employees.

**Cook (tradesperson) grade 5** means a chef de partie or equivalent who has completed an apprenticeship or has passed the appropriate trade test in cooking, butchering, baking or pastry cooking and has completed additional appropriate training and who performs any of the following:

- general and specialised duties including supervision or training of other kitchen staff;
- ordering and stock control; and
- supervising other cooks and other kitchen employees in a single kitchen establishment.

### **D.2.3 Guest services stream**

**Guest service grade 1** means an employee who performs any of the following:

- laundry and/or linen duties which may include minor repairs to linen or clothing such as buttons, zips, seams and working with flat materials;
- the collection and delivery of guests' personal dry cleaning and laundry, linen and associated materials to and from accommodation areas;
- performs general cleaning duties; and
- parking guests' cars.

**Guest service grade 2** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:

- servicing accommodation areas and cleaning thereof;
- receiving and assisting guests at the entrance to the establishment;
- driving a passenger vehicle or courtesy bus;
- transferring guests' baggage to and from rooms;
- assisting in the dry cleaning process;
- cleaning duties using specialised equipment and chemicals; and
- providing butler services such as food, beverage and personalised guest service.

**Guest service grade 3** means an employee who has the appropriate level of training and who is engaged in any of the following:

- supervising guest service employees of a lower grade;

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- providing butler services such as food, beverage and personalised guest service;
- major repair of linen and/or clothing including basic tailoring and major alterations and refitting; and
- dry cleaning.

**Guest service grade 4** means an employee who has completed an apprenticeship or who has passed the appropriate trade test or otherwise has the appropriate level of training to perform the work of a tradesperson in dry cleaning, tailoring or as a butler.

**Guest service supervisor** means an employee with the appropriate level of training including a supervisory course who supervises, trains and co-ordinates the work of employees engaged in a housekeeping department.

**Front office grade 1** means an employee who is engaged as an assistant in front office duties including night auditing, telephonist, receptionist, cashier, information services or reservations.

**Front office grade 2** means an employee who has the appropriate level of training and is in the front office engaged in duties including telephonist, receptionist, cashier, information services or reservations.

**Front office grade 3** means an employee who has the appropriate level of training and is in the front office engaged in duties including assisting in training and supervision of front office employees of a lower grade.

**Front office supervisor** means an employee who has the appropriate level of training including a supervisory course and who supervises, trains and co-ordinates the work of front office employees.

### D.2.4 Administration stream

**Clerical grade 1** means an employee who is required to perform basic clerical and routine office duties such as collating, filing, photocopying and delivering messages.

**Clerical grade 2** means an employee who is engaged in general clerical or office duties, such as typing, filing, basic data entry and calculating functions.

**Clerical grade 3** means an employee who has the appropriate level of training and who performs any of the following:

- operates adding machines, switchboard, paging system, telex machine, typewriter or calculator;
- uses knowledge of keyboard and function keys to enter and retrieve data through computer terminal;
- copy types at 25 words per minute with 98% accuracy;
- maintains mail register and records;
- maintains established paper-based filing/records systems in accordance with set procedures including creating and indexing new files, distributing files within the organisation as requested, monitoring file locations;

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- transcribes information into records, completes forms, takes telephone messages;
- acquires and applies a working knowledge of office or sectional operating procedures and requirements;
- acquires and applies a working knowledge of the organisation's structure and personnel in order to deal with inquiries at first instance, locates appropriate staff in different sections, relays internal information, responds to or redirects inquiries, greets visitors;
- keeps appropriate records; and
- sorts, processes and records original source financial documents (e.g. invoices, cheques, correspondence) on a daily basis; maintains and records petty cash; prepares bank deposits and withdrawals and does banking.

And who has the appropriate level of training and also performs any of the following:

- operates computerised radio telephone equipment, micro/personal computer, printing devices attached to personal computer, dictaphone equipment, typewriters;
- produces documents and correspondence using knowledge of standard formats, touch types at 40 words per minute with 98% accuracy, audio types;
- uses one or more software application package(s) developed for a micro/personal computer to operate and populate a database, spreadsheet/worksheet to achieve a desired result; graph previously prepared spreadsheet; use simple menu utilities of personal computer;
- follows standard procedures or template for the preceding functions using existing models/fields of information;
- Creates, maintains and generates simple reports;
- uses a central computer resource to an equivalent standard;
- uses one or more software packages to create, format, edit, proof read, spell check, correct, print and save text documents, e.g. standard correspondence and business documents;
- takes shorthand notes at 70 wpm and transcribes with 95% accuracy;
- arranges travel bookings and itineraries, makes appointments, screens telephone calls, follows visitor protocol procedures, establishes telephone contact on behalf of executive;
- applies a working knowledge of the organisation's products/services, functions, locations and clients;
- responds to and acts upon most internal/external inquiries in own function area;
- uses and maintains a computer-based record management system to identify, access and extract information from internal sources; maintains circulation, indexing and filing systems for publications, reviews files, closes files, archives files; and

- maintains financial records and journals, collects and prepares time and wage records; prepares accounts queries from debtors; posts transactions to ledger.

**Clerical supervisor** means an employee who has the appropriate level of training including a supervisory course and who co-ordinates other clerical staff.

#### D.2.5 Security stream

**Doorperson/security officer grade 1** means a person who assists in maintenance of dress standards and good order at an establishment.

**Timekeeper/security officer grade 2** means a person who is responsible for timekeeping of staff, for the security of keys, for the checking in and out of delivery vehicles and/or for the supervision of doorperson/security officer grade 1 personnel.

#### D.2.6 Leisure activities stream

**Leisure attendant grade 1** means a person who acts as an assistant instructor, pool attendant and/or can be responsible for the setting up, distribution and care of equipment and the taking of bookings.

**Leisure attendant grade 2** means a person who has the appropriate level of training and takes classes and/or directs leisure activities such as sporting areas, health clubs and swimming pools.

**Leisure attendant grade 3** means a person who has the appropriate level of training and who plans and co-ordinates leisure activities for guests and may supervise other leisure attendants.

#### D.2.7 Stores stream

**Storeperson grade 1** means an employee who receives and stores general and perishable goods and cleans the store area.

**Storeperson grade 2** means an employee who, in addition to the duties for a storeperson grade 1, may also operate mechanical lifting equipment such as a fork-lift and/or who may perform duties of a more complex nature.

**Storeperson grade 3** means an employee who has the appropriate level of training and who:

- implements quality control techniques and procedures;
- understands and is responsible for a stores/warehouse area or a large section of such an area;
- has a highly developed level of interpersonal and communications skills;
- is able to supervise and provide direction and guidance to other employees including the ability to assist in the provision of on-the-job training and induction;
- exercises discretion within the scope of this grade; and who may exercise skills attained through the successful completion of an appropriate warehousing certificate; and may perform indicative tasks at this level such as:
  - liaising with management, suppliers and customers with respect to stores operations; and

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- detailing and co-ordinating activities of other storepersons and acting in a leading hand capacity for in excess of 10 storepersons;
- maintains control registers including inventory control and being responsible for preparation and reconciliation of regular reports or stock movements, dispatches, etc; and
- supervises the receipt and delivery of goods, records, outgoing goods, responsible for the contents of a store.

### D.2.8 Maintenance and trades—other than the cooking trade

[D.2.8 substituted by [PR514972](#) ppc 04Oct11]

**Handyperson** means a person who is not a tradesperson and whose duties include the performance of routine repair work and maintenance in and about the employer's premises.

**Fork-lift driver** means an employee who has a recognised fork-lift licence and who is engaged solely on the basis of driving a fork-lift vehicle. Those employees who operate a fork-lift as only part of their duties will be paid at the level 3 classification rate in clause 20.1.

**Gardener grade 1** means an employee primarily engaged in the following activities:

- keeping areas clean and tidy;
- weeding and watering;
- trimming, mowing of surrounds, etc., with hand implements;
- assistance in preparing areas for play;
- assistance in course or green maintenance and construction;
- operation of a limited range of vehicles, including motor vehicles;
- performs non-trade tasks incidental to the employee's work.

**Gardener grade 2** means an employee who is engaged in any of the following activities in addition to the work of grade 1:

- operation and minor maintenance of motorised equipment under supervision, other than machinery or equipment requiring the holding of specialised licences;
- assistance in the maintenance, renovation and reconstruction of greens and fairways, and/or maintenance of playing surfaces, including mowing, rolling, top dressing, seeding, turfing and sprigging, fertilising under supervision, planting and maintenance of trees, pruning under supervision;
- applying fertilisers, fungicides, herbicides and insecticides under general supervision;
- gardening duties including the planting and trimming of trees, sowing, planting and cutting of grass, and the watering of plants, gardens, trees, lawns and displays;
- routine maintenance of turf, synthetic, artificial and other play surfaces;

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- completion of basic records;
- assistance in the construction and installation of facilities and systems;
- performing tasks incidental to the employee's work;
- handyman duties;
- supervising gardeners of a lower grade.

**Gardener grade 3 (tradesperson)** means an employee who has completed trade or equivalent qualifications and undertakes one or more of the following duties (including non-trade tasks incidental to the employee's work):

- operate, maintain and adjust machinery as appropriate;
- clean machinery and inspects machinery after each use, reporting any problems to a management employee;
- applying fertilisers, fungicides, herbicides and insecticides as directed by a management employee;
- preparing turf, synthetic, artificial and other surfaces for play;
- maintenance and repair of vehicles and/or motor engines;
- repair and minor renovation work;
- formation and maintenance of all gardens, lawns and greens;
- the planting, maintenance and care of trees;
- training and supervision of employees of a lower grade, including apprentices.

**Gardener grade 4 (tradesperson)** means an employee who has satisfactorily attained the appropriate level of training at trade or the equivalent level, together with the additional requirements in supervision or other appropriate specialist modules. In addition to the duties of levels 1 to 3, the employee is also engaged in the following activities:

- supervision and training of subordinate staff, including tradespersons;
- presentation of written and or verbal reports including budgets,
- general liaison with management;
- activities requiring application of specialist skills.

### D.2.9 Managerial staff—hotels

For the purpose of this additional classification, **hotels** means hotels, resorts, casinos, taverns, wine saloons, wine and spirit merchants retailing to the general public and other retail licensed establishments in or in connection with accommodation, with the selling of drinks, preparing and serving food and drinks, cleaning and attending to the premises and all other services associated therewith.

In this additional classification, **hotel manager** means an employee (however designated) who:

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- under the direction of senior management is required to manage and co-ordinate the activities of a relevant area or areas of the hotel; and
- directs staff to ensure they carry out their duties in the relevant area or areas of the hotel; and
- implements policies, procedures and operating systems for the hotel;

but excludes an employee who is employed to undertake the duties of senior management, responsible for a significant area of the operations of one or more hotels. Indicative position titles for such an employee include:

- Company secretary;
- Chief accountant;
- Personnel or human resources manager;
- Financial controller;
- Industrial relations manager;
- Venue manager;
- General/hotel manager;
- Executive assistant manager;
- Regional manager; or
- a Manager to whom any of those positions report or are responsible.

An employee appointed as a Manager will have completed an appropriate level of training in business management or have relevant industry experience including the supervision of staff in one or more areas of an hotel. In a General Hotel, this classification is commonly known as an Assistant manager. In an Accommodation Hotel, this classification may include any of the following positions: Duty manager; Assistant food and beverage manager; Assistant rooms division manager; Assistant front office manager or equivalent position.

This additional classification does not apply to:

- Any hotel manager who is an employee of a proprietary or private company (within the meaning of the Corporations Law) where the Hotel Manager holds sufficient number of shares to entitle the Hotel Manager to voting control at general meetings of the company; or
- Any hotel manager who is the senior partner of a partnership or has at least 49% of that partnership; or

[D.2.9 varied by [PR994455](#) from 01Jan10]

- A parent, spouse or de facto partner, son or daughter of a hotel manager excluded from the additional classification by this paragraph.

## **D.3 Definitions for the purposes of the Casino Gaming Stream**

### **D.3.1 General**

**Casino** means a gaming establishment holding a casino license under relevant State legislation. The term does not include a gaming facility that is a part or section of a hospitality establishment such as a hotel or tavern operation.

**Casino table game** means a casino game played under the control and direction of a table game employee. It includes games that are normally played at a table and games that include electronic aids to play the game such as Rapid Roulette.

**Major game** means a table game that requires a table game employee to undertake a minimum of 80 hours formal training to learn the game rules and competently deal the game in accordance with the minimum standards of the employer and the relevant casino regulatory authority.

**Appropriate level of training** for casino gaming employees means that a casino gaming employee has:

- completed a relevant training course accredited by the AQF; or
- completed training to a level or standard imposed by a statutory gaming licensing authority; or
- been assessed to have skills at least equivalent to those attained through the suitable training referred to above, such assessment to have been undertaken by a qualified skills assessor; or
- at 1 January 2010, had been doing the work of a particular classification for a period of at least three months.

### **D.3.2 Casino Table Gaming**

**Casino table gaming employee grade 1** means an employee who has completed the appropriate level of training and has commenced in one major game offered by the casino.

**Casino table gaming employee grade 2** means an employee who has completed the appropriate level of training and has commenced in two major games offered by the casino.

**Casino table gaming employee grade 3** means an employee who has completed the appropriate level of training and has commenced in three major games offered by the casino.

**Casino table gaming employee grade 4** means an employee engaged as such who undertakes table game inspection duties including ensuring that correct procedures and standards are observed by table game employees of a lower grade. This classification does not apply to managerial employees. The provisions of clause 25—Higher duties, will apply to Casino table game employees who have not been appointed to this grade but are required to perform any functions of this position.

### D.3.3 Casino Electronic Gaming

**Casino electronic gaming employee grade 1** means an employee in a casino who has received the appropriate level of training and who is engaged in any of the following:

- providing information on customer loyalty programs, electronic gaming promotions or services and facilities within a gaming machine area; and/or
- explaining to patrons the playing of gaming machines.

**Casino electronic gaming employee grade 2** means an employee in a casino who has received the appropriate level of training and who is engaged in any of the following:

- explaining to patrons the playing of gaming machines and providing pay-outs and rectifying minor malfunctions;
- selling and redeeming network gaming games such as Keno, TAB or other network games;
- conducting network games; and
- explaining to patrons the playing of gaming machines.

### D.3.4 Casino Finance

**Gaming finance employee grade 1** means an employee engaged to undertake any Count functions including:

- hard and/or soft count;
- shuffling and preparation of playing cards for table games;
- destruction of playing cards, dice, etc. for table games.

**Gaming finance employee grade 2** means an employee engaged to undertake any Change Booth functions including:

- limited supervision of gaming finance grade 1 employees;
- counting of change and associated change booth duties;
- sale and redemption of electronic gaming tickets.

**Gaming finance employee grade 3** means an employee engaged to undertake all grade 2 change functions including supervision of employees of a lower grade when required plus any of the following:

- assisting with the verification of floats and change machines;
- training employees in duties and functions of a lower grade;
- an employee engaged to undertake one cage function.

**Gaming finance employee grade 4** means:

- an employee engaged to undertake two cage cashier functions; or

- gaming finance revenue audit clerk functions.

**Gaming finance employee grade 5** means an employee engaged to undertake more than two cage cashier functions.

For the purposes of the Gaming Finance Stream, **cage function** includes:

- front window cashier duties including exchanging gaming chips for currency, controlling a float, recording transactions and reconciliation duties; or
- bank cashiering including Fill Bank duties such as receiving, disbursing, reconciling and controlling receipt and issue of gaming chips to gaming tables from the Cage and Main Bank duties; or
- Premium Group settlements and buy-in.

For the purposes of the Gaming Finance Stream, **cashier function** includes supervision of employees of a lower grade when required.

### D.3.5 Casino Equipment Technicians

**Casino equipment technician grade 1** means an employee who has the appropriate level of training and who is competent at performing repairs, servicing and installation of non-electronic gaming and associated equipment as well as assisting Casino equipment technicians of a higher grade.

**Casino equipment technician grade 2** means an employee including a tradesperson who has the appropriate level of training and who is competent at performing repairs, servicing and installation of electronic gaming and associated equipment under supervision.

**Casino equipment technician grade 3** means an employee appointed as such who has the appropriate level of training and who without supervision applies technical knowledge and skills to the tasks of installing, repairing, maintaining, servicing, modifying, commissioning, testing, fault finding and diagnosing various forms of video and other electronically or mechanically-controlled gaming equipment. This level also includes an employee required to supervise and/or check the work of Casino equipment technicians of lower grades.

### D.3.6 Casino Security

**Customer liaison officer** means an employee in a casino who holds appropriate licenses and who is engaged to work as an area or door attendant to enforce dress, behaviour and entry requirements at the casino.

**Security officer grade 1** means an employee in a casino who holds appropriate licenses and is required to carry out routine security functions throughout the Casino complex, including the duties of securing, watching, guarding and/or protecting the premises including responding to alarm signals and incidents.

**Security officer grade 2** means an employee in a casino who performs work as required above and beyond the skills of an employee at grade 1 to the level of their training. At this level an employee is required to perform cash escort and soft drop duties. This level also includes a security employee who in the opinion of the employer has no previous relevant experience at this level, and is undertaking the

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tasks of a surveillance officer while undergoing training and gaining experience during the first six months of employment as such.

**Surveillance operator** means an employee in a casino required to monitor, observe and report upon the operations of the casino by means of visual or remote observation, including the use of electronic surveillance and recording systems as follows:

- input information or react to signals and instruments related to electronic surveillance;
- keyboard operation to alter the parameters within an integrated security surveillance system; and
- co-ordinate, monitor or record the activities of Security officers utilising a verbal communications system.

## Schedule E—Supported Wage System

[Varied by [PR992056](#), [PR998748](#), [PR510670](#)]

**E.1** This schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award.

**E.2** In this schedule:

**approved assessor** means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

**assessment instrument** means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

**disability support pension** means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991* (Cth), as amended from time to time, or any successor to that scheme

**relevant minimum wage** means the minimum wage prescribed in this award for the class of work for which an employee is engaged

**supported wage system** (SWS) means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: [www.jobaccess.gov.au](http://www.jobaccess.gov.au)

**SWS wage assessment agreement** means the document in the form required by the Department of Education, Employment and Workplace Relations that records the employee's productive capacity and agreed wage rate

### **E.3 Eligibility criteria**

**E.3.1** Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.

**E.3.2** This schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their employment.

## **E.4 Supported wage rates**

**E.4.1** Employees to whom this schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following schedule:

<b>Assessed capacity (clause E.5)</b>	<b>Relevant minimum wage</b>
<b>%</b>	<b>%</b>
10	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

[E.4.2 varied by [PR998748](#), [PR510670](#) ppc 01Jul11]

**E.4.2** Provided that the minimum amount payable must be not less than \$75 per week.

**E.4.3** Where an employee's assessed capacity is 10%, they must receive a high degree of assistance and support.

## **E.5 Assessment of capacity**

**E.5.1** For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.

**E.5.2** All assessments made under this schedule must be documented in an SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

## **E.6 Lodgement of SWS wage assessment agreement**

**E.6.1** All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with Fair Work Australia.

**E.6.2** All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the award is not a party to the assessment, the assessment will be referred by Fair Work Australia to the union by certified mail and the agreement will take effect unless an objection is notified to Fair Work Australia within 10 working days.

## **E.7 Review of assessment**

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

## **E.8 Other terms and conditions of employment**

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this schedule will be entitled to the same terms and conditions of employment as other workers covered by this award on a pro rata basis.

## **E.9 Workplace adjustment**

An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

## **E.10 Trial period**

**E.10.1** In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.

**E.10.2** During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.

[E.10.3 varied by [PR998748](#), [PR510670](#) ppc 01Jul11]

**E.10.3** The minimum amount payable to the employee during the trial period must be no less than \$75 per week.

**E.10.4** Work trials should include induction or training as appropriate to the job being trialled.

**E.10.5** Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under clause E.5.

## Schedule F—National Training Wage

[Varied by [PR992056](#), [PR997888](#), [PR509040](#)]

### F.1 Title

This is the *National Training Wage Schedule*.

### F.2 Definitions

In this schedule:

**adult trainee** is a trainee who would qualify for the highest minimum wage in Wage Level A, B or C if covered by that wage level

**approved training** means the training specified in the training contract

**Australian Qualifications Framework (AQF)** is a national framework for qualifications in post-compulsory education and training

**out of school** refers only to periods out of school beyond Year 10 as at the first of January in each year and is deemed to:

- (a) include any period of schooling beyond Year 10 which was not part of or did not contribute to a completed year of schooling;
- (b) include any period during which a trainee repeats in whole or part a year of schooling beyond Year 10; and
- (c) not include any period during a calendar year in which a year of schooling is completed

**relevant State or Territory training authority** means the bodies in the relevant State or Territory which exercise approval powers in relation to traineeships and register training contracts under the relevant State or Territory vocational education and training legislation

**relevant State or Territory vocational education and training legislation** means the following or any successor legislation:

Australian Capital Territory: *Training and Tertiary Education Act 2003*;

New South Wales: *Apprenticeship and Traineeship Act 2001*;

Northern Territory: *Northern Territory Employment and Training Act 1991*;

Queensland: *Vocational Education, Training and Employment Act 2000*;

South Australia: *Training and Skills Development Act 2008*;

Tasmania: *Vocational Education and Training Act 1994*;

Victoria: *Education and Training Reform Act 2006*; or

Western Australia: *Vocational Education and Training Act 1996*

**trainee** is an employee undertaking a traineeship under a training contract

**traineeship** means a system of training which has been approved by the relevant State or Territory training authority, which meets the requirements of a training package developed by the relevant Industry Skills Council and endorsed by the National Quality Council, and which leads to an AQF certificate level qualification

**training contract** means an agreement for a traineeship made between an employer and an employee which is registered with the relevant State or Territory training authority

**training package** means the competency standards and associated assessment guidelines for an AQF certificate level qualification which have been endorsed for an industry or enterprise by the National Quality Council and placed on the National Training Information Service with the approval of the Commonwealth, State and Territory Ministers responsible for vocational education and training, and includes any relevant replacement training package

**year 10** includes any year before Year 10

### **F.3 Coverage**

**F.3.1** Subject to clauses F.3.2 to F.3.6 of this schedule, this schedule applies in respect of an employee covered by this award who is undertaking a traineeship whose training package and AQF certificate level is allocated to a wage level by Appendix F1 to this schedule or by clause F.5.4 of this schedule.

**F.3.2** This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in Appendix F1 to this schedule.

**F.3.3** This schedule does not apply to the apprenticeship system or to any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an award as at 25 June 1997.

**F.3.4** This schedule does not apply to qualifications not identified in training packages or to qualifications in training packages which are not identified as appropriate for a traineeship.

**F.3.5** Where the terms and conditions of this schedule conflict with other terms and conditions of this award dealing with traineeships, the other terms and conditions of this award prevail.

**F.3.6** At the conclusion of the traineeship, this schedule ceases to apply to the employee.

### **F.4 Types of Traineeship**

The following types of traineeship are available under this schedule:

**F.4.1** a full-time traineeship based on 38 ordinary hours per week, with 20% of ordinary hours being approved training; and

**F.4.2** a part-time traineeship based on less than 38 ordinary hours per week, with 20% of ordinary hours being approved training solely on-the-job or partly on-the-job and partly off-the-job, or where training is fully off-the-job.

## F.5 Minimum Wages

[F.5 substituted by [PR997888](#), [PR509040](#) ppc 01Jul11]

### F.5.1 Minimum wages for full-time traineeships

#### (a) Wage Level A

Subject to clause F.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix F1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	264.70	291.60	347.40
Plus 1 year out of school	291.60	347.40	404.30
Plus 2 years out of school	347.40	404.30	470.50
Plus 3 years out of school	404.30	470.50	538.70
Plus 4 years out of school	470.50	538.70	
Plus 5 or more years out of school	538.70		

#### (b) Wage Level B

Subject to clause F.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix F1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>Per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	264.70	291.60	338.10
Plus 1 year out of school	291.60	338.10	388.80
Plus 2 years out of school	338.10	388.80	456.00
Plus 3 years out of school	388.80	456.00	520.10
Plus 4 years out of school	456.00	520.10	
Plus 5 or more years out of school	520.10		

#### (c) Wage Level C

Subject to clause F.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix F1 are:

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	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	264.70	291.60	338.10
Plus 1 year out of school	291.60	338.10	380.50
Plus 2 years out of school	338.10	380.50	425.00
Plus 3 years out of school	380.50	425.00	473.60
Plus 4 years out of school	425.00	473.60	
Plus 5 or more years out of school	473.60		

**(d) AQF Certificate Level IV traineeships**

- (i) Subject to clause F.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level IV traineeship are the minimum wages for the relevant full-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.
- (ii) Subject to clause F.5.3 of this schedule, the minimum wages for an adult trainee undertaking a full-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

<b>Wage level</b>	<b>First year of</b>	<b>Second and</b>
	<b>traineeship</b>	<b>subsequent years</b>
	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>
Wage Level A	559.40	581.10
Wage Level B	539.70	560.40
Wage Level C	491.20	509.80

**F.5.2 Minimum wages for part-time traineeships**

**(a) Wage Level A**

Subject to clauses F.5.2(f) and F.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix F1 are:

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	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	8.71	9.60	11.43
Plus 1 year out of school	9.60	11.43	13.30
Plus 2 years out of school	11.43	13.30	15.48
Plus 3 years out of school	13.30	15.48	17.72
Plus 4 years out of school	15.48	17.72	
Plus 5 or more years out of school	17.72		

**(b) Wage Level B**

Subject to clauses F.5.2(f) and F.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix F1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	8.71	9.60	11.13
Plus 1 year out of school	9.60	11.13	12.79
Plus 2 years out of school	11.13	12.79	15.00
Plus 3 years out of school	12.79	15.00	17.11
Plus 4 years out of school	15.00	17.11	
Plus 5 or more years out of school	17.11		

**(c) Wage Level C**

Subject to clauses F.5.2(f) and F.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix F1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	8.71	9.60	11.13
Plus 1 year out of school	9.60	11.13	12.52
Plus 2 years out of school	11.13	12.52	13.98
Plus 3 years out of school	12.52	13.98	15.58

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	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	\$	\$	\$
Plus 4 years out of school	13.98	15.58	
Plus 5 or more years out of school	15.58		

**(d) School-based traineeships**

Subject to clauses F.5.2(f) and F.5.3 of this schedule, the minimum wages for a trainee undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Levels A, B or C by Appendix F1 are as follows when the trainee works ordinary hours:

<b>Year of schooling</b>	
<b>Year 11 or lower</b>	<b>Year 12</b>
<b>per hour</b>	<b>per hour</b>
\$	\$
8.71	9.60

**(e) AQF Certificate Level IV traineeships**

(i) Subject to clauses F.5.2(f) and F.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level IV traineeship are the minimum wages for the relevant part-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.

(ii) Subject to clauses F.5.2(f) and F.5.3 of this schedule, the minimum wages for an adult trainee undertaking a part-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

<b>Wage level</b>	<b>First year of traineeship</b>	<b>Second and subsequent years of traineeship</b>
	<b>per hour</b>	<b>per hour</b>
	\$	\$
Wage Level A	18.41	19.12
Wage Level B	17.75	18.44
Wage Level C	16.16	16.77

**(f) Calculating the actual minimum wage**

(i) Where the full-time ordinary hours of work are not 38 or an average of 38 per week, the appropriate hourly minimum wage is obtained by multiplying the relevant minimum wage in clauses F.5.2(a)–(e) of this schedule by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.

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- (ii) Where the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum wage in clauses F.5.2(a)–(e) of this schedule applies to each ordinary hour worked by the trainee.
- (iii) Where the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum wage in clauses F.5.2(a)–(e) of this schedule minus 20% applies to each ordinary hour worked by the trainee.

### F.5.3 Other minimum wage provisions

- (a) An employee who was employed by an employer immediately prior to becoming a trainee with that employer must not suffer a reduction in their minimum wage per week or per hour by virtue of becoming a trainee. Casual loadings will be disregarded when determining whether the employee has suffered a reduction in their minimum wage.
- (b) If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum wage provided in this schedule, where a higher minimum wage is provided for the new AQF certificate level.

### F.5.4 Default wage rate

The minimum wage for a trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate level are not allocated to a wage level by Appendix F1 is the relevant minimum wage under this schedule for a trainee undertaking an AQF Certificate to Level I–III traineeship whose training package and AQF certificate level are allocated to Wage Level B.

## F.6 Employment conditions

- F.6.1 A trainee undertaking a school-based traineeship may, with the agreement of the trainee, be paid an additional loading of 25% on all ordinary hours worked instead of paid annual leave, paid personal/carer's leave and paid absence on public holidays, provided that where the trainee works on a public holiday then the public holiday provisions of this award apply.
- F.6.2 A trainee is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.
- F.6.3 Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee's wages and determining the trainee's employment conditions.
- F.6.4 Subject to clause F.3.5 of this schedule, all other terms and conditions of this award apply to a trainee unless specifically varied by this schedule.

## Appendix F1: Allocation of Traineeships to Wage Levels

The wage levels applying to training packages and their AQF certificate levels are:

### F1.1 Wage Level A

Training package	AQF certificate level
Aeroskills	II
Aviation	I II III
Beauty	III
Business Services	I II III
Chemical, Hydrocarbons and Refining	I II III
Civil Construction	III
Coal Training Package	II III
Community Services	II III
Construction, Plumbing and Services Integrated Framework	I II III
Correctional Services	II III
Drilling	II III
Electricity Supply Industry—Generation Sector	II III (in Western Australia only)
Electricity Supply Industry—Transmission, Distribution and Rail Sector	II
Electrotechnology	I II III (in Western Australia only)
Financial Services	I II III
Floristry	III
Food Processing Industry	III

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<b>Training package</b>	<b>AQF certificate level</b>
Gas Industry	III
Information and Communications Technology	I II III
Laboratory Operations	II III
Local Government (other than Operational Works Cert I and II)	I II III
Manufactured Mineral Products	III
Manufacturing	I II III
Maritime	I II III
Metal and Engineering (Technical)	II III
Metalliferous Mining	II III
Museum, Library and Library/Information Services	II III
Plastics, Rubber and Cablemaking	III
Public Safety	III
Public Sector	II III
Pulp and Paper Manufacturing Industries	III
Retail Services (including wholesale and Community pharmacy)	III
Telecommunications	II III
Textiles, Clothing and Footwear	III
Tourism, Hospitality and Events	I II III
Training and Assessment	III
Transport and Distribution	III
Water Industry (Utilities)	III

**F1.2 Wage Level B**

<b>Training package</b>	<b>AQF certificate level</b>
Animal Care and Management	I
	II
	III
Asset Maintenance	I
	II
	III
Australian Meat Industry	I
	II
	III
Automotive Industry Manufacturing	II
	III
Automotive Industry Retail, Service and Repair	I
	II
	III
Beauty	II
Caravan Industry	II
	III
Civil Construction	I
Community Recreation Industry	III
Entertainment	I
	II
	III
Extractive Industries	II
	III
Fitness Industry	III
Floristry	II
Food Processing Industry	I
	II
Forest and Forest Products Industry	I
	II
	III
Furnishing	I
	II
	III
Gas Industry	I
	II
Health	II
	III
Local Government (Operational Works)	I
	II

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<b>Training package</b>	<b>AQF certificate level</b>
Manufactured Mineral Products	I II
Metal and Engineering (Production)	II III
Outdoor Recreation Industry	I II III
Plastics, Rubber and Cablemaking	II
Printing and Graphic Arts	II III
Property Services	I II III
Public Safety	I II
Pulp and Paper Manufacturing Industries	I II
Retail Services	I II
Screen and Media	I II III
Sport Industry	II III
Sugar Milling	I II III
Textiles, Clothing and Footwear	I II
Transport and Logistics	I II
Visual Arts, Craft and Design	I II III
Water Industry	I II

**F1.3 Wage Level C**

<b>Training package</b>	<b>AQF certificate level</b>
Agri-Food	I
Amenity Horticulture	I II III
Conservation and Land Management	I II III
Funeral Services	I II III
Music	I II III
Racing Industry	I II III
Rural Production	I II III
Seafood Industry	I II III

## Schedule G—School-based Apprenticeship

[Sched G varied by [PR992056](#) [PR994455](#)]

- G.1** This clause will apply to school-based apprentices. A school-based apprentice is a person who is undertaking an apprenticeship in accordance with this clause while also undertaking a course of secondary education.
- G.2** The hourly rates for full-time junior and adult apprentices as set out in this award will apply to school-based apprentices for total hours worked including time deemed to be spent in off the job training.
- G.3** For the purposes of clause G.2 above, where an apprentice is a full-time school student, the time spent in off-the-job training for which the apprentice is paid is deemed to be 25% of the actual hours each week worked on-the-job. The wages paid for training time may be averaged over a semester or year.
- G.4** The school-based apprentice will be allowed, over the duration of the apprenticeship, the same amount of time to attend off-the-job training as an equivalent full-time apprentice.
- G.5** For the purposes of this subclause, off-the-job training is structured training delivered by a Registered Training Organisation separate from normal work duties or general supervised practice undertaken on the job.
- G.6** The duration of the apprenticeship will be as specified in the training agreement or contract for each apprentice. The period so specified to which the apprentice wage rates apply will not exceed six years.
- G.7** School-based apprentices will progress through the wage scale at the rate of 12 months progression for each two years of employment as an apprentice.
- G.8** These rates are based on a standard full-time apprenticeship of four years. The rate of progression reflect the average rate of skill acquisition expected from the typical combination of work and training for a school-based apprentice undertaking the applicable apprenticeship.
- G.9** Where an apprentice converts from school-based to full-time, all time spent as a full-time apprentice will count for the purposes of progression through the wage scale. This progression will apply in addition to the progression achieved as a school-based apprentice.
- G.10** School-based apprentices will be entitled pro rata to all of the conditions of employees under this award.

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[G.11 varied by [PR994455](#) from 01Jan10]

**G.11** Subject to further orders of Fair Work Australia, school-based apprentices will be able to undertake a relevant training qualification which includes any of the following training packages:

<b>National Code</b>	<b>Qualification Name</b>
THH51297	Diploma of Hospitality (Management)
<b>Hospitality Operations</b>	
THH32797	Certificate III in Hospitality (Food and Beverage)
THH32897	Certificate III in Hospitality (Accommodation Services)
<b>Kitchen/Cookery/Catering</b>	
THH31597	Certificate III in Hospitality (Commercial Cookery)
THH31697	Certificate III in Hospitality (Patisserie)
THH32097	Certificate III in Hospitality (Asian Cookery - Chinese)
THH32197	Certificate III in Hospitality (Asian Cookery - Thai)
THH32297	Certificate III in Hospitality (Asian Cookery - Indian)
THH32397	Certificate III in Hospitality (Asian Cookery - Indonesian)
THH32497	Certificate III in Hospitality (Asian Cookery - Malay and Nonya)
THH32597	Certificate III in Hospitality (Asian Cookery - Japanese)
THH32697	Certificate III in Hospitality (Asian Cookery - Vietnamese)
THH32997	Certificate III in Hospitality (Catering Operations)

**G.12** For the purpose of this clause, a relevant training qualification is:

**G.12.1** a qualification from a National Training Package that covers occupations or work which are covered by this award, or is a qualification from an enterprise Training Package listed above; and

**G.12.2** an AQF Certificate Level III. A school-based apprenticeship does not include a qualification which can normally be completed through a Training Agreement of a duration of three years or less (such qualifications would generally be covered by traineeship provisions).