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TASMANIAN INDUSTRIAL COMMISSION

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

Tasmanian Trades and Labor Council
(T6941 of 1997)
All public and private sector awards

**Automotive, Food, Metals, Engineering,
Printing & Kindred Industries Union**
(T6928 of 1997)
Automotive Industries Award

(T6929 of 1997)
Draughting & Technical Officers (Private Industry) Award

(T6930 of 1997)
Fish, Aquaculture and Marine Products Award

(T6931 of 1997)
Metal & Engineering Industry Award

(T6932 of 1997)
Optical Industries Award

(T6933 of 1997)
Shipbuilders Award

(T6934 of 1997)
Surveyors (Private Industry) Award

The Australian Workers' Union, Tasmania Branch
(T6947 of 1997)

Automotive Industries Award
Bootmakers Award
Building Trades Award
Building and Construction Industry Award
Butter and Cheesemakers Award
Carriers Award
Clay and Mud Products Award
Concrete Products Award
Dairy Processing Award
Farming and Fruitgrowing Award
Fish, Aquaculture and Marine Products Award
Horticulturists Award
Marine Boards Award

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Meat Processing Industry Award
Metal and Engineering Industry Award
Monumental Masons Award
Optical Industries Award
Pasminco Rosebery (Mining) Award
Plant Nurseries Award
Produce Award
Public Vehicles Award
Quarrymens Award
Roadmakers Award
Rubber Trades Award
Shearing Industry Award
Shellfish Industry Award
Timber Merchants Award
Wireworking Award
National Training Wage (Tasmanian Private Sector) Award

Transport Workers' Union of Australia, Tasmanian Branch
(T6956 of 1997)
Transport Workers General Award

National Union of Workers, Tasmanian Branch
(T6971 of 1997)
Automotive Industries Award
Fuel Merchants Award
Produce Award
Retail Trades Award
Rubber Trades Award
Softgoods Award
Wholesale Trades Award
Fibreglass and Plastics Award
Timber Merchants Award
Wholesale Pharmaceutical Award

**Australasian Meat Industry Employees Union,
Tasmanian Branch**
(T6979 of 1997)
Meat Processing Industry Award
Meat Retailing Award

**Textile, Clothing and Footwear Union of Australia,
Tasmanian Branch**
(T6987 of 1997)
Bootmakers Award
Clothing Industry Award
Textile Award

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Australian Municipal, Administrative, Clerical and Services Union

(T6991 of 1997)

Aerated Waters Award
Barristers and Solicitors Award
Broadcasting and Television Award
Clerical and Administrative Employees (Private Sector) Award
Community Services Award
Entertainment Award
Estate Agents Award
Furnishing Trades Award
Independent Schools (Non-Teaching Staff) Award
Insurance Award
Photographic Industry Award
Printers Award
Public Accountants Award
Restaurant Keepers Award
Shipping Award
Totalizator Agency Award

Health Services Union of Australia, Tasmania No. 1 Branch

(T6993 of 1997)

Dentists Award
Disability Service Providers Award
Medical Practitioners (Private Sector) Award
Medical Diagnostic Services Award
Nursing Homes Award
Hospitals Award

RESTAURANT KEEPERS AWARD

FULL BENCH:

PRESIDENT F D WESTWOOD

DEPUTY PRESIDENT B R JOHNSON

COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1997 - application to flow on Australian Industrial Relations Commission Safety Net Review decision April 1997 (Print P1997) agreed tripartite position - Wa ec~Fixing Principles varied - \$10.00 per week arbitrated safety net adjustment approved- all private sector awards to be varied on application no earlier than ffpp on or after 14 July 1997 - State Minimum Wage to be subject to separate application

ORDER -

No. 2 of 1997

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AMEND THE **RESTAURANT KEEPERS AWARD** IN THE FOLLOWING MANNER:
By deleting Clause 8 - Wage Rates, and inserting in lieu thereof the following:

"8. WAGE RATES

1. CAREER STRUCTURE/ GRADES

An adult employee of a grade specified in the table hereunder shall be paid the weekly wage rate assigned opposite the grade wage / salary.
 Base Rate Safety Net Weekly

	Base Rate \$	Base Rate Relativity \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(a) Introductory/Entry Level (as defined)	325.40	78	34.00	359.40
(b) Food & Beverage Service				
Food and Beverage Service Grade 1 (as defined)	342.10	82	34.00	376.10
Food and Beverage Service Grade 2 (as defined)	367.20	88	34.00	401.20
Food and Beverage Service Grade 3 (as defined)	385.50	92.4	34.00	419.50
Food and Beverage Service Grade 4 (as defined)	417.20	100	34.00	451.20
Food and Beverage Service Grade 5 (as defined)	458.90	110	34.00	492.90
Food and Beverage Service Grade 6 (as defined)	479.80	115	34.00	513.80
(c) Guest Service				
Guest Service Grade 1 (as defined)	342.10	82	34.00	376.10
Guest Service Grade 2 (as defined)	367.20	88	34.00	401.20
Guest Service Grade 3 (as defined)	385.50	92.4	34.00	419.50

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Greenkeeper Grade 1 (as defined)	367.20	88	34.00	401.20
Greenkeeper Grade 2 (as defined)	385.50	92.4	34.00	419.50
Greenkeeper Grade 3 (as defined)	417.20	100	34.00	451.20
Head Greenkeeper (as defined)	458.90	110	34.00	492.90
(d) Administrative				
Clerical Grade 1(as defined)	375.50	90	34.00	409.50
Clerical Grade 2 (as defined)	396.30	95	34.00	430.30
Clerical Grade 3 (as defined)	417.20	100	34.00	451.20
Clerical Supervisor (as defined)	500.60	120	34.00	534.60

(e) General Provisions

- (i) Notwithstanding the recognition of these career path streams, such streaming does not prevent employees undertaking duties across different streams.

PROVIDED that where work is undertaken at a higher grade and/or at a higher rate than Clause 23 - Mixed Functions - Higher and Lower Grade Work applies.

- (ii) Any employee who is at the date of this award in receipt of a wage rate in excess of that herein prescribed shall not have his/her weekly wage rate reduced as a result of this award.

2. MINIMUM WAGE

- (a) Notwithstanding the provisions of subclause 1 of this clause, no adult employee shall be paid less than the rate of \$257.10 per week.
- (b) **PROVIDED** that payments for overtime, holiday and weekend penalties, special rates, and shift allowances prescribed in this award shall not be taken into account in the calculation of such minimum weekly wage rate.

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

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3. JUNIORS

The minimum weekly wage rate to be paid to junior employees shall be the undermentioned percentages of the weekly wage rate prescribed for the appropriate adult weekly wage rate calculated to the nearest 10 cents:

Age	Administrative (based on Clerical Grade 2)		All Others (based on appropriate grade)
	%	\$	%
Under 16 years of age	40	172.10	54
16 to 17 years of age	45	193.60	54
17 to 18 years of age	55	236.70	60
18 to 19 years of age	70	301.20	75
19 to 20 years of age	80	344.20	90
20 to 21 years of age	90	387.30	100

(a) Administrative

When determining the weekly wage rate payable to an employee attaining the age of 21 years, who has been employed as a junior Administrative employee in the occupations or groups of occupations in respect of which awards of the Tasmanian Industrial Commission are established, applicable to private industry employees experience obtained after reaching the age of 18 years shall be counted as adult experience.

(b) Licensed Establishments

The minimum percentage payable to all employees, except Administrative, shall be 60 percent of the appropriate adult weekly wage rate.

(c) No employee under the age of 18 years shall be required to work more than 10 hours in a shift.

4. APPRENTICES

Food and Beverage Trade

	Percentage of Food & Beverage Grade 4 (\$451.20) %	Weekly Wage Rate \$
First 6 months	62	279.70
Second 6 months	76	342.90
Third 6 months	76	342.90
Fourth 6 months	90	406.10
Fifth 6 months	90	406.10

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Greenkeeping

Percentage of
Greenkeeper Grade 3
(\$451.20) Weekly Wage Rate
\$

Greenkeeping

	Percentage of Greenkeeper Grade 3 (\$451.20) %	Weekly Wage Rate \$
First year	45	203.00
Second year	55	248.20
Third year	75	338.40
Fourth year	90	406.10

Kitchen Trades

	Percentage of Food & Beverage Grade 4 (\$451.20) %	Weekly Wage Rate \$
First year	50	225.60
Second year	65	293.30
Third year	80	361.00
Fourth year	90	406.10

5. TRAINEES

The minimum weekly wage rate payable to trainees (ATS) (as defined) shall be determined by the following methods of calculation:

- (a) Trainee Clerk - by taking the appropriate weekly wage rate for a junior clerk as prescribed in subclause 3 of this clause and multiplying it by 39 and then dividing it by 52.
- (b) Hospitality Trainee and Food Preparation and Service Trainee - by taking the appropriate junior percentage as prescribed in subclause 3 of this clause, applying it to the weekly wage rate prescribed for Food and Beverage Service Grade 2 in subclause 1 of this clause and multiplying the result by 39 and then dividing it by 52.

PROVIDED that the wage determined by these calculations shall in no case be less than the minimum rate (as varied from time to time) prescribed by the Australian Traineeship Guidelines.

In the above formulae, 39 represents the actual number of weeks out of the total 52 weeks of the traineeship that is spent on the job.

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(i)	Hospitality Trainee and Food Preparation and Service Trainee	Weekly Wage Rate \$
	Under 16 years of age	162.50
	16 years of age	162.50
	17 years of age	180.50
	18 years of age	225.70
	19 years of age	270.80
	20 years of age	300.90
(ii)	Trainee Clerk	Weekly Wage Rate \$
	Under 16 years of age	129.10
	16 years of age	145.20
	17 years of age	177.50
	18 years of age	225.90
	19 years of age	258.20
	20 years of age	290.50
	21 years of age	322.70

6. CAREER START TRAINEES (CST)

- (a) The minimum weekly wage rate payable to career start trainees (as defined) shall be calculated:
 - (i) by determining the hourly rate applicable to the relevant age as prescribed in subclause 3 of this clause (or for an employee over 21 years of age the relevant grade as prescribed in subclause 1 of this clause) that would otherwise be applicable to the Career Start Trainee; and
 - (ii) by multiplying that hourly rate by the number of weekly ordinary hours, less the average weekly time specified in the registered Training Agreement to be spent in off-the-job training (as defined).

Such average weekly time to be calculated as the number of days to be spent in off-the-job training (as defined) multiplied by 7.6 and divided by the relevant number of weeks of the traineeship.
- (b) (i) Career Start Trainees may make application to the registered training provider (as defined), at the commencement of a Career Start Traineeship, for an initial assessment of the trainees' competency and prior learning. Where an assessment conducted in accordance with the terms of paragraph (b)(ii) below leads to recognition of prior learning, trainees shall be entitled to spend a lesser amount of time participating in off-the-job training (as defined). The reduction in the amount of time spent in off-the-job training shall be based solely on the assessment made by the registered and authorised assessor.

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PROVIDED that assessments conducted under the terms of this subclause shall be completed before the probationary period specified in Clause 39 Traineeships (CST) (as defined), paragraph (c)(i) of this award has expired.

In such circumstances the Tasmanian Chamber of Commerce and Industry Limited and the Union (as defined) shall subsequently recalculate the weekly wage rate to be paid to a Career Start Trainee by reducing the average weekly time spent in off-the-job training as specified in paragraph (a)(ii) hereof. Any such recalculation shall establish a new weekly rate of pay for the purposes of paragraph (d) of this subclause. This new rate shall be paid from the first full pay period on or after the abovementioned assessment has been completed.

- (ii) The initial competency and learning of a Career Start Trainee shall be assessed by an assessor who has been registered and authorised to conduct assessments by the State Training Authority.
 - (iii) A letter of appointment including the rate of pay determined by paragraphs (a) and (b) of this subclause shall be provided by the employer to the Career Start Trainee as soon as practicable after such rate of pay has been determined.
 - (iv) Except as provided in paragraph (c) below, the weekly wage rate to be paid to a Career Start Trainee shall not be varied by any subsequent assessment of the trainee's prior learning.
- (c) The formula prescribed in paragraphs (a) and (b) above may be departed from in the following circumstances:
- (i) in the event that a Career Start Trainee is assessed by the Registered Training Provider (or by a competent assessor approved and authorised by the State Training Authority) as being able to demonstrate all of the on and off-the-job competencies required to completed the accredited course (as defined); and
 - (ii) in the event that such assessment occurs prior to the expiration of the term of engagement specified in the training agreement (as defined).

In such circumstances, Career Start Trainees shall not undertake further off-the-job training during the life of the training agreement, and the normal full time weekly wage as specified in either subclause (1) or subclause (3) of this clause (whichever is appropriate to the Career Start Trainees' age or experience) shall apply in lieu of the provisions of paragraphs (a) and (c) above until such time as the training agreement expires.

PROVIDED that a trainee's weekly wage shall not be adjusted until the conditions stipulated in (i) and (ii) above have been met.

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PROVIDED ALWAYS that where a trainees' wages are adjusted in accordance with this paragraph, the terms of Clause 39 - Traineeships (CST) (as defined) - paragraphs (b)(iii) and (c)(viii) of this award shall not apply, and the trainee shall be entitled to work shiftwork and overtime without limitation.

- (d) A trainee or employer aggrieved by a decision made in accordance with the terms of paragraphs (b) or (c) above may appeal to the relevant State Training Authority regarding the terms of that decision.
- (e) In order to achieve stability of income, the rates arrived at through paragraphs (a) and (b) above will be paid as a weekly wage rate and will be unaffected by the trainee's attendance at the off-the-job training (as defined) which is to be carried out as part of the accredited course (as defined).
- (f) (i) The terms of this award operate in conjunction with a Commonwealth Government Scheme under which, if weekly wages calculated using the methods outlined above fall below \$125 for those under 18 years and \$150 for those 18 years and over, the Commonwealth will provide a supplementary allowance to bring the total income of Career Start Trainees up to those levels.

(ii) In the event that the Commonwealth Government alters these minimum income maintenance levels, the terms of this subclause will be reviewed."

OPERATIVE DATE

This variation shall come into operation from the first full pay period to commence on or after 14 July 1997.

P A Imlach
COMMISSIONER

18 July 1997