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**TASMANIAN INDUSTRIAL COMMISSION**

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

**Australian Liquor, Hospitality and  
Miscellaneous Workers Union (Tasmanian Branch)**  
(T6523 of 1996)

**HOTELS, RESORTS, HOSPITALITY AND MOTELS AWARD**

Award variation - third SNA - Division A & B - consent matter - application granted  
operative ffpp 1 Nov 96

**ORDER BY CONSENT –**

**No. 3 of 1996**

THE **HOTELS, RESORTS, HOSPITALITY AND MOTELS AWARD** IS VARIED IN THE  
FOLLOWING MANNER:

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**By deleting Clause 8 – Wage Rates, and inserting in lieu thereof the following:**

**"8. WAGE RATES**

**DIVISION A - HOTELS, TAVERNS OR WINE SALOONS**

**1. MINIMUM WAGE**

- (a) Notwithstanding the provisions of subclause 2 - Wage Rates - Adults, of this clause an adult employee, whose weekly wage rate payable pursuant to the said subclause 2 of work is less than the undermentioned amount shall be paid in addition an allowance of such amount as will bring his or her rate of pay for such hours to the amount of \$237.80 for that week.
- (b) Where such an employee has been absent from duty in a week in circumstances entitling the employer to deduct payment for the time of non-attendance he or she shall be paid for the ordinary hours worked during such week at the rate of the said appropriate amount per week.
- (c) Where an allowance as prescribed by paragraph (a) of this subclause is payable to an employee, payments during paid leave and for holidays prescribed by Clause 21 - Holidays of this award shall be calculated at the rate of the said appropriate amount per week.
- (d) Calculations for overtime, penalty rates, shift work and other payments under the award shall be made at the rate prescribed by subclause 2 - Wage Rates - Adults of this clause for the classification in which the employee is employed.

**NOTE:** The purpose of fixing the minimum weekly wage at the amount set out above is to ensure to each adult worker a minimum wage for a week's work performed in ordinary hours. The fixation of the minimum weekly wage at the amount mentioned does not give any reason for any change in award rates of pay which are below or above the appropriate minimum weekly wage.

**2. WAGE RATES - ADULTS**

- (a) An adult employee of a classification specified in the table hereunder (other than an apprentice or an employee in respect of whom a certificate under Section 79 of the *Industrial Relations Act 1984* is in force) shall be paid not less than the weekly wage rate assigned to that classification for the area in which such employee is working.
- (b) Any employee who is at the date of this award in receipt of a weekly wage rate in excess of that herein prescribed shall not have his or her weekly wage rate reduced as a result of this award.

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	Base Rate \$	Base Rate Relativity	Safety Net Adjustment \$	
<b>SECTION I - FOOD AND BEVERAGE</b>				
Grade 1 (as defined)	342.10	82	24.00	366.10
Grade 2 (as defined)	367.20	88	24.00	391.20
Grade 3 (as defined)	385.50	92.4	24.00	409.50
Grade 4 (as defined)	417.20	100	24.00	441.20
Grade 5 Food and Beverage Supervisor (as defined)	458.90	110	24.00	482.90
<b>SECTION II - KITCHEN</b>				
Kitchen Attendant Grade 1 (as defined)	342.10	82	24.00	366.10
Kitchen Attendant Grade 2 (as defined)	367.20	88	24.00	391.20
Cook Grade 1 (as defined)	367.20	88	24.00	391.20
Kitchen Attendant Grade 3 (as defined)	385.50	92.4	24.00	409.50
Cook Grade 2 (as defined)	385.50	92.4	24.00	409.50
Cook Grade 3 (as defined)	417.20	100	24.00	441.20
Cook Grade 4 (as defined)	458.90	110	24.00	482.90
Cook Grade 5 (as defined)	479.80	115	24.00	503.80
<b>SECTION III - GUEST SERVICE</b>				
Grade 1 (as defined)	342.10	82	24.00	366.10
Grade 2 (as defined)	367.20	88	24.00	391.20
Grade 3 (as defined)	385.50	92.4	24.00	409.50
Grade 4 (as defined)	417.20	100	24.00	441.20
Supervisor (as defined)	458.90	110	24.00	482.90

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#### **SECTION IV - ADMINISTRATION GENERAL**

Storeperson Grade 1 (as defined)	367.20	88	24.00	391.20
Storeperson Grade 2 (as defined)	385.50	92.4	24.00	409.50
Storeperson Grade 3 (as defined)	417.20	100	24.00	441.20
Handyperson (as defined)	385.50	92.4	24.00	409.50
Doorperson/Security Officer Grade 1(as defined)	367.20	88	24.00	391.20
Timekeeper/Security Officer Grade 2 (as defined)	385.50	92.4	24.00	409.50

#### **SECTION V - LEISURE**

Greenkeeper Grade 1 (as defined)	367.20	88	24.00	391.20
Greenkeeper Grade 2 (as defined)	385.50	92.4	24.00	409.50
Greenkeeper (Tradesperson) Grade 3 (as defined)	417.20	100	24.00	441.20
Head Greenkeeper (Tradesperson) (as defined)	458.90	110	24.00	482.90
Leisure Attendant Grade 1 (as defined)	367.20	88	24.00	391.20
Leisure Attendant Grade 2 (as defined)	385.50	92.4	34.00	409.50
Leisure Attendant Grade 3 (as defined)	417.20	100	24.00	441.20

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## **SECTION VI - MISCELLANEOUS**

Persons not otherwise provided for (as defined)	342.10	82	24.00	366.10
Introductory Level (as defined)	325.40	78	24.00	349.40
Forklift Driver (as defined)	385.50	92.4	24.00	409.50

(a) Notwithstanding the recognition of five 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 20 - Higher and Lower Grade Work, applies.

## **SECTION VII - FRONT OFFICE AND CLERICAL**

An adult employee of a front office or clerical classification specified in the table hereunder shall be paid not less than the weekly wage rate assigned to that classification for the area in which such employee is working.

Front Office Grade 1 (as defined)	367.20	88	24.00	391.20
Front Office Grade 2 (as defined)	385.50	92.4	24.00	409.50
Front Office Grade 3 (as defined)	417.20	100	24.00	441.20
Front Office Supervisor (as defined)	458.90	110	24.00	482.90
Clerical Grade 1 (as defined)	367.20	88	24.00	391.20
Clerical Grade 2 (as defined)	385.50	92.4	24.00	409.50
Clerical Grade 3 (as defined)	417.20	100	24.00	441.20
Clerical Supervisor (as defined)	458.90	110	24.00	482.90

### 3. JUNIORS

(a) Junior Employees (other than Junior Office Employee)

The minimum weekly wage rate for junior employees shall be the undermentioned percentages of the weekly wage rate prescribed for the appropriate adult classification for the work performed for the area in which such junior is working.

Age	%
17 years of age and under	70
18 years of age	80
19 years of age	90
20 years of age	100

(b) Junior Office Employee

The minimum weekly wage rate for junior office employees shall be the undermentioned percentages of rates prescribed for the Front Office Employee Grade 1.

Age	%
At 15 years of age and under	50
At 16 years of age	60
At 17 years of age	70
At 18 years of age	80
At 19 years of age	90
At 20 years of age	100

(c) The weekly wage rate prescribed in paragraphs (a) and (b) of this subclause shall be calculated as follows:

The weekly wage rate shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than 5 cents shall be disregarded - 5 cents and over shall go to the next 10 cents.

(d) Junior male or female employees, on reaching the age of 18 years, may be employed in the bar or other places where liquor is sold.

**PROVIDED** that where such junior is employed in the front of the house, the appropriate adult weekly wage rate for work being performed shall be paid.

(e) Junior employees being paid junior rates may be employed in the proportion not exceeding one junior to every three or fraction of three adults employed.

Notwithstanding anything elsewhere contained in this award where such junior employees are employed in excess of one to every three or fraction of three adults each such additional junior shall be paid the adult award rate for the work being performed. In deciding which junior or juniors shall be paid the adult rate, the length of service in the establishment shall apply.

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- (f) 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 shall be borne by the employer.
- (g) No employee under the age of 18 years shall be required to work more than 10 hours in a shift.

#### 4. APPRENTICES

- (a) Where an employee is apprenticed in the cooking trade in accordance with the provision of any State law and/or regulation made by the Tasmanian State Training Authority such employee shall be paid the percentage of the weekly wage rate prescribed for a Cook (Tradesperson) Grade 3 in subclause 2 - Wage Rates - Adults, hereof as follows:

	Percentage of Cook Grade 3 (\$441.20)	Weekly Wage Rate
	%	\$
First year	50	220.60
Second year	65	286.80
Third year	80	353.00
Fourth year	90	397.10

- (b) Where an employee is apprenticed in waiting in accordance with the provision of any State law and/or regulation made by the Tasmanian State Training Authority such employee shall be paid the percentage of the weekly wage rate prescribed for a Food and Beverage Attendant Grade 4 in subclause 2 - Wage Rates - Adults, of this clause as follows:

	Percentage of F&B Grade 4 (\$441.20)	Weekly Rate Wage
	%	\$
First six months	62	273.50
Second six months	76	335.30
Third six months	76	335.30
Fourth six months	90	397.10
Fifth six months	90	397.10

- (c) Any person completing a full apprenticeship as a qualified tradesperson or as defined in Clause 7 - Definitions, shall be paid not less than the weekly wage rate prescribed for a Cook (Tradesperson) Grade 3 of subclause 2 - Wage Rates - Adults, of this clause. The provisions of subclause 3 - Juniors, of this clause shall not apply to an employee provided for in this subclause.

The weekly wage rates in (b) hereof shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than 5 cents shall be disregarded - 5 cents and over shall go to the next 10 cents.

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#### 5. TRAINEES (ATS) (AS DEFINED)

The weekly wage rate payable to Trainees (ATS) shall be calculated by taking the appropriate junior percentages in subclause 3 - Juniors, hereof, applying it to the weekly wage rate prescribed for the classification Food and Beverage Attendant Grade 2 in subclause 2 - Wage Rates - Adults, hereof and multiplying the result by 39 and then dividing by 52.

##### Weekly Wage Rate

17 years of age	205.40
18 years of age	234.70
19 years of age	264.10
20 years of age	293.40

**PROVIDED** that the weekly wage rate shall in no case be less than the weekly wage rate prescribed by the ATS guidelines, and the rate calculated shall be subject to any relevant adjustment as may be prescribed by the Tasmanian Industrial Commission.

#### 6. SUPPORTED WAGE SYSTEM

##### (a) Eligibility Criteria

Subject to this sub-division an employer may engage employees at a supported wage rate (as set out in subclause (c) of this sub-division) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

**PROVIDED** that this sub-division 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 current employment.

**PROVIDED ALWAYS** that this sub-division does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the *Disability Services Act 1986* and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under Section 10 or under Section 12A of the above Act, or if a part only has received recognition, that part.

##### (b) For the purposes of this subclause:

- (i) **'Accredited 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.

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- (ii) **'Assessment instrument'** means the form 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.
- (iii) **'Disability Support Pension'** means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the Social Security Act 1991, as amended from time to time, or any successor to that scheme.
- (iv) **'Supported Wage System'** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

(c) Supported Wage Rates

Employees to whom this sub-division applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

Assessed capacity (subclause (d))	Percentage of prescribed award rate
10%	10
20%	20
30%	30
40%	40
50%	50
60%	60
70%	70
80%	80
90%	90

(Provided that the minimum amount payable shall be not less than \$45 per week.)

(d) Assessment of Capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (i) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
- (ii) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

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(e) Lodgment of Assessment Instrument

- (i) All assessment instruments under the conditions of this sub-division, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Tasmanian Industrial Commission.
- (ii) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the award, is not a party to the assessment, it shall be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and shall take effect unless an objection is notified to the Registrar of the Tasmanian Industrial Commission within 10 working days.

(f) Review of Assessment

The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(g) Other Terms and Conditions of Employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this sub-division shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(h) Workplace Adjustment

An employer wishing to employ a person under the provisions of this sub-division shall 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.

(i) Trial Period

- (i) 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 sub-division for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (ii) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with subclauses (d) and (e).

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- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$45 per week or such greater amount as is agreed from time to time between the parties.
- (iv) Work trials should include induction or training as appropriate to the job being trialed.
- (v) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under subclause (c) hereof.

## **DIVISION B - MOTELS**

### **1. MINIMUM WAGE**

- (a) Notwithstanding the provisions of subclause 2 - Wage Rates - Adults, hereof, an adult employee, whose weekly wage rate payable pursuant to subclause 2 - Wage Rates - Adults, for ordinary hours of work together with overaward payments is less than \$231.80 appropriate to his or her location, shall be paid in addition an allowance of such amount as will bring his or her rate of pay for such to the said appropriate amount for that week.
- (b) Where such an employee has been absent from duty in a week in circumstances entitling the employer to deduct payment for the time of non-attendance he or she shall be paid for the ordinary hours worked during such week at the rate of the said appropriate amount per week.
- (c) Where an allowance as prescribed by subclause 1(a) hereof is payable to an employee, payments during paid leave and for holidays prescribed by this award shall be calculated at the rate of the said appropriate amount per week.
- (d) Calculations for overtime, penalty rates, shift work and other payment under the award shall be made at the rate prescribed by subclause 2 - Wage Rates - Adults, hereof for the classification in which the employee is employed.

**NOTE:** The purpose of fixing the minimum weekly wage as set out above is to ensure to each adult worker a minimum weekly wage for a week's work performed in ordinary hours. The fixation of the minimum weekly wage at the amount mentioned does not give any reason for any change in award rates of pay which are below or above the appropriate minimum weekly wage.

### **2. WAGE RATES - ADULTS**

- (a) An adult employee of a classification specified in the table hereunder (other than an apprentice or an employee in respect of whom a certificate under Section 79 of the *Industrial Relations Act 1984* is in force) shall be paid not less than the weekly wage rate assigned to that classification for the area in which such employee is working.

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

	Base Rate \$	Supplementary (A) \$	Payment (B) \$	Weekly Wage Rate \$
<b>FOOD-BEVERAGE-HOUSEKEEPING</b>				

Introductory Level (as defined)	270.90	40.60	24.00	335.50
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Hospitality Services Grade 1 (as defined)	288.10	42.60	24.00	354.70
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Hospitality Services Grade 2 (as defined)	301.90	45.80	24.00	371.70
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Hospitality Services Grade 3 (as defined)	322.40	48.10	24.00	394.50
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**NOTE: employees classified** as Hospitality Services Grade 4 on 5 May 1996 shall be paid the weekly wage rate of \$401.50 from 6 May 1996:

Hospitality Services Grade 4 (as defined)	365.20	52.00	24.00	441.20
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Hospitality Services Grade 5 (as defined)	387.80	57.20	24.00	469.00
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Hospitality Services Grade 6 (as defined)	406.10	59.80	24.00	489.90
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**ADMINISTRATION/FRONT OFFICE**

Hospitality Administration and Front Office Grade 1 (as defined)	302.40	45.80	24.00	372.20
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Hospitality Administration and Front Office Grade 2 (as defined)	322.40	48.10	24.00	394.50
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Hospitality Administration and Front Office Grade 3 (as defined)	365.20	52.00	24.00	441.20
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Hospitality Administration  
and Front Office  
Supervisor  
(as defined)

387.80	57.20	24.00	469.00
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### **LEISURE ACTIVITIES**

Leisure Attendant  
Grade 1 (as defined)

301.90	45.80	24.00	371.70
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Leisure Attendant  
Grade 2 (as defined)

322.40	48.10	24.00	394.50
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Leisure Attendant  
Grade 3 (as defined)

350.10	52.00	24.00	426.10
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### **MISCELLANEOUS**

Handyperson (as defined)

322.40	48.10	24.00	394.50
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Persons not otherwise  
provided for (as defined)

288.10	42.60	24.00	354.70
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#### **(c) Additional Allowance**

In addition to the weekly wage rates set out in subclause 2 (b) hereof the following additional allowances shall be paid for the following classifications for all purposes of the award.

Classification	Tasmania		
	6 May 96	6 Nov 96	6 May 97
Hospitality Administration and Front Office Grade 1			
2nd year of adult service in clerical industry	\$8.90	\$4.40	
3rd year of adult service in clerical industry	\$14.50	\$7.30	

### **3. APPRENTICES - COOKING TRADE**

Notwithstanding where an employee is apprenticed in accordance with the provisions of any State law and/or regulations made by the Tasmanian State Training Authority, such employees shall be paid the percentage of the weekly wage rate prescribed for a qualified cook in subclause (b) of this clause as follows:

	Percentage of Hospitality Services Grade 4 (\$441.20)	Weekly Wage Rate
	%	\$
First year	55	242.70
Second year	65	286.80
Third year	80	353.00
Fourth year	95	419.10

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The total weekly wage rate shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than 5 cents shall be disregarded - 5 cents and over shall go to the higher 10 cents.

#### 4. JUNIOR EMPLOYEES

(a) Junior - per week of 40 hours (other than Office Juniors)

The minimum weekly wage rate for junior employees shall be the undermentioned percentages of the weekly wage rate prescribed for the adult classification appropriate to the work performed for the area in which the work is performed.

Age	%
17 years of age and under	60
18 years of age	70
19 years of age	85
20 years of age	100

(b) Junior Office Employees

The minimum weekly wage rate for junior office employees shall be the undermentioned percentages based on the adult weekly wage rate for the Hospitality Administration and Front Office Grade 1 classification:

Age	Percentage (\$372.20)	Weekly Wage Rate
	%	\$
At 15 years of age and under	37	137.70
At 16 years of age	44	163.80
At 17 years of age	58	215.90
At 18 years of age	72	267.00
At 19 years of age	82.5	307.10
At 20 years of age	94	349.90

(c) The percentages prescribed in subclauses (a) and (b) of this clause shall be calculated as follows:

The total weekly wage rate shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than 5 cents shall be disregarded - 5 cents and over shall go to the higher 10 cents.

(d) Junior employees on reaching the age of 18 years, may be employed in the sale of liquor.

**PROVIDED** that the maximum number shall be one to every three adults or fraction of three adults similarly employed receiving a minimum weekly wage rate prescribed in this Division.

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**PROVIDED FURTHER** that where such junior is employed, the adult weekly wage rate for the work being performed shall be paid.

- (e) Junior employees may be employed elsewhere in the proportion not exceeding one junior to every three or fraction of three adults employed therein and paid the junior weekly wage rates prescribed in this Division. Notwithstanding anything elsewhere contained in this award where junior employees are employed in excess of one to every three or fraction of three adults, each such additional junior shall be paid the adult weekly wage rate for the work being performed. In deciding which junior or juniors shall be paid the adult rate, the length of service in the establishment shall apply.
- (f) 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 shall be borne by the employer.

#### 5. TRAINEE (ATS)

The weekly wage rate payable to Trainees (ATS) shall be calculated by taking the appropriate junior percentages in subclause 4(a) - Junior - per week of 40 hours hereof, applying it to the weekly wage rate prescribed for the classification Hospitality Services Grade 2 in subclause 2 - Wage Rates - Adults, hereof and multiplying the result by 39 and then dividing by 52.

	Weekly Wage Rate
	\$
17 years of age	167.30
18 years of age	195.10
19 years of age	236.00
20 years of age	278.80

**PROVIDED** that the wage rate shall in no case be less than the weekly wage rate prescribed by the ATS guidelines, and the rate calculated shall be subject to any relevant adjustment as may be prescribed by the Tasmanian Industrial Commission.

#### 6. SUPPORTED WAGE SYSTEM

As provided for in Division A - Hotels, Taverns or Wine Saloons, Sub-division 6 of this Clause."

P A Imlach  
**COMMISSIONER**

15 November 1996