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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**
(T.4809 of 1994)

HOTELS, RESORTS, HOSPITALITY AND MOTELS AWARD

COMMISSIONER P A IMLACH

HOBART, 16 March 1994

Wage rates - State Wage Case December 1993 - arbitrated safety net adjustment -
application granted - ffpp 31 January 1994

ORDER BY CONSENT -

No. 1 of 1994

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

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1. 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 of this clause an adult employee, whose total 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 22 - 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 of this clause for the classification in which the employee is employed.

NOTE: The purpose of fixing the minimum wage at the amount above set out is to ensure to each adult worker a minimum wage for a week's work performed in ordinary hours. The fixation of the minimum 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 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 rate per week 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 wage rate reduced as a result of this award.

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	Base Rate \$	Supplementary Payment \$ (A)	\$ (B)	Weekly Wage Rate \$
SECTION 1 - FOOD AND BEVERAGE				
Grade 1 (as defined)	284.80	40.60	8.00	333.40
Grade 2 (as defined)	299.50	42.60	8.00	350.10
Grade 3 (as defined)	319.20	45.40	8.00	372.60
Grade 4 (as defined)	337.40	48.10	8.00	393.50
Grade 5 (as defined)	365.20	52.00	8.00	425.20
Supervisor (as defined)	383.50	54.60	8.00	446.10
SECTION II - KITCHEN				
Kitchen Attendant Grade 1 (as defined)	284.80	40.60	8.00	333.40
Kitchen Attendant Grade 2 (as defined)	299.50	42.60	8.00	350.10
Cook Grade 1 (as defined)	299.50	42.60	8.00	350.10
Kitchen Attendant Grade 3 (as defined)	319.20	45.40	8.00	372.60
Cook Grade 2 (as defined)	319.20	45.40	8.00	372.60
Cook Grade 3 (as defined)	365.20	52.00	8.00	425.20
Cook Grade 4 (as defined)	383.50	54.60	8.00	446.10
Cook Grade 5 (as defined)	401.70	57.20	8.00	466.90

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SECTION III - GUEST SERVICE

Grade 1 (as defined)	284.80	40.60	8.00	333.40
Grade 2 (as defined)	299.50	42.60	8.00	350.10
Grade 3 (as defined)	319.20	45.40	8.00	372.60
Grade 4 (as defined)	365.20	52.00	8.00	425.20
Supervisor (as defined)	383.50	54.60	8.00	446.10

SECTION IV - ADMINISTRATION GENERAL

Storeperson Grade 1 (as defined)	284.80	40.60	8.00	333.40
Storeperson Grade 2 (as defined)	299.50	42.60	8.00	350.10
Storeperson Grade 3 (as defined)	337.40	48.10	8.00	393.50
Handyperson (as defined)	350.70	-	8.00	358.70
Doorperson/Security Officer Grade 1 (as defined)	299.50	42.60	8.00	350.10
Timekeeper/Security Officer Grade 2 (as defined)	319.20	45.40	8.00	372.60

SECTION V - LEISURE

Greenkeeper Grade 1 (as defined)	319.20	45.40	8.00	372.60
Greenkeeper Grade 2 (as defined)	337.40	48.10	8.00	393.50
Greenkeeper (Tradesperson) Grade 3 (as defined)	365.20	52.00	8.00	425.20

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Head Greenkeeper (Tradesperson) (as defined)	401.70	57.20	8.00	466.90
Leisure Attendant Grade 1 (as defined)	299.50	42.60	8.00	350.10
Leisure Attendant Grade 2 (as defined)	319.20	45.40	8.00	372.60
Leisure Attendant Grade 3 (as defined)	337.40	48.10	8.00	393.50

SECTION VI - MISCELLANEOUS

Persons not otherwise provided for (as defined)	284.80	40.60	8.00	333.40
Introductory Level (as defined)	266.60	37.90	8.00	312.50
Forklift Driver (as defined)	337.40	48.10	8.00	393.50

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 21 - 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 total wage assigned to that classification for the area in which such employee is working.

	Base Rate \$	Supplementary Payment \$ (A)	Weekly Wage Rate \$ (B)	
Front Office Grade 1 (as defined)	299.50	42.60	8.00	350.10
Front Office Grade 2 (as defined)	319.20	45.40	8.00	372.60
Front Office Grade 3 (as defined)	365.20	52.00	8.00	425.20

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Front Office Supervisor (as defined)	383.50	54.60	8.00	446.10
Clerical Grade 1 (as defined)	284.80	40.60	8.00	333.40
Clerical Grade 2 (as defined)	299.50	42.60	8.00	350.10
Clerical Grade 3 (as defined)	337.40	48.10	8.00	393.50
Clerical Supervisor (as defined)	383.50	54.60	8.00	446.10

(d) Supplementary Payments

The amounts appearing in the column headed Supplementary (A) and (B) contained paragraph (b) of this clause are absorbable against any overaward payment being paid by an employer as from the beginning of the first full pay period commencing on or after 1 January 1993 in respect of Column (A) and in respect of Column (B), which results from the Arbitrated Safety Net Adjustment Principle as determined in the State Wage Case Decision of 24 December 1993, from the beginning of the first full pay period commencing on or after 31 January 1994.

'Overaward Payment' is defined as the amount (whether it be termed "overaward payment", "attendance bonus", "service increment", or any term whatsoever) which an employee would receive in excess of the "award wage" which applied immediately prior to 23 August 1990 for the classification in which such employee is engaged.

PROVIDED that such payment shall exclude overtime, shift allowance, penalty rates, disability allowances, fares and travelling time allowance and any other ancillary payments of a like nature prescribed by this award.

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

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PROVIDED that the relevant percentage of the Arbitrated Safety Net Adjustment as determined in the State Wage Case Decision of 24 December 1993 is absorbable against any overaward payment being paid by the employer as from the beginning of the first full pay period to commence on or after 31 January 1994.

(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

PROVIDED that the relevant percentage of the Arbitrated Safety Net Adjustment as determined in the State Wage Decision of 24 December 1993 is absorbable against any overaward payment being paid by the employer as from the beginning of the first full pay period to commence on or after 31 January 1994.

(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 adult award rate for the 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 Training Authority of Tasmania such employee shall be paid the percentage of the weekly wage rate prescribed for a Cook (Tradesperson) Grade 3 in subclause 2 hereof as follows:

	Percentage of Cook Grade 3 (425.20) %	Weekly Wage Rate \$
First year	50	212.60
Second year	65	276.40
Third year	80	340.20
Fourth year	90	382.70

PROVIDED that the relevant percentage of the Arbitrated Safety Net Adjustment as determined in the State Wage Decision of 24 December 1993 is absorbable against any overaward payment being paid by the employer as from the beginning of the first full pay period to commence on or after 31 January 1994.

- (b) Where an employee is apprenticed in waiting in accordance with the provision of any State law and/or regulation made by the Training Authority of Tasmania such employee shall be paid the percentage of the weekly wage rate prescribed for a Food and Beverage Attendant Grade 5 in subclause 2 of this award as follows:

	Percentage of F&B Grade 5 (425.20) %	Weekly Wage Rate \$
First six months	62	263.60
Second six months	76	323.20
Third six months	76	323.20
Fourth six months	90	382.70
Fifth six months	90	382.70

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PROVIDED that the relevant percentage of the Arbitrated Safety Net Adjustment as determined in the State Wage Case Decision of 24 December 1993 is absorbable against any overaward payment being paid by the employer as from the beginning of the first full pay period to commence on or after 31 January 1994.

- (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 of this clause. The provisions of subclause 3 of this clause shall not apply to an employee provided for in this subclause.

The above percentages 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.

5. TRAINEES (ATS) (AS DEFINED)

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

Weekly Wage Rate \$

17 years of age	183.80
18 years of age	210.10
19 years of age	236.30
20 years of age	262.60

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.

DIVISION B - MOTELS

1. MINIMUM WAGE

- (a) Notwithstanding the provisions of subclause 2 hereof, an adult employee, whose weekly wage rate payable pursuant to subclause 2 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.

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- (c) Where an allowance as prescribed by subclause (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 hereof for the classification in which the employee is employed.

NOTE: The purpose of fixing the minimum wage as above set out is to ensure to each adult worker a minimum wage for a week's work performed in ordinary hours. The fixation of the minimum 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 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 per week 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.

Base Rate	Supplementary Payment		Weekly Wage Rate
\$	\$	\$	\$
	(A)	(B)	

FOOD-BEVERAGE-HOUSEKEEPING

Introductory Level (as defined)	266.60	37.90	8.00	312.50
Hospitality Services Grade 1 (as defined)	284.50	40.50	8.00	333.00
Hospitality Services Grade 2 (as defined)	295.80	42.10	8.00	345.90
Hospitality Services Grade 3 (as defined)	317.70	45.30	8.00	371.00
Hospitality Services Grade 4 (as defined)	337.40	48.10	8.00	393.50

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Hospitality Services Grade 5 (as defined)	365.20	52.00	8.00	425.20
Hospitality Services Grade 6 (as defined)	383.50	54.60	8.00	446.10
Hospitality Services Grade 7 (as defined)	401.70	57.20	8.00	466.90

ADMINISTRATION/FRONT OFFICE

Hospitality Administration and Front Office Grade 1 (as defined)	298.00	40.60	8.00	346.60
Hospitality Administration and Front Office Grade 2 (as defined)	317.70	45.30	8.00	371.00
Hospitality Administration and Front Office Grade 3 (as defined)	365.20	52.00	8.00	425.20
Hospitality Administration and Front Office Supervisor (as defined)	383.50	54.60	8.00	446.10

LEISURE ACTIVITIES

Leisure Attendant Grade 1 (as defined)	295.80	42.10	8.00	345.90
Leisure Attendant Grade 2 (as defined)	317.70	45.30	8.00	371.00
Leisure Attendant Grade 3 (as defined)	345.00	49.60	8.00	402.60

(c) Additional Allowance

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

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Classification	Tasmania
	\$
Hospitality Administration and Front Office Grade 1	
2nd year of adult service in clerical industry	13.30
3rd year of adult service in clerical industry	21.80

(d) Supplementary Payments

Supplementary payments prescribed in this clause are in substitution for an overaward payment as defined hereunder which would otherwise have been paid.

The amounts appearing in the column headed Supplementary (A) and (B) contained in paragraph (b) of this subclause are absorbable against any overaward payment being paid by an employer as from the beginning of the first full pay period commencing on or after 1 August 1993 in respect of Column (A) and in respect of Column (B), which results from the Arbitrated Safety Net Adjustment Principle as determined in the State Wage Case Decision of 24 December 1993, from the beginning of the first full pay period commencing on or after 31 January 1994.

'Overaward Payment' is defined as the amount (whether it be termed "overaward payment", "attendance bonus", "service increment", or any term whatsoever) which an employee would received in excess of the "award wage" which applied immediately prior to 1 July 1991, for the classification in which such employee is engaged.

PROVIDED that such payment shall exclude overtime, shift allowances, penalty rates, disability allowances, fares and travelling time allowance and any other ancillary payments of a like nature prescribed by this award.

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 Training Authority of Tasmania, such employees shall be paid the percentage of the weekly wage rate prescribed for a qualified cook in subclause (a) of this clause as follows:

	Percentage of Hospitality Services Grade 5 (\$425.20)	Weekly Wage Rate
	%	\$
First year	55	233.90
Second year	65	276.40
Third year	80	340.20
Fourth year	95	403.90

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The above percentages 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.

PROVIDED that the relevant percentage of the Arbitrated Safety Net Adjustment as determined in the State Wage Case Decision of 24 December 1993 is absorbable against any overaward payment being paid by the employer from the beginning of the first full pay period to commence on or after 31 January 1994.

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 rate prescribed for the adult weekly wage rate 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

PROVIDED that the relevant percentage of the \$8.00 Arbitrated Safety Net Adjustment as determined in the State Wage Case Decision of 24 December 1993 is absorbable against any overaward payment being paid by the employer as from the beginning of the first full pay period to commence on or after 31 January 1994.

(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 (\$346.60) %	Weekly Wage Rate \$
At 15 years of age and under	37	128.20
At 16 years of age	44	152.50
At 17 years of age	58	201.00
At 18 years of age	72	249.60
At 19 years of age	82.5	285.90
At 20 years of age	94	325.80

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PROVIDED that the relevant percentage of the \$8.00 Arbitrated Safety Net Adjustment as determined in the State Wage Case Decision of 24 December 1993 is absorbable against any overaward payment being paid by the employer as from the beginning of the first full pay period to commence on or after 31 January 1994.

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

The weekly wage 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 similarly employed receiving a minimum weekly wage rate prescribed in this division.

PROVIDED ALWAYS 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 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 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) (AS DEFINED)

The weekly wage rate payable to Trainees (ATS) shall be calculated by taking the appropriate junior percentage in subclause 4 hereof, applying it to the total wage rate prescribed for the classification Hospitality Service Grade 2 in subclause 2 hereof and multiplying the result by 39 and then dividing by 52.

	Weekly Wage Rate \$
17 years of age	155.60
18 years of age	181.60
19 years of age	220.50
20 years of age	259.40

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PROVIDED that the wage rate shall in no case be less than the minimum 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."

2. Delete Clause 12 subclauses (a), (b) and (c)(i) and insert in lieu the following:

"12. BOARD AND LODGING

- (a) Where board and residence is made available to adult employees the employer shall have the right to deduct from the pay of the employee residing on the premises an amount of \$116.30 per week.

PROVIDED that where an adult employee is required to share a room for lodging, the amount to be deducted from the pay of such employee for board and lodging shall be \$115.70 per week.

- (b) Where lodgings only are made available to adult employees, the employer shall have the right to deduct from the pay of the employee residing on the premises the sum of \$111.00 per week.

PROVIDED that where an adult employee is required to share a room for lodging, the amount to be deducted from the pay of such employee for lodging shall be \$110.60 per week.

- (c) (i) In the case of employees who do not reside on the employer's premises a deduction at the rate of \$4.16 for each meal supplied and consumed during the employee's spread of working hours may be deducted by the employer."

3. Delete Clause 51 subclauses (a), (b) and (c) and insert in lieu the following:

"51. BOARD AND LODGING

- (a) Where board and residence is made available to adult employees the employer shall have the right to deduct from the pay of the employee residing on the premises an amount of \$119.40 per week.

PROVIDED that where an adult employee is required to share a room for lodging, the amount to be deducted from the pay of such employee for board and lodging shall be \$117.62.

- (b) Where lodgings only are made available to adult employees, the employer shall have the right to deduct from the pay of the employee residing on the premises the sum of \$113.08.

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PROVIDED that where an adult employee is required to share a room for lodging, the amount to be deducted from the pay of such employee for lodging shall be \$112.75.

- (c) In the case of employees who do not reside on the employer's premises a deduction at the rate of \$6.04 for each meal supplied and consumed during the employee's spread of working hours may be deducted by the employer."

OPERATIVE DATE

The operative date for the foregoing amendment shall be 31 January 1994.

P A Imlach
COMMISSIONER

16 March 1994