

Hospitality Industry (General) Award 2011

Schedule B—Transitional Provisions in respect of South Australia

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

[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.

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 1/38th 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))

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

(c) Apprentices 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
	<i>%</i>	<i>%</i>	<i>%</i>	<i>%</i>
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
	<i>%</i>	<i>%</i>	<i>%</i>	<i>%</i>	<i>%</i>
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:

	Rate per day % of standard weekly rate
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, in the award.

Sub-clauses 32.2—Public Holidays and 32.4— Penalty Rates, 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

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

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

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

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

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

(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 1/38th 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

(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.
- (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.

(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.

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.

[New B.3.2 inserted by [PR992315](#) from 20Jan10]

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

[B.3.2 renamed by [PR505248](#) ppc 01Jan11]

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

[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.

[B.3.2(a) varied by [PR997888](#) ppc 01Jul10]

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.

Level		Minimum weekly wage \$
Level 1	1st year of adult service	609.30
	2nd and subsequent year of adult service	619.94
Level 2	1st year of adult service	630.20
	2nd and subsequent year of adult service	640.46
Level 3	1st year of adult service	663.64
	2nd and subsequent year of adult service	673.90
Level 4	1st year of adult service	684.54
	2nd and subsequent year of adult service	694.80
Level 5	1st year of adult service	705.06
	2nd and subsequent year of adult service	713.42

(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.

(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
 - 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.

