



Australian Government

Fair Work

OMBUDSMAN

PAY AND CONDITIONS GUIDE

Restaurant Industry Award 2010 [MA000119] ('modern award')
replacing terms and conditions in or derived from

Restaurants, &C., Employees (State) Award [AN120468] ('pre-modern award')

(NSW)

Effective from 01 January 2014.

Published 15 January 2014

Background

This guide was developed by the Fair Work Ombudsman to assist employers and employees covered by this modern award, pre-modern award and pay scales derived from this pre-modern award to identify minimum wages, penalties, loadings and allowances.

Transitional arrangements

Modern awards commenced operation on 01 January 2010. However, minimum wage, loading and penalty entitlements commence from 01 July 2010. Almost all modern awards include provisions to 'transition' employers and employees from their pre-modern award to the modern award system.

This modern award includes transitional provisions that provide for the 'phasing in' of increases or decreases in minimum wages, penalties and loadings in the modern award in 5 increments over 4 years from 01 July 2010. All other terms and conditions in this modern award apply in full from 01 January 2010.

The rates in this guide are current from the first pay period on or after 01 July 2013. The rates set out in this guide will change from the first full period on or after 01 July each year to take account of Fair Work Australia's annual wage review and transitional arrangements. The rates may also change as a result of a Fair Work Australia decision to vary the modern award or pay and condition entitlements of the modern award from time to time.

Transitional arrangements for Division 2B State awards

Division 2B State awards (other than Division 2B enterprise awards) terminate at the end of 31 December 2010 and, from 1 January 2011, employers and employees are covered by the relevant modern award. However, most modern awards provide that all the terms of Division 2B State awards continue to apply until the end of the full pay period which started before 1 February 2011.

The employers affected include sole traders, partnerships, other unincorporated entities and non-trading corporations in New South Wales, Queensland, South Australia and Tasmania who are covered by a Division 2B State award.

From the first full pay period starting on or after 1 February 2011, an employer who was covered by a Division 2B State award, must comply with all of the terms and conditions contained in their relevant modern award, and any transitional arrangements that apply. Transitional arrangements in most modern awards for Division 2B State award employers provide that from the first full pay period starting on or after 1 February 2011, they must pay at least the same minimum wage rates, penalties and loadings as national system employers who are transitioning from the equivalent NAPSA. There are some exceptions and special transitional arrangements that apply in certain situations. If you require help determining whether these exceptions or special transitional arrangements apply to you, please contact the Fair Work Infoline on 13 13 94.

Note: Modern awards are not intended to reduce an employee's take-home pay. An employee or his/her union can apply to Fair Work Australia for a take-home pay order to remedy any reduction in his/her overall take-home pay.

Who should use the guide?

Employees and employers who were entitled to terms and conditions in or derived from this pre-modern award and who are now covered by this modern award.

A guide that has an AP (Pre-reform award) code typically applies to employees employed by a constitutional corporation. Usually these are companies that engage in trading or financial activities. Private companies are often identified by the 'Pty Ltd' in their name. It applies to employers in those categories who were bound by the award immediately prior to 01 January 2010.

A guide that has an AN (Notional agreement preserving State awards) code also typically applies to employees employed by a constitutional corporation. However, unlike pre-reform awards these are notional federal agreements that were created on 27 March 2006. Generally, they preserved the terms and conditions of employment (not including wage rates) in state awards and/or state legislation that applied immediately before 27 March 2006 to employees of constitutional corporations in NSW, QLD, SA, WA and TAS where State award/laws applied to those employers prior to 27 March 2006.

A guide that has an AT code typically applies to employees employed by non-constitutional corporations immediately before 27 March 2007 where the employer was bound by a Federal award. These will be sole traders, partnerships, other unincorporated entities or non-trading/financial corporations.

The guide contains information from this modern award about:

- who the modern award covers;
- wage rates, including rates for casual employees, junior employees, trainees and apprentices;
- penalty rates for working at particular times or under particular arrangements;
- allowances; and
- other conditions of employment.

What if an agreement applies to employees covered by the modern award?

Minimum wage entitlements in a modern award override lesser wage entitlements in an agreement or contract of employment at all times, including agreements and contracts that were made before the commencement of the *Fair Work Act 2009*. All employees covered by the modern award must not be paid less than the rate of pay in the modern award.

However, the penalty rates and allowances in the modern award do not apply to agreement-covered employees, unless the agreement is read in conjunction with the modern award (e.g. a pre-reform certified agreement (a type of collective agreement made before 27 March 2006)).

If you require assistance with any provisions of this guide please contact the **Fair Work Infoline** on **13 13 94**.

Coverage

This industry award covers employers throughout Australia in the restaurant industry and their employees in the classifications listed in the award to the exclusion of any other modern award.

The award does not cover:

- an employee excluded from award coverage by the Act
- 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
- 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.

This award covers:

- any employer which supplies labour on an on-hire basis in the industry set out in the award 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 provision operates subject to the exclusions from coverage in this award.
- employers which provide group training or related temporary employment services for apprentices and trainees engaged in the industry and/or parts of industry set out in the award and those apprentices and trainees engaged by a group training or related temporary employment service hosted by a company to perform work at a location where the activities described herein are being performed. This provision operates subject to the exclusions from coverage in this award.

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.

This award does not cover employers in the following industries or activities or their employees:

- contract caterers whose principal and substantial business activity is that of providing catering services and/or accommodation services on a contract or fee-for-service basis
- retail industry

- fast food industry
- in-flight catering for airlines
- catering services provided by aged care employers
- hotels, motels, hostels and boarding establishments
- clubs registered or recognised under State or Territory legislation
- boarding schools, residential colleges, hospitals or orphanages or
- restaurants operated in or in connection with hotels, motels, hostels and boarding establishments, and/or clubs registered or recognised under State or Territory legislation.

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.

Wages

This modern award includes transitional arrangements that apply to minimum wage entitlements from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award wages commence in full).

The following wage tables set out base rates of pay for classifications under the modern award.

It also sets out how the modern award classification matches up with pre-modern award classification. If there is no classification match the employee may be covered by another pre-modern award, or another modern award, such as a modern award that covers the employee's occupation rather than the industry.

The base rates of pay in this guide include any applicable industry allowance. The base rates of pay also include any increase from Fair Work Australia's annual wage review. For more information about transitional arrangements for minimum wage entitlements, please visit www.fairwork.gov.au

Casual employees

The rates for casual employees set in the table below are minimum rates for **ordinary hours** only.

Please visit www.fairwork.gov.au for information about penalty entitlements for casual employees.

*Post 26 March 2006 employer

Wage rates for casual employees of employers that became part of the national system after 26 March 2006 do not include annual leave loading because those employees did not have a pre-modern award entitlement to annual leave loading.

Adult

The rates in this guide are current from the first pay period on or after 01 January 2014.

Full & Part Time

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Introductory level	Grade 1	\$16.37

Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Food and beverage attendant grade 1	Grade 1	\$16.80
Kitchen attendant grade 1	Grade 1	\$16.80

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Food and beverage attendant grade 2	Grade 2	\$17.41
Cook grade 1	Grade 3	\$17.49
Kitchen attendant grade 2	Grade 2	\$17.41
Kitchen attendant grade 2	Grade 3	\$17.49
Storeperson grade 1	Grade 2	\$17.41
Storeperson grade 1	Grade 3	\$17.49
Door person/security officer grade 1	Grade 3	\$17.49

Level 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Food and beverage attendant grade 3	Grade 2	\$17.90
Food and beverage attendant grade 3	Grade 3	\$18.04
Food and beverage attendant grade 3	Grade 4	\$18.09
Cook grade 2	Grade 4	\$18.09
Kitchen attendant grade 3	Grade 4	\$18.09
Storeperson grade 2	Grade 3	\$18.04
Timekeeper/security officer grade 2	Grade 4	\$18.09
Handyperson	Grade 2	\$17.90

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Food and beverage attendant grade 4 (tradesperson)	Grade 4	\$18.93

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Food and beverage attendant grade 4 (tradesperson)	Grade 5	\$19.07
Cook grade 3 (tradesperson)	Grade 5	\$19.07
Storeperson grade 3	Grade 4	\$18.93

Level 5

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Food and beverage supervisor	Grade 6	\$20.26
Cook grade 4 (tradesperson)	Grade 6	\$20.26

Level 6

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Cook grade 5 (tradesperson)	Grade 7	\$20.80

Casual

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Introductory level	Grade 1	\$20.63 (26%)	\$20.30 (24%)

Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Food and beverage attendant grade 1	Grade 1	\$21.16 (26%)	\$20.83 (24%)
Kitchen attendant grade 1	Grade 1	\$21.16 (26%)	\$20.83 (24%)

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Food and beverage attendant grade 2	Grade 2	\$21.94 (26%)	\$21.59 (24%)
Cook grade 1	Grade 3	\$22.04 (26%)	\$21.69 (24%)
Kitchen attendant grade 2	Grade 2	\$21.94 (26%)	\$21.59 (24%)
Kitchen attendant grade 2	Grade 3	\$22.04 (26%)	\$21.69 (24%)
Storeperson grade 1	Grade 2	\$21.94 (26%)	\$21.59 (24%)
Storeperson grade 1	Grade 3	\$22.04 (26%)	\$21.69 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Door person/security officer grade 1	Grade 3	\$22.04 (26%)	\$21.69 (24%)

Level 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Food and beverage attendant grade 3	Grade 2	\$22.56 (26%)	\$22.20 (24%)
Food and beverage attendant grade 3	Grade 3	\$22.73 (26%)	\$22.37 (24%)
Food and beverage attendant grade 3	Grade 4	\$22.80 (26%)	\$22.44 (24%)
Cook grade 2	Grade 4	\$22.80 (26%)	\$22.44 (24%)
Kitchen attendant grade 3	Grade 4	\$22.80 (26%)	\$22.44 (24%)
Storeperson grade 2	Grade 3	\$22.73 (26%)	\$22.37 (24%)
Timekeeper/security officer grade 2	Grade 4	\$22.80 (26%)	\$22.44 (24%)
Handyperson	Grade 2	\$22.56 (26%)	\$22.20 (24%)

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Food and beverage attendant grade 4 (tradesperson)	Grade 4	\$23.85 (26%)	\$23.47 (24%)
Food and beverage attendant grade 4 (tradesperson)	Grade 5	\$24.02 (26%)	\$23.64 (24%)
Cook grade 3 (tradesperson)	Grade 5	\$24.02 (26%)	\$23.64 (24%)
Storeperson grade 3	Grade 4	\$23.85 (26%)	\$23.47 (24%)

Level 5

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Food and beverage supervisor	Grade 6	\$25.53 (26%)	\$25.12 (24%)
Cook grade 4 (tradesperson)	Grade 6	\$25.53 (26%)	\$25.12 (24%)

Level 6

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Cook grade 5 (tradesperson)	Grade 7	\$26.21 (26%)	\$25.80 (24%)

Junior

The rates in this guide are current from the first pay period on or after 01 January 2014.

Full & Part Time Introductory level

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years and under	Grade 1, 17 years of age and under	\$8.55
17 years and under	Grade 1, 17 years of age and under	\$9.82
18 years of age	Grade 1, 18 years of age	\$11.46
19 years of age	Grade 1, 19 years of age	\$13.80
20 years of age	Grade 1, 20 years of age	\$16.12

Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years and under	Grade 1, 17 years of age and under	\$8.74
17 years and under	Grade 1, 17 years of age and under	\$10.11
18 years of age	Grade 1, 18 years of age	\$11.75
19 years of age	Grade 1, 19 years of age	\$14.13
20 years of age	Grade 1, 20 years of age	\$16.51

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years and under	Grade 2, 17 years of age and under	\$9.07
16 years and under	Grade 3, 17 years of age and under	\$9.15
17 years and under	Grade 2, 17 years of age and under	\$10.50
17 years and under	Grade 3, 17 years of age and under	\$10.59
18 years of age	Grade 2, 18 years of age	\$12.19
18 years of age	Grade 3, 18 years of age	\$12.25
19 years of age	Grade 2, 19 years of age	\$14.65
19 years of age	Grade 3, 19 years of age	\$14.76
20 years of age	Grade 2, 20 years of age	\$17.12

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
20 years of age	Grade 3, 20 years of age	\$17.24

Level 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years and under	Grade 2, 17 years of age and under	\$9.31
16 years and under	Grade 3, 17 years of age and under	\$9.39
16 years and under	Grade 4, 17 years of age and under	\$9.45
17 years and under	Grade 2, 17 years of age and under	\$10.80
17 years and under	Grade 3, 17 years of age and under	\$10.86
17 years and under	Grade 4, 17 years of age and under	\$10.95
18 years of age	Grade 2, 18 years of age	\$12.53
18 years of age	Grade 3, 18 years of age	\$12.63
18 years of age	Grade 4, 18 years of age	\$12.67
19 years of age	Grade 2, 19 years of age	\$15.07
19 years of age	Grade 3, 19 years of age	\$15.18
19 years of age	Grade 4, 19 years of age	\$15.26
20 years of age	Grade 2, 20 years of age	\$17.61
20 years of age	Grade 3, 20 years of age	\$17.73
20 years of age	Grade 4, 20 years of age	\$17.81

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years and under	Grade 4, 17 years of age and under	\$9.85
16 years and under	Grade 5, 17 years of age and under	\$9.97
17 years and under	Grade 4, 17 years of age and under	\$11.42
17 years and under	Grade 5, 17 years of age and under	\$11.54
18 years of age	Grade 4, 18 years of age	\$13.25
18 years of age	Grade 5, 18 years of age	\$13.35
19 years of age	Grade 4, 19 years of age	\$15.93
19 years of age	Grade 5, 19 years of age	\$16.07
20 years of age	Grade 4, 20 years of age	\$18.61
20 years of age	Grade 5, 20 years of age	\$18.77

Level 5

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years and under	Grade 6, 17 years of age and under	\$10.59
17 years and under	Grade 6, 17 years of age and under	\$12.25
18 years of age	Grade 6, 18 years of age	\$14.18
19 years of age	Grade 6, 19 years of age	\$17.07
20 years of age	Grade 6, 20 years of age	\$19.94

Level 6

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years and under	Grade 7, 17 years of age and under	\$10.88
17 years and under	Grade 7, 17 years of age and under	\$12.59
18 years of age	Grade 7, 18 years of age	\$14.56
19 years of age	Grade 7, 19 years of age	\$17.54
20 years of age	Grade 7, 20 years of age	\$20.48

Casual Introductory level

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
16 years and under	Grade 1, 17 years of age and under	\$10.77 (26%)	\$10.60 (24%)
17 years and under	Grade 1, 17 years of age and under	\$12.38 (26%)	\$12.18 (24%)
18 years of age	Grade 1, 18 years of age	\$14.44 (26%)	\$14.21 (24%)
19 years of age	Grade 1, 19 years of age	\$17.39 (26%)	\$17.12 (24%)
20 years of age	Grade 1, 20 years of age	\$20.31 (26%)	\$19.99 (24%)

Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
16 years and under	Grade 1, 17 years of age and under	\$11.02 (26%)	\$10.84 (24%)
17 years and under	Grade 1, 17 years of age and under	\$12.74 (26%)	\$12.53 (24%)
18 years of age	Grade 1, 18 years of age	\$14.81 (26%)	\$14.58 (24%)
19 years of age	Grade 1, 19 years of age	\$17.81 (26%)	\$17.52 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
20 years of age	Grade 1, 20 years of age	\$20.80 (26%)	\$20.47 (24%)

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
16 years and under	Grade 2, 17 years of age and under	\$11.42 (26%)	\$11.24 (24%)
16 years and under	Grade 3, 17 years of age and under	\$11.53 (26%)	\$11.34 (24%)
17 years and under	Grade 2, 17 years of age and under	\$13.23 (26%)	\$13.02 (24%)
17 years and under	Grade 3, 17 years of age and under	\$13.35 (26%)	\$13.13 (24%)
18 years of age	Grade 2, 18 years of age	\$15.36 (26%)	\$15.12 (24%)
18 years of age	Grade 3, 18 years of age	\$15.43 (26%)	\$15.19 (24%)
19 years of age	Grade 2, 19 years of age	\$18.46 (26%)	\$18.17 (24%)
19 years of age	Grade 3, 19 years of age	\$18.60 (26%)	\$18.30 (24%)
20 years of age	Grade 2, 20 years of age	\$21.57 (26%)	\$21.22 (24%)
20 years of age	Grade 3, 20 years of age	\$21.72 (26%)	\$21.37 (24%)

Level 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
16 years and under	Grade 2, 17 years of age and under	\$11.73 (26%)	\$11.54 (24%)
16 years and under	Grade 3, 17 years of age and under	\$11.84 (26%)	\$11.65 (24%)
16 years and under	Grade 4, 17 years of age and under	\$11.91 (26%)	\$11.72 (24%)
17 years and under	Grade 2, 17 years of age and under	\$13.61 (26%)	\$13.40 (24%)
17 years and under	Grade 3, 17 years of age and under	\$13.68 (26%)	\$13.46 (24%)
17 years and under	Grade 4, 17 years of age and under	\$13.79 (26%)	\$13.57 (24%)
18 years of age	Grade 2, 18 years of age	\$15.79 (26%)	\$15.54 (24%)
18 years of age	Grade 3, 18 years of age	\$15.91 (26%)	\$15.66 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
18 years of age	Grade 4, 18 years of age	\$15.96 (26%)	\$15.71 (24%)
19 years of age	Grade 2, 19 years of age	\$18.99 (26%)	\$18.69 (24%)
19 years of age	Grade 3, 19 years of age	\$19.12 (26%)	\$18.82 (24%)
19 years of age	Grade 4, 19 years of age	\$19.22 (26%)	\$18.92 (24%)
20 years of age	Grade 2, 20 years of age	\$22.18 (26%)	\$21.83 (24%)
20 years of age	Grade 3, 20 years of age	\$22.34 (26%)	\$21.98 (24%)
20 years of age	Grade 4, 20 years of age	\$22.45 (26%)	\$22.09 (24%)

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
16 years and under	Grade 4, 17 years of age and under	\$12.41 (26%)	\$12.22 (24%)
16 years and under	Grade 5, 17 years of age and under	\$12.56 (26%)	\$12.36 (24%)
17 years and under	Grade 4, 17 years of age and under	\$14.39 (26%)	\$14.16 (24%)
17 years and under	Grade 5, 17 years of age and under	\$14.54 (26%)	\$14.30 (24%)
18 years of age	Grade 4, 18 years of age	\$16.70 (26%)	\$16.43 (24%)
18 years of age	Grade 5, 18 years of age	\$16.82 (26%)	\$16.55 (24%)
19 years of age	Grade 4, 19 years of age	\$20.07 (26%)	\$19.75 (24%)
19 years of age	Grade 5, 19 years of age	\$20.25 (26%)	\$19.93 (24%)
20 years of age	Grade 4, 20 years of age	\$23.45 (26%)	\$23.07 (24%)
20 years of age	Grade 5, 20 years of age	\$23.65 (26%)	\$23.28 (24%)

Level 5

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
16 years and under	Grade 6, 17 years of age and under	\$13.34 (26%)	\$13.13 (24%)
17 years and under	Grade 6, 17 years of age and under	\$15.44 (26%)	\$15.19 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
18 years of age	Grade 6, 18 years of age	\$17.87 (26%)	\$17.59 (24%)
19 years of age	Grade 6, 19 years of age	\$21.51 (26%)	\$21.17 (24%)
20 years of age	Grade 6, 20 years of age	\$25.12 (26%)	\$24.72 (24%)

Level 6

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
16 years and under	Grade 7, 17 years of age and under	\$13.71 (26%)	\$13.49 (24%)
17 years and under	Grade 7, 17 years of age and under	\$15.86 (26%)	\$15.61 (24%)
18 years of age	Grade 7, 18 years of age	\$18.35 (26%)	\$18.06 (24%)
19 years of age	Grade 7, 19 years of age	\$22.10 (26%)	\$21.75 (24%)
20 years of age	Grade 7, 20 years of age	\$25.81 (26%)	\$25.40 (24%)

Junior wages are payable to the nearest \$0.10. Any broken part of \$0.10 in the result not exceeding \$0.05 is to be disregarded.

Apprentice

The rates in this guide are current from the first pay period on or after 01 January 2014.

Full Time Apprentice

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
First year	First Year	\$10.20
Second year	Second Year	\$12.05
Third year	Third Year	\$14.85
Fourth year	Fourth Year	\$17.65

Adult apprenticeship starting on or after 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed on or after 1/1/2014, First year	First Year	\$15.25
Work performed on or after 1/1/2014, Second year	Second Year	\$16.37
Work performed on or after 1/1/2014, Third year	Third Year	\$16.37

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed on or after 1/1/2014, Fourth year	Fourth Year	\$18.11

Please note: This modern award contains special provisions for school based apprentices; these rates are not set out in this guide. For information about transitional rates for these employees please visit www.fairwork.gov.au and/or contact the **Fair Work Infoline** on **13 13 94**.

Trainee

This modern award incorporates trainee rates derived from the National Training Wage Schedule (NTW Sch.), as adjusted from time to time.

Supported Wage

Please refer to clause 21 of the modern award.

For detail of the supported wage provisions see the full version of the modern award.

Penalties and Loadings (other than casual or part-time loadings for ordinary hours)

Where an employee had an entitlement to a loading/penalty rate before 01 January 2010 that is exactly the same as the modern award loading/penalty entitlement the modern award loading/penalty applies in full from 01 January 2010.

Transitional arrangements

This modern award includes transitional arrangements that apply to loading/penalty entitlements where there is a difference in modern award and pre-modern award loading/penalty entitlements. Transitional arrangements apply from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award loadings/penalties apply in full).

Different arrangements apply depending on whether the entitlements are "equivalent" or not.

- A pre-modern award loading/penalty will be "equivalent" to a modern award entitlement where the loading/penalty applies:
 - for the same purpose (e.g. Saturday penalty);
 - for the same time periods; and
 - in the same way#.
- #A pre-modern award and modern award loading/penalty applies in the same way if the entitlements are both:
 - paid at the same frequency, such as per hour or per shift; and
 - paid as a percentage of the same amount (e.g. both penalties are paid as a percentage of the employee's classification rate, rather than as a percentage of a different amount or paid as a flat dollar amount).

Casual loadings and penalties also need to interact with each other in the same way in the pre-modern award and modern award to be equivalent (e.g. the loading and penalty rate are calculated on the base hourly rate in both instruments).

Equivalent entitlements

If the pre-modern award loading/penalty rate is “equivalent” to the modern award loading/penalty rate the penalty rate is calculated as follows:

1. The difference between the two loading/penalty rates is referred to as a “transitional percentage”. The transitional percentage stays the same every year.
2. A proportion of the transitional percentage is calculated each year as follows:

First full pay period on or after	Proportion of transitional percentage
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

3. Where the modern award loading/penalty is higher, the penalty rate is obtained by subtracting the proportion of the transitional percentage.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is higher.

1/01/2010	1/07/2014	1/07/2010
Pre-modern award penalty	Modern award penalty	Penalty rate (phased)
25%	50%	30%
50%	75%	55%
50%	100%	60%
75%	100%	80%

4. Where the modern award loading/penalty is lower, the penalty rate is obtained by adding the proportion of the transitional percentage.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is lower.

1/01/2010	1/07/2014	1/07/2010
Pre-modern award penalty	Modern award penalty	Penalty rate (phased)
50%	25%	45%
75%	50%	70%
100%	50%	90%
100%	75%	95%

Entitlements that are not equivalent

If pre-modern award and modern award penalty rates are not "equivalent", the following approach applies:

1. Loadings/penalty rates from a modern award are phased in from zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of modern award loading/penalty
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

2. Pre-modern award loadings/penalty rates are phased out to zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of pre-modern award loading/penalty
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

Please note that a pre-modern award penalty rate can be 'phased out' at the same time that a modern award penalty is 'phasing in' (i.e. where different entitlements apply in the same time period). This means that two different rates may apply for the same time period.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are not equivalent.

1/01/2014 Modern award penalty	1/07/2010 Penalty rate (phased) (20.00%)
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

1/01/2010 Pre-modern award penalty	1/07/2010 Penalty rate (phased) (80.00%)
10.00%	8.00%
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%
100.00%	80.00%
120.00%	96.00%
125.00%	100.00%
130.00%	104.00%
150.00%	120.00%

New entitlements

Where an employee did not have a particular loading/penalty entitlement before 01 January 2010, the modern award loading/penalty is phased in from zero as a new entitlement from the first pay period on or after 01 July 2010 by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of modern award loading/penalty
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements in the modern award are new.

1/07/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
25%	5%
50%	10%
75%	15%
100%	20%

For more information about transitional arrangements for loading/penalty entitlements please visit www.fairwork.gov.au and/or contact the **Fair Work Infoline** on **13 13 94** for advice and assistance.

Allowances

Allowances in modern awards apply in full from 01 January 2010 (although the rates may change from time to time).

All states covered by this instrument Full Time

Clause	Allowance Type	Description	Effective Date	Rate
24.3(a)	Tool allowance	Where an apprentice cook is required to use their own tools (and is not in receipt of a tool allowance), the employer must pay a tool allowance. This allowance should be read in conjunction with the allowance below. It should be selected where the employee works up to 4 shifts in a week.	1/07/2010	\$1.6600 per day or part thereof
24.3(a)	Tool allowance	Where an apprentice cook is required to use their own tools (and is not in receipt of a tool allowance), the employer must pay the allowance. This allowance is to be read in conjunction with the allowance above. It should be selected where the employee works 5 or more shifts in a week.	1/07/2010	\$8.1600 per week

Full Time, Part Time

Clause	Allowance Type	Description	Effective Date	Rate
24.1	Meal allowance	A full-time or part-time employee who is required to work overtime for more than 2 hours without being notified on the	1/07/2013	\$11.8200 per meal

Clause	Allowance Type	Description	Effective Date	Rate
		<p>previous day or earlier will be supplied a meal or receive the allowance.</p> <p>Where an employee who was due to work overtime has provided a meal and is no longer required to work overtime or is required to work less than the amount advised, the employee will be paid the allowance for the surplus meal.</p>		
24.2	Split shift allowance	<p>Full-time and part-time employees who have a broken work day will receive an additional allowance for each work period of 2 hours or more.</p> <p>(0.5% per week x 38 = 19% per hour.)</p>	1/07/2013	\$3.6225 per work period (19.00%)

Other Conditions

The following conditions in the modern award apply in full from 1 January 2010. Please note that the below table is a summary of commonly applicable entitlements in the modern award, there may be other entitlements in the modern award that are relevant to particular employers or employees. Please refer to the modern award for full details.

Note: The National Employment Standards (**NES**) operate together with modern awards to provide minimum conditions of employment for employers and employees in the national system. The NES sets out ten minimum statutory entitlements that apply to all employees, including leave and termination of employment entitlements.

For more information about the NES, please visit www.fairwork.gov.au

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <p>- arrangements for when work is performed</p>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - overtime rates - penalty rates - allowances - leave loading. <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	<p>The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).</p>
10.2	Types of employment (Instrument)	<p>At 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.</p>
12	Part-time conditions (Instrument)	<p>A part-time employee:</p> <ul style="list-style-type: none"> - works less than full-time hours of 38 per week - has reasonably predictable hours of work, and - receives, on a pro rata basis, equivalent pay and conditions to those of full-time employees who do the same kind of work. <p>At the time of engagement the employer and the 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 including starting and finishing times.</p> <p>Any agreed variation to the hours of work will be recorded in writing.</p> <p>An employer is required to roster a part-time employee for a minimum of 3 consecutive hours on any shift.</p>

Clause	Conditions Type	Description
		All time worked in excess of the hours agreed or varied will be overtime.
13	Casual conditions (Instrument)	<p>A casual is paid a casual loading of 25%. Casual loading is paid as compensation for annual leave, unpaid personal/carer's leave, notice of termination, redundancy benefits and the other entitlements of full-time or part-time employment.</p> <p>On each occasion a casual is required to attend work they are entitled to a minimum payment of 2 hours.</p> <p>A casual is paid at the termination of each engagement, but may agree to be paid weekly or fortnightly.</p>
14	Apprentice conditions (Instrument)	<p>Apprentices will be engaged in accordance with relevant apprenticeship legislation and be paid in accordance with the award.</p> <p>An apprentice under the age of 18 years must not, without consent, be required to work overtime.</p>
15.1	Junior conditions (Instrument)	<p>Where the law permits, juniors may be employed in the bar or other places where liquor is sold. Juniors working as liquor service employees must be paid the adult rate.</p> <p>The employer may at any time demand production of a birth certificate or other satisfactory proof for the purpose of ascertaining the correct age of a junior. If a birth certificate is required, the cost must be borne by employer.</p> <p>No employee under 18 will be required to work more than 10 hours any shift.</p>
16.2	Termination of employment - notice of termination by an employee (Instrument)	The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
16.3	Termination of employment - job search entitlement (Instrument)	Where an employer has given notice of termination to an employee, an employee must be allowed up to 1 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.

Clause	Conditions Type	Description
17.2	Redundancy - transfer to lower paid duties (Instrument)	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. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
17.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
17.4	Redundancy - job search entitlement (Instrument)	<p>An employee given notice of termination in circumstances of redundancy must be allowed up to 1 day's time off without loss of pay during each week of notice for the purpose of seeking other employment.</p> <p>If the employee has been allowed paid leave for more than 1 day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.</p>
17.5	Redundancy - transitional provisions (Instrument)	<p>An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied immediately prior to 1 January 2010 and that would have entitled the employee to redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010.</p> <p>The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not operate to reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
20.2	Apprentice conditions (Instrument)	<p>Completion of full apprenticeship</p> <p>Completed full apprenticeship as qualified tradesperson paid not less than the standard rate.</p> <p>Proficiency pay</p> <p>Application</p>

Clause	Conditions Type	Description
		<p>Proficiency pay applies to apprentices who have successfully completed their schooling in a given year.</p> <p>Payments</p> <p>Apprentices receive rate of a qualified cook during latter half of fourth year where the standard of proficiency has been attained on one, two or three occasions on following basis:</p> <p>On one occasion only</p> <ul style="list-style-type: none"> - first nine months of fourth year of the normal fourth year rate - thereafter, qualified cook's award rate. <p>On two occasions</p> <ul style="list-style-type: none"> - first six months of fourth year, the normal year rate of pay - thereafter, qualified cook's award rate. <p>On three occasions</p> <ul style="list-style-type: none"> - for entire fourth year, qualified cook's award rate.
24.3 (b)&(e)&(i)	Clothing, footwear and/or equipment (Instrument)	<p>Where the employer requires an employee to wear any <u>special clothing</u> such as coats, dresses, caps, aprons, cuffs and any other articles of clothing, the employee must be reimbursed for the cost, unless the clothing is paid for by the employer.</p> <p>Black and white attire (not being dinner suit or evening dress), shoes, hose and/or socks are not special clothing.</p> <p>Where it is necessary that an employee wear waterproof or other <u>protective clothing</u> such as waterproof boots, aprons or gloves, the employee must be reimbursed for the cost of purchasing such clothing, unless the protective clothing is paid for by the employer.</p>

Clause	Conditions Type	Description
		Where an employee is required to provide and use any towels, tools, knives, choppers, implements, utensils and materials, the employer must reimburse the employee for the cost of purchasing such <u>equipment</u> , unless the equipment is paid for by the employer.
24.3 (c)&(d)	Laundry (Instrument)	Where an employee is responsible for laundering special clothing, the employee must be reimbursed for demonstrated costs. By mutual agreement the employee may wash and iron the special clothing for an agreed sum of money, which reflects the cost of laundering, paid each week.
24.3 (g)&(h)	Clothing, footwear and/ or equipment (Instrument)	An employer may require an employee 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 their value. If, when an employee ceases employment, the uniform and property (or any of them) is not returned in accordance with the receipt, the employer can deduct from the employee's wages the value as stated on receipt. This provision does not apply in the case of genuine wear and tear, damage, loss or theft.
24.4	Travelling time (Instrument)	Allowance for distant work An employee who works away from their employer's place of business must be paid at ordinary rates for the time occupied in travelling between the employer's place of business and work or between the employee's residence and work. Where an employee is engaged for country or seaside work and has to travel 80 kms or more to take up service, the employee will be paid for transport, both ways, if: - the employee has performed to the employer's satisfaction for up to a period of 4 weeks, and - the employee is willing to complete the full period of engagement.
25	District allowance (Instrument)	An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the provisions of an award or NAPSA under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January 2010, providing that employee was not bound by an agreement under that Act.

Clause	Conditions Type	Description
		This clause ceases to operate on 31 December 2014.
26	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> - a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and - 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. <p>The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
28	Annualised salary arrangements (Instrument)	<p>As an alternative to being paid by the week, by mutual agreement, an employee other than a casual, can be paid at a rate equivalent to an annual salary of at least 25% or more above weekly rate, multiplied by 52. In such cases, there is no requirement to pay a split shift allowance, overtime and penalty rates in addition to the weekly wage, provided that the salary over a year was sufficient to cover what the employee would have been entitled to if all award overtime and penalty rate payment obligations had been complied with.</p> <p>In the event of termination of employment prior to completion of a year, the salary paid during such period of employment must 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.</p> <p>An employee being paid according to this provision will be entitled to a minimum of 8 days off per 4 week cycle. Further, where the employee is required to work on a public holiday, such employee will be entitled to a day off instead of public holidays or a day added to the annual leave entitlement.</p>

Clause	Conditions Type	Description
		<p>The employer must keep all records relating to the starting and finishing times of employees to whom this provision applies, signed weekly by the employee. This is to enable the employer to carry out a reconciliation at the end of each year comparing the employee's ordinary wage under this award and the actual payment. Where such a comparison reveals a shortfall in the employee's wages, then the employee must be paid the difference between the wages earned under the award and the actual amount paid.</p>
29	Higher duties (Instrument)	<p>Any employee who is employed for 2 or more hours of 1 day on duties carrying higher rate must be paid at the higher rate for each day.</p> <p>Any employee engaged for less than 2 hours on 1 day on duties carrying higher rate must be paid at the higher rate for the time so worked.</p> <p>A higher paid employee must, when necessary, temporarily relieve a lower paid employee without loss of pay.</p>
30	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to a superannuation fund - the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.
31.1&2	Hours of work (Instrument)	<p>The hours of work of a full-time employee are an average of 38 per week over a period of no more than 4 weeks.</p> <p>The arrangement of ordinary hours must meet the following conditions:</p> <ul style="list-style-type: none"> - a minimum of 6 and a maximum of 11.5 hours may be worked any day. Daily minimum and maximum hours are exclusive of meal break intervals - an employee cannot be rostered to work for more than 10 hours per day on more than 3 consecutive days without break of at least 48 hours - no more than 8 days of more than 10 hours may be worked in a 4 week period

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - an employee must be given a minimum break of 10 hours between finish of ordinary hours on 1 day and commencement of ordinary hours on next day. In the case of a changeover of rosters, the minimum break must be 8 hours - an employee must be given a minimum of 8 full days off per 4 week period, or - an employee under the age of 18 years must not be required to work more than 10 hours in a shift.
31.3	Make-up time (Instrument)	<p>Make-up time means an arrangement under which an employee takes time off during ordinary hours and makes up that time later. The employee and a majority of employees in a workplace may agree to introduce make-up time subject to the following conditions:</p> <ul style="list-style-type: none"> - subject to such agreement, an employee may elect, with consent of the employer, to work make-up time - make-up time arrangements must comply with conditions regarding breaks and penalty rates in the award - the employer must record make-up time arrangements as time and wages records, and - any disputes in relation to the practical application of this provision may be dealt with in accordance with dispute resolution procedure in the award.
31.4	Broken shifts (Instrument)	<p>Spread of hours</p> <p>Where broken shifts are worked the spread of hours can be no greater than 12 hours per day.</p>
31.5	Break between work periods (Instrument)	<p>Minimum break between shift</p> <p>The roster for all employees other than casuals will provide for minimum 10 hour break between the finish of ordinary hours on 1 day and commencement of ordinary hours on the following day. In the case of changeover of rosters, 8 hours will be substituted for 10 hours.</p>

Clause	Conditions Type	Description
31.6	Roster (Instrument)	<p>A roster for full-time and part-time employees showing normal starting and finishing times and the surname and initials of each employee will be prepared by the employer and posted in a conspicuous place accessible to employees concerned.</p> <p>The roster will be alterable by mutual consent at any time or by amendment of the roster on 7 days' notice. Where practicable, 2 weeks' notice of rostered day or days off should be given provided that days off may be changed by mutual consent or through sickness or other cause over which employer has no control.</p>
32	Breaks (Instrument)	<p>If an employee is required to work for 5 or more hours in a day, the employee must be given an unpaid meal break of no less than 30 minutes. The break must be no earlier than 1 hour after starting and no later than 6 hours after starting.</p> <p>If the unpaid meal break is rostered after 5 hours of starting, the employee must be given an additional 20 minute paid break. The employer must allow the employee to take this additional break no earlier than 2 hours after starting and no later than 5 hours after starting.</p> <p>If an employee is required to work more than 5 hours after being given the unpaid break, the employee must be given an additional 20 minute paid break.</p> <p>If a full-time or part-time employee is required to work more than 10 ordinary hours in the day, the employee will be given 2 additional 20 minute paid breaks. In rostering these breaks, the employer must make all reasonable efforts to ensure an even mix of work time and breaks.</p> <p>If an employee is required to work more than 2 hours' overtime after completion of the employee's rostered hours, the employee must be given an additional 20 minute paid break.</p>
33.4	Break between work periods (Instrument)	<p>Breaks after working overtime</p> <p>If starting work at the employee's next rostered starting time would mean that the employee did not receive full 8 hour break then:</p> <ul style="list-style-type: none"> - the employee may, without loss of pay, start later as necessary to ensure that the employee receives break of at least 8 hours

Clause	Conditions Type	Description
33.5	Overtime – time off in lieu (Instrument)	<p>Time off instead of payment for overtime</p> <p>An employee may choose, with consent of the employer, to take time off instead of payment for overtime at a time or times agreed. This agreement must be in writing. The employee must take time off within 4 weeks of working the overtime.</p> <p>If an employee takes time off instead of payment for overtime then amount of time off is to be equivalent to the pay the employee would have received working overtime.</p> <p>If requested, an employer must within one week of receiving a request, pay for any overtime worked. Overtime rates apply.</p>
35.1 (b)	Annual leave - shiftworkers (Instrument)	For the purpose of the additional week of leave provided by the NES, a shiftworker is a 7 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 7 hours a shift.
35.2 (b)	Annual leave loading (Instrument)	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.
35.3	Annual leave - requirement to take leave (notwithstanding terms of the NES) (Instrument)	<p>An employer may require an employee to take annual leave by giving at least 4 weeks' notice in the following circumstances:</p> <ul style="list-style-type: none"> - as part of a close-down of its operations, or - where more than 8 weeks' leave is accrued, provided that the employee can choose to retain an accrual of at least 4 weeks' leave.
38.1	Public holidays (Instrument)	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 the NES.
38.2&3	Public holidays (Instrument)	<p>Additional arrangements for full-time employees</p> <p>A full-time employee whose rostered day off falls on a public holiday must, subject to the public holiday provisions in the award:</p>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - be paid an extra day's pay - be provided with an alternative day off within 28 days, or - receive an additional day's annual leave. <p>A full-time employee who works on a public holiday which is subject to substitution as provided for in the NES will be entitled to the benefit of the substitute day.</p>
39	No deduction for breakages or cashiering underings (Instrument)	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.

Frequency of Payment

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.

The employer will pay the employee's wages, penalties and allowances weekly, fortnightly or, by agreement, monthly by cash, cheque or by electronic funds transfer into the employee's nominated bank account, without cost to the employee.

Employees 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. Provided that this provision will not apply to employees paid by electronic funds transfer.

When notice of termination of employment has been given by an employee or an employee's services have been terminated by an employer, payment of all wages due must be made during working time, prior to the employee leaving their employment.

Where an employee is dismissed for misconduct the employee must be paid within one hour of their dismissal or as soon as practicable thereafter.

IMPORTANT NOTE: Disclaimer

The Fair Work Ombudsman is committed to providing advice that you can rely on.

Your situation and the law can change so we encourage you to check back with us by looking at <http://www.fairwork.gov.au/pay/pay-and-conditions-guides/pages/default.aspx>