

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Additional Estimates 2012-2013**

**Agency - Fair Work Ombudsman**

**DEEWR Question No.** EW0899\_13

**Senator Abetz asked on 13 February 2013, Hansard page 40**

**Question**

**PayCheck Plus**

Senator ABETZ: ... I am wondering if the Fair Work Ombudsman has been able to assess the hospitality and retail award casual rates and whether or not people that work as a casual in certain awards, even relatively young people in the retail or hospitality award, would be paid well above \$40 per hour if they are working on a public holiday that also fell on a weekend? Mr Wilson: That is a matter of record. Of course we have that information, in the sense that we can tell a person what rate they are entitled to. Senator ABETZ: Does the improved PayCheck calculator tell me that if I were to punch that in? Mr Wilson: I would assume so. PayCheck Plus depends on a series of questions that you need to answer. Effectively, depending on which legacy award you come from, and which modern award you are going to, we can give you the information. PayCheck Plus encompasses, I gather, about 80 per cent of classifications—or a bit more perhaps—but there are some permutations of legacy awards and modern awards that it is not able to really give that precise information on. But with something as core as hospitality and retail I would assume that it can. But we will get you that information. Senator ABETZ: If you could. Because I think Mr Shorten took a bet with Mr Hokey on radio during a debate that people were not earning a particular sum per hour in these circumstances, so it would be nice to have it clarified and the wager can be settled, if that is not against Standing Orders.

**Answer**

*The Fair Work Ombudsman has provided the following response:*

The transcript of the conversation on radio referred to between the Hon Bill Shorten MP and the Hon Joe Hockey MP on 9 November 2012 is contained in the following link: [www.joehockey.com/media/transcripts/details.aspx?s=403](http://www.joehockey.com/media/transcripts/details.aspx?s=403).

The transcript included discussion on the rates of pay applicable to 18 year olds on Sunday's. The Fair Work Ombudsman (FWO) has provided a table of rates below that shows the hourly rates of pay currently payable to 18 year old employees performing various casual roles within the hospitality and retail industries, generated by PayCheck Plus at [www.fairwork.gov.au](http://www.fairwork.gov.au).

The applicable awards in the retail and fast food industries provide a number of Sunday rates depending on the type of business the employee works in, the trading

hours of the business, whether the employee works during specific hours or whether they are performing shift work.

For the purpose of comparing 18 year old casual Sunday penalty rates, we have included the highest possible Sunday penalty rate and the highest possible public holiday penalty rate that is likely to be most common (for example, non-shift work performed during standard operating hours).

A summary of a sample of phased rates is as follows:

<b>Modern award</b>	<b>Highest Sunday rate calculated</b>	<b>Highest public holiday rate calculated</b>
Hospitality Industry (General) Award 2010 (MA000009)	\$22.62 per hour (Northern Territory)	\$33.23 per hour (New South Wales, Tasmania and Victoria)
Registered and Licensed Clubs Award 2010 (MA000058)	\$22.25 per hour (Northern Territory)	\$30.72 per hour (New South Wales)
Restaurant Industry Award 2010 [MA000119]	\$22.62 per hour (Northern Territory)	\$31.42 per hour (Tasmania)
General Retail Industry Award 2010 [MA000004]	\$26.88 per hour (Northern Territory)	\$35.29 per hour (Northern Territory)
Fast Food Industry Award 2010 [MA000003]	\$23.68 per hour (South Australia)	\$34.15 per hour (Tasmania, Western Australia and Victoria)

The rates of pay in the table above are based on classifications that apply to employees performing the following types of duties:

- **Food and beverage attendant** duties may include picking up glasses; general assistance to food and beverage attendants of a higher grade not including service to customers; setting and/or wiping down tables.
- **Kitchen attendant** duties may include general cleaning duties within a kitchen or food preparation area and scullery; assisting employees who are cooking; assembly and preparation of ingredients for cooking; or general pantry duties.
- **General retail** duties may include preparation for sale and or display of goods in or about any shop; pre-packing or packing, weighing, assembling, pricing or preparing of goods or provisions or produce for sale; arranging payment.
- **Fast food** duties may include the receipt of orders, cooking, sale, serving or delivery of meals, snacks and/or beverages which are sold to the public primarily to take away or in food courts in shopping centres.

It should be noted that rates of pay can vary depending on the specific circumstances of the individual employee and the type of work they are performing. As such, individual rates can be found by accessing the pay tools on FWO's website.