

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2006-2007 SUPPLEMENTARY BUDGET SENATE ESTIMATES HEARING
2ND NOVEMBER 2006**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

OFFICE OF WORKPLACE SERVICES

**Outcome 1 : The rights and obligations of workers and employers under the
Workplace Relations Act 1996 are understood and enforced fairly**

Output Group 1.1 : Education and Compliance Services

Question Number: W434-07

Question:

Senator Wong asked at *Hansard* page 44

Are you able to indicate the range of breaches at the Holy Grail?

Answer:

This matter is currently before the Federal Magistrates Court. OWS alleges the following breaches:

Squaw Valley Pty Ltd: Liquor and Allied Industries Restaurants, Catering, Café etc
(Australian Capital Territory) 1998 Award.

- I.** *CLAUSE 16 – Casual Employees*
Sub-clause 16.2.1 (second paragraph)
Failure to pay various employees the appropriate penalty for all ordinary hours worked between 7pm and midnight, Monday to Friday.
- II.** *CLAUSE 16 – Casual Employees*
Sub-clause 16.2.1 (third paragraph)
Failure to pay various employees the appropriate penalty for all ordinary hours worked between midnight and 7am, Monday to Friday.
- III.** *CLAUSE 16 – Casual Employees*
Sub-clause 16.2.1 (first paragraph)
Failure to pay various employees the appropriate casual rate for all ordinary hours worked from Monday to Friday.
- IV.** *CLAUSE 16 – Casual Employees*

Sub-clause 16.2.2

Failure to pay various employees the appropriate casual rate for all ordinary hours worked on a Saturday.

V. *CLAUSE 16 – Casual Employees*

Sub-clause 16.2.3

Failure to pay various employees the appropriate casual rate for all ordinary hours worked on a Sunday.

VI. *CLAUSE 16 – Casual Employees*

Sub-clause 16.2.4

Failure to pay various employees the appropriate casual rate for all ordinary hours worked on public holidays.

VII. *CLAUSE 16 – Casual Employees*

Sub-clause 16.3.1

Failure to pay various employees pro-rata holiday pay.

VIII. *CLAUSE 19 – Classifications and Wage Rates*

Failure to pay various employees for work performed.

IX. *CLAUSE 28 – Overtime*

Sub-clause 28.1

Failure to pay various employees the correct overtime rates for all hours worked in excess of the ordinary hours, Monday to Friday.

X. *CLAUSE 28 – Overtime*

Sub-clause 28.2

Failure to pay various employees the correct overtime rate for all hours worked in excess of the ordinary hours, midnight Friday to midnight Sunday.

XI. *CLAUSE 29 – Weekend work penalty rates*

Sub-clause 29.1.1

Failure to pay various employees the appropriate penalty rates for all ordinary hours worked between midnight Friday and midnight Saturday.

XII. *CLAUSE 29 – Weekend work penalty rates*

Sub-clause 29.1.2

Failure to pay various employees the appropriate penalty rates for all ordinary hours worked between midnight Saturday and midnight Sunday.

XIII. *CLAUSE 29 – Weekend work penalty rates*

Sub-clause 29.2.1

Failure to pay various employees the appropriate penalty rates for all ordinary hours worked between 7:00pm and midnight, Monday to Friday.

- XIV.** *CLAUSE 34 – Annual Leave*
Sub-clause 34.6 – Proportional annual leave upon termination.
Failure to pay various employees proportional annual leave upon termination.
- XV.** *CLAUSE 37 – Public holidays*
Sub-clause 37.7
Failure to pay various employees the correct rate for time worked on a public holiday.
- XVI and XVII. AUSTRALIAN FAIR PAY AND CONDITIONS STANDARD**
Section 185 of the Workplace Relations Act 1996
(alternatively, sections 182 and 185 of the Workplace Relations Act 1996)
Failure to pay an employee the guaranteed casual loading percentage of the basic periodic rate of pay payable under the casual loading provisions of the Australian Pay and Classification Scale (APCS) in respect of hours worked on or after 27 March 2006. Alternatively, failure to pay an employee the guaranteed basic periodic rate of pay and the guaranteed casual loading percentage of the basic periodic rate of pay payable under the rate provisions and casual loading provisions of the APCS in respect of hours worked on or after 27 March 2006.

Telluride Pty Ltd: Liquor and Allied Industries Restaurants, Catering, Café etc
(Australian Capital Territory) 1998 Award;

- I.** *CLAUSE 16 – Casual Employees*
Sub-clause 16.2.1 (second paragraph)
Failure to pay various employees the appropriate penalty for all ordinary hours worked between 7pm and midnight, Monday to Friday.
- II.** *CLAUSE 16 – Casual Employees*
Sub-clause 16.2.1 (third paragraph)
Failure to pay various employees the appropriate penalty for all ordinary hours worked between midnight and 7am, Monday to Friday.
- III.** *CLAUSE 16 – Casual Employees*
Sub-clause 16.2.1 (first paragraph)
Failure to pay various employees the appropriate casual rate for all ordinary hours worked from Monday to Friday.
- IV.** *CLAUSE 16 – Casual Employees*
Sub-clause 16.2.2
Failure to pay various employees the appropriate casual rate for all ordinary hours worked on a Saturday.

- V. *CLAUSE 16 – Casual Employees*
Sub-clause 16.2.3
Failure to pay various employees the appropriate casual rate for all ordinary hours worked on a Sunday.
- VI. *CLAUSE 16 – Casual Employees*
Sub-clause 16.2.4
Failure to pay various employees the appropriate casual rate for all ordinary hours worked on public holidays.
- VII. *CLAUSE 16 – Casual Employees*
Sub-clause 16.3.1
Failure to pay various employees pro-rata holiday pay.
- VIII and IX. AUSTRALIAN FAIR PAY AND CONDITIONS STANDARD**
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Estimated Cost: To prepare this answer has taken approximately 2 hours at a cost of \$39.00