

Working Hours, Rosters and Public Holidays - What International Students Need To Know – Complete Hospitality Training

Canonical: <https://cht.edu.au/news/working-hours-rosters-public-holidays-hospitality/>

Details:

Two separate rule sets govern your hours in Australia, and international students need to satisfy both . Confusing them is how people end up either underpaid or in breach of a visa condition.

| | What it controls | Who enforces it | | --- | --- | --- | | Your visa conditions | The maximum you may work | Department of Home Affairs | | The industrial award | What you must be paid for the hours you work | Fair Work Ombudsman |

Your employer's roster has to fit inside both. Neither one overrides the other.

Visa work limits

Student visas carry a condition limiting how much you may work while your course is in session , with the limit lifted during scheduled course breaks. The exact figure has changed more than once in recent years, so check your own visa grant letter and the current Home Affairs position rather than relying on what a friend or an employer tells you.

Three points that catch people:

The limit is usually expressed per fortnight , not per week, so a heavy week must be balanced by a light one.

Volunteer and unpaid work can count in some circumstances.

Breaching a work condition is a visa matter , not an employment one. The consequences fall on you, not your employer.

You must also maintain satisfactory course progress and attendance — these are visa conditions in their own right, and taking on too many shifts is the most common way students fail them.

What your provider owes you here

This is not only your problem to manage. Under the National Code of Practice for Providers of Education and Training to Overseas Students 2018, a registered provider has specific duties:

| Standard | The provider must | | --- | --- | | 6.1.9 | Give you information on, or access to, services for information on your employment rights and conditions and how to resolve workplace issues , such as through the Fair Work Ombudsman | | 6.2 | Give relevant information or appropriate referrals at no additional cost if you request assistance on employment rights | | 6.7 | Ensure staff who deal directly with you understand the provider's obligations and the implications for you of the provider exercising them | | 8.5 | Tell you before the course starts what satisfactory course progress and, where applicable, attendance require in each study period |

If work is starting to damage your attendance, Standards 8.13 and 8.14 matter to you. Before a provider reports a student for unsatisfactory progress or attendance it must give written notice as soon as

practicable of its intention to report, give reasons , advise you of your right to appeal within 20 working days , and report only after the internal and external complaints processes are finished or you have chosen not to use them. You are not reported without warning.

Ask our student support before you accept the shifts, not after — see the student toolkit and the policies page .

Which award covers you: four options, decided by the premises

This determines your minimum pay, and it depends on the premises, not your job title . The same job title, bar attendant, cook, food and beverage attendant, maps to a different award and a different pay table depending on where the work is done.

There are four awards in play. Each covers its industry to the exclusion of any other modern award , so exactly one applies to your employer.

| Award | Code | Where it applies | | --- | --- | --- | | Hospitality Industry (General) Award 2020 | MA000009 | Hotels, pubs, taverns, motels, motor inns, resorts, casinos, caterers, guest houses, serviced apartments, caravan parks, hostels, wine bars and saloons, and a restaurant or function facility operating in or in connection with those premises | | Registered and Licensed Clubs Award 2020 | MA000058 | Not-for-profit registered clubs : RSL, bowls, golf, surf, sporting and community clubs | | Restaurant Industry Award 2020 | MA000119 | Standalone restaurants, cafes, night clubs , reception centres, roadhouses, and catering by a restaurant business | | Fast Food Industry Award 2010 | MA000003 | Food and beverages sold primarily to be consumed away from the point of sale , takeaway, and outlets in food courts, shopping centres and retail complexes |

The two traps

Clubs are not MA000009. Clause 4.4(d)(i) of the hospitality award expressly says it does not cover "clubs registered or recognised under State or Territory legislation". A club falls under MA000058 , and clause 4.3 of that award sets a two-part test : the club must be registered and licensed under a State or Commonwealth liquor, gaming, associations incorporation or corporations statute, and be established and operating on a not-for-profit basis for the benefit of members and the community. The not-for-profit limb does the real work. A commercial venue with "club" in its name is not a club for award purposes.

Night clubs are not MA000058. A night club is commercial, so it sits under MA000119 . This is the most counter-intuitive line in the set.

The fast food test is also narrower than it sounds: clause 4.2 of MA000003 expressly excludes coffee shops, cafes, bars and restaurants providing primarily a sit-down service . So a food-court outlet is MA000003 and a cafe with tables is MA000119, even selling the same sandwich. The test is sit-down service, not the menu.

| Where you work | Award | | --- | --- | | Pub or hotel bar | MA000009 | | Casino | MA000009 | | Restaurant or cafe inside a hotel or motel | MA000009 | | Contract caterer | MA000009 | | RSL, bowls or golf club, not-for-profit and registered | MA000058 | | Standalone restaurant, cafe or bistro | MA000119 | | Night club | MA000119 | | Reception centre, roadhouse | MA000119 | | Food-court outlet, takeaway counter | MA000003 |

MA000009 also expressly excludes employers in hospitals, boarding schools and residential colleges, orphanages, councils and local government, theme parks, in-flight catering, catering provided by a restaurant as an incidental business, aged care catering except where provided within an aged care facility by an employer otherwise covered, and contract cleaning, security, gardening and maintenance. So "hospitality work" does not automatically mean MA000009.

The classification structure, and why it decides your pay

For the two awards that cover most commercial venues, MA000009 and MA000119, the structure is comparable. Both run an Introductory level plus Levels 1 to 6, and both carry identical minimum weekly and hourly rates at every one of those levels as operative 1 July 2026. The differences between those two are structural, not rate-based :

| | MA000009 Hospitality | MA000119 Restaurant | | --- | --- | --- | | Streams | Five — food and beverage, kitchen, guest services, clerical, casino gaming | Three — food and beverage, kitchen, administrative and general | | Separate casino gaming rate table | Yes | No | | Managerial Staff (Hotels) minimum annual salary | Yes, clause 18.2 | No |

MA000058 and MA000003 have their own classification structures and their own pay tables.

Introductory level is not a place to be parked. Under MA000009 it is for untrained new entrants who do not yet demonstrate Level 1 competency, and it lasts up to 3 months while you undertake appropriate training and are assessed for advancement to Level 1. If further training is genuinely needed, the period can be extended by mutual agreement for one further 3 months — six months in total, and no longer. An employer who has kept you at Introductory level for a year is not applying the award.

The grades attached to each level are named in the award. Level 1 covers kitchen attendant grade 1, food and beverage attendant grade 1 and guest service grade 1. Level 2 covers cook grade 1, kitchen attendant grade 2 and food and beverage attendant grade 2. Level 3 covers cook grade 2, kitchen attendant grade 3 and food and beverage attendant grade 3. Level 5 covers cook (tradesperson) grade 4 and food and beverage supervisor. Level 6 covers cook (tradesperson) grade 5.

The Level 4 floor — the single most valuable thing on this page

Under MA000009, MA000119 and MA000058, a relevant AQF Certificate III or higher that you actually use at work sets a minimum classification of Level 4. The fast food award, MA000003, has no equivalent provision.

That is the sharpest practical consequence on this page: the qualification argument works in a pub, in a restaurant and in a registered club, and it does not work in a food court.

The wording differs slightly between the three, and the differences matter:

| Award | Rate clause | What the definition says | | --- | --- | --- | | MA000009 | cl 18.1, adult rates | AQF Certificate III or higher relevant to the classification, and the employee makes use of the skills and knowledge derived from those Certificate III competencies in the work undertaken | | MA000119 | cl 18.1, adult rates | Identical wording to MA000009 | | MA000058 | cl 18.3 | AQF Certificate III qualifications relevant to the classification in which they are employed. Note it does not say "or higher", and the Fair Work Commission may require the employee to demonstrate that they utilise the relevant skills | | MA000003 | — | No equivalent note. There is no Level 4 floor in the fast food award |

So under the two hospitality-side awards, both limbs must be satisfied: the qualification is relevant to the classification you are employed in, and you actually make use of the Certificate III skills and knowledge. A Certificate III sitting in a drawer does not move you. A Certificate III in Hospitality being used on the floor of the venue that employs you does.

The three routes to "appropriate level of training", under MA000009

MA000009 clause 2 defines "the appropriate level of training" with three alternative limbs. An employee has it if they have:

completed an appropriate training program meeting the training and assessment requirements of a qualification, or one or more appropriate units of competency forming part of a training package ; or

been assessed by a qualified skills assessor as having skills at least equivalent to those attained in such a program; or

as at 30 June 2010 , been doing the work of that classification for at least 3 months .

So formal completion is one path, not the only one. But read limb 3 carefully, because it is the one most often misread: it is anchored to a closed date . It is not a rolling rule under which any three months in the role qualifies you, and it cannot be newly satisfied by someone who started work recently. If you have the experience but no certificate, limb 2, the skills assessor route, is the live one to ask about.

This definition is stated here of MA000009 , because that is the award it was verified against. MA000119 and MA000058 have their own definitions clauses, so do not assume the same three limbs apply there — check the award that covers your workplace.

Under MA000009, Level 4 is also the reference point for the whole award: the standard weekly and hourly rates from which other entitlements are calculated are the Level 4 rates, attached to cook (tradesperson) grade 3 and food and beverage attendant (tradesperson) grade 4 . Because the cook stream reaches grade 3 by apprenticeship, trade test or the appropriate level of training , a relevant Certificate III used at work is a route to a tradesperson grade without serving an apprenticeship .

This is why finishing a qualification such as SIT30622 Certificate III in Hospitality or SIT30722 Certificate III in Hospitality (Restaurant Front of House) has a direct, checkable effect on the wage floor rather than a vague one, and why formal certification matters beyond the certificate itself.

If your employer disagrees , the route depends on the award: MA000009 sends the dispute to its clause 40 dispute resolution procedure, MA000119 to its clause 34 , and MA000058 allows referral to the Fair Work Commission for determination.

Of the five most common causes of underpayment in this industry, failure to apply the level floor is one . The other four are misclassification of a trainee wage level, failure to progress the rate when it falls due, applying the wrong rate for the training delivery mode, and age-based rate mistakes. Above all of them sits a sixth: the wrong award applied in the first place .

Two clauses to use when the roster changes what you do

Higher duties — MA000009 clause 22. If you cover a shift above your classification, the award prices it, and the threshold is two hours:

| Time worked at the higher classification in a day | What you are paid | | --- | --- | | Two or more hours | The higher rate for the whole day | | Less than two hours | The higher rate for the time worked only |

Food and beverage attendants grades 2 and 3 are excluded from that provision, so check your own grade before relying on it. This is a MA000009 clause and is not asserted here of the other three awards, each of which has its own numbering.

The habit worth building: write down the date, the hours and the work every time you cover above your grade. That record supports a higher-duties claim while the roster still exists and the people who saw it are still there, and it later becomes the workplace evidence a recognition-of-prior-learning application is assessed against.

Award access — MA000009 clause 3.3. Your employer must make copies of the award and the National Employment Standards available to all employees , either on a noticeboard accessible to you or by accessible electronic means. The document that decides your pay is not confidential, and asking to see it is not a provocation. If you cannot find it, ask where it is kept.

Penalty rates and public holidays

Hospitality runs on evenings, weekends and public holidays, and the awards price that in. Expect higher rates for weekend, evening and public holiday work, plus a casual loading if you are casual.

Do not take the rate on trust. Current figures come from the Fair Work Ombudsman's Pay and Conditions Tool , using your award code, and they change with the annual wage review each 1 July. A page like this one going stale is exactly why no dollar figures appear on it.

The practical check: identify the correct award from the premises, then your stream, then your classification level, then look up the rate for that level, that day and that time. Underpayment in hospitality most often comes from being under the wrong award or classified too low, not from the hourly rate being wrong.

Rostering rules worth knowing

Awards regulate much more than the rate. Depending on the award and your employment type, there are provisions covering minimum engagement per shift, breaks, maximum ordinary hours, overtime, and notice of roster changes.

The person building your roster may hold SITXHRM008 Roster staff , a core unit of both the Certificate IV in Hospitality and the Diploma of Hospitality Management. That unit requires rosters to be developed according to relevant industrial agreements, other considerations and wage budgets — the award is an input to the roster, not an afterthought. Its knowledge requirements name the provisions a competent rosterer is expected to understand: leave, mandated breaks between shifts, maximum allowed shift hours, and standard, overtime and penalty pay rates .

The same unit requires the rosterer to:

maximise operational and customer service efficiency while minimising wage costs

roster teams with a complementary skills mix to meet operational requirements

take account of social and cultural considerations and organisational policies, including family-friendly initiatives and leave for carers, compassion, illness, study , maternity and paternity, and long service

consult colleagues to obtain their input into rosters

present rosters in a clear required format and communicate them within designated timeframes

administer records of shift time actually completed by employees or contractors

monitor roster effectiveness in consultation with colleagues and act on improvements

That last point is your opening. A roster that repeatedly clashes with your class timetable is a roster problem the unit expects a supervisor to fix through consultation, and study leave is on the unit's own list of policies a rosterer should weigh. Raise it as one. For the practical side, see steps for rostering and time management and how to balance education, work and life .

Rosters are a named category of workplace dispute

That is worth knowing before you decide whether raising a roster problem is reasonable. SITXCOM010 Manage conflict , a core unit of both the Certificate IV in Hospitality and the Diploma of Hospitality Management, requires a candidate to resolve team member disputes in at least two of four named categories — and one of those four is "job duties or rosters" . The other three are a dispute or argument among work colleagues, a drug or alcohol-affected person , and lack of competence.

In other words, the training package treats a roster disagreement as a normal supervisory task with a procedure attached, not as an employee being difficult. That named category is the direct link between the rostering unit and the conflict unit.

The same unit also requires a candidate to resolve escalated customer complaints or disputes in at least three of eight named situations — cultural misunderstanding; incorrect pricing; delays or errors in providing the product or service; misunderstanding of a request or a communication barrier; a person

who appears violent or threatening; a problem or fault with the product or service; refused entry or ejection from premises; and a situation where someone has been or may be hurt — and to apply the venue's own procedures for evaluating how a conflict was resolved.

So a supervisor who holds both SITXHRM008 and SITXCOM010 has been assessed on building the roster and on resolving disputes about it. Raise it with them directly, and in writing.

If you are an apprentice or trainee, the hours rules are stricter

| Protection | Where it sits | | --- | --- | | An employer must not require an apprentice under 18 to work overtime or shiftwork , though the apprentice may voluntarily agree; exceptions only in emergencies | MA000009 clause 12.5 | | Overtime cannot be required (apprentice may agree), and except in an emergency no overtime or shiftwork may be required if it would prevent attendance at training under the training agreement | MA000119 clauses 12.5 and 12.6 | | The employer must release the apprentice to attend training or assessment without loss of pay or continuity of employment | MA000009 and MA000119, clause 12.7(a) | | Time in training or assessment counts as time worked | MA000009 and MA000119, clause 12.7(b) | | The employer must reimburse the apprentice for all fees paid to an RTO for required courses, and for required textbooks the employer did not supply — due by the later of 6 months after the apprenticeship starts , 6 months after the relevant stage , or 3 months after the RTO's training starts , subject to satisfactory progress | MA000009 and MA000119, clause 12.7(c) to (e) |

Trainees have an equivalent protection. Schedule E clause E.5.2 of the Miscellaneous Award 2020 entitles a trainee to be released from work without loss of pay and without loss of continuity of employment to attend the training and assessment specified in or associated with the training contract, and that time counts as time worked. School-based traineeships vary.

None of this is discretionary. An employer who rosters over your training, or who discourages you from attending, is breaching the award — not doing you a favour.

If you are an apprentice: progression by stage, and the 21-day clock

Where apprenticeship legislation allows competency-based progression and the training contract does not say otherwise, an apprentice indentured after 23 January 2020 progresses by stage rather than by year. On a four-year nominal term:

| Stage | Trigger | Percentage of the standard rate | | --- | --- | --- | | 1 | On commencement | 55% | | 2 | 25% of the total competencies in the training plan, or 12 months, whichever is earlier | 65% | | 3 | 50% of competencies, or 12 months after Stage 2, whichever is earlier | 80% | | 4 | 75% of competencies, or 12 months after Stage 3, whichever is earlier | 95% |

Note what those percentages run off: the award's standard rate , which is the Level 4 rate . So a Level 4 classification error does not stay contained — it propagates straight into every apprentice percentage above.

A junior apprentice in a trade other than waiting follows the same ladder by year instead: 1st year 55% , 2nd 65% , 3rd 80% , 4th 95% . An adult apprentice who commenced on or after 1 January 2014 receives, in year one, the greater of 80% of the standard weekly rate or the ordinary first-year rate. And an existing employee who becomes an adult apprentice with the same employer must not suffer a rate reduction , provided they had six months full-time, or twelve months part-time or regular casual, service beforehand.

The 21-day clock is the part that most often goes unclaimed. Progression happens when the RTO, the employer and the apprentice agree the requirements have been met — or where the employer has been given written advice that the RTO assessed the apprentice as meeting the requirements for all relevant units and has not notified disagreement within 21 days of receiving it. Silence for 21 days is deemed agreement.

The higher rate is then payable from the first full pay period on or after the date agreement or determination is reached. An employer who files the RTO's letter and does nothing is not preserving the status quo; they are accruing an underpayment. So keep a dated copy of that letter yourself.

If progression is disputed, it goes to the state or territory apprenticeship authority — the VRQA in Victoria, Training Services NSW in New South Wales — or otherwise to the award's dispute resolution clause. Both the employer and the apprentice have a right of referral.

School-based apprentices have their own arrangements under Schedule D: paid off-the-job training time may be calculated as 25% of the actual hours worked each week on the job ; wages for training time may be averaged over the semester or year; the maximum duration is six years ; and progression is either 12 months' wage progression per two years of employment, or competency-based. On conversion to full time, completed competencies and time served both count.

If you are a trainee: the 20% rule, and why delivery mode changes your rate

Under Schedule E of the Miscellaneous Award 2020, a full-time traineeship is 38 ordinary hours a week, with 20% of those hours being approved training . A part-time traineeship is fewer than 38 hours, still with 20% approved training . The training may be delivered wholly on the job, partly on and partly off, or wholly off the job.

That last choice is not administrative. It changes the lawful hourly rate.

| How the approved training is delivered | The schedule rate that applies | | --- | --- | | Wholly off the job by an RTO | The schedule rate applies in full to each ordinary hour | | Wholly on the job, or partly on and partly off | The schedule rate less 20% , under clause E.4.2(f) |

So a trainee paid the full schedule rate while training on the job, and a trainee paid the reduced rate while training wholly off the job with an RTO, are both on the wrong number. Ask which mode your training agreement specifies, then check it against the rate. This is one of the named causes of underpayment listed earlier on this page.

Two further points bear on hospitality trainees specifically. Tourism, Hospitality and Events qualifications at Certificate I to III sit at wage level A , the highest of the schedule's three levels (A, B and C). And a Certificate IV traineeship at wage level A is the relevant Certificate III rate increased by 3.8% .

On conversion between qualification levels, a trainee moves to the next highest minimum wage in the schedule. An employee already employed by that employer immediately before becoming a trainee must not suffer a reduction in minimum pay. And school-based trainees may agree to a 25% loading instead of paid annual, personal or carer's and paid public holiday absence, under clause E.5.1 — that is optional, and it requires the trainee's agreement.

Your payslip is the evidence

You are entitled to a payslip, and it should let you check what you were paid for. If your hours, classification or penalty rates look wrong, the payslip is where you find out — see superannuation, tax and payslips . Check that the award named on it is the right one of the four.

Keep your own record of hours worked, shift by shift. It costs nothing and it settles disputes. The retention periods that apply to an employer's own pay and time records are set by the Fair Work Act and regulations rather than by any award clause quoted above, so confirm the current period directly with the Fair Work Ombudsman before relying on a figure.

If you find an underpayment, check wages and superannuation separately. Missing ordinary time earnings may also reduce compulsory super, while overtime and some other payments are treated differently. Start with the Fair Work Ombudsman's resolution guidance and the ATO's ordinary-time-earnings guidance . Eligible unresolved monetary claims may use a small-claims or other

court process; the Fair Work Commission is not the general wage-recovery forum.

If something is wrong

| Problem | Go to | | --- | --- | | Underpayment, award coverage, classification, penalty rates, roster provisions | Fair Work Ombudsman , and its Pay and Conditions Tool | | A Level 4 classification dispute | MA000009 clause 40, MA000119 clause 34, or for MA000058 referral to the Fair Work Commission | | A wage dispute you cannot resolve | Fair Work Commission | | Apprentice competency progression dispute | the state authority — VRQA in Victoria, Training Services NSW in NSW | | Visa conditions and work limits | Home Affairs , or a registered migration agent | | Course progress affected by work | CHT student support, early — contact us |

Being on a temporary visa does not reduce your workplace rights. The Fair Work Act protects all employees in Australia regardless of visa status.

About us

We are Complete Hospitality Training , RTO 3722, CRICOS 04242E. Legal name Complete Hospitality Training (Vic) Pty Ltd , ABN 27 006 947 262 , ACN 006 947 262 . Registered as RTO 3722 since 1 June 1994 , transferred from the Victorian regulator to the national regulator, ASQA, on 8 September 2017 , with the current registration period running 1 July 2025 to 30 June 2032 . Level 3, 28 Elizabeth Street, Melbourne VIC 3000, and 410 Elizabeth Street, Surry Hills NSW 2010. Contact melbourne@cht.edu.au or +61 3 9654 1554 .

We link to the relevant course and regulatory sources in this guide. Check those sources for current requirements, and confirm course availability, delivery, fees and entry requirements with us before enrolling.

Source records and further guidance

We link the unit records and regulator guidance relevant to this page below. Check the current source before making an enrolment, licensing or employment decision.

SITXCOM010 Manage conflict

SITXHRM008 Roster staff

SIT30622 Certificate III in Hospitality

SIT30722 Certificate III in Hospitality (Restaurant Front of House)

Hospitality Industry (General) Award 2020 (MA000009)

Restaurant Industry Award 2020 (MA000119)

National Code of Practice for Providers of Education and Training to Overseas Students 2018 — Standards 1 to 11

How many hours can I work on a student visa?

There is a limit while your course is in session, and it lifts during scheduled breaks. Check your grant letter and the current Home Affairs position — the figure has changed in recent years, so this page deliberately does not name one.

Does unpaid or volunteer work count towards the limit?

It can, in some circumstances. Check before agreeing to unpaid trials or volunteering.

How do I work out which award covers me?

By the premises, not your job title. Hotels, pubs, motels, resorts, casinos, caterers and accommodation are MA000009. Not-for-profit registered clubs are MA000058. Standalone restaurants, cafes, night clubs, reception centres and roadhouses are MA000119. Food sold primarily to be eaten away from the counter, and food courts, are MA000003.

Which award covers me if I work in a restaurant inside a hotel?

MA000009, the Hospitality Industry (General) Award, because coverage follows the premises rather than the name over the door of the restaurant.

I work at a bowls club. Is that the hospitality award?

No. Clause 4.4(d)(i) of MA000009 expressly excludes clubs registered or recognised under State or Territory legislation. A not-for-profit registered club is MA000058.

I work at a night club. Is that the clubs award?

No, and this is the one almost everybody gets wrong. A night club is commercial rather than a not-for-profit registered club, so it sits under MA000119.

I work in a food court. Which award?

MA000003, the Fast Food Industry Award. The test is whether the food is sold primarily to be eaten away from the point of sale, and MA000003 expressly excludes coffee shops, cafes, bars and restaurants providing primarily a sit-down service.

I finished a Certificate III. Does my pay have to change?

Under MA000009, MA000119 and MA000058, yes, subject to the conditions. A relevant AQF Certificate III or higher, used at work, sets a minimum classification of Level 4. The fast food award has no equivalent provision, so in a food-court job the argument does not run.

What exactly do I have to show?

Under MA000009 and MA000119, that the qualification is relevant to the classification you are employed in and that you make use of the skills and knowledge derived from those Certificate III competencies. Under MA000058 the note covers "AQF Certificate III qualifications" without the words "or higher", and the Fair Work Commission may require you to demonstrate that you utilise the relevant skills.

I have the experience but no certificate. Is there another route?

Under MA000009 clause 2, yes: being assessed by a qualified skills assessor as having skills at least equivalent to the training program. A third limb covers people who, as at 30 June 2010, had been doing the classification's work for at least 3 months — but that date is closed, so it cannot be newly satisfied.

Is the three-month rule a rolling test?

No, and this is worth being clear about. It is anchored to 30 June 2010. Three months in the job starting recently does not engage it, which is why the skills assessor route is the one to ask about.

I covered a shift above my classification. Does the award pay me more?

Under MA000009 clause 22, yes: two or more hours in a day at a higher classification attracts the higher rate for the whole day, and less than two hours attracts it for the time worked only. Food and beverage attendants grades 2 and 3 are excluded from that provision, so check your grade. Keep a dated record of the shift either way.

Where can I read the award itself?

At work. Under MA000009 clause 3.3 your employer must make copies of the award and the National Employment Standards available to all employees, on a noticeboard or by accessible electronic means. The full text is also in the Fair Work Ombudsman's award library.

My employer will not accept the Level 4 argument. What then?

The dispute route depends on the award: MA000009 clause 40, MA000119 clause 34, or for MA000058 referral to the Fair Work Commission for determination. Talk to the Fair Work Ombudsman first.

Do MA000009 and MA000119 pay different minimums?

Between those two, no. At Introductory level through Level 6 the minimum weekly and hourly rates are identical as operative 1 July 2026. What differs is the structure. MA000058 and MA000003 have their own structures and rates.

How long can my employer keep me at Introductory level?

Under MA000009, up to 3 months while you are trained and assessed for Level 1, extendable by mutual agreement for one further 3 months. Six months is the maximum.

I am an apprentice. When exactly does my rate go up?

Where competency-based progression applies and you were indentured after 23 January 2020, you move by stage: Stage 1 on commencement at 55% of the standard rate, Stage 2 at 65% on 25% of the competencies in your training plan or 12 months, Stage 3 at 80% on 50% of competencies or 12 months after Stage 2, Stage 4 at 95% on 75% of competencies or 12 months after Stage 3. Progression happens when the RTO, the employer and you agree the requirements are met, or where the employer has had written advice that the RTO assessed you as meeting the requirements for all relevant units and has not notified disagreement within 21 days. Silence for 21 days is deemed agreement, and the higher rate is payable from the first full pay period on or after the date agreement is reached.

I am an adult apprentice. Is there a floor on my first-year rate?

If you commenced on or after 1 January 2014, year one is the greater of 80% of the standard weekly rate or the ordinary first-year rate. And if you were already employed by that employer before becoming an adult apprentice, you must not suffer a rate reduction, provided you had six months full-time or twelve months part-time or regular casual service beforehand.

I am a trainee. Does it matter whether my training is on the job or off it?

It changes your lawful rate, so yes. A full-time traineeship is 38 ordinary hours a week with 20% of those hours being approved training (part-time is fewer hours, still 20% training). If the approved training is delivered wholly off the job by an RTO, the schedule rate applies in full to each ordinary hour. If it is wholly on the job, or partly on and partly off, the schedule rate applies less 20%, under clause E.4.2(f). Tourism, Hospitality and Events qualifications at Certificate I to III sit at wage level A, the highest of the three levels, and a Certificate IV traineeship at wage level A is the relevant Certificate III rate increased by 3.8%.

I was already working there before I became a trainee. Can my pay go down?

No. An employee already employed by that employer immediately before becoming a trainee must not suffer a reduction in minimum pay. The same protection applies to an existing employee who becomes an adult apprentice with the same employer.

Am I paid more on a public holiday?

Yes, the hospitality and restaurant awards both provide public holiday rates. Confirm the current figure with the Fair Work Ombudsman's Pay and Conditions Tool rather than with this page.

My employer says the award does not apply to me.

Award coverage is determined by the business and the premises, not by agreement between you and your employer. Check with the Fair Work Ombudsman.

Can my employer roster me over my classes?

If you are an apprentice or trainee, no — the employer must release you for training or assessment without loss of pay or continuity of employment, and that time counts as time worked. If you are an ordinary employee, it is not an award breach, but it is a roster problem your supervisor is trained to solve, and study leave is on the rostering unit's own list of considerations. Raise it early and in writing.

Is raising a roster disagreement reasonable, or am I being difficult?

It is reasonable. "Job duties or rosters" is one of four named team-dispute categories a candidate must be able to resolve in SITXCOM010 Manage conflict, a core unit of the Certificate IV in Hospitality and the Diploma of Hospitality Management. The training package treats it as a normal supervisory task with a procedure attached.

Can I be sacked for asking about my pay?

Adverse action for exercising a workplace right is unlawful under the Fair Work Act.

If I was underpaid, is anything else affected?

It can. Missing ordinary time earnings may also reduce compulsory super, but not every underpaid entitlement is ordinary time earnings. Check the amounts separately with the Fair Work Ombudsman and ATO. Eligible unresolved wage claims may use a small-claims or other court process.

How long does my employer have to keep my pay records?

The retention period is set by the Fair Work Act and its regulations, and separately by the ATO for tax records. Confirm the current periods with those two regulators directly.

Where should I start if I want the qualification that lifts my classification?

Look at SIT30622 Certificate III in Hospitality ([/workplace-training/sit30622-certificate-iii-in-hospitality/](#)) for a general hospitality outcome, SIT30722

([/workplace-training/sit30722-certificate-iii-in-hospitality-restaurant-front-of-house/](#)) if you are front of house in a restaurant, and the Certificate IV in Hospitality ([/courses/certificate-iv-in-hospitality/](#)) if you are heading for supervision. Confirm the current fee and intake directly rather than from any article.