



Australian Government

# Fair Work

## OMBUDSMAN

### PAY AND CONDITIONS GUIDE

**Clerks - Private Sector Award 2010 [MA000002]** ('modern award')  
replacing terms and conditions in or derived from

**Clerical and Administrative Employees (Private Sector) Award [AN170017]** ('pre-modern award')

**(TAS)**

Effective from 01 July 2011.

Published 01 September 2011 

#### **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 2011. 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.

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 award covers employers in the private sector throughout Australia with respect to their employees engaged wholly or principally in clerical work, including administrative duties of a clerical nature, and to those employees. However, the award does not cover:

- an employer bound by a modern award that contains clerical classifications, or
- an employee excluded from award coverage by the Act.

The award does not cover 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.

The award does not cover 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 on - hire employees in classifications set out in the award, if the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee. This subclause operates subject to the exclusions from coverage in this award.

This award covers employers which provide group training services for trainees engaged in any of the occupations set out at Schedule B - Classifications and those trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.

Without limiting the generality of the foregoing this award does not cover employers covered by the following industry awards with respect to employees covered by the awards:

- the Aged Care Award 2010
- the Airline Operations - Ground Staff Award 2010
- the Airport Employees Award 2010
- the Alpine Resorts Award 2010
- the Animal Care and Veterinary Services Award 2010
- the Banking, Finance and Insurance Award 2010
- the Black Coal Mining Industry Award 2010
- the Business Equipment Award 2010
- the Contract Call Centres Award 2010
- the Educational Services (Post - Secondary Education) Award 2010
- the Educational Services (Schools) General Staff Award 2010
- the Fitness Industry Award 2010
- the General Retail Industry Award 2010
- the Health Professionals and Support Services Award 2010
- the Higher Education Industry - General Staff - Award 2010
- the Hospitality Industry (General) Award 2010
- the Legal Services Award 2010
- the Market and Social Research Award 2010
- the Rail Industry Award 2010
- the Restaurant Industry Award 2010
- the Sporting Organisations Award 2010 or
- the Telecommunications Services Award 2010.

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.

## **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](http://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](http://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 July 2011 until the final pay period before 01 July 2012 only.

### **Full & Part Time**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 1 - year 1	Clerical and administrative employee, Adult entry level, 1st 6 months	\$16.05
Level 1 - year 1	Clerical and administrative employee, Adult entry level, 2nd 6 months	\$16.38
Level 1 - year 1	Clerical and administrative employee, Grade 1a, 1st 12 months of service at grade 1	\$16.49
Level 1 - year 2	Clerical and administrative employee, Grade 1b, After 12 months of service at grade 1	\$17.05

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 1 - year 3	Clerical and administrative employee, Grade 1b, After 12 months of service at grade 1	\$17.28
Level 2 - year 1	Clerical and administrative employee, Grade 2a, 1st 12 months of service at grade 2	\$17.49
Level 2 - year 2	Clerical and administrative employee, Grade 2b, After 12 months of service at grade 2	\$17.83
Level 3 - other than call centre principal customer contact specialist.	Clerical and administrative employee, Grade 3a, 1st 12 months of service at grade 3	\$18.25
Level 3 - other than call centre principal customer contact specialist.	Clerical and administrative employee, Grade 3b, After 12 months of service at grade 3	\$18.48
Level 3 - other than call centre principal customer contact specialist.	Clerical and administrative employee, Grade 4	\$18.81
Level 4	Clerical and administrative employee, Grade 5	\$19.54
Level 4	Clerical and administrative employee, Grade 6	\$19.84
Level 5 - other than call centre technical assistant.	Clerical and administrative employee, Grade 6	\$20.18
Level 5 - other than call centre technical assistant.	Clerical and administrative employee, Grade 7	\$20.51

### **Casual**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 1 - year 1	Clerical and administrative employee, Adult entry level, 1st 6 months	\$19.58 (22.00%)
Level 1 - year 1	Clerical and administrative employee, Adult entry level, 2nd 6 months	\$19.98 (22.00%)
Level 1 - year 1	Clerical and administrative employee, Grade 1a, 1st 12 months of service at grade 1	\$20.12 (22.00%)
Level 1 - year 2	Clerical and administrative employee, Grade 1b, After 12 months of service at grade 1	\$20.80 (22.00%)
Level 1 - year 3	Clerical and administrative employee, Grade 1b, After 12 months of service at grade 1	\$21.08 (22.00%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 2 - year 1	Clerical and administrative employee, Grade 2a, 1st 12 months of service at grade 2	\$21.34 (22.00%)
Level 2 - year 2	Clerical and administrative employee, Grade 2b, After 12 months of service at grade 2	\$21.76 (22.00%)
Level 3 - other than call centre principal customer contact specialist.	Clerical and administrative employee, Grade 3a, 1st 12 months of service at grade 3	\$22.26 (22.00%)
Level 3 - other than call centre principal customer contact specialist.	Clerical and administrative employee, Grade 3b, After 12 months of service at grade 3	\$22.55 (22.00%)
Level 3 - other than call centre principal customer contact specialist.	Clerical and administrative employee, Grade 4	\$22.95 (22.00%)
Level 4	Clerical and administrative employee, Grade 5	\$23.84 (22.00%)
Level 4	Clerical and administrative employee, Grade 6	\$24.20 (22.00%)
Level 5 - other than call centre technical assistant.	Clerical and administrative employee, Grade 6	\$24.62 (22.00%)
Level 5 - other than call centre technical assistant.	Clerical and administrative employee, Grade 7	\$25.02 (22.00%)

## **Junior**

The rates in this guide are current from the first pay period on or after 01 July 2011 until the final pay period before 01 July 2012 only.

## **Full & Part Time Level 1**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Year 1, Under 16 years	Clerical assistant, Under 17 years of age	\$7.89
Year 1, 16 years of age	Clerical assistant, Under 17 years of age	\$8.24
Year 1, 17 years of age	Clerical assistant, At 17 to 18 years of age	\$9.45
Year 1, 18 years of age	Clerical assistant, At 18 to 19 years of age	\$11.10
Year 1, 19 years of age	Clerical assistant, At 19 to 20 years of age	\$13.19
Year 1, 20 years of age	Clerical Assistant, At 20 to 21 years of age	\$14.40
Year 2, Under 16 years	Clerical assistant, Under 17 years of age	\$8.04
Year 2, 16 years of age	Clerical assistant, Under 17 years of age	\$8.43

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Year 2, 17 years of age	Clerical assistant, At 17 to 18 years of age	\$9.66
Year 2, 18 years of age	Clerical assistant, At 18 to 19 years of age	\$11.34
Year 2, 19 years of age	Clerical assistant, At 19 to 20 years of age	\$13.48
Year 2, 20 years of age	Clerical Assistant, At 20 to 21 years of age	\$14.71
Year 3, Under 16 years	Clerical assistant, Under 17 years of age	\$8.03
Year 3, 16 years of age	Clerical assistant, Under 17 years of age	\$8.54
Year 3, 17 years of age	Clerical assistant, At 17 to 18 years of age	\$9.79
Year 3, 18 years of age	Clerical assistant, At 18 to 19 years of age	\$11.50
Year 3, 19 years of age	Clerical assistant, At 19 to 20 years of age	\$13.67
Year 3, 20 years of age	Clerical Assistant, At 20 to 21 years of age	\$14.92

## Level 2

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Year 1, Under 16 years	All othersgrade 2a - 1st 12 months of service, Under 17 years of age	\$8.35
Year 1, 16 years of age	All othersgrade 2a - 1st 12 months of service, Under 17 years of age	\$8.75
Year 1, 17 years of age	All othersgrade 2a - 1st 12 months of service, At 17 to 18 years of age	\$10.02
Year 1, 18 years of age	All others grade 2a - 1st 12 months of service, At 18 to 19 years of age	\$11.77
Year 1, 19 years of age	All others grade 2a - 1st 12 months, At 19 to 20 years of age	\$13.99
Year 1, 20 years of age	All othersgrade 2a - 1st 12 months of service, At 20 to 21 years of age	\$15.27
Year 2, Under 16 years	All othersgrade 2a - 1st 12 months of service, Under 17 years of age	\$8.28
Year 2, 16 years of age	All othersgrade 2a - 1st 12 months of service, Under 17 years of age	\$8.82
Year 2, 17 years of age	All othersgrade 2a - 1st 12 months of service, At 17 to 18 years of age	\$10.10

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Year 2, 18 years of age	All others grade 2a - 1st 12 months of service, At 18 to 19 years of age	\$11.87
Year 2, 19 years of age	All others grade 2a - 1st 12 months, At 19 to 20 years of age	\$14.11
Year 2, 20 years of age	All others grade 2a - 1st 12 months of service, At 20 to 21 years of age	\$15.39

### **Level 3 - other than call centre principal customer contact specialist.**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Under 16 years	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$8.54
16 years of age	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$8.96
17 years of age	All others grade 2a - 1st 12 months of service, At 17 to 18 years of age	\$10.28
18 years of age	All others grade 2a - 1st 12 months of service, At 18 to 19 years of age	\$12.07
19 years of age	All others grade 2a - 1st 12 months, At 19 to 20 years of age	\$14.33
20 years of age	All others grade 2a - 1st 12 months of service, At 20 to 21 years of age	\$15.65

### **Level 4**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Under 16 years	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$8.72
16 years of age	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$9.16
17 years of age	All others grade 2a - 1st 12 months of service, At 17 to 18 years of age	\$10.52
18 years of age	All others grade 2a - 1st 12 months of service, At 18 to 19 years of age	\$12.35
19 years of age	All others grade 2a - 1st 12 months, At 19 to 20 years of age	\$14.65



<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
20 years of age	All others grade 2a - 1st 12 months of service, At 20 to 21 years of age	\$16.01

**Level 5 - other than call centre technical associate.**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Under 16 years	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$8.87
16 years of age	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$9.33
17 years of age	All others grade 2a - 1st 12 months of service, At 17 to 18 years of age	\$10.72
18 years of age	All others grade 2a - 1st 12 months of service, At 18 to 19 years of age	\$12.59
19 years of age	All others grade 2a - 1st 12 months, At 19 to 20 years of age	\$14.93
20 years of age	All others grade 2a - 1st 12 months of service, At 20 to 21 years of age	\$16.32

**Casual  
Level 1**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Year 1, Under 16 years	Clerical assistant, Under 17 years of age	\$9.62 (22.00%)
Year 1, 16 years of age	Clerical assistant, Under 17 years of age	\$10.06 (22.00%)
Year 1, 17 years of age	Clerical assistant, At 17 to 18 years of age	\$11.53 (22.00%)
Year 1, 18 years of age	Clerical assistant, At 18 to 19 years of age	\$13.54 (22.00%)
Year 1, 19 years of age	Clerical assistant, At 19 to 20 years of age	\$16.09 (22.00%)
Year 1, 20 years of age	Clerical Assistant, At 20 to 21 years of age	\$17.57 (22.00%)
Year 2, Under 16 years	Clerical assistant, Under 17 years of age	\$9.81 (22.00%)
Year 2, 16 years of age	Clerical assistant, Under 17 years of age	\$10.28 (22.00%)
Year 2, 17 years of age	Clerical assistant, At 17 to 18 years of age	\$11.78 (22.00%)
Year 2, 18 years of age	Clerical assistant, At 18 to 19 years of age	\$13.84 (22.00%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Year 2, 19 years of age	Clerical assistant, At 19 to 20 years of age	\$16.45 (22.00%)
Year 2, 20 years of age	Clerical Assistant, At 20 to 21 years of age	\$17.95 (22.00%)
Year 3, Under 16 years	Clerical assistant, Under 17 years of age	\$9.80 (22.00%)
Year 3, 16 years of age	Clerical assistant, Under 17 years of age	\$10.42 (22.00%)
Year 3, 17 years of age	Clerical assistant, At 17 to 18 years of age	\$11.95 (22.00%)
Year 3, 18 years of age	Clerical assistant, At 18 to 19 years of age	\$14.03 (22.00%)
Year 3, 19 years of age	Clerical assistant, At 19 to 20 years of age	\$16.67 (22.00%)
Year 3, 20 years of age	Clerical Assistant, At 20 to 21 years of age	\$18.20 (22.00%)

## Level 2

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Year 1, Under 16 years	All othersgrade 2a - 1st 12 months of service, Under 17 years of age	\$10.18 (22.00%)
Year 1, 16 years of age	All othersgrade 2a - 1st 12 months of service, Under 17 years of age	\$10.67 (22.00%)
Year 1, 17 years of age	All othersgrade 2a - 1st 12 months of service, At 17 to 18 years of age	\$12.22 (22.00%)
Year 1, 18 years of age	All others grade 2a - 1st 12 months of service, At 18 to 19 years of age	\$14.36 (22.00%)
Year 1, 19 years of age	All others grade 2a - 1st 12 months, At 19 to 20 years of age	\$17.07 (22.00%)
Year 1, 20 years of age	All othersgrade 2a - 1st 12 months of service, At 20 to 21 years of age	\$18.63 (22.00%)
Year 2, Under 16 years	All othersgrade 2a - 1st 12 months of service, Under 17 years of age	\$10.10 (22.00%)
Year 2, 16 years of age	All othersgrade 2a - 1st 12 months of service, Under 17 years of age	\$10.76 (22.00%)
Year 2, 17 years of age	All othersgrade 2a - 1st 12 months of service, At 17 to 18 years of age	\$12.33 (22.00%)
Year 2, 18 years of age	All others grade 2a - 1st 12 months of service, At 18 to 19 years of age	\$14.48 (22.00%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Year 2, 19 years of age	All others grade 2a - 1st 12 months, At 19 to 20 years of age	\$17.21 (22.00%)
Year 2, 20 years of age	All others grade 2a - 1st 12 months of service, At 20 to 21 years of age	\$18.78 (22.00%)

### **Level 3 - other than call centre principal customer contact specialist.**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Under 16 years	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$10.42 (22.00%)
16 years of age	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$10.93 (22.00%)
17 years of age	All others grade 2a - 1st 12 months of service, At 17 to 18 years of age	\$12.54 (22.00%)
18 years of age	All others grade 2a - 1st 12 months of service, At 18 to 19 years of age	\$14.73 (22.00%)
19 years of age	All others grade 2a - 1st 12 months, At 19 to 20 years of age	\$17.49 (22.00%)
20 years of age	All others grade 2a - 1st 12 months of service, At 20 to 21 years of age	\$19.09 (22.00%)

### **Level 4**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Under 16 years	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$10.64 (22.00%)
16 years of age	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$11.18 (22.00%)
17 years of age	All others grade 2a - 1st 12 months of service, At 17 to 18 years of age	\$12.83 (22.00%)
18 years of age	All others grade 2a - 1st 12 months of service, At 18 to 19 years of age	\$15.07 (22.00%)
19 years of age	All others grade 2a - 1st 12 months, At 19 to 20 years of age	\$17.88 (22.00%)
20 years of age	All others grade 2a - 1st 12 months of service, At 20 to 21 years of age	\$19.53 (22.00%)

## Level 5 - other than call centre technical associate.

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Under 16 years	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$10.83 (22.00%)
16 years of age	All others grade 2a - 1st 12 months of service, Under 17 years of age	\$11.38 (22.00%)
17 years of age	All others grade 2a - 1st 12 months of service, At 17 to 18 years of age	\$13.08 (22.00%)
18 years of age	All others grade 2a - 1st 12 months of service, At 18 to 19 years of age	\$15.36 (22.00%)
19 years of age	All others grade 2a - 1st 12 months, At 19 to 20 years of age	\$18.21 (22.00%)
20 years of age	All others grade 2a - 1st 12 months of service, At 20 to 21 years of age	\$19.91 (22.00%)

### **Supported Wage**

This industrial instrument provides access to 'supported wages' for eligible employees within clause 21.

For details of supported wage provisions see the 1 January 2010 version of the instrument.

### **Apprentice**

Apprentice employees are not covered by this guide for the modern award and pre-modern award.

### **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%

<b>1/01/2010</b>	<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
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.

<b>1/01/2010</b>	<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
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:

<b>First full pay period on or after</b>	<b>Percent of modern award loading/penalty</b>
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:

<b>First full pay period on or after</b>	<b>Percent of pre-modern award loading/penalty</b>
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.

<b>1/01/2014</b>	<b>1/07/2010</b>	<b>1/01/2010</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>	<b>Pre-modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(20.00%)</b>		<b>(80.00%)</b>
10.00%	2.00%	10.00%	8.00%
20.00%	4.00%	20.00%	16.00%
25.00%	5.00%	25.00%	20.00%
50.00%	10.00%	50.00%	40.00%
75.00%	15.00%	75.00%	60.00%
100.00%	20.00%	100.00%	80.00%
120.00%	24.00%	120.00%	96.00%
125.00%	25.00%	125.00%	100.00%
130.00%	26.00%	130.00%	104.00%
150.00%	30.00%	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:

<b>First full pay period on or after</b>	<b>Percent of modern award loading/penalty</b>
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.

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

For more information about transitional arrangements for loading/penalty entitlements please visit [www.fairwork.gov.au](http://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, Part Time, Casual**

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
19.2(c)	Laundry	When an employee is required to wear and launder a uniform any cost of the uniform must be reimbursed and the employee must be paid an allowance for laundry expenses.	1/01/2010	\$0.0934 per hour.  This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum, of 38 hours per week).
19.3	Meal allowance	An employee required to work for more than one and a half hours of overtime without being given 24 hours' notice after the employee's ordinary time of ending work will be either provided with a meal or paid a meal allowance.	1/07/2011	\$13.2700 per occasion
19.3	Meal allowance	Where an employee is required to work for more than one and a half hours of overtime without being given 24 hours' notice after the employee's ordinary time of ending work and such overtime work then exceeds four hours, a further meal allowance will be paid.	1/07/2011	\$10.6200 per occasion
19.4(a)(i)	Vehicle allowance	<b>Motor cars</b>	1/01/2010	\$0.7400 per kilometre.



Clause	Allowance Type	Description	Effective Date	Rate
		An employee required to use vehicle in their duties must be paid the allowance with a maximum payment for 400 kilometres per week.		
19.4(a)(ii)	Vehicle allowance	<b>Motorcycles</b> An employee required to use a vehicle in their duties must be paid the allowance with a maximum payment for 400 kilometres per week.	1/01/2010	\$0.7400 per kilometre.
19.6	First aid allowance	An employee, trained to give first aid, currently holding appropriate first aid qualifications and appointed to perform first aid duty must be paid the allowance.	1/07/2011	\$0.2709 per hour.  This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to maximum of 38 hours week). (1.50%)

## **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](http://www.fairwork.gov.au)

### **All states covered by this instrument**

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
7	Award flexibility (Instrument)	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:  - arrangements for when work is performed - overtime rates - penalty rates - allowances - leave loading.  Other conditions concerning award flexibility are contained within the Fair Work Act 2009.
8	Consultation (Instrument)	The award contains information on the employer's responsibility to consult regarding major workplace change including the:  - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	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).
11	Part-time conditions	A part-time employee is:

Clause	Conditions Type	Description
	(Instrument)	<p>- engaged to perform less than the full-time hours on a reasonably predictable basis.  - entitled to equivalent pay and conditions to those of full-time employees on a pro rata basis.</p> <p>At the time of engagement the employer and the part-time employee will agree in writing on a regular pattern of work, specifying:</p> <ul style="list-style-type: none"> <li>- the numbers of hours worked each day,</li> <li>- which days of the week the employee will work</li> <li>- the starting and finishing times each day.</li> </ul> <p>Changes in hours may only be made by agreement in writing between the employer and employee.  Changes in days can be made by the employer giving one week's notice in advance of the changed hours.</p> <p>An employer is required to roster a part-time employee for a minimum of three consecutive hours on any shift.</p> <p>All time worked in excess of the hours as agreed under at the time of engagement will be overtime and paid for at the rates prescribed in the overtime clause.</p> <p>A part-time employee is paid for ordinary hours worked at the rate of 1/38th of the weekly rate for the class of work performed.</p>
12	Casual conditions (Instrument)	<p>A casual employee is paid per hour at the rate of 1/38th of the weekly rate for the class of work performed, plus 25%. This loading is in lieu of entitlements to leave and other matters from which casuals are excluded by the terms of this award and the NES.</p> <p>Casual employees are paid at the termination of each engagement, or weekly or fortnightly in accordance with payment methods for full-time employees.</p> <p>Casual employees are entitled to a minimum payment of three hours' work at the appropriate rate.</p>
13.2	Termination of employment - notice of termination by an employee (Instrument)	<p>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.</p>

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
13.3	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 one 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.
14.2	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.
14.3	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.
14.4	Redundancy - job search entitlement (Instrument)	An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.  If the employee has been allowed paid leave for more than one 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.
14.5	Redundancy - transitional provisions (Instrument)	An employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with terms of a NAPSA that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee, and  - that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.  The employee's entitlement to redundancy pay under the notional agreement preserving a State award is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.  This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.

Clause	Conditions Type	Description
17	Annualised salary arrangements (Instrument)	<p>An employer may pay an employee an annual salary instead of any or all of the following provisions of the award:</p> <ul style="list-style-type: none"> <li>- minimum weekly wages</li> <li>- allowances</li> <li>- overtime and penalty rates</li> <li>- annual leave loading.</li> </ul> <p>Where an annual salary is paid the employer must advise the employee in writing of the annual salary and which provisions of the award will be satisfied by payment of the annual salary.</p> <p>The annual salary must be no less than what the employee would have received under the award over the year (or if the employment ceases earlier over the period worked).</p> <p>The annual salary must be reviewed at least annually so that the compensation is appropriate in relation to the provisions which are satisfied by the annual salary.</p> <p>For the purposes of the NES, the base rate of pay of an employee receiving an annual salary is made up of the part of the annual salary equivalent to the relevant minimum weekly wage and excludes any incentive-based payments, bonuses, loadings, monetary allowances, overtime and penalties.</p>
19.1	Transport of employees (Instrument)	<p><b>Shiftworkers</b></p> <p>When an employee working shiftwork commences or finishes work at a time other than their normal commencing or finishing time and when reasonable transport is not available, the employer will reimburse the employee the cost of transport to the employee's home. This will not apply where the employer provides transport.</p>
19.2	Clothing, footwear and/or equipment (Instrument)	<p>The employer will reimburse employees for the cost of uniforms and/or protective clothing where they are engaged in work damaging to clothing. This will not apply where uniforms and/or protective clothing are provided free of charge by the employer.</p>

Clause	Conditions Type	Description
		The employer will reimburse employees for the cost of appropriate protective footwear where they are constantly required to work under conditions which are wet and damaging to footwear. This will not apply where appropriate protective footwear is provided free of charge by the employer.
19.4(b)	Other (Instrument)	<p><b>Vehicle Allowance</b></p> <p>The employer must pay all expenses including registration, running and maintenance where an employer provides a motor vehicle which is used by an employee in their duties.</p>
19.5(a)(b)	Away from home/usual place of employment (Instrument)	<p>An employee, required to work temporarily away from the employee's usual place of employment, and who is required to sleep away from their usual residence, is entitled to:</p> <ul style="list-style-type: none"> <li>- an allowance to cover all fares to and from the place where they are required to work</li> <li>- an allowance to cover all reasonable expenses for board and lodging.</li> </ul> <p>These allowances are not payable where fares, board and lodging are provided by the employer.</p>
19.5(c)	Travelling time (Instrument)	<p>An employee, required to work temporarily away from the employee's usual place of employment, and who is required to sleep away from their usual residence, is entitled to payment at ordinary rates for all time travelling between the employee's usual place of employment and the temporary location. This paid time is not to exceed eight hours in 24 hours.</p>
19.7	Higher duties (Instrument)	<p>An employee, required to perform duties in a classification higher than their usual classification for more than one day is paid at least the rate which would be applicable if these duties were performed on a permanent basis.</p>
19.8	District allowance (Instrument)	<p>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, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee, and that would have entitled the employee to payment of a district allowance.</p> <p>This clause ceases to operate on 31 December 2014.</p>

Clause	Conditions Type	Description
20	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> <li>- 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 - based transitional instrument or enterprise agreement had applied to the employee, and</li> <li>- 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.</li> </ul> <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>
23	Method of payment (Instrument)	<p>Wages must either be paid by cash, cheque or electronic funds transfer into the bank or financial institution account nominated by the employee.</p> <p>The award also contains information on payment of wages and absences from duty under an averaging system.</p>
24	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> <li>- the employers responsibility to make superannuation contributions to a superannuation fund</li> <li>- the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund</li> <li>- the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.</li> </ul>
25.1	Hours of work (Instrument)	<p><b>Ordinary hours of work (other than shiftworkers)</b></p> <p><u>Weekly hours of work—day workers</u></p>

Clause	Conditions Type	Description
		<p>The ordinary hours of work for day workers are to be an average of 38 per week but not exceeding 152 hours in 28 days, or an average of 38 over the period of an agreed roster cycle.</p> <p>The ordinary hours of work may be worked from 7.00 am to 7.00 pm Monday to Friday and from 7.00 am to 12.30 pm Saturday. Provided that where an employee works in association with other classes of employees who work ordinary hours outside the spread prescribed by this clause, the hours during which ordinary hours may be worked are as prescribed by the modern award applying to the majority of the employees in the workplace.</p> <p>Not more than 10 hours exclusive of meal breaks (except if paid for at overtime rates) are to be worked in any one day.</p>
25.2	Hours of work (Instrument)	<p><b>Ordinary hours of work (other than shiftworkers)</b></p> <p><u>Altering spread of hours</u></p> <p>The ordinary hours of work are to be worked continuously, except for meal breaks, at the discretion of the employer. The spread of hours may be altered by up to one hour at either end of the spread, by agreement between an employer and the majority of employees concerned or in appropriate circumstances, between the employer and an individual employee.</p>
25.3	Hours of work (Instrument)	<p><b>Ordinary hours of work (other than shiftworkers)</b></p> <p><u>Notice of rostered days off</u></p> <p>Where an employee is entitled to a rostered day off during the employee's work cycle, the employer must give the employee four weeks' notice in advance of the weekday the employee is to take off.</p>
25.4	Hours of work (Instrument)	<p><b>Ordinary hours of work (other than shiftworkers)</b></p> <p><u>Substitute days</u></p> <p>An employer may substitute the day an employee is to take off for another day in case of an emergency.</p>



Clause	Conditions Type	Description
		<p>An individual employee, with the agreement of the employer, may substitute the day the they are to take off for another day.</p> <p>Where the working of the 38 hour week is agreed to in accordance with the hours of work provisions (contained in clause 25 of the award), an employee and the employer may agree to a banking system of up to a maximum of five rostered days off. An employee would therefore work on what would normally have been the employee's rostered day off and accrue an entitlement to bank a rostered day off to be taken at a mutually convenient time for both the employee and the employer. Not less than five days' notice must be given before taking the banked rostered day(s) off.</p> <p>No payments or penalty payments are to be made to employees working under the substitute banked rostered day off. However the employer will maintain a record of the number of rostered days banked and will apply the average pay system during the weeks when an employee elects to take a banked rostered day off.</p> <p>Employees terminating prior to taking any banked rostered day(s) off must receive one fifth of average weekly pay over the previous six months multiplied by the number of banked substitute days.</p> <p>Employees who work on a rostered day off basis each twenty-day cycle are entitled to twelve rostered days off in a twelve-month period.</p> <p>Details of the arrangements for the substitution of days are outlined in the award.</p>
26.1	Breaks - meal (Instrument)	Subject to the shiftwork provisions of this award, employees are entitled to a meal period of not less than 30 minutes and not more than 60 minutes. The meal period must be taken not later than five hours after commencing work and after the resumption of work from a previous meal break.
26.2	Breaks - rest (Instrument)	An employee must be allowed two ten minute rest intervals to be counted as time worked on each day that the employee is required to work not less than eight ordinary hours. Each rest interval should be taken at a time suitable to the employer taking into account the needs of the business. If suitable to business operations, the first rest interval should be allowed between the time of commencing work and the usual meal interval and the second rest interval should be allowed between the usual meal and the time of ceasing work for the day.

Clause	Conditions Type	Description
		<p>An employee must be allowed one ten minute rest interval to be counted as time worked on each day that the employee is required to work more than three but less than eight ordinary hours. The rest interval should be taken at a time suitable to the employer taking into account the needs of the business.</p> <p>An employee who works more than four hours overtime on a Saturday morning must be allowed a rest interval of ten minutes without loss of pay between the time of commencing work and finishing work.</p>
27.1(d)	Overtime - other (Instrument)	An employee who works 38 hours Monday to Friday must be paid a minimum of three hours at overtime rates for work performed on a <b>Saturday</b> , provided the employee is ready, willing and available to work such overtime.
27.3	Break between work periods (Instrument)	<p><b>Rest period after overtime (other than shiftworkers)</b></p> <p>When overtime work is necessary it must wherever reasonably practicable, be so arranged that employees have at least ten consecutive hours off duty between the work of successive days.</p> <p>An employee (other than a casual employee) who works so much overtime between the finish of their ordinary work on one day and the start of their ordinary work on the next day that they have not had at least ten consecutive hours off duty between those times must be released after completion of this overtime until they have had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.</p> <p>Overtime worked where an employee is required to return to duty after their usual finishing time (clause 27.4) is not regarded as overtime for the purpose of this provision for a ten hour rest period.</p> <p>When an employee has not substituted nor banked the rostered day off and therefore works overtime on the rostered day off, the rate of pay must be calculated in accordance with the overtime provisions.</p> <p><b>Rest period after overtime (shiftworkers)</b></p> <p>This provision for a ten hour rest period applies to shiftworkers as if eight hours were substituted for ten hours when overtime is worked:</p> <ul style="list-style-type: none"> <li>- for the purposes of changing shift rosters;</li> <li>- where a day worker or a shiftworker is required to replace a shiftworker who does not report for duty</li> </ul>

Clause	Conditions Type	Description
		- where a shift is worked by arrangement between the employees themselves.
27.3(f)	Break between work periods (Instrument)	<b>Rest period after overtime</b>  When an employee has not substituted nor banked the rostered day off and therefore works overtime on the rostered day off, the rate of pay is calculated according to the overtime provisions.
27.4	Overtime - other (Instrument)	<b>Return to duty</b>  Where an employee is required to return to duty after the usual finishing hour for that day, they must be paid at overtime rates and must receive a minimum payment for three hours' work. This does not apply where the work is continuous (subject to a meal break of not more than one hour) with the starting or ending of ordinary working time.
27.5	Overtime – time off in lieu (Instrument)	An employee may elect, with the consent of the employer, to take time off instead of payment for overtime that would otherwise be payable under this clause at a time or times agreed with the employer.  Overtime taken as time off during ordinary time hours must be taken at the ordinary time rate that is an hour for each hour worked.  An employer must, if requested by an employee, provide payment, at the rate provided for the payment of overtime in the award, for any overtime worked under this clause where such time has not been taken within four weeks of accrual.
27.6	Overtime - other (Instrument)	<b>Make-up time</b>  An employee may, work 'make-up time' with the consent of the employer. The employee then takes time off during ordinary hours, and works those hours at a later time, during the spread of ordinary hours.
28.2	Shiftwork (Instrument)	<b>Altering span of hours</b>  The span of hours over which shifts may be worked may be altered up to one hour at either end of the span if:  - this is agreed between the majority of employees concerned or

Clause	Conditions Type	Description
		- in appropriate cases an individual employee.
28	Shiftwork (Instrument)	<p><b>Ordinary hours of work</b></p> <p>Ordinary hours of work for shiftworkers are an average of 38 hours per week and must not exceed 152 hours in 28 consecutive days.</p> <p>By agreement between the employer and the majority of employees concerned, a roster system may operate on the basis that the weekly average of 38 ordinary hours is allowed over a period which exceeds 28 consecutive days but does not exceed twelve months.</p> <p>Not more than ten ordinary hours are to be worked in any one day.</p> <p>An employee may be employed on shifts. In this case the ordinary hours for a week's work are 38 and must be performed in shifts not exceeding six shifts of ten hours each. A Sunday may be included.</p> <p>Times of beginning and ending the shift may be varied by:</p> <ul style="list-style-type: none"> <li>- agreement between the employer and the employee</li> <li>- at least one week's notice given by the employer to the employee in the absence of agreement.</li> </ul>
28.4(e)	Shiftwork (Instrument)	<p><b>Ordinary hours and work on Sunday and public holidays</b></p> <p>Where ordinary shift hours commence between 11.00 pm and midnight on a Sunday or public holiday, the ordinary time worked before midnight does not entitle the shiftworker to the Sunday or public holiday rate.</p> <p>However ordinary time worked by a shiftworker on a shift commencing before midnight on the day preceding a Sunday or public holiday and extending into a Sunday or public holiday is regarded as ordinary time worked on Sunday or a public holiday.</p>
28.4(f)	Breaks - meal (Instrument)	<p><b>Shiftworkers only</b></p> <p>A shiftworker is allowed twenty minutes break for a meal during each shift before the expiration of five hours. This break is counted as time worked.</p>
28.5	Shiftwork	<b>Time off in lieu of overtime</b> and <b>make up time</b> apply to shiftworkers as well as day workers.

Clause	Conditions Type	Description
	(Instrument)	
29.2	Hours of work (Instrument)	<b>Call centre penalty arrangements</b>  Ordinary hours can be worked on a Sunday between 7.00am and 7.00pm by agreement between an employee and the employer. This is subject to the payment of applicable penalties.
30.3	Annual leave loading (Instrument)	During annual leave an employee will receive a loading calculated on the wage rate applicable for their classification. Annual leave loading is payable on leave accrued.  The loading is as follows:  <u>Day work</u> : Employees who would have worked on day work only had they not been on leave - 17.5% or the relevant weekend penalty rates, whichever is the greater but not both.  <u>Shiftwork</u> : Employees who would have worked on shiftwork had they not been on leave - 17.5% or the shift loading (including relevant weekend penalty rates) whichever is the greater but not both.
30.4	Annual leave - paid leave in advance of accrued entitlement (Instrument)	An employer may allow an employee to take a period of annual leave in advance of the entitlement accruing.  If leave is taken in advance and the employment terminates before the entitlement accrues the employer may make a corresponding deduction from any money due to the employee on termination.
30.5(a)	Annual leave - close-down (Instrument)	An employer may require an employee to take annual leave as part of a close-down of its operations by giving at least four weeks' notice.
30.5(a)	Annual leave - excessive leave (Instrument)	An employer may require an employee to take annual leave where more than eight weeks' leave is accrued by giving at least four weeks' notice.
31.2	Personal/carer's leave (Instrument)	<b>Personal/carer's leave for casual employees</b>  Casual employees are entitled to be not available for work or to leave work to care for a person who is sick and requires care and support or who requires care due to an emergency.

Clause	Conditions Type	Description
		This leave is unpaid. A maximum of 48 hours absence is allowed by right with additional absence by agreement.
32.2	Public holidays (Instrument)	An employer and the employees may agree to substitute another day for a public holiday.

## **Frequency of Payment**

Employees must be paid their wages weekly or fortnightly as determined by the employer or monthly if mutually agreed. Where payment is made monthly it must be on the basis of two weeks in advance and two weeks in arrears.

Where an employee is paid by cash or cheque and, because of the arrangement of their ordinary hours, take a day off on a day which coincides with payday, they must be paid no later than the working day immediately following payday. However, wages may be paid on the working day preceding payday if the employer is able to make suitable arrangements.

**IMPORTANT NOTE: Disclaimer**

The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The Pay and Conditions Guides are provided for that purpose.

There are factors that may affect the information contained in these Guides. These include:

- changes to pay rates, allowances, penalties or modern award provisions; eg after FWA's annual wage review which takes effect on 1 July each year
- changes to the Fair Work Act or other relevant legislation
- decisions of courts or Fair Work Australia, in particular regarding the effect of provisions in modern awards and pre-modern awards where those differ from the approach taken by the FWO.

The FWO will consider these matters and where appropriate update the Guides.

It is your responsibility to comply with workplace laws and industrial instruments that apply to you.

The information contained in these Pay and Conditions Guides is:

- general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and
- not legal advice.

Therefore you may wish to seek your own independent professional advice to ensure all the factors relevant to your circumstances are properly considered.