

# Pastoral Award 2010

The above award was first made on 3 April 2009 [[PR986377](#)]

This consolidated version of the award includes variations made on 11 September 2009 [[PR988419](#)]; 18 January 2010 [[PR992539](#)]; 19 January 2010 [[PR992290](#)]; 12 March 2010 [[PR994669](#)]; 26 March 2010 [[PR994545](#)]; 4 June 2010 [[PR997772](#)]; 21 June 2010 [[PR998138](#)]; 21 June 2010 [[PR997915](#)]; 29 June 2010 [[PR998748](#)]; 2 July 2010 [[PR998862](#)]; 19 July 2010 [[PR999460](#)]; 21 July 2010 [[PR999601](#)]; 6 December 2010 [[PR503645](#)]; 14 December 2010 [[PR505053](#)]; 20 June 2011 [[PR509066](#)]; 21 June 2011 [[PR509188](#)]; 21 June 2011 [[PR510670](#)]; 18 June 2012 [[PR522897](#)]; 18 June 2012 [[PR525068](#)]; 19 June 2012 [[PR523018](#)]; 23 October 2012 [[PR530242](#)]; 21 December 2012 [[PR532630](#)]; 19 June 2013 [[PR536700](#)]; 20 June 2013 [[PR536821](#)]; 20 June 2013 [[PR537893](#)]

Applications for Review of award: [AM2012/7](#); [AM2012/18](#); [AM2012/41](#); [AM2012/45](#); [AM2012/112](#); [AM2012/128](#); [AM2012/134](#); [AM2012/174](#); [AM2012/221](#)

NOTE:

**Transitional provisions** may apply to certain clauses – see [clause 2](#) and [Schedule A](#)

To determine the transitional amount or loading, go to the version of this modern award in operation [prior to 1 July 2010](#) which does **not** include:

- (a) variations to minimum wages resulting from the Annual Wage Review 2009-10; or
- (b) variations in expense related allowances operative from 1 July 2010.

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## Part 1—Application and Operation

### 1. Title

This award is the *Pastoral Award 2010*.

### 2. Commencement and transitional

[Varied by [PR988419](#)]

- 2.1** This award commences on 1 January 2010.
- 2.2** The monetary obligations imposed on employers by this award may be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase any overaward payment.
- 2.3** This award contains transitional arrangements which specify when particular parts of the award come into effect. Some of the transitional arrangements are in clauses in the main part of the award. There are also transitional arrangements in Schedule A. The arrangements in Schedule A deal with:
- minimum wages and piecework rates
  - casual or part-time loadings
  - Saturday, Sunday, public holiday, evening or other penalties
  - shift allowances/penalties.
- 2.4** Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, Fair Work Australia may make any order it considers appropriate to remedy the situation.
- 2.5** Fair Work Australia may review the transitional arrangements in this award and make a determination varying the award.
- 2.6** Fair Work Australia may review the transitional arrangements:
- (a) on its own initiative; or
  - (b) on application by an employer, employee, organisation or outworker entity covered by the modern award; or
  - (c) on application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award; or

- (d) in relation to outworker arrangements, on application by an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the arrangements relate.

### 3. Definitions and interpretation

[Varied by [PR994669](#), [PR994545](#), [PR997772](#), [PR503645](#)]

#### 3.1 In this award, unless the contrary intention appears:

[Definition of **Act** substituted by [PR994545](#) from 01Jan10]

**Act** means the *Fair Work Act 2009* (Cth)

[Definition of **agreement-based transitional instrument** inserted by [PR994545](#) from 01Jan10]

**agreement-based transitional instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **award-based transitional instrument** inserted by [PR994545](#) from 01Jan10]

**award-based transitional instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**broadacre field crops** means canola, wheat, hay, barley, oats, rice, triticale, maize, millet, chickpeas, cotton, faba beans, lucerne, lupins, pigeon peas, sorghum, soybean, sunflower, and other crops grown as part of a broadacre mixed farming enterprise

**broadacre mixed farming enterprise:**

- means a farming enterprise consisting of the growing of broadacre field crops as defined;
- includes the rearing, management, and grazing of livestock;
- means a farming enterprise which combines both; or
- means a farming enterprise which in addition to any of the above grows other crops, for the purposes of crop rotation or the rearing, management, and grazing of livestock as part of a mixed farming enterprise

**casual pieceworker** means a Shearer, Crutcher or Woolpresser engaged as a casual employee and paid the piecework rates prescribed by this award

[Definition of **Commission** deleted by [PR994545](#) from 01Jan10]

**continuous service** is not broken when an employee:

- takes up to 152 ordinary working hours because of sickness or accident in a 12 month period (i.e. paid sick leave and workers compensation leave);
- takes long service leave, annual leave, public holidays, paid bereavement leave and jury service; or
- has their service interrupted or terminated by an employer whose intentions are to avoid their obligations under this award

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Absences from work, which do not count as time worked for the purposes of calculating continuous service but do not break continuity of service include:

- any absence with reasonable cause, proof of which will be upon the employee;
- any leave without pay taken with the agreement of the employer; and
- parental leave

**crutching** includes all the operations for which rates are prescribed in this award. The meanings of the words crutch, Crutcher and crutched are similarly extended.

**cut out** means the completion of the shearing or crutching of the last sheep shorn or crutched at the termination of the shed

[Definition of **Division 2B State award** inserted by [PR503645](#) ppc 01Jan11]

**Division 2B State award** has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Division 2B State employment agreement** inserted by [PR503645](#) ppc 01Jan11]

**Division 2B State employment agreement** has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**double-fleeced** means a sheep carrying two years' fleece

[Definition of **employee** substituted by [PR994545](#), [PR997772](#) from 01Jan10]

**employee** means national system employee within the meaning of the Act

[Definition of **employer** substituted by [PR994545](#), [PR997772](#) from 01Jan10]

**employer** means national system employer within the meaning of the Act

[Definition of **enterprise award** deleted by [PR994545](#) from 01Jan10]

[Definition of **enterprise award-based instrument** inserted by [PR994545](#) from 01Jan10]

**enterprise award-based instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **enterprise NAPSA** deleted by [PR994545](#) from 01Jan10]

[Definition of **expeditionary employee** varied by [PR994669](#) ppc 12Mar10]

**expeditionary employee** means a woolclasser or shearing shed expert who commences on the day as agreed for commencing shearing and resides on the property for the duration of the shearing. Expeditionary employees are entitled to free board and lodging.

**experience in the industry** means all and any experience in the industry as described in clause 4.2 of this award

**Farm and livestock hand** means an employee performing the work described in the classifications which apply to such work in Part 4—Broadacre Farming and Livestock Operations of this award and who is not a Piggery attendant, Poultry worker or any employee classified under Part 7—Shearing Operations

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**found employees** are employees who are supplied with up to five meals per day during the course of shearing or crutching; such meals are to be provided by the employer together with suitable accommodation

**keep** is where an employee is employed on the 'with keep' rate as prescribed in this award, 'keep' will mean good and sufficient living accommodation and good and sufficient rations of sufficient quantity; sound, well-cooked and properly served by the cook or the cook's offsider; but it will not include accommodation under a roof or cooking when circumstances render such accommodation or cooking impracticable

**livestock** means all animals used in primary production including insects

[Definition of **NAPSA** deleted by [PR994545](#) from 01Jan10]

[Definition of **NES** substituted by [PR994545](#) from 01Jan10]

**NES** means the National Employment Standards as contained in [sections 59 to 131](#) of the *Fair Work Act 2009* (Cth)

[Definition of **on-hire** inserted by [PR994545](#) from 01Jan10]

**on-hire** means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client

**Piggery attendant** means an employee who is employed by an employer who is exclusively, wholly or substantially engaged in the raising and breeding of pigs, and who performs duties described in the classifications in Part 5—Pig Breeding and Raising of this award

**Poultry worker** means an employee who is employed by an employer who is exclusively, wholly or substantially engaged in the raising and breeding of poultry, and who performs duties described in the classifications in Part 6—Poultry Farming of this award

**ram stags** are rams that have been castrated when they are 18 months or older

**rams** are male sheep that are more than six months old

**shearing** is where:

- the employee takes off the belly wool first and lays it aside, and, when required by the employer, the employee shears over the tail when shearing the first side; and
- in opening the fleece at the neck and belly, the machine or both blades of the shears will be kept under the wool and close to the skin, so as to avoid twice cutting and where the employee does not run the machine or shears through the fleece so as to break it down the centre or the back

**Shearing cook** means an employee who cooks for six or more employees who are engaged for shearing or crutching operations

**Shearing shed expert** or **Expert** means an employee who is competent to perform experting duties at a shearing shed as described in clause 44.7 in accordance with the requirements of the employer or a representative (such requirements to be specified at the time of engagement)

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**shed** means shearing shed or, in relation to crutching work performed other than at a shed, the property, station or location where crutching work is or will be undertaken

**silviculture and afforestation** means planting, pruning, fertilising and any other activity in or in connection with the establishment or cultivation of trees in forests

**standard rate** means the hourly rate payable to a Farm and livestock hand level 2 in clause 28.1

**Station cook** means an employee who cooks for station hands and/or other station personnel

**stud ewes** are ewes with tags in their ears from which rams are bred for sale or station use. The term does not include ewes of the flock which have tags in their ears for the purpose of identification other than for stud purposes.

[Definition of **transitional minimum wage instrument** inserted by [PR994545](#) from 01Jan10]

**transitional minimum wage instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**wine industry** means:

- the preparation of land for planting of wine grape vines; the care, growing, treating, picking, harvesting, and forwarding of wine grapes; and the pruning of wine grape vines and other activities associated with a wine grape vineyard;
- the processing of wine grapes; the production of wine juice or grape spirit; the bottling, packaging, storage or dispatch of wine, brandy or other potable spirits, liqueurs, vinegars or grape juices and other activities associated with a winery or wine distillery including but not limited to: cellar door sales, coopers, machinists and labourers making or repairing barrels, vats, casks, and like articles and laboratories; and
- the packaging, storage and dispatching of wine or grape spirit from a warehouse facility or other place of storage associated with a winery or wine distillery

**Woolclasser** means a person who is registered as such and who is employed in or in conjunction with a shearing operation. A Woolclasser who performs the additional duty of shearing shed experting at the one shearing will, for the purposes of this award, be deemed to be employed as a Woolclasser and not as an expert.

**Woolpresser** means a person who presses wool shorn or crutched; weighs, brands and stores the wool; presses and closes the bales; and performs additional duties as directed

**3.2** Where this award refers to a condition of employment provided for in the NES, the NES definition applies.



## 4. Coverage

[Varied by [PR994545](#)]

- 4.1** This award applies to employers throughout Australia in the pastoral industry and their employees in the classifications set out in this award to the exclusion of any other modern award.
- 4.2** **Pastoral industry** means all employers and employees who are engaged in or in connection with:
- (a) the management, breeding, rearing or grazing of livestock or poultry;
  - (b) the shearing and crutching of sheep and the classing and pressing of wool on farms;
  - (c) dairying;
  - (d) hatchery work;
  - (e) the sowing, raising or harvesting of broadacre field crops and other crops grown as part of a broadacre mixed farming enterprise;
  - (f) the treatment of land for any of these purposes; or
  - (g) clearing, fencing, well sinking, dam sinking or trenching on such farms or properties except in connection with work in clauses 4.3(a) to (e).
- 4.3** The award does not cover employers in the following industries:
- (a) the wine industry;
  - (b) silviculture and afforestation except where carried on as a part of a broadacre mixed farming enterprise;
  - (c) sugar farming or sugar cane growing, sugar milling, sugar refining, sugar distilleries and/or sugar terminals;
  - (d) the horticulture industry, as defined in the *Horticulture Award 2010*; or
  - (e) any work in or in connection with the production and processing of fish, aquaculture and marine products including fish purse seining or polling, fish farming, marine farming, aquaculture, pisciculture, mariculture, cultivation of live sea and freshwater products, breeding or spawning of fish and hatching of fish or marine products whether in or from the sea, rivers, dams, tanks, ponds, underwater cages, aquariums or other water source, holding, containing, penning, or harvesting of live fish or marine products or marine vegetation, cleaning, purging, flushing, packing, freezing, processing, preserving, smoking, treatment of fish or marine products, cultivation, culling or treatment of live shellfish including marine farming of oysters, mussels, clams, scallops and abalone except where the production of freshwater species is incidental to a broadacre mixed farming enterprise to which this award would otherwise apply.
- 4.4** The award does not cover an employee excluded from award coverage by the Act.

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[4.5 substituted by [PR994545](#) from 01Jan10]

**4.5** 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.

[New 4.6, 4.7 and 4.8 inserted by [PR994545](#) from 01Jan10]

**4.6** 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.

**4.7** This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

**4.8** This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at 4.1 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.

[4.6 renumbered as 4.9 by [PR994545](#) from 01Jan10]

**4.9** 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.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

## **5. Access to the award and the National Employment Standards**

The employer must ensure that copies of this award and the NES are available to all employees to whom they apply either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible.

## **6. The National Employment Standards and this award**

The [NES](#) and this award contain the minimum conditions of employment for employees covered by this award.

## **7. Award flexibility**

- 7.1** Notwithstanding any other provision of this award, an employer and an individual employee may agree to vary the application of certain terms of this award to meet the genuine individual needs of the employer and the individual employee. The terms the employer and the individual employee may agree to vary the application of are those concerning:
- (a) arrangements for when work is performed;
  - (b) overtime rates;
  - (c) penalty rates;
  - (d) allowances; and
  - (e) leave loading.
- 7.2** The employer and the individual employee must have genuinely made the agreement without coercion or duress.
- 7.3** The agreement between the employer and the individual employee must:
- (a) be confined to a variation in the application of one or more of the terms listed in clause 7.1; and
  - (b) result in the employee being better off overall than the employee would have been if no individual flexibility agreement had been agreed to.
- 7.4** The agreement between the employer and the individual employee must also:
- (a) be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;
  - (b) state each term of this award that the employer and the individual employee have agreed to vary;
  - (c) detail how the application of each term has been varied by agreement between the employer and the individual employee;
  - (d) detail how the agreement results in the individual employee being better off overall in relation to the individual employee's terms and conditions of employment; and
  - (e) state the date the agreement commences to operate.
- 7.5** The employer must give the individual employee a copy of the agreement and keep the agreement as a time and wages record.
- 7.6** Except as provided in clause 7.4(a) the agreement must not require the approval or consent of a person other than the employer and the individual employee.
- 7.7** An employer seeking to enter into an agreement must provide a written proposal to the employee. Where the employee's understanding of written English is limited the

employer must take measures, including translation into an appropriate language, to ensure the employee understands the proposal.

**7.8** The agreement may be terminated:

- (a) by the employer or the individual employee giving four weeks' notice of termination, in writing, to the other party and the agreement ceasing to operate at the end of the notice period; or
- (b) at any time, by written agreement between the employer and the individual employee.

**7.9** The right to make an agreement pursuant to this clause is in addition to, and is not intended to otherwise affect, any provision for an agreement between an employer and an individual employee contained in any other term of this award.

## **Part 2—Consultation and Dispute Resolution**

### **8. Consultation regarding major workplace change**

#### **8.1 Employer to notify**

- (a) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must notify the employees who may be affected by the proposed changes and their representatives, if any.
- (b) **Significant effects** include termination of employment; major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations; and the restructuring of jobs. Provided that where this award makes provision for alteration of any of these matters an alteration is deemed not to have significant effect.

#### **8.2 Employer to discuss change**

- (a) The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in clause 8.1, the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.
- (b) The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in clause 8.1.
- (c) For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed,

the expected effects of the changes on employees and any other matters likely to affect employees provided that no employer is required to disclose confidential information the disclosure of which would be contrary to the employer's interests.

## **9. Dispute resolution**

[Varied by [PR994545](#)]

**9.1** In the event of a dispute about a matter under this award, or a dispute in relation to the NES, in the first instance the parties must attempt to resolve the matter at the workplace by discussions between the employee or employees concerned and the relevant supervisor. If such discussions do not resolve the dispute, the parties will endeavour to resolve the dispute in a timely manner by discussions between the employee or employees concerned and more senior levels of management as appropriate.

[9.2 varied by [PR994545](#) from 01Jan10]

**9.2** If a dispute about a matter arising under this award or a dispute in relation to the NES is unable to be resolved at the workplace, and all appropriate steps under clause 9.1 have been taken, a party to the dispute may refer the dispute to Fair Work Australia.

[9.3 varied by [PR994545](#) from 01Jan10]

**9.3** The parties may agree on the process to be utilised by Fair Work Australia including mediation, conciliation and consent arbitration.

[9.4 varied by [PR994545](#) from 01Jan10]

**9.4** Where the matter in dispute remains unresolved, Fair Work Australia may exercise any method of dispute resolution permitted by the Act that it considers appropriate to ensure the settlement of the dispute.

**9.5** An employer or employee may appoint another person, organisation or association to accompany and/or represent them for the purposes of this clause.

**9.6** While the dispute resolution procedure is being conducted, work must continue in accordance with this award and the Act. Subject to applicable occupational health and safety legislation, an employee must not unreasonably fail to comply with a direction by the employer to perform work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.

## **Part 3—General Employment Conditions**

### **10. Types of employment**

**10.1** At the time of engagement an employer will inform each employee of the terms of their engagement and in particular whether they are to be full-time, part-time or casual.

## 10.2 Full-time employment

- (a) A full-time employee is an employee who is engaged to work 38 hours per week.
- (b) A full-time employee must be provided with a written statement setting out their classification, applicable pay scale and terms of engagement.

## 10.3 Part-time employment

- (a) A part-time employee is an employee who is engaged to perform less than the full-time hours of 38 per week at the workplace; has reasonably predictable hours of work; and receives, on a pro rata basis, equivalent pay and conditions to those of full-time employees who do the same kind of work.
- (b) An employee who does not meet the definition of a part-time employee in clause 10.3(a) and who is not a full-time employee will be paid as a casual employee in accordance with clause 10.4.
- (c) At the time of engagement the employer and the part-time employee will agree in writing on a regular pattern of work, specifying at least the hours worked each day, which days of the week the employee will work and the actual starting and finishing times each day.
- (d) Changes in hours may only be made by agreement in writing between the employer and employee. Any agreed variation to the regular pattern of work will be recorded in writing.
- (e) An employer is required to roster a part-time employee for a minimum of three consecutive hours on any shift.
- (f) All time worked in excess of the hours mutually arranged will be overtime and paid for at the appropriate overtime rate.
- (g) A part-time employee employed under the provisions of this clause must be paid for ordinary hours worked at the rate of 1/38th of the weekly rate prescribed for the class of work performed.

## 10.4 Casual employment

- (a) A casual employee is an employee engaged as such and paid by the hour. An employer when engaging a casual must inform the employee that they are employed as a casual, stating by whom the employee is employed, their hours of work, their classification level and their rate of pay.
- (b) Shearers, Crutchers and Woolpressers will be engaged as casual pieceworkers and paid in accordance with the piecework rates prescribed by this award.
- (c) A casual employee other than a casual pieceworker must be paid per hour at the rate of 1/38th of the weekly rate prescribed for the class of work performed, plus 25%.
- (d) The casual loading is paid instead of annual leave, personal/carer's leave, notice of termination, redundancy benefits and the other attributes of full-time or part-time employment.

- (e) Casual employees must be paid at the termination of each engagement, but may agree to be paid weekly or fortnightly.
- (f) On each occasion a casual employee, other than a casual pieceworker, is required to attend for work, casual employees are entitled to a minimum payment of three hours' work at the appropriate rate.

**10.5 Farm and livestock hand at shearing or crutching**

Notwithstanding anything else contained in this award, Part 7—Shearing Operations of the award will not apply to any employee engaged to work on a weekly basis under Part 4—Broadacre Farming and Livestock Operations during any time the employee is employed in shearing or crutching operations of the principal employer. Provided that this clause will not apply to any Farm and livestock hand engaged by the week who works in the employer's shearing shed and who has been engaged by the employer during the period commencing one week before the actual shearing or crutching begins and who is discharged during the week after the shearing or crutching actually ends. In such case, the employee will be paid station hand rates when performing work covered by Part 4 of this award and shearing rates when performing work covered by Part 7 of this award.

**11. Piecework pay specification**

- 11.1 For the purpose of the NES, the base rate of pay for a pieceworker is the base rate of pay as defined in the NES.
- 11.2 For the purpose of the NES, the full rate of pay for a pieceworker is the full rate of pay as defined in the NES.

**12. Termination of employment**

- 12.1 Notice of termination is provided for in the NES.
- 12.2 **Notice of termination by an employee**

The notice of termination required to be given by an employee is the same as that required of an employer except that there is no requirement on the employee to give additional notice based on the age of the employee concerned. If an employee fails to give the required notice the employer may withhold from any monies due to the employee on termination under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by this clause less any period of notice actually given by the employee.

**12.3 Job search entitlement**

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.

### **13. Redundancy**

[Varied by [PR994545](#), [PR503645](#)]

**13.1** Redundancy pay is provided for in the NES.

#### **13.2 Transfer to lower paid duties**

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 and the employer may, at the employer's option, make payment instead of an amount equal to the difference between the former ordinary time rate of pay and the ordinary time rate of pay for the number of weeks of notice still owing.

#### **13.3 Employee leaving during notice period**

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 under this clause had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.

#### **13.4 Job search entitlement**

- (a) 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.
- (b) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee must, at the request of the employer, 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.
- (c) This entitlement applies instead of clause 12.3.

#### **13.5 Transitional provisions – NAPSA employees**

[13.5 substituted by [PR994545](#) from 01Jan10; renamed by [PR503645](#) ppc 01Jan11]

- (a) Subject to clause 13.5(b), an employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with the terms of a notional agreement preserving a State award:
  - (i) 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
  - (ii) that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.



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- (b) 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.
- (c) This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument.
- (d) Clause 13.5 ceases to operate on 31 December 2014.

### 13.6 Transitional provisions – Division 2B State employees

[13.6 inserted by [PR503645](#) ppc 01Jan11]

- (a) Subject to clause 13.6(b), an employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with the terms of a Division 2B State award:
  - (i) that would have applied to the employee immediately prior to 1 January 2011, if the employee had at that time been in their current circumstances of employment and no Division 2B State employment agreement or enterprise agreement had applied to the employee; and
  - (ii) that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.
- (b) The employee's entitlement to redundancy pay under the Division 2B State award is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.
- (c) This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument.
- (d) Clause 13.6 ceases to operate on 31 December 2014.

## 14. Higher duties

An employee engaged for more than two hours during one day or shift on duties carrying a higher minimum wage than their ordinary classification must be paid the higher minimum wage for such day or shift. If the employee works such hours for two hours or less during one day or shift, they must be paid the higher minimum wage for the time so worked.

## 15. Breaks

The following provisions will apply to all employees other than employees engaged on shearing operations who will be entitled to the breaks prescribed for such work in Part 7—Shearing Operations of this award.

### 15.1 Meal break

- (a) A meal break of not less than 30 minutes and not more than one hour will be allowed each day, to be taken not later than five hours after commencing ordinary hours of work. Provided that where there is agreement between the

employer and an individual employee, the meal break may be taken at a time agreed.

- (b) All work performed on the instruction of the employer during a recognised meal break will be paid for at double time rates. Such payment will continue until the employee is released for a meal break of not less than 30 minutes.

## 15.2 Rest break

Employees will be allowed a paid rest break of 10 minutes each morning. Where agreement is reached between the employer and employee for an additional rest break, such rest break will be unpaid and in addition to the employee's ordinary hours of work.

## 16. Payment of wages

### 16.1 Period of payment

Wages must be paid weekly or fortnightly according to the actual ordinary hours worked each week or fortnight, or according to the applicable piecework payment.

### 16.2 Method of payment

Wages must be paid by cash, cheque or electronic funds transfer into the employee's bank or other recognised financial institution account.

### 16.3 Payment of wages on termination of employment

On termination of employment, wages due to an employee must be paid on the day of termination or forwarded to the employee by post on the next working day.

## 17. Allowances

[Varied by [PR994545](#), [PR998138](#), [PR509188](#), [PR523018](#), [PR536821](#)]

### 17.1 Adjustment of expense related allowances

- (a) At the time of any adjustment to the [standard rate](#), each expense related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.

[17.1(b) varied by [PR994545](#); [PR509188](#) ppc 01Jul11, [PR523018](#) ppc 01Jul12]

- (b) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

<b>Allowance</b>	<b>Applicable Consumer Price Index figure</b>
Allowance for combs/cutters	Tools and equipment for house and garden component of the household appliances, utensils and tools sub-group
Meal allowance	Take away and fast foods sub-group
Payment for handpiece	Tools and equipment for house and garden component of the household appliances, utensils and tools sub-group
Rations	Take away and fast foods sub-group
Shearing industry allowance	Eight capital cities weighted average
Special allowance (horse and saddle allowance)	Eight capital cities weighted average
Travelling allowance	Domestic holiday travel and accommodation sub-group
Vehicle allowance	Private motoring sub-group
With keep rate	Eight capital cities weighted average

## 17.2 Reimbursement of expenses

Where an employer authorises an employee to incur expenses in the course of the employee's employment, the expense will be reimbursed by the employer upon provision by the employee of a tax invoice and receipt.

## 17.3 All-purpose allowances

The following allowances apply for all purposes of this award:

### (a) Leading hands

A leading hand in charge of two or more people must be paid:

<b>In charge of</b>	<b>% of the <u>standard rate</u></b>
2 to 6 employees	115% per week extra
7 to 10 employees	134% per week extra
11 to 20 employees	191% per week extra
More than 20 employees	240% per week extra

### (b) First aid allowance

An employee designated by the employer to render first aid in addition to their usual duties and who is the current holder of a recognised first aid qualification, such as St John Ambulance or similar body, must be paid a daily allowance of 14% of the standard rate to carry out such work.

**(c) Wet work allowance**

- (i) An employee who is required to work in a wet place must be provided with protective clothing and footwear by the employer. If the employee is not provided with such clothing and footwear the employer will reimburse the employee for the reasonable cost of providing such clothing and footwear.
- (ii) Where the clothing and footwear is provided by the employer, it will remain the property of the employer.

**(d) Tool and equipment allowance**

- (i) Where the employer requires an employee to supply their own tools and equipment, the employer must reimburse the employee for the cost of supplying such tools and equipment.
- (ii) The provisions of this clause do not apply where the tools and equipment are paid for by the employer.

**(e) Travelling allowance**

- (i) Where an employee is required to travel from one place to another, the time occupied in travelling will be counted as time worked, and paid for as such.
- (ii) Where an employee is compelled by their duties to spend the night away from home or the property at which the employee is employed (whichever is the employee's normal place of sleeping during employment) the employer will reimburse the employee for the demonstrable cost of suitable accommodation.
- (iii) The provisions of this clause will not apply where the employer provides the employee with suitable accommodation free of charge.

**(f) Use of vehicle allowance**

[17.3(f) varied by [PR523018](#), [PR536821](#) ppc 01Jul13]

Where an employer instructs an employee to use their own vehicle during working hours to relocate materials, equipment or personnel either within the normal work location or on public thoroughfares, the employee will be paid an allowance of \$0.76 per kilometre.

**(g) Meal allowance**

[17.3(g) varied by [PR998138](#), [PR509188](#), [PR523018](#), [PR536821](#) ppc 01Jul13]

- (i) If an employee is required to work overtime after working ordinary hours (except where the period of overtime is less than one and a half hours) the employee will be paid \$12.15 for the first and any subsequent meals. Alternatively the employer may supply the employee with a meal.
- (ii) An employee required to work overtime for more than two hours after the employee's ordinary ceasing time without having been notified before leaving work on the previous day that the employee will be

required to work overtime, will be provided free of cost with a suitable meal, and if the work extends into a second meal break another meal, provided that in the event of the meal not being supplied the employee is entitled to a payment of \$12.15 for each meal not supplied.

**(h) Protective clothing**

- (i) Where the employer requires an employee to supply their own protective clothing, the employer must reimburse the employee for the cost of supplying such protective clothing.
- (ii) The provisions of this clause do not apply where the protective clothing is paid for by the employer.
- (iii) Any protective clothing which is paid for by the employer remains the property of the employer.

**(i) Charges for accommodation, meat, goods and services**

- (i) Where the employer provides an employee with living premises for the use of a 'without keep' employee and the employee's household, the employer may make a charge of an amount agreed between them in writing for the use of the premises and/or power supplied to such premises.
- (ii) The employer may charge to an employee:
  - the cost of goods or services supplied to the employee at the employee's request and paid for by the employer; and
  - the cost of goods purchased by the employer for the employee at the employee's request.
- (iii) Where the employer supplies an employee with meat, the employer may charge the employee an amount mutually agreed upon.
- (iv) Where the employer sells groceries or stores to the employee the prices charged must not exceed cost price with carriage added.

**18. District allowances**

[Varied by [PR994545](#)]

**18.1 Northern Territory**

An employee in the Northern Territory is entitled to payment of a district allowance in accordance with the terms of an award made under the *Workplace Relations Act 1996* (Cth):

[18.1(a) substituted by [PR994545](#) from 01Jan10]

- (a) 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

- (b) that would have entitled the employee to payment of a district allowance.

## 18.2 Western Australia

[18.2 substituted by [PR994545](#) from 01Jan10]

An employee in Western Australia is entitled to payment of a district allowance in accordance with the terms of a notional agreement preserving a State award or an award made under the *Workplace Relations Act 1996* (Cth):

- (a) 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
- (b) that would have entitled the employee to payment of a district allowance.

18.3 This clause ceases to operate on 31 December 2014.

## 19. Supported wage system

[Varied by [PR988419](#)]

See Schedule B

## 20. National training wage

[Varied by [PR988419](#)]

See Schedule C

## 21. Accident pay

[Varied by [PR994545](#), [PR503645](#)]

[21.1 varied by [PR994545](#); substituted by [PR503645](#) ppc 01Jan11]

21.1 Subject to clause 21.2, an employee is entitled to accident pay in accordance with the terms of an award made under the *Workplace Relations Act 1996* (Cth) that would have applied to the employee immediately prior to 27 March 2006, a notional agreement preserving a State award that would have applied to the employee immediately prior to 1 January 2010 or a Division 2B State award that would have applied to the employee immediately prior to 1 January 2011:

- (a) if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument, enterprise agreement or Division 2B State employment agreement had applied to the employee; and
- (b) 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.

[21.2 substituted by [PR994545](#), [PR503645](#) ppc 01Jan11]

- 21.2** The employee's entitlement to accident pay under the award, the notional agreement preserving a State award or the Division 2B State award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.
- 21.3** This clause does not operate to diminish an employee's entitlement to accident pay under any other instrument.
- 21.4** This clause ceases to operate on 31 December 2014.

## **22. Superannuation**

[Varied by [PR992290](#), [PR994545](#), [PR530242](#)]

### **22.1 Superannuation legislation**

- (a) Superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deals with the superannuation rights and obligations of employers and employees. Under superannuation legislation individual employees generally have the opportunity to choose their own superannuation fund. If an employee does not choose a superannuation fund, any superannuation fund nominated in the award covering the employee applies.
- (b) The rights and obligations in these clauses supplement those in superannuation legislation.

### **22.2 Employer contributions**

An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee.

### **22.3 Voluntary employee contributions**

- (a) Subject to the governing rules of the relevant superannuation fund, an employee may, in writing, authorise their employer to pay on behalf of the employee a specified amount from the post-taxation wages of the employee into the same superannuation fund as the employer makes the superannuation contributions provided for in clause 22.2.
- (b) An employee may adjust the amount the employee has authorised their employer to pay from the wages of the employee from the first of the month following the giving of three months' written notice to their employer.
- (c) The employer must pay the amount authorised under clauses 22.3(a) or (b) no later than 28 days after the end of the month in which the deduction authorised under clauses 22.3(a) or (b) was made.

## 22.4 Superannuation fund

[22.4 varied by [PR994545](#) from 01Jan10]

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 22.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 22.2 and pay the amount authorised under clauses 22.3(a) or (b) to one of the following superannuation funds or its successor:

(a) Prime Super;

[22.4(b) substituted by [PR530242](#) ppc 26Oct12]

(b) CareSuper;

(c) AustSafe Super;

(d) FuturePlus;

(e) AustralianSuper;

[New 22.4(f) inserted by [PR992290](#) from 19Jan10]

(f) Westscheme; or

[22.4(f) renumbered as 22.4(g) by [PR992290](#) from 19Jan10]

(g) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund.

## 23. Annual leave

[Varied by [PR994545](#)]

**23.1** Annual leave is provided for in the NES.

### 23.2 Conversion to hourly entitlement

[23.2 varied by [PR994545](#) from 01Jan10]

An employer may reach agreement with the majority of employees concerned to convert the annual leave entitlement in s.87 of the Act to an hourly entitlement for administrative ease (e.g. 152 hours for a full-time employee entitled to four weeks' annual leave).

### 23.3 Payment for period of annual leave

[23.3 varied by [PR994545](#) from 01Jan10]

Instead of the base rate of pay as referred to in s.90(1) of the Act, an employee under this award, other than a pieceworker, before going on annual leave, must be paid the wages they would have received in respect of the ordinary hours the employee would have worked had the employee not been on leave during the relevant period.



#### **23.4 Annual leave loading**

(a) An employee must also be paid a loading calculated on the wages prescribed by this award.

(b) The loading must be as follows:

(i) **Other than shiftworkers**

- An employee other than a shiftworker must be paid a loading equal to 17.5% of the wages prescribed by this award for the ordinary hours of work as performed between Monday and Friday.
- Where an employee is rostered to work the ordinary weekly hours on days which attract penalty rates and the employee would have earned a greater amount than the payment for ordinary hours worked between Monday and Friday plus 17.5% but for the period of leave then the amount which the employee would have earned for the ordinary hours of work they would have worked but for the period of leave will be paid instead of the 17.5% loading.

(ii) **Shiftworkers**

An employee who would have worked on shiftwork had they not been on leave must be paid a loading equal to 17.5% of the wages prescribed by this award or the shift loading including relevant weekend penalty rates, whichever is the greater but not both.

#### **23.5 Excessive leave**

[23.5 varied by [PR994545](#) from 01Jan10]

Notwithstanding s.88 of the Act, if an employer has genuinely tried to reach agreement with an employee as to the timing of taking annual leave, the employer can require the employee to take annual leave by giving not less than four weeks' notice of the time when such leave is to be taken if:

- (a) at the time the direction is given, the employee has eight weeks or more of annual leave accrued; and
- (b) the amount of annual leave the employee is directed to take is less than or equal to a quarter of the amount of leave accrued.

#### **23.6 Paid leave in advance of accrued entitlement**

By agreement between an employer and an employee a period of annual leave may be taken in advance of the entitlement accruing. Provided that if leave is taken in advance and the employment terminates before the entitlement has accrued the employer may make a corresponding deduction from any money due to the employee on termination.

## **23.7 Transfer of business**

[23.7 substituted by [PR994545](#) from 01Jan10]

- (a) Where a business is transferred from one employer to another, the period of continuous service that an employee had with the old employer must be deemed to be service with the new employer and taken into account when calculating annual leave. However an employee is not entitled to leave or payment instead for any period in respect of which leave has been taken or paid for.
- (b) Where a business is transferred from one employer to another, employees formerly employed by the old employer will be deemed to have served any applicable probationary period with that employer. Employees will not be required to serve any probationary period for any purpose in relation to their employment with the new employer.

## **23.8 Proportionate leave on termination**

On termination of employment, an employee must be paid for leave accrued (including shift loading) that has not been taken at the appropriate wage calculated in accordance with this award.

## **24. Personal/carer's leave and compassionate leave**

Personal/carer's leave and compassionate leave are provided for in the NES.

## **25. Community service leave**

Community service leave is provided for in the NES.

## **26. Public holidays**

**26.1** Public holidays are provided for in the NES.

### **26.2 Substitution of certain public holidays by agreement at the enterprise**

- (a) By agreement between the employer and the majority of employees in the enterprise or part of the enterprise concerned, an alternative day may be taken as the public holiday instead of any of the prescribed days.
- (b) An employer and an individual employee may agree to the employee taking another day as the public holiday instead of the day which is being observed as the public holiday in the enterprise or part of the enterprise concerned.

## Part 4—Broadacre Farming and Livestock Operations

### 27. Classifications

#### 27.1 Farm and livestock hand level 1 (FLH1)

An employee at this level includes:

- (a) Station hand with less than 12 months' experience in the industry;
- (b) Station cook;
- (c) Station cook's offsider; and
- (d) Cattle farm worker grade A who:
  - works under direct supervision either individually or in a team environment;
  - understands and undertakes basic quality control/assurance procedures including the ability to recognise basic quality deviations/faults; and
  - understands and utilises basic statistical process control procedures.

Indicative of the tasks which an employee at this grade may perform are the following:

- routine mustering;
  - routine fence repairs;
  - aerial stock sighting;
  - repetitive packing and/or unpacking; and
  - kitchen/cooking assistance not involving food preparation.
- (e) Feedlot employee level 1 with less than three months' experience in the industry.
  - (f) Dairy operator grade 1A with less than 12 months' experience in the industry who:
    - uses their knowledge and skills to perform set procedures such as milking and attending to livestock, haymaking, fencing.

Indicative of the tasks which an employee at this level may perform are the following:

- operate milking plant and equipment in a safe manner;
- identify and report equipment not operating normally;
- work co-operatively as part of a team;
- read and record instrument information i.e. milk vat temperatures and cow numbers; and

- understand the principles of safe working.

## 27.2 Farm and livestock hand level 2 (FLH2)

An employee at this level includes:

(a) Cattle farm worker grade B who:

- performs work above and beyond the skills of a Cattle farm worker grade A and to the level of their training;
- is responsible for the quality of their own work subject to routine supervision;
- works under routine supervision either individually or in a team environment; and
- exercises discretion within their level of skills and training.

Indicative of the tasks which an employee at this level may perform are the following:

- receive, check, despatch and record goods received and sent;
- assist a tradesperson;
- basic non-trades daily maintenance of equipment used by the employee;
- sort and cut out stock;
- sort and brand yarded stock;
- fence repairs;
- kitchen/cooking assistance not involving unsupervised food preparation;
- boundary riding;
- forklift, overhead crane, winch or tractor operation; and
- household domestic work other than childcare or child education.

(b) Feedlot employee grade 1 with more than three months' experience in the industry who:

- works under direct supervision with regular checking of their work.

Indicative of the tasks which an employee at this level may perform are the following:

- perform cattle handling procedures;
- perform cattle health and welfare procedures;
- assist with euthanasing livestock;
- assist with performance of cattle post-mortem procedures;
- transport, handle and store chemicals applicable to primary work area;

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- prepare and apply chemicals applicable to primary work area;
- operate moving plant and equipment competently and efficiently;
- perform grain processing procedures;
- perform feed manufacture and delivery procedures;
- perform hygiene and housekeeping procedures associated with the primary work area;
- perform feedlot and environment maintenance procedures;
- possess understanding of industry QA Programs and all site operating procedure; and
- carry out workplace OH&S procedures.

### 27.3 Farm and livestock hand level 3 (FLH3)

An employee at this level includes:

(a) Station hand who:

- has at least 12 months' experience in the industry as a station hand; but
- does not conform to the definition of Senior station hand (FLH5) in clause 27.5.

(b) Dairy operator grade 1B with 12 months' experience in the industry who:

- uses their knowledge and skills to perform set procedures such as milking and attending to livestock, haymaking, fencing.

Indicative of the tasks which an employee at this level may perform are the following:

- operate milking plant and equipment, in a safe manner;
- identify and report equipment not operating normally;
- work co-operatively as part of a team;
- read and record instrument information i.e. milk vat temperatures and cow numbers; and
- understands the principles of safe working.

### 27.4 Farm and livestock hand level 4 (FLH4)

An employee at this level includes:

(a) Feedlot employee level 2 who:

- has two years experience in the feedlot industry; and
- works under routine supervision with intermittent checking of their work.

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Indicative of the tasks which an employee at this level may perform are the following:

- utilise ability to make independent work decisions at this level;
- perform cattle handling procedures;
- perform cattle health and welfare procedures;
- euthanase livestock;
- perform cattle post-mortem procedures;
- select livestock for specific markets;
- transport, handle and store chemicals applicable to primary work area;
- prepare and apply chemicals applicable to primary work area;
- operate moving plant and equipment competently and efficiently;
- perform grain processing procedures;
- perform feed manufacture and delivery procedures;
- perform hygiene and housekeeping procedures associated with the primary work area;
- perform feedlot and environment maintenance procedures;
- possess understanding of industry QA programs and all site operating procedure; and
- carry out workplace OH&S procedures.

### 27.5 Farm and livestock hand level 5 (FLH5)

An employee at this level includes:

(a) Dairy operator grade 2 who:

- has two years experience in the industry;
- uses their knowledge and skills to multiple operations involving basic levels of problem solving and decision making; and
- has an appreciation of the overall processes involved in a dairy farm.

Indicative of the tasks which an employee at this level may perform are the following:

- operate milking plant and equipment, undertake multiple functions, produce a quality outcome e.g. farm machinery;
- maintain machinery, undertake adjustments and size changes;
- solve problems and make decisions within given guidelines;

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- know general scientific terminology and assist with processes such as machine repair, artificial insemination, fertiliser mix design etc.;
- operate standard measuring equipment;
- operate computerised systems using menu options;
- contribute to the team in a specific role, providing input and assisting other team members; and
- work at times without supervision.

(b) Senior station hand is an employee who:

- has at least two years' experience in the industry; and
- is capable of performing efficiently without supervision any of the tasks reasonably required of them.

Indicative of the tasks which an employee at this level may perform are the following:

- drive, maintain and operate farm vehicles and machinery;
- animal husbandry;
- stock handling;
- irrigation work; and
- use of chemicals.

### 27.6 Farm and livestock hand level 6 (FLH6)

An employee at this level includes:

(a) Feedlot employee level 3 who:

- has Certificate III qualifications;
- has worked in the feedlot industry for at least two years; and
- works with limited supervision with checking of their work related to overall progress.

Indicative of the tasks which an employee at this level may perform are the following:

- utilise ability to make independent work decisions;
- utilise Certificate III qualifications daily in the employee's primary work area;
- perform cattle handling procedures;
- perform cattle health and welfare procedures;
- euthanase livestock;

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- perform cattle post-mortem procedures;
- select livestock for specific markets;
- transport, handle and store chemicals applicable to primary work area;
- prepare and apply chemicals applicable to primary work area;
- operate moving plant and equipment competently and efficiently;
- perform grain processing procedures;
- perform feed manufacture and delivery procedures;
- perform hygiene and housekeeping procedures associated with the primary work area;
- perform feedlot and environment maintenance procedures;
- possess understanding of industry QA programs and all site operating procedure; and
- carry out workplace OH&S procedures.

### 27.7 Farm and livestock hand level 7 (FLH7)

An employee at this level includes:

**(a)** Senior dairy operator grade 1 who:

- uses their knowledge and skills to coordinate the operation of a farm process or area of expertise e.g. milking and animal attendance, pasture and farm maintenance, breeding programs and artificial insemination area.

Indicative of the tasks which an employee at this level may perform are the following:

- overview of all farm operations;
- show strong planning and organising abilities, develop work plans to achieve objectives;
- operate computer equipment and software packages requiring set-up and basic function operation;
- maintain equipment requiring modification, part replacement and overhauls;
- gather information, generate a range of options and implement a course of action to solve problems;
- demonstrate a comprehensive understanding of the dairy industry monitoring the industry through literature;
- use measuring equipment requiring calibration and measurement conversion;
- use established scientific processes in at least one area of specification;
- co-operate with other team members, establish priorities and work goals; and



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- work with others to develop their competencies.

(b) Feedlot employee level 4 who:

- has Certificate III qualifications;
- has worked in the feedlot industry for at least two years; and
- works with limited supervision with checking of their work related to overall progress.

Indicative of the tasks which an employee at this level may perform are the following:

- utilise ability to make independent work decisions;
- utilise Certificate III qualifications daily in the employee's primary work area;
- perform cattle handling procedures (where livestock operation is the primary work area);
- perform cattle health and welfare procedures (where livestock operation is the primary work area);
- euthanase livestock (where livestock operation is the primary work area);
- perform cattle post-mortem procedures (where livestock operation is the primary work area);
- select livestock for specific markets;
- transport, handle and store chemicals applicable to primary work area;
- prepare and apply chemicals applicable to primary work area;
- operate moving plant and equipment competently and efficiently;
- perform grain processing procedures (where feeding and milling operations is the primary work area);
- perform feed manufacture and delivery procedures (where feeding and milling operations is the primary work area);
- perform hygiene and housekeeping procedures associated with the primary work area;
- perform feedlot and environment maintenance procedures (where feedlot and environment maintenance operations is the primary work area);
- possess understanding of industry QA programs and all site operating procedure;
- carry out workplace OH&S procedures.

### 27.8 Farm and livestock hand level 8 (FLH8)

An employee at this level includes:

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(a) Senior dairy operator grade 2 who:

- under the direction of the owner or manager uses their expertise and skills in order to supervise and maintain the operation of a dairy farm.

Indicative of the tasks which an employee at this level may perform are the following:

- set and monitor work goals;
- anticipate potential problems/issues and determine the best course of action;
- approach the resolution of conflict using objectivity and reason, differentiating between the two;
- supervise other grades;
- where appropriate, seek to develop team performance and cohesion, taking into account competencies and the needs of team members;
- keep abreast of dairy industry trends and changes;
- where necessary, exercise foresight in relation to farm needs and make recommendations to farm management; and
- operate scientific processes necessary to achieve farm objectives.

## 28. Minimum wages

[Varied by [PR997915](#), [PR999601](#), [PR509066](#), [PR509188](#), [PR522897](#), [PR523018](#), [PR536700](#), [PR536821](#)]

### 28.1 Adult wages

[28.1 varied by [PR997915](#), [PR509066](#), [PR522897](#); [PR536700](#) ppc 01Jul13]

The following wages apply to Farming and livestock hands classified under clause 27—Classifications of this award:

Wage group	Weekly award rate	Hourly rate
	\$	\$
FLH1	622.20	16.37
FLH2	640.20	16.85
FLH3	649.30	17.09
FLH4	664.80	17.49
FLH5	676.70	17.81
FLH6	687.60	18.09
FLH7	724.50	19.07
FLH8	778.40	20.48

**28.2 Junior wages**

<b>Age of employee</b>	<b>% of relevant adult rate</b>
Under 16 years of age	50
16 years of age	60
17 years of age	70
18 years of age	80
19 years of age	90
20 years of age	100

**28.3 With Keep Rate**

[28.3 inserted by [PR999601](#) ppc 21Jul10; varied by [PR509188](#), [PR523018](#), [PR536821](#) ppc 01Jul13]

If keep is provided then the minimum wage will be the rates prescribed above less \$115.95 per week.

**29. Special allowances**

[Varied by [PR998138](#), [PR509188](#), [PR523018](#), [PR536821](#)]

[29.1 varied by [PR998138](#), [PR509188](#), [PR523018](#), [PR536821](#) ppc 01Jul13]

**29.1** Where a Station hand is required by the employer to find their own horse and/or saddle, the employee will be paid a weekly allowance of \$6.73 for the horse, and a weekly allowance of \$5.38 for the saddle.

**29.2** When a Station hand is required by the employer to provide their own dog which is used as a cattle or sheep dog for station purposes, the employer will pay to the employee:

- (a) an allowance mutually agreed upon for each such dog; and
- (b) the amount of any licence or registration fee which must be paid by the employee for a period during which the dog is so used.

**29.3** Employees will be paid a daily amount of 17% of the [standard rate](#) in addition to their ordinary rate for each day upon which they are engaged:

- (a) in or in connection with jetting or spraying of sheep, who either mix the poison or handle the nozzle; or
- (b) in swabbing sheep for more than three days in any one week.

### **30. Ordinary hours of work and rostering**

[Varied by [PR505053](#)]

**30.1** The average ordinary working hours for a Farm and livestock hand will be fixed by agreement between the employer and the employees but will not exceed an average of 38 hours per week over a four week period.

**30.2** The ordinary hours of work of Farm and livestock hands (other than Station cooks) will not exceed 152 hours in any consecutive period of four weeks.

#### **30.3 Station cooks**

[30.3 varied by [PR505053](#) from 14Dec10]

(a) A cook who is required to work for more than five and a half days in any one week will be paid, in addition to the weekly wage of this award, the following overtime rates:

(i) for work on six full days—an amount of 3/22nds of the appropriate weekly rate;

(ii) for work on six full days and one half day—an amount equal to 3/11ths of the appropriate weekly rate; or

(iii) for work on seven full days—an amount equal to 9/22nds of the appropriate weekly rate.

(b) No overtime will be worked nor will an employee perform work on the employee's day and/or half day off without the permission of or under the instructions of the employer or their authorised representative.

### **31. Overtime**

[Varied by [PR505053](#)]

[31 substituted by [PR505053](#) from 14Dec10]

**31.1** All time worked by an employee in excess of the ordinary hours in clause 30.1 will be regarded as overtime.

**31.2** The rate of pay for overtime for a Farm and livestock hand will be time and a half, except on Sunday when the rate will be double time, except in the case of feeding and watering stock when such work will be paid for at the rate of time and a half.

**31.3** An employee may elect to take time off duty, with pay, for a period equal to the overtime worked.

**31.4** No employee will be entitled to payment for overtime, or equivalent time off instead, unless the employee makes a claim to the employer or their authorised representative either within two weeks after the overtime is alleged to have been performed or by the next date of payment of the employee's wages, whichever is the later.

- 31.5** For the purpose of computing payment for overtime work for an employee engaged on 'with keep' terms, the cash value of such employee's wages must be deemed to be not less than the wage prescribed in this award for a similar class of employee with the value of keep added.

## **32. Payment for public holidays**

Where a Farm and livestock hand is required to perform work on a public holiday the rate of pay will be double time.

## **Part 5—Pig Breeding and Raising**

### **33. Classifications**

#### **33.1 General duties**

A Piggery attendant at all classification levels may be required to undertake any duty or combination of duties listed below, as may be required at each enterprise, to the full limit of the employee's ability, training and/or licensing:

- apply and adhere to quarantine control procedures;
- clean and maintain protective footwear and clothing;
- clean and maintain administration and amenities buildings and associated fittings and equipment;
- maintain an adequate environment for the well-being of stock;
- clean accommodation pens, fittings and equipment;
- provide feed and water for stock;
- tend to routine husbandry of all stock;
- apply animal identification systems;
- move, draft and weigh stock;
- remove and dispose of effluent;
- dispose of deceased stock;
- mix and mill feed;
- care for sick or injured stock;
- maintain herd health status at an acceptable level;
- operate farm-related vehicles, plant, machinery and equipment (if appropriately licensed);
- detect oestrous and mate breeding stock;

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- diagnose pregnancy in breeding stock;
- assist sows and piglets at farrowing;
- remove faulty or damaged equipment and fittings;
- install new or replacement equipment and fittings;
- maintain a recording system and interpret data;
- transport stock, feed and equipment (if appropriately licensed);
- maintain sheds, fixtures and fittings, fences and surrounds;
- maintain machinery and equipment; and
- perform other duties as required.

Piggery attendants at all levels including PA3 and above may additionally be required to:

- select replacement breeding stock;
- make decisions on drug usage;
- destroy sick or injured stock in a humane manner;
- conduct post mortem examinations of deceased stock;
- order stores and equipment; and
- perform other duties as required.

### 33.2 Piggery attendant level 1 (PA1)

(a) A Piggery attendant level 1 (PA1) is:

- an employee undertaking up to 38 hours induction training which may include information on the enterprise, conditions of employment, introduction to supervisors and fellow workers, training and career path opportunities, farm layout, production program, work and record keeping procedures and occupational health and safety; or
- any person employed as general hand in a general capacity to perform basic tasks such as moving the stock from place to place, cleaning the establishment and the feeding of stock.

(b) An employee at this level:

- is generally a new recruit to the industry who performs simple or routine tasks essentially of a manual nature and to the level of their training;
- exercises minimal skills, knowledge and decision making;
- works under direct supervision, and is given regular direction or guidance and whose results are constantly monitored;

- is undertaking structured training so as to enable them to work at PA2 level; and
- after adequate instruction the employee, may be required to undertake any task(s) listed in clause 33.1.

**33.3 Piggery attendant level 2 (PA2)**

(a) A Piggery attendant level 2 (PA2) is:

- an employee appointed by the employer to this level who has completed up to three months structured training so as to enable the employee to work within the scope of this level.

(b) An employee at this level:

- may have limited experience in the pig industry, and generally performs simple straightforward tasks, using well established techniques and practices in pig husbandry;
- exercises skills requiring some knowledge of established techniques and minimal routine decision making;
- works under frequent direct supervision and guidance;
- has work regularly inspected and the final result usually checked; and
- may be required to undertake any task(s) listed in clause 33.1.

**33.4 Piggery attendant level 3 (PA3)**

(a) A Piggery attendant level 3 (PA3) is:

- an employee appointed by the employer to this level; and
- who performs a range of different but straightforward tasks using well established techniques and practices under routine supervision.

(b) An employee at this level:

- exercises skills requiring knowledge or relevant experience in piggery procedures and is required to make decisions within the employee's knowledge and competence on day-to-day management of pigs;
- works under general supervision, is responsible for the quality of their own work and receives limited guidance relating to more unusual features or new tasks;
- may work individually or as part of a team, or may supervise the duties of employees at an equal or lower level;
- may be subject to routine performance checks; and
- may be required to undertake any task(s) listed in clause 33.1.

**33.5 Piggery attendant level 4 (PA4)**

(a) A Piggery attendant level 4 (PA4) is:

- an employee appointed by the employer to this level; and
- who has completed a minimum of:
  - one year of adult relevant experience in the industry;
  - an accredited stockperson training course certificate; or
  - equivalent formal training recognised by the employer, plus six months relevant adult experience in the industry.

(b) An employee at this level:

- performs a range of straightforward tasks using well established techniques and practices under limited supervision and is responsible for maintaining the quality and quantity of their work;
- exercises skills requiring sound knowledge of and experience in piggery procedures and requires instruction only on management decisions that vary from established practices and principles;
- exercises some individual judgment and initiative within established principles and practices;
- may work individually or as part of a team or may supervise the duties of employees at an equal or lower level;
- assists in the provision of on-the-job training to a limited degree; and
- may be required to undertake any task(s) listed in clause 33.1.

**33.6 Piggery attendant level 5 (PA5)**

(a) A Piggery attendant level 5 (PA5) is:

- an employee appointed by the employer to this level who has completed a minimum of:
  - two years adult relevant experience in the industry; or
  - an accredited apprenticeship or equivalent formal training plus one year of relevant adult experience in the industry.

(b) An employee at this level:

- performs a range of tasks using well established techniques and practices under minimal supervision and is responsible for maintaining the quality and quantity of work undertaken individually or as part of a team;
- exercises skills requiring sound knowledge of and experience in piggery procedures and displays considerable individual judgment and initiative within established principles and practices;



- may work individually or as part of a team or may supervise and co-ordinate the duties of employees at an equal or lower level;
- understands and applies quality control techniques; and
- may be required to undertake any task(s) listed in clause 33.1.

**33.7 Senior piggery attendant level 6 (PA6)**

(a) A Senior piggery attendant level 6 (PA6) is:

- an employee appointed by the employer who has completed a minimum of:
  - three years relevant adult experience in the industry; or
  - an accredited traineeship or equivalent formal training plus two years relevant adult experience in the industry.

(b) An employee at this level:

- performs a range of tasks that may vary from established techniques and practices under minimal supervision and guidance and must be competent in all facets of duties required;
- may be required to work alone, lead work units and/or co-ordinate, supervise and/or train new employees;
- may require extensive individual judgment and initiative within established management guidelines;
- understands and applies quality control and assurance techniques;
- may supervise and/or train employees at all levels up to and including PA5; and
- may be required to undertake any task(s) listed in clause 33.1.

**33.8 Senior piggery attendant level 7 (PA7)**

(a) A Senior piggery attendant level 7 (PA7) is:

- an employee appointed by the employer who has completed a minimum of:
  - three years adult experience in the pig breeding industry; and
  - has completed the New South Wales Technical and Further Education Rural Trades Course or other Trades Certificate and/or course(s) accredited and recognised by the Pig Industry Training Council.

(b) An employee at this level:

- performs a range of tasks relating to the purchase, installation and programmed maintenance of plant, fittings and fixtures and mechanical, hydraulic or electrical equipment and machinery;
- exercises discretion within the scope of this level and the employee's qualifications/training;

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- provides trade guidance and assistance to levels PA5 and PA6 as part of a work team;
- works with minimal direction or supervision and is responsible for the quality of their own work;
- exercises trade skills relevant to the requirements of the level;
- co-ordinates and supervises non-trades employees within a work team; and
- may be required to undertake any task(s) listed in clause 33.1.

### 34. Minimum wages

[Varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#)]

#### 34.1 Adult wages

[34.1 varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

The following wages apply to Piggery attendants classified under clause 33—  
Classifications of this award:

<b>Wage group</b>	<b>Weekly award rate</b>	<b>Hourly rate</b>
	<b>\$</b>	<b>\$</b>
PA1	622.20	16.37
PA2	639.70	16.83
PA3	664.80	17.49
PA4	687.70	18.10
PA5	705.30	18.56
PA6	724.50	19.07
PA7	747.20	19.66

#### 34.2 Junior wages

<b>Age of employee</b>	<b>% of relevant adult rate</b>
Under 16 years of age	50
16 years of age	60
17 years of age	70
18 years of age	80
19 years of age	90
20 years of age	100

**35. Ordinary hours of work and rostering**

**35.1** Ordinary hours for Piggery attendants will not exceed 152 in any month. If an employee works less than 38 hours in one week of any month then the employer will use its best endeavours to ensure that the employee is paid for 38 hours work during any such week. Unless otherwise agreed by an employer and an affected employee the spread of ordinary hours will not exceed eight per day between 6.00 am and 6.00 pm Monday to Friday. No employee will be required to work more than 12 ordinary hours per day.

**35.2** Agreement may be reached between an employer and the majority of employees at a workplace about the method of implementing a 38 hour week at the workplace.

**35.3 Shiftwork definitions**

(a) **Afternoon shift** means any shift finishing after 6.00 pm and at or before midnight.

(b) **Continuous work** means work carried on with consecutive shifts of employees throughout the 24 hours of each day, of at least six consecutive days without interruption except during breakdowns or meal breaks or due to unavoidable causes beyond the control of the employers.

(c) **Night shift** means any shift finishing subsequent to midnight and at or before 8.00 am.

(d) **Rostered shift** means a shift of which the employee concerned has had at least 48 hours notice.

**35.4** By agreement between the employer and the majority of employees concerned, the span of hours over which shifts may be worked may be altered by up to one hour at either end of the span.

**35.5 Continuous work hours**

(a) This subclause will apply to shiftworkers on continuous work as defined in clause 35.3(b). The ordinary hours of shiftworkers will average 38 per week inclusive of crib time and must not exceed 152 hours in 28 consecutive days. Provided that, where the employer and the majority of employees concerned agree, a roster system may operate on the basis that the weekly average of 38 ordinary hours is achieved over a period which exceeds 28 consecutive days but does not exceed a maximum of 26 weeks.

(b) Subject to the following conditions, such shiftworkers will work at such times as the employer may require.

(c) A shift will consist of not more than 10 hours inclusive of crib time. Provided that:

(i) in any arrangement of ordinary working hours where the ordinary working hours are to exceed eight on any shift will be by agreement between the employer and the majority of employees in the plant or work section or sections concerned;

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- (ii) by agreement between the employer, the majority of employees in the work section or sections concerned and where an employee or employees nominate, ordinary hours not exceeding 12 on any day may be worked.
- (iii) except at the regular changeover of shifts an employee must not be required to work more than one shift in each 24 hours; and
- (iv) 20 minutes will be allowed to shiftworkers each shift for crib, which will be counted as time worked.

### 35.6 Other than continuous work hours

- (a) This subclause will apply to shiftworkers not upon continuous work as defined in clause 35.3(b). The ordinary hours of shiftworkers will average 38 per week inclusive of crib time and must not exceed 152 hours in 28 consecutive days.

Provided that, where the employer and the majority of employees concerned agree, a roster system may operate on the basis that the weekly average of 38 ordinary hours is achieved over a period which exceeds 28 consecutive days but does not exceed a maximum of 26 weeks.

- (b) The ordinary hours will be worked continuously except for meal breaks at the discretion of the employer. An employee must not be required to work for more than five hours without a break for a meal. Except at regular changeover of shifts an employee must not be required to work more than one shift in each 24 hours.

Provided that:

- (i) the ordinary hours of work prescribed must not exceed 10 hours on any day;
- (ii) in any arrangement of ordinary working hours where the ordinary working hours are to exceed eight on any shift, the arrangement of hours will be subject to agreement between the employer and the majority of employees in the plant or work section or sections concerned; and
- (iii) by agreement between the employer, the majority of employees on the site, work section or sections concerned and where an employee or employees nominates, ordinary hours not exceeding 12 on any day may be worked.

### 35.7 Rosters

Shift rosters will specify the commencing and finishing times of ordinary working hours of the respective shifts.

### 35.8 Variation by agreement

- (a) Subject to clause 35.3 the method of working shifts may in any case be varied by agreement between the employer and the majority of employees concerned.
- (b) The time of commencing and finishing shifts once having been determined may be varied by agreement between the employer and the majority of employees concerned to suit the circumstances of the establishment or in the

absence of agreement by five days notice of alteration given by the employer to the employees.

### **35.9 Afternoon or night shift allowances**

- (a) A shiftworker while on afternoon or night shift must be paid for such shift 15% more than the ordinary rate.
- (b) A shiftworker who works on an afternoon or night shift which does not continue:
  - (i) for at least five successive afternoons or nights on a five day site or six successive afternoons or nights on a six day site; or
  - (ii) for at least the number of ordinary hours prescribed by one of the alternative arrangements in clauses 35.9(c)(ii) or (iii) of this award;

must be paid for each such shift at the rate of time and a half for the first three hours and double time after that.

- (c) An employee who:
  - (i) during a period of engagement on shift, works night shift only; or
  - (ii) remains on night shift for a longer period than four consecutive weeks; or
  - (iii) works on a night shift which does not rotate or alternate with another shift or with day work so as to give them at least one third of their working time off night shift in each shift cycle;

must during such engagement period or cycle be paid 30% more than the ordinary rate for all time worked during ordinary working hours on such night shift.

- 35.10** A shiftworker required to work on Saturdays, Sundays or public holidays must not receive the shift penalty in clause 35.9 on those days. The provisions of clauses 37—Saturdays and Sundays and 38—Payment for public holidays will apply instead.

## **36. Overtime and penalty rates**

[Varied by [PR998138](#), [PR509188](#), [PR523018](#), [PR536821](#)]

- 36.1** All time worked by Piggery attendants before the ordinary commencing time or after the ordinary ceasing time or in excess of ordinary hours of work in any one day or in any one week will be regarded as overtime and will be paid for at the rate of time and a half for the first two hours and double time after that.
- 36.2** All overtime worked on Saturday will be paid for at the rate of time and a half for the first two hours and double time after that.
- 36.3** In computing overtime each day's work will stand alone.
- 36.4** An employee recalled to work overtime after leaving the employer's business premises (whether notified before or after leaving the premises) must be paid for a

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minimum of four hours work at the appropriate rate for each time the employee is so recalled; provided that the employee must not be required to work the full four hours if the job they were recalled to perform is completed within a shorter period.

[36.5 varied by [PR998138](#), [PR509188](#), [PR523018](#), [PR536821](#) ppc 01Jul13]

- 36.5** If an employee is required to work overtime after working ordinary hours on Monday to Friday (except where the period of overtime is less than one hour and a half) the employee will be paid \$12.15 for the first and any subsequent meals. Alternatively the employer may supply the employee with a meal.
- 36.6** Before starting such overtime an employee will be allowed a meal break of 30 minutes which will be paid for at ordinary rates.
- 36.7** An employee working such overtime will be allowed a crib time of 20 minutes without deduction of pay after each four hours of work.
- 36.8** Employees will work reasonable overtime to meet the needs of the enterprise.
- 36.9** No employer or employee will be party to payment for overtime where such overtime is not actually worked. The assignment of overtime by an employer will be based on specific work requirements and the practice of 'one in all in' overtime must not apply.

[36.10 varied by [PR998138](#), [PR509188](#), [PR523018](#), [PR536821](#) ppc 01Jul13]

- 36.10** Where overtime is unplanned and not notified the day or days beforehand, a payment will be made of \$12.15 after two hours of overtime if work will continue beyond the meal break. Alternatively the employer may supply the employee with a meal.
- 36.11** An employee notified the day or days prior to an overtime day must not be paid a meal allowance unless the overtime is cancelled. Should cancellation occur the employee will be paid a meal allowance for the meal prepared if notice of cancellation is not given at least the day before the planned overtime.

## **37. Saturdays and Sundays**

### **37.1 Saturdays**

#### **(a) Day workers**

- (i) The rate for ordinary time duty on Saturday will be time and a half.
- (ii) The rate for overtime duty on a Saturday will be time and half for the first two hours and double time after that, with a minimum payment of three hours except for work which is continuous with ordinary duty.

#### **(b) Shiftworkers**

The minimum rate to be paid to a shiftworker for work performed will be time and a half. Such extra rate will be in substitution for and not cumulative upon the shift allowances prescribed in clause 35.9 in this award.

**37.2 Sundays**

- (a) The rate for overtime duty on a Sunday will be double time with a minimum payment of three hours at such rate except for work which is continuous with ordinary duty.
- (b) Shiftworkers on continuous shifts for work on a rostered shift the major portion of which is performed on a Sunday will be paid at the rate of double time.

**38. Payment for public holidays**

- 38.1** A Piggery attendant who is a day worker required to work on a public holiday will be paid at the rate of double time and one half for a minimum of three hours and up to the usual rostered hours. For time worked in excess of the ordinary rostered hours overtime rates will apply.
- 38.2** A shiftworker required to work on a public holiday will be paid at the rate of double time for a minimum of three hours and up to the usual rostered hours.
- 38.3** By agreement between an employer and the employees, time off instead of payment for public holidays may be accrued for public holiday work. That is, the employee will receive ordinary time payment for the hours worked on the said holiday and accrue time to be taken at a mutually agreed time.

**Part 6—Poultry Farming**

**39. Classifications**

**39.1 Poultry farm worker level 1 (PW1)**

- (a) A Poultry farm worker level 1 (PW1) includes:
  - General hands.
- (b) An employee at this level:
  - may undertake training for any task;
  - may be trained in more than one specific area, depending on the employee's application to these tasks;
  - may be engaged in collecting and grading eggs; and
  - has less than 12 months experience in the industry.

**39.2 Poultry farm worker level 2 (PW2)**

- (a) A Poultry farm worker level 2 (PW2) includes:
  - (i) an employee with more than 12 months experience in the industry who performs the duties of a Poultry farm worker level 1 and may be required to perform any of the following duties:

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- collect and grade eggs;
  - care for sheds and litter, maintain egg records, cull flocks of poultry as required;
  - remove waste product;
  - drive and/or operate farm plant and equipment; and
  - pick-up work and associated general duties as a farm hand.
- (ii) Hatchery assistants who:
- rotate eggs in incubators;
  - check eggs;
  - undertake sexing and beak trimming;
  - sort and grade eggs and day-old poultry;
  - fumigate and vaccinate;
  - clean and sanitise hatchery incubators, hatchers and associated equipment; and
  - perform any work undertaken by a farm hand.
- (b) An employee at this level may be engaged at or in connection with mixing poultry food or grain crushing.

### 39.3 Poultry farm worker level 3 (PW3)

- (a) A Poultry farm worker level 3 (PW3) includes:
- (i) Stock hands who:
- are other than hatchery employees or employees engaged in pick up work; and
  - have been and are substantially engaged in actually handling livestock for a period of six months.
- (ii) Farm maintenance workers who perform:
- pipefitting work;
  - tack welding; and
  - other minor maintenance work which involves the significant use of tools.
- (iii) Farm transporters who:
- have their principal duties centred on a poultry farm or hatchery;
  - may work as a stock hand, farm hand or hatchery assistant;



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- transport livestock and/or eggs from farm to farm and from farm to hatchery or return and related activities;
- remove and transport litter and sawdust for poultry farms; and
- are qualified front-end loader operators.

(b) An employee at this level:

- will also perform any task undertaken by a farm hand; and
- may operate a front-end loader as part of their general duties.

### 39.4 Poultry farm worker level 4 (PW4)

(a) A Poultry farm worker level 4 (PW4) includes:

(i) Authorised testers;

(ii) Certified rural tradespersons who:

- have been employed for a period of not less than four years relevant employment in a rural industry; and
- have completed the Rural Trades Course at TAFE or similar course or courses approved by the Rural Apprenticeship Training Committee upon application.

## 40. Minimum wages

[Varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#)]

### 40.1 Adult wages

[40.1 varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

The following wages apply to Poultry workers classified under clause 39—  
Classifications of this award:

Wage group	Weekly award rate	Hourly rate
	\$	\$
PW1	622.20	16.37
PW2	649.30	17.09
PW3	676.70	17.81
PW4	724.50	19.07

### 40.2 Junior wages

Age of employee	% of relevant adult rate
Under 16 years of age	50
16 years of age	60

<b>Age of employee</b>	<b>% of relevant adult rate</b>
17 years of age	70
18 years of age	80
19 years of age	90
20 years of age	100

#### **41. Ordinary hours of work and rostering**

**41.1** The ordinary hours of work of Poultry farm workers must not exceed 152 hours in any consecutive period of four weeks.

**41.2** The rate of pay for overtime will be time and a half, provided that double time will be paid for all work performed on Sunday except in the case of feeding or watering the stock when such work will be paid for at the rate of time and a half.

#### **42. Overtime**

**42.1** All time worked by an employee in excess of the ordinary hours in clause 41.1 must be overtime.

**42.2** An employee may elect to take time off duty, with pay, for a period equal to the overtime worked.

#### **43. Payment for public holidays**

Where a Poultry worker is required to perform work on a public holiday, the rate of pay will be double time.

### **Part 7—Shearing Operations**

#### **44. Classifications**

Employees engaged for work in a shed, other than Woolclassers and Shearing shed experts, will be engaged on a casual basis in one or more of the following categories:

- Shearer;
- Crutcher;
- Shed hand;
- Woolpresser; or
- Shearing cook.

A composite of these categories may apply where the employee has mixed functions, except Shearers.

**44.1 Shed hands or Woolpresser-shed hands**

- (a) A Shed hand or Woolpresser-shed hand may be required to work as a generally useful hand in or about the shearing shed either during the crutching or shearing or when crutching or shearing is not taking place.
- (b) Shed hands, Woolpressers and Woolpresser-shed hands will be paid by the run (as defined in clause 48.1) provided that:
  - (i) on any day on which the employee attends for duty they will be guaranteed a minimum daily payment for two runs except on the day of cut out where if work continues beyond the normal lunch break then payment will be made for four runs;
  - (ii) further, if sheep are voted wet at the commencement of the third or fourth run, then they will be paid for all completed runs on that day together with the run due to commence or partly completed at the time sheep are voted wet; and
  - (iii) the minimum payment of two runs per day will not apply where an employee is not required to attend for work because of wet weather, provided that the employee is advised on each preceding day that they will not be required to attend, or if advised by the employer of a starting time with more than 24 hours notice.
- (c) When an employee has mixed functions (e.g. as Woolpresser and Shed hand) they will be treated, for the purposes of calculating the employee's pay, as if employed only to perform such of the functions as carry the higher minimum rate under this award.
- (d) Woolpresser-shed hands and Shed hands will weigh, brand, store and carry wool to the press without extra payment.
- (e) An employer may direct a Shed hand to carry out the duties of a Woolpresser, provided that:
  - (i) the employee will only be required to perform those duties of a Woolpresser that are within the limits of that employee's skill, competence and training;
  - (ii) the performance of such duties does not involve either an alteration to the employee's classification or a major and substantial change in the duties normally performed by the employee; and
  - (iii) such a direction will be given only in the pursuit of the efficient conduct of a shearing or crutching operation in circumstances of unavailability of a contracted Woolpresser for a limited period.

**44.2 Woolpressers**

- (a) A Woolpresser or Woolpresser-shed hand will:
  - (i) press as soon as possible all the wool shorn or crutched from the relevant shearing or crutching;

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- (ii) weigh, brand and store the wool; and
  - (iii) press and close the bales in the manner and, as nearly practicable, to the weight directed by the overseer, and remove all clippings and string from the inside of the bales and clear away such clippings and string and all loose wool from the portion of the shed occupied for woolpressing.
- (b) An employer may direct a Woolpresser to carry out the duties of a Shed hand, provided that:
- (i) the employee will only be required to perform those duties of a Shed hand that are within the limits of that employee's skill, competence and training; and
  - (ii) the performance of such duties does not involve either an alteration in the employee's classification or a major and substantial change in the duties normally performed by the employee.

### 44.3 Shearing cooks

- (a) Shearing cooks will prepare and cook up to five meals per day, inclusive of morning and afternoon tea, for an agreed number of persons.
- (b) The total number of persons for whom an employee is to cook will not, on the average of the shearing or crutching, be less than the minimum number agreed upon nor more than the maximum number agreed upon provided that if any of the employees to be cooked for strike or wilfully cease work against the direction of the employer, the Shearing cook will be entitled to payment of wages in respect only of those employees who do not strike or cease work.
- (c) The Shearing cook will provide at the cook's own expense such suitable assistant or assistants as may be necessary for the proper cooking and serving of food.
- (d) Shearing cooks may be engaged per half day. On the day prior to the commencement of shearing or crutching, should the Shearing cook be required to prepare the evening meal or clean and prepare the kitchen for a normal start on the following day, payment will be made at 50% of the daily or piecework rate.
- (e) On the day of cut out a Shearing cook will be guaranteed 50% of the daily or piecework rate. However should shearing proceed after the normal midday meal break a full day's wages will be payable.
- (f) Where a Shearing cook is engaged to cook for non-resident employees and prepares morning and afternoon tea and a midday meal they will receive 50% of the daily or piecework rate.
- (g) Where clause 44.3(f) applies, employees will be required to contribute a maximum of 50% of the rate established pursuant to clause 45.5 of this award.

### 44.4 Shearers and learner Shearers

- (a) Shearers will be engaged to shear and/or crutch sheep.

- (b) A learner Shearer will be engaged as such on production of proof that they qualify for such status.

#### 44.5 Crutchers

Crutchers will be engaged to crutch sheep, either a full crutch or other crutch.

#### 44.6 Woolclassers

The classification and duties structure is as follows:

##### (a) Woolclasser level 1

Woolclasser level 1 (W1) may be required to undertake woolclassing duties only. These duties, which will be carried out in accordance with the directions and orders of the owner or nominated representative, will be as follows:

- (i) to classify the wool and advise and report generally as a wool expert, according to the industry agreed code of practice as published by the Australian Wool Exchange Limited or its successors;
- (ii) to instruct the woolrollers and supervise the skirting and rolling of the fleece;
- (iii) to instruct and supervise the piece-pickers, the pickers-up as far as concerns their duty in picking up the fleeces and all other persons engaged in the handling of the wool;
- (iv) to instruct the Woolpressers and exercise a general supervision over the pressing, weighing and branding of the bales;
- (v) to keep the shed wool book, or see that it is kept by the Woolpresser or woolweigher, to the satisfaction of the employer, and, where required, to write up the station permanent wool and weight book daily (one copy only); and
- (vi) to complete waybills if and when required.

##### (b) Woolclasser level 2

A Woolclasser level 2 (W2) may be required to undertake:

- (i) woolclassing duties, being any of the duties outlined in relation to Woolclasser level 1; and
- (ii) woolrolling, where such work is incidental to the duties of a Woolclasser, and other shed hand work where such work is a minor and incidental part of the duties of the Woolclasser. In the interest of efficient performance of work by the Woolclasser, such woolrolling will not be performed in a shed where more than 900 fleeces per day are shorn.

##### (c) Woolclasser level 3

A Woolclasser level 3 (W3) may be required to undertake:

- (i) woolclassing duties, being any of the duties described for Woolclasser level 1 above;

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- (ii) woolrolling or other shed hands work as described for Woolclasser level 2 above;
- (iii) overseeing or management of the board, provided that a Woolclasser must not do overseeing nor take the management of the board in addition to doing woolclassing in any shed where more than twelve Shearers are employed;
- (iv) bookkeeping; and
- (v) experting, as described in clause 44.7, provided that except in the case of an emergency, a Woolclasser must not act as an expert in addition to doing woolclassing in a shed where more than six Shearers are employed at any one time.

### 44.7 Shearing shed experts

#### (a) Shearing shed expert level 1

A Shearing shed expert level 1 (E1) may be required to perform experting duties only. The duties of a Shearing shed expert will include attending to the shearing shed machinery, engine driving and the grinding of combs and cutters and such other duties as may be agreed upon by the employer and the employee at the time of the employee's engagement.

#### (b) Shearing shed expert level 2

A Shearing shed expert level 2 (E2) may be required to perform:

- (i) experting duties as described for Shearing shed expert level 1;
- (ii) woolrolling or other shed hands work where such work is a minor and incidental part of the duties of an expert. In the interest of efficient performance of work, such woolrolling must not be performed in a shed where more than 900 fleeces per day are shorn;
- (iii) overseeing or management of the board; and
- (iv) bookkeeping.

## 45. Minimum wages

[Varied by [PR994669](#), [PR994545](#), [PR998138](#), [PR997915](#), [PR999460](#), [PR509066](#), [PR509188](#), [PR522897](#), [PR523018](#), [PR536700](#), [PR536821](#)]

### 45.1 Rates for Shearers—if not found employee

#### (a) For flock sheep (wethers, ewes and lambs):

[45.1(a) varied by [PR998138](#), [PR997915](#), [PR509066](#), [PR522897](#) ppc 01Jul12; [PR509188](#), [PR523018](#), [PR536700](#) ppc 01Jul13, [PR536821](#) ppc 01Jul13]

If not found employee, by machine \$273.81 per 100 which is arrived at by:

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<b>Shearer's formula</b>	<b>\$</b>
<i>Minimum rate</i>	683.62
Plus 20% piecework allowance—min rate x 20%	136.72
Plus 25% casual loading—min rate x 25%	170.91
<i>Subtotal</i>	991.25
Plus shearing industry allowance	201.21
Plus rations	54.09
Plus allowance for combs/cutters	99.93
Plus payment for handpiece	22.59
<i>Weekly total for casual piecework shearer with own handpiece (500 sheep)</i>	1369.07
Rate per 100 conversion—total divided by 5	273.81

- (b) **For rams (other than special stud rams) and ram stags**—double the rate for flock sheep.
- (c) **For stud ewes and their lambs**—one and a quarter times the rate for flock sheep.
- (d) **For double-fleeced sheep**—one and one-third times the rate prescribed appropriate to the class of sheep.
- (e) **For hand shearing**—7.5% additional to the rate for each class of sheep.
- (f) Any Shearers that are required to provide their own stud combs will be paid 25% additional to the rate of each class of sheep.
- (g) **For special studs**—as agreed.

[45.1(h) substituted by [PR994545](#) ppc 01Jan10; varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (h) **If found employee**—the rates prescribed above less the amount of \$27.84, which is arrived at by adding the Shearing cook's daily rate to one fifth of the Shearers' ration component.
- (i) **Engagement by the day:**

[45.1(i) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

\$204.58 per day if not found employee;

\$176.74 per day if found employee.

The per day rate for not found employees is calculated by the old not found employee daily rate multiplied by Shearers rate per 100 divided by the old Shearers rate per 100 (less found deduction if found employee).

**45.2 Rates for crutching**

[45.2(a) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

**(a) Piecework rates—if not found employee:**

	<b>Per 100</b>	<b>Per 100</b>
	<b>\$</b>	<b>\$</b>
	<b>At sheds</b>	<b>Other than at sheds</b>
Full crutching, that is, shearing the inside parts of the legs, between the legs, and around and above the tail. In addition when required:	79.40	68.45
• removing wool that has been struck by blowfly;		
• lifting the bottom leg and shearing that leg prior to turning the sheep around and above the tail; and/or		
• giving up to two blows above the tail		
All other crutching	62.98	54.76
For wiggging or ringing	30.12	30.12
For either wiggging or ringing in addition to crutching	8.21	8.21
For wiggging and ringing	49.29	49.29
For wiggging and ringing in addition to crutching—crutching rate plus	13.69	13.69
For cleaning the belly of any ewe above the teats (no more than two blows of the machine or shears)—crutching rates plus	6.85	6.85

[45.2(b) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

**(b)** In addition to the payments per 100 contained in this clause an allowance of \$8.67 per person per day will be paid for the lack of amenities when crutching is performed other than at sheds, which is arrived at by the formula in clause 45.2(c).

**(c) Crutching formula**

Full crutching at sheds	29% of Shearers per 100 rate
All other crutching at sheds	23% of Shearers per 100 rate
Full crutching other than at sheds	25% of Shearers per 100 rate
All other crutching other than at sheds	20% of Shearers per 100 rate
Wiggging or ringing	11% of Shearers per 100 rate
Wiggging or ringing in addition to crutching	3% of Shearers per 100 rate
Wiggging and ringing	18% of Shearers per 100 rate



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Wigging and ringing in addition to crutching 5% of Shearers per 100 rate  
 Cleaning bellies etc. 2.5% of Shearers per 100 rate

- (d) For crutching stud ewes and their lambs—one and a quarter of the rates prescribed in clauses 45.1(a) to (f).

[45.2(e) substituted by [PR994545](#) ppc 01Jan10; varied by [PR997915](#), [PR509066](#), [PR522897](#); [PR536700](#) ppc 01Jul13]

- (e) **If found employee**—the rates prescribed above less the amount of \$27.84, which is arrived at by adding the Shearing cook’s daily rate to one fifth of the Shearers’ ration component.

**45.3 Rates for Shed hands**

[45.3(a) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (a) If not found employee:

<b>Adults</b>	<b>Weekly</b>	<b>Per run</b>
	\$	\$
For adults with less than 65 work days experience as a shed hand	977.89	48.89
For adults with 65 or more work days experience as a shed hand	1028.14	51.41

These amounts are arrived at by using the formula in clause 45.3(b).

- (b) **Shed hands (adult) formula**

[45.3(b) varied by [PR998138](#), [PR997915](#), [PR509066](#), [PR522897](#), [PR509188](#), [PR523018](#), [PR536700](#) ppc 01Jul13, [PR536821](#) ppc 01Jul13]

	\$
<i>With less than 65 work days experience in the industry</i>	
Minimum rate—which is 84.56% of Shearer’s minimum rate	578.07
Plus 25% casual loading—new minimum wage rate x 25%	144.52
Plus shearing industry allowance	201.21
Plus rations	54.09
<i>Total</i>	977.89
Per run—divide by 20	48.89
<i>With more than 65 work days experience in the industry</i>	
Minimum rate which is 90.44% of Shearer’s minimum rate	618.27
Plus 25% casual loading—new minimum wage rate x 25%	154.57
Plus shearing industry allowance	201.21
Plus rations	54.09
<i>Total</i>	1028.14
Per run—divide by 20	51.41

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**(c) Shed hands (junior) formula**

[45.3(c) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

	<b>\$ per run</b>
<b>Under 18 years</b>	
<i>With less than 65 work days experience as a shed hand</i>	
70% of equivalent adult rate	34.22
<i>With 65 work days or more experience as a shed hand</i>	
70% of equivalent adult rate	35.99
<b>18–20 years</b>	
<i>With less than 65 work days experience as a shed hand</i>	
90% of equivalent adult rate	44.00
<i>With 65 work days or more experience as a shed hand</i>	
90% of equivalent adult rate	46.27

[45.3(d) substituted by [PR994545](#) ppc01Jan10; varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

**(d) If found employee**—the rates prescribed above less the amount of \$27.84, which is arrived at by adding the Shearing cook’s daily rate to one fifth of the Shearers’ ration component.

**45.4 Rates for Woolpressers**—if not found employee:

**(a) Piecework**

[45.4(a) varied by [PR998138](#), [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

	<b>\$</b>
By hand—per bale	16.37
By hand—per kilo	0.1074
By power—per bale	10.91
By power—per kilo	0.0716

These rates are arrived at by using the formula in clause 45.4(b).

**(b) Woolpresser’s formula**

[45.4(b) varied by [PR998138](#), [PR997915](#), [PR999460](#), [PR509066](#), [PR522897](#), [PR509188](#), [PR523018](#), [PR536700](#) ppc 01Jul13, [PR536821](#) ppc 01Jul13]

	<b>Piecework</b>	<b>Timework</b>
	<b>\$</b>	<b>\$</b>
<i>Minimum rate</i>	614.19	665.32
Plus 20% piecework allowance—min rate x 20%	122.84	-
Plus 25% casual loading—min rate x 25%	153.55	166.33
<i>Subtotal</i>	890.58	

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	Piecework	Timework
	\$	\$
Plus shearing industry allowance	201.21	201.21
Plus rations	54.09	54.09
<i>Total per week</i>	1145.88	1086.95
Per run—total divided by 20		54.35
By hand—per bale = total divided by 70	16.37	-
By hand—per kilo = by hand per bale rate divided by 152.4	0.1074	-
By power—per bale = by hand per bale rate x 2/3	10.91	-
By power—per kilo = by power per bale rate divided by 152.4	0.0716	-

[45.4(c) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (c) For weighing and branding bales—\$0.36 per bale extra.

[45.4(d) varied by [PR997915](#), [PR999460](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (d) If the total sum which the Woolpresser would receive under the rates amounts to less than \$54.35 per run multiplied by the number of runs that a time work employee would have been paid for, the employer will pay the deficiency to the employee.

[45.4(e) substituted by [PR994545](#) ppc 01Jan10; varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (e) **If found employee**—the rates prescribed above less the amount of \$27.84, which is arrived at by adding the Shearing cook's daily rate to one fifth of the Shearers' ration component.
- (f) Woolpressers engaged at piecework rates will, for all wool pressed by them, be paid wholly per bale or wholly per kilogram and will for greasy wool per kilogram be paid for an average of 140 kg per bale if the bales pressed average less than that weight.

[45.4(g) substituted by [PR994545](#) ppc 01Jan10; varied by [PR997915](#), [PR999460](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (g) The minimum rate to be paid for woolpressing for employees engaged at time work rates will be \$54.35 per run if not found employee. If found employee, rates will be the rate prescribed less \$27.84 per day, which is arrived at by adding the Shearing cook's daily rate to one fifth of the Shearers' ration component.
- (h) Provided that where a Woolpresser engaged at time work would have earned more at a particular shearing than the minimum calculation (by multiplying the per run rate by the number of runs the Woolpresser would have been paid for) if the Woolpresser had been engaged at piecework rates, then the Woolpresser will be paid at the piecework rate pursuant to clause 45.3(d).

**45.5 Rates for Shearing cooks**

[45.5(a) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (a) The minimum rates to be paid to employees for acting as Shearing cook in connection with shearing or crutching operations will be \$17.02 per day per found employee for every person excepting themselves for whom the employee cooks. But if the total amount which the Shearing cook would receive under this clause for the term of the employment amounts to less than \$221.23 per day per found employee, for the work after paying the necessary offsiders, the employer will pay the deficiency to the employee. A Shearing cook engaged for a half day will be paid 50% of the rate per day per found employee for every person for whom the employee cooks.

[45.5(b) varied by [PR997915](#), [PR509066](#), [PR522897](#) ppc 01Jul12; [PR509188](#), [PR523018](#), [PR536700](#) ppc 01Jul13, [PR536821](#) ppc 01Jul13]

- (b) These rates are arrived at by:

<b>Shearing cook's formula</b>	<b>\$</b>
<i>Minimum rate</i>	666.30
Plus 25% casual loading—min rate x 25%	166.58
Plus 20% long hours allowance—min rate x 20%	133.26
Plus 69.58% of shearing industry allowance	140.00
<i>Total</i>	1106.14
Daily rate—total divided by 5	221.23
Per employee per day rate = daily rate divided by 13	17.02

**45.6 Woolclassers piecework rates**

[45.6(a) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (a) For carrying out the duties described in clause 44.6 of this award, a Woolclasser will be paid at the rate of \$307.38 per 1,000 sheep and/or lambs.
- (b) All rams and/or ram stags' wool classed will be paid for at double the above rate.

**45.7 Woolclassers guaranteed weekly minimum rates**

If the piecework earnings from woolclassing over the whole of the employment fall short of the relevant weekly amount for the same period, the employer will pay the Woolclasser not less than the minimum weekly rate set out below.

**45.8 Woolclassers and Shearing shed experts**

[45.8(a) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (a) **Weekly rates**

<b>Classification</b>	<b>Rate per week</b>
	<b>\$</b>

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Classification	Rate per week
	\$
Shearing shed expert level 1	1026.00
Shearing shed expert level 2	1140.00
Woolclasser level 1	1140.00
Woolclasser level 2	1229.50
Woolclasser level 3	1287.95

[45.8(a)(i) varied by [PR994545](#), [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (i) The Woolclasser level 1 minimum weekly rate is derived according to the following formula:

	\$
Base	715.69
Plus casual loading of 25% (of base)	178.92
<i>Subtotal</i>	894.61
Plus conditions allowance	101.51
Plus enterprise flexibility (including hours) and wet weather allowance	143.90
	1140.02
Rounded to the nearest five cents	1140.00

[45.8(a)(ii) varied by [PR994545](#), [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (ii) The Woolclasser level 2 minimum weekly rate is derived according to the following formula:

	\$
Base	715.69
Woolrolling and other shed hands work	71.59
<i>Subtotal 1</i>	787.28
Plus casual loading of 25% (of subtotal 1)	196.82
<i>Subtotal 2</i>	984.10
Plus conditions allowance	101.51
Plus enterprise flexibility (including hours) and wet weather allowance	143.90
	1229.51
Rounded to the nearest five cents	1229.50

[45.8(a)(iii) varied by [PR994545](#), [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (iii) The Woolclasser level 3 minimum weekly rate is derived according to the following formula:

\$

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Base	715.69
Woolrolling and other shed hands work	71.59
Bookkeeping, overseeing, experting	46.77
<i>Subtotal 1</i>	834.05
Plus casual loading of 25% (of subtotal 1)	208.51
<i>Subtotal 2</i>	1042.56
Plus conditions allowance	101.51
Plus enterprise flexibility (including hours) and wet weather allowance	143.90
	1287.97
Rounded to the nearest five cents	1287.95

### (b) Piecework rate

[45.8(b) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

The piecework rate formula is: \$1229.50 (Woolclasser level 2) ÷ 4 = \$307.38.

### (c) Shearing shed experts

[45.8(c)(i) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

(i) **E1**—Expert level 1 (experting only) will be paid at 90% of the Woolclasser level 1 rate. The E1 rate is \$1026.00 per week.

[45.8(c)(ii) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

(ii) **E2**—Expert level 2 (experting plus any additional duties except woolclassing) will be paid at Woolclasser level 1 rate. The E2 rate is \$1140.00 per week.

[45.9 renumbered as 45.8(d) by [PR994669](#) ppc 12Mar10]

### (d) For the purpose of this clause:

[45.9(a) renumbered as 45.8(d)(i) by [PR994669](#) ppc 12Mar10]

(i) employment will be deemed to begin at the time at which the employee is instructed to arrive at the station, but if the employee does not arrive until later, then at the time of arrival;

[45.9(b) renumbered as 45.8(d)(ii) by [PR994669](#) ppc 12Mar10]

(ii) the number of stands to be taken is the maximum number of stands actually occupied by Shearers during the shearing;

[45.9(c) renumbered as 45.8(d)(iii) by [PR994669](#) ppc 12Mar10]

(iii) in calculating the guaranteed amount in respect of employment for part of a week, the employee will be entitled to one fifth of the prescribed weekly rate for each day or part of a day;

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[45.9(d) renumbered as 45.8(d)(iv) by [PR994669](#) ppc 12Mar10]

- (iv) employment of experts and Woolclassers will be by the day unless a longer period of engagement is agreed. Unless the Woolclasser or expert has been notified the previous day that their attendance is not required for that day, then providing they present themselves as ready, able and willing to work prior to commencement of work then they will be paid for that day at one fifth of the appropriate minimum weekly rate specified in this clause; and

[45.9(e) renumbered as 45.8(d)(v) by [PR994669](#) ppc 12Mar10]

- (v) all employees are entitled to work as expeditionary employees.

[45.10 renumbered as 45.8(e) by [PR994669](#) ppc 12Mar10]

- (e) At the commencement of shearing the employer or a representative will appoint a certain day upon which the employer will, in each and every week, if so required, pay to the employee any sum not exceeding 75% of the amount due over and above one week's earnings.

[45.11 renumbered as 45.8(f) by [PR994669](#) ppc 12Mar10]

[45.8(f) substituted by [PR994545](#) ppc 01Jan10; varied by [PR509066](#) ppc 01Jul11]

- (f) Employees who do not receive piecework rates may be entitled to the following allowances:

<b>Allowance</b>	<b>% of <u>standard rate</u> per week</b>
Conditions	602.3
Enterprise flexibility	853.8
Woolrolling	426.8
Bookkeeping	277.5

**46. Special allowances (other than Woolclassers and Shearing shed experts)**

[Varied by [PR994545](#), [PR997915](#), [PR509066](#), [PR522897](#), [PR523018](#), [PR536700](#), [PR536821](#)]

**46.1 Allowance where sleeping quarters are not provided**

Where the employee does not reside during a shearing (or crutching) at the employee's home or usual place of residence and the employee is forced to obtain and pay for sleeping quarters away from the employer's premises because the employer is unable to provide sleeping quarters at the premises for the employee, the employer will:

- (a) arrange for sleeping quarters for the employee to be supplied elsewhere at the employer's expense; or

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[46.1(b) varied by [PR994545](#) from 01Jan10]

- (b) pay to the employee an allowance of 259.4% of the [standard rate](#) per night for each night during the employee's employment that the employee is so forced to obtain and pay for sleeping quarters; and
- (c) where the distance is one kilometre or more walking distance between the employee's sleeping quarters and the shed, provide or pay for the transport of the employee between the sleeping quarters and the shed.

[46.2 varied by [PR994545](#) from 01Jan10]

**46.2** Where the total travel time to and from the sleeping quarters and the shed exceeds one hour per day, an allowance of 85.6% of the [standard rate](#) per hour will be payable to the employee for all time in excess of such hour.

**46.3** Where an employee resides during a shearing (or crutching) at their home or usual place of residence and travels daily to the shed, the following provisions will apply:

**(a) Travelling allowance—Shearers (or Crutchers) only**

[46.3(a) varied by [PR994545](#) from 01Jan10]

Where the distance between the shed and the employee's place of residence exceeds 65 kilometres by the most direct practicable route the employer will pay to the employee a travelling allowance of 77% of the [standard rate](#) per day for each day upon which the employee so travels.

**(b) Vehicle allowance—all employees**

[46.3(b) varied by [PR523018](#), [PR536821](#) ppc 01Jul13]

Where an employee, by prior arrangement and agreement with an employer, uses the employee's own motor vehicle to travel to and from the shed the employee will be paid a vehicle allowance of \$0.76 per kilometre for travel by the most direct practicable route between the shed and the employee's normal place of residence.

**46.4** Clause 46.3(a) and 46.3(b) of this award will not apply in any case where the employer offers the employee suitable accommodation at the shed and the employee chooses not to use it.

**46.5 Breakdown of machinery—allowance for delays and termination of agreements**

[46.5(a) varied by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

- (a) Where a Shearer or Crutcher or a piecework Woolpresser is stopped from working through a breakage or failure of machinery, except from any cause over which the employer has no control, and the total period of all such stoppages which occur in any one week exceeds two hours working time, the employer will pay to the employee an allowance at the rate of \$160.28 per day in the case of not found employees and at the rate of \$132.44 per day in the case of found employees, for every day or part of a day beyond two hours of working time in any one week as long as there are sheep fit to shear.



- (b) The not found breakdown rate is calculated as the old breakdown rate multiplied by the new Shearers rate per 100 divided by the old Shearers rate per 100 (less found deduction if found employee).

## **47. Special allowances for Woolclassers**

[Varied by [PR998138](#), [PR523018](#), [PR536821](#)]

### **47.1 Fares and travelling allowances for expeditionary employees**

[47.1(a) varied by [PR523018](#), [PR536821](#) ppc 01Jul13]

- (a) An employee will be reimbursed all fares, or be compensated for motor vehicle expenses at a rate of \$0.76 per kilometre, to travel the most direct route to and from the shed at the commencement and conclusion of a period of engagement at a shed from the closest of:
  - (i) the employee's place of residence;
  - (ii) the employee's previous place of work; or
  - (iii) the place of engagement.
- (b) In cases where the employee is discharged for incompetence or misconduct or breaches of the agreement signed before commencement of the shed, no return fares nor return expense allowance will be paid.
- (c) When an employer offers an employee accommodation in accordance with this award, such employee not availing themselves of such accommodation will not be entitled to this allowance.
- (d) The vehicle allowance, as specified above in clause 47.1(a), applies only where an employee actually uses their vehicle to travel to and from the shed.
- (e) The fares, as specified above in clause 47.1(a), are paid only where they are actually incurred and this does not include airfares unless agreed at the time of engagement.

[47.1(f) varied by [PR998138](#), [PR523018](#), [PR536821](#) ppc 01Jul13]

- (f) An allowance at the rate of \$63.83 per day will be paid by the employer to the employee for all expenses incurred (other than fares) while the employee is actually proceeding to and from the place of employment.

[47.1(g) varied by [PR998138](#), [PR523018](#), [PR536821](#) ppc 01Jul13]

- (g) Such allowance will be calculated at the rate of \$2.66 per hour from the time of departure of the employee from the place of engagement or from the permanent residence until the employee arrives at the place of employment.
- (h) When an employee is about to return from the place of employment such allowance will be calculated on the same basis from the time of departure until arrival at the place of engagement or permanent residence.

### **47.2 Allowance for delay between commencement of sheds on the same holding**

Where two sheds are situated on the same holding and are the property of the same owner, and where the work at the second shed starts immediately after the work at the first is completed and the same Woolclasser (but not a Shearing shed expert) is employed for the two sheds, the Woolclasser will be paid an allowance for any delay between the cut out of the one shed and the starting of the other, calculated at the delay rate set out in 47.3 of this award. Should, however, properties intervene, such sheds must not be considered as sheds on the same holding, and no allowance will be payable.

**47.3 Allowance for delays for Woolclassers paid at piecework rate**

- (a) In the event of the employer failing to start shearing on the day fixed by the contract the employer will, provided the Woolclasser is ready to start on the day fixed, pay the employee for the time kept idle, a daily amount of 1/10th of the appropriate guaranteed weekly minimum rate for the classification of the employee, unless the failure to start is caused by wet weather or other unforeseen causes such as fire, flood, earthquake or any other act of God.
- (b) The number of stands to be taken into account when calculating the allowance will be the maximum number of stands actually occupied by Shearers during the shearing.
- (c) The allowance set out in this clause will be in full satisfaction of all claims by the employee arising out of such failure to start on the part of the employer.
- (d) The abovementioned rates will only apply where an employee is paid the piecework rate.

**48. Hours of work for Shearers and Crutchers**

**48.1** The ordinary hours of work for Shearers and Crutchers will be 38 per week, Monday to Friday. The hours will not exceed eight per day and will be worked in two hour groupings called runs. The run times are Monday to Friday as follows:

7.30 am–9.30 am

10.00 am–12.00 pm

1.00 pm–3.00 pm

3.30 pm–5.30 pm

**48.2** This clause will be read subject to the provisions of clause 48.3 and the following:

- (a) where agreement between the employer and the majority of employees exists there may be an alteration of the starting time by a maximum of two hours to allow for work to be completed in extenuating circumstances;
- (b) work will not commence prior to 5.30 am or later than 7.30 am except where sheep have not been presented for shearing or crutching due to inclement weather;
- (c) runs will be of two hours duration and be worked continuously except for tea and lunch breaks;

- (d) circumstances for which alteration to the starting time in accordance with clause 48.2 may be made are limited to:
- to assist travel arrangements (e.g. day of cut out and travel home);
  - to ensure daylight requirements where shed lighting is not available;
  - for stock welfare; and
  - when rising flood water creates exceptional circumstances; and
- (e) the entitlements in this clause are non-cumulative.

#### **48.3 Restrictions on working eight hours**

The restriction on working eight hours will not apply:

- (a) where the tail end of a mob of ewes with lambs or unweaned lambs are in the pens at 5.30 pm on Friday awaiting shearing (or crutching), the shearing (or crutching) may, at the option of the employer, be continued for not more than half an hour, but so far only as may be necessary for the purpose of shearing (or crutching) the said ewes and/or lambs;
- (b) if not more than three sheep per Shearer/Crutching are left in the pens at 5.30 pm on Friday they may, at the option of the employer, be shorn (or crutched) then for the purpose of cutting out a particular flock; or
- (c) if on the day of the cut out, there remains in the pens after the last run of the day, such number of sheep as could be ordinarily shorn (or crutched) in 60 minutes, the shearing (or crutching), at the option of the employer, may be continued until such sheep are shorn (or crutched). If the option of the employer is taken and work time exceeds 30 minutes, all time workers will receive an additional two hours (one run) payment.

#### **48.4 Special conditions regarding the hours of work of Shearers and Crutchers**

- (a) Where a Shearer or Crutching has not completed 38 hours work during the preceding week, or eight hours per day if the shearing commenced later in the week, by reason of the fact that sheep presented for shearing or crutching are voted wet or sheep are not presented for shearing or crutching because of rain or sweating, a Shearer or Crutching may be required by the employer to work on the Saturday and/or Sunday immediately succeeding the week in which work could not be performed for these reasons only, provided that:
- (i) any work performed on a Saturday or a Sunday pursuant to this subclause must be performed in accordance with the run schedules prescribed for work during the week;
- (ii) any work performed on a weekend pursuant to this subclause must be performed from the commencement of the first available run after the condition of the sheep permit their shearing or crutching except that by agreement between the employer and the employee another or other mutually convenient run or runs available on that weekend may be substituted;

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- (iii) such work on Saturday and/or Sunday will only replace the time lost during the preceding week; and
- (iv) reasonable notice of the need to work on the weekend will be given.
- (b) A signal will be given three minutes (one minute in the case of crutching) before the end of each run and no Shearer (or Crutcher) will catch another sheep during that run after such signal has been given.
- (c) The employee will finish the shearing (or crutching) of any sheep they are shearing (or crutching) at the end of each run.
- (d) The employer and the employee will record and retain at the appropriate place of employment a written record in the tally book when make-up time is worked, if sheep are determined wet during the normal course of shearing in the preceding Monday to Friday.
- (e) The tally book will show those employees who worked make-up time, the date of the work and the number of runs worked during the weekend. The employer will retain this written record for a period of not less than six years.

### **49. Special conditions relating to shed employees**

[Varied by [PR994545](#)]

#### **49.1 Mess and cook**

Where a mess is established for found employees, not found employees may, with the approval of the employer join the mess and provide their own food and related items (joint mess). The employer will, however, have the right to supply a sufficient quantity of food to start the mess, such food to be paid for by the persons comprising the mess.

#### **49.2 Where there is a joint mess**

- (a) The employer must engage a competent cook for the mess on terms not less advantageous to the cook than those prescribed by this award;

[49.2(b) varied by [PR994545](#) from 01Jan10]

- (b) The employer will be entitled to charge to each not found employee the amount of their share of the wages actually payable to the cook, provided that the employee must not be charged an amount in excess of the rate per day per member of the mess prescribed in this award.
- (c) Where an employer elects to supply food and like items the employer will be permitted to deduct the price of such items from the wages of those supplied with such items.
- (d) If the employer discharges a not found member of the mess who does not have sufficient credit to satisfy what that employee owes to the mess account, the employer will make up the deficiency, except so far as the employee's share of the mess account has been increased by goods purchased elsewhere than from the employer.

### 49.3 Condition of sheep

The employee may refuse to shear sheep without any responsibility for delay in the following circumstances:

#### (a) Wet sheep

- (i) if the overseer and the shed representative agree that the sheep are too wet to shear or crutch; or
- (ii) if in the employee's honest opinion, the sheep are so wet as to be likely to injure the employee, and the employee informs the overseer to that effect; or
- (iii) if in the honest opinion of a majority of Shearers (or Crutchers) excluding any learner by vote on a secret ballot it is determined that the sheep are too wet to shear or crutch.

The supervisor may request that the vote be delayed until after the Shearers (or Crutchers) have shorn (or crutched) two sheep each and that the ballot papers have been counted in the presence of the supervisor. The supervisor may request that further votes be taken in relation to sheep which have been voted wet in the same day.

#### (b) Infected sheep

The employee may refuse to shear (or crutch) sheep where the sheep are:

- (i) cancerous;
- (ii) suffering from scabby mouth;
- (iii) suffering from any wound or sore other than maggots;
- (iv) suffering from a disease communicable to the employee; or
- (v) affected by prickly pear, unless the employer provides the employee with such basil or other gloves and coverings as are necessary.

The employee will put any affected sheep appearing on the board down the chute.

### 49.4 Conditions of sheep—employer requirements

- (a) The employer will so far as is practicable and reasonable in the particular circumstances prevent from entering the shed:
  - (i) any cancerous sheep;
  - (ii) any sheep that has an offensive wound or sore, other than from maggots (unless properly treated with antiseptic);
  - (iii) any sheep suffering from scabby mouth;
  - (iv) any sheep suffering from any disease communicable to the employee.

- (b) The employer need not pen sheep for shearing (or crutching) which in the honest opinion of the employee should not be shorn or crutched because they are too wet to be shorn (or crutched), without responsibility for any delay.
- (c) The employer may also withdraw sheep which have been penned for shearing (or crutching) when, in the employer's honest opinion, the wool is too wet for pressing, without responsibility for any delay.

#### **49.5 Transport to be provided in certain circumstances**

Where the employees sleep at the employer's premises and the shearing shed is one kilometre or more walking distance from the employees' sleeping quarters, the employer must provide transport for the employees between the shed and the sleeping quarters before the start of the day's work and at the end of the day's work. Provided that in all cases where the shearing shed is half a kilometre or more walking distance from the employees' huts the employer must provide transport from the shed to the huts and from the huts to the shed for the midday meal.

#### **49.6 Combs, cutters and handpiece**

- (a) It will be the responsibility of the employee to provide themselves with combs and cutters and a suitable handpiece.
- (b) If a Shearer chooses to use a handpiece supplied by the employer or a contractor, the employer or contractor may make a charge to the Shearer for the use of the handpiece equivalent to the amount the Shearer is reimbursed for the handpiece through the shearing formula.
- (c) Where combs or cutters are damaged or broken during shearing operations due to contact with tags or foreign matter, the employer will replace or provide compensation for such combs and cutters on a fair wear and tear basis.

#### **49.7 Allotment of stands**

The employer may nominate the stand or stands to be occupied by learners. Subject to the foregoing, lots will be drawn for the stands in the presence of the overseer before work is commenced at a shearing or crutching, and the employees will abide by the result of the drawing.

#### **49.8 Provision of sheep**

- (a) The total number of sheep to be shorn (or crutched) at the shearing (or crutching) will not be more than the maximum number agreed upon nor less than the minimum number agreed upon nor will the number of Shearers employed exceed the number agreed upon.
- (b) Subject to this award, the employer will be ready to commence shearing (or crutching) on the date appointed and will keep the Shearers (or Crutchers) fully supplied with sheep until the completion of the shearing (or crutching). But the employer will not be bound to furnish the agreed minimum number of sheep or to be so ready or to so keep the employee fully supplied if prevented by any cause unavoidable by them; provided, however, that the employer will inform the employee, as soon as is reasonably possible, whether, and to what extent, the employee will be or is likely to be so prevented.

Provided also that when the employer is a contractor shearing or crutching sheep under contract with an owner or the owner's agent, the failure of the owner or agent to keep the contractor supplied with sheep for shearing (or crutching) will not be deemed to be a cause unavoidable by the contractor unless the owner or agent is prevented from supplying sheep because of any unavoidable cause.

**49.9 Yarding sheep for shearing**

- (a) At shearing operations the employer will, unless prevented by any cause unavoidable by the employer, yard the sheep for shearing at least four hours before the time of their being shorn so as to overcome any fullness or sweat in such sheep and the employee will shear such sheep without delay.
- (b) This clause will not apply in the case of:
  - (i) ewes within two months of lambing;
  - (ii) ewes with lambs up to three months old; or
  - (iii) sheep which have previously been yarded for shearing but have been turned out because they are too wet to shear.

**49.10 Posting of tallies**

The employer will daily make available to each employee the employee's tally or bale weight for each run worked in a day.

**50. Hours of work and overtime rates for Shed hands and Woolpresser-shed hands**

- 50.1** The working hours of a Shed hand or of a Woolpresser-shed hand will be the same as the working hours of the Shearers or Crutchers. However, additional time each day may be necessary to finish the picking up, the rolling of fleeces, the picking of the pieces on the tables and to sweep the floor of the shed. Such additional time after the cessation of shearing or crutching on Friday and on the day of the cut out may be necessary to do the work just described and to wash down the floor of the shed and the wool tables, and to put away any wool that is underneath and, in the case of Woolpresser-shed hand, such additional time as may be necessary on the day of the cut out to finish the pressing.
- 50.2** If on any day, except the day of the cut out, the additional time exceeds a total of 30 minutes, the whole of the additional time on that day will be treated as overtime.
- 50.3** Overtime will be paid for at the rate of time and a half.
- 50.4** Penners-up will work without overtime payment for such time additional to the working hours of the Shearers or Crutchers as may be necessary to keep the Shearers or Crutchers supplied with sheep.

**51. Payment for public holidays**

**51.1** Where work is performed on a public holiday the following rates will be paid:

- (a) for Shearers, Crutchers, Woolpressers and Woolclassers—double the piecework rate;
- (b) for Shed hands—double time; and
- (c) for Shearing shed experts—an amount calculated at the rate per hour of 1/38th of the appropriate minimum weekly rate in addition to any amount otherwise payable to the employee.



## Schedule A—Transitional Provisions

[Varied by [PR988419](#), [PR992539](#), [PR994545](#), [PR998862](#), [PR503645](#)]

### A.1 General

**A.1.1** The provisions of this schedule deal with minimum obligations only.

[A.1.2 substituted by [PR994545](#), varied by [PR998862](#) from 01Jan10]

**A.1.2** The provisions of this schedule are to be applied:

- (a) when there is a difference, in money or percentage terms, between a provision in a relevant transitional minimum wage instrument (including the transitional default casual loading) or award-based transitional instrument on the one hand and an equivalent provision in this award on the other;
- (b) when a loading or penalty in a relevant transitional minimum wage instrument or award-based transitional instrument has no equivalent provision in this award;
- (c) when a loading or penalty in this award has no equivalent provision in a relevant transitional minimum wage instrument or award-based transitional instrument;
- (d) when there is a loading or penalty in this award but there is no relevant transitional minimum wage instrument or award-based transitional instrument; or
- (e) when an employer is within the class of employers described in clause A.10.

### A.2 Minimum wages – existing minimum wage lower

**A.2.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,

[A.2.1(b) substituted by [PR994545](#) from 01Jan10]

- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage lower than that in this award for any classification of employee.

**A.2.2** In this clause minimum wage includes:

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
- (b) a piecework rate; and

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(c) any applicable industry allowance.

**A.2.3** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

**A.2.4** The difference between the minimum wage for the classification in this award and the minimum wage in clause A.2.3 is referred to as the transitional amount.

[A.2.5 substituted by [PR992539](#) from 18Jan10]

**A.2.5** From the following dates, subject to clause A.2.8, the employer must pay no less than the minimum wage for the classification in this award minus the specified proportion of the transitional amount:

### **First full pay period on or after**

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

**A.2.6** The employer must apply any increase in minimum wages in this award resulting from an annual wage review.

**A.2.7** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

**A.2.8** The minimum wage(s) for the classifications in clause 45—Minimum wages in Part 7—Shearing Operations of this award apply from 1 July 2010.

## **A.3 Minimum wages – existing minimum wage higher**

**A.3.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

(a) was obliged,

[A.3.1(b) substituted by [PR994545](#) from 01Jan10]

(b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or

(c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage higher than that in this award for any classification of employee.

**A.3.2** In this clause minimum wage includes:

(a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;

(b) a piecework rate; and

(c) any applicable industry allowance.

**A.3.3** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

**A.3.4** The difference between the minimum wage for the classification in this award and the minimum wage in clause A.3.3 is referred to as the transitional amount.

**A.3.5** From the following dates the employer must pay no less than the minimum wage for the classification in this award plus the specified proportion of the transitional amount:

**First full pay period on or after**

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

**A.3.6** The employer must apply any increase in minimum wages in this award resulting from an annual wage review. If the transitional amount is equal to or less than any increase in minimum wages resulting from the 2010 annual wage review the transitional amount is to be set off against the increase and the other provisions of this clause will not apply.

**A.3.7** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

**A.4 Loadings and penalty rates**

For the purposes of this schedule loading or penalty means a:

- casual or part-time loading;
- Saturday, Sunday, public holiday, evening or other penalty;
- shift allowance/penalty.

**A.5 Loadings and penalty rates – existing loading or penalty rate lower**

[A.5.1 substituted by [PR994545](#) from 01Jan10]

**A.5.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

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by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a lower rate than the equivalent loading or penalty in this award for any classification of employee.

[A.5.2 substituted by [PR994545](#) from 01Jan10]

**A.5.2** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument for the classification concerned.

**A.5.3** The difference between the loading or penalty in this award and the rate in clause A.5.2 is referred to as the transitional percentage.

**A.5.4** From the following dates the employer must pay no less than the loading or penalty in this award minus the specified proportion of the transitional percentage:

### **First full pay period on or after**

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

**A.5.5** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

## **A.6 Loadings and penalty rates – existing loading or penalty rate higher**

[A.6.1 substituted by [PR994545](#) from 01Jan10]

**A.6.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a higher rate than the equivalent loading or penalty in this award, or to pay a particular loading or penalty and there is no equivalent loading or penalty in this award, for any classification of employee.

[A.6.2 substituted by [PR994545](#) from 01Jan10]

**A.6.2** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument.

[A.6.3 substituted by [PR994545](#) from 01Jan10]

**A.6.3** The difference between the loading or penalty in this award and the rate in clause A.6.2 is referred to as the transitional percentage. Where there is no equivalent loading or penalty in this award, the transitional percentage is the rate in A.6.2.

**A.6.4** From the following dates the employer must pay no less than the loading or penalty in this award plus the specified proportion of the transitional percentage:

**First full pay period on or after**

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

**A.6.5** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

**A.7 Loadings and penalty rates – no existing loading or penalty rate**

[A.7.1 substituted by [PR994545](#) from 01Jan10]

**A.7.1** The following transitional arrangements apply to an employer not covered by clause A.5 or A.6 in relation to a particular loading or penalty in this award.

**A.7.2** Prior to the first full pay period on or after 1 July 2010 the employer need not pay the loading or penalty in this award.

[A.7.3 substituted by [PR994545](#) from 01Jan10]

**A.7.3** From the following dates the employer must pay no less than the following percentage of the loading or penalty in this award:

**First full pay period on or after**

1 July 2010	20%
1 July 2011	40%
1 July 2012	60%
1 July 2013	80%

**A.7.4** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

**A.8 Former Division 2B employers**

[New A.8 inserted by [PR503645](#) ppc 01Jan11]

**A.8.1** This clause applies to an employer which, immediately prior to 1 January 2011, was covered by a Division 2B State award.

**A.8.2** All of the terms of a Division 2B State award applying to a Division 2B employer are continued in effect until the end of the full pay period commencing before 1 February 2011.

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- A.8.3** Subject to this clause, from the first full pay period commencing on or after 1 February 2011 a Division 2B employer must pay no less than the minimum wages, loadings and penalty rates which it would be required to pay under this Schedule if it had been a national system employer immediately prior to 1 January 2010.
- A.8.4** Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was lower than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay more than the minimum wage, loading or penalty rate in this award.
- A.8.5** Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was higher than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay less than the minimum wage, loading or penalty rate in this award.
- A.8.6** In relation to a Division 2B employer this Schedule commences to operate from the beginning of the first full pay period on or after 1 January 2011 and ceases to operate from the beginning of the first full pay period on or after 1 July 2014.

## **A.9 Shearing Contractors in Western Australia**

[A.8 renumbered as A.9 by [PR503645](#) ppc 01Jan11]

- A.9.1** For the purpose of this clause **shearing contractor** means an employer that operates a business as a shearing contractor.

### **A.9.2 Shearers and Crutchers**

- (a) Notwithstanding the provisions of clause 48—Hours of work for Shearers and Crutchers in Part 7—Shearing Operations – the following provisions will apply to Shearers and Crutchers employed by shearing contractors in Western Australia:
- (i) The ordinary hours of work of Shearers and Crutchers employed by a shearing contractor in Western Australia will be 38 per week.
  - (ii) Work will be performed in two hour runs with at least a thirty minute break between the first and second run and the third and fourth run and with a one hour break between the second and third run.
  - (iii) Only in exceptional circumstances, or where there is a desire to finish a shed, will more than four runs be permitted in any day or the breaks prescribed reduced and, if reduced, will not be by less than 20 minutes instead of 30 and 45 minutes instead of 60. Any change to the run times or break periods will only occur by agreement between employer and employees.

### **A.9.3 Cooks**

- (a) The ordinary hours of work of Cooks employed by a shearing contractor in Western Australia will be 38 per week.
- (b) Cooks should work the hours necessary to provide the meals as required and to clean up after such meals.

#### **A.9.4 Shed hands and Woolpresser-shed hands**

[A.8.4 substituted by [PR994545](#) from 01Jan10]

Notwithstanding the provisions of clause 50—Hours of work and overtime rates for Shed hands and Woolpresser-shed hands in Part 7—Shearing Operations, the following provisions will apply to Shed hands and Woolpresser-shed hands employed by shearing contractors in Western Australia, the working hours of a Shed hand; Woolpresser or Woolpresser-shed hand (combined duties) will be the same as the working hours of the Shearer or Crutchers with such additional time each day as may be necessary to complete their duties for the day.

**A.9.5** Clause A.9 ceases to operate on 1 July 2012.

#### **A.10 Non-constitutional corporation employers operating a dairy or broadacre field crop enterprise in Queensland**

[A.9 inserted by [PR998862](#) from 01Jan10; renumbered as A.10 by [PR503645](#) ppc 01Jan11]

**A.10.1** The following transitional arrangements for minimum wages apply to an employer which, immediately prior to 1 January 2010:

- (a) was a non-constitutional corporation who employed labour;
- (b) operated a dairy and or broadacre field crop enterprise in Queensland;
- (c) was not obliged to comply with a transitional minimum wage instrument or award-based transitional instrument; and
- (d) was obliged to pay the Queensland Minimum Wage.

**A.10.2** In this clause minimum wage includes

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability; and
- (b) any applicable industry allowance.

**A.10.3** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the Queensland Minimum Wage.

**A.10.4** The difference between the minimum wage for the classification in this award and the Queensland Minimum Wage is referred to as the transitional amount.

**A.10.5** From the following dates the employer must pay no less than the minimum wage for the classification in this award minus the specified proportion of the transitional amount or the National Minimum Wage as it applies at 1 July each year, whichever is the greater:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

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- A.10.6** The employer must apply any increase in minimum wages in this award resulting from an annual wage review.
- A.10.7** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.



## Schedule B—Supported Wage System

[Varied by [PR988419](#), [PR994545](#), [PR998748](#), [PR510670](#), [PR525068](#), [PR537893](#)]

**B.1** This schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award.

**B.2** In this schedule:

**approved assessor** means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

**assessment instrument** means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

**disability support pension** means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme

**relevant minimum wage** means the minimum wage prescribed in this award for the class of work for which an employee is engaged

**supported wage system** means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: [www.jobaccess.gov.au](http://www.jobaccess.gov.au)

**SWS wage assessment agreement** means the document in the form required by the Department of Education, Employment and Workplace Relations that records the employee's productive capacity and agreed wage rate

### **B.3 Eligibility criteria**

**B.3.1** Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.

**B.3.2** This schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their employment.

## **B.4 Supported wage rates**

**B.4.1** Employees to whom this schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following schedule:

<b>Assessed capacity (clause B.5)</b>	<b>Relevant minimum wage</b>
%	%
10	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

[B.4.2 varied by [PR994545](#), [PR998748](#), [PR510670](#), [PR525068](#), [PR537893](#) ppc 01Jul13]

**B.4.2** Provided that the minimum amount payable must be not less than \$78 per week.

**B.4.3** Where an employee's assessed capacity is 10%, they must receive a high degree of assistance and support.

## **B.5 Assessment of capacity**

**B.5.1** For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.

**B.5.2** All assessments made under this schedule must be documented in an SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

## **B.6 Lodgement of SWS wage assessment agreement**

[B.6.1 varied by [PR994545](#) from 01Jan10]

**B.6.1** All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with Fair Work Australia.

[B.6.2 substituted by [PR994545](#) from 01Jan10]

**B.6.2** All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the

award is not a party to the assessment, the assessment will be referred by Fair Work Australia to the union by certified mail and the agreement will take effect unless an objection is notified to Fair Work Australia within 10 working days.

## **B.7 Review of assessment**

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

## **B.8 Other terms and conditions of employment**

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this schedule will be entitled to the same terms and conditions of employment as other workers covered by this award on a pro rata basis.

## **B.9 Workplace adjustment**

An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

## **B.10 Trial period**

**B.10.1** In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.

**B.10.2** During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.

[B.10.3 varied by [PR994545](#), [PR998748](#), [PR510670](#), [PR525068](#), [PR537893](#) ppc 01Jul13]

**B.10.3** The minimum amount payable to the employee during the trial period must be no less than \$78 per week.

**B.10.4** Work trials should include induction or training as appropriate to the job being trialled.

**B.10.5** Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under clause B.5.

## Schedule C—National Training Wage

[Varied by [PR988419](#), [PR994545](#), [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#)]

[Sched B renumbered as Sched C by [PR988419](#) ppc 01Jan10; substituted by [PR994545](#) ppc 01Jan10]

### C.1 Title

This is the *National Training Wage Schedule*.

### C.2 Definitions

In this schedule:

**adult trainee** is a trainee who would qualify for the highest minimum wage in Wage Level A, B or C if covered by that wage level

**approved training** means the training specified in the training contract

**Australian Qualifications Framework (AQF)** is a national framework for qualifications in post-compulsory education and training

**out of school** refers only to periods out of school beyond Year 10 as at the first of January in each year and is deemed to:

- (a) include any period of schooling beyond Year 10 which was not part of or did not contribute to a completed year of schooling;
- (b) include any period during which a trainee repeats in whole or part a year of schooling beyond Year 10; and
- (c) not include any period during a calendar year in which a year of schooling is completed

**relevant State or Territory training authority** means the bodies in the relevant State or Territory which exercise approval powers in relation to traineeships and register training contracts under the relevant State or Territory vocational education and training legislation

**relevant State or Territory vocational education and training legislation** means the following or any successor legislation:

Australian Capital Territory: *Training and Tertiary Education Act 2003*;

New South Wales: *Apprenticeship and Traineeship Act 2001*;

Northern Territory: *Northern Territory Employment and Training Act 1991*;

Queensland: *Vocational Education, Training and Employment Act 2000*;

South Australia: *Training and Skills Development Act 2008*;

Tasmania: *Vocational Education and Training Act 1994*;

Victoria: *Education and Training Reform Act 2006*; or

Western Australia: *Vocational Education and Training Act 1996*

**trainee** is an employee undertaking a traineeship under a training contract

**traineeship** means a system of training which has been approved by the relevant State or Territory training authority, which meets the requirements of a training package developed by the relevant Industry Skills Council and endorsed by the National Quality Council, and which leads to an AQF certificate level qualification

**training contract** means an agreement for a traineeship made between an employer and an employee which is registered with the relevant State or Territory training authority

**training package** means the competency standards and associated assessment guidelines for an AQF certificate level qualification which have been endorsed for an industry or enterprise by the National Quality Council and placed on the National Training Information Service with the approval of the Commonwealth, State and Territory Ministers responsible for vocational education and training, and includes any relevant replacement training package

**year 10** includes any year before Year 10

### **C.3 Coverage**

- C.3.1** Subject to clauses C.3.2 to C.3.6 of this schedule, this schedule applies in respect of an employee covered by this award who is undertaking a traineeship whose training package and AQF certificate level is allocated to a wage level by Appendix C1 to this schedule or by clause C.5.4 of this schedule.
- C.3.2** This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in Appendix C1 to this schedule.
- C.3.3** This schedule does not apply to the apprenticeship system or to any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an award as at 25 June 1997.
- C.3.4** This schedule does not apply to qualifications not identified in training packages or to qualifications in training packages which are not identified as appropriate for a traineeship.
- C.3.5** Where the terms and conditions of this schedule conflict with other terms and conditions of this award dealing with traineeships, the other terms and conditions of this award prevail.
- C.3.6** At the conclusion of the traineeship, this schedule ceases to apply to the employee.

### **C.4 Types of Traineeship**

The following types of traineeship are available under this schedule:

- C.4.1** a full-time traineeship based on 38 ordinary hours per week, with 20% of ordinary hours being approved training; and

**C.4.2** a part-time traineeship based on less than 38 ordinary hours per week, with 20% of ordinary hours being approved training solely on-the-job or partly on-the-job and partly off-the-job, or where training is fully off-the-job.

**C.5 Minimum Wages**

[C.5 substituted by [PR997915](#), [PR509066](#), [PR522897](#), [PR536700](#) ppc 01Jul13]

**C.5.1 Minimum wages for full-time traineeships**

**(a) Wage Level A**

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix C1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	279.50	307.90	366.80
Plus 1 year out of school	307.90	366.80	426.80
Plus 2 years out of school	366.80	426.80	496.70
Plus 3 years out of school	426.80	496.70	568.70
Plus 4 years out of school	496.70	568.70	
Plus 5 or more years out of school	568.70		

**(b) Wage Level B**

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix C1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>Per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	279.50	307.90	356.90
Plus 1 year out of school	307.90	356.90	410.50
Plus 2 years out of school	356.90	410.50	481.40
Plus 3 years out of school	410.50	481.40	549.10
Plus 4 years out of school	481.40	549.10	
Plus 5 or more years out of school	549.10		

**(c) Wage Level C**

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix C1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	279.50	307.90	356.90
Plus 1 year out of school	307.90	356.90	401.70
Plus 2 years out of school	356.90	401.70	448.70
Plus 3 years out of school	401.70	448.70	500.00
Plus 4 years out of school	448.70	500.00	
Plus 5 or more years out of school	500.00		

**(d) AQF Certificate Level IV traineeships**

- (i)** Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level IV traineeship are the minimum wages for the relevant full-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.
- (ii)** Subject to clause C.5.3 of this schedule, the minimum wages for an adult trainee undertaking a full-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

<b>Wage level</b>	<b>First year of traineeship</b>	<b>Second and subsequent years of traineeship</b>
	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>
Wage Level A	590.60	613.50
Wage Level B	569.80	591.70
Wage Level C	518.50	538.20

**C.5.2 Minimum wages for part-time traineeships**

**(a) Wage Level A**

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix C1 are:

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	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	9.19	10.14	12.07
Plus 1 year out of school	10.14	12.07	14.05
Plus 2 years out of school	12.07	14.05	16.34
Plus 3 years out of school	14.05	16.34	18.70
Plus 4 years out of school	16.34	18.70	
Plus 5 or more years out of school	18.70		

**(b) Wage Level B**

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix C1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	9.19	10.14	11.75
Plus 1 year out of school	10.14	11.75	13.50
Plus 2 years out of school	11.75	13.50	15.84
Plus 3 years out of school	13.50	15.84	18.07
Plus 4 years out of school	15.84	18.07	
Plus 5 or more years out of school	18.07		

**(c) Wage Level C**

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix C1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	9.19	10.14	11.75
Plus 1 year out of school	10.14	11.75	13.21
Plus 2 years out of school	11.75	13.21	14.76
Plus 3 years out of school	13.21	14.76	16.45



	Highest year of schooling completed		
	Year 10 per hour \$	Year 11 per hour \$	Year 12 per hour \$
Plus 4 years out of school	14.76	16.45	
Plus 5 or more years out of school	16.45		

**(d) School-based traineeships**

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Levels A, B or C by Appendix C1 are as follows when the trainee works ordinary hours:

Year of schooling	
Year 11 or lower per hour \$	Year 12 per hour \$
9.19	10.14

**(e) AQF Certificate Level IV traineeships**

- (i) Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level IV traineeship are the minimum wages for the relevant part-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.
- (ii) Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for an adult trainee undertaking a part-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of traineeship per hour \$	Second and subsequent years of traineeship per hour \$
Wage Level A	19.43	20.18
Wage Level B	18.73	19.46
Wage Level C	17.06	17.71

**(f) Calculating the actual minimum wage**

- (i) Where the full-time ordinary hours of work are not 38 or an average of 38 per week, the appropriate hourly minimum wage is obtained by multiplying the relevant minimum wage in clauses C.5.2(a)–(e) of this schedule by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.

- (ii) Where the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum wage in clauses C.5.2(a)–(e) of this schedule applies to each ordinary hour worked by the trainee.
- (iii) Where the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum wage in clauses C.5.2(a)–(e) of this schedule minus 20% applies to each ordinary hour worked by the trainee.

### **C.5.3 Other minimum wage provisions**

- (a) An employee who was employed by an employer immediately prior to becoming a trainee with that employer must not suffer a reduction in their minimum wage per week or per hour by virtue of becoming a trainee. Casual loadings will be disregarded when determining whether the employee has suffered a reduction in their minimum wage.
- (b) If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum wage provided in this schedule, where a higher minimum wage is provided for the new AQF certificate level.

### **C.5.4 Default wage rate**

The minimum wage for a trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate level are not allocated to a wage level by Appendix C1 is the relevant minimum wage under this schedule for a trainee undertaking an AQF Certificate to Level I–III traineeship whose training package and AQF certificate level are allocated to Wage Level B.

## **C.6 Employment conditions**

- C.6.1** A trainee undertaking a school-based traineeship may, with the agreement of the trainee, be paid an additional loading of 25% on all ordinary hours worked instead of paid annual leave, paid personal/carer's leave and paid absence on public holidays, provided that where the trainee works on a public holiday then the public holiday provisions of this award apply.
- C.6.2** A trainee is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.
- C.6.3** Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee's wages and determining the trainee's employment conditions.
- C.6.4** Subject to clause C.3.5 of this schedule, all other terms and conditions of this award apply to a trainee unless specifically varied by this schedule.

## Appendix C1: Allocation of Traineeships to Wage Levels

The wage levels applying to training packages and their AQF certificate levels are:

### C1.1 Wage Level A

Training package	AQF certificate level
Aeroskills	II
Aviation	I II III
Beauty	III
Business Services	I II III
Chemical, Hydrocarbons and Refining	I II III
Civil Construction	III
Coal Training Package	II III
Community Services	II III
Construction, Plumbing and Services Integrated Framework	I II III
Correctional Services	II III
Drilling	II III
Electricity Supply Industry—Generation Sector	II III (in Western Australia only)
Electricity Supply Industry—Transmission, Distribution and Rail Sector	II
Electrotechnology	I II III (in Western Australia only)
Financial Services	I II III
Floristry	III
Food Processing Industry	III

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<b>Training package</b>	<b>AQF certificate level</b>
Gas Industry	III
Information and Communications Technology	I II III
Laboratory Operations	II III
Local Government (other than Operational Works Cert I and II)	I II III
Manufactured Mineral Products	III
Manufacturing	I II III
Maritime	I II III
Metal and Engineering (Technical)	II III
Metalliferous Mining	II III
Museum, Library and Library/Information Services	II III
Plastics, Rubber and Cablemaking	III
Public Safety	III
Public Sector	II III
Pulp and Paper Manufacturing Industries	III
Retail Services (including wholesale and Community pharmacy)	III
Telecommunications	II III
Textiles, Clothing and Footwear	III
Tourism, Hospitality and Events	I II III
Training and Assessment	III
Transport and Distribution	III
Water Industry (Utilities)	III

**C1.2 Wage Level B**

<b>Training package</b>	<b>AQF certificate level</b>
Animal Care and Management	I II III
Asset Maintenance	I II III
Australian Meat Industry	I II III
Automotive Industry Manufacturing	II III
Automotive Industry Retail, Service and Repair	I II III
Beauty	II
Caravan Industry	II III
Civil Construction	I
Community Recreation Industry	III
Entertainment	I II III
Extractive Industries	II III
Fitness Industry	III
Floristry	II
Food Processing Industry	I II
Forest and Forest Products Industry	I II III
Furnishing	I II III
Gas Industry	I II
Health	II III
Local Government (Operational Works)	I II

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<b>Training package</b>	<b>AQF certificate level</b>
Manufactured Mineral Products	I II
Metal and Engineering (Production)	II III
Outdoor Recreation Industry	I II III
Plastics, Rubber and Cablemaking	II
Printing and Graphic Arts	II III
Property Services	I II III
Public Safety	I II
Pulp and Paper Manufacturing Industries	I II
Retail Services	I II
Screen and Media	I II III
Sport Industry	II III
Sugar Milling	I II III
Textiles, Clothing and Footwear	I II
Transport and Logistics	I II
Visual Arts, Craft and Design	I II III
Water Industry	I II

**C1.3 Wage Level C**

<b>Training package</b>	<b>AQF certificate level</b>
Agri-Food	I
Amenity Horticulture	I II III
Conservation and Land Management	I II III
Funeral Services	I II III
Music	I II III
Racing Industry	I II III
Rural Production	I II III
Seafood Industry	I II III

## Schedule D—2012 Part-day public holidays

[Sched D inserted by [PR532630](#) ppc 23Nov12]

This schedule operates where this award otherwise contains provisions dealing with public holidays that supplement the NES.

**D.1** Where a part-day public holiday is declared or prescribed between 7.00 pm and midnight on Christmas Eve (24 December 2012) or New Year's Eve (31 December 2012) the following will apply on Christmas Eve and New Year's Eve and will override any provision in this award relating to public holidays to the extent of the inconsistency:

- (a) All employees will have the right to refuse to work on the part-day public holiday if the request to work is not reasonable or the refusal is reasonable as provided for in the NES.
- (b) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00 pm and midnight but as a result of exercising their right under the NES does not work, they will be paid their ordinary rate of pay for such hours not worked.
- (c) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00 pm and midnight but as a result of being on annual leave does not work, they will be taken not to be on annual leave between those hours of 7.00 pm and midnight that they would have usually been rostered to work and will be paid their ordinary rate of pay for such hours.
- (d) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00 pm and midnight, but as a result of having a rostered day off (RDO) provided under this award, does not work, the employee will be taken to be on a public holiday for such hours and paid their ordinary rate of pay for those hours.
- (e) Excluding annualised salaried employees to whom clause D.1(f) applies, where an employee works any hours between 7.00 pm and midnight they will be entitled to the appropriate public holiday penalty rate (if any) in this award for those hours worked.
- (f) Where an employee is paid an annualised salary under the provisions of this award and is entitled under this award to time off in lieu or additional annual leave for work on a public holiday, they will be entitled to time off in lieu or pro-rata annual leave equivalent to the time worked between 7.00 pm and midnight.
- (g) An employee not rostered to work between 7.00 pm and midnight, other than an employee who has exercised their right in accordance with clause D.1(a), will not be entitled to another day off, another day's pay or another day of annual leave as a result of the part-day public holiday.

This schedule is an interim provision and subject to further review.