

PAY AND CONDITIONS GUIDE

Road Transport and Distribution Award 2010 [MA000038]

('modern award')

replacing terms and conditions in or derived from

Transport Industry Retail (State) Award 1999 [AN120618]

('pre-modern award')

(NSW)

Effective from 07 January 2014.

Published 17 March 2014 

Background

This guide was developed by the Fair Work Ombudsman to assist employers and employees covered by this modern award, pre-modern award and pay scales derived from this pre-modern award to identify minimum wages, penalties, loadings and allowances.

Transitional arrangements

Modern awards commenced operation on 01 January 2010. However, minimum wage, loading and penalty entitlements commence from 01 July 2010. Almost all modern awards include provisions to 'transition' employers and employees from their pre-modern award to the modern award system.

This modern award includes transitional provisions that provide for the 'phasing in' of increases or decreases in minimum wages, penalties and loadings in the modern award in 5 increments over 4 years from 01 July 2010. All other terms and conditions in this modern award apply in full from 01 January 2010.

The rates in this guide are current from the first pay period on or after 07 January 2014. The rates set out in this guide will change from the first full period on or after 01 July each year to take account of Fair Work Australia's annual wage review and transitional arrangements. The rates may also change as a result of a Fair Work Australia decision to vary the modern award or pay and condition entitlements of the modern award from time to time.

Transitional arrangements for Division 2B State awards

Division 2B State awards (other than Division 2B enterprise awards) terminate at the end of 31 December 2010 and, from 1 January 2011, employers and employees are covered by the relevant modern award. However, most modern awards provide that all the terms of Division 2B State awards continue to apply until the end of the full pay period which started before 1 February 2011.

The employers affected include sole traders, partnerships, other unincorporated entities and non-trading corporations in New South Wales, Queensland, South Australia and Tasmania who are covered by a Division 2B State award.

From the first full pay period starting on or after 1 February 2011, an employer who was covered by a Division 2B State award, must comply with all of the terms and conditions contained in their relevant modern award, and any transitional arrangements that apply. Transitional arrangements in most modern awards for Division 2B State award employers provide that from the first full pay period starting on or after 1 February 2011, they must pay at least the same minimum wage rates, penalties and loadings as national system employers who are transitioning from the equivalent NAPSA. There are some exceptions and special transitional arrangements that apply in certain situations. If you require help determining whether these exceptions or special transitional arrangements apply to you, please contact the Fair Work Infoline on 13 13 94.

Note: Modern awards are not intended to reduce an employee's take-home pay. An employee or his/her union can apply to Fair Work Australia for a take-home pay order to remedy any reduction in his/her overall take-home pay.

Who should use the guide?

Employees and employers who were entitled to terms and conditions in or derived from this pre-modern award and who are now covered by this modern award.

A guide that has an AP (Pre-reform award) code typically applies to employees employed by a constitutional corporation. Usually these are companies that engage in trading or financial activities. Private companies are often identified by the 'Pty Ltd' in their name. It applies to employers in those categories who were bound by the award immediately prior to 01 January 2010.

A guide that has an AN (Notional agreement preserving State awards) code also typically applies to employees employed by a constitutional corporation. However, unlike pre-reform awards these are notional federal agreements that were created on 27 March 2006. Generally, they preserved the terms and conditions of employment (not including wage rates) in state awards and/or state legislation that applied immediately before 27 March 2006 to employees of constitutional corporations in NSW, QLD, SA, WA and TAS where State award/laws applied to those employers prior to 27 March 2006.

A guide that has an AT code typically applies to employees employed by non-constitutional corporations immediately before 27 March 2007 where the employer was bound by a Federal award. These will be sole traders, partnerships, other unincorporated entities or non-trading/financial corporations.

The guide contains information from this modern award about:

- who the modern award covers;
- wage rates, including rates for casual employees, junior employees, trainees and apprentices;
- penalty rates for working at particular times or under particular arrangements;
- allowances; and
- other conditions of employment.

What if an agreement applies to employees covered by the modern award?

Minimum wage entitlements in a modern award override lesser wage entitlements in an agreement or contract of employment at all times, including agreements and contracts that were made before the commencement of the *Fair Work Act 2009*. All employees covered by the modern award must not be paid less than the rate of pay in the modern award.

However, the penalty rates and allowances in the modern award do not apply to agreement-covered employees, unless the agreement is read in conjunction with the modern award (e.g. a pre-reform certified agreement (a type of collective agreement made before 27 March 2006)).

If you require assistance with any provisions of this guide please contact the **Fair Work Infoline** on **13 13 94**.

Coverage

This industry award covers employers throughout Australia in the road transport and distribution industry and their employees in the classifications listed in the award to the exclusion of any other modern award.

This award does not cover employers and employees covered by the following awards:

- Mining Industry Award 2010;
- Road Transport (Long Distance Operations) Award 2010 whilst undertaking long distance operations;
- Transport (Cash in Transit) Award 2010; and
- Waste Management Award 2010.

The award does not cover an employee excluded from award coverage by the Act.

The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

This award covers any employer which supplies labour on an on - hire basis in the industry set out in this instrument 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.

This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out in this instrument 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.

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.

Wages

This modern award includes transitional arrangements that apply to minimum wage entitlements from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award wages commence in full).

The following wage tables set out base rates of pay for classifications under the modern award.

It also sets out how the modern award classification matches up with pre-modern award classification. If there is no classification match the employee may be covered by another pre-modern award, or another modern award, such as a modern award that covers the employee's occupation rather than the industry.

The base rates of pay in this guide include any applicable industry allowance. The base rates of pay also include any increase from Fair Work Australia's annual wage review. For more information about transitional arrangements for minimum wage entitlements, please visit www.fairwork.gov.au

Casual employees

The rates for casual employees set in the table below are minimum rates for **ordinary hours** only.

Please visit www.fairwork.gov.au for information about penalty entitlements for casual employees.

*Post 26 March 2006 employer

Wage rates for casual employees of employers that became part of the national system after 26 March 2006 do not include annual leave loading because those employees did not have a pre-modern award entitlement to annual leave loading.

Adult

The rates in this guide are current from the first pay period on or after 07 January 2014 until the final pay period before 01 July 2014 only.

Full & Part Time

All employees other than oil distribution workers

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Transport worker grade 1	General employees, Transport worker, Grade 1	\$17.34
Transport worker grade 2	General employees, Transport worker, Grade 2	\$17.78
Transport worker grade 3	General employees, Transport worker, Grade 3	\$18.00
Transport worker grade 4	General employees, Transport worker, Grade 4	\$18.33

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Transport worker grade 5	General employees, Transport worker, Grade 5	\$18.73
Transport worker grade 6	General employees, Transport worker, Grade 6	\$18.93
Transport worker grade 7	General employees, Transport worker, Grade 7	\$19.24
Transport worker grade 8	General employees, Transport worker, Grade 7	\$19.60
Transport worker grade 8	General employees, Transport worker, Grade 8	\$19.86
Transport worker grade 9	General employees, Transport worker, Grade 8	\$20.12

**Casual (25% casual loading in modern award applies (working ordinary hours))
All employees other than oil distribution workers**

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Transport worker grade 1	General employees, Transport worker, Grade 1	\$21.66 (24.92%)	\$21.33 (23%)
Transport worker grade 2	General employees, Transport worker, Grade 2	\$22.21 (24.92%)	\$21.87 (23%)
Transport worker grade 3	General employees, Transport worker, Grade 3	\$22.48 (24.92%)	\$22.14 (23%)
Transport worker grade 4	General employees, Transport worker, Grade 4	\$22.90 (24.92%)	\$22.55 (23%)
Transport worker grade 5	General employees, Transport worker, Grade 5	\$23.39 (24.92%)	\$23.03 (23%)
Transport worker grade 6	General employees, Transport worker, Grade 6	\$23.65 (24.92%)	\$23.29 (23%)
Transport worker grade 7	General employees, Transport worker, Grade 7	\$24.04 (24.92%)	\$23.67 (23%)
Transport worker grade 8	General employees, Transport worker, Grade 7	\$24.48 (24.92%)	\$24.10 (23%)
Transport worker grade 8	General employees, Transport worker, Grade 8	\$24.80 (24.92%)	\$24.42 (23%)
Transport worker grade 9	General employees, Transport worker, Grade 8	\$25.14 (24.92%)	\$24.75 (23%)

Casual (10% casual loading in modern award applies (working overtime/outside ordinary hours))

All employees other than oil distribution workers

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Transport worker grade 1	General employees, Transport worker, Grade 1	\$19.58 (12.92%)	\$19.25 (11%)
Transport worker grade 2	General employees, Transport worker, Grade 2	\$20.08 (12.92%)	\$19.73 (11%)
Transport worker grade 3	General employees, Transport worker, Grade 3	\$20.32 (12.92%)	\$19.98 (11%)
Transport worker grade 4	General employees, Transport worker, Grade 4	\$20.70 (12.92%)	\$20.35 (11%)
Transport worker grade 5	General employees, Transport worker, Grade 5	\$21.15 (12.92%)	\$20.79 (11%)
Transport worker grade 6	General employees, Transport worker, Grade 6	\$21.38 (12.92%)	\$21.02 (11%)
Transport worker grade 7	General employees, Transport worker, Grade 7	\$21.73 (12.92%)	\$21.36 (11%)
Transport worker grade 8	General employees, Transport worker, Grade 7	\$22.13 (12.92%)	\$21.75 (11%)
Transport worker grade 8	General employees, Transport worker, Grade 8	\$22.42 (12.92%)	\$22.04 (11%)
Transport worker grade 9	General employees, Transport worker, Grade 8	\$22.72 (12.92%)	\$22.34 (11%)

Please note these are base rates only and penalty rates may apply to casual employees in addition to the base rates.

Junior

The rates in this guide are current from the first pay period on or after 07 January 2014 until the final pay period before 01 July 2014 only.

Full & Part Time Other than oil distribution workers

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Transport worker grade 1, Under 19 years of age	Transport worker, Grade 1, at 18 years of age	\$12.37
Transport worker grade 1, 19 and under 20 years of age	Transport worker, Grade 1, at 19 years of age	\$14.12

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Transport worker grade 1, 20 years of age	Transport worker, Grade 1, at 20 years of age	\$17.14
Transport worker grade 2, Under 19 years of age	Transport worker, Grade 2, at 18 years of age	\$12.68
Transport worker grade 2, 19 and under 20 years of age	Transport worker, Grade 2, at 19 years of age	\$14.46
Transport worker grade 2, 20 years of age	Transport worker, Grade 2, at 20 years of age	\$17.56

**Casual (25% casual loading in modern award applies (working ordinary hours))
Other than oil distribution workers**

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Transport worker grade 1, Under 19 years of age	Transport worker, Grade 1, at 18 years of age	\$15.45 (24.92%)	\$15.22 (23%)
Transport worker grade 1, 19 and under 20 years of age	Transport worker, Grade 1, at 19 years of age	\$17.64 (24.92%)	\$17.36 (23%)
Transport worker grade 1, 20 years of age	Transport worker, Grade 1, at 20 years of age	\$21.41 (24.92%)	\$21.08 (23%)
Transport worker grade 2, Under 19 years of age	Transport worker, Grade 2, at 18 years of age	\$15.84 (24.92%)	\$15.59 (23%)
Transport worker grade 2, 19 and under 20 years of age	Transport worker, Grade 2, at 19 years of age	\$18.07 (24.92%)	\$17.79 (23%)
Transport worker grade 2, 20 years of age	Transport worker, Grade 2, at 20 years of age	\$21.93 (24.92%)	\$21.60 (23%)

**Casual (10% casual loading in modern award applies (working overtime/outside ordinary hours))
Other than oil distribution workers**

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Transport worker grade 1, Under 19 years of age	Transport worker, Grade 1, at 18 years of age	\$13.97 (12.92%)	\$13.73 (11%)
Transport worker grade 1, 19 and under 20 years of age	Transport worker, Grade 1, at 19 years of age	\$15.94 (12.92%)	\$15.67 (11%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Transport worker grade 1, 20 years of age	Transport worker, Grade 1, at 20 years of age	\$19.35 (12.92%)	\$19.02 (11%)
Transport worker grade 2, Under 19 years of age	Transport worker, Grade 2, at 18 years of age	\$14.31 (12.92%)	\$14.07 (11%)
Transport worker grade 2, 19 and under 20 years of age	Transport worker, Grade 2, at 19 years of age	\$16.33 (12.92%)	\$16.06 (11%)
Transport worker grade 2, 20 years of age	Transport worker, Grade 2, at 20 years of age	\$19.83 (12.92%)	\$19.49 (11%)

Please note these are base rates only and penalty rates may apply to casual employees in addition to the base rates.

Apprentice

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

Trainee

This modern award incorporates trainee rates derived from the National Training Wage Schedule (NTW Sch.), as adjusted from time to time.

Supported Wage

Please refer to clause 15.5 of the modern award.

For detail of the supported wage provisions see the full version of the modern award.

Penalties and Loadings (other than casual or part-time loadings for ordinary hours)

Where an employee had an entitlement to a loading/penalty rate before 01 January 2010 that is exactly the same as the modern award loading/penalty entitlement the modern award loading/penalty applies in full from 01 January 2010.

Transitional arrangements

This modern award includes transitional arrangements that apply to loading/penalty entitlements where there is a difference in modern award and pre-modern award loading/penalty entitlements. Transitional arrangements apply from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award loadings/penalties apply in full).

Different arrangements apply depending on whether the entitlements are "equivalent" or not.

- A pre-modern award loading/penalty will be "equivalent" to a modern award entitlement where the loading/penalty applies:
 - for the same purpose (e.g. Saturday penalty);
 - for the same time periods; and

- in the same way#.
- #A pre-modern award and modern award loading/penalty applies in the same way if the entitlements are both:
 - paid at the same frequency, such as per hour or per shift; and
 - paid as a percentage of the same amount (e.g. both penalties are paid as a percentage of the employee’s classification rate, rather than as a percentage of a different amount or paid as a flat dollar amount).

Casual loadings and penalties also need to interact with each other in the same way in the pre-modern award and modern award to be equivalent (e.g. the loading and penalty rate are calculated on the base hourly rate in both instruments).

Equivalent entitlements

If the pre-modern award loading/penalty rate is “equivalent” to the modern award loading/penalty rate the penalty rate is calculated as follows:

1. The difference between the two loading/penalty rates is referred to as a “transitional percentage”. The transitional percentage stays the same every year.
2. A proportion of the transitional percentage is calculated each year as follows:

First full pay period on or after	Proportion of transitional percentage
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

3. Where the modern award loading/penalty is higher, the penalty rate is obtained by subtracting the proportion of the transitional percentage.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is higher.

1/01/2010 Pre-modern award penalty	1/07/2014 Modern award penalty	1/07/2010 Penalty rate (phased)
25%	50%	30%
50%	75%	55%
50%	100%	60%
75%	100%	80%

4. Where the modern award loading/penalty is lower, the penalty rate is obtained by adding the proportion of the transitional percentage.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is lower.

1/01/2010	1/07/2014	1/07/2010
Pre-modern award penalty	Modern award penalty	Penalty rate (phased)
50%	25%	45%
75%	50%	70%
100%	50%	90%
100%	75%	95%

Entitlements that are not equivalent

If pre-modern award and modern award penalty rates are not "equivalent", the following approach applies:

1. Loadings/penalty rates from a modern award are phased in from zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of modern award loading/penalty
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

2. Pre-modern award loadings/penalty rates are phased out to zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of pre-modern award loading/penalty
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

Please note that a pre-modern award penalty rate can be 'phased out' at the same time that a modern award penalty is 'phasing in' (i.e. where different entitlements apply in the same time period). This means that two different rates may apply for the same time period.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are not equivalent.

1/01/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
	(20.00%)
10.00%	2.00%

1/01/2010	1/07/2010
Pre-modern award penalty	Penalty rate (phased)
	(80.00%)
10.00%	8.00%

1/01/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
	(20.00%)
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

1/01/2010	1/07/2010
Pre-modern award penalty	Penalty rate (phased)
	(80.00%)
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%
100.00%	80.00%
120.00%	96.00%
125.00%	100.00%
130.00%	104.00%
150.00%	120.00%

New entitlements

Where an employee did not have a particular loading/penalty entitlement before 01 January 2010, the modern award loading/penalty is phased in from zero as a new entitlement from the first pay period on or after 01 July 2010 by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of modern award loading/penalty
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements in the modern award are new.

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

For more information about transitional arrangements for loading/penalty entitlements please visit www.fairwork.gov.au and/or contact the **Fair Work Infoline** on **13 13 94** for advice and assistance.

Allowances

Allowances in modern awards apply in full from 01 January 2010 (although the rates may change from time to time).

All states covered by this instrument Full Time, Part Time, Casual

Clause	Allowance Type	Description	Effective Date	Rate
16.1(a)	Leading hand allowance	Leading hands in charge of not less than 3 and not more than 10 employees. This allowance does not apply to a leading loader.	1/07/2013	\$0.8496 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (4.72%)
16.1(a)	Leading hand allowance	Leading hands in charge of more than 10 and not more than 20 employees.	1/07/2013	\$1.2654 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (7.03%)
16.1(a)	Leading hand allowance	Leading hands in charge of more than 20 employees.	1/07/2013	\$1.6074 per hour. This weekly allowance has been converted to an hourly amount. It

Clause	Allowance Type	Description	Effective Date	Rate
				should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (8.93%)
16.1(b)(i)	Vehicle allowance	Any employee required to drive a motor vehicle in excess of the limit in length prescribed by or under any State or Commonwealth Act. (0.46% per week x 38 = 17.48% per hour)	1/07/2013	\$3.1464 per day (17.48%)
16.1(b)(ii)	Vehicle allowance	Any employee required to drive a motor vehicle with a truck loading crane mounted on the vehicle. (0.46% per week x 38 = 17.48% per hour)	1/07/2013	\$3.1464 per day (17.48%)
16.1(b)(iii)	Vehicle allowance	Any employee required to drive a motor vehicle with a side-lifter crane mounted on the vehicle. (0.46% per week x 38 = 17.48% per hour)	1/07/2013	\$3.1464 per day (17.48%)
16.1(b)(iv)	Vehicle allowance	Any employee required to drive a motor vehicle in excess of 3.5 metres in width or transport a load in excess of that width. (0.46% per week x 38 = 17.48% per hour)	1/07/2013	\$3.1464 per day (17.48%)
16.1(b)(v)	Other	Any employee who is a recognised furniture carter engaged in removing and/or delivering furniture is entitled to the following.	1/07/2013	\$0.4662 per hour. This allowance has been converted from a weekly amount to an hourly amount based on a 38 hour week (2.59%)

Clause	Allowance Type	Description	Effective Date	Rate
16.1(b)(vi)	Other	Any employee who is a recognised livestock carter carting livestock is entitled to the following.	1/07/2013	\$0.4662 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.59%)
16.1(b)(vii)	Other	Any employee driving sanitary vehicle is entitled to the following.	1/07/2013	\$0.5256 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.92%)
16.1(b)(viii)	Other	Any employee driving vehicle collecting garbage is entitled to the following.	1/07/2013	\$0.4302 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.39%)

Clause	Allowance Type	Description	Effective Date	Rate
16.1(b)(ix)	Other	Any employee who is a Driver-salesperson is entitled to the following.	1/07/2013	\$0.3942 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.19%)
16.1(b)(x)	Other	Any employee carting loading and/or unloading carbon black except when packed in sealed metal containers is entitled to the following. (0.28% per week x 38 = 10.64% per hour)	1/07/2013	\$1.9152 per day (10.64%)
16.1(b)(xi)	Other	Any employee carting loading and/or unloading offensive material is entitled to the following. (0.36% per week x 38 = 13.68% per hour)	1/07/2013	\$2.4624 per day (13.68%)
16.1(b)(xii)	Other	Any employee carting loading and/or unloading dirty material is entitled to the following. (0.06% x 38 = 2.28% per hour)	1/07/2013	\$0.4104 per hour (2.28%)
16.1(b)(xiii)	Other	Any employee who is required to cart tar (other than in sealed containers) for immediate spreading upon streets, tar in unsealed containers, or tarred material for spreading upon streets; and/or who spreads either of them upon streets is entitled to the following.	1/07/2013	\$0.0810 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work

Clause	Allowance Type	Description	Effective Date	Rate
				(up to a maximum of 38 hours per week). (0.45%)
16.1(b)(xiv)	Other	Any employee required to handle coffins containing human remains is entitled to the following. (0.38% per week x 38 = 14.44% per hour)	1/07/2013	\$2.5992 per coffin (14.44%)
16.1(c)	Handling money allowance	For any amount handled up to \$20.	1/07/2013	\$0.0414 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (0.23%)
16.1(c)	Handling money allowance	For any amount handled over \$20 but not exceeding \$200.	1/07/2013	\$0.0810 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (0.45%)
16.1(c)	Handling money allowance	For any amount handled over \$200 but not exceeding \$600.	1/07/2013	\$0.1386 per hour. This weekly allowance has

Clause	Allowance Type	Description	Effective Date	Rate
				been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (0.77%)
16.1(c)	Handling money allowance	For any amount handled over \$600 but not exceeding \$1000.	1/07/2013	\$0.1800 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (1.00%)
16.1(c)	Handling money allowance	For any amount handled over \$1000 but not exceeding \$1200.	1/07/2013	\$0.2538 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (1.41%)
16.1(c)	Handling money allowance	For any amount handled over \$1200 but not exceeding \$1600.	1/07/2013	\$0.3924 per hour. This weekly allowance has been converted to an

Clause	Allowance Type	Description	Effective Date	Rate
				hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.18%)
16.1(c)	Handling money allowance	For any amount handled over \$1600 but not exceeding \$2000.	1/07/2013	\$0.4338 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.41%)
16.1(c)	Handling money allowance	For any amount handled over \$2000.	1/07/2013	\$0.4932 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.74%)
16.1(d)(i)	Other	Drivers engaged in the transport of bulk dangerous goods or carting explosives in conformity with the Australian explosives code by public road must receive an allowance.	1/07/2013	\$16.2108 per day (90.06%)

Clause	Allowance Type	Description	Effective Date	Rate
		(2.37% x 38 = 90.06% per hour)		
16.1(d)(ii)	Other	A driver engaged in the transport of packaged dangerous goods which requires placarding by public road must receive an allowance. (0.99% per week x 38 = 37.62% per hour.	1/07/2013	\$6.7716 per day (37.62%)
16.1(e)	First aid allowance	An employee holding a current first aid qualification from St John Ambulance or similar body and appointed by the employer to perform first aid duty must be paid the following.	1/07/2013	\$0.2880 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (1.60%)
16.1(f)(i)	Travel allowance	An employee engaged in travelling on duty, or on work on which the employee is unable to return home at night must be paid personal expenses reasonably incurred in travelling, of at least the amount specified per day. Where an employer provides suitable accommodation and meals such allowance shall not be payable.	7/01/2014	\$30.9000 per day
16.3(e)	Meal allowance	An employee required to commence work two hours or more prior to the normal starting time must be paid	1/07/2013	\$14.3400 per occasion

Other Conditions

The following conditions in the modern award apply in full from 1 January 2010. Please note that the below table is a summary of commonly applicable entitlements in the modern award, there may be other entitlements in the modern award that are relevant to particular employers or employees. Please refer to the modern award for full details.

Note: The National Employment Standards (**NES**) operate together with modern awards to provide minimum conditions of employment for employers and employees in the national system. The NES sets out ten minimum statutory entitlements that apply to all employees, including leave and termination of employment entitlements.

For more information about the NES, please visit www.fairwork.gov.au

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <ul style="list-style-type: none">- arrangements for when work is performed- overtime rates- penalty rates- allowances- leave loading. <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8.1(b)	Facilitative provisions (Instrument)	<p>Facilitation by individual agreement</p> <p>The following provisions can be varied by agreement between an employer and an employee:</p> <ul style="list-style-type: none">- travelling allowances- ordinary hours, days of the week, spread of hours, and normal rostered day off for all employees other than oil distribution workers- ordinary hours, spread of hours, and rostered days off for oil distribution workers- transfer to or from shiftwork.

Clause	Conditions Type	Description
8.1(c)	Facilitative provisions (Instrument)	<p>Facilitation by majority agreement</p> <p>The following provisions can be varied by agreement between the employer and the majority of employees in the workplace or part of the workplace:</p> <ul style="list-style-type: none"> - ordinary hours, days of week, maximum number of hours, and spread of hours for all employees other than oil distribution workers - ordinary hours, spread of hours, rural distribution operations, rostered days off for oil distribution workers - shiftwork hours and rosters. <p>The agreement reached must be recorded in writing and kept as a time and wages record.</p> <p>Once agreement has been reached, the particular form of flexibility agreed upon may be used by agreement between the employer and an individual employee without the need for the majority to be consulted.</p>
9	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> - duty to notify, and - duty to discuss change.
10	Dispute resolution (Instrument)	<p>The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).</p>
12.4	Part-time conditions (Instrument)	<p>A part-time employee is an employee who is engaged to work less than 38 ordinary hours per week.</p> <p>Before commencing part-time employment, the employee and employer must agree upon:</p> <ul style="list-style-type: none"> - the hours to be worked, the days upon which they will be worked, and the commencing and finishing times - the classification applying to the work to be performed. <p>The agreed hours may be varied with permission.</p>

Clause	Conditions Type	Description
		<p>Any agreement on hours, or variation of those hours, must be in writing and kept by the employer. A copy of the agreement and any variation to it must be provided to the employee.</p> <p>A part-time employee must receive a minimum payment of four hours for each day engaged.</p> <p>The terms of this award apply pro rata to part-time employees.</p> <p>All time worked in excess of the agreed hours will be paid at the appropriate overtime rate.</p>
12.5	Casual conditions (Instrument)	<p>An employer must, wherever reasonable, tell a casual employee if they are not required to work the next working day.</p> <p>Casual employees are entitled to a minimum payment of four hours for each shift.</p>
12.6	Casual conditions (Instrument)	<p>Conversion of casual employment</p> <p>A casual employee, other than an irregular casual employee, who has been engaged by an employer for a period of 12 months will have the right to elect to have their contract of employment converted to full-time employment or part-time employment if they will continue to stay with the employer.</p> <p>An employer must give an employee written notice four weeks before they have reached 12 months employment, informing them of these provisions.</p> <p>A casual employee who does not, within four weeks of receiving written notice, elect to convert their employment to full-time or part-time, will be deemed to have decided against any such conversion.</p> <p>Any casual employee who has the right to elect to change their employment contract may give four weeks notice in writing to the employer that they seek to elect to convert their contract of employment to full-time or part-time employment, and within four weeks of receiving such notice the employer must either consent to or refuse the election but must not unreasonably so refuse.</p> <p>A casual employee who has elected to be converted to full-time part-time as above may only go back to casual employment by written agreement with the employer.</p>

Clause	Conditions Type	Description
		<p>If a casual employee has elected to have their contract of employment converted, the employer and the employee must discuss and agree upon:</p> <ul style="list-style-type: none"> - whether they will become full-time or part-time - if part-time is agreed upon, the number of hours and the pattern of hours that will be worked. <p>An irregular casual employee is one who has been engaged to perform work on an occasional or non-systematic or irregular basis.</p>
13.2	Termination of employment - notice of termination by an employee (Instrument)	The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
13.3	Termination of employment - job search entitlement (Instrument)	Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.
14.2	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
14.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
14.4	Redundancy - job search entitlement (Instrument)	<p>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.</p> <p>If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.</p>

Clause	Conditions Type	Description
14.5	Redundancy - transitional provisions (Instrument)	<p>An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement - based transitional instrument or enterprise agreement had applied to the employee, and that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.</p> <p>The employee's entitlement to redundancy pay under the NAPSA is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.</p> <p>This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
16.1(d)(iii)	Other (Instrument)	<p>Dangerous goods</p> <p>Where a weekly employee is required to possess a license to operate a vehicle carrying dangerous goods (as defined in the Australian Dangerous Goods Code), training and medical costs must be reimbursed by the employer.</p>
16.1(f)(ii)	Travelling time (Instrument)	<p>An employee who is unable to return to the depot, yard or garage where they started work, must be paid any travelling expenses incurred, and paid for time spent reasonably taken to get home beyond the time it would normally have taken to get home from the depot, yard or garage.</p>
16.3(a)	Expenses (Instrument)	<p>Work diary</p> <p>Where an employee is required to possess a work diary, the cost of such diary must be reimbursed by the employer.</p>
16.3(b)	Clothing, footwear and/ or equipment (Instrument)	<p>Articles of clothing</p> <p>Where the employer requires an employee to wear any special clothing such as any special uniform, cap, overall or other article, the employer must reimburse the employee for the cost of purchasing such special clothing.</p> <p>Where an employee is required to work continuously in conditions where the clothing would otherwise become saturated, the employer must reimburse the employee for the cost of purchasing protective clothing.</p>

Clause	Conditions Type	Description
		<p>Where an employee is employed as a greaser and cleaner, or is normally required to service vehicles, the employer must reimburse the employee for the cost of purchasing overalls.</p> <p>These provisions do not apply where the clothing is provided by the employer, or to employees who are required in addition to their normal duties to check such things as vehicles, oil, water and tyres.</p> <p>Any protective clothing will remain the property of the employer, and the employee will be responsible for replacing any protective clothing which is lost, destroyed or damaged through the negligence of the employee.</p>
16.3(c)	Expenses (Instrument)	<p>Housing</p> <p>Any employee required by the employer to live at a depot, yard or garage must be paid an allowance equal to the amount of the rental charged by the employer for the accommodation at the depot, yard or garage.</p> <p>If an employer provides housing accommodation for an employee and their family, and requires the employee to live there and charges rental, the employer must pay the employee an allowance of \$2.75 less than the amount of rental charged by the employer for the accommodation.</p>
16.3(d)	Expenses (Instrument)	<p>Medical checks</p> <p>An employer requiring employees to undertake medical checks during a term of employment or requiring persons seeking employment to undertake a medical check as part of an interview process, must reimburse all medical costs not recoverable from a health fund by the employee or persons seeking employment.</p>
17	District allowance (Instrument)	<p>An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the provisions of an award or NAPSA under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement - based transitional instrument or enterprise agreement had applied to the employee, and that would have entitled the employee to payment of a district allowance.</p> <p>This clause ceases to operate on 31 December 2014.</p>

Clause	Conditions Type	Description
18	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> - a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement - based transitional instrument or enterprise agreement had applied to the employee; and - 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. <p>The employee's entitlement to accident pay under the notional agreement preserving a State award or the award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not operate to diminish an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
19	Higher duties (Instrument)	Where an employee is required to perform two or more grades of work on any one day the employee is to be paid the minimum wage for the highest grade for the whole day.
20	Method of payment (Instrument)	<p>All earnings, including overtime, must be paid within four business days of the week ending.</p> <p>The employer must pay to an employee who leaves or is dismissed all moneys due to the employee.</p> <p>The employer may pay an employee by electronic funds transfer to a bank account nominated by the employee.</p>
21	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to a superannuation fund - the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.
22	Hours of work	The ordinary hours of work are an average of 38 per week to be worked on one of the following bases:

Clause	Conditions Type	Description
	(Instrument)	<ul style="list-style-type: none"> - 38 hours within a work cycle of seven days - 76 hours within a work cycle of 14 days - 114 hours within a work cycle of 21 days - 152 hours within a work cycle of 28 days. <p>The ordinary hours of work may be worked on any day Monday to Friday. The days on which ordinary hours are worked may include Saturday and Sunday subject to agreement between the employer and the majority of employees concerned. Agreement may also be reached between the employer and an individual employee.</p> <p>The ordinary hours of work must not exceed eight hours per day and must be worked continuously (except for meal breaks) between the hours of 5.30am and 6.30pm. The spread of ordinary hours may be altered in any depot, yard or garage by one hour at each end by agreement between the employer and the majority of employees concerned. Agreement may thereafter be reached between the employer and an individual employee.</p> <p>The times within which ordinary hours of work may be performed will not apply to:</p> <ul style="list-style-type: none"> - newspaper deliveries - meat deliveries, where such meat is to be used for human consumption - live poultry - a driver employed at a fish, fruit or vegetable store. <p>The award outlines further detail on the ways in which ordinary hours may be worked.</p> <p>From 7 January 2014, the ordinary hours of work must not exceed eight hours per day and must be worked continuously (except for meal breaks or any breaks taken for the purpose of complying with fatigue management rules/regulations) between the hours of 5.30 am and 6.30 pm.</p>
23	Hours of work (Instrument)	<p>Ordinary hours of work for oil distribution workers</p> <p>These provisions apply to employees engaged in the transport and/or distribution of petroleum products in their raw or manufactured state.</p>

Clause	Conditions Type	Description
		<p>The ordinary hours of work will be 35 per week or 70 per two week period.</p> <p>The ordinary hours of work must not exceed eight hours per day and are to be worked between the hours of 6.30am and 5.30pm, Monday to Friday.</p> <p>By agreement between an employer and the majority of affected employees, the ordinary working hours for employees engaged in rural distribution operations may be rostered over any three consecutive days, Monday to Saturday inclusive unless some other satisfactory arrangement is agreed upon.</p> <p>The award further outlines the ways in which ordinary hours may be worked.</p> <p>Rostered days off</p> <p>Rostered days off must be provided for in the following manner:</p> <ul style="list-style-type: none"> - employees must work to a roster drawn up in each workplace providing for nine days, each of 7 hours 47 minutes, and one rostered day off over a continuous two week period; - where an employee's rostered day off falls on a public holiday, the employee is entitled, at the discretion of the employer, to either: <p>seven hours of pay at the ordinary time rate seven hours extra annual leave a substitute day off on an alternative week day.</p>
24.2	Shiftwork (Instrument)	<p>Shiftwork hours and shift rosters</p> <p>The hours of work for shiftworkers must be an average of 38 per week. The ordinary hours of work must not exceed eight continuous hours per day (inclusive of meal breaks) on one of the following bases:</p> <ul style="list-style-type: none"> - 38 hours within a work cycle of seven days - 76 hours within a work cycle of 14 days - 114 hours within a work cycle of 21 days - 152 hours within a work cycle of 28 days.

Clause	Conditions Type	Description
		<p>There must be a shift roster which provides for rotation unless agreed otherwise. The shift roster must be posted in a prominent place in the workplace.</p> <p>Shift rosters must specify the commencing and finishing times of ordinary hours of respective shifts and not be altered unless 48 hours notice is given.</p>
24.6	Shiftwork (Instrument)	<p>Transfer to existing shift rosters</p> <p>Forty eight hours notice of any change of shift must be given to an employee. Overtime rates must be paid for work done outside the ordinary shift hours within 48 hours of being notified of the change.</p>
24.7	Shiftwork (Instrument)	<p>Transfer of day worker to or from shiftwork</p> <p>Unless otherwise agreed between an employer and an employee, day workers must be given at least 10 hours off duty immediately before commencing, or after ceasing shiftwork, and may be transferred to or from shiftwork on 48 hours notice. An employee must be paid overtime rates for all work done outside previous ordinary working hours within 48 hours of being notified of the change.</p>
24.9	Shiftwork (Instrument)	<p>Meal breaks</p> <p>All shiftworkers while working on day, afternoon or night shift will be entitled to a paid meal break of 20 minutes. An employee must not be required to work more than five hours without a meal break.</p>
24.11	Shiftwork (Instrument)	<p>Rate when shift extends beyond midnight</p> <p>Each shift must be paid for at the rate for the day on which the major portion of the shift is worked.</p>
24.12	Shiftwork (Instrument)	<p>Holiday shifts</p> <p>Where the major portion of a shift falls on the public holiday the whole of the shift will be regarded as a public holiday shift.</p>
25	Hours of work (Instrument)	<p>Start times</p>

Clause	Conditions Type	Description
		A regular starting time for each employee is to be fixed by the employer. Where an employer varies or changes the regular starting time they must give one week's notice to the employee.
26.1	Breaks - meal (Instrument)	<p>Regular meal break</p> <p>An employee must be allowed a regular meal break during the ordinary hours of work except where unforeseen extraordinary circumstances arise.</p> <p>The meal break must:</p> <ul style="list-style-type: none"> - be of a regular duration of not more than one hour or less than 30 minutes - commence no earlier than three and a half hours and no later than five and a half hours after an employees fixed starting time of the ordinary hours of work. <p>From 7 January 2014, in addition to the above, where reasonable and practical, the meal break must be taken at a time to coincide with any requirement to take a break under fatigue management rules/ regulations, or as otherwise required by the employer. If the meal break is not allowed, all time worked after the commencement time of the regular meal break until a break without pay for a meal time is allowed must be paid for at double the minimum hourly rate.</p>
26.2	Breaks - rest (Instrument)	<p>Overtime rest break</p> <p>The following applies for the period between 01/01/2010 - 06/01/2014 and 30/01/2014 - 11/03/2014:</p> <p>An employee required to work overtime for two hours or more after working ordinary hours must be allowed a paid break of 20 minutes before starting overtime work, and then after each four hour period until the overtime work is finished.</p> <p>The following applies for the period between 07/01/2014 - 29 /01/2014 and from 12/03/2014:</p> <p>An employee required to work overtime for two hours or more after working ordinary hours must be allowed a paid break of 20 minutes before starting overtime work as soon as practicable thereafter. A further rest break must be allowed upon completing each four hour period until the overtime work is finished. Any rest breaks shall be paid for at the ordinary time rate.</p>

Clause	Conditions Type	Description
		Wherever reasonable and practical, the rest break must be taken at a time to coincide with any requirement to take a break under fatigue management rules/regulations. Employer and employee may agree to apply any variation of this provision in order to meet the circumstances of the work in hand.
26.4	Breaks - meal (Instrument)	An employee will not be required or permitted to work longer than five and a-half hours without a break for a meal.
27.3	Overtime - other (Instrument)	<p>Rest period after overtime</p> <p>When overtime work is necessary it must, where reasonable, be so arranged that employees have at least 10 consecutive hours off duty between shifts.</p> <p>An employee (other than a casual employee) who works so much overtime between shifts that the employee has not had at least 10 consecutive hours off duty between those times must be released after completing the overtime until they have had 10 consecutive hours off duty without loss of pay.</p>
27.4	Call-back (Instrument)	<p>An employee recalled to work overtime after leaving the workplace (whether notified before or after leaving the workplace) must be paid for a minimum of four hours' work.</p> <p>This provision does not apply in cases where it is customary for an employee to return to the workplace to perform a specific job outside ordinary working hours, or where the overtime is continuous with ordinary working time.</p>
27.5	Other (Instrument)	<p>Standing-by</p> <p>Subject to any custom at the workplace, an employee required to be available for work after ordinary hours must, until released, be paid standing-by time at ordinary rates from the time from which the employee is told to be available.</p>
27.6	Transport of employees (Instrument)	When an employee, after having worked overtime, finishes work at a time when reasonable means of transport are not available, the employer must reimburse the employee for the cost of obtaining transport home, or alternatively provide the employee with transport to the employee's home, or pay the employee the current wage for the time reasonably occupied in getting home.

Clause	Conditions Type	Description
27.7	Overtime – time off in lieu (Instrument)	<p>An employee may choose, with the consent of the employer, to take time off instead of payment for overtime at a time or times agreed with the employer. This agreement must be in writing. The employee must take the time off within four weeks of working overtime.</p> <p>If an employee takes time off instead of payment for overtime then the amount of time is taken to be equivalent to the pay the employee would otherwise have received for working overtime.</p> <p>If requested by an employee an employer must within one week of receiving a request pay the employee for any overtime worked. The employee must be paid at overtime rates.</p>
28.2(b)	Public holidays (Instrument)	An employee who, without consent or reasonable cause, is absent from work on the day before or the day after a public holiday is not entitled to any payment for such public holiday.
29.1	Annual leave (Instrument)	<p>For the purposes of the extra week of annual leave in the NES, a shiftworker is a seven day shiftworker who is regularly rostered to work on Sundays and public holidays.</p> <p>In addition to the leave entitlement of the NES, where an employee with twelve months' continuous service is engaged for part of the twelve month period as a shiftworker, that employee must have their annual leave increased by half a day for each month the employee is continuously engaged as a seven day shiftworker.</p>
29.2	Annual leave loading (Instrument)	<p>During a period of annual leave an employee will receive a loading calculated on the minimum wage rate specified in this award. Annual leave loading payment is payable on leave accrued and taken but it is not payable on leave paid out on termination. The loading is as follows:</p> <p>Day work</p> <p>Employees who would have worked on day work only had they not been on leave—17.5% or the relevant weekend penalty rates, whichever is the greater but not both.</p> <p>Shiftwork</p> <p>Employees who would have worked on shiftwork had they not been on leave—a loading of 17.5% or the shift loading (including relevant weekend penalty rates) whichever is the greater but not both.</p>

Clause	Conditions Type	Description
		<p>From 2 September 2013, during a period of annual leave an employee will receive a loading calculated on the minimum wage rate specified in this award. Annual leave loading payment is payable on annual leave accrued and taken and on annual leave paid out on termination. The loading is as follows:</p> <p>Day work Employees who would have worked on day work only had they not been on annual leave—17.5% or the relevant weekend penalty rates, whichever is the greater but not both.</p> <p>Shiftwork Employees who would have worked on shiftwork had they not been on annual leave—a loading of 17.5% or the shift loading (including relevant weekend penalty rates) whichever is the greater but not both.</p>
29.3	Annual leave - paid leave in advance of accrued entitlement (Instrument)	By agreement between an employer and an employee a period of annual leave may be taken in advance of the entitlement accruing. If leave is taken in advance and the employment terminates before the entitlement has accrued, the employer can deduct the entitlement from any money due to the employee on termination.
29.4	Annual leave - excessive leave (Instrument)	<p>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:</p> <ul style="list-style-type: none"> - the employee has eight weeks or more annual leave accrued and - 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.
29.5	Annual leave - close-down (Instrument)	<p>An employer may close down an enterprise or part of the enterprise provided that:</p> <ul style="list-style-type: none"> - they give at least one month's notice - an employee who has accrued sufficient leave to cover the period of the close down, is allowed leave and also paid for that leave at the appropriate wage - an employee who has not accrued sufficient leave to cover part or all of the close down, is allowed paid leave for the period for which they have accrued sufficient leave and given unpaid leave for the remainder of the close-down and - any leave taken by an employee as a result of a close down pursuant to this clause also counts as service by the employee with their employer.

Clause	Conditions Type	Description
32.2	Public holidays (Instrument)	<p>Substitution of certain public holidays by agreement at the enterprise</p> <p>An employer and their employees may agree to substitute another day for any prescribed in the NES.</p> <p>Such agreement must be recorded in writing and be available to every affected employee.</p>

Frequency of Payment

All earnings, including overtime, must be paid in the employer's time on a day to be fixed by the employer, but not later than Thursday of each week. Once fixed, the day must not be altered more than once in three months.

IMPORTANT NOTE: Disclaimer

The Fair Work Ombudsman is committed to providing advice that you can rely on.

Your situation and the law can change so we encourage you to check back with us by looking at <http://www.fairwork.gov.au/pay/pay-and-conditions-guides/pages/default.aspx>