


MODERN AWARD GUIDE

derived from the

Transport (Cash in Transit) Award 2010 [MA000042]

Effective from 01 July 2013.

Published 20 June 2013 

This guide was developed by the Fair Work Ombudsman and is derived from the above modern award which commenced operating on 01 January 2010.

The wage rates in this guide apply from 01 July 2013.

Who should use the guide?

This guide is a helpful tool for all employees and employers who are covered by the above modern award to identify their wages and conditions.

The guide contains information about:

- who the award covers
- wage rates, including rates for casual employees, junior employees, trainees and apprentices if these employees are covered by the modern award
- penalties for working at particular times or under particular arrangements, including what hourly rate
- allowances and other conditions of employment.

What if an agreement applies to covered employees?

All employees covered by the modern award must not be paid less than the minimum wage rates contained in this guide. The terms of an agreement or modern award cannot exclude the terms of the National Employment Standards (the NES).

It is important to note that any other entitlements and conditions in this guide will not apply to employees covered by an agreement-based instrument (detailed below).

Employees and employers should refer to their agreement-based instrument for their employment conditions and entitlements.

Enquiries should be referred to the Fair Work Infoline on **13 13 94**.



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Coverage

This industry award covers employers throughout Australia in the cash in transit industry and their employees in the classifications listed below:

Escort means an employee who has completed the required training and is qualified to perform Escort duties as part of an armoured vehicle crew, but this does not include driving an armoured vehicle.

Armoured vehicle operator means an employee qualified to drive the necessary vehicles and who holds relevant licences and has satisfactorily completed all required training and is employed as such. An Armoured vehicle operator must be capable of performing the duties of an escort.

Crew leader means an employee responsible for and in charge of the crew, contents and vehicle and on-the-job training. A Crew leader must be capable of performing all duties of the crew and employed as such.

This industry award covers employers throughout Australia in the cash in transit industry and their employees in the classifications listed in Schedule A - Classifications to the exclusion of any other modern award.

The award does not cover:

- an employee excluded from award coverage by the Act.
- 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.
- 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 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.
- employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at clause 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.

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

Adult

Full & Part Time

Classification	Basic Hourly Rate
Escort	\$17.78
Armoured vehicle operator	\$18.00
Crew leader	\$18.83

Casual

Classification	Basic Hourly Rate
Escort	\$22.22 (25.00%)
Armoured vehicle operator	\$22.50 (25.00%)
Crew leader	\$23.54 (25.00%)

In addition to the wages prescribed above the mobile cash unit and industry allowances (see allowances section) are prescribed as being paid for all purposes of the award.

Supported Wage System

This modern award provides access to 'supported wages' for eligible employees within clause 15.3.

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

Junior

Junior rates of pay are not covered by this modern award.

Apprentice

Apprentice rates of pay are not covered by this modern award.

Trainee

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

Penalty Guide

Method of calculation

For **full time** and **part time** employees, the penalty rates set out in this table will be applied to the relevant rate of pay as follows (unless otherwise specified): rate of pay x penalty.

For **casual** and **loaded part time** employees, the method of calculation may differ. The reference table below sets out the different calculation methods that may apply and assigns a code to each method.

To determine which method of calculation will apply to a given penalty, the relevant code is displayed in the 'amount' column of the penalty table. For example, if (a) appears in the 'amount' column, the method of calculation that will apply is: (Rate of pay + casual/part time loading) x Penalty. If no code appears, the penalty rate will not apply to casuals or loaded part time employees.

Code	Casual/Part Time Rates Calculation
a	(rate of pay + casual/part time loading) x penalty
b	rate of pay x (casual/part time loading + penalty)
c	penalty
d	rate of pay + casual/part time loading
e	rate of pay x penalty (no casual/part time loading)
f	(rate of pay + penalty) x casual/part time loading

Clause	Penalty Type	Description	Amount
25.8	Afternoon shift	The allowance is payable to a shiftworker working a rotating afternoon shift, ie. a shift which finishes after 6.30pm but no later than 12.30am.	115.00% (Loading) (b)
25.8	Afternoon shift	The allowance is payable to a shiftworker working a permanent afternoon shift, ie. a shift which finishes after 6.30pm but no later than 12.30am.	117.50% (Loading) (b)
25.8	Night shift	The allowance is payable to a shiftworker working a rotating night shift, ie. a shift which finishes after 12.30am.	120.00% (Loading) (b)

Clause	Penalty Type	Description	Amount
25.8	Night shift	The allowance is payable to a shiftworker working a permanent night shift, ie. a shift which finishes after 12.30am and at or before 8:30am.	130.00% (Loading) (b)
25.8	Afternoon shift	The allowance is payable to a shiftworker permanently working alternate night and afternoon shifts, when on afternoon shift.	117.50% (Loading) (b)
25.8	Night shift	The allowance is payable to a shiftworker permanently working alternate night and afternoon shifts, when on night shift.	130.00% (Loading) (b)
25.9(a)(i)	Shift work - Saturday	Shiftworkers will be paid the allowance for work on a rostered shift where the major portion falls on a Saturday.	150.00% (Loading) (b)
25.9(a)(ii)	Shift work - Sunday	Shiftworkers will be paid the allowance for work on a rostered shift where the major portion falls on a Sunday.	200.00% (Loading) (b)
25.9(a)(iii)	Shift work - Public holiday	Shiftworkers will be paid the allowance for work on a rostered shift where the major portion falls on a public holiday.	250.00% (Loading) (b)
25.9(a)(iii)	Part-day Christmas Eve/ New Year's Eve public holiday - South Australia	Shift work Shiftworkers will be paid the allowance for work on a rostered shift where the major portion falls on 24 December (Christmas Eve) or 31 December (New Year's Eve) between 7.00pm and midnight. Only applies in South Australia.	250.00% (Loading) (b)
25.9(c)	Shift work	Shiftworkers who work on an afternoon or night shift which does not continue for at least 5 consecutive afternoons or nights will be paid the penalty for the first 3 hours of that shift.	150.00% (Loading) (b)
25.9(c)	Shift work	Shiftworkers who work on an afternoon or night shift which does not continue for at least 5 consecutive afternoons or nights will be paid the penalty after the first 3 hours of that shift.	200.00% (Loading) (b)

Clause	Penalty Type	Description	Amount
25.13	Overtime - shiftwork	For all time worked outside or in excess of the ordinary shift hours or on a shift other than a rostered shift, shiftworkers will be paid the penalty for the first 2 hours. Excludes time worked by arrangement between the employees, or where time is worked for effecting the customary rotation of shifts.	150.00% (Loading) (b)
25.13	Overtime (shift work) - thereafter	For all time worked outside or in excess of the ordinary shift hours or on a shift other than a rostered shift, shiftworkers will be paid the penalty after the first 2 hours. Excludes time worked by arrangement between the employees, or where time is worked for effecting the customary rotation of shifts.	200.00% (Loading) (b)
25.13	Overtime - shiftwork	For the first 3 hours of overtime work by a shiftworker, where a relief employee provides less than 8 hours notice they will be absent and as a result this shiftworker continues working as they are unrelieved.	150.00% (Loading) (b)
25.13	Overtime (shift work) - thereafter	After the first 3 hours of overtime work by a shiftworker, where a relief employee provides less than 8 hours notice they will be absent and as a result this shiftworker continues working as they are unrelieved.	200.00% (Loading) (b)
26.1(c)	Delayed meal breaks	Where an employee works more than 5.5 hours after their fixed starting time without a meal break. This penalty is not cumulative, and in cases where the employee is entitled to 2 penalty rates, only the higher payment is necessary.	200.00% (Loading) (b)
26.2	Break inside armoured vehicle	Where an employee is directed to remain inside an armoured vehicle for security reasons for part of a meal break.	150.00% (Loading) (b)
27	Sunday	An employee (other than a shiftworker) who works on Sunday will be paid at the penalty with a minimum payment of 4 hours.	200.00% (Loading) (b)

Clause	Penalty Type	Description	Amount
		Where work continues from Saturday to Sunday the minimum payment is not cumulative. Work done on a Sunday stands alone.	
28.1	Overtime	For the first 2 hours of work outside ordinary hours. An employee required to work overtime on a Saturday will be afforded at least 4 hours' work, or be paid for 4 hours' work at the appropriate rate, except where the overtime is continuous with overtime commenced on the previous day.	150.00% (Loading) (b)
28.1	Overtime thereafter	After the first 2 hours of work outside ordinary hours. An employee required to work overtime on a Saturday will be afforded at least 4 hours' work, or be paid for 4 hours' work at the appropriate rate, except where the overtime is continuous with overtime commenced on the previous day.	200.00% (Loading) (b)
28.3(c)	Rest period after overtime	Where an employee resumes or continues work on the employer's instruction without having 8 consecutive hours off duty the employee will be paid the penalty until released from duty. The employee will then be entitled to be absent for 8 consecutive hours without loss of pay for ordinary working time occurring during the absence.	200.00% (Loading) (b)
30.3	Public holiday	An employee, other than a shiftworker, who is required to work on a public holiday. Payment must be made for a minimum of 4 hours work.	250.00% (Loading) (b)
30.3	Part-day Christmas Eve/ New Year's Eve public holiday - South Australia	For all work performed on 24 December (Christmas Eve) or 31 December (New Year's Eve) between 7.00pm and midnight. Only applies in South Australia.	250.00% (Loading) (b)

Rate when shift extends beyond midnight

Each shift will be paid for at the rate applicable to the day on which the major portion of the shift is worked.

Penalty Rates

Penalty rates are not covered by this Modern Award Guide.

Allowances

The Northern Territory district allowances have been extracted from the **Transport Workers (Armoured Vehicles) Award 2004 (AP833661)**.

The Western Australian location allowances have been extracted from the **Transport Workers (General) Award No.10 of 1961 (AN160324)**.

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

Clause	Allowance Type	Description	Effective Date	Rate
16.1(a)	First aid allowance	An employee appointed to perform first aid must be paid 1.6% of the standard rate per week. (1.6% x 38hrs = 60.8)	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(b)(i)	Mobile cash unit allowance	All purpose allowance expressed as per week. An employee working in mobile cash units must be paid an allowance of 5.78% of the standard rate per week.	1/07/2013	\$1.0404 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). (5.78%)

Clause	Allowance Type	Description	Effective Date	Rate
16.1(c)(i)	Industry allowance	All purpose allowance expressed as per week. All employees receive an industry allowance in recognition of the unique features associated with the armoured vehicle industry. This allowance is paid for all purposes of the award.	1/07/2013	\$1.2546 per hour (6.97%)
16.1(d)	ATM allowance	An employee performing ATM work. (0.9% of the standard rate x 38 = 34.2% of the hourly rate)	1/07/2013	\$6.1560 per day (34.20%)
16.2(a)(i)	Travel allowance	An employee engaged in travel or work where they are unable to return home at night, must be paid for expenses reasonably incurred. The minimum amount payable is 5.04% of the standard rate on any day. (5.04% x 38 hrs = 191.52)	1/07/2013	\$34.4736 per day (191.52%)
16.2(d)	Meal allowance	An employee who is required to continue working after 6.00pm on Monday to Friday inclusive or after 1.00pm on Saturday, other than because of the employee's own default or delay.	1/07/2013	\$14.2600 per occasion

*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):

-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 made under that Act had applied to the employee; and

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

This entitlement ceases to apply on 31 December 2014

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

-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 made under that Act had applied to the employee; and

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

This entitlement ceases to operate on 31 December 2014.

The above district allowances apply to NT and WA. The allowances outlined within the table titled "All other states covered by this instrument" also apply to the NT and WA.

Other Conditions

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	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.
9 & 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>

Clause	Conditions Type	Description
		The award also entitles eligible employee representatives to 5 days' paid training leave to attend courses which are directed at the enhancement of the operation of the dispute resolution procedure.
11.4	Part-time conditions (Instrument)	<p>A part-time employee is an employee who:</p> <ul style="list-style-type: none"> - work an average of less than 38 ordinary hours per week - has reasonably predictable hours of work, and - receives pro rata pay and conditions to those of full-time employees. <p>At the time of engagement the employer and employee will agree in writing on a regular pattern of work, specifying the hours, days of the week and the start and finish times each day.</p> <p>A part-time employee may agree to work up to 38 ordinary hours per week at ordinary rates provided the arrangement is mutually acceptable to the employer and employee.</p> <p>An employee who does not meet the definition of a part-time employee and who is not a full-time employee will be employed as a casual employee.</p>
11.5	Casual conditions (Instrument)	<p>A casual employee is an employee engaged and paid as such. A casual's ordinary hours of work are the lesser of 38 hours per week or the hours required to be worked by the employer.</p> <p>When engaging a person for casual employment, the employer must inform the employee they are a casual, stating the duties, the actual or likely number of hours required (without the employee being guaranteed to work those hours), and the relevant rate of pay.</p>
11.6	Casual conditions (Instrument)	A casual employee who has been engaged for a period of 12 months may elect to have their contract of employment converted to full-time employment or part-time employment. Refer to the award for details.
12.1	Termination of employment (Fair Work Act 2009 - National Employment Standard)	<p><u>Notice of termination by an employer</u></p> <p>An employer is required to provide notice of termination (or payment in lieu of notice) to an employee based on the employee's period of continuous service as follows:</p> <ul style="list-style-type: none"> - Not more than 1 year of service: 1 week - More than 1 year but not more than 3 years of service: 2 weeks

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - More than 3 years but not more than 5 years of service: 3 weeks - More than 5 years of service: 4 weeks <p>The period of notice will increase by 1 week if the employee is over 45 years old and has completed at least 2 years of continuous service with the employer.</p>
12.2	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.
12.3	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 1 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.
13.1	Redundancy (Fair Work Act 2009 - National Employment Standard)	<p>An employer is required to provide redundancy pay at the base rate of pay for ordinary hours based on the employee's period of continuous service with the employer as follows:</p> <ul style="list-style-type: none"> - At least 1 year but less than 2 years of service: 4 weeks - At least 2 years but less than 3 years of service: 6 weeks - At least 3 years but less than 4 years of service: 7 weeks - At least 4 years but less than 5 years of service: 8 weeks - At least 5 years but less than 6 years of service: 10 weeks - At least 6 years but less than 7 years of service: 11 weeks - At least 7 years but less than 8 years of service: 13 weeks - At least 8 years but less than 9 years of service: 14 weeks - At least 9 years but less than 10 years of service: 16 weeks - At least 10 years of service: 12 weeks
13.2	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.

Clause	Conditions Type	Description
13.3	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.
13.4	Redundancy - job search entitlement (Instrument)	<p>An employee given notice of termination in circumstances of redundancy must be allowed up to 1 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 1 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>
13.5	Redundancy - transitional provisions (Instrument)	<p>An employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with terms of a NAPSA:</p> <ul style="list-style-type: none"> - 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>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.</p> <p>This clause ceases to operate on 31 December 2014.</p>
16.2(a)	Travelling time (Instrument)	<p>An employee who is prevented from returning with their armoured vehicle to the yard, depot or garage they started from must be paid any travelling expenses incurred, and at ordinary rates for the time they reasonably take to get home beyond the time it would normally take them to get home from the yard, depot or garage.</p> <p>Where an employer transfers an employee, after they commence work, from the place they usually work to another place, fares to and from the altered place must be paid, except when transported by the employer.</p>

Clause	Conditions Type	Description
16.2(b)(i)	Laundry (Instrument)	Where an employee is required by law or by the employer to wear any special uniform, cap, overall or other articles, they must be reimbursed for purchasing and laundering the special clothing (excluding the laundering of shirts). This will not apply where the clothing is provided and laundered by the employer.
16.2(b)(ii)	Clothing, footwear and/ or equipment (Instrument)	Where required to work continuously in conditions in which, because of their nature, clothing would otherwise become saturated, the employer must reimburse an employee for purchasing suitable protective clothing unless suitable protective clothing is provided by the employer. Where an employee is reimbursed the cost of clothing under the award, the clothing will be the property of the employer, and the employee will be liable for the cost of replacement of any article of protective clothing which is lost, destroyed or damaged through the negligence of the employee.
16.2(c)	Insurance (Instrument)	Where the employee is required to arrange an insurance policy to cover the risk of armed assault, the employer must reimburse them for the cost of the insurance policy. This will not apply where the insurance policy is provided by the employer.
16.2(e)	Aviation Security Identity Card (ASIC) (Instrument)	Where an employee is required by law to obtain an Aviation Security Identity Card to access any Australian airport facilities for work, the cost of the application fee and any other related expenses necessarily and actually incurred will be reimbursed by the employer.
16.2(f)	Maritime Security Identity Card (MSIC) (Instrument)	Where an employee is required by law to obtain a Maritime Security Identity Card to access any maritime security zone for work, the cost of the application fee and any other related expenses necessarily and actually incurred will be reimbursed by the employer.
17.1 & 17.2	District allowance (Instrument)	An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the terms 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. This clause ceases to operate on 31 December 2014.
18	Accident pay (Instrument)	An employee is entitled to accident pay in accordance with the terms of:

Clause	Conditions Type	Description
		<p>- 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</p> <p>- 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> <p>The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
19	Higher duties (Instrument)	Where an employee performs 2 or more classes of work on any 1 day, they will be paid the highest wage rate for all working time on that.
22	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.
23	Hours of work (Instrument)	<p>The ordinary hours of work will:</p> <ul style="list-style-type: none"> - average 38 per week, within a work cycle not exceeding 28 consecutive days - not exceed 8 hours per day - will be worked continuously (except for meal breaks), Monday to Friday, between 6.00am and 6.00pm. <p>Providing for a normal rostered day off</p>

Clause	Conditions Type	Description
		<p>An employer may require employees to work to a roster drawn up in each depot, yard or garage which provides for 19 days, of 8 hours, over a continuous 4 week period. Each employee will take their rostered day off in accordance with this roster.</p> <p>An employee's rostered day off may be changed by: -agreement between the employer and employee, or -by the employer giving at least 48 hours' notice.</p> <p>Rostered days off may be accumulated to a maximum of 10 days over a 40 week period.</p> <p>Providing for other than a normal rostered day off</p> <p>An employer may require employees to work ordinary hours over 5 days, Monday to Friday inclusive, of no more than 7 hours and 36 minutes continuously (except for meal breaks) where the employer: -operates 3 or less vehicles at a particular yard, depot or garage -has entered into arrangements with a client for the provision of transport services on a permanent basis extending over each of the 5 days, Monday to Friday and these arrangements would be prejudiced by the requirement that rostered days off be taken on any day or all of the days of the week -operates in a manner that it is necessary for particular employees to work 5 days of each week Monday to Friday, and these operations would be prejudiced by the requirement that rostered days off be taken on any day or all of the days of the week, or -has reached a written agreement with the employee concerned or a majority of employees in the workplace or part of it which requires the employee(s) to work ordinary hours over 5 days, Monday to Friday, of no more than 7 hours and 36 minutes continuously (except for meal breaks).</p> <p>Make-up time</p> <p>An employee may elect, with the employer's consent, to work make-up time, where they take time off ordinary hours, and work those hours at a later time, during the spread of ordinary hours.</p>
25.2	Shiftwork (Instrument)	<p>Shiftwork rosters</p> <p>The hours of work for employees on shiftwork will average 38 per week. The ordinary hours of work will not exceed 8 continuous hours per day (except for rest breaks) and will be worked on one of the following bases:</p>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - 38 hours within a work cycle not exceeding 7 consecutive days - 76 hours within a work cycle not exceeding 14 consecutive days - 114 hours within a work cycle not exceeding 21 consecutive days - 152 hours within a work cycle not exceeding 28 consecutive days. <p>Any shift which commencing on or after 11.00 pm on a Sunday will be deemed to be part of the Monday shift and paid accordingly.</p> <p>A rest break of 20 minutes will be allowed each shift. The rest break will be at a time fixed by the employer and will not be varied except in an emergency and with the consent of the employee. An employee is not required to work more than 5 and a half hours without a rest break.</p>
25.5	Shiftwork (Instrument)	<p>Change to existing shift roster</p> <p>An employer must give 48 hours' notice to an employee of any change of shift. If the employer fails to give such notice overtime rates will be paid for work done outside the ordinary shift hours within 48 hours of the time notified of the change.</p>
25.6	Shiftwork (Instrument)	<p>Transfer of day worker to or from shiftworker</p> <p>Day workers, who have had at least 10 hours off duty immediately before commencing or after ceasing shiftwork may be transferred to or from shiftwork on 48 hours notice. If notice is not provided, the employee will be paid overtime rates for all work done outside their previous ordinary working hours within 48 hours of the time notified of the change.</p> <p>This will not apply where it is necessary to transfer a day worker to replace a shiftworker who fails to report for duty or who, for any reason is unable to continue duties, and the change to existing shift roster provisions outlined above will apply.</p>
25.7	Shiftwork (Instrument)	<p>Variation of rosters</p> <p>The method of working and the time of commencing and finishing shifts may be varied by agreement between the employer and the majority of employees in the workplace or part of it to suit the circumstances of the establishment.</p>

Clause	Conditions Type	Description
25.12	Shiftwork (Instrument)	<p>Daylight saving</p> <p>In any area where by reason of the legislation of a Federal, State or Territory summer time is prescribed as being in advance of the standard time of that State/Territory the length of any shift:</p> <ul style="list-style-type: none"> -commencing before the time prescribed by the relevant legislation for the commencement of a summer time period, and -commencing on or before the time prescribed by such legislation for the termination of a summer time period <p>will be deemed to be the number of hours represented by the difference between the time recorded by the clock at the beginning of the shift and the time so recorded at the end, the time of the clock in each case to be set to the time fixed pursuant to the relevant legislation.</p>
25.14	Shiftwork (Instrument)	<p>Shiftworkers' meal breaks</p> <p>All shiftworkers on day, afternoon or night shift are entitled to a paid meal break of 20 minutes.</p> <p>Unless the period of overtime is less than 1.5 hours, an employee before starting overtime after working ordinary hours is allowed a meal break of 20 minutes, paid for at ordinary rates. An employer and employee may agree to any variation of this provision to meet the circumstances of the work at hand, however the employer is not required to pay for any time allowed in excess of 20 minutes.</p>
26	Breaks - meal (Instrument)	<p>Each employee is allowed an unpaid meal break of regular duration of between 40 minutes and 1 hour.</p> <p>The break must commence no earlier than 3.5 hours and no later than 5.5 hours after the employee's fixed starting time of ordinary hours of work. However, where it is reasonable and practicable the meal break may be arranged to be in balance with the ordinary hours of work.</p> <p>Break inside armoured vehicle</p> <p>Where an employee is required to remain inside an armoured vehicle at the direction of their employer for security reasons for part of the meal break, the duration of the break must be 1 hour to enable all</p>

Clause	Conditions Type	Description
		members of the vehicle's crew to have some portion of their meal break outside the vehicle if they so desire.
28.2	Overtime – time off in lieu (Instrument)	<p>Time off instead of payment of overtime</p> <p>An employee may elect, with the consent of the employer, to take time off instead of payment for overtime at a time or times agreed with the employer. Overtime taken as time off during ordinary time hours will be taken at the ordinary time rate, that is an hour for each hour worked.</p> <p>If requested by an employee, an employer will provide payment for overtime at the overtime rate for any overtime worked, where time off has not been taken within 4 weeks of accrual.</p>
28.3	Break between work periods (Instrument)	<p>Rest period after overtime</p> <p>When overtime work is necessary it will, wherever reasonably practicable, be arranged so that employees have at least 8 consecutive hours off duty between the work of successive days.</p> <p>An employee who works so much overtime between the termination of their ordinary work on 1 day and the commencement of ordinary work on the next day, that the employee does not have at least 8 consecutive hours off duty between those times, will be released after completion of the overtime until the employee has had 8 consecutive hours off duty without loss of pay for ordinary working time occurring during the absence.</p>
28.4	Call-back (Instrument)	<p>An employee recalled to work overtime after leaving the employer's yard, depot or garage (whether notified before or after leaving the yard, depot or garage) will be paid for a minimum of 4 hours work at the appropriate rate for the first recall, and a minimum of 2 hours for each subsequent recall. The employee will not be required to work the full minimum hours if the job recalled to perform is completed within a shorter period except in the case of unforeseen circumstances.</p> <p>This does not apply in cases where the overtime is continuous (subject to a reasonable meal break) with the completion or commencement of ordinary working time.</p> <p>Overtime worked in circumstances specified in above will not be regarded as overtime for the purpose the 8 hour break between shifts where the actual time worked is less than 4 hours on the recall or 2 hours on a subsequent recall.</p>

Clause	Conditions Type	Description
28.6	Standing by (Instrument)	An employee who is required to remain in readiness for work after ordinary hours, will until released be paid stand-by time at ordinary rates from the time the employee is told to remain in readiness or until the employee commences work.
28.7	Transport of employees (Instrument)	Where an employee after having worked overtime finishes work at a time when reasonable means of transport are not available, the employer must provide the employee with transport home, or pay the employee's current wage for the time reasonably occupied in reaching home.
29	Annual leave (Fair Work Act 2009 - National Employment Standard)	<p>For each year of service with his or her employer, an employee (excluding casual) is entitled to:</p> <p>4 weeks of paid annual leave, or 5 weeks of paid annual leave for a shiftworker</p> <p>An employee's entitlement to paid annual leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.</p> <p>All accrued untaken annual leave must be paid to the employee on termination.</p>
29.3	Annual leave loading (Instrument)	<p>Payment for annual leave</p> <p>Before the start of an employee's annual leave they must be paid:</p> <ul style="list-style-type: none"> - the wages the employee would have received in respect of the ordinary hours they would have worked had they not been on leave, including loadings, penalties and allowances which are paid for all purposes but excluding overtime, and - an additional loading of 17.5% of the minimum rate prescribed by the award.
29.5	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 4 weeks' notice of the time when such leave is to be taken if:</p> <ul style="list-style-type: none"> - at the time the direction is given, the employee has at least 8 weeks leave accrued, and - the amount of leave the employee is directed to take is less than or equal to a quarter of the amount of leave accrued.

Clause	Conditions Type	Description
30.1	Public holidays (Fair Work Act 2009 - National Employment Standard)	<p>The following are public holidays:</p> <ul style="list-style-type: none"> - 1 January (New Year's Day) - 26 January (Australia Day) - Good Friday - Easter Monday - 25 April (Anzac Day) - the Queen's birthday holiday (on the day on which it is celebrated in a State or Territory or a region of a State or Territory) - 25 December (Christmas Day) - 26 December (Boxing Day) - any other day, or part-day, declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory, or a region of the State or Territory, as a public holiday, other than a day or part-day, or a kind of day or part-day, that is excluded by the regulations from counting as a public holiday. <p><u>Substituted public holidays under State or Territory laws</u></p> <p>If, under (or in accordance with a procedure under) a law of a State or Territory, a day or part-day is substituted for a day or part-day that would otherwise be a public holiday, then the substituted day or part-day is the public holiday.</p>
30.2	Public holidays (Instrument)	<p>Substitution of public holidays by agreement</p> <p>An employer and their employees may agree to substitute another day for any public holiday prescribed in the NES. For this purpose, the consent of the majority of affected employees will constitute agreement. The agreement will be recorded in writing and be available to every affected employee.</p>
31	Community service leave (Fair Work Act 2009 - National Employment Standard)	<p>An employee who engages in an eligible community service activity is entitled to be absent from his or her employment for a period if:</p> <ul style="list-style-type: none"> - the period consists of one or more of the following: - time when the employee engages in the activity - reasonable travelling time associated with the activity

Clause	Conditions Type	Description
		<p>- reasonable rest time immediately following the activity, and</p> <p>unless the activity is jury service—the employee’s absence is reasonable in all the circumstances.</p>
32	Personal/carer's leave (Fair Work Act 2009 - National Employment Standard)	<p>For each year of service with his or her employer, an employee is entitled to 10 days of paid personal/carer’s leave.</p> <p>The entitlement accrues progressively during a year of service according to the employee’s ordinary hours of work, and accumulates from year to year.</p>
32	Compassionate leave (Fair Work Act 2009 - National Employment Standard)	<p>An employee is entitled to 2 days of compassionate leave for each permissible occasion when a member of the employee’s immediate family, or a member of the employee’s household:</p> <ul style="list-style-type: none"> - contracts or develops a personal illness that poses a serious threat to his or her life, or - sustains a personal injury that poses a serious threat to his or her life, or - dies.

Frequency of Payment

Payment of wages will be made by cheque or electronic funds transfer, either weekly or fortnightly. Payment will be made not later than Thursday in the pay week. Where a public holiday falls in that week, payment will be made by Friday. Where a public holiday falls on a Friday, payment will be made no later than Wednesday of that week.

Modern Award Guide - Background

This guide provides information on wages, penalties, loadings, allowances and other conditions of employment, derived from the 01 January 2010 version of the modern award.

Employers that a modern award applies to must provide at least the minimum terms and conditions in that modern award to all employees to whom the modern award applies.

One of the responsibilities of the Fair Work Ombudsman is to ensure compliance with the Fair Work Act 2009.

If an employer is able to demonstrate that they have paid at least the rates published in this guide, including wages, allowances, loadings and penalties, the Fair Work Ombudsman will be satisfied that the employer has met those obligations under the modern award. The employer will need to have paid the wage rate for all hours worked and for the correct classification for the work the employee does.

The Fair Work Act 2009 requires that time and wages records be kept and payslips issued. Employers will also need to demonstrate that this requirement has been complied with.

Who is not covered by this guide?

Despite the coverage provisions of this guide, conditions in this guide do not apply to an employee or employer while the employee or employer is covered by one of the following agreements:

- Australian Workplace Agreements (AWA)
- Certified agreements (made before 27 March 2006)
- Collective agreements (made between 27 March 2006 and 30 June 2009)
- Enterprise agreements (made after 01 July 2009)
- Individual Transitional Employment Agreements (ITEA)
- Old IR Agreements (made before 1997)
- Preserved Collective State Agreements (made in a state system before 27 March 2006)
- Preserved Individual State agreement (made in a state system before 27 March 2006)
- Section 170MX Awards (made before 27 March 2006)
- Workplace Determinations

The guide will also not apply to employees covered by an enterprise specific award-based transitional instrument, including:

- pre-reform awards (made prior to 27 March 2006)
- notional agreements preserving state awards (made in a state system before 27 March 2006)

Take home pay orders

Modern awards are not intended to reduce an employee's take-home pay. If an employee suffers a reduction in their overall take-home pay as a result of the modern award applying, they can apply for the Fair Work Commission (FWC) to make an order ensuring their pay is not reduced.

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

IMPORTANT NOTE: Disclaimer

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

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

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

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

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

The information contained in these Modern Award Guides is:

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

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