

### PAY AND CONDITIONS GUIDE

**Ports, Harbours and Enclosed Water Vessels Award 2010**  
**[MA000052]** ('modern award')  
replacing terms and conditions in or derived from

**Masters, Mates and Engineers Passenger Ferries Award**  
**[AN160199]** ('pre-modern award')

**(WA)**

Effective from 01 July 2013.

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#### **Background**

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

#### **Transitional arrangements**

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

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

The rates in this guide are current from the first pay period on or after 01 July 2013. 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 award covers employers throughout Australia in the port, harbour and enclosed water vessels industry and their employees in the classifications to the exclusion of any other modern award.

The award does not cover employers and employees wholly or substantially covered by the following awards:

- the Maritime Offshore Oil and Gas Award 2010
- the Seagoing Industry Award 2010
- the Port Authorities Award 2010
- the Dredging Industry Award 2010
- the Stevedoring Industry Award 2010
- the Marine Towage Award 2010
- the Marine Tourism and Charter Vessels Award 2010.

**Ports, harbours and enclosed water vessels industry** means the operation of vessels of any type wholly or substantially within a port, harbour or other body of water within the Australian coastline or at sea on activities not covered by the above awards.

The award does not cover maintenance contractors covered by the following awards:

- the Manufacturing and Associated Industries and Occupations Award 2010
- the Electrical, Electronic and Communications Contracting Award 2010.

The award does not cover employees of a local government covered by another award.

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 port, harbour and enclosed water vessels industry 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.

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

## **Casual employees**

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

Please visit [www.fairwork.gov.au](http://www.fairwork.gov.au) for information about penalty entitlements for casual employees.

### \*Post 26 March 2006 employer

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

## **Adult**

Full & Part Time

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Master	Skipper	\$22.33
Mate	Mate	\$21.13
Engineer	Engineer	\$21.46

Casual

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Master	Skipper	\$27.69 (24%)
Mate	Mate	\$26.20 (24%)
Engineer	Engineer	\$26.61 (24%)

## **Junior**

## **Apprentice**

## **Trainee**

Trainee provisions are not covered in this Modern Award.

## **Supported Wage**

### **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 Pre-modern award penalty	1/07/2014 Modern award penalty	1/07/2010 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 Modern award penalty	1/07/2010 Penalty rate (phased) (20.00%)
10.00%	2.00%
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 Pre-modern award penalty	1/07/2010 Penalty rate (phased) (80.00%)
10.00%	8.00%
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:

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

*Example:*

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

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

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

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



## Allowances

For the purposes of this clause (14.21) a ship will be deemed to be wrecked if, while at sea, it is so disabled it becomes a dangerous crisis and unable for the time being to continue its voyage in the ordinary course of its operations.

Where a ship grounds in a tidal river or harbour and is refloated by ordinary means, with or without cargo, and without special work such as laying out anchors and handling hawsers being required of the employees, it will not be deemed to be wrecked or stranded within the meaning of clause 14.21(b)

In regard to clause 14.16, **Loading and discharge of cargo and supplies,**

- an additional amount will not be payable where the loading or discharge is restricted to ships stores, fuel and or water cargoes, incidental personal belongings of passengers, or other items required on board exclusively for a day cruise; and

- an employee may be required to supervise the loading or discharge (including roll on/roll off cargoes) where such work is part of their normal duties, without additional payment.

Clause 14.20(c) - Employees on vessels proceeding beyond the limits of a harbour, river or bay will whilst so engaged be paid their normal wage plus an allowance of 25% of their normal wage for each day with a minimum payment for four hours.

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
14.3(b)	Away from home/ usual place of employment	<p><b>Distant work</b></p> <p>A <b>relieving employee</b> (including a casual) who is temporarily transferred to a locality to carry out relieving duties, where it is necessary to sleep away from their home, will be provided with reasonable board and lodging or paid the allowance per week of 7 days. (56.23% x 38 hrs = 2136.74)</p> <p>In the case of broken parts of a week, maximum payment per day applies.</p>	1/07/2013 - 30/06/2014	\$430.1033 per 7 day week (2,136.74%)

## Full-time, Part-time

Clause	Allowance Type	Description	Effective Date	Rate
14.2	Charge hand allowance	All charge hands directly supervised by the foreman in the allocation of duties will be paid an allowance of 3.26% of the standard rate per week.	1/07/2013 - 30/06/2014	\$0.6562 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). (3.26%)
14.2	Charge hand allowance	Charge hands not directly supervised by a foreman in the allocation of duties to employees will be paid an allowance of 4.85% of the standard rate per week.	1/07/2013 - 30/06/2014	\$0.9763 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). (4.85%)
14.4	Certificate allowance	<b>Dual capacity allowance</b>  An employee who is a holder of a Certificate of Competency as a Marine Motor Engineer, when they are required to use such a certificate. The allowance will, when paid, be deemed to be part of the ordinary wage rate for the purpose of calculating	1/07/2013 - 30/06/2014	\$4.4364 per day or part day (22.04%)

Clause	Allowance Type	Description	Effective Date	Rate
		overtime, annual leave, sick leave and long service leave (0.58% per week x 38 = 22.04%)		
14.6	Uniform allowance	Where employees are required to wear uniforms, these will be provided at no cost or, the employer will pay an allowance of 2.01% of the standard rate per week. Such uniforms will be laundered by the employer.	1/07/2013 - 30/06/2014	\$0.4046 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). (2.01%)
14.8(a)	Dirty work allowance	An employee called upon to perform work which is more dirty or offensive than would normally apply (0.07% x 38 = 2.66%)	1/07/2013 - 30/06/2014	\$0.5354 per hour (2.66%)
14.8(b)	Dirty work allowance	For all work an employee is required to perform alongside vessels in discharging alumina, petroleum, coke, sulphur, anhydrous ammonia and all phosphates. Payment is made from the time the barge ties up to the vessel until the time it returns to its berth at the completion of the bunker (0.18% per week x 38 = 6.84% per hour)	1/07/2013 - 30/06/2014	\$1.3768 per hour (6.84%)
14.9	Wet work allowance	Any employee working in water or wet places.  (0.03% x 38 hrs = 1.14)  <b>Wet places</b> mean places where, in the performance of the work, the splashing of water or mud saturates the employee's clothing, or where protection is not provided to prevent splashing or dripping sufficient to saturate their clothing, and	1/07/2013 - 30/06/2014	\$0.2295 per hour (1.14%)

Clause	Allowance Type	Description	Effective Date	Rate
		will include wet material or wet ground in which it is impracticable for the employee wearing ordinary working boots to work without getting wet feet. Provided this will not apply to employees working on natural surface made wet by rain.		
14.10	Unloading and loading allowance	<b>Unloading and loading garbage allowance</b>  An employee called upon to work at loading or unloading garbage and or ashes or other like material (0.07% per week x 38 = 2.66% per hour)	1/07/2013 - 30/06/2014	\$0.5354 per hour (2.66%)
14.11	Slipway etc. allowance	<b>Slipway etc. allowance</b>  A <b>junior</b> employee called to work on slipways, cleaning, scraping, painting or overhauling launches, barges, punts or any other floating plant will be paid an allowance of 0.08% of the standard rate per hour.  (0.08% of the standard rate x 38 = 3.04% per hourly rate)	1/07/2013 - 30/06/2014	\$0.6119 per hour (3.04%)
14.12	Bilge allowance	An employee required to work in the bilges (0.11% per week x 38 = 4.18% per hour).	1/07/2013 - 30/06/2014	\$0.8414 per hour (4.18%)
14.13	Chipping hammers	<b>Chipping hammers</b>  Employees using electric or pneumatic chipping hammers, wire brushing machine and sandblasting machine will receive the allowance in addition to any other ordinary or overtime rate for the time so occupied. Where a chipping hammer is being used in a confined space, suitable ventilation will be installed, if practicable, before work commences (0.01% per week x 39 = 0.38% per hour)	1/07/2013 - 30/06/2014	\$0.0765 per hour (0.38%)

Clause	Allowance Type	Description	Effective Date	Rate
14.15	First aid allowance	An employee holding an appropriate first aid qualification such as a certificate from the St John Ambulance or its equivalent, who is required by the employer to perform first aid duty.	1/07/2013 - 30/06/2014	\$0.3422 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). (1.70%)
14.16(a)(i)	Unloading and loading allowance	An employee directed by the employer to load or discharge cargo including personal belongings of passengers, foodstuffs, beverages, or laundry, when so engaged, on vessels including barges and landing craft transporting passengers and cargo including fuel and or water and roll on/roll off cargoes between the mainland and island resorts will be paid an allowance of 2.99% of the standard rate per 5 working days.	1/07/2013 - 30/06/2014	\$0.6019 per hour of 5 working days.  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). (2.99%)
14.16(a)(ii)	Unloading and loading allowance	An employee directed by the employer to load or discharge cargo including personal belongings of passengers, foodstuffs, beverages, or laundry, when so engaged, on vessels including barges and landing craft transporting passengers and cargo including fuel and or water and roll on/roll off cargoes between the mainland and island resorts. Where an employee is so engaged in any week in excess of 5 days they will be paid an <b>additional</b> allowance of 0.61 of the standard rate per day.	1/07/2013 - 30/06/2014	\$4.6659 per day (23.18%)

Clause	Allowance Type	Description	Effective Date	Rate
		(0.61% x 38 hrs = 23.18)		
14.16(b)	Unloading and loading allowance	An employee directed by the employer to load or discharge cargo including personal belongings of passengers, foodstuffs, beverages, or laundry, when so engaged, on vessels (including barges and landing craft) transporting cargo only between the mainland and island resorts or between island resorts (5.23% per week x 38 = 198.74% per hour, paid per trip)	1/07/2013 - 30/06/2014	\$40.0043 per trip (198.74%)
14.16(c)	Unloading and loading allowance	An employee directed by the employer to load or discharge cargo including personal belongings of passengers, foodstuffs, beverages, or laundry, when so engaged, on vessels engaged in overnight cruises one to six nights (2.01% per week x 38 = 76.38% per hour, paid per trip)	1/07/2013 - 30/06/2014	\$15.3745 per trip (76.38%)
14.16(d)	Unloading and loading allowance	An employee directed by the employer to load or discharge cargo including personal belongings of passengers, foodstuffs, beverages, or laundry, when so engaged, on vessels engaged in overnight cruises over six nights (3.00% per week x 38 = 114% per hour, paid per trip)	1/07/2013 - 30/06/2014	\$22.9470 per trip (114.00%)
14.17	Meal allowance	When an employee is required to work overtime in excess of one and a half hours after the usual ceasing time, without being notified the previous day, they will be provided with a suitable meal or paid the allowance instead. Where overtime work continues for a further 4 hours, the employee will be provided with a second meal or allowance.	1/07/2013 - 30/06/2014	\$15.1400 per occasion
14.18(a)	Telephone allowance	<b>Waiting orders</b>  An employee who is required by their employer to telephone for orders will, if an employee has a telephone installed at their home, be paid the annual rental of such telephone plus this	1/07/2013 - 30/06/2014	\$126.2850 per year (627.38%)

Clause	Allowance Type	Description	Effective Date	Rate
		allowance for calls necessarily incurred by the employee for ringing for such orders. If the employee is required to have a phone installed, the installation fee will be paid by the employer (16.51% per week x 38 = 627.38% per hour, paid yearly)		
14.18(b)	Telephone allowance	<b>Waiting orders</b> An off-duty employee is required to ring for orders other than on a phone provided totally or in part by the employer (0.42% per week x 38 = 15.96% per hour, paid per call)	1/07/2013 - 30/06/2014	\$3.2126 per call (15.96%)
14.20(a)	Towing	All purpose allowance expressed as per day (or part thereof). Employees on any vessel either towing or carrying explosives. This allowance, 0.29% of the standard rate for each day or part thereof while so engaged is treated as part of the wages for all purposes of the award. <b>Explosives</b> means any material used as an explosive, such as gunpowder, blasting powder or materials, or any other material of like nature, but does not include petroleum products.	1/07/2013 - 30/06/2014	\$0.2919 per hour (1.45%)
14.20(b)	Towing	All purpose allowance expressed as per day (or part thereof). <b>Masters</b> engaged in towing non self-propelled bunker barges having a carrying capacity of 400 tonnes or more. Moving such bunker barges at terminal points is not regarded as towing within this provision. This allowance, 0.27% of the standard rate for each day or part thereof while so engaged will be treated as part of the wages for all purposes of this award.	1/07/2013 - 30/06/2014	\$0.2717 per hour (1.35%)
14.20(c)	Towing	<b>Master</b> Employees on vessels proceeding beyond the limits of a harbour, river or bay, with a minimum payment for 4 hours.	1/07/2013 - 30/06/2014	\$5.5822 per hour (25.00%)

Clause	Allowance Type	Description	Effective Date	Rate
14.20(c)	Towing	<b>Mate</b> Employees on vessels proceeding beyond the limits of a harbour, river or bay, with a minimum payment for 4 hours.	1/07/2013 - 30/06/2014	\$5.3178 per hour (25.00%)
14.20(c)	Towing	<b>Engineer</b> Employees on vessels proceeding beyond the limits of a harbour, river or bay, with a minimum payment for 4 hours.	1/07/2013 - 30/06/2014	\$5.3178 per hour (25.00%)
14.20(c)	Towing	<b>General purpose Hand, Deckhand, Greaser, Passenger attendant, Turnstile attendant, Boating Attendant, Host, Fireman, Trimmer, Linesman, Cook, Sailor, Able Seaman, Leading Hand</b> Employees on vessels proceeding beyond the limits of a harbour, river or bay, with a minimum payment for 4 hours.	1/07/2013 - 30/06/2014	\$5.0322 per hour (25.00%)
14.20(c)	Towing	<b>Shipkeeper</b> Employees on vessels proceeding beyond the limits of a harbour, river or bay, with a minimum payment for 4 hours.	1/07/2013 - 30/06/2014	\$4.6132 per hour (25.00%)
14.20(c)	Towing	<b>Crane driver (under 20 tonnes)</b> Employees on vessels proceeding beyond the limits of a harbour, river or bay, with a minimum payment for 4 hours.	1/07/2013 - 30/06/2014	\$4.6947 per hour (25.00%)
14.20(c)	Towing	<b>Crane driver (over 20 tonnes)</b> Employees on vessels proceeding beyond the limits of a harbour, river or bay, with a minimum payment for 4 hours.	1/07/2013 - 30/06/2014	\$5.1697 per hour (25.00%)
14.21(a)	Ships stranded or wrecked or on fire	If a ship in the course of a voyage becomes wrecked or stranded and the employees are called on for special efforts while the ship is still wrecked or stranded they will, for the time during which they so assist (1.71% per week x 38 = 64.98% per hour)	1/07/2013 - 30/06/2014	\$13.0798 per hour (64.98%)



Clause	Allowance Type	Description	Effective Date	Rate
14.22(a)(iii)	Transport allowance	Where an employee commences or finishes work or is required for call-out between the hours of 11.00 pm and 6.00 am the employer will, if by arrangement with their employer the employee uses their own motor vehicle they will receive an allowance.	1/07/2013 - 30/06/2014	\$0.7600 per kilometre.
14.22(b)	Transport allowance	An employee required to use their own vehicle to travel to or from a starting or finishing point other than their regular starting or finishing point will be paid for the distance and time in excess of the distance or time involved in getting to their normal starting or finishing point, an allowance for the excess distance travelled and will be paid at their minimum weekly rate for the excess time occupied in travelling with a minimum of half an hour and a maximum of one hour.	1/07/2013 - 30/06/2014	\$0.7600 per kilometre.
14.25	Duties outside normal work	<p><b>Loading for duties outside normal work</b></p> <p>An allowance will be paid in excess of other wages and allowances to employees, for each day they are required to perform the duties of diving to clean glass bottom boats or to clear obstructions from boats propellers (0.55% per week x 38 = 20.9% per day)</p>	1/07/2013 - 30/06/2014	\$4.2070 per day (20.90%)

changed ID 4498 from OT to SW cl. 18.4(b)

## **Other Conditions**

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

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

For more information about the NES, please visit [www.fairwork.gov.au](http://www.fairwork.gov.au)

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

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
7	Award flexibility (Instrument)	<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"><li>- arrangements for when work is performed</li><li>- overtime rates</li><li>- penalty rates</li><li>- allowances</li><li>- leave loading.</li></ul> <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"><li>- duty to notify, and</li><li>- duty to discuss change.</li></ul>
9	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>
10.3	Casual conditions	<p>A casual employee is an employee engaged as such.</p>

Clause	Conditions Type	Description
	(Instrument)	<p>A casual employee for working within the ordinary hours of work pursuant to clause 18 will be paid per hour for the work performed plus 25% loading which incorporates the casual employees' entitlements to annual leave, annual leave loading and any other rates and allowances contained in this award except overtime and shift allowances.</p> <p>Casual employees must be paid at the termination of each engagement, but may agree to be paid weekly or fortnightly.</p> <p>On each occasion a casual employee is required to attend work they are entitled to a minimum payment for three hours work.</p>
10.4	Part-time conditions (Instrument)	<p>An employer may employ part-time employees in any classification in this award.</p> <p>A part-time employee is an employee who:</p> <ul style="list-style-type: none"> <li>- has reasonably predictable hours of work; and</li> <li>- receives on a pro rata basis equivalent pay and conditions to those of full-time employees who do the same kind of work.</li> </ul> <p>At the time of engagement the employer and the part-time employee will agree in writing, on a regular pattern of work, specifying at least the hours worked each day, which days of the week the employee will work and the actual starting and finishing times each day.</p> <p>Any agreed variation to the regular pattern of work will be recorded in writing.</p> <p>An employee is required to roster a regular part-time employee for a minimum of two consecutive hours on any shift.</p> <p>An employee who does not meet the definition of a regular part-time employee and who is not a full-time employee will be paid as a casual employee.</p> <p>All time worked in excess of the hours as mutually arranged, excluding any additional hours, will be overtime.</p> <p>A regular part-time employee employed under the provisions of this clause must be paid for ordinary hours worked on a pro rata basis of the full-time employee at the full-time employee rate.</p> <p>All leave accruals and separation entitlements of part-time employees will be calculated and paid on a pro rata basis of the full-time employee at the full-time rate of pay.</p> <p>Where an employee and their employer agree in writing, part-time employment may be converted to full-time and vice versa. If such an employee transfers from full-time to part-time (or vice versa), all accrued award and legislative entitlements will be maintained. Following transfer to part-time employment</p>

Clause	Conditions Type	Description
		accrual will occur in accordance with the provisions relevant to part-time employment.
11.2	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.
11.3	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.
11.4	Termination of employment - return to place of engagement (Instrument)	If the employment of any employee is terminated by the employer elsewhere than at the place of engagement, for any reason other than misconduct, the employer will be responsible for conveying the employee to the place of engagement.
12.2	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.
12.3	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.
12.4	Redundancy - job search entitlement (Instrument)	An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.  If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.
12.5	Redundancy - transitional provisions (Instrument)	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

Clause	Conditions Type	Description
		<p>had applied to the employee; and that would have entitled the employee to redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010.</p> <p>The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p> <p>The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
14.1	Clothing, footwear and/or equipment (Instrument)	<p>[[Bedding and other utensils</p> <p>When vessels are away during the night, the employer will supply a mattress, two blankets, two sheets, one pillow, one pillow slip, towel, soap, eating utensils, washing cloths and drying towels. Laundering to be the responsibility of the employer.</p> <p>On termination of employment an employee will be required to return to the employer all articles on issue to them.</p>
14.3(a)	Travelling time (Instrument)	<p><b>Distant work</b></p> <p>A relieving employee other than a casual employee who is required to work at a place away from their normal place of work will be paid all additional fares involved and additional travelling time involved at the rate of single time; provided that no employee will be paid more than their ordinary day's wages for any time not exceeding 24 hours spent travelling.</p>
14.5	Clothing, footwear and/or equipment	<p><b>Protective clothing</b></p>

Clause	Conditions Type	Description
	(Instrument)	On request an employee will be supplied by the employer with an oilskin, sou'wester, sea boots, overalls, gloves, hard hats, sunscreen lotion, safety glasses, safety shoes, sunglasses and ear protection devices for their own use when it is reasonably necessary to wear such protective clothing.
14.7	Clothing, footwear and/or equipment (Instrument)	<p><b>Compensation for loss of personal effects</b></p> <p>If in the course of employment an employee should sustain damage to or loss of their personal effects by fire, explosion, foundering, shipwreck, collision, stranding or accident and where such damage was not caused by the employee's own wilful neglect or fault or where such articles are lost through breaking or entering whilst securely stored at the employer's direction in a room or building on the employer's premises, vessel or work shop, the employee will be compensated to the extent of the damage or loss to a maximum of 210.30% of the standard rate.</p>
14.14	Expenses (Instrument)	<p><b>Expenses</b></p> <p>The employer will reimburse an employee any expenses reasonably incurred by them in the service or interest of the employer, provided the employee is able to prove such expense by way of receipts.</p>
14.19	Tools (Instrument)	<p><b>Tools</b></p> <p>Where employees are required to provide and use their own tools the employer will be responsible for the replacement of such tools broken, worn out, lost or stolen in the course of employment.</p>
14.22(a)	Transport of employees (Instrument)	<p><b>[Transport</b></p> <p>Where an employee commences or finishes work or is required for call-out between the hours of 11.00 pm and 6.00 am the employer will:</p> <ul style="list-style-type: none"> <li>- supply them with a conveyance to or from their home whichever is appropriate;</li> <li>- pay them for time spent in reaching their home or travelling there from at the employee's minimum weekly rate with a minimum of half an hour and a maximum of one hour.</li> </ul>
14.22(c)	Travelling time (Instrument)	<p><b>Transport</b></p> <p>An employee not required to use their own motor vehicle and should in the ordinary course of employment begin their work for the day at a particular place, is required to finish work at a place other than that</p>

Clause	Conditions Type	Description
		particular place will be paid any reasonable travelling expenses and will also be paid at overtime rates of pay for any travelling time occasioned beyond their ordinary travelling time.
14.23	Travelling time (Instrument)	<p><b>Travelling to another port</b></p> <p>When an employee is required to travel from their home port to another port, time spent outside of their ordinary hours will be paid for as travelling time.</p> <p>The rate of pay for travelling time will be ordinary rates, except on Sundays and public holidays when it will be time and a half.</p> <p>The maximum travelling time to be paid for will be eight hours on any one day.</p>
14.24	Transport of employees (Instrument)	<p><b>Travelling expenses</b></p> <p>Where an employee is required to join or leave a vessel at a place other than their place of engagement, they will be entitled to a free passage and to be reimbursed all out of pocket expenses reasonably incurred by them. The free passage if by rail will be first class and will include a sleeping berth when the train includes sleeping berth accommodation. The free passage if by air is to be in commercial aircraft, first class if available.</p>
14.26	Away from home/usual place of employment (Instrument)	<p><b>Living away from home</b></p> <p>Whilst away from the vessel's home port, an employer will provide the employee with proper meals and accommodation and be responsible for payment of reasonable expenses actually incurred for such meals and accommodation ashore.</p> <p>Whilst at sea, every employee will be provided with proper meals, attendance, bedding and soap, and be supplied once a week with clean bed linen and twice a week with clean towels. The employer will be responsible for the laundering of linen and towels.</p> <p>Where it is the employer's responsibility to provide the employee with proper meals and accommodation ashore, and the employer fails to do so, the employer will reimburse the employee for all costs incurred in relation to normal meals and charges incurred for a good standard of accommodation.</p> <p>Tea, sugar, milk and coffee will be provided on all vessels for employees at the employer's expense.</p>
14.27	Higher duties (Instrument)	<p><b>Higher duties</b></p>

Clause	Conditions Type	Description
		An employee engaged for more than two hours during one day on duties carrying a higher rate than their ordinary classification will be paid the higher rate for such day. If engaged for two hours or less during one day they will be paid the higher rate for the time so worked.
15	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> <li>- a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and</li> <li>- that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.</li> </ul> <p>The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
17	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> <li>- the employers responsibility to make superannuation contributions to a superannuation fund</li> <li>- the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund</li> <li>- the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.</li> </ul>
18	Hours of work (Instrument)	<p>Span of hours Ordinary hours may be worked between 6.00 am and 6.00 pm for up to eight hours per day, Monday to Friday inclusive. Rostering Rostered days off will be so arranged that in each week two of such days will be consecutive except where the employer and the employee agree otherwise.</p>



Clause	Conditions Type	Description
		<p>Avoidance of physical exhaustion  An employee who has been on duty continuously, including meal breaks, for more than 18 hours will not be required by their employer to continue duty until they have had, for the purpose of rest, a period of 10 hours off duty.  Should an employee work at the request of the employer after they have been on duty continuously, including meal breaks for more than 18 hours, they will be entitled to be paid at the rate of double time for the period of such duty in addition to any other payment due to them until such time as the 10 hours' respite from duty commences.  Employees will receive their full weekly rate notwithstanding any rest period occurring in ordinary working hours.</p>
19	Breaks (Instrument)	<p>An employee will not be required to work for more than five hours without a break for a meal.</p> <p><b>Breakfast</b></p> <p>Breakfast is the hour preceding the usual starting time. The breakfast break will not be taken when employees are required to commence at 7.00 am or after, and proceeding the usual starting time.</p> <ul style="list-style-type: none"> <li>- By mutual agreement between the employer and employees concerned, a 20 minutes rest period may be taken without deduction of pay instead of the prescribed hour for breakfast. This rest period will commence 20 minutes before the usual starting time unless otherwise mutually agreed.</li> <li>- Employees ordered in to dock or shift a vessel at 7.00 am will not be entitled to a meal break before noon, but if ordered in at any time before 7.00 am they will have an hour for breakfast not later than 8.00 am or a rest period of 20 minutes as provided above.</li> </ul> <p><b>Lunch</b></p> <p>Lunch is from noon to 12.45 pm or such period as is the usual custom of the establishment at which the employees are employed.</p> <p><b>Tea</b></p> <p>Tea is from 5.00 pm to 6.00 pm or according to the usual custom of the establishment at which the employees are employed. Provided that by mutual agreement between the employer and employee concerned a rest period may be taken.</p>

Clause	Conditions Type	Description
		The times prescribed above may be altered by mutual agreement between the employer and employee concerned.
21.1(a)	Shiftwork (Instrument)	Afternoon shift means any shift finishing after 6.00 pm and at or before midnight
21.1(b)	Shiftwork (Instrument)	Continuous work means work carried on with consecutive shifts of employees throughout the 24 hours of each of at least six consecutive days without interruption except during breakdowns or meal breaks or due to unavoidable causes beyond the control of the employer
21.1(c)	Shiftwork (Instrument)	Night shift means any shift finishing subsequent to midnight and at or before 8.00 am.
21.1(d)	Shiftwork (Instrument)	Permanent night shift employee means an employee who: <ul style="list-style-type: none"> <li>- during a period of engagement on shift, works night shift only</li> <li>- remains on night shift for a period longer than four consecutive weeks; or</li> <li>- works on a night shift which does not rotate or alternate with another shift or with day work so as to give them at least one third of their working time off night shift in each shift cycle during such engagement period or cycle.</li> </ul>
22.2	Annual leave loading (Instrument)	A loading of 17.5% is payable in additional to the payment for the leave.
22.2	Annual leave loading (Instrument)	A loading of 20% for shiftworkers is payable in additional to the payment for the leave.
22.4	Annual leave (Instrument)	<p><b>Requirement to take annual leave</b></p> <p>Annual leave must be taken within six months of the entitlement accruing. An employer may require an employee to take a period of annual leave provided the employee is given at least 14 days notice.</p>

## **Frequency of Payment**

Wages will be paid weekly or fortnightly. Wages may be paid by cash or electronic funds transfer (EFT).

**IMPORTANT NOTE: Disclaimer**

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

The information contained in this guide is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional.