


PAY AND CONDITIONS GUIDE

Architects Award 2010 [MA000079] ('modern award')
replacing terms and conditions in or derived from

**Property and Business Services Industry Sector Minimum Wage
Order - Victoria - 1997 [AP793164]** ('pre-modern award')

(VIC)

Effective from 01 July 2013.

Published 20 June 2013 

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 of architects throughout Australia with respect to their employees in the classification in this award and those employees to the exclusion of any other modern award.

The award does not cover any employee engaged on the academic staff of a university or college of advanced education.

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 on-hire employees in classifications set out in this award and those on-hire employees, if the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee.

Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

Wages

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

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

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

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

Casual employees

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

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

*Post 26 March 2006 employer

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

Adult

The rates in this guide are current from the first pay period on or after 01 July 2013 until the final pay period before 01 July 2014 only.

Full & Part Time

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Minimum wages		
Level 2(a) Experienced Graduate of Architecture	Level 10	\$24.55
Level 2(b) Registered Architect, Entry	Level 11	\$25.03
Level 2(b) Registered Architect, 1st pay point	Level 11	\$25.68
Level 2(b) Registered Architect, 2nd pay point	Level 11	\$26.33

Casual

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Minimum wages		
Level 2(a) Experienced Graduate of Architecture	Level 10	\$30.68 (25%)
Level 2(b) Registered Architect, Entry	Level 11	\$31.29 (25%)
Level 2(b) Registered Architect, 1st pay point	Level 11	\$32.10 (25%)
Level 2(b) Registered Architect, 2nd pay point	Level 11	\$32.91 (25%)

Casual (employees subject to business equipment (technical standard), country printer, or security awards)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Minimum wages		
Level 2(a) Experienced Graduate of Architecture	Level 10	\$30.44 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 2(b) Registered Architect, Entry	Level 11	\$31.04 (24%)
Level 2(b) Registered Architect, 1st pay point	Level 11	\$31.84 (24%)
Level 2(b) Registered Architect, 2nd pay point	Level 11	\$32.65 (24%)

Junior

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

Apprentice

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

Trainee

Trainee provisions are not covered in this Modern Award.

Supported Wage

Supported Wage rates of pay are not covered by this summary.

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%

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

Entitlements that are not equivalent

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

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

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

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

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

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

Example:

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

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

1/01/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
	(20.00%)
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%
100.00%	20.00%
120.00%	24.00%

1/01/2010	1/07/2010
Pre-modern award penalty	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%

1/01/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
	(20.00%)
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

1/01/2010	1/07/2010
Pre-modern award penalty	Penalty rate (phased)
	(80.00%)
125.00%	100.00%
130.00%	104.00%
150.00%	120.00%

New entitlements

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

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

Example:

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

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

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

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

Allowances

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

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

Clause	Allowance Type	Description	Effective Date	Rate
16.1	Vehicle allowance	Where an employee uses their private vehicle for work purposes	1/07/2013	\$0.7600 per kilometre travelled
16.2(b)	Meal allowance	Economy air travel meal allowance (where in flight meal not provided)	1/07/2013	\$8.5100 per meal period

Other Conditions

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

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

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

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	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:

Clause	Conditions Type	Description
		<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	Facilitative provisions (Instrument)	The award contains facilitative provisions which allow a departure from certain parts of the award by agreement between the relevant parties. Full details can be found in the award.
9	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> - duty to notify, and - duty to discuss change.
10	Dispute resolution (Instrument)	The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).
11.1(b)	Part-time conditions (Instrument)	<p>A part-time employee:</p> <ul style="list-style-type: none"> - works less than 38 hours per week - will accrue all the provisions of the award as a full-time employee on a pro-rata basis <p>The spread of ordinary hours is the same as those prescribed for full-time employees.</p>
11.2	Casual conditions (Instrument)	A casual employee is one engaged and paid as such. An employee not specifically engaged as a casual employee will be deemed to be employed by the week.
12.2	Termination of employment - notice of termination by an employee	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.

Clause	Conditions Type	Description
	(Instrument)	
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 one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.
13.2	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.
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)	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.
13.5	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 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. The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES. This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.
14.1	Other	Wages classification and progression

Clause	Conditions Type	Description
	(Instrument)	On engagement an employee must be advised in writing of their wage and any normal practice for remuneration reviews, where such remuneration is in excess of the award. Upon request an employer must advise an employee of the award classification which they consider to be appropriate with regard to their duties.
15.2	Other (Instrument)	<p>Progression from Graduate of Architecture to Registered Architect</p> <p>To facilitate a Graduate of Architectures' progress towards obtaining mandatory experience based on the Prescribed Competencies for registration, there must be an annual review process. As a part of this review, progress for the previous 12 months must be reviewed and objectives for the next 12 month period should be mutually agreed, and set out in writing. This will include any training which the employee will be expected to undertake in order to fulfil the requirements of their position. The cost of such approved training will be borne by the employer.</p> <p>If the employee has reasonably met the objectives arising out of the annual review this must be confirmed in writing and the employee must progress to the next pay point within the Level 1 wage band.</p> <p>The award outlines the prescribed competencies against which experience is to be documented.</p>
15.3	Other (Instrument)	<p>Registered Architect</p> <p>A Registered Architect will move from the entry to the first and second pay point rates upon the demonstration of acquisition of competencies as set out in the National Competency Standards in Architecture adopted by the Architects Accreditation Council of Australia in addition to those accepted for advancement to the current classification level.</p> <p>To facilitate a Registered Architects' progress towards the acquisition of competencies there must be an annual review process. The review process will be conducted in the same manner as specified for a Graduate of Architecture.</p>
15.4	Other (Instrument)	Students of Architecture

Clause	Conditions Type	Description
		<p>When calculating service to determine classification level the total number of weeks of employment and years of experience under the supervision of a Registered Architect, whether undertaken for a single employer or many will be included.</p> <p>Weeks of employment for a full-time student means a 38 hour working week, 7.6 hours per day, or its equivalent. For part-time students a week of employment means a minimum of a 30 hour week or its equivalent.</p> <p>Year of experience means a minimum of 30 hours per week (or the equivalent) over a 12 month period.</p> <p>Absences on annual leave, personal/carer's leave, and public holidays will be counted as service.</p> <p>Statement of service</p> <p>On termination a Student of Architecture must be provided with a Statement of Service. The Statement of Service must contain the dates of the commencement and termination of employment and the total number of weeks/months/years of employment.</p> <p>Employment will be supervised by a registered architect.</p> <p>A formal record of employment signed by each employer as applicable must be maintained by the employee.</p>
15.5	Study leave (Instrument)	<p>A Graduate of Architecture must (after due notification to the employer) be allowed paid leave to attend courses, study for and attend the Architectural Practice Examination (APE) which comply with the Architects Registration Board's Requirements. The duration of leave is not to exceed 4 days for study and attendance at examinations for each APE examination period for which they present.</p> <p>A student must (after due notification to the employer) be allowed paid leave to attend examinations held by the education institution conducting their course of study, held during the scheduled formal exam period at the end of a semester. The duration of which is not to exceed one day maximum time for each examination for which they present.</p> <p>After mutual agreement a student will be allowed:</p>

Clause	Conditions Type	Description
		<p>- to attend lectures/classes at a university part-time or other institution as part of a course to enable the employee to qualify as a Graduate of Architecture</p> <p>- to attend a full-time course of architectural education accredited by an Architect's Registration Board, provided that where the duration of such course exceeds a total of 3 weeks in any one year. The employer will be entitled to grant such leave without pay.</p>
15.6	Other (Instrument)	<p>Disclosure of qualifications</p> <p>An employee, or an applicant for employment covered by this award will produce written evidence that they are registered or have achieved academic qualification in an approved course, if and when required by an employer or potential employer.</p> <p>Where an employee has failed to produce such evidence and they claim to be entitled to payment at a rate determined by this award in respect of any period in which they failed to produce that evidence, it will be a defence to the employer if the employer wishes to establish that during the period the employer did not know and had no reason to know or believe that the employee possessed or had acquired the qualifications of an architect or an architectural graduate as the case may be.</p>
15.7	Training conditions (Instrument)	Where a conference, seminar, or course has been approved the employer must reimburse employee costs and must continue the payment of wages to the employee. Reimbursement under this subclause will not apply where there is mutual agreement on other equivalent arrangements. Where permission to attend has been granted, the employee will suffer no loss of continuity of service as a result of such attendance.
16.2	Transfer of employee (Instrument)	<p>If an employee is directed to work at a place other than their usual place of employment, an allowance equivalent to all fares necessarily incurred by them each day in excess of the normal fares from their home to their usual place of employment and return must be paid by the employer.</p> <p>If an employee is directed to work at a place other than their usual place of employment the allowance which will be payable will be such as to enable them to avail themselves of appropriate travel arrangements.</p>
16.2(c)	Travelling time (Instrument)	Where an employee is directed to work at a place other than their usual place of employment, all travelling time in excess of the time normally occupied in travelling will be deemed to be working time and must be paid for at the appropriate rate. Where the excess travelling time is more than one hour each way, the

Clause	Conditions Type	Description
		employer will have the option of providing reasonable living away from home expense reimbursement for a period in excess of 4 weeks.
16.2(d)	Away from home/usual place of employment (Instrument)	<p>An employee directed to work at a place away from their usual place of work which involves sleeping away from their usual residence must be paid an allowance equivalent to all reasonable expenses incurred.</p> <p>If an employee is directed to work at an altered permanent locality which necessitates the employee changing their place of residence, the employer must pay an allowance equivalent to all fares prescribed by the award and travelling and temporary lodging and the transport of the employee's family effects from their then place of residence to their new place of residence. If the employee is not dismissed for misconduct or does not resign within 12 months of commencing such work, the employer must pay fares and travelling expenses for the employee's family and expenses of transporting their effects back to their former place of residence.</p>
16.3	Clothing, footwear and/or equipment (Instrument)	<p>Equipment and special clothing allowance</p> <p>Where an employee is required to provide and use a drawing board, paraline or drafting machine, paper, pencils, leads, colours, inks and wearable parts of pen and pencils, the employer must reimburse them for the costs of purchasing such equipment. The employer must pay an allowance equivalent to the cost of any necessary protective clothing required for on-site use. These provisions will not apply where the equipment/clothing is supplied without cost to the employee.</p>
17	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> - a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and - that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument. <p>The employee's entitlement to accident pay under the 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>

Clause	Conditions Type	Description
		This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.
18	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.
19.1	Hours of work (Instrument)	<p>Ordinary hours of work are worked between 8.00 am and 6.00 pm, Monday to Friday and must not exceed 38 per week.</p> <p>The spread of hours may be altered by agreement between the employer and majority of employees concerned.</p>
19.2	Overtime – time off in lieu (Instrument)	<p>An employer must compensate an employee for all time worked in excess of the normal hours of duty by granting time off, or by payment (at overtime rates) for such excess time within 6 months of it accruing.</p> <p>Other arrangements may be agreed so long as the arrangement is not entered into for the purpose of avoiding award obligations, does not result in unfairness to the employee, is recorded in writing and kept as a time and wages record.</p>
20.2	Annual leave (Instrument)	<p>An employee must be allowed to take annual leave at an agreed time, within 4 months after it is due. The employer and the employee may agree to extend this period to 12 months.</p> <p>The employer and employee should seek to reach agreement on the time and amount of annual leave to be taken. Where no agreement can be reached, the employer may direct the taking of annual leave with one month's notice. The annual leave to be taken in this circumstance must not be of a period of less than 2 weeks.</p>

Clause	Conditions Type	Description
20.3	Annual leave loading (Instrument)	During a period of annual leave an employee will receive a loading of 17.5% on the award rate they would have been entitled to receive for their ordinary hours had they not been on leave. This loading will not apply to pro rata leave or proportionate leave on termination.
23.2	Public holidays (Instrument)	Substitution of public holidays by agreement An employer and the majority of affected employees may agree to substitute another day for any of the public holidays provided in the NES.
	Long service leave (Fair Work Act)	Entitlements for Long Service Leave are obtained from the relevant State Legislation.

Frequency of Payment

In accordance with the Fair Work Act 2009, an employer must pay an employee at least monthly.

IMPORTANT NOTE: Disclaimer

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

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

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

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

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

The information contained in these Pay and Conditions Guides is:

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

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