



Australian Government

# Fair Work

## OMBUDSMAN

### PAY AND CONDITIONS GUIDE

#### **Ambulance and Patient Transport Industry Award 2010**

**[MA000098]** ('modern award')


replacing terms and conditions in or derived from

#### **Health, Community Services and Ambulance - Management and Administrative Staff (Public Sector - Victoria) Award 2005**

**[AP843641]** ('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 industry award covers employers throughout Australia in the ambulance and patient transport industry and their employees in the classifications listed in this modern award to the exclusion of any other modern 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 ambulance and patient transport 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. This subclause operates subject to the exclusions from coverage in this award.

The award does not cover an employer bound by any of the following awards:

- Aged Care Award 2010
- Health Professionals and Support Services Award 2010
- Medical Practitioners Award 2010
- Nurses Award 2010
- Social, Community, Home Care and Disability Services Industry Award 2010

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**

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**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
<b>Clerical &amp; administrative support</b>		
Administrative officer band 1, 1st year	Ambulance sector, Grade 0-1	\$18.65
Administrative officer band 1, 2nd year	Ambulance sector, Grade 0-1	\$19.30
Administrative officer band 1, 3rd year and thereafter	Ambulance sector, Grade 0-1	\$19.95
Administrative officer band 2, 1st year	Ambulance sector, Grade 2	\$20.60
Administrative officer band 2, 2nd year	Ambulance sector, Grade 2	\$21.39
Administrative officer band 2, 3rd year & thereafter	Ambulance sector, Grade 2	\$22.18
Administrative officer band 3	Ambulance sector, Grade 3	\$23.38
Administrative officer band 4	Ambulance sector, Grade 4	\$25.01

### **Casual**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
<b>Clerical &amp; administrative support</b>		
Administrative officer band 1, 1st year	Ambulance sector, Grade 0-1	\$23.31 (25%)
Administrative officer band 1, 2nd year	Ambulance sector, Grade 0-1	\$24.13 (25%)
Administrative officer band 1, 3rd year and thereafter	Ambulance sector, Grade 0-1	\$24.94 (25%)
Administrative officer band 2, 1st year	Ambulance sector, Grade 2	\$25.75 (25%)
Administrative officer band 2, 2nd year	Ambulance sector, Grade 2	\$26.74 (25%)
Administrative officer band 2, 3rd year & thereafter	Ambulance sector, Grade 2	\$27.73 (25%)
Administrative officer band 3	Ambulance sector, Grade 3	\$29.23 (25%)
Administrative officer band 4	Ambulance sector, Grade 4	\$31.26 (25%)

### **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.

<b>1/01/2010</b>	<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
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:

<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%

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:

<b>First full pay period on or after</b>	<b>Percent of pre-modern award loading/penalty</b>
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.

<b>1/01/2014</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(20.00%)</b>
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%

<b>1/01/2010</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(80.00%)</b>
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**

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**

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
14.2	Continuing education program (CEP) allowance	All purpose allowance expressed as an hourly rate.  Continuing Education Program (CEP) allowance units 1–4	1/07/2013	\$0.3865 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). (1.71%)
14.2	Continuing education program (CEP) allowance	All purpose allowance expressed as an hourly rate.  CEP allowance units 5–6	1/07/2013	\$0.3865 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). (1.71%)

Clause	Allowance Type	Description	Effective Date	Rate
14.2	Continuing education program (CEP) allowance	All purpose allowance expressed as an hourly rate.  CEP allowance unit 7	1/07/2013	\$0.4814 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). (2.13%)
14.2	Paramedic skills allowance	All purpose allowance expressed as an hourly rate.  Paramedic skills allowance (inclusive of CEP allowances 1–7)	1/07/2013	\$2.6558 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). (11.75%)
15.1	Other	<u>Communications centre allowance</u>  An operational employee or Communications Call Taker in an ambulance service, other than an employee being trained in the communications centre, is entitled to an allowance per 8 hour shift for all disabilities incurred whilst performing communications centre duties.  (0.71% per week * 38 = 26.98% per hour)	1/07/2013	\$6.0982 per eight hour shift (26.98%)

Clause	Allowance Type	Description	Effective Date	Rate
15.1	Other	<p><u>Communications centre allowance</u></p> <p>An operational employee or Communications Call Taker in an ambulance service, other than an employee being trained in the communications centre, is entitled to an allowance for each rostered hour in excess of eight hours, for all disabilities incurred whilst performing communications centre duties.</p> <p>(0.09% per week * 38 = 3.42% per hour)</p>	1/07/2013	\$0.7730 per rostered hour in excess of eight hours (3.42%)
15.2(a)(i)	Other	<p>An employee at the level equal to or below an Assistant Station Officer/Regional Relieving Officer in an ambulance service, who is required to form a crew and perform operational duties training a Student Ambulance Officer/Paramedic Level 1, is entitled to an allowance per eight hour shift.</p> <p>(0.47% per week * 38 = 17.86% per hour)</p>	1/07/2013	\$4.0368 per eight hour shift (17.86%)
15.2(a)(ii)	Other	<p>An employee at the level equal to or below an Assistant Station Officer/Regional Relieving Officer in an ambulance service, who is required to form a crew and perform operational duties training a Student Ambulance Officer/Paramedic Level 1, is entitled to an allowance per hour for each rostered hour in excess of eight hours.</p> <p>(0.06% per week * 38 = 2.28% per hour)</p>	1/07/2013	\$0.5153 per rostered hour in excess of eight hours (2.28%)
15.2(b)	Other	<p>A Student Ambulance Officer/Paramedic required to form a crew and perform operational duties with a Student Ambulance Officer/Paramedic, of equal or more junior level, is entitled to a weekly allowance and a pro rata amount for periods of less than a week.</p> <p>(2% per week * 38 = 76% per hour)</p>	1/07/2013	<p>\$0.4521 per hour.</p> <p>This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work</p>

Clause	Allowance Type	Description	Effective Date	Rate
				(up to a maximum of 38 hours per week). (2.00%)
15.2(c)	Other	An employee required to undertake and perform operational stretcher duties as a single officer crew is entitled to an allowance per eight hour shift, and a pro rata amount for any period in excess of eight hours.  (1.5% per week * 38 = 57% per hour)	1/07/2013	\$12.8835 per eight hour shift (57.00%)
15.3	Flying allowance	An employee required to perform duties on board a fixed wing or rotary wing aircraft in flight, is entitled to an allowance for each eight hour shift or part shift during which that duty is performed.  (6% per week * 38 = 228% per hour)	1/07/2013	\$51.5340 per eight hour shift or part shift (228.00%)
15.4(a)(i)	Other	All purpose allowance expressed as an hourly rate.  <b>Ambulance service: Level 1 — first 12 months of experience</b>  A <u>paramedic skills allowance</u> of 10.58% of the standard rate per week will be paid for all purposes to any employee at the level of Ambulance Officer/Paramedic or above who possesses the Graduate Diploma of Health Science (MICA Paramedic) or other equivalent accredited qualification for an Intensive Care Paramedic and who is employed as an Intensive Care Paramedic.	1/07/2013	\$2.3914 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). (10.58%)
15.4(a)(ii)	Other	All purpose allowance expressed as an hourly rate.	1/07/2013	\$3.5124 per hour.

Clause	Allowance Type	Description	Effective Date	Rate
		<p><b>Ambulance service, Level 2 — second year of experience</b></p> <p>A <u>paramedic skills allowance</u> of 15.54% of the standard rate per week will be paid for all purposes to any employee at the level of Ambulance Officer/Paramedic or above who possesses the Graduate Diploma of Health Science (MICA Paramedic) or other equivalent accredited qualification for an Intensive Care Paramedic and who is employed as an Intensive Care Paramedic.</p>		<p>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). (15.54%)</p>
15.4(b)	Other	<p>All purpose allowance expressed as an hourly rate.</p> <p><b>All other employees</b></p> <p>A <u>paramedic skills allowance</u> of 6.21% of the standard rate per week will be paid for all purposes to any employee at the level of Ambulance Officer/Paramedic or above who possesses the Graduate Diploma of Health Science (MICA Paramedic) or other equivalent accredited qualification for an Intensive Care Paramedic and who is employed as an Intensive Care Paramedic.</p>	1/07/2013	<p>\$1.4036 per hour.</p> <p>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). (6.21%)</p>
15.5(b)(ii)	Travel allowance	<p>If an employee is required to use their own motor vehicle in connection with the employer's business including to begin work at a workplace other than their normal location, the employee is entitled to be reimbursed.</p> <p>This allowance will not apply if the new location is an equal distance or nearer to the employee's residence than the location where the employee is normally rostered or posted; or to an employee who changes roster by agreement with another employee.</p>	1/07/2013	\$0.7600 per kilometre

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
15.7(a)(iii)	Meal allowance	<p>An employee required to relieve another employee and to live away from home is entitled a meal allowance for breakfast.</p> <p>This allowance will not be paid to employees returning home, for eg. during normal rostered breaks.</p> <p>Employees in receipt of this meal allowance do not receive the normal meal allowance as listed in 'Other conditions'.</p>	1/07/2013	\$14.1900 per breakfast
15.7(a)(iii)	Meal allowance	<p>An employee required to relieve another employee and to live away from home is entitled a meal allowance for lunch.</p> <p>This allowance will not be paid to employees returning home, for eg. during normal rostered breaks.</p> <p>Employees in receipt of this meal allowance do not receive the normal meal allowance as listed in 'Other conditions'.</p>	1/07/2013	\$28.3800 per lunch
15.7(a)(iii)	Meal allowance	<p>An employee required to relieve another employee and to live away from home is entitled a meal allowance for dinner.</p> <p>This allowance will not be paid to employees returning home, for eg. during normal rostered breaks.</p> <p>Employees in receipt of this meal allowance do not receive the normal meal allowance as listed in 'Other conditions'.</p>	1/07/2013	\$42.5700 per dinner
15.7(b)	Other	<p>Employees required to live away from home, other than during a period of training, are entitled to be paid an allowance per night.</p>	1/07/2013	\$18.6800 per night
15.8(b)	Other	<p>Student Ambulance Officers employed by an ambulance service are paid an incidental expenses allowance per day, for the day they attend a compulsory course of training; the weekend</p>	1/07/2013	\$14.2400 per day

Clause	Allowance Type	Description	Effective Date	Rate
		between successive weeks of a course if they elect to remain at the educational institution; and each day of attending a compulsory driver training course.		
15.11(a)	Meal allowance	An employee is entitled to a meal allowance per shift to cover the cost of buying a meal away from the employee's branch or usual place of work. This allowance will not be provided if employer provides a meal for the employee.	1/07/2013	\$14.1900 per shift
15.11(b)	Meal allowance	An employee required to work for more than five hours in a row without a meal break, is entitled to be paid this allowance.	1/07/2013	\$3.7500 per meal
15.11(c)	Meal allowance	An employee called back to duty before having eaten a meal during a meal break, is entitled to one spoilt meal allowance in any shift.  The employee may be required to present satisfactory evidence of such spoilage to the employer.	1/07/2013	\$14.1900 per shift
15.11(d)	Meal allowance	An employee who works overtime for more than two hours after the employee's normal finishing time, is entitled to an overtime meal allowance.	1/07/2013	\$17.7400 per meal
25.1	On call allowance	An employee in accordance with an on call roster, is rostered off duty but is required to be ready to respond to a call.	1/07/2013	\$2.8344 per hour or part hour (12.54%)
27	Other	<u>Control call</u>  An employee required to be on control call, which is to be on call to attend to radio and/or telephone calls and may be required to direct staff, is entitled to a control call allowance per hour or part hour.	1/07/2013	\$4.0368 per hour or part hour (17.86%)

Clause	Allowance Type	Description	Effective Date	Rate
		(0.47% per week * 38 = 17.86% per hour)		

## **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**

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"> <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>



Clause	Conditions Type	Description
9	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).
10.4	Part-time conditions (Instrument)	<p>At the time of first being employed, a written agreement will be made, specifying at least:</p> <ul style="list-style-type: none"> <li>- the hours worked each day;</li> <li>- which days of the week the employee will work; and</li> <li>- the actual starting and finishing times for each day.</li> </ul> <p>The minimum shift length for a part time employee is 4 hours.</p> <p>Any variation to this agreement must be agreed upon and placed in writing.</p> <p>Any time worked in excess of the agreed hours will be overtime and paid at the appropriate overtime or penalty rate.</p> <p>Public holiday provisions will apply to part time employees. Part time employees will receive remuneration, leave and other paid entitlements on a pro rata basis.</p>
10.5	Casual conditions (Instrument)	<p>The minimum daily engagement of a casual employee is three hours, unless otherwise agreed by employer and employee.</p> <p>Casual employees are not entitled to accumulated days off (ADO's), paid personal leave/carer's leave and compassionate leave, parental leave (except for an eligible casual employee), annual leave, public holidays, notice of termination and redundancy pay.</p>
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	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.

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
	(Instrument)	
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 immediately prior to 1 January 2010 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.
15.5(a)	Travelling time (Instrument)	An employee required to travel while on duty, is entitled to be reimbursed for all reasonably incurred expenses of fares, meals and accommodation.
15.5(b)	Travelling time (Instrument)	An employee required to report for duty to a workplace, other than their normal workplace is entitled to travel to and from such workplace in the employer's time.

Clause	Conditions Type	Description
		Travel fares and incidental expenses will be paid by the employer.
15.6	Accommodation (Instrument)	<p>An ambulance service employee at a branch station of 1–3 officers, who is required to reside in accommodation provided by the employer, will have 10% deducted for rent, from their weekly wages.</p> <p>This will not apply to relieving staff whilst living away from home.</p>
15.7	Relief employment conditions (Instrument)	<p>An employee required to relieve another employee and to live away from home is entitled to receive:</p> <ul style="list-style-type: none"> <li>- an allowance to cover the cost of reasonable accommodation and the reasonable costs of cleaning items of uniform unless the employer provides such accommodation including laundry facilities; and a</li> <li>- travelling allowance in accordance with the 'Travelling Time' within the 'Other Conditions' section or 'Travel Allowance' within the 'Allowances' section of this guide.</li> </ul>
15.8	Accommodation (Instrument)	<p>Student Ambulance Officers employed by an ambulance service will be paid an allowance for the reasonable cost of accommodation when required to live away from home by their employer in order to undertake a compulsory course of training.</p> <p>This allowance will not be paid if:</p> <ul style="list-style-type: none"> <li>- the employer provides accommodation;</li> <li>- the accommodation is not available; or</li> <li>- the officer lives within 32 km of the course location.</li> </ul>
15.9	Clothing, footwear and/ or equipment (Instrument)	<p>An operational employee is entitled to an allowance to cover the reasonable cost of the uniform items required by their employer.</p> <p>Where the employer requires other employees to wear a uniform or other protective clothing, the employee will be paid an allowance to cover the reasonable cost of the clothing.</p> <p>The allowance will not apply when the employer provides the clothing.</p> <p>Such clothing will only be used in the course of employment, will remain the property of the employer and will be cleaned, repaired and replaced by the employer as and when reasonably necessary. Provided that the cleaning of uniforms will only apply to car coats, long and short trousers and winter shirts.</p>

Clause	Conditions Type	Description
15.10	Other (Instrument)	An employee who is required by the employer to hold a current driving licence will be reimbursed annually an amount equal to the sum of the cost of the licence divided by the term in years.
16	District allowance (Instrument)	<p>An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the provisions of an award or NAPSA under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January 2010, providing that employee was not bound by an agreement under that Act.</p> <p>This clause ceases to operate on 31 December 2014.</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"> <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>
19	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>

Clause	Conditions Type	Description
20.1	Hours of work (Instrument)	<p>Ordinary hours of work for all full-time employees will be 38 hours per week or an average of 38 hours per week spread over the employee's roster cycle.</p> <p>Any alterations in existing arrangements on implementation of the 38 hour week will be based on consultation between the employer and employee(s) concerned.</p> <p>An employee who regularly works a rostered 40 ordinary hours per week is entitled to:</p> <ul style="list-style-type: none"> <li>- 12 days paid leave for each year of such work, to be added to their annual leave; or</li> <li>- take one accrued day off (ADO) in each four week period in accordance with the roster. ADOs are to be taken with normal rostered day(s) (RDO) off. Where it is sought to change an ADO there must be mutual agreement. Where an employee's ADO falls on a public holiday, another ADO will be determined by the employer to be taken instead, within the same four week cycle where practical.</li> </ul> <p>The working week will commence at midnight on a Sunday.</p> <p>Subject to mutual agreement, employees ordinary hours of work may be worked on a 10/14 arrangement.</p> <p>No employee will be required to work more than 10 shifts consecutively without 24 hours off duty.</p>
21	Roster (Instrument)	<p>Rosters will be posted in a noticeable place at each workplace, for full-time and part-time employees, at least 28 days in advance and show a period of 28 days.</p> <p>The employer will, wherever practicable, exhibit rotating rosters.</p> <p>Rosters will show:</p> <ul style="list-style-type: none"> <li>- commencing and finishing duty and time off, on a continuing basis;</li> <li>- on call branch station posting;</li> <li>- on call duty for each 14 days; and</li> <li>- where possible approved leave periods</li> </ul> <p>Saturday and Sunday duty will be equitably distributed.</p>

Clause	Conditions Type	Description
		<p>For incidents of sickness of an employee or other unforeseen circumstances, the roster may be temporarily altered by displaying a notice.</p> <p>The arrangement of ordinary working hours is to be by agreement between the employer and the majority of employees in the workplace or part of the workplace.</p>
23.1	Breaks - meal (Instrument)	An employee is entitled to a meal break of not less than 30 minutes during each shift, not counted as time worked.
23.2	Crib break (Instrument)	<p>By mutual agreement between the employer and the employee, an employee will be allowed a period of 20 minutes crib time during each shift for the purpose of taking a meal, instead of a meal break.</p> <p>An ambulance service operational employee will be allowed a period of 20 minutes crib time during each shift for the purpose of taking a meal, instead of a meal break.</p> <p>The crib period will be counted as time worked and taken at a time and place directed by the employer</p>
23.3	Breaks - rest (Instrument)	<p>Where practical, employees are entitled to two 10 minute rest breaks each day, counted as time worked.</p> <ul style="list-style-type: none"> <li>- the first, between the beginning of work and the usual meal break; and</li> <li>- the second between the usual meal break and the end of work.</li> </ul>
23.4	Other (Instrument)	Where an employee is not permitted to wear their uniform home, a period of 10 minutes immediately before the end of each shift will be provided for the employee to wash, shower or to change clothing.
24.2	Rest period after overtime duty (Instrument)	<p>Overtime should be arranged so that an employee has at least eight hours off duty between workdays.</p> <p>An employee working overtime, who does not have at least eight hours off duty between workdays, will be released after completion of overtime for eight hours off duty, without loss of pay for ordinary working time during such absence.</p>
24.3	Overtime – time off in lieu	An employee may choose, with the consent of the employer, to take time off instead of payment for overtime at a time or times agreed with the employer.

Clause	Conditions Type	Description
	(Instrument)	<p>This agreement must be in writing and the time off must be taken within four weeks of working the overtime.</p> <p>The amount of time off is to be equal to the pay the employee would have otherwise received for working the overtime.</p> <p>If requested by an employee an employer must within one week of receiving a request, pay the employee for any overtime worked. The employee must be paid at overtime rates.</p>
25	Other (Instrument)	<p><b>On Call</b></p> <p>An employee may temporarily leave the workplace or home when rostered on call after having made arrangements satisfactory to the employer, for the proper conduct of the service.</p> <p>An employee will be free from on call duty:</p> <ul style="list-style-type: none"> <li>- every second weekend; and</li> <li>- for at least eight days in each 14 consecutive days.</li> </ul> <p>No employee will be rostered on call from the time of ending duty immediately before the employee's rostered day off until the time of beginning duty immediately after the rostered day off.</p> <p>Except on weekends, public holidays or in cases of an emergency, an employee will not be rostered on call between 9.00 am and 5.00 pm.</p> <p>An employee will not be required to be on call for less than six hours except by mutual consent between the employer and the employee.</p>
28	Standing by (Instrument)	<p>When an employee, other than an employee rostered on call in accordance with the award, is required to stand by for any period outside the employee's ordinary hours, this period will be counted as time worked</p>
29.1	Higher duties (Instrument)	<p>An employee who is required to perform work at a higher classification, will be paid at the rate of that higher classification including for paid leave or any public holiday(s) which occur during the period when the higher duties are being performed. Employees will not be required to fill a vacant position in an acting capacity for more than three months.</p>

Clause	Conditions Type	Description
29.2	Other (Instrument)	<p><b>Secondment</b></p> <p>Secondment of any employee to a recognised tertiary institution must be approved by the employee's employer.</p> <p>An operational employee seconded from an ambulance service to a recognised tertiary institution in a teaching or related capacity will:</p> <ul style="list-style-type: none"> <li>- be provided with a written record of the mutually agreed term of the secondment,</li> <li>- be paid at the rate of a Senior Station Officer during the period of secondment;</li> <li>- be allocated to operational duty in their previous position, the equivalent of one day during each four week period of such secondment, for the purposes of skills maintenance; and</li> <li>- return to the classification held immediately before the secondment period and be paid the relevant rate at the end of the secondment.</li> </ul> <p>A period of secondment may be terminated:</p> <ul style="list-style-type: none"> <li>- by the employee or the tertiary institution, giving 28 days' notice in writing. The employee will be offered the first available vacancy at the appropriate ambulance service after giving such notice; or</li> <li>- by the tertiary institution, without notice for serious and demonstrable inefficiency, neglect of duty, unsatisfactory performance of duty, malingering or misconduct.</li> </ul>
29.3	Relief employment conditions (Instrument)	<p>Routine relieving duties which require an operational employee to live away from home, will be performed by a Regional Relieving Officer (RRO).</p> <p>Where an RRO is not available, an Ambulance Officer/Ambulance Paramedic or Student Ambulance Officer/ Paramedic Level 2 or 3 may be required to perform relieving duties.</p> <p>Unless otherwise agreed, when relieving is to be performed by an employee other than an employee appointed as a RRO, such relieving will be equitably distributed amongst all Ambulance Officers/ Paramedics.</p>



Clause	Conditions Type	Description
		An employee who is required to relieve another employee, may be required to work the hours and on call roster of the employee so relieved.
30.2(b)	Annual leave - shiftworkers (Instrument)	An employee with one year's continuous employment, who is engaged for part of the yearly period as a seven day shiftworker, is entitled to have the period of four weeks' annual leave increased by half a day for each month the employee is continuously engaged on shiftwork.
30.3	Annual leave loading (Instrument)	An employee will be paid an annual leave loading of 17.5% of their ordinary pay on all annual leave taken.
30.4/30.5	Annual leave - payment (Instrument)	<p>Before going on annual leave, an employee will be paid the amount of wages they would have received had they worked the period. This includes any allowances, loading, shift penalties or overaward payments.</p> <p><b>Payment of annual leave on termination</b></p> <p>On termination an employee will be paid any outstanding accrued annual leave entitlements.</p> <p>An employee engaged for part of any year as a seven day shiftworker, will be paid, in addition to any other amounts due, an amount equal to 1/48th of ordinary pay for the period of employment as a seven day shiftworker.</p>
30.6	Annual leave (Instrument)	<p><b>Ill while on annual leave</b></p> <p>Where an employee who works on continuous straight day shifts, becomes sick during annual leave for at least a five consecutive days or 40 hours on which the employee would otherwise have worked, or a 24 hours rotating shift employee becomes sick whilst on annual leave for at least five consecutive days, and immediately forwards to the employer, a certificate of a legally qualified medical practitioner, then the number of days not less than five or 40 hours specified in the certificate, will be recredited to the employee's annual leave entitlement.</p>
30.7	Annual leave exclusive of public holidays (Instrument)	If a prescribed public holiday to which the employee is entitled to payment under this award falls within the period of an employee's annual leave, the period of annual leave will be increased by one day in respect of that public holiday.
30.8	Annual leave	<b>Timing of taking leave</b>

Clause	Conditions Type	Description
	(Instrument)	<p>Annual leave will be taken within six months of the employee becoming entitled to take it unless other arrangements are agreed between the employer and employee.</p> <p>The employer and employee will seek to reach agreement on the taking of annual leave at a mutually convenient time. In the absence of agreement, the employer may give at least 28 days' notice of the taking of annual leave.</p> <p>Provided that in unforeseen circumstances, the employer may give only seven days' notice, in which case the employer will reimburse the employee all irrecoverable costs directly incurred for the proposed holiday. Proof of such costs will be provided to the satisfaction of the employer.</p> <p>Leave will be taken in four consecutive weeks, or in separate periods with the agreement of the employer and employee.</p>
30.9	Annual leave - close-down (Instrument)	<p>Where an employer temporarily closes or reduces the operations of the business to allow annual leave to all or a majority of employees in the business or part concerned, the following applies:</p> <ul style="list-style-type: none"> <li>- the employer must give one month's notice in writing of the proposed close-down;</li> <li>- an employee who has accrued enough leave to cover the close-down period will be given leave and will be paid for that leave in accordance with the sections 'Annual leave loading' and 'Annual leave - payment' under Other Conditions.</li> <li>- an employee who has not accrued enough leave to cover part or all of the close-down, is allowed paid leave for the period for which they have accrued sufficient leave and given unpaid leave for the remainder of the close-down.</li> </ul>
31.3	Public holidays (Instrument)	An employer and the majority of employees may, by agreement, substitute another day for a public holiday.
31.2	Public holidays (Instrument)	<p>An employee works on a public holiday or the public holiday falls on their rostered day off, the employee is entitled to within four weeks of the date of the holiday be either:</p> <ul style="list-style-type: none"> <li>- paid as per the public holiday penalty rate, or</li> </ul>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- provided with equal time off in one period, of which seven day's notice is provided; or</li> <li>- provided with one and a half day's added to the employee's annual leave.</li> </ul>

### **Frequency of Payment**

Payment of wages will be made by cheque or electronic funds transfer, either weekly or fortnightly, into the employee's nominated bank or financial institution account. Payment will be made no later than Wednesday in the pay week. Where a public holiday falls in that week, payment will be made by Thursday.

**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.