



Australian Government

# Fair Work

## OMBUDSMAN


### PAY AND CONDITIONS GUIDE

**Fire Fighting Industry Award 2010 [MA000111]** ('modern award')  
replacing terms and conditions in or derived from

**Victorian Firefighting Industry Employees Interim Award 2000 [AP801881]** ('pre-modern award')

**(VIC)**

Effective from 01 July 2012.

Published 27 May 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 2012. 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 fire fighting industry and their employees in the classifications listed in this modern award to the exclusion of any other modern award.

For the purposes of this award the **fire fighting industry** means:

- the suppressing and extinguishing of fires
- the provision of rescue services (other than by police, ambulance, a State Emergency Service or the military) at the scene of accidents, explosions or other emergencies
- the handling of spillages of toxic or hazardous materials in emergency situations (other than in a marine environment or by an employer in relation to its own property, premises or products)
- the prevention of fires and the sale, supply, installation, maintenance, repair and/or inspection of fire protection equipment other than fixed or semi-fixed fire protection systems by an employer otherwise in the fire fighting industry by virtue of suppressing and extinguishing of fires.

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.

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 2012 until the final pay period before 01 July 2013 only.

### Full & Part Time Recruit

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Public sector	Metro. fire & emergency services board, Recruit	\$16.63
Public sector	CFA, Recruit firefighter	\$16.63

### Firefighter - level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Public Sector	Metro. fire & emergency services board, Firefighter, Level 1	\$20.32
Public Sector	CFA, Firefighter, Grade 1	\$20.32

### Firefighter - level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Public sector	Metro. fire & emergency services board, Firefighter, Level 2	\$20.61
Public sector	CFA, Firefighter, Grade 2	\$20.61

### Firefighter - level 3

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Public sector	Metro. fire & emergency services board, Firefighter, Level 3	\$20.95
Public sector	CFA, Firefighter, Grade 3	\$20.95

### Qualified firefighter

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Public sector	Metro. fire & emergency services board, Qualified firefighter	\$22.54
Public sector	Metro. fire & emergency services board, Qualified firefighter, Leading firefighter qual.	\$22.88
Public sector	Metro. fire & emergency services board, Senior firefighter	\$23.22
Public sector	CFA, Qualified firefighter	\$22.54
Public sector	CFA, Qualified firefighter, Leading firefighter qualification	\$22.88
Public sector	CFA, Senior firefighter	\$23.22
Public sector	CFA, Fire officer, Grade 1	\$24.25
Public sector	CFA, Fire officer, Grade 2	\$24.93

### Station officer

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Public sector	Metro. fire & emergency services board, Station officer	\$27.41
Public sector	CFA, Fire officer, Grade 1	\$27.41

### Senior station officer

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Public sector	Metro. fire & emergency services board, Senior station officer	\$29.36
Public sector	CFA, Fire officer, Grade 2	\$29.36

### Fire service communications controller

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Public sector	CFA, Communications technician	\$24.86
Public sector	CFA, Senior communications technician	\$25.85
Public sector	CFA, Communications technician, Step 2	\$24.46
Public sector	CFA, Communications technician, Step 3	\$24.69
Public sector	CFA, Communications technician, Step 4	\$24.86
Public sector	CFA, Senior communications technician, Step 2	\$25.29
Public sector	CFA, Senior communications technician, Step 3	\$25.60
Public sector	CFA, Senior communications technician, Step 4	\$25.85
Public sector	CFA /Metro. fire & emergency services board, Fire service controller	\$29.36

### **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**

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
17.8	Availability for duty	<p>All purpose allowance expressed as per week.</p> <p><b>Public sector</b></p> <p>Station officers not working the 10/14 shift roster who are required to be available after working hours to deal with operational matters will receive a 4.5% loading on their total weekly wage to be counted for all purposes.</p> <p>In the event of an employee covered in the above situation, being required to attend an operational incident, the time back on duty will be counted as part of their average of 42 hours per week.</p>	1/07/2012	\$1.1789 per hour. (4.50%)

### **Full Time, Part Time**

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
17.2	Meal allowance	Where a normal meal break of an employee is withheld for a period in excess of 30 minutes, a meal allowance will be paid to the employee. This provision will not apply to firefighters or station officers who are required to perform salvage duty or a fire call.	1/07/2012	\$13.6400 per occasion

Clause	Allowance Type	Description	Effective Date	Rate
		Where an employee is required to perform salvage duty, watching duty or a fire call (provided that such duty or fire call is of not less than three hours' duration) and includes a period of a normal meal break they will be paid a meal allowance except when the employer provides a meal.		
17.2	Meal allowance	<p>Where overtime is worked for two hours or more before or after a rostered shift, a meal allowance will be paid for every meal except when the employer provides a meal.</p> <p>When recalled for duty an employee will be paid a meal allowance on the following basis:</p> <ul style="list-style-type: none"> <li>- on day duty two meal allowances, if work commences before 10.00 am and continues for more than two hours</li> <li>- on day duty one meal allowance, if work commences after 10.00 am and continues for more than three hours, and</li> <li>- on night duty one meal allowance, if work commences before 8.00 pm and continues for more than two hours.</li> </ul> <p>An employee retained on duty will receive a meal allowance and if the period of retention exceeds four hours the employee will receive a further meal allowance and continue to receive a meal allowance at the end of each additional two hour period worked.</p>	1/07/2012	\$13.6400 per occasion
17.4	Vehicle allowance	Any employee who is required by the employer to use their own motor vehicle on the employer's business, and is not otherwise entitled to an allowance in respect of the cost of travel.	1/07/2012	\$0.7500 per kilometre
17.4	Vehicle allowance	Any employee who is required by the employer to use their own motorcycle on the employer's business, and is not otherwise entitled to an allowance in respect of the cost of travel.	1/01/2010	\$0.2500 per kilometre

Clause	Allowance Type	Description	Effective Date	Rate
17.5	Other	<b>Relieving allowance</b>  An employee required to do relieving duty away from their appointed station will receive, if the distance between their appointed station and their duty station is greater than 100 kilometres, measured by the shortest distance by road.	1/07/2012	\$22.4540 per shift
17.5	Other	<b>Relieving allowance</b>  An employee required to do relieving duty away from their appointed station will receive, if the distance between their appointed station and their duty station is between 50 and 100 kilometres, measured by the shortest distance by road.	1/07/2012	\$22.4540 per shift
17.7(a)	Qualification allowance	An employee who is the holder of IFE Graduate Certificate or a Certificate of Fire Technology will be paid an extra allowance per week.	1/07/2012	\$0.3159 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).
17.7(b)	Qualification allowance	An employee who is the holder of both the IFE Graduate Certificate and the Certificate of Fire Technology will be paid an extra allowance per week.	1/07/2012	\$0.4645 per hour.  This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work

Clause	Allowance Type	Description	Effective Date	Rate
				(up to a maximum of 38 hours per week).
17.7(c)	Qualification allowance	An employee who is the holder of both the IFE Graduate Certificate and Membership will be paid an extra allowance per week.	1/07/2012	\$0.5760 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).
17.7(d)	First aid allowance	A holder of a current recognised first aid certificate will receive an extra allowance per week if appointed by the employer to perform first aid duty (in the case of fire stations one such employee will be appointed per shift).	1/07/2012	\$0.3623 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).
17.8	Availability for duty	All purpose allowance expressed as per week.  <b>Private sector</b>  Station officers not working the 10/14 shift roster who are required to be available after working hours to deal with operational matters will receive a 4.5% loading on their total weekly wage to be counted for all purposes.	1/07/2012	\$1.0370 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

Clause	Allowance Type	Description	Effective Date	Rate
		In the event of an employee covered in the above situation, being required to attend an operational incident, the time back on duty will be counted as part of their average of 42 hours per week.		hours per week). (4.50%)
17.11(a)	Other	<b>Duty allowances</b>  An employee detailed on to a designated heavy rescue appliance, will receive this additional allowance per week, when so detailed.	1/07/2012	\$0.4460 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).
17.11(b)	Other	<b>Duty allowances</b>  Station officers and firefighters rostered for special administrative duties, who are required to maintain operational competencies, will receive this additional allowance per week whilst so rostered. <u>Special administrative duties</u> will include all rostered duty in the training and education, fire safety and administrative areas of operations.	1/07/2012	\$1.3565 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).

## **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)	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:  - arrangements for when work is performed - overtime rates - penalty rates - allowances - leave loading.  Other conditions concerning award flexibility are contained within the Fair Work Act 2009.
8	Consultation (Instrument)	The award contains information on the employer's responsibility to consult regarding major workplace change including the:  - duty to notify, and - duty to discuss change.
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).
9.7	Other	<b>Dispute resolution training leave</b>

Clause	Conditions Type	Description
	(Instrument)	<p>An employee elected by employees in a workplace to represent them in dealings with the employer will be granted leave on full pay for up to five days per calendar year for the purpose of attending training courses that will enable the employee's representative to perform or better perform their duties.</p> <p>Such leave in a calendar year may be extended to 10 days, subject to the total leave granted in that year and the subsequent year not exceeding 10 days.</p> <p>At all times this leave is subject to operational requirements and determined on this basis.</p>
10	Types of employment (Instrument)	<p><b>Public sector</b></p> <p>An employer in the public sector may only employ a person in a classification in this award on a full-time basis.</p>
11	Types of employment (Instrument)	<p><b>Private sector</b></p> <p>An employer in the private sector may employ a person in a classification in this award on a full-time or part-time basis.</p>
11.4	Part-time conditions (Instrument)	<p><b>Private sector</b></p> <p>A part-time employee is an employee who:</p> <ul style="list-style-type: none"> <li>- works less than full-time hours of 38 ordinary hours per week,</li> <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 hours of work will be recorded in writing.</p> <p>An employer is required to roster a part-time employee for a minimum of three consecutive hours on any shift.</p>



Clause	Conditions Type	Description
		<p>All time worked in excess of the hours, as outlined above, will be overtime and paid for at the rates prescribed this award.</p> <p>A part-time employee employed under the provisions of this clause must be paid for ordinary hours worked at the rate of 1/38th of the appropriate weekly rate prescribed.</p>
12.2	Termination of employment - notice of termination by an employee (Instrument)	The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
12.3	Termination of employment - job search entitlement (Instrument)	Where an employer has given notice of termination to an employee, an employee must be allowed up to 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)	<p>An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.</p> <p>If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.</p>
17.1	Uniforms (Instrument)	The employer will reimburse each employee for the cost of purchasing, replacing, repairing and/or cleaning the articles of clothing/equipment that must be worn and/or used by the employee. This provision will not

Clause	Conditions Type	Description
		<p>apply where such clothing/equipment is provided, replaced, repaired and/or cleaned or paid for by the employer.</p> <p>The replacement, repairs and/or cleaning of the articles of clothing/equipment will occur when reasonably required by each employee and/or when the uniform/equipment becomes so soiled or damaged that it requires cleaning, repair, or replacement.</p>
17.3(a)	Away from home/usual place of employment (Instrument)	<p><b>Travelling allowance, expenses and reimbursement</b></p> <p>When an employee is required to work at a station other than their appointed station, they will, except in the case of emergency, receive at least 48 hours' notice of such duty. During this time, they will report to the duty station at the commencing time of each shift to which they are rostered and will in addition to their wages be paid or reimbursed:</p> <ul style="list-style-type: none"> <li>- all expenses necessarily incurred by them in excess of those ordinarily incurred between their residence and their appointed station, and</li> <li>- provided that the relieving period is less than the equivalent of a rostered leave cycle:</li> </ul> <ul style="list-style-type: none"> <li>* a daily allowance equal to one hour's wage at overtime rates, and</li> <li>* if the duty station is further from their residence than is their appointed station, an allowance based on the shortest distance by road which separates their appointed station and duty station for three minutes each way at ordinary rates for each four kilometres or part thereof travelled.</li> </ul>
17.3(b)	Away from home/usual place of employment (Instrument)	<p><b>Travelling allowance, expenses and reimbursement</b></p> <p>When an employee, while on duty at their appointed station, is required to perform duty at another station they will:</p> <ul style="list-style-type: none"> <li>- if returned to their appointed station during their duty shift, be reimbursed the cost of reasonable transport between their appointed station and the duty station at which they are required to perform duty. This provision will not apply where reasonable transport is provided by the employee,</li> <li>- if they remain on duty at such other station until the end of their duty shift, they will, in addition to their wages be paid or reimbursed:</li> </ul> <ul style="list-style-type: none"> <li>* the appropriate single travelling expenses to their appointed station,</li> </ul>

Clause	Conditions Type	Description
		<p>* an allowance equal to half an hour's pay at overtime rates, and</p> <p>* if the duty station is further from their residence than their appointed station, an allowance based on the shortest distance by road which separates their appointed station and duty station of two and a half minutes each way at ordinary rates for each kilometre or part thereof travelled.</p>
17.3(d)	Accommodation (Instrument)	<p><b>Travelling allowance, expenses and reimbursement</b></p> <p>When an employee is required to work at a station other than their appointed station they are entitled to reimbursement for accommodation, meals and incidental expenses incurred on submission of written evidence required by the employer, at a rate not less than the following amounts:</p> <p>Capital cities</p> <p>Breakfast: \$17.58 Lunch: \$29.87 Dinner: \$42.06 Accommodation (per night): \$139.74 Total: \$229.25</p> <p>Other places in Australia</p> <p>Breakfast: \$11.27 Lunch: \$22.74 Dinner: \$32.19 Accommodation (per night): \$81.47 Total: \$147.67</p> <p>Part day absence</p> <p>Breakfast: \$13.67 Lunch: \$13.67 Dinner: \$18.12 Accommodation (per night): N/A</p>

Clause	Conditions Type	Description
17.3(c)	Away from home/usual place of employment (Instrument)	<p><b>Travelling allowance, expenses and reimbursement</b></p> <p>When an employee travels between their appointed and duty station, or is required to do duty away from their appointed or duty station, or attend training, they will be reimbursed the cost of reasonable transport. This provision will not apply where transport is provided by the employer.</p>
17.5	Relief employment conditions (Instrument)	<p><b>Relieving allowance</b></p> <p>An employee required to do relieving duty away from their appointed station will receive (in addition to allowance rate per shift), if the distance between their appointed station and their duty station is greater than 100 kilometres, measured by the shortest distance by road:</p> <ul style="list-style-type: none"> <li>- when off duty, the cost of reasonable accommodation, not at the duty station, dinner and breakfast and a meal allowance, and</li> <li>- the expenses as prescribed in the Travelling allowance table, for the journey to their duty station and for the return journey.</li> </ul> <p>A relieving employee will not be entitled to the accommodation and meals allowance prescribed in this clause when they return to their place of residence between shifts and receive the travelling allowance, expenses and reimbursement expenses prescribed in the Travelling allowance table.</p>
17.5	Relief employment conditions (Instrument)	<p><b>Relieving allowance</b></p> <p>An employee required to do relieving duty away from their appointed station will receive (in addition to allowance rate per shift), if the distance between their appointed station and their duty station is between 50 and 100 kilometres, measured by the shortest distance by road:</p> <ul style="list-style-type: none"> <li>- an allowance of 3.18% of the standard rate per shift, and</li> <li>- when there is a break between shifts of 24 hours or less, when off duty, the cost of reasonable accommodation, not at the duty station, dinner and breakfast and a meal allowance.</li> </ul> <p>A relieving employee will not be entitled to the accommodation and meals allowance prescribed in this clause when they return to their place of residence between shifts and receive the travelling allowance, expenses and reimbursement expenses prescribed in the Travelling allowance table.</p>

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
17.6	Other (Instrument)	<p><b>Change of residence expenses</b></p> <p>Where an employee is permanently promoted, transferred or ordered from one location to another location that reasonably necessitates the employee to change their residence the employer will reimburse the employee for the reasonable expenses incurred in such relocation including the cost of transporting the employee and their family to the new location and costs of moving furniture and personal effects.</p>
17.9	Licences, trades certificates and other qualifications allowance (Instrument)	<p><b>Driving licence fee reimbursement</b></p> <p>Firefighters and station officers who are required, as part of their duties, to drive the employer's vehicle(s) in a situation associated with an emergency will be reimbursed for fees pertaining to the renewal of driving licences.</p>
17.10	Training conditions (Instrument)	<p><b>Attendance at training facilities, allowances and expenses</b></p> <p>The employer may, by agreement or by giving not less than one week's notice, require employees to attend training courses at a training facility subject to the following conditions.</p> <p>The employer may fix within a spread of hours between 8.00 am and 10.00 pm the daily number of training hours and the time at which daily training sessions are held.</p> <p>The employer will pay overtime rates in accordance with this award, for all reasonable travelling time outside the hours of 8.00 am to 6.00 pm to and from the training facility.</p> <p>Training time in excess of 10 hours in any one day or 38 hours in any one weekly tour of duty or week as the case may be which will not exceed five days will be paid overtime at the rates prescribed in this award.</p> <p>Where an employee is required to attend training they will be reimbursed the cost of reasonable transport. This provision will not apply where the employer provides reasonable transport.</p> <p>An employee required to attend a training facility which requires that they stay away from home will be reimbursed the full cost of accommodation. This provision will not apply where the employer provides full accommodation.</p>
18	Accident pay	An employee is entitled to accident pay in accordance with the terms of:

Clause	Conditions Type	Description
	(Instrument)	<p>- a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and</p> <p>- that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
19	Higher duties (Instrument)	<p>A station officer who is required to perform higher duties for any period in excess of an aggregate of five weeks in a 12 month period will be paid for the period in excess of five weeks at the higher rate.</p> <p>An employee, other than a station officer, who is appointed to perform duties at a higher level beyond seven days will be paid at the higher rate for the whole period of performing such duties.</p>
21	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>
22.2	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Public sector</b></p> <p><u>Employees working a 10/14 roster</u></p>

Clause	Conditions Type	Description
		<p>Employees working a 10/14 roster will be rostered and work an average of 42 hours per week, two hours of which will be overtime work and paid for as such and the remaining two hours will be taken as annual/ accrued leave in accordance with the roster laid down for this purpose.</p> <p>The rostered hours of such employees will not exceed:</p> <ul style="list-style-type: none"> <li>- 14 on any one day,</li> <li>- 48 in any one week,</li> <li>- 96 in 14 consecutive days,</li> <li>- 192 in 28 consecutive days, or</li> <li>- 336 in 56 consecutive days.</li> </ul> <p>Such employees will be entitled to at least 48 hours' notice of a change of rostered shift.</p>
22.3	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Public sector</b></p> <p><u>Employees not working a 10/14 roster</u></p> <p>Employees (other than recruits) who are not working a 10/14 roster will be required to work an average of 42 hours per week, two hours of which will be overtime work and paid for as such and the remaining two hours will be taken as accrued leave.</p> <p>Subject to above, a fire service communications controller will work a 12 hour continuous roster over a cycle of eight weeks with a day shift of 7.00 am to 7.00 pm and a night shift of 7.00 pm to 7.00 am and subject to other requirements outlined in the Hours of Work and Related Matters clause of this award.</p> <p>Where an employee is required to undertake duties that are outside of the standard hours for the work location the following will apply:</p> <ul style="list-style-type: none"> <li>- where such activity involves normal activities a minimum break between periods of duty of 10 hours will apply, and</li> <li>- where such activity involves a major fire or major incident a minimum break between periods of duty of 12 hours will apply.</li> </ul>

Clause	Conditions Type	Description
		Employees (other than recruits) not working a 10/14 roster, will receive the same total weekly wage as employees on a 10/14 roster.
22.4	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Public sector</b></p> <p><u>10/14 roster system</u></p> <p>The 10/14 roster is set out as follows:</p> <p>Day - 8.00 am to 6.00 pm, and Night - 6.00 pm to 8.00 am.</p> <p>Please see the award for eight week roster schedule.</p> <p>The roster may be varied for employees on special duties and to provide that during the first year of service employees may be rostered for up to five consecutive day duties.</p> <p>The roster, once compiled, will not be changed, except to meet an emergency, due to sickness or other unexpected or unavoidable cause or by personal agreement between the employer and the employee(s) concerned. A shiftworker required for relieving or other special duties may stand by on a day shift or other day work without loss of any shift penalty provided that, except in an emergency an employee will be entitled to 48 hours' notice of any change from stand-by to rotating shift or from rotating shift to stand-by. The roster may be changed when an employee is required to attend training.</p> <p>In the event of an alarm requiring any station to stand by or turn out for a fire being received at the station during roll call, the oncoming shift will man the appliances and, if required, proceed to the fire and the off going shift will remain on duty if required until the other shift returns, or until otherwise directed, when it will be dismissed.</p> <p>If, when the oncoming shift reports at a station at the time prescribed for the change of shift and the other shift is proceeding to or attending a fire or alarm, the oncoming shift, if so ordered, will, after roll call, proceed to the fire and the officer or senior member of the shift will report the arrival of the shift to the officer in charge of the fire without delay. The off going shift will remain on duty at the fire until relieved. The officer-in-charge at the fire may if in their judgment it is expedient, hold both the oncoming and off going shifts for duty at the fire. If the off going shift is not held at the fire or detailed at the fire for duty</p>



Clause	Conditions Type	Description
		<p>elsewhere, it will report back to the station and remain available until the other shift returns or until otherwise directed, when it will be dismissed.</p> <p>In the event of one or more members of the oncoming shift being absent, an equal number of members in the shift on duty may be detained on duty until such time as they are relieved. Nothing herein contained is to be deemed to sanction an authorised absence, or to relieve the absent member, from a liability to be charged with being absent without leave and dealt with accordingly.</p> <p>Subject to the provisions of this clause, every employee will be dismissed punctually from their rostered shift.</p>
22.5	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Public sector</b></p> <p><u>Time for shower and change</u></p> <p>Employees engaged on any duty which requires a shower and change of clothes, will be allowed 15 minutes for such purpose.</p>
22.6	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Public sector</b></p> <p><u>Rest and recline</u></p> <p>Employees on night shift, other than fire service communications controllers, will be permitted between the hours of 11.00 pm and 7.00 am to recline and sleep only when there is no work to be performed by them.</p> <p>Fire service communication controllers on night duty will be permitted to recline and sleep on a recliner chair when there is no work to be done.</p>
22.7	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Public sector</b></p> <p><u>Special duties roster</u></p> <p>A special duties roster may be introduced into any permanently manned fire station to increase the day manning capability.</p>

Clause	Conditions Type	Description
		<p>The hours of duty will be 42 hours per week over a seven day cycle.</p> <p>The roster of hours will be between 7.45 am to 6.15 pm comprising four day shifts worked either Monday to Thursday or Tuesday to Friday or such other configuration agreed between the employer and a majority of affected employees.</p> <p>Arrangements may be made for employees to vary from one day shift to another, or from day work to shiftwork.</p> <p>Employees operating under this roster will receive the same total weekly wage and annual leave provisions as firefighters on a 10/14 shift roster.</p>
22.8	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Public sector</b></p> <p><u>Emergency roster</u></p> <p>Employees may be required to work an emergency roster to cover protracted major fires or incidents.</p> <p>The following general conditions will apply:</p> <ul style="list-style-type: none"> <li>- the hours of duty will be 12 hours on and 12 hours off,</li> <li>- all travelling time is time on duty,</li> <li>- when an employee is placed on the emergency roster while on duty at their respective place of work, then the hours already worked for that shift will be cumulative with hours worked on the duty roster,</li> <li>- any hours calculated to be in excess of the normal weekly average will be paid at overtime rates,</li> <li>- when an employee is normally rostered for duty at their respective place of work on the day following stand down from the emergency roster, then they will not be required to work that shift unless they have been off duty for a minimum of 12 hours before the starting time of that shift, and</li> <li>- employees will be reimbursed for the cost of meals and accommodation. This provision will not apply if meals and accommodation are provided by the employer.</li> </ul>
23.2	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Private sector</b></p> <p><u>Ordinary hours of work</u></p>

Clause	Conditions Type	Description
		The ordinary working hours for full-time employees will be an average of 38 per week, over a cycle of up to eight weeks.
23.3	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Private sector</b></p> <p><u>Day work</u></p> <p>Employees, other than shiftworkers, may be required to work up to 10 ordinary hours per day, between the hours of 7.00 am and 6.00 pm, Monday to Sunday. If the employer and a majority of affected employees agree, up to 12 ordinary hours per day may be worked.</p>
23.4	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Private sector</b></p> <p><u>Shiftwork</u></p> <p>Shiftworkers may be required to work a shift of up to 10 consecutive ordinary hours (including meal breaks) and, provided that the employer and a majority of affected employees agree, a shift of up to 12 hours may be worked.</p> <p><u>10/14 roster</u></p> <p>Despite the above, shiftworkers may be required to work a 10/14 roster in accordance with the roster set out in the award.</p> <p>Employees working a 10/14 roster will work an average of 42 hours per week, two hours of which will be overtime work and paid for as such and the remaining two hours will be taken as annual/accrued leave in accordance with the roster laid down for this purpose.</p> <p>The rostered hours of such employees will not exceed:</p> <ul style="list-style-type: none"> <li>- 14 on any one day,</li> <li>- 48 in any one week,</li> <li>- 96 in 14 consecutive days,</li> <li>- 192 in 28 consecutive days, or</li> <li>- 336 in 56 consecutive days.</li> </ul>

Clause	Conditions Type	Description
		<p><u>Change of rosters</u></p> <p>The employer may vary a roster on seven days' notice.</p>
23.5	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Private sector</b></p> <p><u>Time for shower and change</u></p> <p>Employees engaged on any duty which requires a shower and change of clothes, will be allowed 15 minutes for such purpose.</p>
23.6	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Private sector</b></p> <p><u>Rest and recline</u></p> <p>Employees on night shift will be permitted between the hours of 11.00 pm and 7.00 am to recline and sleep only when there is no work to be performed by them.</p>
23.7	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering - Private sector</b></p> <p><u>Emergency roster</u></p> <p>Employees may be required to work an emergency roster to cover protracted major fires or incidents.</p> <p>The following general conditions will apply:</p> <ul style="list-style-type: none"> <li>- the hours of duty will be 12 hours on and 12 hours off,</li> <li>- all travelling time to be deemed as on duty,</li> <li>- when an employee is placed on the emergency roster while on duty at their respective place of work, then the hours already worked for that shift will be cumulative with hours worked on the duty roster,</li> <li>- any hours calculated to be in excess of the normal weekly average will be paid at overtime rates,</li> <li>- when an employee is normally rostered for duty at their respective place of work on the day following stand down from the emergency roster, then they will not be required to work that shift unless they have been off duty for a minimum of 12 hours before the starting time of that shift, and</li> </ul>

Clause	Conditions Type	Description
		- employees will be reimbursed for the cost of meals and accommodation. This provision will not apply if meals and accommodation are provided by the employer.
24	Breaks (Instrument)	<p><b>Breaks - Public sector employees and Private sector shiftworkers</b></p> <p>Employees will be allowed a one hour paid meal break during each shift and will remain on duty.</p> <p>Subject to operational requirements, meal breaks will be taken at regular times and will be commenced within five hours of commencing duty.</p> <p>An employee working overtime will be allowed a paid rest period of 20 minutes after each four hours worked, if the employee continues to work after the rest break.</p> <p>Employees performing fire duty continuously for a period of three hours or more are entitled to a paid 30 minute crib break.</p>
25	Breaks (Instrument)	<p><b>Breaks - Private sector day workers</b></p> <p>An employee working overtime will be allowed a paid rest period of 20 minutes after each four hours worked, if the employee continues to work after the rest break.</p> <p>Employees performing fire duty continuously for a period of three hours or more are entitled to a paid 30 minute crib break.</p> <p>Employees will be provided with an unpaid meal break of a minimum of half an hour to be taken between 12.00 noon and 2.00 pm. If an employee is directed to remain at the normal place of employment such meal break will be paid.</p> <p>Employees will be allowed a paid morning and afternoon tea break of 10 minutes each.</p>
26.1(d)	Overtime - other (Instrument)	<p><b>Public sector</b></p> <p>Overtime will be calculated to the nearest quarter of an hour.</p>

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
26.2(c)	Overtime – time off in lieu (Instrument)	<p><b>Private sector</b></p> <p><u>Day workers</u></p> <p>An employee may elect to be given time off instead of payment for overtime. Time off instead of payment for overtime is calculated on the basis of one hour off for each hour of overtime worked.</p> <p>Overtime will be calculated to the nearest quarter of an hour.</p>
26.3	Recall (Instrument)	<p>An employee off duty, who is recalled to duty, will be paid a minimum of four hours at the applicable overtime rate as either a shiftworker with shift loading or applicable rate for a day worker, depending on whether the recall to work occurs on a Saturday, Sunday or public holiday. If the work to be done is completed within four hours, the employee need not stay for the full four hours.</p> <p>An employee recalled to duty will be paid travelling time, at ordinary rates, except on Sundays and public holidays when time and a half rates apply. In addition, a payment per kilometre will be made in respect of the distance travelled from home to work and return, as specified in this award.</p>
26.4(b)	Other (Instrument)	<p><b>Rentention</b></p> <p>An employee retained on duty after a night shift, will be entitled to eight consecutive hours off duty, without loss of pay for ordinary working time.</p>
27.2(d)	Public holidays (Instrument)	<p><b>Day workers only</b></p> <p>Not later than two weeks after a public holiday, an employee may elect to be paid at the rate of 50% of their hourly rate for each hour of rostered ordinary work performed on that day and granted one day's leave instead of the public holiday.</p>
27.2(e)	Public holidays (Instrument)	<p><b>Day workers only</b></p> <p>An employee whose rostered day off falls on a public holiday will be granted one day's leave instead of the public holiday.</p>
27.2(f)	Public holidays	<p><b>Day workers only</b></p>

Clause	Conditions Type	Description
	(Instrument)	An employee who is rostered to perform ordinary hours of work on a public holiday, but is granted leave in respect of that day, will be granted one day's leave instead of such public holiday, except where the public holiday occurs during a period of leave without pay.
28.2	Annual leave - shiftworkers (Instrument)	<p><b>Shiftworkers for the purposes of the NES</b></p> <p>For the purpose of s.87(1)(b) of the Act, a <b>shiftworker</b> is an employee:</p> <ul style="list-style-type: none"> <li>- who works a roster and who, over the roster cycle, may be rostered to work ordinary shifts on any of the seven days of the week, and</li> <li>- who is regularly rostered to work on Sundays and public holidays.</li> </ul> <p>Where an employee with 12 months' continuous service is engaged for part of the 12 monthly period as a shiftworker, that employee must have their annual leave increased by half a day for each month the employee is continuously engaged as a shiftworker.</p>
28.3	Annual leave (Instrument)	<p><b>10/14 roster employees</b></p> <p>Notwithstanding the definition of a shiftworker under the Act, an employee working the 10/14 roster and other employees of public sector employers will be entitled to 65.06 days annual leave per annum inclusive of the NES.</p> <p>Such leave is to be taken on the following basis:</p> <ul style="list-style-type: none"> <li>- for employees subject to the 10/14 roster, such leave will be taken in periods of 28 calendar days within alternating periods of 20 weeks and 24 weeks, and</li> <li>- for other employees not subject to the 10/14 roster, such leave will be taken within periods as reasonably prescribed by the employer. These employees will be required to take any public holiday on the date reasonably prescribed.</li> </ul> <p>Where an employee leaves their employment before the completion of the full 12 month qualifying period for annual leave in any year of service, they will be entitled to pro rata payment instead of the annual leave provided in this clause for such broken periods of service calculated on the basis of 21.67% of the ordinary wage payment received by the employee during such period.</p>

Clause	Conditions Type	Description
31.2	Parental leave (Instrument)	<p>The NES is supplemented by maintaining an entitlement to payment, in relation to maternity leave, adoption leave or paternity leave for employees in the classifications under this award who were entitled to payment for maternity leave, adoption leave or paternity leave in accordance with the terms of an award made under the Workplace Relations Act 1996 (Cth),</p> <ul style="list-style-type: none"> <li>- that applied to the employee or would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) applied to the employee, and</li> <li>- that would have entitled the employee to paid maternity leave, adoption leave or paternity leave.</li> </ul>
32.2	Public holidays (Instrument)	For employees working the 10/14 roster and for other employees of a public sector employer public holidays, including the NES entitlement, are accounted for in the aggregate annual leave provided for in this award and the employee has no separate entitlement to public holidays whether pursuant to the NES or under this award.
32.3	Substitution of public holidays (Instrument)	An employee, other than an employee working a 10/14 roster, by agreement with the employer, may substitute another day for any public holiday.

### **Frequency of Payment**

Wages must be paid fortnightly according to the actual ordinary hours worked each week or according to the average number of ordinary hours worked each week.

Wages must either be paid by cash, cheque or electronic funds transfer into the bank or financial institution account nominated by the employee.



**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.