

## MODERN AWARD GUIDE

derived from the

### Black Coal Mining Industry Award 2010 [MA000001]

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Effective from 01 January 2014.

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

The wage rates in this guide apply from 01 January 2014.

#### **Who should use the guide?**

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

The guide contains information about:

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

#### **What if an agreement applies to covered employees?**

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

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

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

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



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## **Coverage**

This award applies to:

- employers of coal mining employees, and
- coal mining employees.

Coal mining employees are:

- employees who are employed in the black coal mining industry by an employer engaged in the black coal mining industry, whose duties are directly connected with the day to day operation of a black coal mine and who are employed in a classification or class of work in Schedule A—Production and Engineering Employees or Schedule B—Staff Employees of this award

- employees who are employed in the black coal mining industry, whose duties are carried out at or about a place where black coal is mined and are directly connected with the day to day operation of a black coal mine and who are employed in a classification or class of work in Schedule A—Production and Engineering Employees or Schedule B—Staff Employees of this award.

For the purposes of this award, black coal mining industry has the meaning applied by the courts and industrial tribunals, including the Coal Industry Tribunal. Subject to the foregoing, the black coal mining industry includes:

- the extraction or mining of black coal on a coal mining lease by means of underground or surface mining methods
- the processing of black coal at a coal handling or coal processing plant on or adjacent to a coal mining lease
- the transportation of black coal on a coal mining lease, and
- other work on a coal mining lease directly connected with the extraction, mining and processing of black coal.

The black coal mining industry **does not** include:

- the mining of brown coal in conjunction with the operation of a power station
- the work of employees employed in head offices or corporate administration offices (but excluding work in town offices associated with the day-to-day operation of a local mine or mines) of employers engaged in the black coal mining industry
- the operation of a coal export terminal

- construction work on or adjacent to a coal mine site
- catering and other domestic services
- haulage of coal off a coal mining lease (unless such haulage is to a wash plant or char plant in the vicinity of the mine), or
- the supply of shotfiring or other explosive services by an employer not otherwise engaged in the black coal mining industry.

NOTE: The coverage clause is intended to reflect the status quo which existed under key pre-modern awards in relation to the kinds of employers and employees to whom those awards applied and the extent to which the awards applied to such employers and employees.

An example of these types of issues and some of the case law to be considered when addressing coverage matters can be found in Australian Collieries Staff Association and Queensland Coal Owners Association - No. 20 of 1980, 22 February 1982 {Print CR2297} and in the Court decisions cited in this decision.

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 employers which provide group training services for apprentices and/or trainees engaged in the industry and/or parts of industry set out at clause 4.1 and those apprentices and/or trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.

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

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

## **Wages**

### **Adult**

#### **Full & Part Time**

#### **Production & engineering employees**

<b>Classification</b>	<b>Basic Hourly Rate</b>
<b>Mineworker</b>	

<b>Classification</b>	<b>Basic Hourly Rate</b>
Induction level 1	\$20.16
Induction level 2	\$20.55
Training	\$20.55
Mineworker	\$21.97
Advanced	\$23.03
Specialised	\$25.39

### **Staff employees**

<b>Classification</b>	<b>Basic Hourly Rate</b>
<b>Group A - (No experience in coal industry)</b>	
Tracer	\$21.61
Surveyor's assistant	\$21.61
Clerk	\$21.61
Laboratory assistant	\$21.61
Technical assistant	\$21.61
Stores clerk	\$21.61
Trainee	\$21.61
Coal and/or dust sampler	\$21.61
<b>Group B - (engaged in coal industry)</b>	
Tracer	\$22.23
Surveyor's assistant	\$22.23
Clerk	\$22.23
Laboratory assistant	\$22.23
Technical assistant	\$22.23
Stores clerk	\$22.23
Trainee	\$22.23
Coal and/or dust sampler	\$22.23
Screen and surface overseer	\$22.23
Traffic controller	\$22.23
<b>Group C</b>	
Computer operator	\$22.80
Senior clerk	\$22.80
Senior stores clerk	\$22.80
Laboratory technician	\$22.80
Assistant surveyor	\$22.80
Assistant safety officer	\$22.80
<b>Group D</b>	
Surveyor	\$23.15
Draftsperson	\$23.15
Shotfirer	\$23.15
<b>Group E</b>	
Leading draftsperson	\$23.61
Assistant training officer	\$23.61
Assistant electrical and/or mechanical engineer	\$23.61
<b>Group F</b>	
Senior computer operator	\$23.84

<b>Classification</b>	<b>Basic Hourly Rate</b>
Assistant purchasing and stores control officer	\$23.84
Administrative officer	\$23.84
<b>Group G</b>	
Chemist	\$25.10
Analyst and/or programmer	\$25.10
Environmental scientist	\$25.10
Paymaster	\$25.10
Purchasing officer	\$25.10
Stores control officer	\$25.10
Personnel Officer	\$25.10
Safety officer	\$25.10
Assistant to the chief clerk	\$25.10
<b>Group H</b>	
Deputy	\$25.39
Training officer	\$25.39
<b>Group I</b>	
Foreperson	\$25.79
Senior analyst/ programmer	\$25.79
Coal preparation plant foreperson (Tasmania)	\$25.79
Commercial officer	\$25.79
Assistant accountant	\$25.79
Chief clerk	\$25.79
Purchasing & store control officer	\$25.79
Mine surveyor	\$25.79
Planning officer occupational health nurse	\$25.79
<b>Group J</b>	
Engineer	\$26.14
Assistant to the chief electrical / mechanical engineer	\$26.14
Open cut overseer	\$26.14
Chief surveyor	\$26.14
Metallurgist	\$26.14
Senior chemist	\$26.14
Geologist	\$26.14
Assistant undermanager	\$26.14
Senior foreperson	\$26.14
Accountant	\$26.14
Washing plant superintendent /supervisor	\$26.14
EDP supervisor	\$26.14
<b>Group K</b>	
Senior geologist	\$26.73
Chief geologist	\$26.73
Chief chemist	\$26.73
Senior metallurgist	\$26.73
Senior engineer	\$26.73
Senior open cut overseer	\$26.73
Coal Preparation Plant Supervisor	\$26.73
<b>Group L</b>	

<b>Classification</b>	<b>Basic Hourly Rate</b>
Production supervisor	\$27.38
Chief electrical / mechanical engineer	\$27.38
<b>Group M</b>	
Electrical /mechanical engineer (in-charge)	\$28.46
Undermanager (in-charge)	\$28.46
<b>Graduate engineer</b>	
Level 1	\$20.91 (80.00%)
Level 2	\$22.48 (86.00%)
Level 3	\$24.57 (94.00%)
<b>Commercial graduate</b>	
Level 1	\$20.63 (80.00%)
Level 2	\$22.18 (86.00%)
Level 3	\$24.24 (94.00%)

**Casual  
Staff employees**

<b>Classification</b>	<b>Basic Hourly Rate</b>
<b>Group A - (No experience in coal industry)</b>	
Tracer	\$27.01 (25.00%)
Surveyor's assistant	\$27.01 (25.00%)
Clerk	\$27.01 (25.00%)
Laboratory assistant	\$27.01 (25.00%)
Technical assistant	\$27.01 (25.00%)
Stores clerk	\$27.01 (25.00%)
Trainee	\$27.01 (25.00%)
Coal and/or dust sampler	\$27.01 (25.00%)
<b>Group B - (engaged in coal industry)</b>	
Tracer	\$27.79 (25.00%)
Surveyor's assistant	\$27.79 (25.00%)
Clerk	\$27.79 (25.00%)
Laboratory assistant	\$27.79 (25.00%)
Technical assistant	\$27.79 (25.00%)
Stores clerk	\$27.79 (25.00%)
Trainee	\$27.79 (25.00%)
Coal and/or dust sampler	\$27.79 (25.00%)
Screen and surface overseer	\$27.79 (25.00%)
Traffic controller	\$27.79 (25.00%)
<b>Group C</b>	
Computer operator	\$28.50 (25.00%)
Senior clerk	\$28.50 (25.00%)
Senior stores clerk	\$28.50 (25.00%)
Laboratory technician	\$28.50 (25.00%)
Assistant surveyor	\$28.50 (25.00%)
Assistant safety officer	\$28.50 (25.00%)
<b>Group D</b>	
Surveyor	\$28.93 (25.00%)
Draftsperson	\$28.93 (25.00%)
Shotfirer	\$28.93 (25.00%)

<b>Classification</b>	<b>Basic Hourly Rate</b>
<b>Group E</b>	
Leading draftsman	\$29.52 (25.00%)
Assistant training officer	\$29.52 (25.00%)
Assistant electrical and/or mechanical engineer	\$29.52 (25.00%)
<b>Group F</b>	
Senior computer operator	\$29.80 (25.00%)
Assistant purchasing and stores control officer	\$29.80 (25.00%)
Administrative officer	\$29.80 (25.00%)
<b>Group G</b>	
Chemist	\$31.38 (25.00%)
Analyst and/or programmer	\$31.38 (25.00%)
Environmental scientist	\$31.38 (25.00%)
Paymaster	\$31.38 (25.00%)
Purchasing officer	\$31.38 (25.00%)
Stores control officer	\$31.38 (25.00%)
Personnel Officer	\$31.38 (25.00%)
Safety officer	\$31.38 (25.00%)
Assistant to the chief clerk	\$31.38 (25.00%)
<b>Group H</b>	
Deputy	\$31.74 (25.00%)
Training officer	\$31.74 (25.00%)
<b>Group I</b>	
Foreperson	\$32.24 (25.00%)
Senior analyst/ programmer	\$32.24 (25.00%)
Coal preparation plant foreperson (Tasmania)	\$32.24 (25.00%)
Commercial officer	\$32.24 (25.00%)
Assistant accountant	\$32.24 (25.00%)
Chief clerk	\$32.24 (25.00%)
Purchasing & store control officer	\$32.24 (25.00%)
Mine surveyor	\$32.24 (25.00%)
Planning officer occupational health nurse	\$32.24 (25.00%)
<b>Group J</b>	
Engineer	\$32.67 (25.00%)
Assistant to the chief electrical / mechanical engineer	\$32.67 (25.00%)
Open cut overseer	\$32.67 (25.00%)
Chief surveyor	\$32.67 (25.00%)
Metallurgist	\$32.67 (25.00%)
Senior chemist	\$32.67 (25.00%)
Geologist	\$32.67 (25.00%)
Assistant undermanager	\$32.67 (25.00%)
Senior foreperson	\$32.67 (25.00%)
Accountant	\$32.67 (25.00%)
Washing plant superintendent /supervisor	\$32.67 (25.00%)
EDP supervisor	\$32.67 (25.00%)
<b>Group K</b>	
Senior geologist	\$33.41 (25.00%)

<b>Classification</b>	<b>Basic Hourly Rate</b>
Chief geologist	\$33.41 (25.00%)
Chief chemist	\$33.41 (25.00%)
Senior metallurgist	\$33.41 (25.00%)
Senior engineer	\$33.41 (25.00%)
Senior open cut overseer	\$33.41 (25.00%)
Coal Preparation Plant Supervisor	\$33.41 (25.00%)
<b>Group L</b>	
Production supervisor	\$34.23 (25.00%)
Chief electrical / mechanical engineer	\$34.23 (25.00%)
<b>Group M</b>	
Electrical /mechanical engineer (in-charge)	\$35.58 (25.00%)
Undermanager (in-charge)	\$35.58 (25.00%)
<b>Graduate engineer</b>	
Level 1	\$26.14 (25.00%)
Level 2	\$28.10 (25.00%)
Level 3	\$30.71 (25.00%)
<b>Commercial graduate</b>	
Level 1	\$25.79 (25.00%)
Level 2	\$27.72 (25.00%)
Level 3	\$30.30 (25.00%)

The rate of pay for a graduate engineer is based on the rate for a Group J - Engineer.

The rate of pay for a commercial graduate is based on the rate for a Group I - Commercial Officer.

## **Junior**

### **Full & Part Time**

<b>Classification</b>	<b>Basic Hourly Rate</b>
<b>Production &amp; engineering employees</b>	
15-16 years	\$8.22 (40.00%)
16-17 years	\$11.30 (55.00%)
17-18 years	\$15.41 (75.00%)
<b>Staff employees</b>	
Up to 17 years	\$14.05 (65.00%)
17 to 18 years	\$15.13 (70.00%)
18 to 19 years	\$17.29 (80.00%)
19 to 20 years	\$19.45 (90.00%)
20 to 21 years	\$20.53 (95.00%)

### **Casual**

<b>Classification</b>	<b>Basic Hourly Rate</b>
<b>Staff employees</b>	
Up to 17 years	\$17.56 (25.00%)
17 to 18 years	\$18.91 (25.00%)
18 to 19 years	\$21.61 (25.00%)
19 to 20 years	\$24.31 (25.00%)
20 to 21 years	\$25.66 (25.00%)



The rate of pay for a junior production and engineering employee is based on the rate for a Mineworker - Induction level 2 employee.

The rate of pay for a junior staff employee is based on the rate for a Group A employee.

## **Apprentice**

### **Full & Part Time**

<b>Classification</b>	<b>Basic Hourly Rate</b>
<b>Apprenticeship (other than adult) starting before 1/1/2014</b>	
First year of experience	\$9.25 (45.00%)
Second year of experience	\$12.33 (60.00%)
<b>Apprenticeship (other than adult)</b>	
Third year of experience	\$15.41 (75.00%)
Fourth year of experience	\$18.49 (90.00%)

### **Apprenticeship (other than adult) starting on or after 1/1/2014**

<b>Classification</b>	<b>Basic Hourly Rate</b>
<b>Work performed before ppc 1/1/2015</b>	
First year of experience	\$10.27 (50.00%)

### **Work performed on or after 1/1/2014**

<b>Classification</b>	<b>Basic Hourly Rate</b>
<b>Completed Year 12</b>	
Second year of experience	\$13.36 (65.00%)
<b>Did not complete Year 12</b>	
Second year of experience	\$12.33 (60.00%)
<b>Adult apprenticeship</b>	
First year of apprenticeship	\$16.44 (80.00%)
<b>Adult apprenticeship starting before 1/1/2014</b>	
Second year of apprenticeship	\$18.49 (90.00%)
Third year of apprenticeship	\$19.52 (95.00%)

### **Adult apprenticeship starting on or after 1/1/2014**

<b>Classification</b>	<b>Basic Hourly Rate</b>
<b>Work performed on or after 1/1/2014</b>	
Second year of experience	\$20.16 (100.00%)
Third year of experience	\$20.16 (100.00%)

The rate of pay for an apprentice is based on the rate for a Mineworker - Induction level 2.

### **School-based apprentice**

This modern award provides arrangements for school-based apprentices within clause 11.

For details of school-based arrangements see the 1 January 2010 version of the award.

## **Trainee**

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

## **Penalty Guide**

### Method of calculation

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

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

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

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

<b>Clause</b>	<b>Penalty Type</b>	<b>Description</b>	<b>Amount</b>
17.2(a)	Overtime	All time worked in excess of or outside the ordinary hours of any shift from Monday to Friday will attract the penalty for the first 3 hours.	150.00% (Loading) (b)
17.2(a)	Overtime thereafter	All time worked in excess of or outside the ordinary hours of any shift from Monday to Friday will attract the penalty after the first 3 hours.	200.00% (Loading) (b)

<b>Clause</b>	<b>Penalty Type</b>	<b>Description</b>	<b>Amount</b>
17.2(a)	Overtime - Saturday	All time worked in excess of or outside the ordinary hours of any shift on Saturday will attract the penalty for the first 3 hours.  An employee called on to work overtime on a Saturday (that is not continuous with work started on the previous day) will be paid for at least three hours at the appropriate rate.	150.00% (Loading) (b)
17.2(a)	Overtime thereafter - Saturday	All time worked in excess of or outside the ordinary hours of any shift on Saturday will attract the penalty after the first 3 hours.  An employee called on to work overtime on a Saturday (that is not continuous with work started on the previous day) will be paid for at least three hours at the appropriate rate.	200.00% (Loading) (b)
17.2(a)	Overtime - Sunday	All time worked in excess of or outside the ordinary hours of any shift on a Sunday.  An employee called on to work overtime on a Sunday (that is not continuous with work started on the previous day) will be paid for at least three hours at the appropriate rate.	200.00% (Loading) (b)
17.2(b)	Overtime - shiftwork	All time worked in excess of or outside the ordinary hours of any shift by employees: - who are 6 day roster employees or 7 day roster employees - who work a roster which requires ordinary shifts on public holidays and not less than 272 ordinary hours per year on Sundays, or - who work a roster which requires ordinary shifts on Saturday and Sunday where the majority of the rostered hours on the Saturday or Sunday shifts fall between midnight Friday and midnight Sunday.	200.00% (Loading) (b)
17.6	Rest period after overtime	An employee who, on the instructions of the employer, resumes or continues work without having had 10 consecutive hours off duty will be paid the penalty during ordinary hours and after that until the employee is released from duty.	200.00% (Loading) (b)

Clause	Penalty Type	Description	Amount
		The employee will then be entitled to 10 consecutive hours off duty and will not lose pay for any ordinary hours of work missed.	
17.7	Overtime - recall/call back	An employee who is recalled to work overtime after leaving the mine (whether the employee was notified before or after leaving the mine) will be paid for at least four hours work at the appropriate rate for each time the employee is recalled.  Monday to Saturday 1st 3 hours.	150.00% (Loading) (b)
17.7	Overtime - recall/call back	An employee who is recalled to work overtime after leaving the mine (whether the employee was notified before or after leaving the mine) will be paid for at least four hours work at the appropriate rate for each time the employee is recalled.  Monday to Saturday all time thereafter the first 3 hours.	200.00% (Loading) (b)
17.7	Overtime - recall/call back	An employee who is recalled to work overtime on a <b>Sunday</b> after leaving the mine (whether the employee was notified before or after leaving the mine) will be paid for at least four hours work at the appropriate rate for each time the employee is recalled.	200.00% (Loading) (b)
20.2	Saturday	All ordinary hours worked on a Saturday for the first 4 hours.	150.00% (Loading) (b)
20.2	Saturday - thereafter	All ordinary hours worked on a Saturday after the first 4 hours.	200.00% (Loading) (b)
20.2	Sunday	All ordinary hours worked on a Sunday.	200.00% (Loading) (b)
21.2(a)	Shift work - afternoon and rotating night shifts	For shiftwork performed during ordinary hours on an afternoon or rotating night shift.*	115.00% (Loading) (b)
21.2(b)	Overtime - shiftwork	For the first 3 hours of overtime worked during Monday to Friday by an employee on afternoon or rotating night shift working a 6 or 7 day roster.*	165.00% (Loading) (b)

Clause	Penalty Type	Description	Amount
21.2(b)	Overtime (shift work) - thereafter	All overtime worked after the first 3 hours during Monday to Friday by an employee on afternoon or rotating night shift working a 6 or 7 day roster.*	215.00% (Loading) (b)
21.2(b)	Overtime (shift work) - Saturday	For the first 3 hours of overtime worked on a Saturday by an employee on afternoon or rotating night shift working a 6 or 7 day roster.*	165.00% (Loading) (b)
21.2(b)	Overtime (shift work) - Saturday thereafter	All overtime worked after the first 3 hours on a Saturday by an employee on afternoon or rotating night shift working a 6 or 7 day roster.*	215.00% (Loading) (b)
21.2(b)	Overtime (shift work) - Sunday	All overtime worked on a Sunday by an employee on afternoon or rotating night shift working a 6 or 7 day roster.*	215.00% (Loading) (b)
21.2(c)	Overtime - shiftwork	For the first 3 hours of overtime worked during Monday to Friday by an employee on afternoon or rotating night shift working <b>other than</b> a 6 or 7 day roster.*	150.00% (Loading) (b)
21.2(c)	Overtime (shift work) - thereafter	All overtime worked after the first 3 hours during Monday to Friday by an employee on afternoon or rotating night shift working <b>other than</b> a 6 or 7 day roster.*	200.00% (Loading) (b)
21.2(c)	Overtime (shift work) - Saturday	For the first 3 hours of overtime worked on a Saturday by an employee on afternoon or rotating night shift working <b>other than</b> a 6 or 7 day roster.*	150.00% (Loading) (b)
21.2(c)	Overtime (shift work) - Saturday thereafter	All overtime worked after the first 3 hours on a Saturday by an employee on afternoon or rotating night shift working <b>other than</b> a 6 or 7 day roster.*	200.00% (Loading) (b)
21.2(c)	Overtime (shift work) - Sunday	All overtime worked on a Sunday by an employee on afternoon or rotating night shift working <b>other than</b> a 6 or 7 day roster.*	200.00% (Loading) (b)
21.2(a)	Night shift - permanent	For shiftwork performed by a permanent night shift employee during ordinary hours.*	125.00% (Loading) (b)
21.2(b)	Overtime - shiftwork	For the first 3 hours of overtime worked during Monday to Friday by an employee on permanent night shift working a 6 or 7 day roster.*	175.00% (Loading) (b)

Clause	Penalty Type	Description	Amount
21.2(b)	Overtime (shift work) - thereafter	All overtime worked after the first 3 hours during Monday to Friday by an employee on permanent night shift working a 6 or 7 day roster.*	225.00% (Loading) (b)
21.2(b)	Overtime (shift work) - Saturday	For the first 3 hours of overtime worked on a Saturday by an employee on permanent night shift working a 6 or 7 day roster.*	175.00% (Loading) (b)
21.2(b)	Overtime (shift work) - Saturday thereafter	All overtime worked after the first 3 hours on a Saturday by an employee on permanent night shift working a 6 or 7 day roster.*	225.00% (Loading) (b)
21.2(b)	Overtime (shift work) - Sunday	All overtime worked on a Sunday by an employee on permanent night shift working a 6 or 7 day roster.*	225.00% (Loading) (b)
21.2(c)	Overtime - shiftwork	For the first 3 hours of overtime worked during Monday to Friday by an employee on permanent night shift working <b>other than</b> a 6 or 7 day roster.*	150.00% (Loading) (b)
21.2(c)	Overtime thereafter - Saturday	All overtime worked after the first 3 hours during Monday to Friday by an employee on permanent night shift working <b>other than</b> a 6 or 7 day roster.*	200.00% (Loading) (b)
21.2(c)	Overtime (shift work) - Saturday	For the first 3 hours of overtime worked on a Saturday by an employee on permanent night shift working <b>other than</b> a 6 or 7 day roster.*	150.00% (Loading) (b)
21.2(c)	Overtime (shift work) - Saturday thereafter	All overtime worked after the first 3 hours on a Saturday by an employee on permanent night shift working <b>other than</b> a 6 or 7 day roster.*	200.00% (Loading) (b)
21.2(c)	Overtime (shift work) - Sunday	All overtime worked on a Sunday by an employee on permanent night shift working <b>other than</b> a 6 or 7 day roster.*	200.00% (Loading) (b)
23.3	Delayed meal breaks	Where the employer and employee agree that the employee will work for more than 5 hours without a break, then the employee will, unless otherwise agreed, be paid for any work beyond 5 hours at the applicable rate until a meal break is taken.  Monday to Friday for the first 3 hours.	150.00% (Loading) (b)

<b>Clause</b>	<b>Penalty Type</b>	<b>Description</b>	<b>Amount</b>
23.3	Delayed meal breaks	Where the employer and employee agree that the employee will work for more than 5 hours without a break, then the employee will, unless otherwise agreed, be paid for any work beyond 5 hours at the applicable rate until a meal break is taken.  Monday to Friday will attract the penalty after the first 3 hours	200.00% (Loading) (b)
23.3	Delayed meal breaks	Where the employer and employee agree that the employee will work for more than 5 hours without a break, then the employee will, unless otherwise agreed, be paid for any work beyond 5 hours at the applicable rate until a meal break is taken.  Saturday will attract the penalty for the first 3 hours	150.00% (Loading) (b)
23.3	Delayed meal breaks	Where the employer and employee agree that the employee will work for more than 5 hours without a break, then the employee will, unless otherwise agreed, be paid for any work beyond 5 hours at the applicable rate until a meal break is taken.  Saturday will attract the penalty after the first 3 hours	200.00% (Loading) (b)
23.3	Delayed meal breaks	Where the employer and employee agree that the employee will work for more than 5 hours without a break, then the employee will, unless otherwise agreed, be paid for any work beyond 5 hours at the applicable rate until a meal break is taken.  Sunday	200.00% (Loading) (b)
23.3	Delayed meal breaks	Where the employer and employee agree that the employee will work for more than 5 hours without a break, then the employee will, unless otherwise agreed, be paid for any work beyond 5 hours at the applicable rate until a meal break is taken.  For employees: - who are 6 day roster employees or 7 day roster employees	200.00% (Loading) (b)



Clause	Penalty Type	Description	Amount
		- who work a roster which requires ordinary shifts on public holidays and not less than 272 ordinary hours per year on Sundays, or - who work a roster which requires ordinary shifts on Saturday and Sunday where the majority of the rostered hours on the Saturday or Sunday shifts fall between midnight Friday and midnight Sunday.	
26.4(a)	Public holiday	An employee who is required to work on a holiday is to be paid the penalty for work performed during ordinary hours.	300.00% (Loading) (b)
26.4(b)	Public holiday	Work performed in excess of ordinary hours on a holiday.	300.00% (Loading) (b)
26.4(a)	Part-day Christmas Eve/ New Year's Eve public holiday - South Australia	For all work performed on 24 December (Christmas Eve) or 31 December (New Year's Eve) between 7.00pm and midnight.  Only applies in South Australia.	300.00% (Loading) (b)

### **\*Shiftwork Definitions**

Afternoon shift means any shift, the ordinary hours of which finish after 6.00pm and at or before midnight.

Night shift means any shift, the ordinary hours of which finish after midnight and at or before 8.00am.

A permanent night shift employee is an employee who:

- works night shift only, or
- stays on night shift for a longer period than 4 consecutive weeks, or
- works on a roster that does not give at least one-third of the employee's working time off night shift in each roster cycle.

### **Penalty Rates**

Penalty rates are not covered by this Modern Award Guide.

### **Allowances**

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

Clause	Allowance Type	Description	Effective Date	Rate
A.8.2	Washery allowance	<p><b>Schedule A employees only:</b></p> <p>Where an employee is employed in or about a washery. A minimum payment of \$2.301 per day or per shift applies.</p> <p>The allowance is in substitution of all other disability allowances except water money.</p> <p>(0.63% of the standard rate x 35 = 22.05% of the hourly rate)</p>	1/07/2013	\$4.5310 per day or per shift (22.05%)
A.8.2	Water money	<p><b>Schedule A employees only:</b></p> <p>Where, through no fault of the employee, and in the course of duties, an employee's clothing becomes wet.</p> <p>(0.49% of the standard rate x 35 = 17.15% of the hourly rate)</p>	1/07/2013	\$3.5241 per shift (17.15%)
A.8.2	Shaft work (electrical/mechanical)	<p><b>Schedule A employees only:</b></p> <p>Where an employee is engaged on shaft work. A minimum payment of \$2.158 per shift applies.</p> <p>(0.59% of the standard rate x 35 = 20.65% of the hourly rate)</p>	1/07/2013	\$4.2433 per shift, with a minimum payment of \$2.158 (20.65%)
A.8.2	Dirty work allowance	<p><b>Schedule A employees only:</b></p> <p>Where an employee has to handle machinery, equipment, appliances or gear of any description which is covered with oil or grease.</p> <p>(0.23% of the standard rate x 35 = 8.05% of the hourly rate)</p>	1/07/2013	\$1.6542 per shift (8.05%)

Clause	Allowance Type	Description	Effective Date	Rate
A.8.2	Confined spaces allowance (electrical/mechanical)	<p><b>Schedule A employees only:</b></p> <p>Employees working in a space, the dimensions of which necessitate working in a stooped or otherwise cramped position or without proper ventilation, or where confinement within a limited space is unusually discomforting.</p> <p>(0.08% of the standard rate x 35 = 2.8% of the hourly rate)</p>	1/07/2013	\$0.5754 per hour (2.80%)
A.8.2	Height money (electrical/mechanical)	<p><b>Schedule A employees only:</b></p> <p>Where an employee is engaged on work at a height of 7.5 metres or more above the nearest horizontal plane.</p> <p>(0.23% of the standard rate x 35 = 8.05% of the hourly rate)</p>	1/07/2013	\$1.6542 per shift (8.05%)
A.8.2	First aid officer allowance	<p><b>Schedule A employees only:</b></p> <p>Where an employee is appointed as a first aid officer.</p> <p>Does not apply to employees employed under the open cut or underground work models.</p> <p>(0.76% of the standard rate x 35 = 26.6% of the hourly rate)</p>	1/07/2013	\$5.4659 per day or shift or attendance at or paid absence from work (26.60%)
A.8.2	First aid attendant allowance	<p><b>Schedule A employees only:</b></p> <p>Where an employee is appointed as a first aid attendant.</p> <p>Does not apply to employees employed under the open cut or underground work models.</p> <p>(0.45% of the standard rate x 35 = 15.75% of the hourly rate)</p>	1/07/2013	\$3.2364 per day or shift (15.75%)

Clause	Allowance Type	Description	Effective Date	Rate
A.8.2	Boom welding allowance	<p><b>Schedule A employees only:</b></p> <p>Where an employee carries out pressure or x-ray standard welding on booms.</p> <p>Does not apply to employees employed under the open cut or underground work models.</p> <p>(0.095% of the standard rate x 35 = 3.325% of the hourly rate)</p>	1/07/2013	\$0.6832 per hour (3.33%)
A.8.2	Underground allowance	<p><b>Schedule A employees only:</b></p> <p>(Electrical/Mechanical)</p> <p>An adult employee who works underground on any shift.</p> <p>(0.23% of the standard rate x 35 = 8.05% of the hourly rate)</p>	1/07/2013	\$1.6542 per day or shift (8.05%)
A.8.2	Additional shift allowance—open cut employees	<p><b>Schedule A employees only:</b></p> <p>Where an employee is engaged on <b>afternoon shift</b> at open cut workings and who is in receipt of the 15% shift allowance.</p> <p>The allowance is additional to the shiftwork rates.</p> <p>(0.43% of the standard rate x 35 = 15.05% of the hourly rate)</p>	1/07/2013	\$3.0926 per afternoon shift (15.05%)

Clause	Allowance Type	Description	Effective Date	Rate
A.8.2	Additional shift allowance—open cut employees	<p><b>Schedule A employees only:</b></p> <p>Where an employee is engaged on <b>night shift</b> at open cut workings and who is in receipt of the 15% shift allowance.</p> <p>The allowance is additional to the shiftwork rates.</p> <p>(0.85% of the standard rate x 35 = 29.75% of the hourly rate)</p>	1/07/2013	\$6.1132 per night (29.75%)
A.8.3	Tool allowance	<p><b>Schedule A employees only:</b></p> <p>Employees required to provide necessary tools.</p> <p>Employers will continue to supply tools customarily supplied by them.</p>	1/07/2010	\$0.3171 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 35 hours per week).
A.8.3 & 17.8(b)(c)	Meal allowance	<p><b>Schedule A employees only:</b></p> <p>Applies when:</p> <ul style="list-style-type: none"> <li>- an employee is required to work more than 1.5 hours past their rostered shift (exclusive of crib time) without being notified the previous day, or</li> <li>- after each 4 hours of overtime worked after a crib break.</li> </ul> <p>Employer may provide a meal instead of paying the allowance.</p>	1/07/2013	\$13.9600 per meal
B.3.1	First aid officer allowance	<p><b>Schedule B employees only:</b></p> <p>Where an employee is appointed as a first aid officer.</p> <p>(0.76% of the standard rate x 35 = 26.6% of the hourly rate)</p>	1/07/2013	\$5.4659 per day or shift or attendance at or paid absence from work (26.60%)

Clause	Allowance Type	Description	Effective Date	Rate
B.3.1	First aid attendant allowance	<p><b>Schedule B employees only:</b></p> <p>Where an employee is appointed as a first aid attendant.</p> <p>(0.45% of the standard rate x 35 = 15.75% of the hourly rate)</p>	1/07/2013	\$3.2364 per day or shift (15.75%)
B.3.2. & 17.8(b)(c)	Meal allowance	<p><b>Schedule B employees only:</b></p> <p>Applies when:</p> <ul style="list-style-type: none"> <li>- an employee is required to work more than 1.5 hours past their rostered shift (exclusive of crib time) without being notified the previous day, or</li> <li>- after each 4 hours of overtime worked after a crib break.</li> </ul> <p>Employer may provide a meal instead of paying the allowance.</p>	1/07/2013	\$13.9600 per meal
C.2	Longwall allowance	<p><b>New South Wales employees only:</b></p> <p>When employed in or about longwall operations. A minimum payment applies - see allowance below.</p> <p>This allowance will cease to operate after 31 December 2014.</p>	1/01/2010	\$0.9857 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 35 hours per week). Minimum payment applies.

Clause	Allowance Type	Description	Effective Date	Rate
C.2	Shaft sinking or drift driving	<p><b>New South Wales employees only:</b></p> <p>When an employee is a member of a crew engaged in the sinking of a shaft or the driving of a drift.</p> <p>The allowance is in substitution for all disability allowances, except water money.</p> <p>This allowance will cease to operate after 31 December 2014.</p>	1/01/2010	\$10.8100 per shift

**Full Time**

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Apprentices other than adult apprentices - first year of experience</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$4.6234 per hour (45.00%)



Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Apprentices other than adult apprentices - second year of experience</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$6.1646 per hour (60.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Apprentices other than adult apprentices - third year of experience</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$7.7057 per hour (75.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Apprentices other than adult apprentices - fourth year of experience</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$9.2469 per hour (90.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Adult apprentices - first year of apprenticeship</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$8.2194 per hour (80.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Adult apprentices - second year of apprenticeship</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$9.2469 per hour (90.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Adult apprentices - third year of apprenticeship</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$9.7606 per hour (95.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Apprentices other than adult apprentices starting on or after 1/1/2014 - first year of experience Queensland employees only</b></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/01/2014	\$5.1371 per hour (50.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Apprentices other than adult apprentices starting on or after 1/1/2014 - second year of experience, completed year 12</b>  <b>Queensland employees only</b></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/01/2014	\$6.6783 per hour (65.00%)



Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Adult apprentices apprentices starting on or after 1/1/2014 - second year of experience Queensland employees only</b></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/01/2014	\$10.0786 per hour (100.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Adult apprentices starting on or after 1/1/2014 - third year of experience Queensland employees only</b></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/01/2014	\$10.0786 per hour (100.00%)

**Full Time, Part Time**

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland Employees only</b></p> <p><u>Mineworker - Induction Level 1</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$10.0786 per hour (50.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Mineworker - Induction Level 2</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$10.2743 per hour (50.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Junior - 15-16 years</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.</p> <p>An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work.</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$4.1097 per hour (40.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Junior - 16-17 years</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.  An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work.</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$5.6509 per hour (55.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Junior - 17-18 years</u></p> <p>When an employee is engaged in live sewer work, defined as:</p> <ul style="list-style-type: none"> <li>- work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or</li> <li>- where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</li> </ul> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means. An allowance calculated at the rate of 50% of the ordinary time hourly rate for such work.</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$7.7057 per hour (75.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Mineworker - Training</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$10.2743 per hour (50.00%)



Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Mineworker</u></p> <p>When an employee is engaged in live sewer work, defined as:</p> <ul style="list-style-type: none"> <li>- work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or</li> <li>- where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</li> </ul> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$10.9829 per hour (50.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Mineworker - Advanced</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$11.5129 per hour (50.00%)

Clause	Allowance Type	Description	Effective Date	Rate
C.1	Live sewer work allowance	<p><b>Queensland employees only</b></p> <p><u>Mineworker - Specialised</u></p> <p>When an employee is engaged in live sewer work, defined as:  - work carried out in Queensland in situations where there is direct aerial connection with a sewer through which sewage is flowing, or  - where mechanical and electrical equipment is installed in association with any such sewer or sewerage pumping station or treatment or treatment works, but does not apply to routine maintenance which does not require the dismantling of pumps etc.</p> <p>It does not include where aerial connection with a sewer is blocked by a disk, plug, valve, water seal or other means.</p> <p>This allowance will cease to apply after 31 December 2014.</p>	1/07/2013	\$12.6971 per hour (50.00%)

### Wage related reimbursements - Schedule A Employees

Allowance	Reimbursement	Application
Working clothes and safety boots	Reimbursement by the employer each year for one pair of safety boots and 2 sets of industrial outer clothing. The articles are to be at a standard normally issued by the company.	Employees required to provide and wear industrial outer clothing and safety boots. This provision does not apply where such footwear and clothing are supplied to the employee at the employer's expense.
Damage to clothing and tools (Electrical/Mechanical)	Compensation to the extent of damage sustained will be made, provided that the employer's liability for such tools will be limited to such tools of trade as are ordinarily required for the performance of the employees' duties.	Where in the course of the work clothing or tools are damaged or destroyed by fire or molten metal or through the use of corrosive substances.

<b>Allowance</b>	<b>Reimbursement</b>	<b>Application</b>
Transport	Reimbursement of any expense reasonably incurred in excess of expenses usually incurred travelling between home and normal place of work.	When employee is required to work during annual leave shutdown and the normal means of transport is unavailable and provided the employee attends for work and performs such work as the employer reasonably requires.
Transport	Payment at ordinary rates for all time reasonably spent outside ordinary hours of work travelling between home and the temporary location beyond the time usually spent in travelling between home and the ordinary location and/or reimbursement of any expense reasonably incurred in such travelling in excess of the expense usually incurred travelling between home and the employee's ordinary location.	When an employee is required to temporarily work away from their ordinary location.
Transport	Payment for one hour at ordinary rates or the provision of transport at the employer's cost.	When an employee works shiftwork, overtime or pre-shift overtime and the employee's normal means of transport is unavailable.

#### **Wage related reimbursements - Schedule B Employees**

<b>Allowance</b>	<b>Reimbursement</b>	<b>Application</b>
Working clothes and safety boots	Reimbursement by their employer each year for one pair of safety boots and two sets of industrial outer clothing.	Employees required to provide and wear industrial outer clothing and safety boots. This provision does not apply where such footwear and clothing are supplied to the employee at the employer's expense.
Transport	Reimbursement of any expense reasonably incurred in excess of expenses usually incurred travelling between home and normal place of work.	When an employee is required to work during annual leave shutdown and the normal means of transport is unavailable.

<b>Allowance</b>	<b>Reimbursement</b>	<b>Application</b>
Transport	Payment at ordinary rates for all time reasonably spent outside ordinary hours of work travelling between home and the temporary location beyond the time usually spent in travelling between home and the ordinary location and/or reimbursement of any expense reasonably incurred in such travelling in excess of the expense usually incurred travelling between home and the employee's ordinary location.	When an employee is required to temporarily work away from the ordinary location.
Transport	Payment for one hour at ordinary rates or the provision of transport at the employer's cost.	When an employee works shiftwork or overtime and the employee's normal means of transport is unavailable.

## **Other Conditions**

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

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <ul style="list-style-type: none"> <li>- arrangements for when work is performed</li> <li>- overtime rates</li> <li>- penalty rates</li> <li>- allowances</li> <li>- leave loading.</li> </ul> <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> <li>- duty to notify, and</li> <li>- duty to discuss change.</li> </ul>

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).
10.1	Types of employment (Instrument)	An employer may employ an employee in any classification included in this award in any of the following types of employment: - full-time - part-time, or - in the case of staff employees, casual.
10.2	Full-time conditions (Instrument)	A full-time employee is an employee whose average ordinary hours of work will be 35 hours per week.
10.3	Part-time conditions (Instrument)	<p>A part-time employee:</p> <ul style="list-style-type: none"> <li>- works less than 35 hours per week</li> <li>- has reasonably predictable hours of work</li> <li>- receives equivalent pay and conditions to full-time employees who do the same kind of work.</li> </ul> <p>At the start of employment the employer and the part-time employee will agree in writing on a regular pattern of work. This will specify the hours worked each day, which days of the week the employee will work and the starting and finishing times each day.</p> <p>Any agreed change to the pattern of work will be recorded in writing.</p> <p>All time worked outside the pattern of work will be paid for at overtime rates.</p> <p>A part-time employee will be paid per hour 1/35th of the weekly rate for their classification.</p>
10.4	Casual conditions (Instrument)	A casual employee will be paid 1/35th of the appropriate weekly rate, plus 25% for ordinary hours with a minimum payment of 4 hours for each shift. The loading is in lieu of leave entitlements.
13.1	Termination of employment (Fair Work Act 2009 - National Employment Standard)	<p><u>Notice of termination by an employer</u></p> <p>An employer is required to provide notice of termination (or payment in lieu of notice) to an employee based on the employee's period of continuous service as follows:</p> <ul style="list-style-type: none"> <li>- Not more than 1 year of service: 1 week</li> </ul>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- More than 1 year but not more than 3 years of service: 2 weeks</li> <li>- More than 3 years but not more than 5 years of service: 3 weeks</li> <li>- More than 5 years of service: 4 weeks</li> </ul> <p>The period of notice will increase by 1 week if the employee is over 45 years old and has completed at least 2 years of continuous service with the employer.</p>
13.2	Termination of employment (Instrument)	<p><b>Termination by employee</b></p> <p>An employee must give 1 week's notice to terminate employment, or forfeit to the employer 1 week's pay instead of giving notice.</p>
13.3	Termination of employment (Instrument)	<p><b>Termination by employer</b></p> <p>The employer may dismiss an employee without notice for serious misconduct. In this case the wages will only be payable up to the time of dismissal.</p>
13.4	Termination of employment (Instrument)	<p><b>Notice of termination - redundancy</b></p> <p>Where an employee is made redundant they are entitled to 4 weeks' notice of termination.</p>
13.5	Termination of employment (Instrument)	<p><b>Payments on termination</b></p> <p>When an employee is terminated they must be paid the following payments on top of any other payments they are entitled to.</p> <p><u>Accrued annual leave</u> The employee must be paid for all accrued annual leave at their base rate of pay.</p> <p><u>Accrued personal/carer's leave</u></p> <ul style="list-style-type: none"> <li>- An employee who is terminated:</li> <li>- by retrenchment</li> <li>- by retirement at or after age 60</li> <li>- by the employer because of ill health, or</li> <li>- by death</li> </ul>

Clause	Conditions Type	Description
		<p>must be paid for all accrued personal leave at their base rate of pay if they have 70 or more hours of untaken personal leave.</p> <p>- When an employer terminates an employee during paid personal leave, the employee must be paid until the employee has no more accrued personal leave or until the employee is fit for duty, whichever occurs first.</p>
14.2	Redundancy (Instrument)	<p><b>Definition of redundancy</b></p> <p>An employee is made redundant where they are terminated at the employer's initiative:</p> <ul style="list-style-type: none"> <li>- because the employer no longer requires the job done by the employee to be done by anyone except where this is due to the ordinary and customary turnover of labour, or</li> <li>- because of insolvency or bankruptcy of the employer.</li> </ul> <p>This clause does not apply to employees engaged for a fixed term or a specified task.</p>
14.3	Redundancy (Instrument)	<p><b>Severance payment</b></p> <p>When employees are made redundant they are entitled to severance pay equal to 1 ordinary week's pay for each completed year of employment.</p>
14.4	Redundancy (Instrument)	<p><b>Retrenchment payment</b></p> <p>Where redundancies occur due to:</p> <ul style="list-style-type: none"> <li>- technological change</li> <li>- market forces, or</li> <li>- diminution of reserves,</li> </ul> <p>the employees terminated are entitled to retrenchment pay equal to 2 ordinary weeks' pay for each completed year of employment. This is in addition to the severance payment. This makes a total of 3 ordinary weeks' pay for each completed year of employment.</p> <p>The minimum retrenchment payment is 2 ordinary weeks' pay.</p> <p>The amount of retrenchment payment is not to be more than what the employee would have received if they had remained with the employer until the age of 60 years.</p>



<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
14.5	Redundancy (Instrument)	<b>Exemption</b>  An employer does not have to pay redundancy if they make available permanent work: - that the employee can perform - in a position that carries the same rate of pay - that does not require the employee to move residences.
14.6	Redundancy (Instrument)	<b>Variation of retrenchment pay</b>  An employer may apply to Fair Work Australia to be exempt from redundancy.
16.2	Higher duties (Instrument)	An employee who performs mixed functions on any shift must be paid for the whole shift at the highest rate for any of the functions.
16.5 - 16.8	Method of payment (Instrument)	Wages will be paid by cheque or electronic funds transfer.  Not more than 1 week's pay will be kept in hand by the employer without the employee agreeing.  Wages due to an employee on termination will be paid on the day or forwarded by post within 72 hours.  An employer and an employee may agree to a salary sacrifice arrangement. The sacrificed amount and the remaining wages combined must not be less than the rate the employee would be entitled to.
17.3	Overtime - other (Instrument)	<b>Minimum payment for overtime on Saturday and Sunday</b>  An employee working overtime on a Saturday or Sunday will be paid for at least 3 hours at the appropriate rate.
17.4	Overtime - other (Instrument)	<b>Reasonable additional hours</b>  An employer may require an employee to work reasonable additional hours in addition to their rostered hours and be paid at overtime rates.
17.5	Overtime - other	<b>Averaging overtime payments</b>

Clause	Conditions Type	Description
	(Instrument)	An employer and an employee employed in a staff employees classification may agree to average overtime payments over a length of a defined period.
17.6	Overtime - other (Instrument)	<p><b>Length of the rest period</b></p> <p>When overtime work is necessary employees will have at least 10 consecutive hours off duty between shifts</p> <p><b>Where the employee does not get a 10 hour rest</b></p> <p>Where an employee works so much overtime that they have not had at least 10 consecutive hours off duty between their ordinary shifts the employee will have 10 consecutive hours off duty without loss of pay after that overtime is finished.</p> <p>Where the employee is told to work without having had ten consecutive hours off duty they</p> <ul style="list-style-type: none"> <li>- will be paid at double time during ordinary hours and after that until released from duty</li> <li>- will then be entitled 10 consecutive hours off duty</li> <li>- will not lose pay for any ordinary hours of work missed.</li> </ul>
17.7	Call-back (Instrument)	<p><b>Payment for call-back</b></p> <p>An employee who is recalled to work overtime after leaving the mine will be paid for at least 4 hours work.</p> <p>The employee will not have to work the full 4 hours if the job to be performed is completed in less than 4 hours.</p> <p>This does not apply in the following cases:</p> <ul style="list-style-type: none"> <li>- where to the employee would normally return to the mine to perform a specific job outside their ordinary hours</li> <li>- where the overtime is continuous with ordinary working time.</li> </ul> <p>This will not be regarded as overtime for the purposes of a rest period if the actual time worked is less than 4 hours.</p>

Clause	Conditions Type	Description
17.8	Overtime - working through meal break (Instrument)	<p><b>Meal breaks during non-rostered overtime</b></p> <p>If an employee is required to work more than 1.5 hours past their rostered shift then the employee will be have a paid meal break of 30 minutes before starting the overtime, unless they agree otherwise.</p> <p>The employee will also be supplied with a meal or paid a meal allowance if they were not told the day before that they needed to work overtime.</p> <p>After each 4 hours of overtime worked after a crib break the employee will have a further crib break and either be supplied with a meal or be paid a meal allowance.</p> <p>Where the overtime worked is not continuous with an employee's rostered hours, the employee is entitled to a paid meal break of 30 minutes after each 5 hours worked.</p>
18	Accident pay (Instrument)	An employee who is being paid under workers compensation legislation will be entitled to accident pay from the employer under certain conditions. Refer to the award for details.
21.3	Shiftwork (Instrument)	<p><b>Change of shift for permanent day shift employees</b></p> <p><u>For at least 3 consecutive working days</u> If an employee who normally works on day shift only is required to work afternoon or night shift on at least 3 consecutive working days then the employee will be paid at overtime rates for the first afternoon or night shift so worked and after that the employee will be paid in accordance with the shiftwork rates for any other shifts.</p> <p><u>For fewer than 3 consecutive working days</u> If the employee is required to work afternoon or night shiftwork for a period fewer than 3 consecutive working days, overtime rates will be paid for any afternoon or night shiftwork. An exception to this is where the requirement is caused by the failure of any other employee to come on duty at the proper time.</p>
22.1	Rostering (Instrument)	<p><b>Rostering of hours and length of shifts</b></p> <p>The employer can set the length of shifts but shifts of more than 10 ordinary hours can only be set by agreement between the employer and the majority of employees affected or, in the case of a dispute, as resolved under the dispute resolution procedure.</p>

Clause	Conditions Type	Description
22.2	Rostering (Instrument)	<p><b>Shift starting and finishing times</b></p> <p>The employer can set the start and finish times of shifts.</p>
22.3	Rostering (Instrument)	<p><b>Number and spread of shifts</b></p> <p>The number and spread of ordinary shifts may be varied by the employer and, in the case of dispute, the dispute resolution procedure applies.</p>
22.4	Rostering (Instrument)	<p><b>Starting and finishing places</b></p> <p>The starting and finishing place of a shift are to be agreed between the employer and the majority of affected employees or, if they cannot agree, as resolved under the dispute resolution procedure.</p> <p>At underground mines, the starting and finishing place will be on the surface.</p>
22.5	Rostering (Instrument)	<p><b>Roster changes</b></p> <p>An employee's place on a roster may only be changed with 1 week's notice. Where less than 1 week's notice is given, the employee is paid at overtime rates until 1 week after they had been given notice.</p>
22.6	Rostered days off (Instrument)	<p><u>Period of notice to be given</u> If an employee is entitled to a rostered day off (RDO) then the employee must be told by the employer at least 4 weeks before the day the employee is to take off. The employer and the majority of employees in the mine or sections affected may agree on a shorter period.</p> <p><u>An employee required to work on an RDO</u> An employee will only be required to work on an RDO the employer has attempted to find another way to fill the vacancy.</p> <p><u>Payment for working on an RDO</u> An employee will be paid for working ordinary hours on an RDO at either:</p> <p>- ordinary rates for time worked during ordinary hours on an RDO, and</p>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>• the employee will then take another day off before the end of the employee's next roster cycle</li> <li>• this day off will be selected by the employee with 1 week's notice, and</li> <li>• the employee will be allowed this day off unless the operations of the mine will be affected by the absence,</li> </ul> <p>OR</p> <p>- overtime rates for the time worked on the RDO.</p> <p>An employee will be paid overtime rates for all time worked outside of the ordinary hours for that day.</p> <p><u>RDO moved to another day</u>  An employer, with the agreement of the majority of employees affected, may move the RDO of these employees to another day:</p> <ul style="list-style-type: none"> <li>• a breakdown of machinery</li> <li>• a failure or shortage of electric power</li> <li>• meeting the requirements of the mine, or</li> <li>• an emergency situation.</li> </ul> <p>In the case of another day being substituted for the RDO, the new day becomes the RDO and the original day becomes an ordinary working day.</p> <p>An employee, with the agreement of the employer, may substitute the day the employee is to take off for another day.</p> <p><u>RDOs falling on a recognised public holiday</u>  An employee who is entitled to an RDO which falls on a public holiday, is to be either paid at the employee's classification rate or credited with 1 day payable at ordinary rates.</p> <p><u>RDOs not to fall on a recognised public holiday for employees working Monday to Friday shifts of up to 8.5 ordinary hours</u>  Where an employee is working Monday to Friday shifts of up to 8.5 hours and the employee's roster does not include work on a holiday, the RDO is not to fall on a holiday.</p>

Clause	Conditions Type	Description
		Where a holiday is prescribed after the employee has been notified of the RDO, and that holiday falls on the employee's RDO, the RDO must be taken on another weekday.
23	Breaks - meal (Instrument)	<p>An employee is entitled to a meal break of 30 minutes without deduction from pay for each five hours worked during rostered hours.</p> <p>An employee will not be required to work for more than five hours without a meal break.</p>
24.1	Annual leave (Fair Work Act 2009 - National Employment Standard)	<p>For each year of service with his or her employer, an employee (excluding casual) is entitled to:</p> <p>4 weeks of paid annual leave, or 5 weeks of paid annual leave for a <b>shiftworker</b></p> <p>An employee's entitlement to paid annual leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.</p> <p>All accrued untaken annual leave must be paid to the employee on termination.</p>
24.2	Annual leave (Instrument)	<p><b>Entitlement to annual leave</b></p> <p>An employee is entitled to additional annual leave to that in the NES, such that the employee's total entitlement to annual leave is 175 ordinary hours (5 weeks).</p> <p>A 7 day roster employee who works a roster which has ordinary shifts on public holidays and at least 272 ordinary hours per year on Sundays, is entitled to an additional 35 ordinary hours (1 week) of annual leave each year.</p>
24.3	Annual leave (Instrument)	<p><b>Accrual of annual leave</b></p> <p>Employees, other than casual employees, accrue annual leave at the following rate:</p> <p>- employees who would be entitled to annual leave of 175 hours (5 weeks) accrue 3.3654 hours of annual leave for each completed week of employment.</p>

Clause	Conditions Type	Description
		- employees who would be entitled to annual leave of 210 hours (6 weeks) accrue 4.0385 hours of annual leave for each completed week of employment.
24.4	Annual leave (Instrument)	<p><b>When annual leave can be taken</b></p> <p>An employee who wants to take annual leave will give the employer at least 28 days' written notice unless otherwise agreed. The employer will grant that leave unless the operations of the mine will be affected.</p> <p>Unless otherwise agreed, annual leave will be taken within 12 months of the date the employee received the annual leave entitlement.</p> <p>The employer may direct an employee to take annual leave provided at least 28 days' written notice is given to the employee.</p>
24.6	Annual leave (Instrument)	<p><b>Amount of annual leave to be taken</b></p> <p>Unless otherwise agreed between the employer and employee, annual leave will be taken in not more than three periods, one of which will be of at least 3 weeks.</p>
24.7	Annual leave (Instrument)	<p><b>Payment for annual leave</b></p> <p>An employee taking annual leave must be paid whichever is higher of:</p> <p>the employee's ordinary rate of pay plus a loading of 20% or</p> <p>the employee's rostered earnings for the period of annual leave, including all rostered overtime and public holidays (paid at double time), but does not include shift allowances, other than for 7 day roster employees.</p>
24.8	Annual leave (Instrument)	<p><b>When payment will be made for annual leave</b></p> <p>An employee will be paid for annual leave at the employer's ordinary time for payment, unless the employee requests that payment of the entire period of annual leave be made prior to the start of leave.</p>

Clause	Conditions Type	Description
24.9	Annual leave - paid leave in advance of accrued entitlement (Instrument)	An employer may allow an employee to take annual leave in advance. Leave taken in advance will be deducted as soon as it accrues. The employer may deduct from the employee's termination pay any annual leave taken in advance which the employee has not yet accrued.
24.10	Annual leave - close-down (Instrument)	<p>An employer that shuts down its operation must give employees at least 28 days' notice of the shutdown a shorter period if agreed between the employer and the employees affected.</p> <p>Employees directly affected by the shutdown who have an entitlement to annual leave may take all or part of that entitlement during the shutdown period.</p> <p>Employees who are directly affected by the shutdown and who are not yet entitled to sufficient annual leave, may be granted leave in advance according to the award.</p>
25	Personal/carer's leave (Fair Work Act 2009 - National Employment Standard)	<p>For each year of service with his or her employer, an employee is entitled to 10 days of paid personal/carer's leave.</p> <p>The entitlement accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.</p>
25	Personal/carer's leave (Instrument)	<p><b>Entitlement</b></p> <p>A full-time employee is entitled to 105 ordinary hours of personal/carer's leave (including the NES entitlement) on starting work and on the same day every year after. Any personal leave which is not taken by an employee is carried over into the next year.</p> <p><b>Evidence required</b></p> <p>If requested by the employer, the employee must provide a medical certificate or other evidence proving that the absence from work was for the reasons set out in the NES.</p> <p>If the proof is disputed, such a dispute may be dealt with in accordance with the dispute resolution procedure.</p> <p><b>Deduction of personal leave</b></p>



Clause	Conditions Type	Description
		Where the employee takes personal leave for fewer than half the ordinary hours of the shift, their personal leave will not be reduced. In all other cases, the full ordinary hour's component of the shift will be deducted for each absence.
26.1	Public holidays (Fair Work Act 2009 - National Employment Standard)	<p>The following are public holidays:</p> <ul style="list-style-type: none"> <li>- 1 January (New Year's Day)</li> <li>- 26 January (Australia Day)</li> <li>- Good Friday</li> <li>- Easter Monday</li> <li>- 25 April (Anzac Day)</li> <li>- the Queen's birthday holiday (on the day on which it is celebrated in a State or Territory or a region of a State or Territory)</li> <li>- 25 December (Christmas Day)</li> <li>- 26 December (Boxing Day)</li> <li>- any other day, or part-day, declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory, or a region of the State or Territory, as a public holiday, other than a day or part-day, or a kind of day or part-day, that is excluded by the regulations from counting as a public holiday.</li> </ul> <p><u>Substituted public holidays under State or Territory laws</u></p> <p>If, under (or in accordance with a procedure under) a law of a State or Territory, a day or part-day is substituted for a day or part-day that would otherwise be a public holiday, then the substituted day or part-day is the public holiday.</p>
26.2	Public holidays (Instrument)	<p><b>Transfer of recognised public holidays</b></p> <p>The employer and the majority of employees affected may agree to observe a holiday on a day other than the day prescribed. If this occurs, the day agreed upon is the award holiday and the actual holiday becomes an ordinary working day.</p>
26.3	Public holidays (Instrument)	<p><b>Employee not required to work on a public holiday</b></p>

Clause	Conditions Type	Description
		An employee who is not required to work on a holiday which would otherwise have been a working day for that employee will be paid for that day at their ordinary rate unless they fail to work on the last working day immediately before the holiday or first working day after the holiday without good reason.
26.4	Public holidays (Instrument)	<p><b>Employee required to work on a recognised public holiday</b></p> <p>An employee who is required to work on a holiday is to be paid at the rate of double time for work performed during ordinary hours, in addition to the payment prescribed.</p> <p>Work performed in excess of ordinary hours on a holiday is to be paid at the rate of treble time.</p>
26.5	Public holidays (Instrument)	<p><b>Notice of public holidays to be worked (other than employees working shifts of up to 8.5 ordinary hours)</b></p> <p>On an agreed date, the employer will nominate which public holidays will be worked in the following 12 months by employees (other than employees working shifts of up to 8.5 ordinary hours on weekdays), provided that work will not to be carried out on two of such holidays.</p> <p>If the employer does not require employees to work on a public holiday the employer must give the employees as much notice as possible of this decision.</p> <p>If the notice required is less than 4 weeks inclusive of the holiday, an employee who was rostered to work on the holiday is to be paid for ordinary hours as if the holiday had been worked.</p> <p>If the employer decides not to require work to be performed on a public holiday because of a strike or ban, employees, other than those involved in the strike or ban, are to be paid at their classification rate for ordinary hours.</p>
26.6	Public holidays (Instrument)	<p><b>Employees working Monday to Friday shifts of up to 8.5 ordinary hours</b></p> <p>An employee who only works shifts of up to 8.5 ordinary hours on weekdays cannot be rostered for ordinary hours on public holidays. Such employees may, in exceptional circumstances be required to work on public holidays to meet operational needs.</p>
A.6	Apprentice conditions	The terms of this award apply to the employment of apprentices.

Clause	Conditions Type	Description
	(Instrument)	<p>The off-the-job training of an apprentice may be undertaken on day release or block release basis.</p> <p>In order to ensure sufficient training, an apprentice may be engaged by more than one employer in the coal mining industry. Where this occurs, an agreement must be reached between the employers involved on their responsibilities arising under the apprenticeship. A copy of the agreement must be given to the apprentice.</p> <p>An adult apprentice is a person who is 21 years of age or over when they commence a 3 year apprenticeship.</p> <p>An employer may provide an apprentice with a tool kit if they agree on the terms for the payment of the cost of the tool kit.</p> <p>Except where inconsistent with this award, the State legislation regulating apprenticeships applies.</p>
C.3 & C.4	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, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee, and that would have entitled the employee to payment of a district allowance.</p> <p>This clause ceases to operate on 31 December 2014.</p>
C.5	Redundancy - transitional provisions (Instrument)	<p>An employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with the terms of a NAPSA:</p> <ul style="list-style-type: none"> <li>- that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee, and</li> <li>- that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.</li> </ul>

Clause	Conditions Type	Description
		<p>The employee's entitlement to redundancy pay under the NAPSA is limited to the amount of redundancy which exceeds the employee's entitlement to redundancy pay, if any, under the NES.</p> <p>- This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument, and ceases to operate on 31 December 2014.</p>

## **Frequency of Payment**

Unless otherwise agreed between the employer and the majority of employees, wages will be paid weekly.

## **Modern Award Guide - Background**

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

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

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

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

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

## **Who is not covered by this guide?**

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

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

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

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

## **Take home pay orders**

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

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

**IMPORTANT NOTE: Disclaimer**

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

Your situation and the law can change so we encourage you to check back with us by looking at <http://www.fairwork.gov.au/pay/pay-and-conditions-guides/pages/default.aspx>