

### PAY AND CONDITIONS GUIDE

#### **Horse and Greyhound Training Award 2010 [MA000008]**


('modern award')

replacing terms and conditions in or derived from

#### **Strappers And Stable Hands (State) Award [AN120516]** ('pre-modern award')

**(NSW)**

Effective from 01 July 2013.

Published 20 June 2013 

#### **Background**

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

#### **Transitional arrangements**

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

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

The rates in this guide are current from the first pay period on or after 01 July 2013. The rates set out in this guide will change from the first full period on or after 01 July each year to take account of Fair Work Australia's annual wage review and transitional arrangements. The rates may also change as a result of a Fair Work Australia decision to vary the modern award or pay and condition entitlements of the modern award from time to time.

#### **Transitional arrangements for Division 2B State awards**

Division 2B State awards (other than Division 2B enterprise awards) terminate at the end of 31 December 2010 and, from 1 January 2011, employers and employees are covered by the relevant modern award. However, most modern awards provide that all the terms of Division 2B State awards continue to apply until the end of the full pay period which started before 1 February 2011.

The employers affected include sole traders, partnerships, other unincorporated entities and non-trading corporations in New South Wales, Queensland, South Australia and Tasmania who are covered by a Division 2B State award.

From the first full pay period starting on or after 1 February 2011, an employer who was covered by a Division 2B State award, must comply with all of the terms and conditions contained in their relevant modern award, and any transitional arrangements that apply. Transitional arrangements in most modern awards for Division 2B State award employers provide that from the first full pay period starting on or after 1 February 2011, they must pay at least the same minimum wage rates, penalties and loadings as national system employers who are transitioning from the equivalent NAPSA. There are some exceptions and special transitional arrangements that apply in certain situations. If you require help determining whether these exceptions or special transitional arrangements apply to you, please contact the Fair Work Infoline on 13 13 94.

Note: Modern awards are not intended to reduce an employee's take-home pay. An employee or his/her union can apply to Fair Work Australia for a take-home pay order to remedy any reduction in his/her overall take-home pay.

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

Employees and employers who were entitled to terms and conditions in or derived from this pre-modern award and who are now covered by this modern award.

A guide that has an AP (Pre-reform award) code typically applies to employees employed by a constitutional corporation. Usually these are companies that engage in trading or financial activities. Private companies are often identified by the 'Pty Ltd' in their name. It applies to employers in those categories who were bound by the award immediately prior to 01 January 2010.

A guide that has an AN (Notional agreement preserving State awards) code also typically applies to employees employed by a constitutional corporation. However, unlike pre-reform awards these are notional federal agreements that were created on 27 March 2006. Generally, they preserved the terms and conditions of employment (not including wage rates) in state awards and/or state legislation that applied immediately before 27 March 2006 to employees of constitutional corporations in NSW, QLD, SA, WA and TAS where State award/laws applied to those employers prior to 27 March 2006.

A guide that has an AT code typically applies to employees employed by non-constitutional corporations immediately before 27 March 2007 where the employer was bound by a Federal award. These will be sole traders, partnerships, other unincorporated entities or non-trading/financial corporations.

The guide contains information from this modern award about:

- who the modern award covers;
- wage rates, including rates for casual employees, junior employees, trainees and apprentices;
- penalty rates for working at particular times or under particular arrangements;
- allowances; and
- other conditions of employment.

### **What if an agreement applies to employees covered by the modern award?**

Minimum wage entitlements in a modern award override lesser wage entitlements in an agreement or contract of employment at all times, including agreements and contracts that were made before the commencement of the *Fair Work Act 2009*. All employees covered by the modern award must not be paid less than the rate of pay in the modern award.

However, the penalty rates and allowances in the modern award do not apply to agreement-covered employees, unless the agreement is read in conjunction with the modern award (e.g. a pre-reform certified agreement (a type of collective agreement made before 27 March 2006)).

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

## **Coverage**

This industry award covers employers throughout Australia in the horse and greyhound training industry and their employees in the classifications listed in clause 13—Classifications and minimum wages to the exclusion of any other modern award.

The award does not cover an employee excluded from award coverage by the Act.

The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at clause 4.1 and those 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 classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

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

## **Wages**

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

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

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

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

### Casual employees

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

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

#### \*Post 26 March 2006 employer

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

### Adult

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

### Full & Part Time

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
<b>Stable employee</b>		
On commencement	Stablehand, Under 1 year of experience	\$16.37
<b>Stablehand</b>		
Grade 1	Stablehand, Under 1 year of experience	\$16.76
Grade 1	Stablehand, 1 year of experience	\$16.76
Grade 2	Stablehand, 2 years of experience	\$17.29
Grade 2	Stablehand, 5 years of experience	\$17.29

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
<b>Full &amp; Part Time</b>		
Track rider	Stablehand Rider	\$17.49

### Casual

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
<b>Stable employee</b>		
On commencement	Stablehand, Under 1 year of experience	\$20.30 (24%)
<b>Stablehand</b>		
Grade 1	Stablehand, Under 1 year of experience	\$20.78 (24%)
Grade 1	Stablehand, 1 year of experience	\$20.78 (24%)
Grade 2	Stablehand, 2 years of experience	\$21.44 (24%)
Grade 2	Stablehand, 5 years of experience	\$21.44 (24%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
<b>Casual</b>		
Track rider	Stablehand Rider	\$21.69 (24%)

### **Junior**

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

### **Full & Part Time**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
<b>Stable employee (on commencement)</b>		
15 & under 16 years	Stablehand, Under 1 year of experience, 15 years	\$9.01
16 & under 17 years	Stablehand, Under 1 year of experience, 16 years	\$9.82
17 & under 18 years	Stablehand, Under 1 year of experience, 17 years	\$10.64
18 & under 19 years	Stablehand, Under 1 year of experience, 18 years	\$11.46
19 & under 20 years	Stablehand, Under 1 year of experience, 19 years	\$13.10
20 years of age	Stablehand, Under 1 year of experience, 20 years	\$15.56
<b>Stablehand grade 1 (after 3 months)</b>		
15 & under 16 yrs	Stablehand, Under 1 year of experience, 15 years	\$9.22
15 & under 16 yrs	Stablehand, 1 year of experience, 15 years	\$9.22
16 & under 17 yrs	Stablehand, Under 1 year of experience, 16 years	\$10.06

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
16 & under 17 yrs	Stablehand, 1 year of experience, 16 years	\$10.06
17 & under 18 yrs	Stablehand, Under 1 year of experience, 17 years	\$10.89
17 & under 18 yrs	Stablehand, 1 year of experience, 17 years	\$10.89
18 & under 19 yrs	Stablehand, Under 1 year of experience, 18 years	\$11.73
18 & under 19 yrs	Stablehand, 1 year of experience, 18 years	\$11.73
19 & under 20 yrs	Stablehand, Under 1 year of experience, 19 years	\$13.41
19 & under 20 yrs	Stablehand, 1 year of experience, 19 years	\$13.41
20 yrs of age	Stablehand, Under 1 year of experience, 20 years	\$16.00
20 yrs of age	Stablehand, 1 year of experience, 20 years	\$16.00
<b>Stablehand grade 2 (At least 2 years in industry)</b>		
15 & under 16 yrs	Stablehand, 2 years of experience, 15 years	\$9.51
15 & under 16 yrs	Stablehand, 5 years of experience, 15 years	\$9.51
16 & under 17 yrs	Stablehand, 2 years of experience, 16 years	\$10.37
16 & under 17 yrs	Stablehand, 5 years of experience, 16 years	\$10.37
17 & under 18 yrs	Stablehand, 2 years of experience, 17 years	\$11.24
17 & under 18 yrs	Stablehand, 5 years of experience, 17 years	\$11.24
18 & under 19 yrs	Stablehand, 2 years of experience, 18 years	\$12.10
18 & under 19 yrs	Stablehand, 5 years of experience, 18 years	\$12.10
19 & under 20 yrs	Stablehand, 2 years of experience, 19 years	\$13.83
19 & under 20 yrs	Stablehand, 5 years of experience, 19 years	\$13.83
20 yrs of age	Stablehand, 2 years of experience, 20 years	\$16.62
20 yrs of age	Stablehand, 5 years of experience, 20 years	\$16.62
<b>Track rider</b>		
15 & under 16 years	Stablehand Rider, 15 years	\$9.62
16 & under 17 years	Stablehand Rider, 16 years	\$10.50
17 & under 18 years	Stablehand Rider, 17 years	\$11.37
18 & under 19 years	Stablehand Rider, 18 years	\$12.25
19 & under 20 years	Stablehand Rider, 19 years	\$14.00
20 years of age	Stablehand Rider, 20 years	\$16.62

## Casual

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
<b>Stable employee (on commencement)</b>		
15 & under 16 years	Stablehand, Under 1 year of experience, 15 years	\$11.17 (24%)
16 & under 17 years	Stablehand, Under 1 year of experience, 16 years	\$12.18 (24%)
17 & under 18 years	Stablehand, Under 1 year of experience, 17 years	\$13.20 (24%)
18 & under 19 years	Stablehand, Under 1 year of experience, 18 years	\$14.21 (24%)
19 & under 20 years	Stablehand, Under 1 year of experience, 19 years	\$16.24 (24%)
20 years of age	Stablehand, Under 1 year of experience, 20 years	\$19.29 (24%)
<b>Stablehand grade 1 (after 3 months)</b>		
15 & under 16 yrs	Stablehand, Under 1 year of experience, 15 years	\$11.43 (24%)
15 & under 16 yrs	Stablehand, 1 year of experience, 15 years	\$11.43 (24%)
16 & under 17 yrs	Stablehand, Under 1 year of experience, 16 years	\$12.47 (24%)
16 & under 17 yrs	Stablehand, 1 year of experience, 16 years	\$12.47 (24%)
17 & under 18 yrs	Stablehand, Under 1 year of experience, 17 years	\$13.51 (24%)
17 & under 18 yrs	Stablehand, 1 year of experience, 17 years	\$13.51 (24%)
18 & under 19 yrs	Stablehand, Under 1 year of experience, 18 years	\$14.55 (24%)
18 & under 19 yrs	Stablehand, 1 year of experience, 18 years	\$14.55 (24%)
19 & under 20 yrs	Stablehand, Under 1 year of experience, 19 years	\$16.63 (24%)
19 & under 20 yrs	Stablehand, 1 year of experience, 19 years	\$16.63 (24%)
20 yrs of age	Stablehand, Under 1 year of experience, 20 years	\$19.85 (24%)
20 yrs of age	Stablehand, 1 year of experience, 20 years	\$19.85 (24%)
<b>Stablehand grade 2 (At least 2 years in industry)</b>		
15 & under 16 yrs	Stablehand, 2 years of experience, 15 years	\$11.79 (24%)
15 & under 16 yrs	Stablehand, 5 years of experience, 15 years	\$11.79 (24%)
16 & under 17 yrs	Stablehand, 2 years of experience, 16 years	\$12.86 (24%)
16 & under 17 yrs	Stablehand, 5 years of experience, 16 years	\$12.86 (24%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
17 & under 18 yrs	Stablehand, 2 years of experience, 17 years	\$13.93 (24%)
17 & under 18 yrs	Stablehand, 5 years of experience, 17 years	\$13.93 (24%)
18 & under 19 yrs	Stablehand, 2 years of experience, 18 years	\$15.01 (24%)
18 & under 19 yrs	Stablehand, 5 years of experience, 18 years	\$15.01 (24%)
19 & under 20 yrs	Stablehand, 2 years of experience, 19 years	\$17.15 (24%)
19 & under 20 yrs	Stablehand, 5 years of experience, 19 years	\$17.15 (24%)
20 yrs of age	Stablehand, 2 years of experience, 20 years	\$20.61 (24%)
20 yrs of age	Stablehand, 5 years of experience, 20 years	\$20.61 (24%)
<b>Track rider</b>		
15 & under 16 years	Stablehand Rider, 15 years	\$11.93 (24%)
16 & under 17 years	Stablehand Rider, 16 years	\$13.02 (24%)
17 & under 18 years	Stablehand Rider, 17 years	\$14.10 (24%)
18 & under 19 years	Stablehand Rider, 18 years	\$15.19 (24%)
19 & under 20 years	Stablehand Rider, 19 years	\$17.35 (24%)
20 years of age	Stablehand Rider, 20 years	\$20.61 (24%)

When calculating weekly rates for junior employees, the rate is to be rounded to the nearest 10 cents.

### **Apprentice**

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

### **Trainee**

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

### **Supported Wage**

Please refer to clause 13.4 of the modern award.

For detail of the supported wage provisions see the full version of the modern award.

### **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%

<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>
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>1/01/2010</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>	<b>Pre-modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(20.00%)</b>		<b>(80.00%)</b>
10.00%	2.00%	10.00%	8.00%
20.00%	4.00%	20.00%	16.00%
25.00%	5.00%	25.00%	20.00%
50.00%	10.00%	50.00%	40.00%
75.00%	15.00%	75.00%	60.00%
100.00%	20.00%	100.00%	80.00%
120.00%	24.00%	120.00%	96.00%
125.00%	25.00%	125.00%	100.00%
130.00%	26.00%	130.00%	104.00%
150.00%	30.00%	150.00%	120.00%

### **New entitlements**

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

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

### *Example:*

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

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

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

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

## **Allowances**

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

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

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
14.1(a)	Racecourse attendance allowance	Every employee who is required to attend a race meeting must be paid a racecourse attendance allowance as follows - where the racecourse is situated within 75 kilometres of the employee's place of employment.	1/07/2013	\$23.1300 per occasion
14.1(b)	Racecourse attendance allowance	Where an employee is required to attend a race meeting at a racecourse situation more than 75 kilometres from the employee's place of employment, the following allowance is payable <u>in addition to</u> the allowance payable for attendance at a racecourse situated within 75 kilometres.	1/07/2013	\$5.4500 for each additional 50 kilometres or part thereof
14.3(a)	Meal allowance	When required to attend a race meeting an employee must be paid a meal allowance unless the employer supplies the meal.	1/07/2013	\$10.5700 per meal
14.3(b)	Meal allowance	An employee required to work overtime for more than one and a half hours without being notified on the previous day or earlier must be paid a meal allowance.	1/07/2013	\$12.9100 per meal
14.6	Clothing allowance	Track riders must be paid an allowance per week by way of subsidy instead of riding boots, skullcaps and safety vest.	1/01/2010	\$5.4600 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).
10.2	Other	<b>Probationary employment</b>

Clause	Conditions Type	Description
	(Instrument)	<p>An employer may initially engage a full-time or part-time employee on a probationary period to determine the employee's suitability for ongoing employment. The employee must be advised in advance that the employment is probationary and of the duration of the probation which can be up to but not exceed four weeks.</p> <p>A probationary employee is for all purposes of the award a full-time or part-time employee.</p> <p>Probationary employment forms part of an employee's period of continuous service for all purposes of the award, except where otherwise specified.</p> <p>Probationary employees may give, or be given, notice on the following basis:</p> <p>First week of service    1 day's notice  Second week of service    2 days' notice  Third week of service    3 days' notice  Fourth week of service    4 days' notice</p> <p>Any employee who, having given or been given such notice, is absent from work without reasonable cause during such period will be deemed to have abandoned the employment and will not be entitled to payment for work done within that period.</p>
10.3	Part-time conditions (Instrument)	A part-time employee means an employee who has a regular pattern of work which is less than 38 hours per week. The terms of this award apply pro rata for part-time employees.
10.4	Casual conditions (Instrument)	<p>A casual employee is to be employed by the hour and the employment of a casual employee may be terminated at any time.</p> <p>Casual employees may only be engaged in the following circumstances:</p> <ul style="list-style-type: none"> <li>- to meet short term work needs</li> <li>- to carry out work in emergency circumstances</li> <li>- to perform work unable to be practicably rostered to a permanent employee.</li> </ul>

Clause	Conditions Type	Description
		<p>A casual employee must be paid the appropriate full time rate, calculated hourly plus a loading of 25% but will not be entitled to any of the leave or public holiday benefits applying to full-time employees. The loading constitutes part of the casual employee's all-purpose rate.</p> <p>A casual employee who has been employed on a regular pattern of hours in twelve consecutive weeks must after that time have the right to elect to be engaged as a permanent employee if the regular pattern of hours continues into the next week. Any eligible employee that elects to convert must thereafter be treated for all purposes of this award as a full-time or part-time employee, as the case may be.</p> <p>An employee must not be engaged or re-engaged as a casual employee under this clause to avoid any obligation under this award.</p> <p>A casual employee must be engaged:</p> <ul style="list-style-type: none"> <li>- for a minimum daily period of three hours</li> <li>- not more than once on each day.</li> </ul> <p>If a casual employee is given notice or dismissed at other than the normal place of employment the employee must be entitled to transport or return fares to the usual place of employment.</p>
11.2	Termination of employment - notice of termination by an employee (Instrument)	The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
11.3	Termination of employment - job search entitlement (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.
12.2	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
12.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
12.4	Redundancy - job search entitlement (Instrument)	An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.  If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.
12.5	Redundancy - transitional provisions (Instrument)	An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied immediately prior to 1 January 2010 and that would have entitled the employee to redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010.  The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.  This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.
13.2	Other (Instrument)	<b>Deductions from wages</b>  Where board and lodging are provided for permanent employees on or next to the employer's property, the employer may deduct from the employee's earnings a reasonable amount to be mutually agreed upon as the charge for such board and lodging.
14.2	Transport of employees (Instrument)	Every employee who is required to attend a race meeting must, if the horse is floated, be reimbursed an amount equal to the cost of fares reasonably spent by the employee in travelling from the employee's usual place of work to the race meeting, unless the employer supplies transport.



<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
14.4	Away from home/usual place of employment (Instrument)	Where in the course of the employment an employee is required to live and sleep at some place other than the employee's normal place of residence or where an employee is required by the employer to travel, the employee must be paid their reasonable out-of-pocket expenses before leaving the employer's premises.
14.5	Clothing, footwear and/or equipment (Instrument)	<p>Where it is necessary that an employee wear gumboots, waterproof coats, waterproof half-coats and waterproof trousers, the employer must reimburse the employee for the costs of purchasing such clothing not supplied by the employer.</p> <p>Where protective clothing is supplied without cost to the employee, it will remain the property of the employer. In the event of an employee leaving, or being employed where such clothing is not required, the protective clothing must be returned to the employer in good condition, fair wear and tear excepted.</p>
15	District allowance (Instrument)	<p>An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the provisions of an award or NAPSA under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January 2010, providing that employee was not bound by an agreement under that Act.</p> <p>This clause ceases to operate on 31 December 2014.</p>
16	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> <li>- a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and</li> <li>- that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.</li> </ul> <p>The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>

Clause	Conditions Type	Description
17	Higher duties (Instrument)	<p>An employee who is required to perform work which attracts a higher rate of pay than the job they ordinarily perform must, be paid at the higher rate for all work done on that day if the work exceeds four hours.</p> <p>In all other cases the employee must be paid the higher rate for the actual time worked.</p>
18	Method of payment (Instrument)	<p>When an employee's employment is terminated before the usual pay day, the employee must be paid outstanding wages and holiday pay within 24 hours of leaving the employer's service.</p> <p>Wages may be paid by cash or cheque or be transferred directly to the employee's bank account.</p> <p>Payment is to be made on a nominated day between Monday and Friday, unless the day is a public holiday, in which case payment must be made the day before.</p> <p>On or prior to payday, the employer must state to each employee, in writing, the total amount of wages to which the employee is entitled, the deductions and the net amount.</p>
19	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> <li>- the employers responsibility to make superannuation contributions to a superannuation fund</li> <li>- the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund</li> <li>- the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.</li> </ul>
20	Hours of work (Instrument)	<p>The ordinary hours of work are 38 hours per week to be worked in five full days, or four full days and two half days, Monday to Saturday.</p> <p>Where an employee works two half days, they will not be required to work after twelve noon on those days.</p> <p>A roster setting out the five days, or the four days and two half days, to be worked for each employee must be posted up on Monday of the preceding week.</p>

Clause	Conditions Type	Description
		By arrangement with the employer, stablehands may agree to change their rostered half days off in any week. This must be in writing.
21.1	Breaks - rest (Instrument)	One 15 minute break, counted as time worked, must be allowed during the morning period of each working day to each employee, at a time to be arranged by the employer in consultation with the employees.
21.2	Breaks - meal (Instrument)	For all employees rostered to work more than six hours, one 30 minute, unpaid meal break is to be taken between hour five and hour six of the shift at a time arranged by the employer following consultation with employees.
22.3	Overtime – time off in lieu (Instrument)	An employee may elect to take time off in place of payment for overtime. The overtime payment otherwise payable will be reduced by an amount calculated at the ordinary time rate for the time off.
22.4	Overtime - other (Instrument)	An employee directed to stand by in readiness to work overtime or to do watch keeping or guard duties outside the ordinary working hours will, until released, be paid at overtime rates for all time so engaged.
23.2	Annual leave - paid leave in advance of accrued entitlement (Instrument)	An employee may take annual leave in advance by agreement with their employer. If leave is taken in advance and the employment terminates before the entitlement has accrued, the employer may deduct a corresponding amount from any money due to the employee on termination.
23.3	Annual leave - close-down (Instrument)	<p>Where an employer intends temporarily to close the place of employment or a section of it to allow annual leave to the employees, the employer may give those employees one month's notice in writing of their intention. For any employee engaged after notice has been given, notice must be given to that employee on the date of their engagement.</p> <p>Any employee who has accrued annual leave at the date of closing must:</p> <ul style="list-style-type: none"> <li>- be given annual leave commencing from the date of closing</li> <li>- be paid one twelfth of their ordinary pay for any period of employment between accrual of the employee's right to the annual leave and the date of closing.</li> </ul> <p>Any employee who has no accrued annual leave at the date of closing must:</p> <ul style="list-style-type: none"> <li>- be given leave without pay as from the date of closing</li> </ul>

Clause	Conditions Type	Description
		- be paid for any public holiday during such leave for which the employee is entitled to payment.
23.4	Annual leave (Instrument)	Annual leave is to be taken within 18 months of the entitlement accruing. For the purpose of ensuring accrued annual leave is taken within that period and in the absence of agreement as provided for in s.88 of the Act, an employer may require an employee to take a period of annual leave from a particular date provided the employee is given at least 28 days' notice.
23.5	Annual leave loading (Instrument)	Before the start of the employee's annual leave the employer must pay the employee: - notwithstanding the base rate of pay referred to in s.90(1) of the Act, the amount the employee would have earned for working their normal hours, exclusive of overtime, had they not been on leave, and - an additional loading of 17.5% of the relevant minimum wage for the period of leave.
23.6	Annual leave (Instrument)	Where an employee is entitled to a payment on termination of employment pursuant to s.90(2) of the Act, the amount is to be calculated in accordance with clause 23.5(a).
26.2	Public holidays (Instrument)	An employer and the employees may by agreement substitute another day for a public holiday. Where there is no agreement the employer may substitute another day but not so as to give an employee less time off work than the employee would have had if the employee had received the public holiday.

### **Frequency of Payment**

Wages must be paid once weekly or once fortnightly at the discretion of the employer and with the consent of the employee, provided that no employer will keep more than two days' pay in hand, other than for casual employees, whose wages will be paid in full.

**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.