

### PAY AND CONDITIONS GUIDE

#### **Banking, Finance and Insurance Award 2010 [MA000019]**

('modern award')

replacing terms and conditions in or derived from

#### **Clerks (Credit and Finance Establishments) Award [AN160072]**

('pre-modern award')

**(WA)**

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 who are engaged in the banking, finance and insurance industry in respect of work by their employees in a classification in this award and those employees to the exclusion of any other modern award.

**Banking, finance and insurance industry** means the industries of banking, lending, loaning, providing credit, investment, finance, superannuation, all forms of insurance, credit unions, building societies, financial intermediaries, trustee creditors and agencies, money market dealers, credit or charge card institutions, wool broking, agribusiness and services to the above industries such as broking, trading, debt recovery, financial consulting, valuation, money changing, data processing, transaction accounts, telephone enquires and transaction processing.

This award does not cover:

- an employee excluded from award coverage by the Act;
- 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;
- 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; or
- contract call centres covered by the Contract Call Centres Award 2010.

This award covers any employer which supplies labour on an on-hire basis in the industries set out in this award 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 those industries. 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 industries and/or parts of industry set out at in this award 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 award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

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

## **Wages**

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

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

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

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

### **Casual employees**

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

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

\*Post 26 March 2006 employer

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

### **Adult**

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

### **Full & Part Time**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 1	Clerk, At 21 years of age	\$17.41
Level 1	Clerk, At 22 years of age	\$17.41
Level 1	Clerk, At 23 years of age	\$17.41
Level 1	Clerk, At 24 years of age	\$17.41
Level 1	Clerk, At 25 years of age and over	\$17.41
Level 2	Clerk, At 21 years of age	\$18.76
Level 2	Clerk, At 22 years of age	\$18.78
Level 2	Clerk, At 23 years of age	\$18.80
Level 2	Clerk, At 24 years of age	\$18.82
Level 2	Clerk, At 25 years of age and over	\$18.85
Level 2	Adult stenographer, At 22 years of age	\$18.81

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 2	Adult stenographer, At 23 years of age	\$18.83
Level 2	Adult stenographer, At 24 years of age	\$18.85
Level 2	Adult stenographer, At 25 years of age and over	\$18.87
Level 2	Comptometer, At 22 years of age	\$18.81
Level 2	Comptometer, At 23 years of age	\$18.83
Level 2	Comptometer, At 24 years of age	\$18.85
Level 2	Comptometer, At 25 years of age and over	\$18.87
Level 2	Calculating or ledger machine operators, At 21 years of age	\$18.79
Level 2	Calculating or ledger machine operators, At 22 years of age	\$18.81
Level 2	Calculating or ledger machine operators, At 23 years of age	\$18.83
Level 2	Calculating or ledger machine operators, At 24 years of age	\$18.85
Level 2	Calculating or ledger machine operators, At 25 years of age and over	\$18.87
Level 3	Clerk, At 21 years of age	\$19.63
Level 3	Clerk, At 22 years of age	\$19.66
Level 3	Clerk, At 23 years of age	\$19.68
Level 3	Clerk, At 24 years of age	\$19.70
Level 3	Clerk, At 25 years of age and over	\$19.72
Level 3	Senior clerk	\$19.75
Level 3	Adult stenographer, At 21 years of age	\$19.66
Level 3	Adult stenographer, At 22 years of age	\$19.68
Level 3	Adult stenographer, At 23 years of age	\$19.70
Level 3	Adult stenographer, At 24 years of age	\$19.73
Level 3	Adult stenographer, At 25 years of age and over	\$19.75
Level 3	Comptometer, At 21 years of age	\$19.66
Level 3	Comptometer, At 22 years of age	\$19.68
Level 3	Comptometer, At 23 years of age	\$19.70

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 3	Comptometer, At 24 years of age	\$19.73
Level 3	Comptometer, At 25 years of age and over	\$19.75
Level 3	Calculating or ledger machine operators, At 21 years of age	\$19.66
Level 3	Calculating or ledger machine operators, At 22 years of age	\$19.68
Level 3	Calculating or ledger machine operators, At 23 years of age	\$19.70
Level 3	Calculating or ledger machine operators, At 24 years of age	\$19.73
Level 3	Calculating or ledger machine operators, At 25 years of age and over	\$19.75
Level 4	Clerk, At 21 years of age	\$20.46
Level 4	Clerk, At 22 years of age	\$20.48
Level 4	Clerk, At 23 years of age	\$20.50
Level 4	Clerk, At 24 years of age	\$20.52
Level 4	Clerk, At 25 years of age and over	\$20.54
Level 5	Clerk, At 21 years of age	\$21.16
Level 5	Clerk, At 22 years of age	\$21.18
Level 5	Clerk, At 23 years of age	\$21.20
Level 5	Clerk, At 24 years of age	\$21.22
Level 5	Clerk, At 25 years of age and over	\$21.25
Level 6	Clerk, At 21 years of age	\$23.32
Level 6	Clerk, At 22 years of age	\$23.34
Level 6	Clerk, At 23 years of age	\$23.36
Level 6	Clerk, At 24 years of age	\$23.38
Level 6	Clerk, At 25 years of age and over	\$23.40

### Casual

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 1	Clerk, At 21 years of age	\$21.76 (25%)
Level 1	Clerk, At 22 years of age	\$21.76 (25%)
Level 1	Clerk, At 23 years of age	\$21.76 (25%)
Level 1	Clerk, At 24 years of age	\$21.76 (25%)
Level 1	Clerk, At 25 years of age and over	\$21.76 (25%)
Level 2	Clerk, At 21 years of age	\$23.45 (25%)
Level 2	Clerk, At 22 years of age	\$23.48 (25%)
Level 2	Clerk, At 23 years of age	\$23.50 (25%)
Level 2	Clerk, At 24 years of age	\$23.53 (25%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 2	Clerk, At 25 years of age and over	\$23.56 (25%)
Level 2	Adult stenographer, At 22 years of age	\$23.51 (25%)
Level 2	Adult stenographer, At 23 years of age	\$23.54 (25%)
Level 2	Adult stenographer, At 24 years of age	\$23.56 (25%)
Level 2	Adult stenographer, At 25 years of age and over	\$23.59 (25%)
Level 2	Comptometer, At 22 years of age	\$23.51 (25%)
Level 2	Comptometer, At 23 years of age	\$23.54 (25%)
Level 2	Comptometer, At 24 years of age	\$23.56 (25%)
Level 2	Comptometer, At 25 years of age and over	\$23.59 (25%)
Level 2	Calculating or ledger machine operators, At 21 years of age	\$23.48 (25%)
Level 2	Calculating or ledger machine operators, At 22 years of age	\$23.51 (25%)
Level 2	Calculating or ledger machine operators, At 23 years of age	\$23.54 (25%)
Level 2	Calculating or ledger machine operators, At 24 years of age	\$23.56 (25%)
Level 2	Calculating or ledger machine operators, At 25 years of age and over	\$23.59 (25%)
Level 3	Clerk, At 21 years of age	\$24.54 (25%)
Level 3	Clerk, At 22 years of age	\$24.57 (25%)
Level 3	Clerk, At 23 years of age	\$24.60 (25%)
Level 3	Clerk, At 24 years of age	\$24.62 (25%)
Level 3	Clerk, At 25 years of age and over	\$24.65 (25%)
Level 3	Senior clerk	\$24.69 (25%)
Level 3	Adult stenographer, At 21 years of age	\$24.58 (25%)
Level 3	Adult stenographer, At 22 years of age	\$24.61 (25%)
Level 3	Adult stenographer, At 23 years of age	\$24.63 (25%)
Level 3	Adult stenographer, At 24 years of age	\$24.66 (25%)
Level 3	Adult stenographer, At 25 years of age and over	\$24.69 (25%)
Level 3	Comptometer, At 21 years of age	\$24.58 (25%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 3	Comptometer, At 22 years of age	\$24.61 (25%)
Level 3	Comptometer, At 23 years of age	\$24.63 (25%)
Level 3	Comptometer, At 24 years of age	\$24.66 (25%)
Level 3	Comptometer, At 25 years of age and over	\$24.69 (25%)
Level 3	Calculating or ledger machine operators, At 21 years of age	\$24.58 (25%)
Level 3	Calculating or ledger machine operators, At 22 years of age	\$24.61 (25%)
Level 3	Calculating or ledger machine operators, At 23 years of age	\$24.63 (25%)
Level 3	Calculating or ledger machine operators, At 24 years of age	\$24.66 (25%)
Level 3	Calculating or ledger machine operators, At 25 years of age and over	\$24.69 (25%)
Level 4	Clerk, At 21 years of age	\$25.57 (25%)
Level 4	Clerk, At 22 years of age	\$25.60 (25%)
Level 4	Clerk, At 23 years of age	\$25.62 (25%)
Level 4	Clerk, At 24 years of age	\$25.65 (25%)
Level 4	Clerk, At 25 years of age and over	\$25.68 (25%)
Level 5	Clerk, At 21 years of age	\$26.45 (25%)
Level 5	Clerk, At 22 years of age	\$26.48 (25%)
Level 5	Clerk, At 23 years of age	\$26.50 (25%)
Level 5	Clerk, At 24 years of age	\$26.53 (25%)
Level 5	Clerk, At 25 years of age and over	\$26.56 (25%)
Level 6	Clerk, At 21 years of age	\$29.15 (25%)
Level 6	Clerk, At 22 years of age	\$29.18 (25%)
Level 6	Clerk, At 23 years of age	\$29.20 (25%)
Level 6	Clerk, At 24 years of age	\$29.23 (25%)
Level 6	Clerk, At 25 years of age and over	\$29.26 (25%)

### **Exemption rate**

Employees who are paid more than 15% above the weekly rate for a Level 5 employee are not entitled to the following provisions:

- Span of hours
- Overtime
- Stand-by and call-back allowances.

### **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 Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years or less	Clerk, At 15 years of age	\$8.40
16 years or less	Clerk, At 16 years of age	\$8.70
At 17 years	Clerk, At 17 years of age	\$10.44
At 18 years	Clerk, At 18 years of age	\$12.19
At 19 years	Clerk, At 19 years of age	\$13.93
At 20 years	Clerk, At 20 years of age	\$15.67

## Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years or less	Clerk, At 15 years of age	\$9.08
16 years or less	Clerk, At 16 years of age	\$9.38
At 17 years	Clerk, At 17 years of age	\$11.26
At 17 years	Stenographer, comptometer or calculating or ledger machine operators, At 17 years of age	\$12.48
At 18 years	Clerk, At 18 years of age	\$13.13
At 18 years	Stenographer, comptometer or calculating or ledger machine operators, At 18 years of age	\$12.92
At 19 years	Clerk, At 19 years of age	\$15.01
At 19 years	Stenographer, comptometer or calculating or ledger machine operators, At 19 years of age	\$15.62
At 20 years	Clerk, At 20 years of age	\$16.88
At 20 years	Stenographer, comptometer or calculating or ledger machine operators, At 20 years of age	\$17.16

## Level 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years or less	Clerk, At 15 years of age	\$9.51
16 years or less	Clerk, At 16 years of age	\$9.82
At 17 years	Clerk, At 17 years of age	\$11.78
At 17 years	Stenographer, comptometer or calculating or ledger machine operators, At 17 years of age	\$13.00
At 18 years	Clerk, At 18 years of age	\$13.74

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
At 18 years	Stenographer, comptometer or calculating or ledger machine operators, At 18 years of age	\$13.53
At 19 years	Clerk, At 19 years of age	\$15.71
At 19 years	Stenographer, comptometer or calculating or ledger machine operators, At 19 years of age	\$16.32
At 20 years	Clerk, At 20 years of age	\$17.67
At 20 years	Stenographer, comptometer or calculating or ledger machine operators, At 20 years of age	\$17.98

#### **Level 4**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
16 years or less	Clerk, At 15 years of age	\$9.92
16 years or less	Clerk, At 16 years of age	\$10.23
At 17 years	Clerk, At 17 years of age	\$12.27
At 18 years	Clerk, At 18 years of age	\$14.32
At 19 years	Clerk, At 19 years of age	\$16.37
At 20 years	Clerk, At 20 years of age	\$18.41

#### **Level 5**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
16 years or less	Clerk, At 15 years of age	\$10.28
16 years or less	Clerk, At 16 years of age	\$10.58
At 17 years	Clerk, At 17 years of age	\$12.70
At 18 years	Clerk, At 18 years of age	\$14.81
At 19 years	Clerk, At 19 years of age	\$16.93
At 20 years	Clerk, At 20 years of age	\$19.05

#### **Level 6**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
16 years or less	Clerk, At 15 years of age	\$11.35
16 years or less	Clerk, At 16 years of age	\$11.66
At 17 years	Clerk, At 17 years of age	\$13.99
At 18 years	Clerk, At 18 years of age	\$16.32
At 19 years	Clerk, At 19 years of age	\$18.65
At 20 years	Clerk, At 20 years of age	\$20.99

#### **Casual Level 1**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
16 years or less	Clerk, At 15 years of age	\$10.50 (25%)
16 years or less	Clerk, At 16 years of age	\$10.88 (25%)
At 17 years	Clerk, At 17 years of age	\$13.06 (25%)
At 18 years	Clerk, At 18 years of age	\$15.23 (25%)
At 19 years	Clerk, At 19 years of age	\$17.41 (25%)
At 20 years	Clerk, At 20 years of age	\$19.59 (25%)

## Level 2

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
16 years or less	Clerk, At 15 years of age	\$11.34 (25%)
16 years or less	Clerk, At 16 years of age	\$11.73 (25%)
At 17 years	Clerk, At 17 years of age	\$14.07 (25%)
At 17 years	Stenographer, comptometer or calculating or ledger machine operators, At 17 years of age	\$15.59 (25%)
At 18 years	Clerk, At 18 years of age	\$16.42 (25%)
At 18 years	Stenographer, comptometer or calculating or ledger machine operators, At 18 years of age	\$16.15 (25%)
At 19 years	Clerk, At 19 years of age	\$18.76 (25%)
At 19 years	Stenographer, comptometer or calculating or ledger machine operators, At 19 years of age	\$19.52 (25%)
At 20 years	Clerk, At 20 years of age	\$21.11 (25%)
At 20 years	Stenographer, comptometer or calculating or ledger machine operators, At 20 years of age	\$21.45 (25%)

## Level 3

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
16 years or less	Clerk, At 15 years of age	\$11.89 (25%)
16 years or less	Clerk, At 16 years of age	\$12.27 (25%)
At 17 years	Clerk, At 17 years of age	\$14.73 (25%)
At 17 years	Stenographer, comptometer or calculating or ledger machine operators, At 17 years of age	\$16.25 (25%)
At 18 years	Clerk, At 18 years of age	\$17.18 (25%)
At 18 years	Stenographer, comptometer or calculating or ledger machine operators, At 18 years of age	\$16.91 (25%)
At 19 years	Clerk, At 19 years of age	\$19.63 (25%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
At 19 years	Stenographer, comptometer or calculating or ledger machine operators, At 19 years of age	\$20.40 (25%)
At 20 years	Clerk, At 20 years of age	\$22.09 (25%)
At 20 years	Stenographer, comptometer or calculating or ledger machine operators, At 20 years of age	\$22.47 (25%)

#### **Level 4**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
16 years or less	Clerk, At 15 years of age	\$12.40 (25%)
16 years or less	Clerk, At 16 years of age	\$12.79 (25%)
At 17 years	Clerk, At 17 years of age	\$15.34 (25%)
At 18 years	Clerk, At 18 years of age	\$17.90 (25%)
At 19 years	Clerk, At 19 years of age	\$20.46 (25%)
At 20 years	Clerk, At 20 years of age	\$23.02 (25%)

#### **Level 5**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
16 years or less	Clerk, At 15 years of age	\$12.84 (25%)
16 years or less	Clerk, At 16 years of age	\$13.23 (25%)
At 17 years	Clerk, At 17 years of age	\$15.87 (25%)
At 18 years	Clerk, At 18 years of age	\$18.52 (25%)
At 19 years	Clerk, At 19 years of age	\$21.16 (25%)
At 20 years	Clerk, At 20 years of age	\$23.81 (25%)

#### **Level 6**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
16 years or less	Clerk, At 15 years of age	\$14.19 (25%)
16 years or less	Clerk, At 16 years of age	\$14.58 (25%)
At 17 years	Clerk, At 17 years of age	\$17.49 (25%)
At 18 years	Clerk, At 18 years of age	\$20.40 (25%)
At 19 years	Clerk, At 19 years of age	\$23.32 (25%)
At 20 years	Clerk, At 20 years of age	\$26.23 (25%)

#### **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 17 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:

<b>First full pay period on or after</b>	<b>Proportion of transitional percentage</b>
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.

<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>
25%	50%	30%
50%	75%	55%
50%	100%	60%
75%	100%	80%

4. Where the modern award loading/penalty is lower, the penalty rate is obtained by adding the proportion of the transitional percentage.

*Example:*

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

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

<b>1/01/2010</b>	<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
50%	25%	45%
75%	50%	70%
100%	50%	90%
100%	75%	95%

**Entitlements that are not equivalent**

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

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

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

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

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

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

*Example:*

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

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

<b>1/01/2014</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(20.00%)</b>
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

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

**New entitlements**

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

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

*Example:*

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

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

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

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

## **Allowances**

Where an employee is paid by the hour, the allowance will be 1/38th of the weekly allowance.

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>
18.2(b)(i)	Stand-by allowance	An employee required to be available by roster for stand-by to perform work outside their ordinary working hours must be paid a stand-by payment at the following rate - Monday-Friday  (2.12% per week x 38 = 80.56% per hour)	1/07/2013	\$15.3594 per day (80.56%)
18.2(b)(i)	Stand-by allowance	Stand-by allowance - Saturdays, Sundays and public holidays.  (4.33% per week x 38 = 164.54% per hour)	1/07/2013	\$31.3708 per day (164.54%)
18.4(a)	Meal allowance	An employee must be paid a meal allowance if required to work one and a half hours overtime, and the period of overtime extends beyond 6.00 pm.  This allowance does not apply if the employee is provided with a suitable meal.	1/07/2013	\$15.0200 per occasion
18.4(a)	Meal allowance	A further meal allowance must be paid if the overtime exceeds five and a half hours.	1/07/2013	\$12.3500 per occasion
18.4(b)(iii)	Vehicle allowance	Any employee required to provide a motor vehicle as a condition of their employment must be paid the following allowance - For a vehicle 1500 cc and under	1/07/2013	\$2.6161 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all

Clause	Allowance Type	Description	Effective Date	Rate
				ordinary hours of work (up to a maximum of 38 hours per week).
18.4(b)(iii)	Vehicle allowance	For a vehicle over 1500 cc	1/07/2013	\$3.2268 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week).
18.4(b)(iv)	Travel allowance	Where an employer approves the use by any other employee of a private motor vehicle on a casual or incidental basis, they must be paid the following allowance	1/07/2013	\$0.7600 per kilometre

### Full Time, Part Time

Clause	Allowance Type	Description	Effective Date	Rate
18.2(a)	First aid allowance	Where an employer is required by legislation to appoint an accredited first aid officer(s) to perform first aid duties, such appointed employee(s) must be paid the following allowance.  This allowance is payable on a pro-rata basis to part time employees.	1/07/2013	\$0.3508 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38

Clause	Allowance Type	Description	Effective Date	Rate
		(1.84% per week x 38 = 69.92% per hour)		hours per week). (1.84%)

## **Other Conditions**

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

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

For more information about the NES, please visit [www.fairwork.gov.au](http://www.fairwork.gov.au)

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

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	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: <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)	The award contains information on the employer's responsibility to consult regarding major workplace change including the:

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- duty to notify, and</li> <li>- duty to discuss change.</li> </ul>
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	Part-time conditions (Instrument)	<p>A part-time employee is an employee who:</p> <ul style="list-style-type: none"> <li>- is engaged to work an average of less than 38 ordinary hours per week</li> <li>- receives, on a pro rata basis, equivalent pay and conditions to full-time employees who do the same kind of work.</li> </ul> <p>An employer must inform a part-time employee of the ordinary hours of work and starting and finishing times. All time worked at the direction of the employer in excess of these hours will be paid at the appropriate overtime rate.</p>
10.3	Casual conditions (Instrument)	<p>A casual employee's ordinary hours of work are the lesser of an average of 38 hours per week or the hours required to be worked by the employer.</p> <p>The casual loading is paid instead of annual leave, personal/carer's leave, notice of termination, redundancy benefits and the other attributes of full-time or part-time 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.

Clause	Conditions Type	Description
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)	<p>An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.</p> <p>If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee must, at the request of the employer, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.</p>
12.5	Redundancy - transitional provisions (Instrument)	<p>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.</p> <p>The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
14	Annualised salary arrangements (Instrument)	<p><b>Annual salary instead of award provisions</b></p> <p>An employer may pay an employee an annual salary in satisfaction of any or all of the following provisions of the award:</p> <ul style="list-style-type: none"> <li>- Minimum weekly wages;</li> <li>- Allowances;</li> <li>- Overtime and penalty rates; and</li> </ul>

Clause	Conditions Type	Description
		<p>- Annual leave loading.</p> <p>Where an annual salary is paid the employer must advise the employee in writing of the annual salary that is payable and which of the provisions of this award will be satisfied by payment of the annual salary.</p> <p><b>Annual salary not to disadvantage employees</b></p> <p>- The annual salary must be no less than the amount the employee would have received under this award for the work performed over the year for which the salary is paid (or if the employment ceases earlier over such lesser period as has been worked).</p> <p>-The annual salary of the employee must be reviewed by the employer at least annually to ensure that the compensation is appropriate having regard to the award provisions which are satisfied by the payment of the annual salary.</p> <p><b>Base rate of pay for employees on annual salary arrangements</b></p> <p>For the purposes of the NES, the base rate of pay of an employee receiving an annual salary comprises the portion of the annual salary equivalent to the relevant rate of pay and excludes any incentive-based payments, bonuses, loadings, monetary allowances, overtime and penalties.</p>
17.2(b)(ii)	Recall (Instrument)	An employee who is rostered to stand by and is recalled to work must be paid the appropriate overtime rates. For the purposes of assessing the duration of the call-out, time spent on the journey from home to work and from work to home by the most direct route must be included. The minimum payment must be for two hours.
17.2(b)(iii)	Recall (Instrument)	Where an employee provides their own car for use in their employers business, they must be paid the per kilometre vehicle allowance on a home-to-home basis.
17.2(b)(iv)	Recall (Instrument)	Where the employee uses public transport, including the use of taxis with the approval of the employer, the fare will be reimbursed.
17.2(b)(v)	Recall (Instrument)	An employee while rostered on stand-by duty must be reimbursed all business calls.

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
17.2(b)(vi)	Recall (Instrument)	An employee who is not rostered to stand by but is recalled to work must be paid the appropriate overtime rate, and must be entitled to a minimum payment of two hours.
17.2(c)	Higher duties (Instrument)	Where an employee is required by the employer to relieve in a job which is at a level higher than the job in which the employee usually works, for more than four working days in a row, the employee must be paid at least the minimum salary for the higher job level.
17.3	District allowance (Instrument)	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.  This clause ceases to operate on 31 December 2014.
17.4(b)(i)	Transport of employees (Instrument)	When an employee is required to go to any place away from their usual place of employment they must be paid all reasonable expenses actually incurred.
17.4(b)(ii)	Transport of employees (Instrument)	When employees are required to travel to any place away from their usual place of employment outside ordinary working hours, they must be paid for all reasonable expenses incurred, plus payment at half the ordinary rate for any time that exceeds their normal travel time from home to work. No extra payment is payable when an employee is being paid overtime for the time spent travelling.
18	Accident pay (Instrument)	An employee is entitled to accident pay in accordance with the terms of:  - a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and  - that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.  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.

Clause	Conditions Type	Description
		This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.
19.2	Method of payment (Instrument)	Wages must be paid either by cash, cheque or electronic funds transfer, the method of which will be determined by the employer.
20	Superannuation (Instrument)	The award contains information on: <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>
21.1	Span of hours (Instrument)	The span of ordinary hours will be 7.00am to 7.00pm Monday to Friday, and 8.00am to 12 noon Saturday.  Provided that on not more than one night per week, which must be specified in advance by the employer, the span of ordinary hours may be worked up to 9.00pm.
21.2	Hours of work (Instrument)	Ordinary hours of work other than meal breaks will be an average of 38 per week to be worked on one of the following bases: <ul style="list-style-type: none"> <li>- 38 hours in a week</li> <li>- 76 hours within two weeks</li> <li>- 114 hours within three weeks</li> <li>- 152 hours within four weeks.</li> </ul>
21.3	Hours of work (Instrument)	When an employee is asked to work beyond their normal finishing time and where the usual means of transport is either unavailable, impracticable or unsafe, the employer will arrange suitable transport for the employee to reach their place of residence, provided that where an employee chooses to use their own motor vehicle with the agreement of the employer, they must be reimbursed in accordance with the relevant allowances and provisions of this award.

Clause	Conditions Type	Description
21.4	Breaks - meal (Instrument)	An employee will not work more than five hours without a meal break of at least 30 minutes, except where the daily hours are six hours or less, and the employee applies to work for that period without such breaks, and the employer agrees. In emergency circumstances a meal break may be deferred by mutual agreement.
21.4	Breaks - rest (Instrument)	All employees shall be allowed a rest break or breaks as agreed between the employer and employee or, if no agreement is reached, as determined by the employer.
21.5	Hours of work (Instrument)	Commencing and ceasing times within the span of hours may be staggered by the employer to improve operational efficiency.
21.6	Hours of work (Instrument)	<p><b>Make-up time</b></p> <p>An employer and the majority of employees may agree to establish a system of make-up time.</p> <p>An employee may elect to work make-up time where they take time off during ordinary hours, and works those hours at a later time, during the spread of ordinary hours.</p> <p>An employee on shiftwork may elect to work make-up time, where they take time off ordinary hours, and work those hours at a later time at the shiftwork rate which would have applied to the hours taken off.</p> <p>Once a decision has been taken to introduce a system of make-up time, its terms must be set out in the time and wages records.</p> <p>An employer will record make-up time arrangements in the time and wages book each time this provision is used.</p>
21.7	Hours of work (Instrument)	<p><b>Rostered days off</b></p> <p>An employer and the majority of employees may agree to establish a system of rostered days off to provide that:</p> <ul style="list-style-type: none"> <li>- an employee may elect to take a rostered day off at any time</li> <li>- an employee may elect to take rostered days off in part day amounts</li> </ul>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- an employee may elect to accrue rostered days off to create a bank to be drawn upon at times mutually agreed by an employer, or subject to reasonable notice by the employee or an employer</li> <li>- once a decision has been taken to introduce an enterprise system of rostered days off flexibility, its terms must be set out in the time and wages records kept</li> <li>- an employer will record rostered days off arrangements in the time and wages book at each time this provision is used.</li> </ul>
21.8(a)	Shiftwork (Instrument)	<p>Shiftwork may be worked on the following basis.</p> <p><b>Afternoon shift</b> means any shift finishing between 6.00pm and midnight  <b>Early morning shift</b> means any shift commencing between 4.00am and 7.00am  <b>Night shift</b> means any shift finishing between midnight and 8.00am.</p> <p>Provided that employees who work ordinary hours up to 9.00pm on any one night between Monday to Friday inclusive will not be considered shiftworkers for the purposes of this award.</p>
21.8(d)	Shiftwork (Instrument)	<p>Meal breaks will be of 20 minutes' duration and paid as if worked. An employee will not be called upon to work in excess of five hours without a meal break except where the daily hours to be worked are six hours or less and the employee applies to work for that extended period without such break and the employer agrees. Provided further that in emergency circumstances a meal break may be deferred by mutual agreement.</p>
21.8(f)	Shiftwork (Instrument)	<p>No employee under 18 years of age will be employed on shiftwork except with the written consent of the employee's parent/guardian.</p>
21.8(g)	Shiftwork (Instrument)	<p>Arrangements for transport for employees finishing or commencing a shift between the hours of 8.00pm to 6.00am are to be satisfactorily established by the employer concerned, taking into account the requirements of the particular location, and having regard to any special circumstances.</p>
21.8(h)	Shiftwork (Instrument)	<p>In any area where summer time is prescribed by legislation as being in advance of the standard time, the length of any shift that:</p> <ul style="list-style-type: none"> <li>- commences before the beginning of a summer time period</li> <li>- commences on or before the termination of a summer time period</li> </ul>

Clause	Conditions Type	Description
		will be deemed to be the number of hours between the time recorded by the clock at the beginning of the shift and the time so recorded at the end.
22.2	Overtime - other (Instrument)	An employee working overtime will be allowed a 20 minute paid rest break once the employee has worked five hours since the last rest break. Meal breaks may be extended by mutual agreement to not more than one hour, provided that any time taken in excess of the paid break will be unpaid.
22.4	Overtime – time off in lieu (Instrument)	<p>An employee may elect, with the consent of an employer, to take time off instead of payment for overtime at a time or times agreed with an employer. Overtime taken as time off during ordinary time hours will be taken at the ordinary time rate, that is an hour for each hour worked.</p> <p>An employer will provide payment at the overtime rate for any overtime, where such time has not been taken within four weeks of accrual, if requested by an employee.</p>
22.8	Overtime - other (Instrument)	<p>When overtime work is necessary it will, where reasonable, be arranged so that employees have at least 10 consecutive hours off duty between shifts.</p> <p>An employee (other than a casual employee) who works so much overtime between the end of one shift and the beginning of another that they have not had at least 10 hours off duty, will be released after completion of such overtime until they have had 10 consecutive hours off duty without loss of pay.</p>
22.8	Overtime - other (Instrument)	<p>Shiftworkers who work so much overtime between the end of one shift and the beginning of another that they have not had at least eight hours off duty, will be released after completion of such overtime until they have had eight consecutive hours off duty without loss of pay.</p> <p>This applies to overtime that is worked:</p> <ul style="list-style-type: none"> <li>- for the purpose of changing shift rosters</li> <li>- where a shiftworker does not report for duty and a day worker or shiftworker is required to replace such shiftworker</li> <li>- where a shift is worked by arrangement between the employees themselves.</li> </ul>
23.3	Annual leave loading (Instrument)	During a period of annual leave an employee will receive a loading calculated on the basic rate of pay. Annual leave loading is payable on leave accrued.

Clause	Conditions Type	Description
		The loading is 17.5%, or the relevant weekend penalty rates, whichever is the greater, for both day workers and shift workers.
23.4	Annual leave - paid leave in advance of accrued entitlement (Instrument)	An employer may allow an employee to take annual leave either wholly or partly in advance before the leave has accrued. Where more leave has been granted than the employee's accrued entitlement, and the employee subsequently leaves or is discharged from their employment before accruing the amount they owe, the employer is entitled to deduct the amount of leave still owing from the employee's remuneration payable upon termination of employment.
23.5	Annual leave (Instrument)	<p><b>Requirement to take leave</b></p> <p>An employer may require an employee to take annual leave by giving at least four weeks' notice in the following circumstances:</p> <ul style="list-style-type: none"> <li>- as part of a close-down</li> <li>- where more than eight weeks' leave is accrued.</li> </ul>
26.2	Public holidays (Instrument)	An employer and the employees may by agreement substitute another day for a public holiday.
26.3	Public holidays (Instrument)	<p>Where both a public holiday and substitute day are worked, public holiday penalties are payable on one of those days at the election of the employee.</p> <p>An employee required to work on a public holiday is entitled to at least four hours pay at the public holiday rates, provided the employee is available to work for four hours.</p>

## **Frequency of Payment**

Employees must be paid their salaries weekly or fortnightly as determined by the employer or monthly if mutually agreed. Where payment is made monthly it must be on the basis of two weeks in advance and two weeks in arrears.

**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.