



Australian Government

Fair Work

OMBUDSMAN

PAY AND CONDITIONS GUIDE

Cotton Ginning Award 2010 [MA000024] ('modern award')
replacing terms and conditions in or derived from

Cotton Ginning & Employees (State) Award [AN120160] ('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 operating cotton ginneries and their employees in the classifications listed in the 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 the 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 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 in the 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

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 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)
Cotton ginning employee Level 5	Ginner	\$19.59
Cotton ginning employee Level 4	Gin machinery operator category 1	\$18.81
Cotton ginning employee Level 3	Gin machinery operator category 1	\$18.36
Cotton ginning employee Level 3	Gin machinery operator category 2	\$18.24
Cotton ginning employee Level 2	Gin machinery operator category 2	\$17.97
Cotton ginning employee Level 1	General hand	\$17.12

Casual

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Cotton ginning employee Level 5	Ginner	\$24.47 (24.92%)	\$24.09 (23%)
Cotton ginning employee Level 4	Gin machinery operator category 1	\$23.49 (24.92%)	\$23.13 (23%)
Cotton ginning employee Level 3	Gin machinery operator category 1	\$22.93 (24.92%)	\$22.58 (23%)
Cotton ginning employee Level 3	Gin machinery operator category 2	\$22.78 (24.92%)	\$22.43 (23%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Cotton ginning employee Level 2	Gin machinery operator category 2	\$22.44 (24.92%)	\$22.10 (23%)
Cotton ginning employee Level 1	General hand	\$21.38 (24.92%)	\$21.05 (23%)

Note: All employees receive an industry allowance, which forms part of the employee's all purpose rate, in addition to the above rates.

Junior

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

Apprentice

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

Trainee

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 15 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%
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.

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

First full pay period on or after	Percent of modern award loading/penalty
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:

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

1/01/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
	(20.00%)
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%

1/01/2010	1/07/2010
Pre-modern award penalty	Penalty rate (phased)
	(80.00%)
10.00%	8.00%
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%

1/01/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
	(20.00%)
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

1/01/2010	1/07/2010
Pre-modern award penalty	Penalty rate (phased)
	(80.00%)
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:

First full pay period on or after	Percent of modern award loading/penalty
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.

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

For more information about transitional arrangements for loading/penalty entitlements please visit 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

Clause	Allowance Type	Description	Effective Date	Rate
17.1	First aid allowance	An employee who has been trained to render first aid and who is the current holder of appropriate first aid qualifications such as a certificate from the St John Ambulance or similar body must be paid an additional amount each week if appointed by their employer to perform first aid duty.	1/07/2013	\$0.3434 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (1.97%)
17.2	Meal allowance	A meal allowance will be paid where an employee is required to work overtime for more than 1 hour after ordinary ceasing time and where that employee has not been notified the day before.	1/07/2013	\$12.2000 per meal
17.3	Leading hand allowance	All purpose allowance expressed as per week. An employee who is appointed by the employer to be a leading hand will be paid an allowance each week, which will form part of the ordinary wage rate - 3-10 employees 166% of the standard rate per week. ($166/38=4.368421$ per hour)	1/07/2013	\$0.7601 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). (4.37%)

Clause	Allowance Type	Description	Effective Date	Rate
17.3	Leading hand allowance	All purpose allowance expressed as per week. An employee who is appointed by the employer to be a leading hand will be paid an allowance each week, which will form part of the ordinary wage rate - 11-20 employees 248% of the standard rate per week. (248/38=6.526316 per hour)	1/07/2013	\$1.1356 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). (6.53%)
17.3	Leading hand allowance	All purpose allowance expressed as per week. An employee who is appointed by the employer to be a leading hand will be paid an allowance each week, which will form part of the ordinary wage rate - more than 20 employees 316% of the standard rate per week. (316/38=8.315789 per hour)	1/07/2013	\$1.4469 per hour (8.32%)
17.4	Industry allowance	All purpose allowance expressed as per week. Employees will be paid a weekly allowance. This amount will be in addition to all other amounts due, and will be treated for all purposes of this award. This allowance will be in compensation for all disabilities experienced in this particular industry. (138%/38 = 3.631579%)	1/07/2013	\$0.6319 per hour (3.63%)
17.5	Special allowance	A special allowance of 3% of the standard rate will be paid each hour to employees who are required to work in bulk liquid tanks. This special allowance will be paid for the purposes of confined space and will be paid as for a minimum of four hours.	1/07/2013	\$0.5220 per hour (3.00%)

Full Time

Clause	Allowance Type	Description	Effective Date	Rate
17.6	Special contingency payment	<p>Emerald and St George A special contingency payment will be made each week to full-time employees.</p> <p>The payment will be a flat payment.</p>	1/07/2013	\$1.5889 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). (9.13%)
17.6	Special contingency payment	<p>Moura and Cecil Plains A special contingency payment will be made each week to full-time employees.</p> <p>The payment will be a flat payment.</p>	1/07/2013	\$1.0944 per hour. (6.29%)
17.6	Special contingency payment	<p>Emerald and St George A special contingency payment will be made each week to full-time employees.</p> <p>Employees engaged as seasonal workers will be paid 30% of the payment.</p> <p>The payment will be a flat payment.</p>	1/07/2013	\$0.4767 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.74%)

Clause	Allowance Type	Description	Effective Date	Rate
17.6	Special allowance	<p>Moura and Cecil Plains A special contingency payment will be made each week to full-time employees.</p> <p>Employees engaged as seasonal workers will be paid 30% of the payment.</p> <p>The payment will be a flat payment.</p>	1/07/2013	\$0.3283 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (1.89%)

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

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <ul style="list-style-type: none"> - arrangements for when work is performed - overtime rates - penalty rates - allowances

Clause	Conditions Type	Description
		<p>- leave loading.</p> <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	<p>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).</p>
10.3	Part-time conditions (Instrument)	<p>A part-time employee is an employee who:</p> <ul style="list-style-type: none"> - is engaged to work an average of fewer than 38 ordinary hours per week; and - receives, on a pro rata basis, equivalent pay and conditions to those of full-time employees who do the same kind of work. <p>For each ordinary hour worked, a part-time employee will be paid no less than 1/38th of the minimum weekly rate of pay for the relevant classification in the award.</p> <p>An employer must inform a part-time employee of the ordinary hours of work and starting and finishing times.</p> <p>All time worked in excess of the hours mutually arranged will be overtime and paid for at the appropriate overtime rate.</p>
10.4	Casual conditions (Instrument)	<p>A casual employee is engaged on an hourly basis and paid as such.</p> <p>A casual employee will be paid for each ordinary hour worked at 1/38th of the weekly wage prescribed by the award, plus 25% of that amount.</p> <p>Casual work may, by mutual agreement, be paid for on the employer's normal pay day or on completion of each engagement and casual employees will be paid during ordinary working hours.</p>

Clause	Conditions Type	Description
		<p>The following provisions of the award do not apply to casual employees:</p> <ul style="list-style-type: none"> - Public holidays - Payment of wages - Termination of employment. <p>In the case of a penalty rate and loading applying, the casual employee will only receive the penalty rate and not the loading. Further, in the case of more than one loading applying, a casual employee will receive only one loading and, where loadings are at a different rate, casual employees will receive the loading at the greater rate.</p>
10.5	Casual conditions (Instrument)	<p>Casual conversion</p> <p>A casual employee engaged on a regular and systematic basis for a sequence of periods of employment under this award during a calendar period of 12 months will have the right to elect to have their ongoing contract of employment converted to permanent full-time employment or part-time employment if the employment is to continue beyond the conversion process.</p> <p>Within 4 weeks of the employee becoming eligible under this clause to convert the employer must give the employee written notice of these provisions. The employee retains their right of election even if the employer fails to comply with this notice requirement.</p> <p>Upon receiving notice from the employer or after the expiry of the time for giving such notice, the employee may give 4 weeks' notice in writing to the employer that they seek to elect to convert their employment</p> <p>Within 4 weeks of receiving such notice the employer must consent to or refuse the election, but must not unreasonably refuse.</p> <p>Where an employer refuses an election to convert, the reasons for doing so must be fully stated and discussed with the employee and a genuine attempt must be made to reach agreement.</p> <p>Any dispute about a refusal of an election to convert must be dealt with as far as practicable and with expedition through the disputes settlement procedure.</p>

Clause	Conditions Type	Description
		<p>If the employee does not make an election within 4 weeks of receiving written notice from the employer the employee will be considered to have elected against conversion.</p> <p>Once an election to convert has been made the employee may only revert to casual employment by written agreement with the employer.</p> <p>If a casual employee has elected to convert to full-time or part-time in accordance with these provisions, the employer and employee must discuss and agree upon:</p> <ul style="list-style-type: none"> - whether the employee will convert to full-time or part-time employment; and - if it is agreed that the employee will become a part-time employee, the number of hours and the pattern of work are to be consistent with any other part-time employment provisions of this award. <p>An employee who has worked on a full-time basis throughout their casual employment has the right to elect to convert to full-time employment and an employee who has worked on a part-time basis during their casual employment has the right to elect to convert to part-time employment, on the basis of the same number of hours and times of work as previously worked, unless other arrangements are agreed between the employer and the employee.</p> <p>Following an agreement being reached, the employee must convert to full-time or part-time employment. If there is any dispute about the arrangements to apply to such an employee it must be dealt with as far as practicable and with expedition through the disputes settlement procedure.</p> <p>An employee must not be engaged and re-engaged, dismissed or replaced in order to avoid any obligation under this provision.</p>
10.6	Other (Instrument)	<p>Seasonal employees</p> <p>A seasonal employee means an employee who is engaged from time to time to supplement the permanent work force. Upon termination such employees will be entitled to payment of an amount equal to the value of the pro rata accumulation of benefits of a full-time employee for the period of the seasonal employment.</p>
11.2	Termination of employment - notice of	<p>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</p>

Clause	Conditions Type	Description
	termination by an employee (Instrument)	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.
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 notional agreement preserving a State award that would have applied immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement - based transitional instrument or enterprise agreement had applied to the employee and that would have entitled the employee to 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 NAPSAs is limited to the amount which exceeds the entitlement under the NES.

Clause	Conditions Type	Description
		This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.
17.7	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 notional agreement preserving a State award under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement - based transitional instrument or enterprise agreement had applied to the employee.</p> <p>This clause ceases to operate on 31 December 2014.</p>
18	Higher duties (Instrument)	<p>An employee who is required to perform work for 4 hours or more in any day for which a higher classification rate is paid, will be paid the higher rate for the whole day. If required to work for less than 4 hours, the employee will be paid the higher rate for the actual time worked.</p> <p>An employee who is required to perform work for which a lower rate is paid will not have their own rate of pay reduced.</p>
20	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to a superannuation fund - the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.
21	Hours of work (Instrument)	<p>Day workers</p> <p>The ordinary hours for days workers:</p> <ul style="list-style-type: none"> - must not exceed 38 per week - are to be worked between 6.00am 8.00pm, Monday to Friday <p>The hours can be worked, at the employer's discretion, on either of the following bases:</p>

Clause	Conditions Type	Description
		<p>- not exceeding 7 hours 36 minute per day; or - not exceeding 8 hours per day, provided 24 minutes is accrued towards a rostered day off.</p> <p>All work outside the ordinary hours of work will be overtime.</p> <p>Night workers</p> <p>The ordinary hours of night work:</p> <ul style="list-style-type: none"> - must not exceed 38 hour per week - are to be worked Monday to Friday between 6.00pm and 8.00am Monday to Friday. <p>Night workers are to be allowed a meal break of 20 minutes, which will be counted as time worked.</p> <p>No night work will be worked on Saturday or Sunday nights except at overtime rates.</p> <p>The hours of night work can be worked, at the employer's discretion, on either of the following bases:</p> <ul style="list-style-type: none"> - 7 hours 36 minute per night; or - 8 hours per day, provided 24 minutes is accrued towards a rostered day off. <p>All work outside the ordinary hours of work will be overtime.</p>
22	Rostering (Instrument)	<p>Rostered days off</p> <p>A rostered day off (RDO) system may be operated provided RDOs:</p> <ul style="list-style-type: none"> - are paid at ordinary rates - are accrued on a time for time basis (not penalty rates) - may be taken on any day from Monday to Friday - may accumulate - may be taken as up to 5 consecutive days - are rostered as a day off an agreed with the employer. <p>The employer shall not require an employee to work on an RDO unless:</p>

Clause	Conditions Type	Description
		<p>- the employer give 7 days clear notice and either provides an alternative day within the next 20 working days or accumualtes the RDO</p> <p>- if 7 days notice is not provided the employee will be paid at overtime rates for all time worked on the RDO.</p> <p>An RDO will not be taken on a Saturday, Sunday or public holiday.</p> <p>For accrual purposes, all days worked during ordinary hours, excluding paid leave and public holidays, are regarded as time worked.</p> <p>Employees are entitled to be paid out all accrued days, or pro-rata accruals, on termination at the ordinary rate of pay.</p>
23.1	Breaks - meal (Instrument)	An employee must be provided with a meal break of not less than 30 minutes after 5 hours, or after 6 hours with the employee's consent.
23.2	Breaks - rest (Instrument)	<p>A morning and afternoon paid tea break of 10 minutes will be allowed.</p> <p>Where the employer and the majority of employees agree, these breaks may be consolidated with each other, or one or both may be consolidated with the meal break.</p>
23.4	Break between work periods (Instrument)	An employee is entitled to a break of 10 hours between finishing work on one day and starting on the next day.
24.3	Overtime - other (Instrument)	All time worked on a Sunday will be paid at double time with a minimum payment of four hours.
25.2	Annual leave loading (Instrument)	An employee will be paid for a period of annual leave at the employee's base rate of pay, plus a loading of 17.5% of the employee's ordinary wage as prescribed by the award (excluding shift loadings).

Frequency of Payment

Wages will be paid weekly in the employer's time.

One day of each pay period will be recognised as pay day.

At the option of the employer, the method of payment will be by cash, electronic funds transfer or cheque drawn on an account with a local bank.

Subject to agreement between the majority of employees and the employer, fortnightly pay periods may be introduced.

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.