



Australian Government

Fair Work

OMBUDSMAN

PAY AND CONDITIONS GUIDE

Market and Social Research Award 2010 [MA000030] ('modern award')

replacing terms and conditions in or derived from

Property and Business Services Industry Sector Minimum Wage Order - Victoria - 1997 [AP793164] ('pre-modern award')

(VIC)

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 market and social research industry in respect of work by their employees in the classifications listed in the award to the exclusion of any other modern award.

Market and social research industry means all market and social research including every process, trade, business or occupation on or in relation to or in connection with market and social research and all support work engaged in or in connection with market or social research, for both public and private purposes.

Market and social research includes both qualitative and quantitative research, including the gathering, recording or analysing of information or data related to governments, markets, business consultancy, consumers or competitors, or any processes or activities incidental or ancillary to such work.

Exclusions

This industry award does not cover:

an employee excluded from award coverage by the Act;

an employer covered by the Higher Education Industry—Academic Staff— Award 2010.

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

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

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

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

Where an employer is covered by more than one award, an employee of that employer is covered by the 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)
Market Research Trainee	Level 4	\$17.01

Support employee

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
First year	Level 4	\$18.23
Thereafter	Level 4	\$18.67

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Market research interviewer	Level 4	\$18.67
Executive (face-to-face) interviewer and Door-to-Door Interviewer	Level 4	\$18.82
Editor/Coder/Keyboard operator	Level 4	\$18.94

Casual

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Market Research Trainee	Level 4	\$21.26 (25%)

Support employee

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
First year	Level 4	\$22.79 (25%)
Thereafter	Level 4	\$23.34 (25%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Market research interviewer	Level 4	\$23.34 (25%)
Executive (face-to-face) interviewer and Door-to-Door Interviewer	Level 4	\$23.53 (25%)
Editor/Coder/Keyboard operator	Level 4	\$23.67 (25%)

Casual (employees subject to business equipment (technical standard), country printer, or security awards)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Market Research Trainee	Level 4	\$21.09 (24%)

Support employee

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
First year	Level 4	\$22.61 (24%)
Thereafter	Level 4	\$23.15 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Market research interviewer	Level 4	\$23.15 (24%)
Executive (face-to-face) interviewer and Door-to-Door Interviewer	Level 4	\$23.34 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Editor/Coder/Keyboard operator	Level 4	\$23.48 (24%)

Junior

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

Apprentice

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

Trainee

Trainee provisions are not covered in this Modern Award.

Supported Wage

Please refer to clause 16 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 Pre-modern award penalty	1/07/2014 Modern award penalty	1/07/2010 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 Modern award penalty	1/07/2010 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%
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

1/01/2010 Pre-modern award penalty	1/07/2010 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%
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
17.2(b)	Vehicle allowance	Regular or casual employees who are required by their employer to use their own motor vehicle in the performance of their duties will be paid an allowance.	1/07/2013	\$0.7600 per kilometre

This Modern Award incorporates trainee rates derived from the National Training Wage Schedule (NTW Sch.).

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)	An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to: - arrangements for when work is performed - overtime rates

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - penalty rates - allowances - leave loading. <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>
11.2	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.
11.3	Casual conditions (Instrument)	<p>A casual employee's ordinary hours of work are usually irregular and less than an average of 38 hours per week or the hours required to be worked by the employer.</p> <p>The casual loading of 25% 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>
12.2	Termination of employment - notice of termination by an employee (Instrument)	<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 employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.</p>
12.3	Termination of employment - job search entitlement	<p>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.</p>

Clause	Conditions Type	Description
	(Instrument)	
13.2	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
13.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
13.4	Redundancy - job search entitlement (Instrument)	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.
13.5	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 notional agreement preserving a State award is limited to the amount which exceeds the entitlement under the NES. This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.
17.1	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 notional agreement preserving a State award under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January

Clause	Conditions Type	Description
		<p>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>
17.2(a)	Expenses (Instrument)	In addition to the minimum wage rate, an employer will reimburse an employee for all expenses which have been incurred in the performance of their duties, as required by the employer.
17.2(c)	Expenses (Instrument)	<p>If an employer requires in writing that an employee have a private telephone as part of the employee's work duties, the employer will reimburse:</p> <ul style="list-style-type: none"> - the cost of rental and all telephone calls made as part of the employee's work duties and - the cost of the installation if the employer has required in writing that the employee install a private telephone for use in connection with the employer's business.
17.2(d)	Expenses (Instrument)	Any employee who is directed or required to relocate residence to another area will be reimbursed reasonable costs for relocating personal and household effects and members of their immediate dependent family. Reasonable costs expressed in this clause are to be the amount agreed upon, in writing, between the employer and the employee prior to relocation.
17.2	Expenses (Instrument)	If, whilst on the employer's business, an employee suffers either damage to or theft of clothing or personal effects, the employer will reimburse an employee to a maximum of \$501.20 for a single claim less any amount of reimbursement from other sources
18	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> - a notional agreement preserving a State award 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-based transitional instrument or enterprise agreement 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.

Clause	Conditions Type	Description
		<p>The employee's entitlement to accident pay under the notional agreement preserving a State award or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
19	Method of payment (Instrument)	<p>Wages must be paid by electronic funds transfer, except where by mutual agreement between the employer and the employee they may be paid by cash or by cheque.</p> <p>Payment must be made within 14 days of the employer being notified of the hours which have been worked in a pay period.</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>Ordinary full-time hours of work shall be an average of 38 hours per week, Monday to Sunday.</p> <p>The ordinary hours of work of regular employees will be determined in advance of a work cycle, after consultation between the employer and employees affected, provided that:</p> <ul style="list-style-type: none"> - the work cycle may extend over 7, 14, 21 or 28 consecutive days - the roster as it affects an individual employee may be varied at any time by agreement between the employee and their employer - there will be not more than 12 ordinary hours of work on any day - except by agreement between an individual employee and their employer, a regular employee rostered to work ordinary hours on any day will be paid for at least three hours work on that day.

Clause	Conditions Type	Description
		<p>In the absence of any agreement on the implementation of the 38 hour week which best suits the business and the preferences of the employees concerned, the parties will apply the dispute resolution provisions of this award.</p> <p>Casual employees may work on any day of the week for the casual hourly rate of pay, except that no casual employee will be required against their wishes to work between the hours of midnight and 8.00am, or more than eight hours in any day.</p> <p>If a regular or casual employee is required to commence work at a location away from their usual work location, any time spent in excess of one hour in total travelling between the employee's home and the work location and return is considered working time and paid as such.</p> <p>For the purposes of calculating leave entitlements of regular full-time employees, a day will be regarded as 7.6 hours and an ordinary working week will be regarded as 38 hours. Pro rata entitlements will apply for regular part-time employees.</p>
21.8	Hours of work (Instrument)	<p>Make-up time</p> <p>An employee may elect, with the consent of their employer, to work make-up time, under which the employee takes time off ordinary hours, and works those hours at a later time, during the spread of ordinary hours.</p> <p>On each occasion that the employee elects to use this provision, the resulting agreement will be recorded in the time and wages records, personnel file or forms appropriate to the enterprise, at the time when the agreement is made.</p>
22.2	Overtime – time off in lieu (Instrument)	<p>Where agreement is reached between the employer and the regular employee, the employer may grant time off instead of the overtime payment.</p> <p>Overtime taken as time off during ordinary time hours will be taken at the ordinary time rate, that is one hour for each hour worked.</p> <p>An employer will, if requested, provide payment at the overtime rate for any overtime worked, where such time has not been taken within four weeks of accrual.</p>

Clause	Conditions Type	Description
		On each occasion that the employee elects to use this provision, the resulting agreement will be recorded in the time and wages records, personnel file or forms appropriate to the enterprise, at the time when the agreement is made.
22.4	Span of hours (Instrument)	The daily spread of ordinary hours for full-time and part-time employees will be from 8.00am to 8.00pm, provided that such hours may be varied in respect of the whole or a section of an employer's operations by agreement in writing between the employer and the employees.
22.5	Overtime - other (Instrument)	Where agreement is reached between the employer and the full-time or part-time employee, the employer may grant time off instead of the overtime and penalty payments.
23.2	Annual leave loading (Instrument)	In addition to the entitlements in the NES, employees are entitled to a loading of 17.5% of the minimum rates, for each of the four weeks, up to a maximum total payment equivalent to one week of average weekly earnings.
23.3	Annual leave - paid leave in advance of accrued entitlement (Instrument)	<p>If the employer and employee agree, an employee can take annual leave in advance of the entitlement accruing. In these circumstances accrual of further annual leave entitlements will not commence until after the year in which the annual leave was taken has ended.</p> <p>The employer must:</p> <ul style="list-style-type: none"> - give each employee at least seven days' notice of the date from which annual leave will be taken - pay wages and loading entitlements for the leave period in advance to each employee before the employee's leave commences.

Frequency of Payment

The pay period will be two weeks except, where by mutual agreement between the employer and the employee the pay period may be one or four weeks or one month.

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.