



Australian Government

Fair Work OMBUDSMAN

PAY AND CONDITIONS GUIDE

Waste Management Award 2010 [MA000043] ('modern award')
replacing terms and conditions in or derived from

**Transport Workers' (Refuse, Recycling and Waste Management)
Award 2001 [AP812785]** ('pre-modern award')

(NT, QLD, SA, TAS, VIC, WA)

Effective from 01 July 2013.

Published 19 June 2013 

Background

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

Transitional arrangements

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

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

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

Transitional arrangements for Division 2B State awards

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

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

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

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

Who should use the guide?

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

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

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

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

The guide contains information from this modern award about:

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

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

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

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

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

Coverage

This industry award covers employers throughout Australia in the waste management industry and their employees in the classifications listed in clause 18 - Classifications to the exclusion of any other modern award.

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

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

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

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

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

Where an employer is covered by more than one award, an employee of that employer is covered by the 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)
Level 1	Grade 1, General attendant	\$19.40
Level 1	Grade 1, 20 years of age	\$19.40
Level 2	Grade 1, General attendant	\$19.76
Level 2	Grade 2, Waste collection &/ or treatment &/or handling &/or disposal facility attendant	\$19.84
Level 2	Grade 2, 20 years of age	\$19.84
Level 2	Grade 3, Waste treatment &/or handling &/or disposal facility operator	\$19.87
Level 2	Grade 3, 20 years of age	\$19.87
Level 2	Grade 7, Leading hand as defined	\$20.29
Level 3	Grade 3, Liquid waste driver of vehicle up to 14 tonnes GVM	\$20.06
Level 3	Grade 3, Driver (not elsewhere included) of vehicle up to 14 tonnes GVM	\$20.06
Level 3	Grade 3, Trainee driver	\$20.06

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 3	Grade 5, Trainee driver of front lift vehicle	\$20.10
Level 3	Grade 7, Leading hand as defined	\$20.47
Level 4	Grade 3, Liquid waste driver of vehicle up to 14 tonnes GVM	\$20.33
Level 4	Grade 3, Driver (not elsewhere included) of vehicle up to 14 tonnes GVM	\$20.33
Level 4	Grade 3, Trainee driver	\$20.33
Level 4	Grade 4, Driver of vehicle with loading crane (Hiab)	\$20.39
Level 4	Grade 4, Driver of road sweeper	\$20.39
Level 4	Grade 4, Furnace operator	\$20.39
Level 4	Grade 4, Incinerator operator	\$20.39
Level 4	Grade 4, Operator of earth moving plant up to and including 150 BHP	\$20.39
Level 4	Grade 4, 20 years of age	\$20.39
Level 4	Grade 5, Trainee driver of front lift vehicle	\$20.43
Level 4	Grade 7, Leading hand as defined	\$20.74
Level 5	Grade 5, Driver of vehicle exceeding 14 tonnes GVM and up to 30 tonnes GVM	\$20.61
Level 5	Grade 5, Lift on, skip or morrell operator	\$20.61
Level 5	Grade 7, Leading hand as defined	\$20.93
Level 6	Grade 6, Driver of articulated vehicle	\$21.10
Level 6	Grade 6, Driver/Operator (S.O.L.O. System)	\$21.10
Level 6	Grade 6, Driver of rigid vehicle exceeding 30 tonnes GVM	\$21.10
Level 6	Grade 6, Driver of front lift vehicle	\$21.10
Level 6	Grade 7, Leading hand as defined	\$21.33
Level 7	Grade 7, Driver/instructor (All systems)	\$22.45
Level 7	Grade 7, Leading hand as defined	\$22.45
Level 8	Grade 5, Operator of earth moving plant over 150 BHP	\$22.97
Level 8	Grade 7, Leading hand as defined	\$23.28

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 9	Grade 7, Leading hand as defined	\$23.45

Casual (10% when working overtime/outside ordinary hours)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1	Grade 1, General attendant	\$19.40 (base rate)+ \$1.94 (10%)
Level 1	Grade 1, 20 years of age	\$19.40 (base rate)+ \$1.94 (10%)
Level 2	Grade 1, General attendant	\$19.76 (base rate)+ \$1.97 (10%)
Level 2	Grade 2, Waste collection &/or treatment &/or handling &/or disposal facility attendant	\$19.84 (base rate)+ \$1.98 (10%)
Level 2	Grade 2, 20 years of age	\$19.84 (base rate)+ \$1.98 (10%)
Level 2	Grade 3, Waste treatment &/or handling &/or disposal facility operator	\$19.87 (base rate)+ \$1.99 (10%)
Level 2	Grade 3, 20 years of age	\$19.87 (base rate)+ \$1.99 (10%)
Level 2	Grade 7, Leading hand as defined	\$20.29 (base rate)+ \$2.03 (10%)
Level 3	Grade 3, Liquid waste driver of vehicle up to 14 tonnes GVM	\$20.06 (base rate)+ \$2.00 (10%)
Level 3	Grade 3, Driver (not elsewhere included) of vehicle up to 14 tonnes GVM	\$20.06 (base rate)+ \$2.00 (10%)
Level 3	Grade 3, Trainee driver	\$20.06 (base rate)+ \$2.00 (10%)
Level 3	Grade 5, Trainee driver of front lift vehicle	\$20.10 (base rate)+ \$2.00 (10%)
Level 3	Grade 7, Leading hand as defined	\$20.47 (base rate)+ \$2.05 (10%)
Level 4	Grade 3, Liquid waste driver of vehicle up to 14 tonnes GVM	\$20.33 (base rate)+ \$2.03 (10%)
Level 4	Grade 3, Driver (not elsewhere included) of vehicle up to 14 tonnes GVM	\$20.33 (base rate)+ \$2.03 (10%)
Level 4	Grade 3, Trainee driver	\$20.33 (base rate)+ \$2.03 (10%)
Level 4	Grade 4, Driver of vehicle with loading crane (Hiab)	\$20.39 (base rate)+ \$2.04 (10%)
Level 4	Grade 4, Driver of road sweeper	\$20.39 (base rate)+ \$2.04 (10%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 4	Grade 4, Furnace operator	\$20.39 (base rate)+ \$2.04 (10%)
Level 4	Grade 4, Incinerator operator	\$20.39 (base rate)+ \$2.04 (10%)
Level 4	Grade 4, Operator of earth moving plant up to and including 150 BHP	\$20.39 (base rate)+ \$2.04 (10%)
Level 4	Grade 4, 20 years of age	\$20.39 (base rate)+ \$2.04 (10%)
Level 4	Grade 5, Trainee driver of front lift vehicle	\$20.43 (base rate)+ \$2.04 (10%)
Level 4	Grade 7, Leading hand as defined	\$20.74 (base rate)+ \$2.08 (10%)
Level 5	Grade 5, Driver of vehicle exceeding 14 tonnes GVM and up to 30 tonnes GVM	\$20.61 (base rate)+ \$2.06 (10%)
Level 5	Grade 5, Lift on, skip or morrell operator	\$20.61 (base rate)+ \$2.06 (10%)
Level 5	Grade 7, Leading hand as defined	\$20.93 (base rate)+ \$2.09 (10%)
Level 6	Grade 6, Driver of articulated vehicle	\$21.10 (base rate)+ \$2.12 (10%)
Level 6	Grade 6, Driver/Operator (S.O.L.O. System)	\$21.10 (base rate)+ \$2.12 (10%)
Level 6	Grade 6, Driver of rigid vehicle exceeding 30 tonnes GVM	\$21.10 (base rate)+ \$2.12 (10%)
Level 6	Grade 6, Driver of front lift vehicle	\$21.10 (base rate)+ \$2.12 (10%)
Level 6	Grade 7, Leading hand as defined	\$21.33 (base rate)+ \$2.13 (10%)
Level 7	Grade 7, Driver/instructor (All systems)	\$22.45 (base rate)+ \$2.24 (10%)
Level 7	Grade 7, Leading hand as defined	\$22.45 (base rate)+ \$2.24 (10%)
Level 8	Grade 5, Operator of earth moving plant over 150 BHP	\$22.97 (base rate)+ \$2.30 (10%)
Level 8	Grade 7, Leading hand as defined	\$23.28 (base rate)+ \$2.33 (10%)
Level 9	Grade 7, Leading hand as defined	\$23.45 (base rate)+ \$2.35 (10%)

Note: These are base rates only and overtime penalties may also apply. Overtime penalties should be calculated on the base rate shown in this table before the 10% loading is applied. The 10% casual loading applies in addition to any overtime penalty.

Casual (25% casual loading in pre-modern award applies (working ordinary hours) - 25% casual loading in modern award applies (working ordinary hours))

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1	Grade 1, General attendant	\$24.25 (25%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1	Grade 1, 20 years of age	\$24.25 (25%)
Level 2	Grade 1, General attendant	\$24.70 (25%)
Level 2	Grade 2, Waste collection &/ or treatment &/or handling &/or disposal facility attendant	\$24.80 (25%)
Level 2	Grade 2, 20 years of age	\$24.80 (25%)
Level 2	Grade 3, Waste treatment &/or handling &/or disposal facility operator	\$24.84 (25%)
Level 2	Grade 3, 20 years of age	\$24.84 (25%)
Level 2	Grade 7, Leading hand as defined	\$25.37 (25%)
Level 3	Grade 3, Liquid waste driver of vehicle up to 14 tonnes GVM	\$25.07 (25%)
Level 3	Grade 3, Driver (not elsewhere included) of vehicle up to 14 tonnes GVM	\$25.07 (25%)
Level 3	Grade 3, Trainee driver	\$25.07 (25%)
Level 3	Grade 5, Trainee driver of front lift vehicle	\$25.12 (25%)
Level 3	Grade 7, Leading hand as defined	\$25.59 (25%)
Level 4	Grade 3, Liquid waste driver of vehicle up to 14 tonnes GVM	\$25.41 (25%)
Level 4	Grade 3, Driver (not elsewhere included) of vehicle up to 14 tonnes GVM	\$25.41 (25%)
Level 4	Grade 3, Trainee driver	\$25.41 (25%)
Level 4	Grade 4, Driver of vehicle with loading crane (Hiab)	\$25.49 (25%)
Level 4	Grade 4, Driver of road sweeper	\$25.49 (25%)
Level 4	Grade 4, Furnace operator	\$25.49 (25%)
Level 4	Grade 4, Incinerator operator	\$25.49 (25%)
Level 4	Grade 4, Operator of earth moving plant up to and including 150 BHP	\$25.49 (25%)
Level 4	Grade 4, 20 years of age	\$25.49 (25%)
Level 4	Grade 5, Trainee driver of front lift vehicle	\$25.53 (25%)
Level 4	Grade 7, Leading hand as defined	\$25.93 (25%)
Level 5	Grade 5, Driver of vehicle exceeding 14 tonnes GVM and up to 30 tonnes GVM	\$25.76 (25%)
Level 5	Grade 5, Lift on, skip or morrell operator	\$25.76 (25%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 5	Grade 7, Leading hand as defined	\$26.16 (25%)
Level 6	Grade 6, Driver of articulated vehicle	\$26.38 (25%)
Level 6	Grade 6, Driver/Operator (S.O.L.O. System)	\$26.38 (25%)
Level 6	Grade 6, Driver of rigid vehicle exceeding 30 tonnes GVM	\$26.38 (25%)
Level 6	Grade 6, Driver of front lift vehicle	\$26.38 (25%)
Level 6	Grade 7, Leading hand as defined	\$26.66 (25%)
Level 7	Grade 7, Driver/instructor (All systems)	\$28.06 (25%)
Level 7	Grade 7, Leading hand as defined	\$28.06 (25%)
Level 8	Grade 5, Operator of earth moving plant over 150 BHP	\$28.71 (25%)
Level 8	Grade 7, Leading hand as defined	\$29.11 (25%)
Level 9	Grade 7, Leading hand as defined	\$29.32 (25%)

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)
Up to and including 18 years of age	Grade 1, Under 19 years of age	\$14.10
19 years of age	Grade 1, 19 years and under 20 years of age	\$15.86

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Up to and including 18 years of age	Grade 2, Under 19 years of age	\$14.40
Up to and including 18 years of age	Grade 3, Under 19 years of age	\$14.43
19 years of age	Grade 2, 19 years and under 20 years of age	\$16.21
19 years of age	Grade 3, 19 years and under 20 years of age	\$16.25

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Up to and including 18 years of age	Grade 4, Under 19 years of age	\$14.79
19 years of age	Grade 4, 19 years and under 20 years of age	\$16.66

Casual (25% casual loading in pre-modern award applies (working ordinary hours) - 25% casual loading in modern award applies (working ordinary hours))
Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Up to and including 18 years of age	Grade 1, Under 19 years of age	\$17.62 (25%)
19 years of age	Grade 1, 19 years and under 20 years of age	\$19.83 (25%)

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Up to and including 18 years of age	Grade 2, Under 19 years of age	\$18.00 (25%)
Up to and including 18 years of age	Grade 3, Under 19 years of age	\$18.04 (25%)
19 years of age	Grade 2, 19 years and under 20 years of age	\$20.27 (25%)
19 years of age	Grade 3, 19 years and under 20 years of age	\$20.31 (25%)

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Up to and including 18 years of age	Grade 4, Under 19 years of age	\$18.49 (25%)
19 years of age	Grade 4, 19 years and under 20 years of age	\$20.82 (25%)

Casual (10% when working overtime/outside ordinary hours)
Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Up to and including 18 years of age	Grade 1, Under 19 years of age	\$14.10 (base rate)+ \$1.41 (10%)
19 years of age	Grade 1, 19 years and under 20 years of age	\$15.86 (base rate)+ \$1.59 (10%)

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Up to and including 18 years of age	Grade 2, Under 19 years of age	\$14.40 (base rate)+ \$1.44 (10%)
Up to and including 18 years of age	Grade 3, Under 19 years of age	\$14.43 (base rate)+ \$1.44 (10%)
19 years of age	Grade 2, 19 years and under 20 years of age	\$16.21 (base rate)+ \$1.63 (10%)
19 years of age	Grade 3, 19 years and under 20 years of age	\$16.25 (base rate)+ \$1.62 (10%)

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Up to and including 18 years of age	Grade 4, Under 19 years of age	\$14.79 (base rate)+ \$1.48 (10%)
19 years of age	Grade 4, 19 years and under 20 years of age	\$16.66 (base rate)+ \$1.66 (10%)

Note: These are base rates only and overtime penalties may also apply. Overtime penalties should be calculated on the base rate shown in this table before the 10% loading is applied. The 10% casual loading applies in addition to any overtime penalty.

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 19.3 of the modern award.

For detail of supported wage provisions see the 1 January 2010 version of the instrument

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%

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

The standard rate is Level 6 of the adult classification.

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
20.1	Meal allowance	An employee who has not received prior notification and is required to work overtime for two hours or more will either be supplied with a suitable meal by the employer or paid a meal allowance.	1/07/2013	\$14.7900 per meal
20.2	Leading hand allowance	A leading hand in charge of 4 - 8 employees must be paid a weekly allowance. (2.7% x 38 hrs = 102.6)	1/07/2013	\$0.5143 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). (2.70%)
20.2	Leading hand allowance	A leading hand in charge of 9 - 15 employees must be paid a weekly allowance. (4% x 38 hrs = 152)	1/07/2013	\$0.7619 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
				hours per week). (4.00%)
20.2	Leading hand allowance	A leading hand in charge of over 15 employees must be paid a weekly allowance. (5.5% x 38 hrs = 209)	1/07/2013	\$1.0476 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). (5.50%)
20.3	Other	Boat allowance This is payable to an employee required to use a boat. (4.4% x 38 hrs = 167.2)	1/07/2013	\$0.8381 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). (4.40%)
20.4	First aid allowance	An employee appointed by the employer to perform first aid must be paid an allowance. (0.5% x 38 hrs = 19)	1/07/2013	\$3.6190 per day (19.00%)
20.5	Transport allowance	An employee required to commence duty before 4.00 am is entitled to a transport allowance unless the employer provides transport.	1/07/2013	\$8.0800 per day

Clause	Allowance Type	Description	Effective Date	Rate
20.6	Industry allowance	All purpose allowance expressed as per week. A full-time employee must be paid an industry allowance of 11% of the standard rate per week in addition to the appropriate minimum wage. Part-time and casual employees must be paid the allowance pro rata.	1/07/2013	\$2.0952 per hour (11.00%)

The industry allowance is for all purposes of this award.

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: <ul style="list-style-type: none"> - arrangements for when work is performed - overtime rates - penalty rates - allowances - leave loading.

Clause	Conditions Type	Description
		Other conditions concerning award flexibility are contained within the Fair Work Act 2009.
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)	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	Consultation (Instrument)	<p>Dispute resolution training leave</p> <p>An employee representative is entitled to non-cumulative leave, with pay each calendar year, to a maximum of five days per employee per year, to attend courses which are specifically directed towards effective resolution of disputes regarding industrial matters under this award and/or industrial issues which arise at the workplace. Union delegates and/or employee representatives are only entitled to leave for bona fide courses.</p> <p>For the purposes of this clause, a bona fide course means a Dispute Resolution Training Leave Course conducted by or on behalf of a registered training organisation whose scope of registration includes industrial relations training. Nothing will prevent the employee representative and the employer from reaching agreement that such training can be provided by a union or other accredited training provider/s.</p> <p>An employee representative must give the employer six weeks notice of their intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.</p> <p>The notice to the employer must include details of the type, content and duration of the course to be attended. Upon request, the course curriculum must be provided to the employer.</p> <p>Leave is to be available according to the following scale:</p> <p>No. of full and part-time employees covered by this award</p>

Clause	Conditions Type	Description
		<p>(i) 5–15 (ii) 16–30 (iii) 31–50 (iv) 51–100 (v) 101 and over</p> <p>Max. no. of employee representatives eligible to attend per year</p> <p>(i) 1 (ii) 2 (iii) 3 (iv) 4 (v) 5</p> <p>Max. no. of days permitted per year</p> <p>(i) 5 (ii) 10 (iii) 15 (iv) 20 (v) 254</p> <p>An employer will not be liable for any additional expenses associated with an employee’s attendance at a course other than the payment of ordinary time earnings for such absence. Ordinary time earnings are defined as the relevant minimum wage and shiftwork loadings, plus over award payment where applicable.</p> <p>Leave of absence on training leave shall be counted as service.</p> <p>The employee must provide the employer with proof of attendance.</p>
13	Part-time conditions (Instrument)	<p>A part-time employee is an employee who works less than 38 ordinary hours per week. A part-time employee is to be paid 1/38th of the weekly rate applicable to a full-time employee of equal classification, with a minimum payment of four hours for each day.</p> <p>Before commencing employment, the part-time employee and employer must agree upon:</p>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - the hours, days, starting and finishing times - the employee's classification. <p>The terms of the agreement and any agreed variation to it, must be in writing and retained by the employer. The employer must provide a copy of the agreement, and any agreed variation to it, to the employee.</p> <p>The employer must pay a part-time employee at overtime rates for all time worked:</p> <ul style="list-style-type: none"> - in excess of the agreed hours - outside the spread of hours <p>The terms of this award apply pro rata to part-time employees on the basis that ordinary weekly hours for full-time employees are 38.</p>
14	Casual conditions (Instrument)	<p>A casual employee is one engaged and paid by the hour.</p> <p>At the time of engagement the employer must inform the employee of the status of employment, classification, duties and minimum wage. The employer must also indicate the actual or likely number of hours of employment. This indication is not binding and does not constitute a guarantee.</p> <p>The employer must notify a casual employee at the end of the day whether their services will be required on the next working day.</p> <p>A casual employee must be paid 1/38th of the relevant weekly wage plus 25% for working ordinary hours.</p> <p>The minimum daily engagement of a casual is four hours.</p>
14.5	Casual conditions (Instrument)	<p>In addition to normal overtime rates, a casual employee, while working overtime or outside ordinary hours, shall be paid on an hourly basis on thirty--eighth of the relevant minimum wage prescribed by the award, plus 10% of ordinary time earnings for the work performed.</p>
15	Casual conditions	Conversion of casual employment

Clause	Conditions Type	Description
	(Instrument)	<p>A casual employee who has been engaged on a regular and systematic basis for a sequence of periods during a 12 months period has the right to elect to have their contract of employment converted to full-time or part-time employment.</p> <p>The employer must give a casual employee written notice within four weeks of eligibility for election.</p> <p>The employee retains their right of election even if the employer fails to comply.</p> <p>A casual employee who does not, within four weeks of receiving written notice, elect to convert their contract of employment to full-time or part-time employment will be deemed to have elected not to convert.</p> <p>Any casual employee upon receiving such notice or after the expiry of the time for giving such notice, may give four weeks notice in writing to the employer that they elect to convert to full-time or part-time employment. Within four weeks of receiving such notice the employer must either consent to or refuse the election but must not unreasonably so refuse.</p> <p>An employee who has worked on a full-time basis throughout the period of casual employment has the right to elect to convert to full-time employment and an employee who has worked on a part-time basis throughout the period of casual employment has the right to elect to part-time employment, working the same number of hours and times of work as previously worked, unless other arrangements are agreed upon between the employer and employee.</p> <p>Where a casual employee has elected to convert to full-time or part-time employment, the employer and the employee must discuss and agree upon:</p> <ul style="list-style-type: none"> - whether the employee will become a full-time or a part-time employee - if it is agreed that the employee will become a part-time employee, the number of hours and the pattern of hours that will be worked. <p>A casual employee who has elected to convert to full-time or part-time employment may only revert to casual employment by written agreement with the employer.</p>

Clause	Conditions Type	Description
16.2	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.
16.3	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.
17.2	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.
17.3	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.
17.4	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.
17.5	Redundancy - transitional provisions (Instrument)	An employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with terms of a NAPSA: <ul style="list-style-type: none"> - that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and - that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES. The employee's entitlement to redundancy pay under the NAPSA is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.

Clause	Conditions Type	Description
		<p>This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument.</p> <p>This clause ceases to operate on 31 December 2014.</p>
20.6	Other (Instrument)	<p>Industry allowance</p> <p>The industry allowance is paid in total recognition of the unique features associated with the waste industry. These features, which may vary from workplace to workplace and between functions, include but are not restricted to the requirement to:</p> <ul style="list-style-type: none"> - work in areas regarded as unusually offensive and obnoxious - handle obnoxious waste - work in the open in all weather variables - be able to adapt to and handle hydraulic lifting apparatus and compaction units associated with waste vehicles - work at times with waste product which has the potential to be dangerous and therefore the requirement to abide by correct safe operating procedures including the wearing of appropriate protective safety equipment
20.6	Other (Instrument)	<p>Industry Allowance</p> <p>The industry allowance is for all purposes of this award, including overtime and calculation of shift loadings.</p>
21	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 terms of an award or NAPSA under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement - based transitional instrument or enterprise agreement had applied to the employee, and that would have entitled the employee to payment of a district allowance.</p>

Clause	Conditions Type	Description
		This clause ceases to operate on 31 December 2014.
22	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 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-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. <p>The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
23	Higher duties (Instrument)	<p>Where an employee is required to perform work at more than one classification level on any one day the employee is to be paid the minimum wage for the highest level, calculated hourly, for the whole day.</p> <p>An employee is not to be transferred to a lower classification level except on seven days' notice.</p>
24	Method of payment (Instrument)	<p>All earnings, including overtime, must be paid in the employer's time on a day to be fixed by the employer. Once fixed, the day must not be altered more than once in three months.</p> <p>All earnings, including overtime, must be paid within three days of the end of the week in which they accrue.</p> <p>The employer must pay to an employee who leaves or is dismissed all money due to the employee as soon as possible.</p>

Clause	Conditions Type	Description
		The employer at its discretion may pay an employee by electronic funds transfer to a bank account nominated by the employee in question.
25	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.
26	Hours of work (Instrument)	<p>Starting and finishing times</p> <p>Each employer must fix a regular starting and finishing time for each employee which must be the same on each day of the week. An employer may alter an employee's starting and finishing times on seven days notice.</p>
27	Hours of work (Instrument)	<p>The ordinary hours of work for full-time employees will be an average of 38 hours per week to be worked within a work cycle not exceeding 28 consecutive days.</p> <p>Except as provided below, the ordinary hours of work must not exceed eight hours per day and are to be worked continuously (except for meal breaks) on Monday to Friday between the hours of 4.00 am and 5.00 pm.</p> <p>Ordinary hours may be worked in either of the following ways:</p> <p>(a) Providing for a rostered day off</p> <ul style="list-style-type: none"> - An employee may work 19 days of eight hours each over a continuous four week period. - Rostered days off may be accumulated to a maximum of 10 over a 40 week period after which the employer may direct the employee to take the accumulated days.

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - Rostered days off may be taken at the start of the roster cycle, provided that in the event that the employee ceases employment before accruing credits to cover the time taken in advance, any time outstanding may be deducted from money owed to the employee on termination of employment. - An employer may require an employee to forego a rostered day off due to operational requirements in which case the employee will be entitled to a substitute day off. Otherwise an employee's rostered day off may be changed during the roster period by agreement or on 48 hours' notice by the employer. - Payment will be for 7 hours 36 minutes per day and an employee will accumulate 24 minutes per day over the 19 work days in the 28 day period of the roster to cover payment for the rostered day off. - Where an employer is required to service a particular client or clients and there has been a cessation of operations resulting from annual close-down, industrial action, compulsory closure as a result of a legislative direction, or other circumstances beyond the control of the employer, the employer may require employees to take a rostered day or days off to coincide with the day or days that the operation is closed, up to a maximum of five days. In this event, a rostered day or days off which would normally become due to the employee will not become due for the number of days taken. - Where an employee is absent on workers compensation for more than five consecutive working days no entitlement to a rostered day off will accrue with respect to the period of the absence which exceeds five days. <p>(b) Providing for other than a rostered day off</p> <p>An employer may require an employee to work ordinary hours over five days, Monday to Friday inclusive without a rostered day off, provided the daily hours are continuous (except for meal breaks), in any of the following circumstances:</p> <ul style="list-style-type: none"> - where there is agreement between the employer and the majority of employees - where the employer operates three or fewer vehicles at a particular workplace - where the employer has arrangements with a client for the provision of transport services on a permanent basis extending over each day of the week Monday to Friday and those arrangements would be prejudiced by the requirement for a rostered day off

Clause	Conditions Type	Description
		<p>- where the employer's operations are such that it is necessary for the employee to work on each day of the week Monday to Friday and those operations would be prejudiced if the employee was given a rostered day off.</p>
27.4	Hours of work (Instrument)	<p>Absences from duty</p> <p>Where an employer makes a pay deduction for an absence for which an employee is not entitled to be paid, a day's pay is to be calculated by dividing the employee's average weekly pay for ordinary hours by five, and an hour's pay is to be calculated by dividing the employee's average weekly pay for ordinary hours by 38.</p>
27.5	Hours of work (Instrument)	<p>Make-up time</p> <p>An employee may elect, with the consent of the employer, to work make-up time under which the employee takes time off during ordinary hours and works those hours at a later time, during the spread of ordinary hours provided in the award.</p>
28.1	Shiftwork (Instrument)	<p>Definitions</p> <ul style="list-style-type: none"> - Afternoon shift means a shift where the ordinary hours worked finish after 6.30 pm but not later than 12.30 am. - Night shift means a shift where the ordinary hours worked finish after 12.30 am and at or before 8.30 am. - Continuous work means work carried on with continuous shifts of workers throughout the 24 hours on each of at least six consecutive days without interruption except during breakdowns or meal breaks or due to unavoidable causes beyond the control of the employer. - Rostered shift means a shift for which the employee concerned has had at least 48 hours' notice. - Shiftwork means work extending for at least five consecutive days and performed either in daily recurrent periods or in regular rotating periods falling within the limits defined for afternoon shift or night shift.

Clause	Conditions Type	Description
28.2	Shiftwork (Instrument)	<p>Shift rosters</p> <ul style="list-style-type: none"> - The employer must post a shift roster in a prominent place in the workplace. - The shift roster must specify the commencing and finishing times of ordinary hours of respective shifts. - The roster must not be altered without seven days' notice.
28.5	Shiftwork (Instrument)	<p>Shiftwork—overtime</p> <p>An employee engaged on shiftwork must be paid at overtime rates instead of the shift loading if:</p> <ul style="list-style-type: none"> - the employee has not had at least 48 hours' notice of a shift; or - the shiftwork is not regular shiftwork; or - the shiftwork is performed outside ordinary hours or in excess of eight hours per shift.
28.6	Shiftwork (Instrument)	<p>Transfer to or from shiftwork</p> <p>An employee may be transferred to or from shiftwork on 14 days' notice provided the employee has at least 10 hours off duty before commencing shiftwork. In default of such notice the employee shall be paid overtime rates for all work done outside previous ordinary working hours within 14 days of the time of notification of the change.</p>
28.7	Shiftwork (Instrument)	<p>Work on Saturday, Sunday or public holiday</p> <p>An employee attending for work on a rostered shift the major portion of which falls on a Saturday, Sunday or public holiday must be paid the relevant Saturday, Sunday or Public holiday rates.</p>
28.8	Shiftwork (Instrument)	<p>Rate when shift extends beyond midnight</p> <p>Each shift must be paid for at the rate applicable to the day on which the major portion of the shift is worked.</p>

Clause	Conditions Type	Description
29.1	Breaks - meal (Instrument)	<p>Regular meal breaks</p> <ul style="list-style-type: none"> - An employee must be allowed an unpaid meal break of not less than 30 minutes and not more than one hour within five and a quarter hours of commencing duty. - The employer and the employee will agree on the time and length of the meal break having regard, among other things, to the fatigue management regulations.
29.2	Breaks - meal (Instrument)	<p>Overtime meal breaks</p> <ul style="list-style-type: none"> - An employee must be allowed an unpaid meal break of not less than 15 minutes and not more than 30 minutes after two hours of overtime. - The employee and the supervisor will agree on the time and length of the meal break having regard, among other things, to the fatigue management regulations. - An employee who has not received prior notification and is required to work overtime for two hours or more will either be supplied with a suitable meal by the employer or paid a meal allowance. - An employee required to commence work two hours or more prior to the normal agreed starting time must be paid a meal allowance.
30	Overtime - other (Instrument)	<p>Overtime</p> <p>Work done outside ordinary hours must be paid for at 150% of the relevant minimum wage calculated hourly for the first two hours and 200% after the first two hours.</p> <p>In computing overtime each day's work shall stand alone.</p> <p>When overtime work is necessary it must, wherever reasonably practicable, be so arranged that employees have at least 10 consecutive hours off duty between the work of successive days.</p> <ul style="list-style-type: none"> - An employee (other than a casual employee) who has not had at least 10 consecutive hours off duty between finishing overtime and the commencement of ordinary hours the next day must, be given time off without loss of pay until 10 consecutive hours have elapsed.

Clause	Conditions Type	Description
		<p>- If, on the instruction of the employer, an employee resumes or continues work without having had 10 consecutive hours off duty, the employee must be paid at 200% of the relevant minimum wage for such period, calculated hourly until released from duty, and is then entitled to be absent until 10 consecutive hours off duty have expired, without loss of pay for ordinary working time occurring during such absence.</p>
30.2 30.3 (a) & (b)	Overtime - other (Instrument)	<p>In computing overtime each day's work shall stand alone.</p> <p>When overtime work is necessary it must, if possible, leave at least 10 consecutive hours off duty between the work of successive days.</p> <p>- An employee (other than a casual employee) who has not had at least 10 consecutive hours off duty between finishing overtime and the commencement of ordinary hours the next day must be given time off without loss of pay until 10 consecutive hours have elapsed.</p> <p>- If, on the instruction of the employer, such an employee resumes or continues work without having had 10 consecutive hours off duty, the employee must be paid at 200% of the relevant minimum wage for such period, calculated hourly until released from duty, and is then entitled to be absent until 10 consecutive hours off duty have expired, without loss of pay for ordinary working time occurring during such absence.</p>
30.4	Call-back (Instrument)	<p>- An employee recalled to work overtime after leaving the workplace, (whether notified before or after leaving such workplace) is to be paid for a minimum of three hours work for the first recall and a minimum of two hours for each subsequent recall, provided that, except in the case of unforeseen circumstances, the employee is not to be required to work the full minimum hours if the job the employee was recalled to perform is completed within a shorter period. This does not apply in cases where it is customary for an employee to return to the employer's premises to perform a specific job outside ordinary hours, or where the overtime is continuous (subject to a reasonable meal break) with the completion or commencement of ordinary hours.</p> <p>- Payment provisions for 10 consecutive hours off duty will not apply for overtime under 'Call back'.</p>
30.5	Overtime – time off in lieu (Instrument)	<p>- An employee may elect, with the consent of the employer, to take time off at a time or times agreed with the employer instead of payment for overtime.</p>

Clause	Conditions Type	Description
		<p>- Overtime taken as time off during ordinary time hours is to be taken at the ordinary time rate, that is an hour for each hour worked.</p> <p>- If requested by an employee, the employer must pay the employee for the overtime at the overtime rate where the time off has not been taken within four weeks.</p>
31	Saturday and Sunday work (Instrument)	<p>Subject to any custom now prevailing under which employees are required regularly to hold themselves in readiness for call-back, employees required to hold themselves in readiness for work after ordinary hours are to be paid at the relevant minimum wage calculated hourly for all such time.</p> <p>When an employee, after having worked overtime, finishes work at a time when reasonable means of transport are not available, the employer must provide transport home or pay the employee at the relevant minimum wage calculated hourly for the time reasonably taken to return home.</p>
32.2	Public holidays (Instrument)	An employee other than a casual who, without the consent of their employer or without reasonable cause, is absent from work on the day before or the day after a public holiday is not entitled to any payment for such public holiday.
32.7	Public holidays (Instrument)	Where an employee is entitled to a public holiday but the employer requires the employee to work, the employer must notify the employee on the preceding working day. Otherwise the employee is entitled to be absent on the public holiday without deduction of pay.
33.2	Annual leave (Instrument)	<p>During a period of annual leave an employee will receive a loading calculated on the minimum rate in the award. Annual leave loading payment is payable on leave accrued and taken but it is not payable on leave paid out on termination. The loading is as follows:</p> <p>Day work</p> <p>Employees who would have worked on day work only had they not been on leave—17.5% or the relevant weekend penalty rates, whichever is the greater but not both.</p> <p>Shiftwork</p> <p>Employees who would have worked on shiftwork had they not been on leave—a loading of 17.5% or the shift loading (including relevant weekend penalty rates) whichever is the greater but not both.</p>

Clause	Conditions Type	Description
36.2	Public holidays (Instrument)	<p>Where an employee's rostered day off falls on a public holiday, the employee is entitled, at the discretion of the employer, to either:</p> <ul style="list-style-type: none"> - 7 hours and 36 minutes of pay at the appropriate minimum wage - 7 hours 36 minutes' extra annual leave; or - a substitute day off. <p>By agreement between an employee or employees another day may be substituted for a public holiday provided for in the NES.</p>

Frequency of Payment

All earnings, including overtime, must be paid in the employer's time on a day to be fixed by the employer. Once fixed, the day must not be altered more than once in three months.

All earnings, including overtime, must be paid within three days of the end of the week in which they accrue.

Despite anything contained in this clause, the employer must pay to an employee who leaves or is dismissed all money due to the employee as soon as possible.

The employer at its discretion may pay an employee by electronic funds transfer to a bank account nominated by the employee.

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.