


### PAY AND CONDITIONS GUIDE

**Marine Towage Award 2010 [MA000050]** ('modern award')  
replacing terms and conditions in or derived from

**Motor Boats and Small Tugs (State) Award [AN120350]** ('pre-modern award')

**(NSW)**

Effective from 01 July 2013.

Published 20 June 2013 

#### **Background**

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

#### **Transitional arrangements**

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

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

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

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

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

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

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

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

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

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

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

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

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

The guide contains information from this modern award about:

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

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

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

However, the penalty rates and allowances in the modern award do not apply to agreement-covered employees, unless the agreement is read in conjunction with the

modern award (e.g. a pre-reform certified agreement (a type of collective agreement made before 27 March 2006)).

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

## **Coverage**

This industry award covers employers throughout Australia in the marine towage industry and their employees in the classifications listed in the award to the exclusion of any other modern award. The award does not cover employers and employees wholly or substantially covered by the following awards:

- Maritime Offshore Oil and Gas Award 2010
- Ports, Harbours and Enclosed Water Vessels Award 2010
- Dredging Industry Award 2010
- Seagoing Industry Award 2010.

The award does not cover maintenance contractors covered by the following awards:

- Manufacturing and Associated Industries and Occupations Award 2010
- Electrical, Electronic and Communications Contracting Award 2010.

**Marine towage industry** means:

- any work on tug boats, in conjunction with ship-assist operations and voyages, at or about, or to or from, a port in Australia (harbour towage operations)
- movement of contract cargoes by combined tug and barge (up to a maximum of 10,000 tonnes) between different ports or locations in Australia (tug and barge operations).

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 marine towage industry 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.

Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

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

## **Wages**

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

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

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

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

### **Casual employees**

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

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

\*Post 26 March 2006 employer

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

### **Adult**

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

### **Full & Part Time**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
<b>Minimum hourly wages</b>		
Rating and General purpose rating	Empl on motor boats, General purpose hands	\$20.20
Rating and General purpose rating	Empl on all vessels other than motor boats, General purpose hand	\$20.06
Rating and General purpose rating	Empl on motor boats, General purpose hands, Up to 17 years of age	\$18.49
Rating and General purpose rating	Empl on motor boats, General purpose hands, At 17 years of age	\$18.87

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Rating and General purpose rating	Empl on motor boats, General purpose hands, At 18 years of age	\$20.20
Rating and General purpose rating	Empl on all vessels other than motor boats, General purpose hands, "Amorena"	\$20.27
Rating and General purpose rating	Empl on all other vessels, General purpose hand, Up to 17 years of age	\$18.42
Rating and General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Greaser "Amorena"	\$20.27
Rating and General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Bunker barges	\$20.27
Rating and General purpose rating	Empl on all other vessels, General purpose hand, At 17 years of age	\$18.79
Rating and General purpose rating	Empl on all other vessels, General purpose hand, At 18 years of age	\$20.06
Rating and General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Greaser bunker barges	\$20.27
Category 1 (0-1850 tonnage/power units), Master/Engineer	Empl on motor boats, Coxswain engineer (master V med III)	\$26.58
Category 2 (1850 or more tonnage/power units), Master/Engineer	Empl on motor boats, Coxswain engineer (master V med III)	\$27.80
<b>Harbour towage ops</b>		
Free running/Delivery voyage, General purpose rating	Empl on motor boats, General purpose hands	\$17.08
Free running/Delivery voyage, General purpose rating	Empl on all vessels other than motor boats, General purpose hand	\$16.94
Free running/Delivery voyage, General purpose rating	Empl on motor boats, General purpose hands, Up to 17 years of age	\$15.37
Free running/Delivery voyage, General purpose rating	Empl on motor boats, General purpose hands, At 17 years of age	\$15.76
Free running/Delivery voyage, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, "Amorena"	\$17.17
Free running/Delivery voyage, General purpose rating	Empl on motor boats, General purpose hands, At 18 years of age	\$17.08

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Free running/Delivery voyage, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Greaser "Amorena"	\$17.23
Free running/Delivery voyage, General purpose rating	Empl on all other vessels, General purpose hand, Up to 17 years of age	\$15.30
Free running/Delivery voyage, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Bunker barges	\$17.17
Free running/Delivery voyage, General purpose rating	Empl on all other vessels, General purpose hand, At 17 years of age	\$15.67
Free running/Delivery voyage, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Greaser bunker barges	\$17.23
Free running/Delivery voyage, General purpose rating	Empl on all other vessels, General purpose hand, At 18 years of age	\$16.94
Free running/Delivery voyage, Mate (Permanent tug master)/Engineer	Empl on motor boats, Coxswain engineer (master V med III)	\$23.66
Free running/Delivery voyage, Master/Chief engineer	Empl on motor boats, Coxswain engineer (master V med III)	\$24.85
Contract towage, General purpose rating	Empl on motor boats, General purpose hands	\$21.68
Contract towage, General purpose rating	Empl on all vessels other than motor boats, General purpose hand	\$21.54
Contract towage, General purpose rating	Empl on motor boats, General purpose hands, Up to 17 years of age	\$19.97
Contract towage, General purpose rating	Empl on motor boats, General purpose hands, At 17 years of age	\$20.35
Contract towage, General purpose rating	Empl on motor boats, General purpose hands, At 18 years of age	\$21.68
Contract towage, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, "Amorena"	\$21.77
Contract towage, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Greaser "Amorena"	\$21.83
Contract towage, General purpose rating	Empl on all other vessels, General purpose hand, Up to 17 years of age	\$19.90

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Contract towage, General purpose rating	Empl on all other vessels, General purpose hand, At 17 years of age	\$20.27
Contract towage, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Bunker barges	\$21.77
Contract towage, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Greaser bunker barges	\$21.83
Contract towage, General purpose rating	Empl on all other vessels, General purpose hand, At 18 years of age	\$21.54
Contract towage, Mate (Permanent tug master)/ Engineer	Empl on motor boats, Coxswain engineer (master V med III)	\$28.21
Contract towage, Master/ Chief engineer	Empl on motor boats, Coxswain engineer (master V med III)	\$29.28
Emergency towage ops, General purpose rating	Empl on motor boats, General purpose hands	\$26.26
Emergency towage ops, General purpose rating	Empl on all vessels other than motor boats, General purpose hand	\$26.12
Emergency towage ops, General purpose rating	Empl on motor boats, General purpose hands, Up to 17 years of age	\$24.55
Emergency towage ops, General purpose rating	Empl on motor boats, General purpose hands, At 17 years of age	\$24.93
Emergency towage ops, General purpose rating	Empl on motor boats, General purpose hands, At 18 years of age	\$26.26
Emergency towage ops, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, "Amorena"	\$26.35
Emergency towage ops, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Greaser "Amorena"	\$26.41
Emergency towage ops, General purpose rating	Empl on all other vessels, General purpose hand, Up to 17 years of age	\$24.48
Emergency towage ops, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Bunker barges	\$26.35
Emergency towage ops, General purpose rating	Empl on all other vessels, General purpose hand, At 17 years of age	\$24.84

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Emergency towage ops, General purpose rating	Empl on all other vessels, General purpose hand, At 18 years of age	\$26.12
Emergency towage ops, General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Greaser bunker barges	\$26.41
Emergency towage ops, Mate (Permanent tug master)/Engineer	Empl on motor boats, Coxswain engineer (master V med III)	\$32.78
Emergency towage ops, Master/Chief engineer	Empl on motor boats, Coxswain engineer (master V med III)	\$34.09

### Casual

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>	<b>Post 26 March 2006 employer*</b>
<b>Minimum hourly wages</b>			
Rating and General purpose rating	Empl on motor boats, General purpose hands	\$25.67 (27.08%)	\$25.25 (25%)
Rating and General purpose rating	Empl on all vessels other than motor boats, General purpose hand	\$25.49 (27.08%)	\$25.08 (25%)
Rating and General purpose rating	Empl on motor boats, General purpose hands, Up to 17 years of age	\$23.50 (27.08%)	\$23.11 (25%)
Rating and General purpose rating	Empl on motor boats, General purpose hands, At 17 years of age	\$23.99 (27.08%)	\$23.59 (25%)
Rating and General purpose rating	Empl on motor boats, General purpose hands, At 18 years of age	\$25.67 (27.08%)	\$25.25 (25%)
Rating and General purpose rating	Empl on all vessels other than motor boats, General purpose hands, "Amorena"	\$25.77 (27.08%)	\$25.34 (25%)
Rating and General purpose rating	Empl on all other vessels, General purpose hand, Up to 17 years of age	\$23.41 (27.08%)	\$23.02 (25%)
Rating and General purpose rating	Empl on all vessels other than motor boats, General	\$25.77 (27.08%)	\$25.34 (25%)



<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>	<b>Post 26 March 2006 employer*</b>
	purpose hands, Greaser "Amorena"		
Rating and General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Bunker barges	\$25.77 (27.08%)	\$25.34 (25%)
Rating and General purpose rating	Empl on all other vessels, General purpose hand, At 17 years of age	\$23.87 (27.08%)	\$23.48 (25%)
Rating and General purpose rating	Empl on all other vessels, General purpose hand, At 18 years of age	\$25.49 (27.08%)	\$25.08 (25%)
Rating and General purpose rating	Empl on all vessels other than motor boats, General purpose hands, Greaser bunker barges	\$25.77 (27.08%)	\$25.34 (25%)
Category 1 (0-1850 tonnage/power units), Master/Engineer	Empl on motor boats, Coxswain engineer (master V med III)	\$33.78 (27.08%)	\$33.22 (25%)
Category 2 (1850 or more tonnage/power units), Master/Engineer	Empl on motor boats, Coxswain engineer (master V med III)	\$35.33 (27.08%)	\$34.75 (25%)

### **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**

Supported Wage rates of pay are not covered by this summary.

### **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.

<b>1/01/2010</b>	<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
25%	50%	30%
50%	75%	55%
50%	100%	60%
75%	100%	80%

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

*Example:*

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

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

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

#### **Entitlements that are not equivalent**

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

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

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

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

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

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

*Example:*

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

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

<b>1/01/2014</b>	<b>1/07/2010</b>	<b>1/01/2010</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>	<b>Pre-modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(20.00%)</b>		<b>(80.00%)</b>
10.00%	2.00%	10.00%	8.00%
20.00%	4.00%	20.00%	16.00%
25.00%	5.00%	25.00%	20.00%
50.00%	10.00%	50.00%	40.00%
75.00%	15.00%	75.00%	60.00%
100.00%	20.00%	100.00%	80.00%
120.00%	24.00%	120.00%	96.00%
125.00%	25.00%	125.00%	100.00%
130.00%	26.00%	130.00%	104.00%
150.00%	30.00%	150.00%	120.00%

**New entitlements**

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

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

*Example:*

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

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

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

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

## Allowances

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

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

Clause	Allowance Type	Description	Effective Date	Rate
14.1(a)	Nominated voyages allowance	<u>Harbour towage operations</u> an intrastate tug voyage from one port to another, undertaken for operational reasons, to cover towage requirements in the other port (2.46% per week x 35 = 86.1% per hour)	1/07/2013	\$17.4562 per hour (86.10%)
14.1(b)	Cyclone (shipkeeping) allowance	<u>Harbour towage operations</u> an employee on board a tug in port available to perform any duty during a cyclone or cyclone alert (1.96% per week x 35 = 68.6% per hour)	1/07/2013	\$13.9082 per hour (68.60%)
14.1(c)	Emergency maintenance allowance	<u>Harbour towage operations</u> a General Purpose Rating working outside the ordinary span of hours, performing emergency maintenance work necessary to reinstate into service a tug which would otherwise be out of service (6.62% per week x 35 = 231.7% per hour)	1/07/2013	\$46.9755 per hour (231.70%)
14.1(c)	Emergency maintenance allowance	<u>Harbour towage operations</u> a Category 1 (0-1850 tonnage/ power units) Mate working outside the ordinary span of hours, performing emergency maintenance work necessary to reinstate into service a tug which would otherwise be out of service (8.25% per week x 35 = 288.75% per hour)	1/07/2013	\$58.5420 per hour (288.75%)
14.1(c)	Emergency maintenance allowance	<u>Harbour towage operations</u> a Category 1 (0-1850 tonnage/ power units) Master and Engineer working outside the ordinary span of hours, performing emergency maintenance work necessary to reinstate into service a tug which would otherwise be out of service (10.51% per week x 35 = 367.85% per hour)	1/07/2013	\$74.5790 per hour (367.85%)

Clause	Allowance Type	Description	Effective Date	Rate
14.1(c)	Emergency maintenance allowance	Harbour towage operations a Category 2 (1850 or more tonnage/power units) Mate working outside the ordinary span of hours, performing emergency maintenance work necessary to reinstate into service a tug which would otherwise be out of service (7.6% per week x 35 = 266% per hour)	1/07/2013	\$53.9296 per hour (266.00%)
14.1(c)	Emergency maintenance allowance	Harbour towage operations a Category 2 (1850 or more tonnage/power units) Master and Engineer working outside the ordinary span of hours, performing emergency maintenance work necessary to reinstate into service a tug which would otherwise be out of service (10.96% per week x 35 = 383.6% per hour)	1/07/2013	\$77.7722 per hour (383.60%)
14.2(a)(ii)	Protective clothing allowance	Towards the purchase of sunglasses for use during work	1/01/2010	\$51.6000 per annum
14.2(b)	Meal allowance	For each day worked where the employer does not provide a meal or meal-making facilities.	1/07/2013	\$13.0100 per day
14.2(c)	Other	An employee who is required by their employer to telephone for orders will, in addition to the allowance prescribed, be reimbursed full installation costs of a new service and be paid transfer costs on one occasion during their period of service.	1/07/2013	\$163.4600 per annum
14.2(f)	Meal allowance	An employee not at their home port and required to eat breakfast ashore.	1/07/2013	\$14.4300 per day
14.2(f)	Meal allowance	An employee not at their home port required to eat lunch ashore	1/07/2013	\$16.9000 per day
14.2(f)	Meal allowance	An employee not at their home port required to eat dinner ashore	1/07/2013	\$27.2200 per day

Clause	Allowance Type	Description	Effective Date	Rate
14.2(f)	Overnight stay	A permanent employee not at their home port required to sleep ashore, and casuals required to sleep ashore at a port which is not the home port of the permanent employees in the vessel's crew.	1/07/2013	\$77.9100 per day
14.2(f)	Away from home/ usual place of employment	Where an employee is not at their home port and is required to eat breakfast, lunch, dinner and sleep ashore they receive this total daily allowance instead of the separate allowances specified for each meal and accommodation when away from the home port.	1/07/2013	\$136.4600 per day
16.1(a)	Multiple tow allowance	<u>Tug and barge operations</u> Engineer, Mate or General Purpose Rating, where the vessel engages in a multiple tow for each day the vessel is at sea, in port or anchored from the time the tow is assigned until the vessel is berthed at its final destination (5.91% per week x 35 = 206.85% per day)	1/07/2013	\$41.9374 per day (206.85%)
16.1(a)	Multiple tow allowance	<u>Tug and barge operations</u> Master and Chief Engineer where the vessel engages in a multiple tow for each day the vessel is at sea, in port or anchored from the time the tow is assigned until the vessel is berthed at its final destination (11.69% per week x 35 = 409.15% per day)	1/07/2013	\$82.9522 per day (409.15%)
16.1(b)	Cooking allowance	<u>Tug and barge operations</u> Rating and General Purpose Rating acting as cook	1/07/2013	\$0.8454 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 35 hours per week). (4.17%)



Clause	Allowance Type	Description	Effective Date	Rate
16.1(c)	Qualification allowance	Tug and barge operations Rating and General Purpose Rating holding qualifications as a crane driver, able seaman or offshore watch-keeper	1/07/2013	\$2.5363 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 35 hours per week). (12.51%)

#### District Allowances

##### Northern Territory

An employee in the Northern Territory is entitled to payment of a district allowance in accordance with the terms of an award made under the Workplace Relations Act 1996 (Cth):

- (a) 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 made under the Workplace Relations Act 1996 (Cth) had applied to the employee; and
- (b) that would have entitled the employee to payment of a district allowance.

##### Western Australia

An employee in Western Australia is entitled to payment of a district allowance in accordance with the terms of a NAPSA or an award made under the Workplace Relations Act 1996 (Cth):

- (a) 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 made under the Workplace Relations Act 1996 (Cth) had applied to the employee; and
- (b) that would have entitled the employee to payment of a district allowance.

These district allowance provisions cease to operate on 31 December 2014.

## **Other Conditions**

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

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

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

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

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <ul style="list-style-type: none"><li>- arrangements for when work is performed</li><li>- overtime rates</li><li>- penalty rates</li><li>- allowances</li><li>- leave loading.</li></ul> <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8	Consultation (Instrument)	<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"><li>- duty to notify, and</li><li>- duty to discuss change.</li></ul>
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>

Clause	Conditions Type	Description
10.2	Part-time conditions (Instrument)	<p>A part-time employee:</p> <ul style="list-style-type: none"> <li>- is engaged to work ordinary hours which are less than the average number of ordinary hours of a full-time employee</li> <li>- receives pro rata pay and conditions to full-time employees who do the same work</li> <li>- before commencement will be informed in writing by the employer of any rostered periods of duty to be worked. Any agreed variation to the rostered periods of duty must be recorded in writing.</li> </ul>
10.3	Casual conditions (Instrument)	A casual employee is one engaged and paid as such. The employment of a casual terminates at the end of each period of duty.
11.2	Termination of employment (Instrument)	<p>Notwithstanding the terms of the NES, in order to terminate the employment of an <b>officer</b> the employer must give to the employee the following written notice: Period</p> <ol style="list-style-type: none"> <li>1. 1 year or less: 2 weeks</li> <li>2. More than 1 year but less than 4 years: 6 weeks</li> <li>3. More than 4 years: 8 weeks</li> </ol> <p>Payment instead of the notice may be made, or an employer may provide part of the notice and part payment instead thereof. In calculating any payment instead of notice, the wages an employee would have received in respect of ordinary time the employee would have worked during the period of notice if the employee's employment had not been terminated must be used.</p>
11.3	Termination of employment - job search entitlement (Instrument)	Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.
11	Termination of employment (Instrument)	<p><u>Return to place of engagement</u></p> <p>If the employment of an employee is terminated by the employer elsewhere than at the employee's home port or place of engagement, for any reason other than misconduct, the employer will be responsible for conveying the employee to the employee's home port or place of engagement.</p> <p><u>Termination without notice</u></p>

Clause	Conditions Type	Description
		Despite the termination notice provisions, an employer may terminate an employee's employment without notice, or payment instead of notice, for misconduct.
11.6	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.
12.2	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
12.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received under this clause had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
12.4	Redundancy - job search entitlement (Instrument)	An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.  If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.
13.4(b)(vii)	Breaks - rest (Instrument)	<u>Special voyages in harbour towage operations</u>  A rest period may be given in the out-port depending on the circumstances of the voyage. The maximum rest period for a voyage of 7 days or more, will be 24 hours. For a voyage of less than 7 days, the rest period will be determined by the circumstances of the voyage and by discussion between the employer and employees.
14.1(d)	Other (Instrument)	<u>Harbour towage operations - area and port based allowances</u>

Clause	Conditions Type	Description
		<p>An employee is entitled to payment of an area and port-based allowance in accordance with the terms of the Tugboat Industry Award 1999, made under the Workplace Relations Act 1996 (Cth):</p> <p>(a) 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 made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and</p> <p>(b) that would have entitled the employee to payment of the area and port-based allowance under clauses 9.5, 9.8, 12.10 and 12.11 of that award.</p> <p>For the purposes of this section an area and port-based allowance refers to the following allowances:</p> <ul style="list-style-type: none"> <li>- payments for work outside port limits</li> <li>- area and port allowances, and</li> <li>- resumption of duty allowance.</li> </ul> <p>The provision ceases to operate on 31 December 2014.</p>
14.2(a)	Clothing, footwear and/or equipment (Instrument)	<p>Each employee who is required to wear industrial or protective clothing and equipment by a relevant law or by the employer, must be reimbursed for purchasing such clothing and equipment. This will not apply where clothing and equipment is, or has been, paid for or provided by the employer and the employer replaces items on a fair wear and tear basis.</p> <p>Employees are responsible for the safekeeping on board the vessel of each item of protective clothing. An employer may require an employee to sign a receipt for the issue of clothing and equipment.</p>
14.2(d)	Clothing, footwear and/or equipment (Instrument)	<p><u>Loss of personal effects allowance</u></p> <p>If by fire, explosion, foundering, shipwreck, collision or stranding, an employee sustains damage to or loss of their personal effects or equipment, the employer will compensate the employee for such damage or loss by a payment equivalent to the value thereof to a maximum of \$1754 (or \$2799 if the damage or loss occurs on outside work). The maximum payable for any one article is limited to \$466.80.</p>
14.2(e)(i)	Insurance (Instrument)	<u>Harbour towage operations</u>

Clause	Conditions Type	Description
		<p><u>Outside work</u></p> <p>An employee who is engaged on outside work (other than an employee regularly or continuously engaged on outside work) is entitled to be paid by the employer an annual allowance equal to the annual premium paid by the employee to obtain a policy of insurance, approved in advance by the employer, which provides a benefit to the employee of \$100 000 upon their death whilst engaged on outside work.</p> <p>This does not apply where the employer maintains an insurance policy, or self-insures, in order to provide a benefit to the employee of \$100 000 upon their death whilst engaged on outside work.</p> <p><u>Fire fighting insurance</u></p> <p>An employee who is engaged in fire fighting is entitled to be paid an allowance equal to the annual premium paid by the employee to obtain a policy of insurance, approved in advance by the employer, which provides a benefit to the employee of \$130 000 in the case of death or total and permanent disability caused by bodily injury of the employee whilst engaged in fire fighting.</p> <p>This provision does not apply if the employer maintains an insurance policy, or self-insures, in order to provide a benefit to the employee of \$130 000 in the case of death or total and permanent disability caused by bodily injury of the employee whilst engaged in fire fighting.</p> <p>Total and permanent disability means:</p> <ul style="list-style-type: none"> <li>- the loss of 2 limbs (where limbs include the whole of one hand or the whole of one foot) or the sight of both eyes or the loss of one limb and the sight of one eye,</li> <li>- after a period of 6 consecutive months continuous absence from their employment on account of injury which is proved to the satisfaction of the insurer (after considering such medical or other evidence or advice as they may require from time to time) the employee is unable or unlikely ever again to be able to undertake any form of remunerative work for which they are reasonably fitted by education or training or experience.</li> </ul>
14.2(g)	Travelling time (Instrument)	<u>Travel allowance</u>

Clause	Conditions Type	Description
		<p>An employee travelling from their home port to another port, or to their home port from another port, at the direction of the employer, will be reimbursed for the reasonable cost of the transport required by the employer to be used, unless the employer provides or pays for transport.</p> <p>Time spent travelling will be considered time worked, however in the case of an employee receiving an aggregate wage or annual salary no additional payment is payable travelling time.</p> <p><u>Harbour towage operations only - Port-based travel allowances: transitional arrangements</u></p> <p>An employee is entitled to payment of a port-based travelling allowance in accordance with the terms of the Tugboat Industry Award 1999, made under the Workplace Relations Act 1996 (Cth):</p> <p>(a) 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 made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and</p> <p>(b) that would have entitled the employee to payment of the port-based travelling allowance under clauses 9.5 and 12.8 and Table 2 of that award.</p> <p>This provision ceases to operate on 31 December 2014.</p> <p>During this transitional period an employee is not entitled to payment of both the port-based travelling allowance from the Tugboat Industry Award 1999 and the travelling allowance specified above for the modern award. The employee must be paid whichever allowance is the greater.</p>
14.2(h)	Allowances and special rates (Instrument)	<p><b>Port-based travel allowances - transitional arrangements</b></p> <p>An employee is entitled to payment of a port-based travelling allowance in accordance with the terms of the Tugboat Industry Award 1999, made under the Workplace Relations Act 1996 (Cth):</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- that would have entitled the employee to payment of the port-based travelling allowance under that award.</li> </ul>

Clause	Conditions Type	Description
		<p>This entitlement ceases to operate on 31 December 2014.</p> <p>During this transitional period an employee is not entitled to payment of both the port-based travelling allowance and the travelling allowance under this award. The employee must be paid whichever allowance is the greater.</p>
14.2(i)	Expenses (Instrument)	<p><u>Expenses</u></p> <p>The employer will reimburse an employee for any expenses reasonably incurred in the performance of their duties on behalf of the employer. Wherever possible, in order to be reimbursed the employee must seek the pre-approval of the employer to undertake the expense.</p> <p>As well as other matters, this provision will apply to enquiries as to casualties or as to the conduct of employees and to proceedings for any alleged breach of any maritime or port or other regulations, unless the authority conducting the enquiry or proceedings finds that such enquiry or proceedings have been occasioned by the default or misconduct of the employee or, in the event of an appeal there from, the appellate tribunal finds that such enquiry or proceedings have been occasioned by the default or misconduct of the employee.</p>
15	District allowance (Instrument)	<p>An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the provisions of an award or NAPSA under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January 2010, 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 providing that employee was not bound by an agreement under that Act.</p> <p>This clause ceases to operate on 31 December 2014.</p>
16.4	Medical examination allowance (Instrument)	<p><u>Medicals and passport allowance</u></p> <p>The employer will pay an allowance to the employee equal to the cost of any medical examination, eyesight or hearing test, passport (with associated vaccinations), visas, etc., required for the purpose of revalidating certificates of competency or as required by the employer.</p>



Clause	Conditions Type	Description
17	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <p>(a) the Tugboat Industry Award 1999 (clause 16) or a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and</p> <p>(b) 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> <p>The employee's entitlement to accident pay under the Tugboat Industry Award 1999 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 operate to diminish an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
19	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> <li>- the employers responsibility to make superannuation contributions to a superannuation fund</li> <li>- the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund</li> <li>- the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.</li> </ul>
20	Hours of work (Instrument)	<p>For the purposes of the NES, the ordinary hours of work for full-time employees will be 35 hours per week, which may be averaged over a period of up to one year.</p> <p>The span of hours in which ordinary hours may be worked will be between the hours of 0700 and 1700. An employer may agree with a majority of affected employees in a port to alter this spread of hours.</p> <p>No employee will be required to perform work continuously in excess of 16 hours, except as provided below. An employee's continuity of work is not broken by meal breaks taken pursuant to the award and any other authorised period off duty of less than 4 hours duration.</p>

Clause	Conditions Type	Description
		<p>An employer may require an employee to perform work continuously in excess of 16 hours (extended hours) where:</p> <ul style="list-style-type: none"> <li>- it is reasonably necessary to meet operational requirements</li> <li>- the employer endeavours to terminate the period of continuous work as soon as practicable, and</li> <li>- the employer grants the employee a rest period of no less than 10 hours before requiring the employee to resume duty.</li> </ul>
21.1	Breaks - meal (Instrument)	<p>An employee is entitled to a meal break of not less than 30 minutes after every 5 hours worked. Breaks will be scheduled by the employee's supervisor based on operational requirements so as to ensure continuity of operations. The employer will not require an employee to work more than 5 hours before the first meal is taken or between subsequent meal breaks if any.</p>
21.2	Break between work periods (Instrument)	<p>No break in duty will be of less than 6 hours duration from the time the employee is relieved from work. In computing a break of duty time off duty before the ordinary finishing time of the day up to 1600 hours will not count except on Saturdays, Sunday and public holidays.</p> <p>An employee who is required to resume duty after the ordinary finishing time of the day, when possible, will be given details of the work expected to be done up to and including the ordinary starting time the next day.</p>
22.4	Call-back (Instrument)	<p><u>Resumption of duty</u></p> <p>The following section does not apply to an employee in receipt of an aggregate wage or annual salary.</p> <p>When an employee who has ceased duty on any day is required thereafter to resume duty other than in a consecutive extension before or after ordinary duty, they will be entitled to a minimum payment of 4 hours for each resumption but, if the employee has to resume duty on 2 occasions during the hours between 1800 hours and 0500 hours the following day will be entitled to a payment for the whole of the time from the commencement of the first to the termination of the last resumption.</p> <p>For each resumption of duty on any day under this section, otherwise than in a consecutive extension before or after ordinary duty, travelling time of up to one hour will be considered as time worked.</p>

Clause	Conditions Type	Description
23	Annual leave (Instrument)	<p>The annual leave provisions of the award operate in conjunction with the NES. The provisions of this section are intended to satisfy the provisions in the NES concerning maximum weekly hours of work, annual leave and public holidays.</p> <p><u>Entitlement to leave</u></p> <p>A permanent full-time employee will be entitled to 168 days free of duty in each year, or to proportionate leave for any continuous service of less than a year. A part-time employee's entitlement to days free of duty will be determined on a pro-rata basis.</p> <p>The leave prescribed above includes:</p> <ul style="list-style-type: none"> <li>- 104 days of leave, being instead of weekends</li> <li>- five weeks of paid annual leave for shiftworkers under the NES. Employees under this award are considered to be shiftworkers for the purposes of the NES</li> <li>- public holiday entitlements under the NES, and</li> <li>- an additional 28 days leave, to give effect to a 35 hour week.</li> </ul> <p>Employees will not be entitled to leave from duty under this section in relation to a period of absence from service on account of workers compensation, or leave without pay. An employee's leave entitlement under this section will be debited by 0.857 of a day for each day of absence on workers compensation or unpaid leave.</p> <p>Employers will consult with their employees and prepare a roster providing for the taking of leave from duty. Where practicable, the roster should provide for predictability to the taking of 140 days of leave from duty in each year (or the proportion of the employee's entitlement to rostered leave days in a year that 140 bears to 168).</p> <p>Despite the provisions of this section, the value of any leave given to the employee in advance will be deducted, upon termination of employment, from any money owing to an employee.</p> <p><u>Continuous service</u></p> <p>For the purposes of this section, a permanent employee will be deemed to have served continuously for the aggregate of their service although the service may have been temporarily interrupted (by up to 21 days) by transfer to some other work of their employer, or for the convenience of the employer, or by</p>

Clause	Conditions Type	Description
		suspension of operations, or the need to carry out repairs or maintenance on a tug that the employee is rostered to work on.
26.3	Public holidays (Instrument)	In ports where employees receive an aggregate wage or annual salary in accordance with the award, such arrangement recognises that harbour towage operations require tugs to be available on any day of the year. Entitlements to public holidays under the NES are incorporated in the applicable port rosters developed under the annual leave provisions and the aggregated entitlements to leave from duty.

### **Frequency of Payment**

The employer will pay the employees wages, penalties and allowances fortnightly in arrears by electronic funds transfer into the employee's bank (or other recognised financial institution) account nominated by the employee.

An employer may deduct from any amount required to be paid to an employee for wages, penalties and allowances the amount of any overpayment of wages or allowances.

**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.