

PAY AND CONDITIONS GUIDE

Gas Industry Award 2010 [MA000061] ('modern award')
replacing terms and conditions in or derived from

Electricity, Gas and Water Supply Industry Sector - Minimum Wage Order - Victoria 1998 [AP780695] ('pre-modern award')

(VIC)

Effective from 01 January 2014.

Published 09 January 2014 

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 gas industry and their employees in the classifications listed in this award to the exclusion of any other modern award.

Gas industry means the transmission, distribution, wholesaling and retailing of gas to industrial, commercial and domestic consumers.

This award does not cover:

- the retail, marketing and supply of gas where that activity is incidental or supplementary to the core business of an employer covered by the Electrical Power Industry Award 2010
- the industry of the manufacture, making, processing, treatment, preparation, extraction, separation and associated storage, transport, distribution, sales and marketing of industrial, medical and special gases
- the industry of the manufacture, processing, transportation, storage, distribution, marketing and sale of liquefied petroleum (LP) gas
- employers and employees covered by the Hydrocarbons Industry (Upstream) Award 2010
- employers and employees covered by the Road Transport and Distribution Award 2010

employees wholly or mainly engaged in professional or managerial positions.

This 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 gas 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.

This award covers employers which provide group training services for apprentices and/or trainees engaged in the gas industry and/or parts of the gas industry and those apprentices

and/or 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.

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 January 2014.

Full & Part Time

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1	EGW employee, Level 1	\$16.88
Level 1	EGW employee, Under 16	\$14.99
Level 1	EGW employee, 16 years	\$15.27
Level 1	EGW employee, 17 years	\$15.56
Level 1	EGW employee, 18 years	\$15.82

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1	EGW employee, 19 years	\$16.20
Level 1	EGW employee, 20 years	\$16.60
Level 2	EGW employee, Under 16	\$15.52
Level 2	EGW employee, Level 2	\$17.49
Level 2	EGW employee, 16 years	\$15.80
Level 2	EGW employee, 17 years	\$16.09
Level 2	EGW employee, 18 years	\$16.35
Level 2	EGW employee, 19 years	\$16.73
Level 2	EGW employee, 20 years	\$17.13
Level 3	EGW employee, Under 16	\$16.07
Level 3	EGW employee, 16 years	\$16.35
Level 3	EGW employee, Level 3	\$18.16
Level 3	EGW employee, 17 years	\$16.64
Level 3	EGW employee, 18 years	\$16.90
Level 3	EGW employee, Level 4	\$18.27
Level 3	EGW employee, 19 years	\$17.28
Level 3	EGW employee, 20 years	\$17.68
Level 4	EGW employee, Level 4	\$18.89
Level 4	EGW employee, Level 5	\$19.06
Level 5	EGW employee, Level 6	\$20.29
Level 6	EGW employee, Level 6	\$21.46
Level 7	EGW employee, Level 7	\$22.46
Level 8	EGW employee, Level 7	\$23.31

Casual

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1	EGW employee, Level 1	\$20.93 (24%)
Level 1	EGW employee, Under 16	\$18.58 (24%)
Level 1	EGW employee, 16 years	\$18.94 (24%)
Level 1	EGW employee, 17 years	\$19.29 (24%)
Level 1	EGW employee, 18 years	\$19.61 (24%)
Level 1	EGW employee, 19 years	\$20.09 (24%)
Level 1	EGW employee, 20 years	\$20.59 (24%)
Level 2	EGW employee, Under 16	\$19.24 (24%)
Level 2	EGW employee, Level 2	\$21.69 (24%)
Level 2	EGW employee, 16 years	\$19.60 (24%)
Level 2	EGW employee, 17 years	\$19.95 (24%)
Level 2	EGW employee, 18 years	\$20.27 (24%)
Level 2	EGW employee, 19 years	\$20.75 (24%)
Level 2	EGW employee, 20 years	\$21.25 (24%)
Level 3	EGW employee, Under 16	\$19.92 (24%)
Level 3	EGW employee, 16 years	\$20.28 (24%)
Level 3	EGW employee, Level 3	\$22.52 (24%)
Level 3	EGW employee, 17 years	\$20.63 (24%)
Level 3	EGW employee, 18 years	\$20.95 (24%)
Level 3	EGW employee, Level 4	\$22.66 (24%)
Level 3	EGW employee, 19 years	\$21.43 (24%)
Level 3	EGW employee, 20 years	\$21.93 (24%)
Level 4	EGW employee, Level 4	\$23.42 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 4	EGW employee, Level 5	\$23.64 (24%)
Level 5	EGW employee, Level 6	\$25.16 (24%)
Level 6	EGW employee, Level 6	\$26.62 (24%)
Level 7	EGW employee, Level 7	\$27.85 (24%)
Level 8	EGW employee, Level 7	\$28.90 (24%)

Junior

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

Apprentice

The rates in this guide are current from the first pay period on or after 01 January 2014.

Starting apprenticeship before 1/1/2014

Main layer grade 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Year 1	EGW employee, 1st year	\$8.48
Year 2	EGW employee, 2nd year	\$10.48

Main layer grade 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
3rd year	EGW employee, 3rd year	\$14.30
4th year	EGW employee, 4th year	\$16.78

Serviceperson grade 1

Starting apprenticeship before 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
1st year	EGW employee, 1st year	\$8.48
2nd year	EGW employee, 2nd year	\$10.48

Serviceperson grade 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
3rd year	EGW employee, 3rd year	\$14.30
4th year	EGW employee, 4th year	\$16.78

Plant maintenance employee grade 4

Starting apprenticeship before 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
1st year	EGW employee, 1st year	\$8.98
2nd year	EGW employee, 2nd year	\$11.10

Plant maintenance employee grade 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
3rd year	EGW employee, 3rd year	\$15.13
4th year	EGW employee, 4th year	\$17.75

Gas installer grade 1 Starting apprenticeship before 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
1st year	EGW employee, 1st year	\$9.86
2nd year	EGW employee, 2nd year	\$12.18

Gas installer grade 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
3rd year	EGW employee, 3rd year	\$16.61
4th year	EGW employee, 4th year	\$19.49

Main layer apprenticeship Starting apprenticeship on or after 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed before ppc 1/1/2015, Year 1	EGW employee, 1st year	\$9.43
Work performed before ppc 1/1/2015, Year 2	EGW employee, 2nd year	\$11.44

Serviceperson apprenticeship Starting apprenticeship on or after 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed before ppc 1/1/2015, Year 1	EGW employee, 1st year	\$9.43
Work performed before ppc 1/1/2015, 2nd year	EGW employee, 2nd year	\$11.44

Plant maintenance apprenticeship Starting apprenticeship on or after 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed before ppc 1/1/2015, 1st year	EGW employee, 1st year	\$9.32

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed before ppc 1/1/2015, 2nd year	EGW employee, 2nd year	\$11.30

Gas installer apprenticeship Starting apprenticeship on or after 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed before ppc 1/1/2015, 1st year	EGW employee, 1st year	\$9.12
Work performed before ppc 1/1/2015 , 2nd year	EGW employee, 2nd year	\$11.06

Adult apprenticeship starting on or after 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed on or after 1/1/2014, 1st year	EGW employee, 1st year	\$15.25
Work performed on or after 1/1/2014, 2nd and subsequent years	EGW employee, 2nd year	\$16.99
Work performed on or after 1/1/2014, 2nd and subsequent years	EGW employee, 3rd year	\$16.99
Work performed on or after 1/1/2014, 2nd and subsequent years	EGW employee, 4th year	\$16.99

Please note: This modern award contains special provisions for school based apprentices; these rates are not set out in this guide. For information about transitional rates for these employees please visit www.fairwork.gov.au and/or contact the **Fair Work Infoline** on **13 13 94**.

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 14.3 of the modern award.

For detail of the supported wage provisions see the full version of the modern award.

Penalties and Loadings (other than casual or part-time loadings for ordinary hours)

Where an employee had an entitlement to a loading/penalty rate before 01 January 2010 that is exactly the same as the modern award loading/penalty entitlement the modern award loading/penalty applies in full from 01 January 2010.

Transitional arrangements

This modern award includes transitional arrangements that apply to loading/penalty entitlements where there is a difference in modern award and pre-modern award loading/penalty entitlements. Transitional arrangements apply from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award loadings/penalties apply in full).

Different arrangements apply depending on whether the entitlements are “equivalent” or not.

- A pre-modern award loading/penalty will be “equivalent” to a modern award entitlement where the loading/penalty applies:
 - for the same purpose (e.g. Saturday penalty);
 - for the same time periods; and
 - in the same way#.
- # A pre-modern award and modern award loading/penalty applies in the same way if the entitlements are both:
 - paid at the same frequency, such as per hour or per shift; and
 - paid as a percentage of the same amount (e.g. both penalties are paid as a percentage of the employee’s classification rate, rather than as a percentage of a different amount or paid as a flat dollar amount).

Casual loadings and penalties also need to interact with each other in the same way in the pre-modern award and modern award to be equivalent (e.g. the loading and penalty rate are calculated on the base hourly rate in both instruments).

Equivalent entitlements

If the pre-modern award loading/penalty rate is “equivalent” to the modern award loading/penalty rate the penalty rate is calculated as follows:

1. The difference between the two loading/penalty rates is referred to as a “transitional percentage”. The transitional percentage stays the same every year.
2. A proportion of the transitional percentage is calculated each year as follows:

First full pay period on or after	Proportion of transitional percentage
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

3. Where the modern award loading/penalty is higher, the penalty rate is obtained by subtracting the proportion of the transitional percentage.

Example:

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

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

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

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

Example:

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

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

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

Entitlements that are not equivalent

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

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

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

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

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

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

Example:

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

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

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

1/07/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
100%	20%

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

Allowances

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

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

Clause	Allowance Type	Description	Effective Date	Rate
15.1	First aid allowance	<p>First aid allowance</p> <p>Where an employee holds a current first aid certificate and is appointed by the employer as a first aid attendant they must be paid an allowance.</p>	1/07/2013	<p>\$0.3813 per hour.</p> <p>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). (2.00%)</p>
15.2	Meal allowance	<p>Where required to work two hours or more of overtime, a meal allowance will be paid.</p> <p>Where required to work overtime on Saturday, Sunday or a public holiday and such overtime is worked in excess of four hours a meal will be provided or an allowance will be paid.</p> <p>Where overtime continues all additional meals will be provided or an additional allowance will be paid for each additional consecutive four hours worked.</p>	1/07/2013	\$15.0300 per meal

Other Conditions

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

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

For more information about the NES, please visit www.fairwork.gov.au

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to: - arrangements for when work is performed - overtime rates - penalty rates - allowances - leave loading. Other conditions concerning award flexibility are contained within the Fair Work Act 2009.
8	Consultation (Instrument)	The award contains information on the employer's responsibility to consult regarding major workplace change including the: - 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).
10.4	Part-time conditions	Part-time employee

Clause	Conditions Type	Description
	(Instrument)	<p>A part-time employee:</p> <ul style="list-style-type: none"> - is engaged to work an average of fewer than 38 ordinary hours per week - has reasonably predictable hours of work; and - receives, on a pro rata basis, equivalent pay and conditions to those of full-time employees who do the same kind of work. <p>A part-time employee must be engaged for a minimum of four consecutive hours on any shift.</p>
10.6	Casual conditions (Instrument)	<p>Casual employee</p> <p>A casual is one engaged by the hour.</p> <p>A casual is paid an hourly rate of 1/38th of the minimum weekly rate prescribed for the relevant classification, plus a loading of 25%.</p>
11.2	Termination of employment - notice of termination by an employee (Instrument)	<p>The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.</p>
11.3	Termination of employment - job search entitlement (Instrument)	<p>Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.</p>
12.2	Redundancy - transfer to lower paid duties (Instrument)	<p>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.</p>

Clause	Conditions Type	Description
12.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
12.4	Redundancy - job search entitlement (Instrument)	<p>An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.</p> <p>If the employee has been allowed paid leave for more than one day, 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.</p>
12.5	Redundancy - transitional provisions (Instrument)	<p>An employee is entitled to redundancy pay in accordance with the NAPSA 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 under the NES. This includes employees engaged after 1 January 2010.</p> <p>The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
15.2	Clothing, footwear and/ or equipment (Instrument)	<p>Protective clothing</p> <p>Where necessary to wear protective clothing employer must reimburse cost of purchasing clothing. Clause does not apply where protective clothing supplied by employer.</p>
16	District allowance (Instrument)	An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the provisions of an award or NAPSA under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January 2010, 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.

Clause	Conditions Type	Description
		This clause ceases to operate on 31 December 2014.
17	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 made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and - that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument. <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>
18	Higher duties (Instrument)	Continuously performing duties at higher level for one day or more must, for time so worked, paid higher rate.
20	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to a superannuation fund - the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.
21.1	Span of hours (Instrument)	Ordinary hours between 7.00am to 6.00pm Monday to Friday.
21.2	Span of hours (Instrument)	Operating times

Clause	Conditions Type	Description
		Spread of hours, hours per week, usual daily commencing and finishing times and days ordinary hours are worked, including Saturdays and Sundays, may be altered by agreement between employer and majority of employees in work section or sections concerned.
21.4	Hours of work (Instrument)	<p>Hours — continuous shiftworker</p> <p>Ordinary hours are average of 38 per week and must not exceed 152 hours in 28 consecutive days.</p> <p>Where employer and majority of employees agree, a roster system may operate on the basis that weekly average of 38 ordinary hours is achieved over a period exceeding eight consecutive days.</p> <p>Subject to requirements below, shiftworkers work at times employer requires.</p> <p>By agreement between employer and majority of employees in the work section or sections concerned, ordinary hours not exceeding 12 any day may be worked subject to:</p> <ul style="list-style-type: none"> - proper health and monitoring procedures being introduced - suitable roster arrangements and <p>proper supervision.</p>
21.5	Hours of work (Instrument)	<p>Hours — non-continuous shiftworker</p> <p>Ordinary hours must not exceed:</p> <ul style="list-style-type: none"> - 38 hours within a period not exceeding seven consecutive days - 76 hours within a period not exceeding 14 consecutive days - 114 hours within a period not exceeding 21 consecutive days or - 152 hours within a period not exceeding 28 consecutive days.

Clause	Conditions Type	Description
		<p>Ordinary hours must be worked continuously, except for meal breaks. Employee must not be required to work more than five hours without break for meal.</p> <p>By agreement between employer and majority of employees in work section or sections concerned, ordinary hours not exceeding 12 any day may be worked subject to:</p> <ul style="list-style-type: none"> - proper health and monitoring procedures being introduced - suitable roster arrangements and proper supervision. <p>The time of commencing and finishing shifts, once determined, may be varied by agreement between employer and majority of employees concerned to suit the circumstances of business.</p>
22	Breaks - meal (Instrument)	<p>Meal break of at least 30 minutes must be allowed within five hours of the start of shift.</p> <p>Work for more than five hours without meal break must for work in excess of the five hours before being allowed break be paid double time.</p> <p>Continue or resume work during meal break, must until full meal break given, paid time and a half.</p>
23.2	Overtime – time off in lieu (Instrument)	<p>Time off instead of overtime payment</p> <p>By agreement, time off, on an hour of actual work for an hour of time off basis, may be granted instead of payment. The right to choose to accept time off for overtime is the option of employee.</p>
25.2	Annual leave - paid leave in advance of accrued entitlement (Instrument)	<p>By agreement leave may be taken in advance of accruing. If taken and employment terminates before entitlement has accrued employer may make corresponding deduction from any money due on termination.</p>
25.3	Annual leave (Instrument)	<p>Taking of annual leave during shut-down</p> <p>Where employer intends temporarily to close (or reduce to nucleus) place of employment or a section for the purpose, amongst others, of allowing leave to employees concerned or majority of them, employer</p>

Clause	Conditions Type	Description
		<p>gives one month's notice in writing. Employee engaged after notice has been given, notice must be given on date of engagement.</p> <p>Employee who has accrued leave at date of closing must:</p> <ul style="list-style-type: none"> - be given leave commencing from date of closing and - be paid 1/12th of their ordinary pay for any period of employment between accrual of employee's right to leave and date of closing. <p>Employee with no accrued leave at date of closing must:</p> <ul style="list-style-type: none"> - be given leave without pay commencing from the date of closing and <p>be paid for any public holiday during such leave for which the employee is entitled to payment.</p>
25.4	Annual leave (Instrument)	Leave is to be taken within 18 months of accruing. For the purpose of ensuring accrued leave is taken within that period, and in absence of agreement as provided for in the NES, employer may require employee to take period of leave from a particular date provided employee given at least 28 days' notice.
25.5	Annual leave loading (Instrument)	<p>Employee taking leave must be paid a sum equal to the greater of:</p> <p>17.5% of their ordinary weekly rate including appropriate allowances (excluding shift penalties and weekend penalty payments) or</p> <p>shift allowance and/or Saturday or Sunday penalty rates according to employee's roster or projected roster.</p>
25.6	Annual leave loading (Instrument)	Upon termination, employee will be entitled to payment instead of any untaken leave and for pro rata leave accrued in current leave year. Leave loading will apply to all of this payment.

Frequency of Payment

Wages must be paid either weekly or fortnightly.

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

IMPORTANT NOTE: Disclaimer

The Fair Work Ombudsman is committed to providing advice that you can rely on.

Your situation and the law can change so we encourage you to check back with us by looking at <http://www.fairwork.gov.au/pay/pay-and-conditions-guides/pages/default.aspx>