

PAY AND CONDITIONS GUIDE

Surveying Award 2010 [MA000066] ('modern award')
replacing terms and conditions in or derived from
Professional Surveyors (Private Industry) (State) Award
[AN120441] ('pre-modern award')

(NSW)

Effective from 01 July 2013.

Published 14 April 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 occupational award covers employers throughout Australia who employ professional surveyors and other employees in the classifications listed in Schedule B—Classification Structure and Definitions and their employees to the exclusion of any other modern award. The award does not cover employees of a local government covered by another award.

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

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

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

This award covers any employer which supplies on-hire employees in classifications set out in Schedule B and those on-hire employees, if the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee. This subclause operates subject to the exclusions from coverage in this award.

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

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

Wages

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

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

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

The base rates of pay in this guide include any applicable industry allowance. The base rates of pay also include any increase from Fair Work Australia's annual wage review.

For more information about transitional arrangements for minimum wage entitlements, please visit www.fairwork.gov.au

Casual employees

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

Please visit www.fairwork.gov.au for information about penalty entitlements for casual employees.

***Post 26 March 2006 employer**

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

Adult

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

Full & Part Time

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1	Group B - professional surveyors	\$30.98
Level 1	Group C - professional surveyors	\$31.63
Level 2	Group B - professional surveyors	\$28.04
Level 2	Group C - professional surveyors	\$28.70
Level 3	Group B - professional surveyors	\$26.08
Level 3	Group C - professional surveyors	\$26.74
Level 4	Group A - registered surveyors, 3rd year of experience	\$24.70
Level 5	Group A - registered surveyors, 2nd year of experience	\$24.10
Level 5	Group A - registered surveyors, 3rd year of experience	\$24.27
Level 5	Group B - professional surveyors	\$24.71
Level 5	Group C - professional surveyors	\$25.36
Level 6	Group A - registered surveyors, 1st year of experience	\$23.09

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 6	Group A - registered surveyors, 2nd year of experience	\$23.19
Level 6	Group B - professional surveyors	\$23.73
Level 6	Group C - professional surveyors	\$24.39
Level 7	Group A - registered surveyors, 1st year of experience	\$22.60
Level 7	Group B - professional surveyors	\$23.24
Level 7	Group C - professional surveyors	\$23.90

Professional surveyor - graduate

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
3 year course, From 7 May 2013 - Entry point - Survey Technician Level II. Prior to 7 May 2013 - Entry point	Group A - graduate surveyors, 1st year of experience	\$21.73
3 year course, From 7 May 2013 - Survey Technician Level III. Prior to 7 May 2013 - Survey technician senior (p/t party leader)	Group A - graduate surveyors, 2nd year of experience	\$22.19
3 year course, From 7 May 2013 - Surveyor Level I. Prior to 7 May 2013 - Party leader surveyor/ technician surveyor	Group A - graduate surveyors, 3rd year of experience	\$22.79
3 year course, From 7 May 2013 - Surveyor Level II. Prior to 7 May 2013 - Party leader surveyor	Group A - graduate surveyors, 4th year of experience	\$23.85
3 year course, From 7 May 2013 - Surveyor Level III. Prior to 7 May 2013 - Experienced surveyor	Group A - graduate surveyors, 5th year of experience	\$24.45
4 year course, From 7 May 2013 - Entry point - Survey Technician Level III. Prior to 7 May 2013 - Entry point	Group A - graduate surveyors, 1st year of experience	\$22.10
4 year course, From 7 May 2013 - Surveyor Level I. Prior to 7 May 2013 - Party leader surveyor/ technician surveyor	Group A - graduate surveyors, 2nd year of experience	\$22.68
4 year course, From 7 May 2013 - Level II. Prior to 7 May 2013 - Party leader	Group A - graduate surveyors, 3rd year of experience	\$23.77

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
4 year course, From 7 May 2013 - Surveyor Level III. Prior to 7 May 2013 - Experienced surveyor	Group A - graduate surveyors, 4th year of experience	\$24.34
4 year course, From 7 May 2013 - Surveyor Level III. Prior to 7 May 2013 - Experienced surveyor	Group A - graduate surveyors, 5th year of experience	\$24.45

Casual

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Level 1	Group B - professional surveyors	\$39.03 (26%)	\$38.41 (24%)
Level 1	Group C - professional surveyors	\$39.86 (26%)	\$39.23 (24%)
Level 2	Group B - professional surveyors	\$35.33 (26%)	\$34.77 (24%)
Level 2	Group C - professional surveyors	\$36.16 (26%)	\$35.58 (24%)
Level 3	Group B - professional surveyors	\$32.86 (26%)	\$32.34 (24%)
Level 3	Group C - professional surveyors	\$33.69 (26%)	\$33.15 (24%)
Level 4	Group A - registered surveyors, 3rd year of experience	\$31.12 (26%)	\$30.63 (24%)
Level 5	Group A - registered surveyors, 2nd year of experience	\$30.37 (26%)	\$29.88 (24%)
Level 5	Group A - registered surveyors, 3rd year of experience	\$30.57 (26%)	\$30.09 (24%)
Level 5	Group B - professional surveyors	\$31.13 (26%)	\$30.63 (24%)
Level 5	Group C - professional surveyors	\$31.96 (26%)	\$31.45 (24%)
Level 6	Group A - registered surveyors, 1st year of experience	\$29.09 (26%)	\$28.63 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Level 6	Group A - registered surveyors, 2nd year of experience	\$29.22 (26%)	\$28.76 (24%)
Level 6	Group B - professional surveyors	\$29.90 (26%)	\$29.42 (24%)
Level 6	Group C - professional surveyors	\$30.73 (26%)	\$30.24 (24%)
Level 7	Group A - registered surveyors, 1st year of experience	\$28.48 (26%)	\$28.03 (24%)
Level 7	Group B - professional surveyors	\$29.28 (26%)	\$28.82 (24%)
Level 7	Group C - professional surveyors	\$30.11 (26%)	\$29.63 (24%)

Professional surveyor - graduate

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
3 year course, From 7 May 2013 - Entry point - Survey Technician Level II. Prior to 7 May 2013 - Entry point	Group A - graduate surveyors, 1st year of experience	\$27.38 (26%)	\$26.95 (24%)
3 year course, From 7 May 2013 - Survey Technician Level III. Prior to 7 May 2013 - Survey technician senior (p/ t party leader)	Group A - graduate surveyors, 2nd year of experience	\$27.96 (26%)	\$27.52 (24%)
3 year course, From 7 May 2013 - Surveyor Level I. Prior to 7 May 2013 - Party leader surveyor/ technician surveyor	Group A - graduate surveyors, 3rd year of experience	\$28.71 (26%)	\$28.26 (24%)
3 year course, From 7 May 2013 - Surveyor Level II. Prior to 7 May 2013 - Party leader surveyor	Group A - graduate surveyors, 4th year of experience	\$30.05 (26%)	\$29.57 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
3 year course, From 7 May 2013 - Surveyor Level III. Prior to 7 May 2013 - Experienced surveyor	Group A - graduate surveyors, 5th year of experience	\$30.80 (26%)	\$30.31 (24%)
4 year course, From 7 May 2013 - Entry point - Survey Technician Level III. Prior to 7 May 2013 - Entry point	Group A - graduate surveyors, 1st year of experience	\$27.84 (26%)	\$27.40 (24%)
4 year course, From 7 May 2013 - Surveyor Level I. Prior to 7 May 2013 - Party leader surveyor/ technician surveyor	Group A - graduate surveyors, 2nd year of experience	\$28.58 (26%)	\$28.12 (24%)
4 year course, From 7 May 2013 - Level II. Prior to 7 May 2013 - Party leader	Group A - graduate surveyors, 3rd year of experience	\$29.94 (26%)	\$29.47 (24%)
4 year course, From 7 May 2013 - Surveyor Level III. Prior to 7 May 2013 - Experienced surveyor	Group A - graduate surveyors, 4th year of experience	\$30.67 (26%)	\$30.18 (24%)
4 year course, From 7 May 2013 - Surveyor Level III. Prior to 7 May 2013 - Experienced surveyor	Group A - graduate surveyors, 5th year of experience	\$30.80 (26%)	\$30.31 (24%)

Junior

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

Apprentice

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

Trainee

Trainee provisions are not covered in this Modern Award.

Supported Wage

Please refer to clause C.1 of the modern award.

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

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

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

Transitional arrangements

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

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

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

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

Equivalent entitlements

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

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

First full pay period on or after	Proportion of transitional percentage
01 July 2010	80%

01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

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

Example:

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

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

1/01/2010	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%
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2. Pre-modern award loadings/penalty rates are phased out to zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

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

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

Example:

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

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

1/01/2014 Modern award penalty	1/07/2010 Penalty rate (phased) (20.00%)
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

1/01/2010 Pre-modern award penalty	1/07/2010 Penalty rate (phased) (80.00%)
10.00%	8.00%
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%
100.00%	80.00%
120.00%	96.00%
125.00%	100.00%
130.00%	104.00%
150.00%	120.00%

New entitlements

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

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

Example:

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

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

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

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

Allowances

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

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

Clause	Allowance Type	Description	Effective Date	Rate
16.1	Meal allowance	An employee required to work on a Sunday or public holiday for more than four hours must either be supplied with a meal by the employer or paid the following for the meal taken during the first and/or subsequent rest break.	1/07/2013	\$11.2700 per occasion
23.7	Meal allowance	An employee required to work beyond two hours after the usual finishing time of work must be paid a meal allowance for the meal and for each subsequent meal, or be provided with an adequate meal.	1/07/2013	\$11.2700 per meal
23.8	Meal allowance	An employee required to work on a Sunday or public holiday for more than four hours must either be supplied with a meal by the employer or paid for the meal taken during the first and/or subsequent rest break.	1/07/2013	\$11.2700 per meal
16.6	Vehicle allowance	In cases where it is mutually agreed that an employee will be required to use their private vehicle during the course of employer's business, an employee must be paid reasonable compensation, but in no case will they receive payment at a rate less than the equivalent of \$0.75 per kilometre so travelled.	1/07/2013	\$0.7600 per kilometre

Other Conditions

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

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

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

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <ul style="list-style-type: none">- arrangements for when work is performed- overtime rates- penalty rates- allowances- leave loading. <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8.1	Facilitative provisions (Instrument)	<p>Agreement to vary award provisions</p> <ul style="list-style-type: none">- This award contains facilitative provisions which allow agreement between an employer and employees on how specific award provisions are to apply at the workplace or section or sections of it. The facilitative provisions are identified under Facilitation by Individual Agreement and Facilitation by Majority Agreement stated below.- The specific award provisions establish both the standard award conditions and the framework within which agreement can be reached on the application of particular provisions in practice.

Clause	Conditions Type	Description
		<p>- Facilitative provisions are not a device to avoid award obligations, nor should they result in unfairness to an employee or employees covered by this award.</p>
8.2	Facilitative provisions (Instrument)	<p>Facilitation by individual agreement</p> <p>The following facilitative provisions can be used upon agreement between an employer and an employee:</p> <ul style="list-style-type: none"> - part-time hours and variations to them - monthly payment of wages - method of payment of wages - change to rostered days off - accumulation of rostered days off - meal breaks - time off instead of overtime - change to meal break on overtime <p>provided that the agreement reached is kept by the employer as a time and wages record.</p>
8.3	Facilitative provisions (Instrument)	<p>Facilitation by majority agreement</p> <p>The following facilitative provisions can be utilised only upon agreement between the employer and the majority of employees in a section or sections of the workplace:</p> <ul style="list-style-type: none"> - spread of hours - spread of hours during daylight saving - working less than 5 days - substitution of public holidays <p>provided that:</p> <ul style="list-style-type: none"> - the agreement reached is kept by the employer as a time and wages record - if there are employees of the enterprise covered by this award who are members of the union, the employer must inform the union of the intention to use the facilitative provision and the union must be given a reasonable opportunity to participate in negotiations regarding its use. Union involvement in this

Clause	Conditions Type	Description
		<p>process does not mean that the consent of the union is required prior to the introduction of agreed facilitative arrangements at the enterprise.</p> <p>Where agreement has been reached with the majority of employees in the workplace, or a section or sections of it, to implement a facilitative provision, that agreement is binding on all such employees.</p> <p>A vote of employees in the workplace, a section or sections of it, taken to determine if there is a majority employee support for implementation of a facilitative provision, will be of no effect unless taken with the agreement of the employer.</p>
9	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> - duty to notify, and - duty to discuss change.
10	Dispute resolution (Instrument)	<p>The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).</p>
11.2	Casual conditions (Instrument)	<p>Casual employment</p> <p>A casual employee means an employee specifically engaged as such.</p> <p>A casual employee will be paid per hour 1/38th of the weekly rate prescribed in this award for the work performed. In addition, a casual employee will receive a 25% loading instead of annual leave, personal/carer's leave, bereavement leave and public holidays.</p>
11.3	Part-time conditions (Instrument)	<p>A part-time employee is engaged specifically to regularly work less hours per day or week than a full-time employee on such specified days and hours as agreed in writing at the commencement of engagement. Such specified days and hours cannot be altered without mutual agreement between the employer and employee and any variation must be recorded in writing.</p> <p>An employer is required to roster a part-time employee for a minimum of three consecutive hours for any shift.</p>

Clause	Conditions Type	Description
		<p>Part-time employees are to be paid per hour 1/38th of the weekly rate prescribed for the work performed.</p> <p>The terms of this award will apply pro rata to part-time employees on the basis that ordinary weekly hours for full-time employees are 38.</p> <p>The rates for overtime, Sunday and public holiday work apply respectively for time worked in excess of the agreed specified hours.</p> <p>An employee who is terminated while working:</p> <ul style="list-style-type: none"> - part-time after converting from full-time - full-time after converting or reverting from part-time <p>is entitled to all termination payments under this award at the full-time rate of pay applying to their work.</p> <p>Length of service for the purposes of all termination payments under this award are calculated on the basis of the total of:</p> <ul style="list-style-type: none"> - all periods of full-time employment - all periods of part-time employment being converted to the pro rata full-time equivalent
11.5	Training conditions (Instrument)	<p>Professional development</p> <p>It is understood and accepted that it is the responsibility of the employees to keep themselves informed of developments in their profession, and to develop their professional knowledge and ability and that it is appropriate for employees to be encouraged to undertake self-development programs.</p> <p>Where the employee and the employer agree that an activity be undertaken by the employee, as a component of a structured training program or otherwise, the employer will meet all costs associated with the training.</p>
12.2	Termination of employment - notice of	<p>The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the</p>

Clause	Conditions Type	Description
	termination by an employee (Instrument)	employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
12.3	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.
13.2	Redundancy - transitional provisions (Instrument)	<p>An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied immediately prior to 1 January 2010 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>
13.3	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
13.4	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
13.5	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>

Clause	Conditions Type	Description
16.2	Expenses (Instrument)	<p>Fares</p> <ul style="list-style-type: none"> - If an employee is directed to work at a place other than their usual place of employment, all reasonable fares necessarily incurred by them each day in excess of the normal fares of travelling from their home to their usual place of employment and return must be paid by the employer. - If an employee is directed to work at a place other than their usual place of employment the fare which is payable must be such as to enable them to travel economy class, where available.
16.4	Travelling time (Instrument)	<p>Where an employee is directed to work at a place other than their usual place of employment, all time occupied by them on any day in travelling which is in excess of the time normally occupied in travelling is deemed to be working time. Provided that where the excess travelling time is in excess of one hour each way, the employer has the option, subject to mutual agreement between the employer and employee concerned, of providing reasonable living away from home expenses for any period in excess of four weeks.</p>
16.5	Expenses (Instrument)	<p>Living away from home allowance</p> <p>An employee required by their employer to work temporarily away from their usual place of employment and, as a result, is required to sleep away from their usual place of residence is entitled to the following:</p> <ul style="list-style-type: none"> - fares to and from the place at which their employer requires the employee to work - all reasonable expenses including board and lodging - payment at ordinary rates of pay for all time spent in travelling between the employee's usual place of employment and the temporary location, such paid time not to exceed 7.6 hours in 24 hours.
17	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, providing that employee was not bound by an agreement under that Act.</p> <p>This clause ceases to operate on 31 December 2014.</p>

Clause	Conditions Type	Description
18	Method of payment (Instrument)	<p>Payment of wages</p> <p>Wages will be paid weekly or fortnightly at the discretion of the employer or monthly by mutual agreement between the employee and the employer.</p> <p>Wages will be paid by mutual agreement between the employee and the employer either in cash, by cheque or by electronic funds transfer into an account nominated by the employee.</p> <p>Payment of wages either by cash or by cheque must be made during working hours.</p> <p>Where it is known that the employee will be absent from their normal workplace on pay day, the employer must make arrangements for the payment of wages no later than the normal pay day.</p> <p>Where an employee is required to work at a location other than their normal place of employment for an extended period, the employer must make prior arrangement for the payment of wages to such employee no later than the normal pay day.</p>
19	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>
20	Superannuation	The award contains information on:

Clause	Conditions Type	Description
	(Instrument)	<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	Hours of work (Instrument)	<p>Ordinary hours of work</p> <p>The ordinary hours of work must not exceed an average of 38 per week and must be worked between 6.00 am and 6.00 pm Monday to Friday inclusive, provided that the actual hours within the spread of hours may be altered by agreement between the employer and the majority of employees.</p> <p>During periods when daylight saving is in operation the spread of hours may be 5.00 am to 5.00 pm where there is agreement between the employer and the majority of employees affected.</p>
21.2	Rostering (Instrument)	<p>Rostered day off</p> <p>The employer and the majority of the employees concerned may agree that the ordinary working hours be worked to enable a week day off on a mutually agreed basis.</p>
21.3	Rostering (Instrument)	<p>Notice of rostered days off</p> <ul style="list-style-type: none"> - The employer must advise the employee at least four weeks in advance of the weekday to be taken off. - Such days off will be subject to the operational needs of the establishment and unforeseen circumstances in which case a substitute day must be arranged by mutual agreement.
21.4	Hours of work (Instrument)	<p>Accumulation of days off</p> <p>An employee may accumulate up to five days leave to be taken when mutually convenient.</p>
21.5	Rostering (Instrument)	<p>Rostered days off—building and construction industry</p>

Clause	Conditions Type	Description
		<p>Where employees perform survey work on a recognised building and construction industry site, they may work on a prescribed rostered day off which is applicable to that particular site under the following circumstances:</p> <ul style="list-style-type: none"> - where that is required by the employer and such work is necessary to allow other employees to be employed productively - to carry out out-of-hours maintenance - because of unforeseen delays to a particular project or a section of it - for other reasons arising from unforeseen or emergency circumstances on a project.
22.1	Breaks - meal (Instrument)	<p>Meal break</p> <ul style="list-style-type: none"> - Not less than 30 minutes or more than one hour will be allowed for a meal break each day, as mutually agreed. - An employee must not be required to work for more than five hours without a break for a meal.
22.2	Breaks - meal (Instrument)	<p>Morning and afternoon tea break</p> <ul style="list-style-type: none"> - Employees are allowed a rest period of 10 minutes without deduction of pay in the morning at a time fixed by the employer. - Employees are permitted, without ceasing work, to take an afternoon tea break.
23.5	Breaks - rest (Instrument)	<p>An employee working overtime must be allowed a rest break of 20 minutes without deduction of pay after each four hours of overtime worked if the employee continues to work after such rest break.</p>
23.6	Breaks - meal (Instrument)	<p>Unless the period of overtime is less than one and a half hours an employee must be allowed a paid meal break of 20 minutes after finishing ordinary hours but before starting overtime hours. An employer and employee may vary this provision by mutual agreement to meet the circumstances of the work, but the employer will not be required to make any payment for time allowed in excess of 20 minutes.</p>

Clause	Conditions Type	Description
23.9	Transport of employees (Instrument)	When an employee working overtime or working on a Sunday or public holiday finishes work at a time when normal means of transport is not available, the employer must provide the employee with a conveyance to their home.
23.10	Breaks - rest (Instrument)	An employee working on a Sunday or public holiday must be allowed a rest break of 20 minutes without deduction of pay after four hours of work, if the employee continues work after the rest break.
24.2	Annual leave loading (Instrument)	During a period of annual leave an employee must receive a loading of 17.5% on the rate of pay they would have been entitled to receive for their ordinary hours had they not been on such leave.
24.3	Annual leave - close-down (Instrument)	<p>(a) Where an employer intends temporarily to close (or reduce to nucleus) their establishment or a section of it for the purposes of allowing annual leave to the employees concerned, one months notice, in writing, must be given to the employees. (Or, in the case of any employee engaged after giving of such notice, notice on the date of the employee's engagement.) If so:</p> <p>(i) any such employee who at the date of closing is entitled to their annual leave must be given their annual leave commencing on and from the date of closing and, in addition, must be paid 1/12th of their ordinary pay for any period of employment after accrual of annual leave</p> <p>(ii) any such employee who at the date of closing is not entitled to their annual leave must be given leave without pay as on and from the date of closing and must be paid 1/12th of their ordinary pay for the period of their employment since their commencement date or the accrual of their last annual leave (whichever is the later) up to but excluding the date of closing, together with pay for any holiday during such leave for which they are entitled</p> <p>(iii) the next 12 month qualifying period of employment for every such employee commences on and from the date of closing.</p> <p>(b) In this paragraph date of closing in relation to each employee means the first day of their annual leave pursuant to this subclause.</p>
27.3	Public holidays (Instrument)	<p>Public holidays—process for substitution</p> <p>- An employer and their employees may agree to substitute another day for any prescribed public holiday. For this purpose, the consent of the majority of affected employees constitutes agreement.</p>

Clause	Conditions Type	Description
		- An agreement must be recorded in writing and be available to every affected employee.

Frequency of Payment

Wages will be paid weekly or fortnightly at the discretion of the employer or monthly by mutual agreement between the employee and the employer.

Wages will be paid by mutual agreement between the employee and the employer either in cash, by cheque or by electronic funds transfer into an account nominated by the employee.

Payment of wages either by cash or by cheque must be made during working hours.

Where it is known that the employee will be absent from their normal workplace on pay day, the employer must make arrangements for the payment of wages no later than the normal pay day.

Where an employee is required to work at a location other than their normal place of employment for an extended period, the employer must make prior arrangement for the payment of wages to such employee no later than the normal pay day.

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>