

## MODERN AWARD GUIDE

derived from the

### Dredging Industry Award 2010 [MA000085]

Effective from 01 July 2011.

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This guide was developed by the Fair Work Ombudsman and is derived from the above modern award which commenced operating on 01 January 2010.

The wage rates in this guide apply from 01 July 2011.

#### Who should use the guide?

This guide is a helpful tool for all employees and employers who are covered by the above modern award to identify their wages and conditions.

The guide contains information about:

- who the award covers
- wage rates, including rates for casual employees, junior employees, trainees and apprentices if these employees are covered by the modern award
- penalties for working at particular times or under particular arrangements, including what hourly rate
- allowances and other conditions of employment.

#### What if an agreement applies to covered employees?

All employees covered by the modern award must not be paid less than the minimum wage rates contained in this guide. The terms of an agreement or modern award cannot exclude the terms of the National Employment Standards (the NES).

It is important to note that any other entitlements and conditions in this guide will not apply to employees covered by an agreement-based instrument (detailed below).

Employees and employers should refer to their agreement-based instrument for their employment conditions and entitlements.

Enquiries should be referred to the Fair Work Infoline on **13 13 94**.



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## **Coverage**

This industry award covers employers throughout Australia in the **dredging industry** and their employees in the classifications within the award to the exclusion of any other modern award.

**Dredging industry** means:

- the operation of vessels in dredging or sluicing work generally and including such work in relation to land reclamation, metalliferous and other mining, and oil and gas projects, and
- the operation of vessels, barges, self-propelled dredges, tugs or other self-propelled vessels, used in the dredging of ports, harbours, bays, estuaries, rivers and channels requiring travelling to or from a dumping area, or whilst moving from port to port.

The award does not cover employers covered by the following awards:

- the Coal Export Terminals Award 2010
- the Marine Towage Award 2010
- the Maritime Offshore Oil and Gas Award 2010
- the Ports, Harbours and Enclosed Water Vessels Award 2010
- the Port Authorities Award 2010
- the Seagoing Industry Award 2010, and
- the Stevedoring Industry Award 2010

with respect to any employee who is covered by that award.

The award does not cover maintenance contractors covered by the Manufacturing and Associated Industries and Occupations Award 2010.

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

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 the employee are covered by an award with occupational coverage.

## **Wages**

### **Adult**

**Fully operational** means the period between the time employees go on to 12-hour shifts for the mobilisation of a vessel until the completion of the demobilisation period. Such period includes the preparation on site for operations, dredging operations, running repairs and maintenance carried out during the course of the contract but does not include scheduled breaks in the contract program where the vessel is not required.

**Day worker** means an employee who works day work in accordance with this award and does not include a shiftworker on day shift.

**Shiftworker** means an employee who works shiftwork in accordance with this award as part of a two or three shift system.

**Full & Part Time  
Non-propelled dredge**

<b>Classification</b>	<b>Basic Hourly Rate</b>
Chief engineer	\$20.57
Chief operator	\$20.57
First engineer	\$20.15
First operator	\$20.15
Drilling technician	\$19.60
Engineer	\$19.22
Mechanical attendant	\$19.22
Crane operator/mechanical	\$19.04
Electrician	\$18.98
Leading driller	\$18.84
Second engineer	\$18.44
Second operator	\$18.44
Leading hand (reclamation)	\$18.44
Driller	\$17.94
Third engineer	\$17.62
Dredgehand	\$17.32
Greaser	\$17.32
Assistant driller	\$17.32
Crew attendant	\$17.32

**O/non-propelled dredge,not fully operational**

<b>Classification</b>	<b>Basic Hourly Rate</b>
Trailer master	\$21.86
Chief engineer	\$21.86
Trailer shift master	\$21.25
Tug master <u>W.H. Reliance</u> or equivalent	\$21.25
First engineer	\$21.25
Electrical engineer <u>Humber river</u> or equivalent	\$21.25
Trailer mate	\$19.54
Tug master/tug engineer	\$19.54
Second engineer/electrical engineer	\$19.54
Pump operator,welder,deckhand,dredgehand	\$19.54
Bosun/driller	\$19.54
Launch driver	\$18.93
Assistant pump operator	\$18.56
Driller, deckhand/driller	\$18.56
Bosun	\$18.56
Chief cook	\$18.56
Deckhand, Assistant driller	\$18.11
Seaman,deck/dredge/motorhand,firefighter	\$18.11
Crew attendant	\$18.11
Second cook	\$18.11

**O/non-operational dredge,fully operational - sw**

<b>Classification</b>	<b>Basic Hourly Rate</b>
Bosun	\$20.93

**O/non-propelled dredge,fully operational - dw**

<b>Classification</b>	<b>Basic Hourly Rate</b>
Trailer master	\$24.69
Chief engineer	\$24.69
Trailer shift master	\$23.84
Tug master <u>W.H. Reliance</u> or equivalent	\$23.84
First engineer	\$23.84
Electrical engineer <u>Humber River</u> or equivalent	\$23.84
Trailer mate	\$21.11
Tug master/tug engineer	\$21.11
Second engineer/electrical engineer	\$21.11
Pump operator,welder, deckhand,dredgehand	\$21.11
Bosun/driller	\$21.11
Launch driver	\$20.18
Assistant pump operator	\$19.65
Driller, deckhand/driller	\$19.65
Bosun	\$19.65
Chief cook	\$19.65
Deckhand, assistant driller	\$19.02
Seaman,Deck/Dredge/Motorhand,Firefighter	\$19.02
Crew attendant	\$19.02
Second cook	\$19.02

**O/non-propelled dredge,fully operational - sw**

<b>Classification</b>	<b>Basic Hourly Rate</b>
Trailer shift master	\$25.38
Tug master <u>W.H. Reliance</u> or equivalent	\$25.38
First engineer	\$25.38
Electrical engineer <u>Humber River</u> or equivalent	\$25.38
Trailer mate	\$22.48
Tug master/tug engineer	\$22.48
Second engineer/electrical engineer	\$22.48
Pump operator,welder,deckhand,dredgehand	\$22.48
Bosun/Driller	\$22.48
Launch driver	\$21.48
Assistant pump operator	\$20.93
Driller, deckhand/driller	\$20.93
Chief cook	\$20.93
Deckhand, assistant driller	\$20.24
Seaman,deck/dredge/motorhand,firefighter	\$20.24
Crew attendant	\$20.24
Second cook	\$20.24

**Casual  
Non-propelled dredge**

<b>Classification</b>	<b>Basic Hourly Rate</b>
Chief engineer	\$25.71 (25.00%)
Chief operator	\$25.71 (25.00%)
First engineer	\$25.19 (25.00%)
First operator	\$25.19 (25.00%)
Drilling technician	\$24.50 (25.00%)
Engineer	\$24.02 (25.00%)
Mechanical attendant	\$24.02 (25.00%)
Crane operator/mechanical	\$23.80 (25.00%)
Electrician	\$23.73 (25.00%)
Leading driller	\$23.56 (25.00%)
Second engineer	\$23.05 (25.00%)
Second operator	\$23.05 (25.00%)
Leading hand (reclamation)	\$23.05 (25.00%)
Driller	\$22.42 (25.00%)
Third engineer	\$22.02 (25.00%)
Dredgehand	\$21.65 (25.00%)
Greaser	\$21.65 (25.00%)
Assistant driller	\$21.65 (25.00%)
Crew attendant	\$21.65 (25.00%)

**O/non-propelled dredge,not fully operational**

<b>Classification</b>	<b>Basic Hourly Rate</b>
Trailer master	\$27.33 (25.00%)
Chief engineer	\$27.33 (25.00%)
Trailer shift master	\$26.57 (25.00%)
Tug master <u>W.H. Reliance</u> or equivalent	\$26.57 (25.00%)
First engineer	\$26.57 (25.00%)
Electrical engineer <u>Humber river</u> or equivalent	\$26.57 (25.00%)
Trailer mate	\$24.43 (25.00%)
Tug master/tug engineer	\$24.43 (25.00%)
Second engineer/electrical engineer	\$24.43 (25.00%)
Pump operator,welder,deckhand,dredgehand	\$24.43 (25.00%)
Bosun/driller	\$24.43 (25.00%)
Launch driver	\$23.67 (25.00%)
Assistant pump operator	\$23.20 (25.00%)
Driller, deckhand/driller	\$23.20 (25.00%)
Bosun	\$23.20 (25.00%)
Chief cook	\$23.20 (25.00%)
Deckhand, Assistant driller	\$22.63 (25.00%)
Seaman,deck/dredge/motorhand,firefighter	\$22.63 (25.00%)
Crew attendant	\$22.63 (25.00%)
Second cook	\$22.63 (25.00%)

**O/non-operational dredge,fully operational - sw**

<b>Classification</b>	<b>Basic Hourly Rate</b>
Bosun	\$26.16 (25.00%)

**O/non-propelled dredge,fully operational - dw**

<b>Classification</b>	<b>Basic Hourly Rate</b>
Trailer master	\$30.86 (25.00%)
Chief engineer	\$30.86 (25.00%)
Trailer shift master	\$29.80 (25.00%)
Tug master <u>W.H. Reliance</u> or equivalent	\$29.80 (25.00%)
First engineer	\$29.80 (25.00%)
Electrical engineer <u>Humber River</u> or equivalent	\$29.80 (25.00%)
Trailer mate	\$26.39 (25.00%)
Tug master/tug engineer	\$26.39 (25.00%)
Second engineer/electrical engineer	\$26.39 (25.00%)
Pump operator,welder, deckhand,dredgehand	\$26.39 (25.00%)
Bosun/driller	\$26.39 (25.00%)
Launch driver	\$25.22 (25.00%)
Assistant pump operator	\$24.57 (25.00%)
Driller, deckhand/driller	\$24.57 (25.00%)
Bosun	\$24.57 (25.00%)
Chief cook	\$24.57 (25.00%)
Deckhand, assistant driller	\$23.78 (25.00%)
Seaman,Deck/Dredge/Motorhand,Firefighter	\$23.78 (25.00%)
Crew attendant	\$23.78 (25.00%)
Second cook	\$23.78 (25.00%)

**O/non-propelled dredge,fully operational - sw**

<b>Classification</b>	<b>Basic Hourly Rate</b>
Trailer shift master	\$31.73 (25.00%)
Tug master <u>W.H. Reliance</u> or equivalent	\$31.73 (25.00%)
First engineer	\$31.73 (25.00%)
Electrical engineer <u>Humber River</u> or equivalent	\$31.73 (25.00%)
Trailer mate	\$28.10 (25.00%)
Tug master/tug engineer	\$28.10 (25.00%)
Second engineer/electrical engineer	\$28.10 (25.00%)
Pump operator,welder,deckhand,dredgehand	\$28.10 (25.00%)
Bosun/Driller	\$28.10 (25.00%)
Launch driver	\$26.86 (25.00%)
Assistant pump operator	\$26.16 (25.00%)
Driller, deckhand/driller	\$26.16 (25.00%)
Chief cook	\$26.16 (25.00%)
Deckhand, assistant driller	\$25.30 (25.00%)
Seaman,deck/dredge/motorhand,firefighter	\$25.30 (25.00%)
Crew attendant	\$25.30 (25.00%)
Second cook	\$25.30 (25.00%)

**Note**

The hourly rate for **Other than a non-propelled dredge, fully operational Day workers and Shiftworkers** is based on 84 hours of work per week.

The **Dual certificate allowance** (see Allowances) is to be treated as part of the wages of relevant employees for all purposes of the award and must be paid in addition to the above rates.

**Junior**

Junior rates of pay are not covered by this modern award.

**Apprentice**

Apprentice rates of pay are not covered by this modern award.

**Trainee**

This modern award incorporates trainee rates derived from the National Training Wage Schedule (NTW Sch.), as adjusted from time to time.

## **Penalty Guide**

### Method of calculation

For **full time** and **part time** employees, the penalty rates set out in this table will be applied to the relevant rate of pay as follows (unless otherwise specified): rate of pay x penalty.

For **casual** and **loaded part time** employees, the method of calculation may differ. The reference table below sets out the different calculation methods that may apply and assigns a code to each method.

To determine which method of calculation will apply to a given penalty, the relevant code is displayed in the 'amount' column of the penalty table. For example, if (a) appears in the 'amount' column, the method of calculation that will apply is: (Rate of pay + casual/part time loading) x Penalty. If no code appears, the penalty rate will not apply to casuals or loaded part time employees.

<b>Code</b>	<b>Casual/Part Time Rates Calculation</b>
a	(rate of pay + casual/part time loading) x penalty
b	rate of pay x (casual/part time loading + penalty)
c	penalty
d	rate of pay + casual/part time loading
e	rate of pay x penalty (no casual/part time loading)
f	(rate of pay + penalty) x casual/part time loading

<b>Clause</b>	<b>Penalty Type</b>	<b>Description</b>	<b>Amount</b>
20.4(c)	Call out/call back	If an employee is called back to work on more than one occasion between ceasing time on 1 day and starting time the next day, the employee will be paid the following rate for all time from the commencement of the first call-out to the conclusion of the last call-out.	200.00% (Loading)
20.1	Delayed meal breaks	<b>Employees on other than dredging operations</b>	200.00% (Loading)



Clause	Penalty Type	Description	Amount
		<p>If in an emergency decided by the master/engineer or their representative the meal break cannot be taken, a paid meal time of 30 minutes will be allowed later and payment for the 45 minute meal break will be made at overtime rates.</p> <p>Monday to Sunday (except Public Holidays)</p>	
20.1	Delayed meal breaks	<p><b>Employees on other than dredging operations</b></p> <p>If in an emergency decided by the master/engineer or their representative the meal break cannot be taken, a paid meal time of 30 minutes will be allowed later and payment for the 45 minute meal break will be made at overtime rates.</p> <p>Public Holidays</p>	250.00% (Loading)
20.2	Working through break	<p><b>Employees on dredging operations</b></p> <p>If in any emergency decided by the master/engineer or their representative the meal break cannot be taken, payment for the 30 minutes will be made at overtime rates.</p> <p>Monday to Sunday (excluding Public Holidays)</p>	200.00% (Loading)
20.2	Working through break	<p><b>Employees on dredging operations</b></p> <p>If in any emergency decided by the master/engineer or their representative the meal break cannot be taken, payment for the 30 minutes will be made at overtime rates.</p> <p>Public Holidays</p>	250.00% (Loading)
21.1	Overtime	Employees will be entitled to be paid the following rate for any time worked outside of ordinary hours on a Monday to Sunday, except for public holidays.	200.00% (Loading) (b)

Clause	Penalty Type	Description	Amount
21.2	Public holiday	An employee will be paid the following rate for any hours, ordinary and overtime, worked on a public holiday with a minimum payment for 4 hours' work.	250.00% (Loading)
21.3	Shift work	An employee working shiftwork that commences at or after 6.00 pm on any Monday to Friday inclusive, will be paid a loading of 30% of the standard rate per hour.	130.00% (Loading) (b)
21.3	Shift work	If a three shift per day system is worked the following rate will be payable in respect of the afternoon and night shifts.	115.00% (Loading) (b)

## **Penalty Rates**

Penalty rates are not covered by this Modern Award Guide.

## **Allowances**

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

Clause	Allowance Type	Description	Effective Date	Rate
15.1(c)(ii)	Accommodation allowance	<p>If an employee is required by the employer to live away from the <b>home port</b>, the employer must either provide accommodation or pay the employee this allowance instead of accommodation.</p> <p><b>Home port</b> means the port at which the employee is originally engaged or the port mutually agreed upon between the employer and employee concerned.</p>	1/07/2010 - 30/06/2012	\$363.5100 per week.

Clause	Allowance Type	Description	Effective Date	Rate
15.1(c)(iii)	Accommodation allowance	<p>Thereafter the employee will be paid at the weekly allowance.</p> <p>Where, following a request by any employee, the employer arranges to provide comfortable accommodation at the employer's expense, and the employee(s) use the accommodation for the duration of the contract, the employee (s) will not be entitled to the accommodation allowance set out above</p>	1/07/2011 - 30/06/2012	\$363.5100 per week
15.1(c)(iii)	Accommodation allowance	<p>Where it is not practicable for the weekly allowance above to be paid, the employee will be paid this allowance instead of accommodation. This rate will continue to be paid until the employer notifies the employee that thereafter the employee will be paid at the weekly allowance.</p> <p>Where, following a request by any employee, the employer arranges to provide comfortable accommodation at the employer's expense, and the employee(s) use the accommodation for the duration of the contract, the employee (s) will not be entitled to the accommodation allowance set out above</p>	1/07/2010 - 30/06/2012	\$136.5800 per night
15.1(d)(i)	Victualling allowance	<p>Where victualling is not provided by an employer, an employee is to be paid an amount per week instead of victualling.</p> <p>This allowance is not payable during periods of leave.</p>	1/07/2010 - 30/06/2012	\$363.5100 per week.

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
15.1(d)(ii)	Victualling allowance	Where it is not practicable for the prescribed weekly rate to be paid, the employee is to be paid an allowance for each meal, until the employer notifies the employee that thereafter they will be paid the weekly allowance.  This allowance is not payable during periods of leave.	1/07/2011 - 30/06/2012	\$21.6800 per day, for breakfast
15.1(d)(ii)	Victualling allowance	Where it is not practicable for the prescribed weekly rate to be paid, the employee is to be paid an allowance for each meal, until the employer notifies the employee that thereafter they will be paid the weekly allowance.  This allowance is not payable during periods of leave.	1/07/2011 - 30/06/2012	\$42.0400 per day, for dinner
15.1(d)(ii)	Victualling allowance	Where it is not practicable for the prescribed weekly rate to be paid, the employee is to be paid an allowance for each meal, until the employer notifies the employee that thereafter they will be paid the weekly allowance.  This allowance is not payable during periods of leave.	1/07/2011 - 30/06/2012	\$27.1000 per day, for lunch
15.2(a)	Protective clothing allowance	Employees will be paid an allowance and will provide themselves with adequate industrial clothing including footwear, shirts, singlets, overalls and shorts.  The allowance prescribed by this clause is not payable during leave periods.	1/01/2010	\$0.6447 per hour.  This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week).

Clause	Allowance Type	Description	Effective Date	Rate
15.3 (c)	Travel allowance	<p><b>Travelling - local</b></p> <p>An employee will be paid an allowance for excess fares incurred on any day upon which the employee is directed to work, unless the employee is required by the employer to live aboard a vessel.</p>	1/07/2011 - 30/06/2012	\$12.4000 per day
15.5	Confined spaces allowance	<p>For any of the following work an employee will in addition to any other ordinary or overtime rate payable under this award, be paid an allowance for the time so occupied working:</p> <ul style="list-style-type: none"> <li>- inside boilers or furnaces</li> <li>- inside the casing of internal combustion engines</li> <li>- inside oil tanks in motor vessels</li> <li>- in bilges (including rose boxes) and coffer dams</li> <li>- inside impeller pump casings and dredging pipes</li> <li>- under engine room or pump room deck plates.</li> </ul> <p>(0.16% of the standard rate x 38 = 6.08% of the hourly rate)</p>	1/07/2011 - 30/06/2012	\$1.1010 per hour (6.08%)
15.6	Hard-lying allowance	<p>Employees required to live aboard a vessel and share a cabin with another employee will be paid a hard-lying allowance of 3.08% of the standard rate per week. The allowance is not subject to any penalties or premium prescribed by this award.</p>	1/07/2011 - 30/06/2012	<p>\$0.5577 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). (3.08%)</p>

Clause	Allowance Type	Description	Effective Date	Rate
15.7(b)	Shipkeeping	<p>When the vessel is <b>laid up</b> in a <b>remote</b> area the employee is to be paid a special allowance of 29.36% of the standard rate per week.</p> <p><b>Laid up</b> means all times when a vessel is not fully operational as defined and includes periods when a vessel is laid up out of commission, or laid up under repair and maintenance between dredging contracts, or during scheduled breaks in the contract program where the vessel is not required, but does not include essential repairs and maintenance if required at the conclusion of a project.</p> <p><b>Remote</b> means a place that does not have ready access to goods and services of a major city or town and includes: Weipa, Archer Point, Cooktown, Port Alma, Carnarvon, Cape Cuvier, Dampier, Port Headland, Broome, Yampi, Wyndham and Hay Point.</p> <p>These allowances will not be considered when computing wages for shiftwork, overtime, annual leave or redundancy pay.</p>	1/07/2011 - 30/06/2012	<p>\$5.3165 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). (29.36%)</p>

Clause	Allowance Type	Description	Effective Date	Rate
15.7(b)	Shipkeeping	<p>When the vessel is laid up in a <b>less remote</b> area the employee is to be paid a special allowance of 19.53% of the standard rate per week.</p> <p><b>Less remote</b> means a place that does have ready access to goods and services of a major city or town but is not a major port and includes: Mourilyan Harbour, Bowen, Mackay, Bundaberg, Urangan, Maryborough, Ballina, Clarence River, Port Stephens, Jervis Bay, Moruya, Eden, Lakes Entrance, Welshpool, Portland, Gulf Ports, South Australia, Thevenard, Esperance, Albany, Geraldton, Busselton, Bunbury and Darwin (East Arm).</p> <p>These allowances will not be considered when computing wages for shiftwork, overtime, annual leave or redundancy pay.</p>	1/07/2011 - 30/06/2012	<p>\$3.5365 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). (19.53%)</p>
15.7(b)	Shipkeeping	<p>When the vessel is laid up in a <b>major port</b> area the employee is to be paid a special allowance of 12.94% of the standard rate per week.</p> <p><b>Major port</b> means a major city or town and includes: Brisbane, Newcastle, Sydney, Botany, Port Kembla, Melbourne, Geelong, Westernport, Adelaide, Fremantle, Cairns, Townsville and Gladstone.</p> <p>These allowances will not be considered when computing wages for shiftwork, overtime, annual leave or redundancy pay.</p>	1/07/2011 - 30/06/2012	<p>\$2.3432 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). (12.94%)</p>

Clause	Allowance Type	Description	Effective Date	Rate
15.7(c)	Shipkeeping	<p>When the vessel is fully operational in remote areas the employee is to be paid a special allowance of 16.42% of the standard rate per week.</p> <p>These allowances will not be considered when computing wages for shiftwork, overtime, annual leave or redundancy pay.</p>	1/07/2011 - 30/06/2012	<p>\$2.9733 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). (16.42%)</p>
15.7(c)	Shipkeeping	<p>When the vessel is fully operational in less remote areas the employee is to be paid a special allowance of 6.57% of the standard rate per week.</p> <p>These allowances will not be considered when computing wages for shiftwork, overtime, annual leave or redundancy pay.</p>	1/07/2011 - 30/06/2012	<p>\$1.1897 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). (6.57%)</p>
15.8(a)	Dual certificate allowance	<p>All purpose allowance expressed as per week.</p> <p>A payment of an additional loading of 3.63% of the standard rate per week will be made to an employee working on a vessel laid up who acts in a dual capacity of master and engineer. The rate is to be treated as part of the wages for all purposes of this award.</p>	1/07/2011 - 30/06/2012	<p>\$0.6573 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). (3.63%)</p>



Clause	Allowance Type	Description	Effective Date	Rate
15.8(b)	Dual certificate allowance	<p>All purpose allowance expressed as per week.</p> <p>A payment of an additional loading of 7.72% of the standard rate per week will be made to an employee working on a fully operational vessel who acts in a dual capacity of master and engineer. The rate is to be treated as part of the wages for all purposes of this award.</p>	1/07/2011 - 30/06/2012	<p>\$1.3979 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). (7.72%)</p>
15.9	Radar observer's allowance	<p>An allowance of 3.63% of the standard rate per week will be paid to masters and mates who are holders of a valid Radar Observer's Certificate when working on a vessel equipped with radar. This allowance will not be taken into account in calculating the rate of wage for shiftwork, overtime, annual leave or redundancy pay.</p>	1/07/2011 - 30/06/2012	<p>\$0.6573 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). (3.63%)</p>
15.10(a)	Firefighting allowance	<p>An allowance of 3.63% of the standard rate per week will be paid to engineers who hold a valid firefighting certificate or furnish proof of their attendance at an authorised firefighting course for marine personnel. This allowance will not be taken into account in calculating the rate of wage for shiftwork, overtime, annual leave or redundancy pay.</p>	1/07/2011 - 30/06/2012	<p>\$0.6573 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). (3.63%)</p>

Clause	Allowance Type	Description	Effective Date	Rate
15.11(a)	Additional allowances—cooks	An additional amount of 7.19% of the standard rate per week is payable to a chief cook whose duties include the ordering of stores and the issue of linen. This rate will not be taken into account in calculating the rate of wage for shiftwork, overtime, annual leave or redundancy pay.	1/07/2011 - 30/06/2012	\$1.3020 per hour.  This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (7.19%)
15.11(b)	Additional allowances—cooks	If a second cook is required to perform cleaning duties outside of the galley and storerooms, that employee will be paid an allowance of 5.13% of the standard rate per week in addition to the rates fixed for ordinary work. This rate will not be taken into account in calculating the rate of wage for shiftwork, overtime, annual leave or redundancy pay.	1/07/2011 - 30/06/2012	\$0.9289 per hour.  This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (5.13%)
15.12	Meal allowance	An employee required to work overtime for more than 1.5 hours after their ordinary finishing time will be supplied with a meal by the employer or be paid an allowance. If, owing to the amount of overtime worked, a second or subsequent meal is required, the employee will be supplied with such meal by the employer or be paid the allowance for each meal so required.	1/07/2011 - 30/06/2012	\$42.0400 per meal

Clause	Allowance Type	Description	Effective Date	Rate
15.13(a)	Vessels proceeding from port to port	<p>Employees on vessels proceeding from one port (or its equivalent) to another port (or its equivalent) are to be paid:</p> <ul style="list-style-type: none"> <li>- the prescribed wage</li> <li>- the remote areas allowance, and</li> <li>- an allowance of 14.17% of the standard rate per day or part of a day.</li> </ul> <p>(14.17% of the standard rate per week x 38 = 538.46% per hour)</p>	1/07/2011 - 30/06/2012	\$97.5038 per day or part of a day (538.46%)

## **Other Conditions**

### **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"> <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>

Clause	Conditions Type	Description
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).
10.3	Part-time conditions (Instrument)	<p>A part-time employee is an employee who:</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, and</li> <li>- receives, on a pro rata basis, equivalent pay and conditions to those of full-time employees who do the same kind of work.</li> </ul> <p>For each ordinary hour worked, a part-time employee will be paid not less than 1/38th of the weekly rate of pay for the relevant classification in this award.</p> <p>Upon commencement an employer must inform a part-time employee in writing of the ordinary hours of work and starting and finishing times or the rostered periods of duty to be worked by the employee.</p>
10.4	Casual conditions (Instrument)	<p><b>Casual</b> means an employee who is engaged for a period of less than 4 weeks and who is so notified on the first day of their employment, or who is a full-time or part-time employee who has been dismissed through no fault of their own within 4 weeks of the commencement of employment.</p> <p>A casual employee working within the ordinary hours of work prescribed by the award will be paid per hour for the work performed plus a 25% loading which incorporates the casual employee's entitlements to annual leave, annual leave loading and any other rates and allowances contained in this award except overtime and shift allowances.</p> <p>Casual employees must be paid at the termination of each engagement, but may agree to be paid weekly or fortnightly.</p> <p>On each occasion a casual employee is required to attend work, the employee is entitled to a minimum payment for 2 hours' work.</p>
11.1	Termination of employment	<u>Notice of termination by an employer</u>

Clause	Conditions Type	Description
	(Fair Work Act 2009 - National Employment Standard)	<p>An employer is required to provide notice of termination (or payment in lieu of notice) to an employee based on the employee's period of continuous service as follows:</p> <ul style="list-style-type: none"> <li>- Not more than 1 year of service: 1 week</li> <li>- More than 1 year but not more than 3 years of service: 2 weeks</li> <li>- More than 3 years but not more than 5 years of service: 3 weeks</li> <li>- More than 5 years of service: 4 weeks</li> </ul> <p>The period of notice will increase by 1 week if the employee is over 45 years old and has completed at least 2 years of continuous service with the employer.</p>
11.2	Termination of employment - notice of termination by an employee (Instrument)	The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
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.
11.4	Termination of employment - return to place of engagement (Instrument)	If the employment of any employee is terminated by the employer elsewhere than at the place of engagement, for any reason other than misconduct, the employer will be responsible for conveying the employee to the place of engagement.
12	Redundancy (Instrument)	<p>The redundancy arrangements in this award are an industry-specific redundancy scheme and, as such, Subdivision B of Division 11 of the National Employment Standards does not apply.</p> <p>This clause applies to employees other than casual employees who remain in employment until the completion of a dredging contract unless transferred by the employer.</p> <p>At the completion of each contract an employee becomes entitled to a period of redundancy pay. Such payment is to be calculated on the employee's service during the period of dredging work on a contract.</p> <p>Payment is to be made only on the termination of employment.</p>

Clause	Conditions Type	Description
		The payment is to be at the rate of 3 weeks' pay for each year of continuous service or pro rata calculated on completed months of service. Such payment is to be paid at the relevant rate prescribed in the award.
15.1 (a) &(b)	Victualling and accommodation allowances (Instrument)	<p>If required by the employer, an employee must live aboard a vessel and the employer will accommodate and keep the employee without cost to the employee.</p> <p>Where the employer provides victualling and accommodation the allowances prescribed in this clause will not be paid.</p>
15.2(b)	Clothing, footwear and/or equipment (Instrument)	<p>Where conditions require, employees will provide necessary protective clothing and equipment including oilskins, sea boots, goggles, gloves and southwester. The reasonable cost of such protective clothing and equipment will be reimbursed by the employer, unless the employer supplies the protective clothing and equipment.</p> <p>If the employer provides the protective clothing and equipment, it will at all times remain the property of the employer and will be returned by the employee to the employer at the completion of the employee's service.</p>
15.3	Travelling time (Instrument)	<p><b>Travelling - local</b></p> <p>When a vessel is so remote from the shore that some means of a conveyance between the vessel and shore is necessary to enable an employee to pass from one to the other before starting or after finishing work upon the vessel at the due time for starting and finishing work, the time occupied by the employee before the due time for starting and/or after the due time for finishing work in travelling or in necessarily waiting for such means of conveyance will be paid for at ordinary rates with a minimum payment of 30 minutes, but will not count as part of the daily working time.</p> <p>When an employee, who in the ordinary course of their employment begins work for the day at a particular place, is required to finish work at a place other than that particular place, the employee will be paid any reasonable travelling expense incurred in returning home in excess of their ordinary travelling expenses and will also be paid at ordinary rates of pay for any travelling time occasioned beyond their ordinary travelling time.</p> <p>These provisions will not apply to employees who are required by the employer to live aboard a vessel.</p>

Clause	Conditions Type	Description
15.4	Travelling time (Instrument)	<p><b>Travelling - other than local</b></p> <p>An employee proceeding from the place of engagement to and from a port at which the dredge is working must be provided by the employer with a <b>free passage</b>, provided that:</p> <ul style="list-style-type: none"> <li>- if the employee terminates their employment, or employment is terminated by the employer for misconduct within 6 weeks or the period of the work cycle whichever occurs first from the commencement of the employment, the cost of the free passage will be deducted from any payments due to the employee; and</li> <li>- the employer will not be obligated to provide return passage for the employee in such circumstances.</li> </ul> <p>The provisions above will likewise apply to an employee who returns to their place of employment following an absence on account of accumulated and/or annual leave.</p> <p>The time spent in travelling between the place of engagement and the place at which the dredge is working and the agreed home port of the employee is to be paid for at the ordinary rate for the time so occupied, with a maximum payment of 8 hours in any 24 hours.</p> <p><b>Free passage</b> means: for travel by rail—first class including sleeper berth when so provided; for travel by air—commercial aircraft, economy class.</p>
15.7	Shipkeeping (Instrument)	<p>A master, mate or engineer <b>shipkeeping</b> in any port for all or part of the hours between 5.00 pm and 7.00 am will be entitled to an extra 12 hours' pay at ordinary rates.</p> <p><b>Shipkeeping</b> means being on board and available for the performance of any duty.</p>
15.11(d)	Protective clothing, footwear and covering allowance (Instrument)	<p>Marine cooks will be reimbursed by the employer for the reasonable cost of providing gloves and freezer suit for working in freezers.</p> <p>This provision will not apply where the employer supplies the protective clothing.</p>
15.13	Vessels proceeding from port to port (Instrument)	<p>The provisions of sections 127 and 132 of the <b>Navigation Act 1912 (Cth)</b> apply in respect of all employees whether in fact or in law the Act of its own force applies to them. These sections relate to the employer's responsibilities to sick or injured seamen.</p>

Clause	Conditions Type	Description
		<p>Employees who are not offered employment immediately after the vessel's arrival at its destination will be repatriated to their home port.</p> <p>Articles of Agreement as required by the <b>Navigation Act 1912 (Cth)</b> will be opened for the voyage.</p>
16	Higher duties (Instrument)	An employee engaged for more than 2 hours during 1 day on duties carrying a higher rate than their ordinary classification will be paid the higher rate for such day. If engaged for 2 hours or less during 1 day the employee will be paid the higher rate for the time so worked.
19	Hours of work (Instrument)	<p><b>Span of hours—vessels fully operational</b></p> <p><b>Fully operational</b> means the period between the time employees go on to 12-hour shifts for the mobilisation of a vessel until the completion of the demobilisation period. Such period includes the preparation on site for operations, dredging operations, running repairs and maintenance carried out during the course of the contract but does not include scheduled breaks in the contract program where the vessel is not required.</p> <p><b>Day workers'</b> hours of duty will consist of 12 hours per day on each of 7 days per week between 6.00 am and 6.00 pm or such other starting and finishing times as may be mutually agreed.</p> <p><b>Shiftworkers'</b> hours of duty will consist of 1 week of day shifts alternating with 1 week of night shifts. The day shift cycle will comprise 12-hour shifts on each of 7 days per week between 6.00 am and 6.00 pm. The night shift cycle will comprise 12-hour shifts on each of 6 days per week between 6.00 pm and 6.00 am.</p> <p><b>Day worker</b> means an employee who works day work in accordance with this award and does not include a shiftworker on day shift.</p> <p><b>Shiftworker</b> means an employee who works shiftwork in accordance with this award as part of a two or three shift system.</p> <p>Marine cooks' hours of duty will consist of 12 hours per day on each of 7 days per week.</p> <p><b>Span of hours—vessels not fully operational</b></p>



Clause	Conditions Type	Description
		Ordinary hours may be worked between 8.00 am and 4.30 pm for up to 8 hours per day, Monday to Friday inclusive or between 7.00 am and 5.00 pm when not engaged in dredging duties.
20	Breaks - meal (Instrument)	<p><b>Employees on other than dredging operations</b></p> <p>Employees on other than dredging operations must be allowed a meal break of not less than 45 minutes between the hours of 11.30 am and 1.30 pm</p> <p><b>Employees on dredging operations</b></p> <p>Employees on dredging operations must be allowed a meal break of 30 minutes, which is to be taken within 5 hours from the commencement of the shift or at a time otherwise agreed upon and will be counted as time worked. Provided further that the incidence of meal time will not interrupt the working of the dredge and attendant craft.</p> <p>Where a dredge and attendant craft are in <b>continuous operation</b> and it is impracticable on any shift to allow the meal break, employees must be paid 1 hour at ordinary time rates.</p> <p><b>Continuous operation</b> means 24 hours per day operation.</p> <p>An employee must not be compelled to work for more than 5 hours without a break for a meal.</p>
20.4	Break between work periods (Instrument)	<p>Employees must not work for more than 18 hours continuously. After such an 18-hour continuous work period they must have 10 hours off (inclusive of 2 meal hours), subject to employees being available to ensure the <b>continuous operation</b> of the vessel. Less than 4 hours off will not constitute a break in the work period of 18 continuous hours.</p> <p><b>Continuous operation</b> means 24 hours per day operation.</p>
22	Annual leave (Fair Work Act 2009 - National Employment Standard)	<p>For each year of service with his or her employer, an employee (excluding casual) is entitled to:</p> <p>4 weeks of paid annual leave, or 5 weeks of paid annual leave for a <b>shiftworker</b></p>

Clause	Conditions Type	Description
		<p>An employee's entitlement to paid annual leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.</p> <p>All accrued untaken annual leave must be paid to the employee on termination.</p>
23	Personal/carer's leave (Fair Work Act 2009 - National Employment Standard)	<p>For each year of service with his or her employer, an employee is entitled to 10 days of paid personal/carer's leave.</p> <p>The entitlement accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.</p>
23	Compassionate leave (Fair Work Act 2009 - National Employment Standard)	<p>An employee is entitled to 2 days of compassionate leave for each permissible occasion when a member of the employee's immediate family, or a member of the employee's household:</p> <ul style="list-style-type: none"> <li>- contracts or develops a personal illness that poses a serious threat to his or her life, or</li> <li>- sustains a personal injury that poses a serious threat to his or her life, or</li> <li>- dies.</li> </ul>
24	Community service leave (Fair Work Act 2009 - National Employment Standard)	<p>An employee who engages in an eligible community service activity is entitled to be absent from his or her employment for a period if:</p> <ul style="list-style-type: none"> <li>- the period consists of one or more of the following:</li> <li>- time when the employee engages in the activity</li> <li>- reasonable travelling time associated with the activity</li> <li>- reasonable rest time immediately following the activity, and</li> </ul> <p>unless the activity is jury service—the employee's absence is reasonable in all the circumstances.</p>
25.1	Public holidays (Fair Work Act 2009 - National Employment Standard)	<p>The following are public holidays:</p> <ul style="list-style-type: none"> <li>- 1 January (New Year's Day)</li> <li>- 26 January (Australia Day)</li> <li>- Good Friday</li> <li>- Easter Monday</li> <li>- 25 April (Anzac Day)</li> </ul>

Clause	Conditions Type	Description
		<p>- the Queen's birthday holiday (on the day on which it is celebrated in a State or Territory or a region of a State or Territory)</p> <p>- 25 December (Christmas Day)</p> <p>- 26 December (Boxing Day)</p> <p>- any other day, or part-day, declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory, or a region of the State or Territory, as a public holiday, other than a day or part-day, or a kind of day or part-day, that is excluded by the regulations from counting as a public holiday.</p> <p><u>Substituted public holidays under State or Territory laws</u></p> <p>If, under (or in accordance with a procedure under) a law of a State or Territory, a day or part-day is substituted for a day or part-day that would otherwise be a public holiday, then the substituted day or part-day is the public holiday.</p>
25.2	Public holidays (Instrument)	An employee will be paid at the rate of 250% of their ordinary hourly rate, with a minimum payment of 4 hours when required to work on a public holiday. Provided that where a 12-hour shift or period of duty is commenced on a public holiday the payment of 250% will be discharged by the actual payment of the first 8 hours at ordinary time and the remaining hours at 200% of the ordinary hourly rate plus the accumulation of 0.35 of a week's leave.
15.4 (d)	Reimbursement of expenses (Instrument)	<p>The employee is entitled to reimbursement of taxi fares reasonably incurred up to a maximum of \$121.00, subject to the production of receipts, for travel between the transport terminal at the employee's home port and their home on each of the forward and return journeys.</p> <p>Where an employee's residence is in other than their home port, such payment will be limited to the journey between the home port transport terminal and any other public transport terminal necessary for further travel to their place of residence.</p>
15.13 (c)	Other (Instrument)	Except where it is provided, the employer will reimburse an employee for a personal accident policy for death risk, loss of limbs and corresponding benefits to the value of \$143,055.00. This amount is payable in addition to the amounts payable under the Seamen's Compensation Act 1974.

## **Frequency of Payment**

Wages are to be paid weekly or fortnightly. Wages may be paid by cash or electronic funds transfer (EFT).

## **Classification Definitions**

<b>Acronyms</b>	<b>Explanation</b>
OTNPD,NFO	Other than a non-propelled dredge, not fully operational
OTNPD,FO	Other than a non-propelled dredge, fully operational

## **Modern Award Guide - Background**

This guide provides information on wages, penalties, loadings, allowances and other conditions of employment, derived from the 01 January 2010 version of the modern award.

Employers that a modern award applies to must provide at least the minimum terms and conditions in that modern award to all employees to whom the modern award applies.

One of the responsibilities of the Fair Work Ombudsman is to ensure compliance with the Fair Work Act 2009.

If an employer is able to demonstrate that they have paid at least the rates published in this guide, including wages, allowances, loadings and penalties, the Fair Work Ombudsman will be satisfied that the employer has met those obligations under the modern award. The employer will need to have paid the wage rate for all hours worked and for the correct classification for the work the employee does.

The Fair Work Act 2009 requires that time and wages records be kept and payslips issued. Employers will also need to demonstrate that this requirement has been complied with.

## **Who is not covered by this guide?**

Despite the coverage provisions of this guide, conditions in this guide do not apply to an employee or employer while the employee or employer is covered by one of the following agreements:

- Australian Workplace Agreements (AWA)
- Certified agreements (made before 27 March 2006)
- Collective agreements (made between 27 March 2006 and 30 June 2009)
- Enterprise agreements (made after 01 July 2009)
- Individual Transitional Employment Agreements (ITEA)
- Old IR Agreements (made before 1997)
- Preserved Collective State Agreements (made in a state system before 27 March 2006)
- Preserved Individual State agreement (made in a state system before 27 March 2006)
- Section 170MX Awards (made before 27 March 2006)
- Workplace Determinations

The guide will also not apply to employees covered by an enterprise specific award-based transitional instrument, including:

- pre-reform awards (made prior to 27 March 2006)
- notional agreements preserving state awards (made in a state system before 27 March 2006)

## **Take home pay orders**

Modern awards are not intended to reduce an employee's take-home pay. If an employee suffers a reduction in their overall take-home pay as a result of the modern award applying, they can apply for the Fair Work Commission (FWC) to make an order ensuring their pay is not reduced.

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

**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 Modern Award 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 the FWC'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 the Fair Work Commission, 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 Modern Award 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.