

PAY AND CONDITIONS GUIDE

Electrical Power Industry Award 2010 [MA000088] ('modern award')

replacing terms and conditions in or derived from

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

(VIC)

Effective from 01 January 2014.

Published 06 February 2014 

Background

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

Transitional arrangements

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

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

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

Transitional arrangements for Division 2B State awards

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

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

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

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

Who should use the guide?

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

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

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

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

The guide contains information from this modern award about:

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

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

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

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

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

Coverage

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

In this award, **electrical power industry** means:

- the generation (by whatever means), transmission, distribution and retail supply of electrical power; and
- the mining, processing and treatment of brown coal (by whatever means) for use in generating electrical power.

The electrical power industry also includes:

- the retail supply of gas and other utility services by an employer whose core business is the generation, transmission, distribution and retail supply of electrical power; and
- the provision of temporary labour services used in activities within the industry by temporary labour personnel principally engaged to perform work at a location where such activities are being performed.

The electrical power industry does not include:

- the generation and/or transmission of power and/or steam that is ancillary or incidental to the employer's activities in another industry (notwithstanding that excess power may be sold into the grid).

This award does not cover:

- an employee excluded from award coverage by the Act;
- an employer bound by an 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; or
- 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; or
- a contractor who is covered by the Electrical, Electronic and Communications Contracting Award 2010, the Building and Construction General On-site Award 2010 or the Mobile Crane Hiring Award 2010 and the employees of that contractor.

This award covers employers which provide group training services for apprentices and trainees engaged in the industry and/or parts of the electrical power industry and those apprentices and trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed.

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

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

Wages

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

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

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

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

Casual employees

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

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

*Post 26 March 2006 employer

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

Adult

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

Full & Part Time Administrative stream

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Administrative grade 1	EGW employee, Level 3	\$17.15
Administrative grade 6	EGW employee, Level 8	\$24.34

Professional/managerial/specialist stream

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Professional/managerial/specialist gr 5	EGW employee, Level 8	\$22.81
Professional/Managerial/Specialist gr 7	EGW employee, Level 9	\$25.94

Technical stream

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Technical grade 1	EGW employee, Level 1	\$17.01
Technical grade 1	EGW employee, Level 2	\$17.09
Technical grade 2	EGW employee, Level 3	\$18.11
Technical grade 2	EGW employee, Level 4	\$18.22
Technical grade 3	EGW employee, Level 4	\$19.11
Technical grade 3	EGW employee, Level 5	\$19.28
Technical grade 4	EGW employee, Level 6	\$20.89
Technical grade 5	EGW employee, Level 7	\$22.62
Technical grade 6	EGW employee, Level 8	\$24.34
Technical grade 7	EGW employee, Level 9	\$25.94

Casual

Administrative stream

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Administrative grade 1	EGW employee, Level 3	\$21.26 (24%)
Administrative grade 6	EGW employee, Level 8	\$30.18 (24%)

Professional/managerial/specialist stream

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Professional/managerial/specialist gr 5	EGW employee, Level 8	\$28.29 (24%)
Professional/Managerial/Specialist gr 7	EGW employee, Level 9	\$32.16 (24%)

Technical stream

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Technical grade 1	EGW employee, Level 1	\$21.09 (24%)
Technical grade 1	EGW employee, Level 2	\$21.20 (24%)
Technical grade 2	EGW employee, Level 3	\$22.46 (24%)
Technical grade 2	EGW employee, Level 4	\$22.60 (24%)
Technical grade 3	EGW employee, Level 4	\$23.69 (24%)
Technical grade 3	EGW employee, Level 5	\$23.91 (24%)
Technical grade 4	EGW employee, Level 6	\$25.91 (24%)
Technical grade 5	EGW employee, Level 7	\$28.05 (24%)
Technical grade 6	EGW employee, Level 8	\$30.18 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Technical grade 7	EGW employee, Level 9	\$32.16 (24%)

Junior

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

Full & Part Time Level 7

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$17.03
18 years or under	EGW employee, 16 years	\$17.31
18 years or under	EGW employee, 17 years	\$17.60
18 years or under	EGW employee, 18 years	\$17.86
20 years	EGW employee, 20 years	\$23.04
19 years	EGW employee, 19 years	\$20.44

Level 6

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$15.92
18 years or under	EGW employee, 16 years	\$16.20
18 years or under	EGW employee, 17 years	\$16.49
18 years or under	EGW employee, 18 years	\$16.75
20 years	EGW employee, 20 years	\$21.63
19 years	EGW employee, 19 years	\$19.18

Level 5

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$14.81
18 years or under	EGW employee, 16 years	\$15.09
18 years or under	EGW employee, 17 years	\$15.38
18 years or under	EGW employee, 18 years	\$15.64
20 years	EGW employee, 20 years	\$20.21
19 years	EGW employee, 19 years	\$17.92

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$13.69
18 years or under	EGW employee, 16 years	\$13.98
18 years or under	EGW employee, 17 years	\$14.27
18 years or under	EGW employee, 18 years	\$14.52
20 years	EGW employee, 20 years	\$18.79
19 years	EGW employee, 19 years	\$16.65

Level 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$12.60
18 years or under	EGW employee, 16 years	\$12.89
18 years or under	EGW employee, 17 years	\$13.17
18 years or under	EGW employee, 18 years	\$13.43
19 years	EGW employee, 19 years	\$15.41
20 years	EGW employee, 20 years	\$17.40

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$11.96
18 years or under	EGW employee, 16 years	\$12.24
18 years or under	EGW employee, 17 years	\$12.53
18 years or under	EGW employee, 18 years	\$12.79
20 years	EGW employee, 20 years	\$16.58
19 years	EGW employee, 19 years	\$14.68

Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$11.30
18 years or under	EGW employee, 16 years	\$11.59
18 years or under	EGW employee, 17 years	\$11.87
18 years or under	EGW employee, 18 years	\$12.13
20 years	EGW employee, 20 years	\$15.74
19 years	EGW employee, 19 years	\$13.93

Casual Level 7

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$21.11 (24%)
18 years or under	EGW employee, 16 years	\$21.47 (24%)
18 years or under	EGW employee, 17 years	\$21.82 (24%)
18 years or under	EGW employee, 18 years	\$22.14 (24%)
20 years	EGW employee, 20 years	\$28.57 (24%)
19 years	EGW employee, 19 years	\$25.35 (24%)

Level 6

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$19.74 (24%)
18 years or under	EGW employee, 16 years	\$20.09 (24%)
18 years or under	EGW employee, 17 years	\$20.45 (24%)
18 years or under	EGW employee, 18 years	\$20.77 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
20 years	EGW employee, 20 years	\$26.82 (24%)
19 years	EGW employee, 19 years	\$23.78 (24%)

Level 5

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$18.36 (24%)
18 years or under	EGW employee, 16 years	\$18.71 (24%)
18 years or under	EGW employee, 17 years	\$19.07 (24%)
18 years or under	EGW employee, 18 years	\$19.39 (24%)
20 years	EGW employee, 20 years	\$25.06 (24%)
19 years	EGW employee, 19 years	\$22.22 (24%)

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$16.98 (24%)
18 years or under	EGW employee, 16 years	\$17.33 (24%)
18 years or under	EGW employee, 17 years	\$17.69 (24%)
18 years or under	EGW employee, 18 years	\$18.01 (24%)
20 years	EGW employee, 20 years	\$23.30 (24%)
19 years	EGW employee, 19 years	\$20.65 (24%)

Level 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$15.63 (24%)
18 years or under	EGW employee, 16 years	\$15.98 (24%)
18 years or under	EGW employee, 17 years	\$16.34 (24%)
18 years or under	EGW employee, 18 years	\$16.65 (24%)
19 years	EGW employee, 19 years	\$19.11 (24%)
20 years	EGW employee, 20 years	\$21.58 (24%)

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$14.83 (24%)
18 years or under	EGW employee, 16 years	\$15.18 (24%)
18 years or under	EGW employee, 17 years	\$15.54 (24%)
18 years or under	EGW employee, 18 years	\$15.86 (24%)
20 years	EGW employee, 20 years	\$20.56 (24%)
19 years	EGW employee, 19 years	\$18.20 (24%)

Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
18 years or under	EGW employee, Under 16	\$14.01 (24%)
18 years or under	EGW employee, 16 years	\$14.37 (24%)
18 years or under	EGW employee, 17 years	\$14.72 (24%)
18 years or under	EGW employee, 18 years	\$15.04 (24%)
20 years	EGW employee, 20 years	\$19.52 (24%)
19 years	EGW employee, 19 years	\$17.27 (24%)

Apprentice

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

Full Time

Starting apprenticeship before 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Year 1	EGW employee, 1st year	\$8.10
Year 2	EGW employee, 2nd year	\$10.60

Junior apprentice

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Year 3	EGW employee, 3rd year	\$14.46
Year 4	EGW employee, 4th year	\$16.43

Starting apprenticeship on or after 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed before ppc 1/1/2015, First year	EGW employee, 1st year	\$9.06
Work performed before ppc 1/1/2015, Second year	EGW employee, 2nd year	\$11.57

Adult apprenticeship starting before 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Year 1	EGW employee, 1st year	\$12.56
Year 2	EGW employee, 2nd year	\$14.59
Year 3	EGW employee, 3rd year	\$16.05
Year 4	EGW employee, 4th year	\$17.29

Adult apprenticeship starting on or after 1/1/2014

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed before ppc 1/1/2015, First year	EGW employee, 1st year	\$13.52

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Work performed on or after 1/1/2014, Second year	EGW employee, 2nd year	\$16.27
Work performed on or after 1/1/2014, Third year	EGW employee, 3rd year	\$16.77
Work performed on or after 1/1/2014, Fourth year	EGW employee, 4th year	\$17.29

On the expiration of an apprenticeship an employee who works in the apprenticed trade will be paid not less than the standard rate.

Further, an adult employee who is employed by an employer immediately prior to commencing an apprenticeship with that employer, will not suffer a reduction in the pay the employee was entitled to receive under this award immediately prior to commencing such apprenticeship.

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

Trainee

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

Supported Wage

Please refer to clause 17.4 of the modern award.

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

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

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

Transitional arrangements

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

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

- A pre-modern award loading/penalty will be "equivalent" to a modern award entitlement where the loading/penalty applies:
 - for the same purpose (e.g. Saturday penalty);
 - for the same time periods; and
 - in the same way#.

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

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

Equivalent entitlements

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

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

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

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

Example:

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

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

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

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

Example:

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

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

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

Entitlements that are not equivalent

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

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

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

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

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

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

Example:

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

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

1/01/2014	1/07/2010	1/01/2010	1/07/2010
Modern award penalty	Penalty rate (phased)	Pre-modern award penalty	Penalty rate (phased)
	(20.00%)		(80.00%)
10.00%	2.00%	10.00%	8.00%
20.00%	4.00%	20.00%	16.00%

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

1/01/2010	1/07/2010
Pre-modern award penalty	Penalty rate (phased)
	(80.00%)
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
18.1	Meal allowance	<p><u>Work which is continuous with ordinary hours</u></p> <p>An employee who is required to work overtime for not less than two hours but not more than four hours before or after working ordinary rostered hours will receive a meal provided by the employer, or a meal allowance.</p> <p>Where the overtime is to continue after the fourth hour (and after each subsequent four hours) the employee will receive a meal provided by the employer or a meal allowance.</p> <p><u>Called back to work at other times</u></p> <p>An employee who is required to return to work (other than for pre-planned overtime) outside ordinary hours or on a Saturday, Sunday, public holiday or rostered day off will receive, after the fourth hour (and after each subsequent four hours) a meal provided by the employer or a meal allowance.</p>	1/07/2013	\$14.3600 per meal
18.2(a)	Vehicle allowance	An employee who, by prior agreement with the employer, uses a private motor vehicle for work purposes where no company vehicle is provided or available will be entitled to an allowance.	1/07/2013	\$0.7600 per kilometre
18.2(b)	Vehicle allowance	An employee who, by prior agreement with the employer, uses a private motor cycle for work purposes where no company vehicle is provided or available will be entitled to an allowance.	1/01/2010	\$0.2500 per kilometre

Clause	Allowance Type	Description	Effective Date	Rate
18.3(a)	Availability for duty	<p>Availability allowance</p> <p>Where the employer requires an employee to be available for duty after normal working hours on 1 in 5 days or more in accordance with an availability roster the employee will be entitled to be paid an allowance. This allowance may be paid daily on a pro rata basis.</p> <p>(18% per week x 37.5 = 675% per hour)</p>	1/07/2013	\$130.4820 per week (675.00%)
18.3(b)	Availability for duty	<p>Where the employer requires an employee to be available for duty after normal working hours on 1 in 4 days or less in accordance with an availability roster the employee will be entitled to be paid an allowance. This allowance may be paid daily on a pro rata basis.</p> <p>(26% per week x 37.5 = 975% per hour)</p>	1/07/2013	\$188.4740 per week (975.00%)
18.4(a)	First aid allowance	<p>An employee who has been trained to render first aid and is a current holder of appropriate first aid qualifications such as a certificate from the St John Ambulance or similar body will be paid an allowance if appointed by the employer as a first aid officer.</p>	1/07/2013	<p>\$0.3673 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). (1.90%)</p>
18.5(a)	Other	<p>Power station allowance</p>	1/07/2013	\$0.3963 per hour.

Clause	Allowance Type	Description	Effective Date	Rate
		A Professional, Managerial, Specialist or Administrative employee working in a power station will be entitled to be paid an allowance. A power station includes all ancillary buildings of the power station such as administrative offices, stores and workshops, power station switchyards and terminal stations.		This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.05%)
18.5(b)	Other	A Technical or Operations employee working in a power station will be entitled to be paid an allowance. A power station includes all ancillary buildings of the power station such as administrative offices, stores and workshops, power station switchyards and terminal stations.	1/07/2013	\$1.3531 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). (7.00%)
18.6	Other	Open cut brown coal mine allowance An employee exposed to the conditions and elements existing in an open cut brown coal mine without the protection afforded by an office or motor vehicle will be entitled to be paid an allowance.	1/07/2013	\$2.1264 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). (11.00%)

Clause	Allowance Type	Description	Effective Date	Rate
18.7	Other	<p>Briquette factory allowance</p> <p>An employee required to work in a briquette factory will be entitled to be paid an allowance. For the purposes of this allowance a briquette factory includes the wet section, launder areas, collecting conveyors, storage shed, loading shed, bagging hoppers, quality control laboratory, fire stations and all conveyors connecting those buildings. The briquette storage areas also form part of the briquette factory.</p>	1/07/2013	<p>\$1.6431 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). (8.50%)</p>
18.8	Other	<p>Coal handling allowance</p> <p>An employee required to perform work handling coal but who is not entitled to an Open cut brown coal mine allowance or Briquette factory allowance will be entitled to be paid an allowance.</p>	1/07/2013	<p>\$2.1264 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). (11.00%)</p>
18.9	Other	<p>Transmission allowance</p> <p>An employee required to perform work on overhead or underground power lines or any closely associated plant or equipment for the transmission or distribution of electricity (including substations, transformer stations, public lighting and switchboards or distribution boards) will be entitled to be paid an allowance.</p>	1/07/2013	<p>\$1.1598 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). (6.00%)</p>

Clause	Allowance Type	Description	Effective Date	Rate
18.10(a)	Tool allowance	An employee who is required to supply and maintain a basic tool kit will be entitled to an allowance.	1/07/2010	\$0.5084 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).

Other Conditions

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

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

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

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to: - arrangements for when work is performed - overtime rates

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - penalty rates - allowances - leave loading. <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"> - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	<p>The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).</p>
10.2	Other (Instrument)	<p>At the time of engagement an employer will inform each employee in writing of the terms of their engagement and in particular whether they are to be full-time, part-time or casual.</p>
11.3	Other (Instrument)	<p>A full-time employee is one who works an average of 37.5 hours per week.</p>
12	Part-time conditions (Instrument)	<p>A part-time employee:</p> <ul style="list-style-type: none"> - works an average of less than the full-time hours of 37.5 per week - has reasonably predictable hours of work, and - receives, on a pro rata basis, equivalent pay and conditions to full-time employees in the same classification. <p>At the time of engagement the employer and the part-time employee will agree in writing on a regular pattern of work including the hours to be worked and the starting and finishing times on each day.</p> <p>Any agreed variation to the regular pattern of work will be recorded in writing.</p> <p>An employee who does not meet the definition of a part-time employee and who is not a full-time employee will be paid as a casual employee.</p>

Clause	Conditions Type	Description
		<p>All time worked in excess of the hours as mutually arranged will be overtime and paid for at overtime rates.</p> <p>For each ordinary hour worked, a part-time employee will be paid no less than 2/75ths of the minimum weekly rate of pay for the relevant classification plus any applicable allowances.</p> <p>Where a part-time employee works on a roster, the employee will receive a minimum number of days off over the roster cycle being a minimum of two days multiplied by the number of weeks in the roster cycle.</p>
13	Casual conditions (Instrument)	<p>A casual employee is an employee engaged and paid as such.</p> <p>A casual employee must be engaged for a minimum of three hours.</p> <p>For each hour worked, a casual employee will be paid no less than 2/75ths of the minimum weekly rate of pay for the relevant classification, plus a casual loading of 25% plus any applicable allowances.</p> <p>A casual employee is entitled to overtime:</p> <p>(a) where the employee is a casual shiftworker:</p> <ul style="list-style-type: none"> - for time worked beyond the end of a shift at the request or direction of the employer; or - for time worked over a roster cycle in excess of 37.5 hours multiplied by the number of weeks in the roster cycle (where such excess time has not already attracted overtime); <p>(b) where the employee is a day worker, for time worked at the request or direction of the employer that in excess of the usual ordinary time day in the employer's establishment.</p> <p>A casual employee is not entitled to the casual loading for time worked and paid as overtime.</p> <p>Casual loading is paid instead of annual leave, paid personal/carer's leave, public holidays not worked, notice of termination, redundancy benefits and the other attributes of full-time or part-time employment.</p> <p>A casual employee is entitled to penalty rates applicable to rostered shifts worked by the employee based on the ordinary rate of pay.</p>

Clause	Conditions Type	Description
14.2	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.
14.3	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.
15.2	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
15.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
15.4	Redundancy - job search entitlement (Instrument)	An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment. If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.
15.5	Redundancy - transitional provisions (Instrument)	An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and that would have entitled the employee to redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010. The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.

Clause	Conditions Type	Description
		This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.
18.4(b)	Other (Instrument)	Employees attending a first aid course approved and organised by the employer will be entitled to be paid for such training. Where practical, such training will be conducted during ordinary/rostered hours.
18.10(b)	Other (Instrument)	Notwithstanding the tool allowance provision, the employer will provide all power tools, special purposes tools, precision measuring instruments and for sheet metal workers, snips used in the cutting of stainless steel, monel metal and similar hard metals.
18.11	Other (Instrument)	<p>Travel</p> <p>When an employer requires an employee to travel in connection with work, the employer must pay all reasonable fares, meals, accommodation and incidental expenses incurred by the employee on business related travel.</p> <p>Where such expenses are not paid directly by the employer, the employer must make payment in advance of an amount of not less than 80% of the estimated travel expenses. The employer may require the employee to verify expenses through the production of necessary receipts or tax invoices and can require reimbursement of any portion of an amount advanced that is not supported by receipts or tax invoices.</p> <p>Travelling time is to be paid at the ordinary hourly rate.</p>
19	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>
20	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

Clause	Conditions Type	Description
		<p>employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and</p> <p>- that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>The employee's entitlement to accident pay under the 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>
21	Higher duties (Instrument)	<p>An employee directed by the employer to carry out the duties of a position classified at a higher pay level for a continuous period of not less than four hours will be paid for the day at the minimum rate for the higher pay level.</p> <p>Where employee has performed duty for three months continuously prior to a period of annual leave, personal/carer's leave or a period attracting accident pay, such leave or accident pay will be based on the employee's higher duties rate.</p>
23	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to a superannuation fund - the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.
24.1	Hours of work (Instrument)	<p>Day workers</p> <p>Day worker means an employee whose ordinary hours are worked between Monday and Friday within the span of hours.</p>

Clause	Conditions Type	Description
		<p>The span of ordinary hours will be 7.00 am to 6.00 pm Monday to Friday or such other span as is agreed with a majority of affected employees. The ordinary hours of work for day workers (an average of 37.5 hours per week) will be worked within that span of hours.</p> <p>Day workers may be required to work up to 10 ordinary hours per day.</p> <p>Subject to the provisions above, the times when ordinary hours are worked by day workers are at the discretion of the employer and may include:</p> <ul style="list-style-type: none"> - a 10 day fortnight—7.5 hours per day or - a nine day fortnight—8 1/3 hours per day with a rostered day off.
24.2	Shiftwork (Instrument)	<p>A shiftworker is an employee who works on a shift roster.</p> <p>Subject to this provision an employer may:</p> <ul style="list-style-type: none"> - implement a roster with a cycle length of any period of weeks up to and including 12 weeks (or a longer period with the agreement of a majority of affected employees) and with employees' ordinary hours being averaged over such cycle, and - require an employee to undertake rostered shiftwork. <p>The following conditions apply to the preparation of rosters:</p> <ul style="list-style-type: none"> - the roster must specify shift starting and finishing times and where time rostered is overtime, that fact; - shifts must not exceed 10 hours in length (including crib time which will be counted as time worked) and an employee must not be rostered to work more than eight shifts in any nine day period; - except at the regular changeover of shifts, an employee must not be rostered to work more than one shift in each 24 hours; and - each shiftworker must have a minimum break of 10 hours between shifts. <p>An employer may implement 12 hour shifts as part of a two shift 24 hour continuous roster but an employee must not be rostered for more than five 12 hour shifts in any nine day period.</p>

Clause	Conditions Type	Description
		<p>An employer must not change the structure of a roster or implement a new roster unless it has given all affected employees at least 4 weeks' notice of the change or new roster, or secured the agreement of all affected employees.</p> <p>An employer may require an employee to work a different shift or shift roster upon giving 48 hours' notice or such shorter period as is agreed or as operational circumstances reasonably require.</p> <p>Subject to the approval of the employer, employees may, by agreement, exchange shifts and days off, but in these circumstances pay will be as if the work had proceeded according to the roster.</p>
24.3	Recall (Instrument)	An employee recalled to work overtime, other than for emergency work, after leaving the employer's premises (whether notified before or after leaving the premises) will be engaged to work for a minimum of 3 hours or will be paid for a minimum of 3 hours' work.
24.4	Other (Instrument)	<p>Call-out</p> <p>An employee called out on emergency work will be entitled to payment for such work from the time of leaving home to returning home, but they must return home within a reasonable time, provided that such payment must not be less than two hours at the appropriate overtime rate.</p> <p>An employee called out on emergency work means an employee required to attend to a call-out request on an unscheduled basis outside of normal business/roster hours.</p>
24.5	Other (Instrument)	<p>Availability duty and duty officer</p> <p>An employee may be required, on a rostered basis, to make themselves available outside of ordinary working hours. Such an employee includes a duty officer and will be paid the availability allowance prescribed by the award.</p> <p>A duty officer will be paid for the time spent working on the telephone whenever the period or periods aggregate to more than fifteen minutes per day. Such payment is at the applicable penalty rate. A call-out minimum does not apply to time spent on the telephone.</p> <p>For each year of continuous rostering on availability duty, an employee will receive an additional week's availability allowance in addition to their annual leave entitlements.</p>

Clause	Conditions Type	Description
24.6	Daylight saving (Instrument)	<p>Where by reason of State or Territory legislation summer time is prescribed as being in advance of the standard time in that state, the length of any shift commencing before the time prescribed by the relevant legislation for the commencement of a summer time period or commencing on or before the time prescribed by the relevant legislation for the termination of a summer time period, is deemed to be the number of hours represented by the difference between the time recorded by the clock at the beginning of the shift and the time so recorded at the end of the shift. The time of the clock in each case is to be set to the time fixed by the relevant legislation.</p> <p>The terms standard time and summer time have the same meaning as in the relevant State or Territory legislation.</p>
25.1-3	Breaks - meal (Instrument)	<p>Breaks for all employees will be scheduled by the employer based upon operational requirements to ensure continuity of operations. The employer will not require an employee to work more than five hours before the first meal/crib break is taken or between subsequent meal/crib breaks, if any.</p> <p>Day workers</p> <p>An employee who is a day worker will not be required to work more than five hours without an unpaid meal break of not less than 30 minutes.</p> <p>Paid morning and afternoon tea breaks of 7.5 minutes each will be allowed to day workers.</p> <p>Shiftworkers</p> <p>A shiftworker working a shift of less than 10 hours will be entitled to a crib break of 20 minutes which will count as time worked.</p> <p>A shiftworker working a shift of 10 hours or longer will be entitled to crib breaks totalling 30 minutes which will count as time worked.</p>
25.4	Breaks - meal (Instrument)	Work which is continuous with ordinary hours

Clause	Conditions Type	Description
		<p>An employee who is required to work overtime for not less than two hours but not more than four hours before or after working ordinary rostered hours will receive during such overtime a crib break of 20 minutes which will count as time worked.</p> <p>Where the overtime is to continue after the fourth hour (and after each subsequent four hours) the employee will receive a crib break of 20 minutes which will count as time worked.</p>
25.5	Breaks - meal (Instrument)	An employee who is required to return to work (other than for pre-planned overtime) outside ordinary hours or on a Saturday, Sunday, public holiday or rostered day off will receive, after the fourth hour (and after each subsequent four hours) a crib break of 20 minutes which will count as time worked.
25.7	Break between work periods (Instrument)	<p>When overtime work is required it will, wherever reasonably practicable, be arranged so that employees have at least 10 consecutive hours off work between work on successive working days.</p> <p>An employee (other than a casual employee) who works so much overtime between the termination of ordinary work on one day and the commencement of ordinary work on the next day that the employee has not had at least 10 consecutive hours off work between those times will be released after completion of the overtime until the employee has had 10 consecutive hours off work without loss of pay for ordinary working time occurring during such absence. This provision applies in the case of employees when rostered for call-out as if 8 hours were substituted for 10 hours, when performing other than pre-arranged work.</p> <p>These provisions will apply in the case of employees when rostered for call out as if eight hours were substituted for 10 hours, when performing other than pre-arranged work.</p> <p>These provisions will apply in the case of shiftworkers as if 8 hours were substituted for 10 hours when overtime is worked:</p> <ul style="list-style-type: none"> - for the purpose of changing shift rosters - where a shift is worked by arrangement between the employees themselves, or - on a recall or call-out.
26.3	Overtime – time off in lieu (Instrument)	Where overtime is worked and payment is due in the terms of this clause, time off may be granted instead of payment on the following basis:

Clause	Conditions Type	Description
		<p>(a) One day off may be substituted for a portion of the payment due with the balance of the payment being made in money where:</p> <ul style="list-style-type: none"> - at least a full day of overtime is worked on a Saturday or Sunday by a dayworker; or - at least a full shift of overtime is worked on a rostered day off by a shiftworker, or where a shiftworker works a double shift in the absence of the incoming shift relief. <p>(b) A maximum of 10 such days off will be granted in any year. The year period for the granting of the maximum of 10 days will be the leave year for each employee. The taking of time is subject to operational requirements.</p> <p>(c) The granting of such time off will not be used as a basis to increase the number of employees located at any establishment.</p>
27.2	Annual leave (Instrument)	<p>For the purpose of the National Employment Standard, a shiftworker is an employee:</p> <ul style="list-style-type: none"> - who works a roster and who, over the roster cycle, may be rostered to work ordinary time shifts on any of the seven days of the week, and - who is regularly rostered to work on Sundays and public holidays.
27.3	Annual leave loading (Instrument)	<p>An employee receiving an allowance on a continuous basis will continue to receive the allowance on all annual leave, subject to, in the case of higher duties allowance, the employee resuming higher duties on completion of the leave.</p> <p>An employee taking leave will also be entitled to a sum equal to the greater of:</p> <ul style="list-style-type: none"> - 17.5% of their ordinary weekly rate including appropriate allowances (excluding shift penalties and weekend penalty payments), or - shift allowance and/or Saturday or Sunday penalty rates according to the employee's roster or projected roster.
27.4	Annual leave (Instrument)	Illness during a period of annual leave

Clause	Conditions Type	Description
		Subject to the provision of a medical certificate, any period of illness of one day or more occurring during leave may be claimed as personal leave and either an equivalent period of annual leave will be re-credited, or the employee's period of absence extended.
27.5	Annual leave - excessive leave (Instrument)	<p>An employer may direct an employee to take paid annual leave if the employee has accrued more than eight weeks' paid annual leave or, in the case of a shiftworker who works a 12 hour roster; a three-shift roster or other shift roster where the employee is regularly rostered on Sundays and public holidays and has accrued 10 weeks' paid annual leave.</p> <p>An employer must give an employee at least one month's notice of the requirement to take annual leave prior to the date the employee is required to commence the annual leave.</p>
27.6	Annual leave (Instrument)	<p>Taking of annual leave during shut-down</p> <p>An employer may direct an employee to take paid annual leave during all or part of a period where the employer shuts down the business or part of the business where the employee works. If an employee does not have sufficient accrued annual leave for the period of the shut-down then the employee may be required to take leave without pay.</p>
27.7	Annual leave (Instrument)	<p>Payment on termination of employment</p> <p>Upon termination of employment for any reason, an employee will be paid out accrued leave at the ordinary rate of pay applicable to the employee on the date when the employment terminated provided that, if the employee is a shiftworker, the employee will also be paid shift allowance and/or Saturday or Sunday penalty rates according to the employee's roster or projected roster.</p>
30.2	Public holidays (Instrument)	<p>An employer and a majority of affected employees or an individual employee may reach agreement to substitute a day or part-day for a day or part-day that would otherwise be a public holiday under the terms of the NES.</p> <p>Where a rostered day off falls on a public holiday as prescribed in the NES the next working day will be substituted or another day by written agreement.</p>
31	Consultation (Instrument)	<p>Dispute resolution procedure training leave</p>

Clause	Conditions Type	Description
		<p>An eligible employee representative is entitled to, and the employer must grant, up to five days' training leave with pay to attend courses which are directed at the enhancement of the operation of the dispute resolution procedure including its operation in connection with this award and with the Act, or with any relevant agreement which provides it is to be read in conjunction with this award.</p> <p>An eligible employee representative must give the employer six weeks' notice of the employee representative's intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.</p> <p>The notice to the employer must include details of the type, content and duration of the course to be attended.</p> <p>The taking of such leave must be arranged having regard to the operational requirements of the employer so as to minimise any adverse effect on those requirements.</p> <p>An eligible employee representative taking such leave must be paid the wages the employee would have received in respect of the ordinary time the employee would have worked had they not been on leave during the relevant period.</p> <p>Leave taken under this clause counts as service for all purposes of this award.</p> <p>For the purpose of determining the entitlement of employee representatives to dispute resolution procedure training leave, an eligible employee representative is an employee:</p> <ul style="list-style-type: none"> - who is a shop steward, a delegate, or an employee representative duly elected or appointed by the employees in an enterprise or workplace generally or collectively for all or part of an enterprise or workplace for the purpose of representing those employees in the dispute resolution procedure; and - who is within the class and number of employee representatives entitled from year to year to take paid dispute resolution procedure training leave according to the following quota table: <p>Number of employees employed by the employer in an enterprise or workplace: Maximum number of eligible employee representatives entitled per year</p> <p>5–15 employees : 1 representative 16–30 employees : 2 representatives</p>

Clause	Conditions Type	Description
		<p>31–50 employees : 3 representatives 51–90 employees : 4 representatives More than 90 employees : 5 representatives</p> <p>Where the number of eligible employee representatives exceeds the quota at any particular time for a relevant enterprise or workplace, priority of entitlement for the relevant year must be resolved by agreement between those entitled or, if not agreed, be given to the more senior of the employee representatives otherwise eligible who seeks leave.</p> <p>For the purpose of applying the quota table, employees employed by the employer in an enterprise or workplace are full-time and part-time employees, and casual employees with six months or more service, covered by this award who are employed by the employer and engaged in the enterprise or workplace to which the Dispute resolution procedure applies.</p>

Frequency of Payment

Wages must be paid weekly or fortnightly by electronic funds transfer into employees' bank, building society or credit union accounts.

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>