

### PAY AND CONDITIONS GUIDE

**Travelling Shows Award 2010 [MA000102]** ('modern award')  
replacing terms and conditions in or derived from

**Theatrical Employees (Showmen's Guild) Award 2002**  
**[AP816117]** ('pre-modern award')

**(ACT, NSW, NT, QLD, SA, TAS, VIC, WA)**

Effective from 01 July 2013.

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#### **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 NPSA. 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 industry of travelling shows including the operation by an itinerant employer of any stand, fixture or structure for the purpose of providing amusement, food and/or recreation (but excluding the sale of sample bags) during the currency of and associated with any agricultural or horticultural show, carnival, rodeo, gymkhana, community event or festival, including the erection and/or dismantling and/or maintenance of such stand, fixture or structure, and their employees in the classifications in clause 13—Classifications.

This award does not cover employers bound by the General Retail Industry Award 2010.

This award does not cover employees who are immediate family members of the employer.

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

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

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

This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at clause 4.1 and those 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. This subclause operates subject to the exclusions from coverage in this award.

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

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

## **Wages**

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

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

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

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

### Casual employees

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

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

\*Post 26 March 2006 employer

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

### Adult

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

### Full & Part Time

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 1	All others	\$16.37
Grade 2	Assistant to construction technician and/or erector	\$17.29
Grade 3	Construction technician and/or erector	\$17.78

### Casual

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 1	Ride attendants	\$20.30 (24%)
Grade 1	All others	\$20.30 (24%)
Grade 2	Ticket seller	\$21.63 (24%)
Grade 2	Assistant to construction technician and/or erector	\$21.44 (24%)
Grade 3	Assistant supervisor/ operator or leading hand	\$22.44 (24%)
Grade 3	Construction technician and/or erector	\$22.05 (24%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Grade 4	Supervisor/operator	\$24.21 (24%)

## **Junior**

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

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
<b>Full &amp; Part Time</b>		
18 years and under	Weekly junior employee, Construction technician and/or erector, 18 years	\$13.10
18 years and under	Weekly junior employee, Assistant to Construction technician and/or erector, 18 years	\$13.10
18 years and under	Weekly junior employee, All others, 18 years	\$13.10
19 years	Weekly junior employee, Construction technician and/or erector, 19 years	\$14.74
19 years	Weekly junior employee, Assistant to Construction technician and/or erector, 19 years	\$14.74
19 years	Weekly junior employee, All others, 19 years	\$14.74
20 years and over	Weekly junior employee, Construction technician and/or erector, 20 years	\$16.37
20 years and over	Weekly junior employee, Assistant to Construction technician and/or erector, 20 years	\$16.37
20 years and over	Weekly junior employee, All others, 20 years	\$16.37
<b>Casual</b>		
18 years and under	Weekly junior employee, Supervisor/operator (where four or more are employed), 18 years and under	\$16.71 (24%)
18 years and under	Weekly junior employee, Assistant supervisor/operator, 18 years and under	\$16.61 (24%)
18 years and under	Weekly junior employee, Ticket seller, 18 years and under	\$16.39 (24%)
18 years and under	Weekly junior employee, Ride attendants, 18 years and under	\$16.24 (24%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
18 years and under	Weekly junior employee, Construction technician and/or erector, 18 years	\$16.24 (24%)
18 years and under	Weekly junior employee, Assistant to Construction technician and/or erector, 18 years	\$16.24 (24%)
18 years and under	Weekly junior employee, All others, 18 years	\$16.24 (24%)
19 years	Weekly junior employee, Supervisor/operator (where four or more are employed), 19 years	\$18.80 (24%)
19 years	Weekly junior employee, Assistant supervisor/operator, 19 years	\$18.27 (24%)
19 years	Weekly junior employee, Ticket seller, 19 years	\$18.44 (24%)
19 years	Weekly junior employee, Ride attendants, 19 years	\$18.27 (24%)
19 years	Weekly junior employee, Construction technician and/or erector, 19 years	\$18.27 (24%)
19 years	Weekly junior employee, Assistant to Construction technician and/or erector, 19 years	\$18.27 (24%)
19 years	Weekly junior employee, All others, 19 years	\$18.27 (24%)
20 years and over	Weekly junior employee, Construction technician and/or erector, 20 years	\$20.30 (24%)
20 years and over	Weekly junior employee, Assistant to Construction technician and/or erector, 20 years	\$20.30 (24%)
20 years and over	Weekly junior employee, All others, 20 years	\$20.30 (24%)

### **Apprentice**

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

### **Trainee**

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

### **Supported Wage**

Please refer to clause 14.3 of the modern award.

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

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

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

### **Transitional arrangements**

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

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

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

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

### **Equivalent entitlements**

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

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

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

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

*Example:*

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

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

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

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

*Example:*

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

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

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

**Entitlements that are not equivalent**

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

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

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

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

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

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

*Example:*

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

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

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

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

**New entitlements**

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

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

*Example:*

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

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

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

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

## **Allowances**

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

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

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
15.1	Driver - additional payments	Where an employer requires an employee to drive a motor vehicle in excess of 2036.4 kg (two tons) tare weight, such employee will be paid an additional amount of 1.5% of the standard rate, per day for any day in which the employee is so employed.  1.5% of the standard rate x 38 = 57% of the hourly rate of pay	1/07/2013	\$9.9720 per day (57.00%)
15.3	First aid allowance	An employee holding a first aid qualification from St John Ambulance or a similar body and who is appointed to perform first aid duties must be paid an allowance of 2% of the standard rate, payable on a weekly or hourly basis as the case may be.	1/07/2013	\$0.3499 per hour (2.00%)
15.4	Uniform allowance	Where the employer requires a uniform to be worn, the employer must reimburse the cost of purchasing the uniform. These provisions do not apply where the uniform is supplied by the employer at the employer's expense. Where the uniform is supplied by the employer, it will remain the property of the employer and must be returned to the employer on the termination of the employee's employment.  If an employee is required to launder any garments that are part of a uniform,	1/01/2010	\$0.1895 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
		the employer will pay an allowance per week. The provisions of this clause do not apply where the employer launders such garments.		
15.5	Travel allowance	<p>An employee engaged under this award may be required to present themselves at various localities throughout Australia at the direction of the employer.</p> <p>Where an employee is so directed and complies with such direction to travel between show destinations in the employee's own vehicle, the employer will pay an allowance per kilometre travelled.</p> <p>The provisions of this clause do not apply where the employer provides or offers to provide the employee with an alternative mode of transport. The method of transportation is at the sole discretion of the employer.</p>	1/07/2013	\$0.7600 per kilometre

### **Other Conditions**

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

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

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

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

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <ul style="list-style-type: none"> <li>- arrangements for when work is performed</li> <li>- overtime rates</li> <li>- penalty rates</li> <li>- allowances</li> <li>- leave loading.</li> </ul> <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> <li>- duty to notify, and</li> <li>- duty to discuss change.</li> </ul>
9	Dispute resolution (Instrument)	<p>The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).</p>
10.3	Part-time conditions (Instrument)	<p>An employer may employ part-time employees in any classification in this award.</p> <p>A part-time employee is an employee who:</p> <ul style="list-style-type: none"> <li>- works less than full-time hours of 38 per week</li> <li>- has reasonably predictable hours of work, 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>At the time of engagement, the employer and the part-time employee will agree in writing on a regular pattern of work, specifying at least the hours worked each day, which days of the week the employee will work and the actual starting and finishing times each day.</p> <p>Any agreed variation to the regular pattern of work will be recorded in writing.</p> <p>An employer is required to roster a part-time employee for a minimum of three consecutive hours on any shift.</p>

Clause	Conditions Type	Description
		<p>An employee who has not met the definition of a part-time employee and who is not a full-time employee, will be paid as a casual employee.</p> <p>A part-time employee employed under the provisions of this clause must be paid for ordinary hours worked at the rate of 1/38th of the weekly rate prescribed for the class of work performed.</p>
10.4	Casual conditions (Instrument)	<p>Employees may be engaged as casual employees subject to the following conditions:</p> <p>A casual employee is engaged by the hour for not more than 38 ordinary hours per week Monday to Sunday.</p> <p>A casual employee may leave the employer's service or be discharged without notice.</p> <p>Casual employees may be employed for up to eight ordinary hours each day, provided that all time worked in excess of eight ordinary working hours on any one day will be overtime.</p> <p>Casual employees will be paid the hourly rates prescribed for the appropriate classification plus an ordinary time loading of 25%.</p> <p>A casual employee will be engaged for a minimum period of three hours work or receive a minimum payment of three hours per engagement.</p>
11.2	Termination of employment - notice of termination by an employee (Instrument)	<p>The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.</p>
11.3	Termination of employment - job search entitlement (Instrument)	<p>Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.</p>
12.2	Redundancy - transfer to lower paid duties (Instrument)	<p>Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.</p>

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
12.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
12.4	Redundancy - job search entitlement (Instrument)	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.
12.5	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 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.  This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.
15.2	Protective clothing, footwear and covering allowance (Instrument)	Where an employee is required to wear protective clothing (e.g. oilskins, gumboots, overalls, goggles, safety boots, bowling shoes, etc.), the employer must reimburse the cost of purchasing such special clothing and equipment on proof of purchase. The employee is responsible for maintaining these items in a serviceable condition.  The reimbursement provisions of this subclause do not apply where the clothing and equipment is paid for by the employer.
15.5(b)	Accommodation (Instrument)	Where an employee is required to be absent from the State or Territory which is their recognised place of abode the employer will reimburse the employee for the cost of accommodation.

Clause	Conditions Type	Description
		<p>These provisions do not apply where the employer provides or offers to provide the employee with the accommodation. However, if an employee elects to provide and so provides a caravan, tent or like accommodation and requests the employer to arrange movement of such accommodation from one venue to another the employer may require the employee to pay such reasonable charges as may be incurred by the employer in assisting the employee to arrange transportation of the caravan, tent or similar accommodation.</p> <p>Where suitable meals or board are not readily available, the employer may supply such meals or board and will not charge, nor deduct from the employee's wages, any amount in excess of the actual cost of the meal or board.</p>
16	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>
17	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> <li>- a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and</li> <li>- 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.</li> </ul> <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>

Clause	Conditions Type	Description
18	Higher duties (Instrument)	An employee who is required to perform work for which a higher rate is fixed than that provided for their ordinary duties must, if such work exceeds a total of four hours on any day, be paid at the higher rate for all work done on such day. In all other cases the employee must be paid for the actual time worked at the higher rate.
19.2	Method of payment (Instrument)	Wages may be paid by cash, cheque or into a nominated bank or financial institution account as agreed between an employer and an employee. If payment is by cash or cheque, wages must be paid during ordinary working hours.
20	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> <li>- the employers responsibility to make superannuation contributions to a superannuation fund</li> <li>- the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund</li> <li>- the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.</li> </ul>
21	Hours of work (Instrument)	<p><b>Ordinary hours of work and rostering</b></p> <p>The ordinary hours of work will not exceed an average of 38 per week over a maximum of 28 days. Provided that the ordinary working hours may exceed eight up to a maximum of 10 on any one day by agreement between the employer and the majority of employees involved.</p> <p>Daily working hours for full-time employees will be worked continuously except for meal breaks.</p> <p><b>Rosters</b></p> <p>All employees must be notified by their employer of their working shifts. At least 24 hours' notice will be given to the employee should any alteration of the rostered shift be made.</p> <p>Subject to the approval of the employer, employees may mutually arrange to temporarily change rosters. Rosters so changed will be paid for at the rates applicable to the original roster.</p>

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
22.1	Breaks - meal (Instrument)	<p><b>Meal breaks—other than casual employees</b></p> <p>An employee, other than a casual, must be allowed an unpaid meal break of not less than 30 minutes, not more than 60 minutes and not later than five hours after commencing work.</p> <p><b>Special meal break provision</b></p> <p>Where an employee is instructed by their employer to remain on call during their meal period, that period will be paid for at the ordinary rate of pay.</p>
22.3	Breaks - rest (Instrument)	<p><b>Rest breaks—casual employees</b></p> <p>Casual employees engaged for a minimum of five hours must be allowed a rest break of 20 minutes without deduction of pay.</p> <p>Casual employees required to continue working for a further five hours must be allowed a further rest break of 20 minutes without deduction of pay.</p> <p>Both of the above rest breaks must be taken at a time convenient to the employer but not at the beginning or the end of the period of duty.</p>
24.2	Annual leave loading (Instrument)	<p>Before the start of the employee's annual leave the employer must pay the employee an additional loading of 17.5% of the minimum rate.</p>

## **Frequency of Payment**

Wages may be paid weekly or fortnightly.

Wages will be paid no later than the Thursday of the agreed pay period, unless the employer and the majority of employees agree to a later payment.

Casual employees will be paid at the end of each show, carnival or festival as the case may be.

## **Method of payment**

Wages may be paid by cash, cheque or into a nominated bank or financial institution account as agreed between an employer and an employee. If payment is by cash or cheque, wages must be paid during ordinary working hours.



**IMPORTANT NOTE: Disclaimer**

The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The Pay and Conditions Guides are provided for that purpose.

There are factors that may affect the information contained in these Guides. These include:

- changes to pay rates, allowances, penalties or modern award provisions; eg after FWA's annual wage review which takes effect on 1 July each year
- changes to the Fair Work Act or other relevant legislation
- decisions of courts or Fair Work Australia, in particular regarding the effect of provisions in modern awards and pre-modern awards where those differ from the approach taken by the FWO.

The FWO will consider these matters and where appropriate update the Guides.

It is your responsibility to comply with workplace laws and industrial instruments that apply to you.

The information contained in these Pay and Conditions Guides is:

- general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and
- not legal advice.

Therefore you may wish to seek your own independent professional advice to ensure all the factors relevant to your circumstances are properly considered.