



DRAFT DETERMINATION

Fair Work Act 2009
s 285—Annual wage review

Annual Wage Review 2022–23
(C2023/1)

BUILDING AND CONSTRUCTION GENERAL ON-SITE AWARD 2020
[MA000020]

Building, metal and civil construction industries

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT CATANZARITI
VICE PRESIDENT ASBURY
DEPUTY PRESIDENT HAMPTON
MS LABINE-ROMAIN
PROFESSOR BAIRD
MR CULLY

SYDNEY, XX JUNE 2023

Annual Wage Review 2022–23.

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2022–23 on 2 June 2023 [[2023] FWCFB 3500], the above award is varied as follows:

- By deleting the table appearing in clause 19.1(a) and inserting the following:

Level	Minimum weekly rate	Minimum hourly rate
	\$	\$
Level 9 (ECW 9)	1164.10	30.63
Level 8 (CW/ECW 8)	1144.00	30.11
Level 7 (CW/ECW 7)	1116.80	29.39
Level 6 (CW/ECW 6)	1085.80	28.57
Level 5 (CW/ECW 5)	1057.60	27.83
Level 4 (CW/ECW 4)	1026.30	27.01
Level 3 (CW/ECW 3)	995.00	26.18
Level 2 (CW/ECW 2)	966.80	25.44

Level	Minimum weekly rate	Minimum hourly rate
	\$	\$
Level 1 (CW/ECW 1)— CW/ECW 1 (level d)	947.80	24.94
Level 1 (CW/ECW 1)— CW/ECW 1 (level c)	931.10	24.50
Level 1 (CW/ECW 1)— CW/ECW 1 (level b)	918.70	24.18
Level 1 (CW/ECW 1)— CW/ECW1 (level a)	901.00	23.71

2. By deleting the amount “\$22.58” appearing in clause 19.5 and inserting “\$23.88”.
3. By deleting the amount “\$56.45” appearing in clause 22.1(a) and inserting “\$59.70”.
4. By deleting the amount “\$45.16” appearing in clause 22.1(b) and inserting “\$47.76”.
5. By deleting the amount “\$16.94” appearing in clause 23.2(a) and inserting “\$17.91”.
6. By deleting the amount “\$3.76” appearing in clause 23.2(b) and inserting “\$3.98”.
7. By deleting the amounts “\$0.79” and “\$1.58” wherever they appear in clause 23.3(d) and inserting “\$0.84” and “\$1.68” respectively.
8. By deleting the table appearing in clause 23.3(e)(i) and inserting the following

Storeys	\$ per hour
From the commencement of building to 15th floor level	0.68
From the 16th to 30th floor level	0.81
From the 31st to 45th floor level	1.26
From the 46th to 60th floor level	1.62
From the 61st floor level onward	1.99

9. By deleting the amount “\$0.79” wherever it appears in clause 23.3(f)(i) and inserting “\$0.84”.
10. By deleting the amount “\$3.32” appearing in clause 23.4(c) and inserting “\$3.51”.
11. By deleting the amount “\$1.11” appearing in clause 23.5 and inserting “\$1.18”.
12. By deleting the amount “\$3.39” appearing in clause 23.6(b)(i) and inserting “\$3.58”.

13. By deleting the amount “\$5.36” appearing in clause 23.6(b)(ii) and inserting “\$5.67”.
14. By deleting the amount “\$74.33” appearing in clause 23.7 and inserting “\$78.61”.
15. By deleting the amount “\$30.11” appearing in clause 23.8(a) and inserting “\$31.84”.
16. By deleting the amount “\$44.22” appearing in clause 23.9(b) and inserting “\$46.77”.
17. By deleting the amount “\$5.77” appearing in clause 23.10(b)(i) and inserting “\$6.10”.
18. By deleting the amount “\$0.79” appearing in clause 23.10(c) and inserting “\$0.84”.
19. By deleting the amount “\$139.25” appearing in clause 42.2(a) and inserting “\$147.26”.
20. By deleting the table appearing in clause 43.2 and inserting the following:

Classification	Supervision of 3 or more tradespersons, excluding leading hands	Supervision of other than 3 or more tradespersons, excluding leading hands
	\$	\$
Foreperson/supervisor	1068.60	1158.40
General foreperson/supervisor	1039.70	1134.00

21. By deleting the amount “\$940.90” appearing in clause B.1.1 and inserting “\$995.00”.
22. By deleting the table appearing in clause B.1.1 and inserting the following:

Allowance	Clause	% of weekly standard rate	\$	Payable
Industry allowances				
General building and construction industry allowance*	22.1(a)	6.0	59.70	per week
Civil construction industry allowance*	22.1(a)	6.0	59.70	per week
Metal and engineering construction industry allowance*	22.1(a)	6.0	59.70	per week
Residential building and construction industry*	22.1(b)	4.8	47.76	per week
All sectors				
Mobile cranes capacity adjustment formula (Level 5 (CW/EW5) and above)	19.5	2.4	23.88	per week for each additional 40 tonnes

Allowance	Clause	% of weekly standard rate	\$	Payable
				over max limit
Underground allowance (other than Operator classification)*	23.2(a)	1.8	17.91	per week
Underground allowance—no more than 4 days/shifts in ordinary week	23.2(b)	0.4	3.98	per day or shift
First aid allowance—minimum qualifications	23.6(b)(i)	0.36	3.58	per day
First aid allowance—higher first aid certificate	23.6(b)(ii)	0.57	5.67	per day
Air-conditioning industry and refrigeration industry allowances	23.7	7.9	78.61	per week
Electrician’s licence allowance*	23.8(a)	3.2	31.84	per week
In charge of plant allowance	23.9(b)	4.7	46.77	per week
Lift industry				
Lift industry allowance*	42.2(a)	14.8	147.26	per week

23. By deleting the amount “\$24.76” appearing in clause B.1.2 and inserting “\$26.18”.

24. By deleting the table appearing in clause B.1.2 and inserting the following:

Allowance	Clause	% of hourly standard rate	\$	Payable
All sectors				
Multistorey allowance—structure without regular storey levels—work above 15 metres	23.3(d)	3.2	0.84	per hour
Multistorey allowance—structure without regular storey levels—work above each additional 15 metres	23.3(d)	3.2	0.84	per hour for each additional 15 metres
Multistorey allowance—commencement of building to 15th floor level	23.3(e)(i)	2.6	0.68	per hour
Multistorey allowance—16th to 30th floor level—where structural or reinforcing steel, boxing or walls rise above 16th floor	23.3(e)(i)	3.1	0.81	per hour

Allowance	Clause	% of hourly standard rate	\$	Payable
Multistorey allowance—31st to 45th floor level—where structural or reinforcing steel, boxing or walls rise above 31st floor	23.3(e)(i)	4.8	1.26	per hour
Multistorey allowance—46th to 60th floor level—where structural or reinforcing steel, boxing or walls rise above 46th floor	23.3(e)(i)	6.2	1.62	per hour
Multistorey allowance—61st floor level onward—where structural or reinforcing steel, boxing or walls rise above 61st floor	23.3(e)(i)	7.6	1.99	per hour
Multistorey allowance—service core—work more than 15 metres above main structure	23.3(f)(i)	3.2	0.84	per hour
Multistorey allowance—service core—work above each additional 15 metres	23.3(f)(i)	3.2	0.84	per hour for each additional 15 metres
Laser safety officer allowance	23.4(c)	13.4	3.51	per day or part thereof
Carpenter-diver allowance ¹	23.5	4.5	1.18	per hour
General building and construction sector				
Computing quantities allowance	23.10(b)(i)	23.3	6.10	per day or part thereof
Scaffolding or rigging certificate allowance	23.10(c)	3.2	0.84	per hour

25. By deleting clause D.4 and inserting the following:

D.4 Minimum rates

D.4.1 Minimum weekly rates for full-time traineeships

(a) Civil construction traineeships

The minimum weekly rate payable to civil construction trainees, including trainees undertaking a civil construction traineeship from the *Resources and Infrastructure Industry Training Package*, will be as follows:

Item	Stage 1	Stage 2	Stage 3
	\$	\$	\$
Base rate	775.62	817.42	867.52
Industry allowance— civil construction industry	59.70	59.70	59.70
Total weekly rate	835.32	877.12	927.22

(b) Other traineeships

- (i) Rates of pay for trainees in the general building and construction industry and the metal and engineering construction industry will be as follows:

Item	Wage level B	Wage level A
	\$	\$
Base rate	688.92	706.92
Industry allowance	59.70	59.70
Weekly rate	748.62	766.62

- (ii) Rates of pay for trainees in the residential building and construction industry will be as follows:

Item	Wage level B	Wage level A
	\$	\$
Base rate	688.92	706.92
Industry allowance	47.76	47.76
Weekly rate	736.68	754.68

- (iii) All other disability and expense-related allowances provided for in this award will be payable to trainees from time to time, if applicable, but no other allowances will apply.

(c) AQF Certificate Level IV traineeships

The minimum rate for a full-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum rate for the relevant AQF Certificate Level III traineeship (as set out in clause D.4.1) increased by 3.8%.

D.4.2 Minimum hourly rates for part-time traineeships

(a) Wage level A

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause D.6.1 is the relevant weekly rate from clause D.4.1 divided by 30.4.

NOTE: See clause D.4.2(e) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(a).

(b) Wage level B

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause D.6.2 is the relevant weekly rate from clause D.4.1 divided by 30.4.

NOTE: See clause D.4.2(e) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(b).

(c) School-based traineeships

The minimum hourly rate for a part-time trainee who works ordinary hours and is undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage levels A or B by clause D.6 is the hourly rate in column 1 or 2 of **Table 1—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)** according to the year of schooling of the trainee.

Table 1—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)

Column 1	Column 2
Year 11 or lower	Year 12
per hour	per hour
\$12.64	\$13.92

NOTE: See clause D.4.2(e) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(c).

(d) AQF Certificate Level IV traineeships

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum hourly rate for the relevant AQF Certificate Level III traineeship (as calculated by clause D.4.2(a), D.4.2(b) or D.4.2(c)) increased by 3.8%.

NOTE: See clause D.4.2(e) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(d).

(e) Calculating the actual minimum wage

- (i)** If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate minimum hourly rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses D.4.2(a) to D.4.2(d) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
- (ii)** If the approved training for a part-time traineeship is provided wholly off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses D.4.2(a) to D.4.2(d) applies to each ordinary hour worked by the trainee.
- (iii)** If the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum hourly rate in clauses D.4.2(a) to D.4.2(d) minus 20% applies to each ordinary hour worked by the trainee.

D.4.3 Other minimum wage provisions

- (a)** Clause D.4.3 applies despite anything to the contrary in clause D.4.2.
- (b)** An employee who was employed by an employer immediately before becoming a trainee with that employer must not suffer a reduction in their minimum rate of pay because of becoming a trainee.
- (c)** For the purpose of determining whether a trainee has suffered a reduction as mentioned in clause D.4.3(b), casual loadings are to be disregarded.
- (d)** If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum rate provided in this schedule, if a higher minimum rate is provided for the new AQF certificate level.

D.4.4 Default wage rate

The minimum wage for a trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate level are not allocated to a wage level by clause D.6 is the relevant minimum wage under this schedule for a

trainee undertaking an AQF Certificate to Level I–III traineeship whose training package and AQF certificate level are allocated to wage level B.

B. This determination comes into operation on 1 July 2023. In accordance with s 286(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 1 July 2023.

PRESIDENT