



DRAFT DETERMINATION

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2020–21
(C2021/1)

ABORIGINAL LEGAL RIGHTS MOVEMENT AWARD 2016
[MA000139]

Indigenous organisations and services

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT ASBURY
COMMISSIONER HAMPTON
MR FERGUSON
PROFESSOR WOODEN
MS LABINE-ROMAIN

MELBOURNE, XX JUNE 2021

Annual Wage Review 2020–21.

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2020–21 on 16 June 2021 [[2021] FWCFB 3500], the above award is varied as follows:

1. By deleting the table appearing in clause 15.1(a) and inserting the following:

Level	\$ per week
Level 1	800.50
Level 2	857.30
Level 3	936.00
Level 4	1002.90
Level 5	1081.30
Level 6	1144.80
Level 7	1305.90
Level 8	1382.00

2. By deleting the table appearing in clause 15.1(b) and inserting the following:

Level	\$ per week
Level 1	1081.30
Level 2	1144.80
Level 3	1305.90

3. By deleting the table appearing in clause 15.1(c) and inserting the following:

Level	\$ per week
Level 1	1081.30
Level 2	1230.80
Level 3	1411.60
Level 4	1669.80
Level 5	1927.80

4. By deleting the table appearing in clause 15.1(d) and inserting the following:

Level	\$ per week
Level 1	1669.80

5. By deleting the amount “\$8.38” appearing in clause 16.2(a) and inserting “\$8.59”.
6. By deleting the amount “\$10.55” appearing in clause 16.2(b) and inserting “\$10.81”.
7. By deleting the amount “\$12.85” appearing in clause 16.2(c) and inserting “\$13.17”.
8. By deleting the amount “\$2887” appearing in clause 16.8 and inserting “\$2959”.
9. By deleting the amount “\$2868” appearing in clause 19.4(e) and inserting “\$2940”.
10. By deleting clause C.5 and inserting the following:

C.5 Minimum Wages

C.5.1 Minimum wages for full-time traineeships

(a) Wage Level A

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix C1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	347.10	382.20	455.30
Plus 1 year out of school	382.20	455.30	529.90
Plus 2 years out of school	455.30	529.90	616.60
Plus 3 years out of school	529.90	616.60	706.00
Plus 4 years out of school	616.60	706.00	
Plus 5 or more years out of school	706.00		

(b) Wage Level B

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix C1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	347.10	382.20	443.00
Plus 1 year out of school	382.20	443.00	509.60
Plus 2 years out of school	443.00	509.60	597.70
Plus 3 years out of school	509.60	597.70	681.70
Plus 4 years out of school	597.70	681.70	
Plus 5 or more years out of school	681.70		

(c) Wage Level C

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix C1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	347.10	382.20	443.00
Plus 1 year out of school	382.20	443.00	498.80
Plus 2 years out of school	443.00	498.80	557.30
Plus 3 years out of school	498.80	557.30	620.70
Plus 4 years out of school	557.30	620.70	
Plus 5 or more years out of school	620.70		

(d) AQF Certificate Level IV traineeships

- (i) Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level IV traineeship are the minimum wages for the relevant full-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.
- (ii) Subject to clause C.5.3 of this schedule, the minimum wages for an adult trainee undertaking a full-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of	Second and
	traineeship	subsequent years of
	per week	per week
	\$	\$
Wage Level A	733.40	761.80
Wage Level B	707.60	734.60
Wage Level C	643.90	668.20

C.5.2 Minimum wages for part-time traineeships

(a) Wage Level A

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix C1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	11.42	12.59	14.99
Plus 1 year out of school	12.59	14.99	17.45
Plus 2 years out of school	14.99	17.45	20.28
Plus 3 years out of school	17.45	20.28	23.22
Plus 4 years out of school	20.28	23.22	
Plus 5 or more years out of school	23.22		

(b) Wage Level B

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix C1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	11.42	12.59	14.59
Plus 1 year out of school	12.59	14.59	16.77
Plus 2 years out of school	14.59	16.77	19.68
Plus 3 years out of school	16.77	19.68	22.45
Plus 4 years out of school	19.68	22.45	
Plus 5 or more years out of school	22.45		

(c) Wage Level C

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix C1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	11.42	12.59	14.59
Plus 1 year out of school	12.59	14.59	16.41
Plus 2 years out of school	14.59	16.41	18.33
Plus 3 years out of school	16.41	18.33	20.42
Plus 4 years out of school	18.33	20.42	
Plus 5 or more years out of school	20.42		

(d) School-based traineeships

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Levels A, B or C by Appendix C1 are as follows when the trainee works ordinary hours:

Year of schooling	
Year 11 or lower	Year 12
per hour	per hour
\$	\$
11.42	12.59

(e) AQF Certificate Level IV traineeships

- (i)** Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level IV traineeship are the minimum wages for the relevant part-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.
- (ii)** Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for an adult trainee undertaking a part-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of traineeship	Second and subsequent years of traineeship
	per hour	per hour
	\$	\$
Wage Level A	24.11	25.06
Wage Level B	23.25	24.15
Wage Level C	21.19	21.99

(f) Calculating the actual minimum wage

- (i) Where the full-time ordinary hours of work are not 38 or an average of 38 per week, the appropriate hourly minimum wage is obtained by multiplying the relevant minimum wage in clauses C.5.2(a)–(e) of this schedule by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
- (ii) Where the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum wage in clauses C.5.2(a)–(e) of this schedule applies to each ordinary hour worked by the trainee.
- (iii) Where 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 wage in clauses C.5.2(a)–(e) of this schedule minus 20% applies to each ordinary hour worked by the trainee.

C.5.3 Other minimum wage provisions

- (a) An employee who was employed by an employer immediately prior to becoming a trainee with that employer must not suffer a reduction in their minimum wage per week or per hour by virtue of becoming a trainee. Casual loadings will be disregarded when determining whether the employee has suffered a reduction in their minimum wage.
- (b) 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 wage provided in this schedule, where a higher minimum wage is provided for the new AQF certificate level.

C.5.4 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 Appendix C1 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 from 1 July 2021. 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 2021.

PRESIDENT