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**Sent:** Friday, 22 January 2021 2:30 PM

**To:** Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>

**Subject:** Cross-referencing error in the new version of the TCF Award which comes into operation on 1 February

Dear Associate

We have identified a cross-referencing error in the new version of the TCF Award which comes into operation on 1 February that we would like to bring to the Commission's attention.

Subclause 37.3(c) should be corrected as follows. The loading referred to in paragraph (c) is the extra 50% loading specified in paragraph (b), not the 250% penalty in paragraph (a). This can be seen by the wording in clause 43.2(b) of the current version of the award:

**37.3 Work on public holidays**

*(a) An employee must be paid at the rate of 250% of the ordinary hourly rate for a minimum of 3 hours when required to work on a public holiday.*

*(b) Where Christmas Day falls on a Saturday or Sunday, and by force of the NES another day is observed as a public holiday, a full-time employee who is regularly rostered to work ordinary hours on a Saturday or Sunday will receive, for a full day's work on 25 December, a loading of half a normal day's wage.*

*(c) The loading set out in clause ~~37.3(a)~~ 37.3(b) is paid in addition to the employee receiving:*

- (i) the regular Saturday or Sunday penalty rates for all hours worked on 25 December, with a minimum of 4 hours payment; and*
- (ii) the benefit of the substituted public holiday.*

Regards

**Stephen Smith**  
**Head of National Workplace Relations Policy**