



# DRAFT DETERMINATION

*Fair Work Act 2009*  
s.285—Annual wage review

**Annual Wage Review 2021–22**  
(C2022/1)

**GARDENING AND LANDSCAPING SERVICES AWARD 2020**  
[MA000101]

Gardening services

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

MELBOURNE, XX JUNE 2022

*Annual Wage Review 2021–22.*

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2021–22 on 15 June 2022 [[2022] FWCFB 3500], the above award is varied as follows:

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

<b>Classification</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate</b>
<b>Gardener/Landscaper</b>	<b>\$</b>	<b>\$</b>
Introductory Level	812.60	21.38
Level 1	834.80	21.97
Level 2	865.20	22.77
Level 3	903.50	23.78
Level 4	940.90	24.76
Level 5	970.40	25.54

2. By deleting the year “2021” in clause 15.9(b) and inserting “2022”.

3. By deleting the table appearing in clause 17.3(a)(i) and inserting the following:

<b>In charge of:</b>	<b>\$ per week</b>
1–2 employees	18.82
3–6 employees	37.64
7–9 employees	47.05
10 or more employees	65.86

4. By deleting the amount “\$5.40” appearing in clause 17.3(b) and inserting “\$5.65”.
5. By deleting the amount “\$17.99” appearing in clause 17.3(c) and inserting “\$18.82”.
6. By deleting the table appearing in clause B.2.1 and inserting the following:

	Ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>150%</b>	<b>150%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Introductory Level	21.38	32.07	32.07	53.45
Level 1	21.97	32.96	32.96	54.93
Level 2	22.77	34.16	34.16	56.93
Level 3	23.78	35.67	35.67	59.45
Level 4	24.76	37.14	37.14	61.90
Level 5	25.54	38.31	38.31	63.85

7. By deleting the table appearing in clause B.2.2 and inserting the following:

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of ordinary hourly rate<sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Introductory Level	32.07	42.76	53.45
Level 1	32.96	43.94	54.93
Level 2	34.16	45.54	56.93

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of ordinary hourly rate<sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 3	35.67	47.56	59.45
Level 4	37.14	49.52	61.90
Level 5	38.31	51.08	63.85

8. By deleting the table appearing in clause B.3.1 and inserting the following:

	Ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>125%</b>	<b>175%</b>	<b>175%</b>	<b>275%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Introductory Level	26.73	37.42	37.42	58.80
Level 1	27.46	38.45	38.45	60.42
Level 2	28.46	39.85	39.85	62.62
Level 3	29.73	41.62	41.62	65.40
Level 4	30.95	43.33	43.33	68.09
Level 5	31.93	44.70	44.70	70.24

9. By deleting the table appearing in clause B.4.1 and inserting the following:

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays
			Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	<b>% of junior hourly rate<sup>1</sup></b>				
	<b>100%</b>	<b>150%</b>	<b>150%</b>	<b>250%</b>	
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Introductory level</b>					
17 years and under	568.80	14.97	22.46	22.46	37.43
18 years	650.10	17.11	25.67	25.67	42.78

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays	
			Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am		
			% of junior hourly rate <sup>1</sup>			
			100%	150%		150%
	\$	\$	\$	\$	\$	
19 years	731.30	19.24	28.86	28.86	48.10	
<b>Level 1</b>						
17 years and under	584.40	15.38	23.07	23.07	38.45	
18 years	667.80	17.57	26.36	26.36	43.93	
19 years	751.30	19.77	29.66	29.66	49.43	
<b>Level 2</b>						
17 years and under	605.60	15.94	23.91	23.91	39.85	
18 years	692.20	18.22	27.33	27.33	45.55	
19 years	778.70	20.49	30.74	30.74	51.23	
<b>Level 3</b>						
17 years and under	632.50	16.64	24.96	24.96	41.60	
18 years	722.80	19.02	28.53	28.53	47.55	
19 years	813.20	21.40	32.10	32.10	53.50	
<b>Level 4</b>						
17 years and under	658.60	17.33	26.00	26.00	43.33	
18 years	752.70	19.81	29.72	29.72	49.53	
19 years	846.80	22.28	33.42	33.42	55.70	
<b>Level 5</b>						
17 years and under	679.30	17.88	26.82	26.82	44.70	
18 years	776.30	20.43	30.65	30.65	51.08	
19 years	873.40	22.98	34.47	34.47	57.45	

10. By deleting the table appearing in clause B.4.2 and inserting the following:

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	% of junior hourly rate <sup>1</sup>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Introductory level</b>			
17 years and under	22.46	29.94	37.43
18 years	25.67	34.22	42.78
19 years	28.86	38.48	48.10
<b>Level 1</b>			
17 years and under	23.07	30.76	38.45
18 years	26.36	35.14	43.93
19 years	29.66	39.54	49.43
<b>Level 2</b>			
17 years and under	23.91	31.88	39.85
18 years	27.33	36.44	45.55
19 years	30.74	40.98	51.23
<b>Level 3</b>			
17 years and under	24.96	33.28	41.60
18 years	28.53	38.04	47.55
19 years	32.10	42.80	53.50
<b>Level 4</b>			
17 years and under	26.00	34.66	43.33
18 years	29.72	39.62	49.53
19 years	33.42	44.56	55.70
<b>Level 5</b>			
17 years and under	26.82	35.76	44.70
18 years	30.65	40.86	51.08
19 years	34.47	45.96	57.45

11. By deleting the table appearing in clause B.4.3 and inserting the following:

Age	Casual junior hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	% of junior hourly rate <sup>1</sup>			
	125%	175%	175%	275%
	\$	\$	\$	\$
<b>Introductory level</b>				
17 years and under	18.71	26.20	26.20	41.17
18 years	21.39	29.94	29.94	47.05
19 years	24.05	33.67	33.67	52.91
<b>Level 1</b>				
17 years and under	19.23	26.92	26.92	42.30
18 years	21.96	30.75	30.75	48.32
19 years	24.71	34.60	34.60	54.37
<b>Level 2</b>				
17 years and under	19.93	27.90	27.90	43.84
18 years	22.78	31.89	31.89	50.11
19 years	25.61	35.86	35.86	56.35
<b>Level 3</b>				
17 years and under	20.80	29.12	29.12	45.76
18 years	23.78	33.29	33.29	52.31
19 years	26.75	37.45	37.45	58.85
<b>Level 4</b>				
17 years and under	21.66	30.33	30.33	47.66
18 years	24.76	34.67	34.67	54.48
19 years	27.85	38.99	38.99	61.27
<b>Level 5</b>				
17 years and under	22.35	31.29	31.29	49.17
18 years	25.54	35.75	35.75	56.18
19 years	28.73	40.22	40.22	63.20

12. By deleting the table appearing in clause B.5.1 and inserting the following:

	Apprentice hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	<b>% of apprentice hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>150%</b>	<b>150%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Have not completed year 12</b>				
1st year	12.38	18.57	18.57	30.95
2nd year	14.86	22.29	22.29	37.15
3rd year	18.57	27.86	27.86	46.43
4th year	23.52	35.28	35.28	58.80
<b>Have completed year 12</b>				
1st year	13.62	20.43	20.43	34.05
2nd year	16.09	24.14	24.14	40.23
3rd year	18.57	27.86	27.86	46.43
4th year	23.52	35.28	35.28	58.80

13. By deleting the table appearing in clause B.5.2 and inserting the following:

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of apprentice hourly rate<sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Have not completed year 12</b>			
1st year	18.57	24.76	30.95
2nd year	22.29	29.72	37.15
3rd year	27.86	37.14	46.43
4th year	35.28	47.04	58.80
<b>Have completed year 12</b>			
1st year	20.43	27.24	34.05
2nd year	24.14	32.18	40.23

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of apprentice hourly rate<sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
3rd year	27.86	37.14	46.43
4th year	35.28	47.04	58.80

14. By deleting the table appearing in clause B.6.1 and inserting the following:

		Minimum weekly rate	Minimum hourly rate
Minimum wage rate <sup>1</sup>		\$	\$
1st year	80% of adult Level 4 rate	752.72	19.81
2nd and 3rd year	Introductory Level rate	812.60	21.38
4th year	95% of adult Level 4 rate	893.86	23.52

15. By deleting the table appearing in clause B.6.2 and inserting the following:

	Penalty rates – Where an employer is subject to water restrictions		Overtime – Monday to Sunday		Public holidays – All hours (including overtime)
	Monday to Friday— outside 6 am to 6 pm	Saturday— before 6 am	First 2 hours	After first 2 hours	
	<b>% of apprentice hourly rate<sup>1</sup></b>				
	<b>150%</b>	<b>150%</b>	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
1st year	29.72	29.72	29.72	39.62	49.53
2nd and 3rd year	32.07	32.07	32.07	42.76	53.45
4th year	35.28	35.28	35.28	47.04	58.80

16. By deleting the amount “\$899.50” appearing in clause C.1.1 and inserting “\$940.90”.



17. By deleting the table appearing in clause C.1.1 and inserting the following:

<b>Allowance</b>	<b>Clause</b>	<b>% of standard rate</b>	<b>\$</b>	<b>Payable</b>
Leading hand in charge of— 1–2 employees <sup>1</sup>	17.3(a)(i)	2.0	18.82	per week
Leading hand in charge of— 3–6 employees <sup>1</sup>	17.3(a)(i)	4.0	37.64	per week
Leading hand in charge of— 7–9 employees <sup>1</sup>	17.3(a)(i)	5.0	47.05	per week
Leading hand in charge of— 10 or more employees <sup>1</sup>	17.3(a)(i)	7.0	65.86	per week
Vehicles and/or plant allowance	17.3(b)	0.6	5.65	per day
First aid allowance	17.3(c)	2.0	18.82	per week

B. This determination comes into operation on 1 July 2022. 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 2022.

PRESIDENT