



DETERMINATION

Fair Work Act 2009

s.160—Application to vary a modern award to remove ambiguity or uncertainty or correct error

Variation on the Commission’s Own Motion—*Hair and Beauty Industry Award 2020* (AM2022/33)

HAIR AND BEAUTY INDUSTRY AWARD 2020 [MA000005]

Hair and Beauty

JUSTICE HATCHER, PRESIDENT

SYDNEY, 18 APRIL 2023

Section 160 of the Fair Work Act 2009 (Cth) – variation on the Commission’s own motion – 4 yearly review of modern awards – award specific penalty rates claims – Hair and Beauty Industry Award 2020 – weekend penalty rates for casual employees – implementation of transitional rates – Schedule B.

A. Further to the decision issued by the Fair Work Commission on 20 December 2022 [\[\[2022\] FWC 3327\]](#) the above award is varied as follows:

1. By deleting the table appearing in clause B.2.1 and inserting the following:

	Monday to Friday – between 7.00 am and 9.00 pm	Monday to Friday – before 7.00 am and after 9.00 pm	Saturday – before 7.00 am and after 6.00 pm	Saturday – between 7.00 am and 6.00 pm	Sunday – any time of day	Public holiday – any time of day
	% of minimum hourly rate					
	125%	150%	150%	153%	220%	250%
	\$	\$	\$	\$	\$	\$
Level 1	29.23	35.07	35.07	35.77	51.44	58.45
Level 2	29.90	35.88	35.88	36.60	52.62	59.80
Level 3	30.95	37.14	37.14	37.88	54.47	61.90

Level 4	31.53	37.83	37.83	38.59	55.48	63.05
Level 5	32.46	38.96	38.96	39.73	57.13	64.93
Level 6	33.63	40.35	40.35	41.16	59.18	67.25

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

	Monday to Saturday – first 3 hours	Monday to Saturday – after 3 hours	Sunday – all hours	Public holiday – all hours
	% of minimum hourly rate			
	175%	225%	220%	250%
	\$	\$	\$	\$
Level 1	40.92	52.61	51.44	58.45
Level 2	41.86	53.82	52.62	59.80
Level 3	43.33	55.71	54.47	61.90
Level 4	44.14	56.75	55.48	63.05
Level 5	45.45	58.43	57.13	64.93
Level 6	47.08	60.53	59.18	67.25

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

	Junior hourly rate – Monday to Friday – between 7.00 am and 9.00 pm	Monday to Friday – before 7.00 am and after 9.00 pm	Saturday – before 7.00 am and after 6.00 pm	Saturday – between 7.00 am and 6.00 pm	Sunday – any time of day	Public holiday – any time of day
	% of junior hourly rate					
	125%	150%	150%	153%	220%	250%
	\$	\$	\$	\$	\$	\$
Level 1						
16 years or under	14.61	17.54	17.54	17.89	25.72	29.23
17 years	21.93	26.31	26.31	26.84	38.59	43.85
Level 2						
16 years or under	14.95	17.94	17.94	18.30	26.31	29.90

	Junior hourly rate – Monday to Friday – between 7.00 am and 9.00 pm	Monday to Friday – before 7.00 am and after 9.00 pm	Saturday – before 7.00 am and after 6.00 pm	Saturday – between 7.00 am and 6.00 pm	Sunday – any time of day	Public holiday – any time of day
	% of junior hourly rate					
	125%	150%	150%	153%	220%	250%
	\$	\$	\$	\$	\$	\$
17 years	22.43	26.91	26.91	27.45	39.47	44.85
Level 3						
16 years or under	15.48	18.57	18.57	18.94	27.24	30.95
17 years	23.21	27.86	27.86	28.41	40.85	46.43
Level 4						
16 years or under	15.76	18.92	18.92	19.29	27.74	31.53
17 years	23.65	28.38	28.38	28.95	41.62	47.30
Level 5						
16 years or under	16.24	19.49	19.49	19.87	28.58	32.48
17 years	24.35	29.22	29.22	29.80	42.86	48.70
Level 6						
16 years or under	16.81	20.18	20.18	20.58	29.59	33.63
17 years	25.23	30.27	30.27	30.88	44.40	50.45

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

	Monday to Saturday – first 3 hours	Monday to Saturday – after 3 hours	Sunday – all hours	Public holiday – all hours
	% of junior hourly rate			
	175%	225%	220%	250%
	\$	\$	\$	\$
Level 1				

	Monday to Saturday – first 3 hours	Monday to Saturday – after 3 hours	Sunday – all hours	Public holiday – all hours
	% of junior hourly rate			
	175%	225%	220%	250%
	\$	\$	\$	\$
16 years or under	20.46	26.30	25.72	29.23
17 years	30.70	39.47	38.59	43.85
Level 2				
16 years or under	20.93	26.91	26.31	29.90
17 years	31.40	40.37	39.47	44.85
Level 3				
16 years or under	21.67	27.86	27.24	30.95
17 years	32.50	41.78	40.85	46.43
Level 4				
16 years or under	22.07	28.37	27.74	31.53
17 years	33.11	42.57	41.62	47.30
Level 5				
16 years or under	22.73	29.23	28.58	32.48
17 years	34.09	43.83	42.86	48.70
Level 6				
16 years or under	23.54	30.26	29.59	33.63
17 years	35.32	45.41	44.40	50.45

B. This determination comes into operation on 30 April 2023. In accordance with s.165(3) 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 30 April 2023.



PRESIDENT

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