

STATEMENT

Fair Work Act 2009

s 157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

Review of certain C14 rates in modern awards (C2019/5259)

JUSTICE HATCHER, PRESIDENT VICE PRESIDENT ASBURY DEPUTY PRESIDENT HAMPTON

SYDNEY, 22 SEPTEMBER 2023

Review of the classification rates at the C14 level in modern awards – introductory rates – Annual Wage Review decision 2022-23 – alignment of the National Minimum Wage with the current C13 rate – scope of review broadened to encompass all classification rates below C13 level – provisional view.

Introduction

- [1] The Commission has initiated a review of certain modern awards with classification rates at the C14 level which are either not transitional or where the transition period is not specified (the *review*). This statement concerns the finalisation of several awards currently subject to the review. For the reasons which follow, we also propose to broaden the scope of the review.
- [2] The review arose following a statement issued on 28 August 2019¹ (the August 2019 statement). The August 2019 Statement referred to an extract from the Annual Wage Review Decision 2018-19² in which the Expert Panel commented that awards prescribing a rate at the C14 level, then equivalent to the National Minimum Wage (NMW), that is not transitional should be the subject of further examination. The Expert Panel identified 45 modern awards with a rate of pay at the C14 level. A list of the awards identified is set out at Attachment A. There are now only 43 awards as the Cement and Lime Award 2010 has since been amalgamated with the Quarrying Award 2010 and the Broadcasting, Recorded Entertainment and Cinemas Award 2020 has been varied to clarify that the C14 rate only appears in the award for the purpose of calculating adult cadet rates.³
- [3] The August 2019 statement divided the awards identified into the following five categories based on the transitional nature of the C14 classification:
 - (i) transition to a higher classification level occurs after 38 hours induction training;
 - (ii) transition occurs after 3 months;
 - (iii) the classification is transitional but a period other than 3 months is specified;

- (iv) the classification appears to be transitional but no particular transition period is specified; and
- (v) the classification level is not transitional.
- [4] The August 2019 statement proposed referring the awards in categories (iv) and (v) to a Full Bench for review.⁴ Following consultation with the parties, five of the awards initially identified as falling within these categories were excluded from further review on the basis that variations were not considered necessary.⁵ Seven awards remained the subject of the review. The progress of the review is comprehensively set out in earlier statements⁶ and a Report to the Full Bench dated 5 September 2022.⁷
- [5] On 5 April 2023, Deputy President Hampton provided a Further Report to the Full Bench⁸ setting out the outstanding modern awards and issues, a summary of the parties' positions and suggested matters to be considered by the Full Bench. A directions hearing was held on 26 April 2023 to make arrangements for finalising the review.

The 2023 Annual Wage Review decision and provisional view

- [6] On 2 June 2023, the *Annual Wage Review Decision 2022-2023 (AWR 2023 decision)* was published. In the *AWR 2023 decision*, the Expert Panel decided to end the alignment between the NMW and the C14 classification rate which had existed since 1997. The Expert Panel stated that the C14 rate 'was only ever intended to constitute a transitional entry rate for new employees' and as such 'does not constitute a proper minimum wage safety net for award/agreement free employees in ongoing employment.'9
- [7] The Expert Panel decided to instead align the NMW with the current C13 classification rate in modern awards. The Expert Panel noted that this decision was an interim step, and that a wider review of the NMW was necessary:
 - [173] A wider review of the NMW in light of the budget standards research, the finalisation of the C14 review (which we anticipate will be completed later this year and will result in all C14 award classifications becoming genuinely transitional in nature) and other relevant matters (including the research being conducted as to gender segregation and undervaluation) is required. That wider review cannot be undertaken within the timeframe of the current Review. It is necessary therefore to identify an interim step that can be taken in this Review which gives appropriate weight to the needs of the low paid (s 284(1)(c)) but also balances this with the other mandatory considerations in the minimum wages objective. The step we will take is to align the NMW with the current C13 rate, which is the lowest award rate which, apart from exceptions in a small number of awards, may apply to employees in respect of ongoing employment. ...
- [8] The Expert Panel's conclusions in the AWR 2023 decision have necessarily required a refocussing of the objective of this review. Consistency with the propositions stated in that decision would suggest that, where a modern award contains a C14 rate (currently \$22.61 per hour), it should only operate for a defined transitional period, and the lowest rate applicable in any modern award to ongoing employment should be at least the C13 rate (currently \$23.23 per hour). Accordingly, our *provisional* view is that the following principles should guide the completion of this review:
 - (1) The lowest classification rate in any modern award applicable to ongoing employment should be at least the C13 rate.

- (2) Any classification rate in a modern award which is below the C13 rate (including but not limited to the C14 rate) must be an entry-level rate which operates only for a limited period and provides a clear transition to the next classification rate in the award (which must not be less than the C13 rate).
- (3) The transition period for the purpose of (2) should not exceed six months.

Extended scope of the review

- [9] The approach identified above will require an expansion in the scope of the review in some respects.
- [10] First, it will be necessary to consider more closely the awards in Attachment A that were previously excluded from the review on the basis they contained only transitional C14 rates. The five awards initially identified as belonging to categories (iv) or (v) but subsequently excluded from the review following consultation with the parties will also form part of this further consideration. This further consideration will be undertaken to ensure all award classifications at the C14 level are genuinely transitional in nature consistent with the Expert Panel's statement in the AWR 2023 decision.¹⁰
- [11] Second, it is also necessary to undertake an assessment in the review of all classification rates in modern awards that fall below the C13 level but are higher than the C14 rate. A list of modern awards which include these rates is provided at **Attachment B.**
- [12] Third, we also propose to include modern enterprise awards and State reference public sector modern awards in the review. A list of modern enterprise awards and State reference public sector awards with minimum rates below the C13 level (including those at C14) is set out in **Attachment C.**
- [13] A table setting out a list of all provisions in modern awards which prescribe rates below the C13 level (inclusive of those at the C14 level) is set out at **Attachment D**. The table includes information as to the relevant classification, the rate it attracts and *provisional* analysis as to whether the rate is transitional and to which of the five categories set out in paragraph [3] it belongs. The table also includes information as to whether the provisions provide for competency-based progression.

Awards currently the subject of the review

[14] Before issuing directions in respect of our *provisional* view, it is prudent to consider the seven awards that have been the focus of the review thus far. A summary of the parties' proposals in respect of the C14 rates in these awards is set out below.

Variation proposals with consensus

[15] For the following four awards, parties have reached a consensus position.

Dry Cleaning and Laundry Industry Award 2020 (Dry Cleaning Award)

[16] The Drycleaning Institute of Australia, Australian Business Industrial and NSW Business Chamber (ABI and NSWBC), Construction, Forestry, Maritime, Mining and Energy Union – Manufacturing Division, Australian Workers' Union (AWU) and United Workers' Union (UWU) reached a common view on proposed variations to the Dry Cleaning Award. Broadly, the proposal involves varying the C14 classification in the Dry Cleaning Award (Dry cleaning employee Level 1) to limit its application to new entrants in the dry cleaning industry and to a period of up to 6 months. However, the consensus position does not address the classification of Laundry employee Level 1, which is above the C14 rate but below the C13 rate.

Funeral Industry Award 2020 (Funeral Award)

[17] The UWU, AWU, Australian Funeral Directors Association and ABI and NSWBC reached a common view on proposed variations to the Funeral Award. Broadly, the proposal involves varying the C14 classification in the Funeral Award to limit its application to new entrants in the funeral industry and to a period of up to 6 months.

<u>Concrete Products Award 2020</u> (Concrete Products Award) and <u>Sugar Industry Award 2020</u> (Sugar Award)

- [18] The AWU reached what might be described as a conditional consensus with Ai Group and ABI and NSWBC on proposed variations to the Concrete Products Award and the Sugar Award.
- [19] Broadly, the proposals for the Concrete Products Award and Sugar Award would create a 'C13.5' classification level and move the existing C14 classification descriptions into the new 'C13.5' level. A new C14 classification description is proposed for employees undertaking initial training duties.
- [20] A directions hearing was held on 26 April 2023 to make arrangements for the finalisation of the proposed variations to the above four awards. The Commission proposed to issue a Statement expressing a provisional view that the agreed variations should be made and to invite any further comments on the variations. If there were no further objections, the awards would be varied. However, in light of the Expert Panel's comments in the *AWR 2023 decision* about C14 rates and our *provisional* view, the parties' proposals will need to be revisited.

Variation proposals without consensus

[21] For the following three awards, parties have advanced the following proposals without consensus.

Rail Industry Award 2020 (Rail Award)

[22] The Rail, Tram and Bus Union (RTBU) proposes changes to the Rail Award which are supported by the AMWU and AWU. Ai Group expresses concerns regarding the RTBU's proposals. Broadly, the RTBU proposes varying the Rail Award to limit the application of the C14 classification to a period of one month.

Meat Industry Award 2020 (Meat Award)

- [23] The Australian Meat Industry Employees Union (AMIEU) proposes changes to the Meat Award which are supported by AWU. The Australian Meat Industry Council (AMIC) objects to the unions' proposal and proposes an alternative variation to the Meat Award. Ai Group and ABI and NSWBC express concerns about the AMIEU's proposal.
- [24] Broadly, the AMIEU proposes deleting the C14 classification from the Meat Award or, in the alternative, limiting its application to a period of one week.
- [25] The AMIC proposes varying the C14 classification to apply to new entrants, defined as workers with less than 3 months continuous experience in the meat industry in the preceding 5 years, and to entitle workers to progress classifications after 6 months in the role.

<u>Travelling Shows Award 2020 (Travelling Shows Award)</u>

[26] The Showmen's Guild of Australia (SGA) proposes varying the Travelling Shows Award to limit the application of the C14 classification to new entrants to the industry and to a period of 3 months. This proposal was very recently made and interested parties have not yet been provided an opportunity to comment on it.

Next steps

- [27] We issue the following directions in respect of this matter:
 - 1. Interested parties are invited to file:
 - (a) submissions in respect of the *provisional* view stated in paragraph [8] above;
 - (b) submissions as to the accuracy of the table at **Attachment D**;
 - (c) draft determinations or proposals for any specific award variations that might be necessary; and
 - (d) evidence upon which they intend to rely;

by no later than Friday, 3 November 2023.

- 2. Parties are to file evidence and submissions in reply to any material filed in accordance with direction 1 by no later than **Friday**, **1 December 2023**.
- 3. A hearing will be listed for **Monday**, 18 **Tuesday**, 19 **December 2023**.
- [28] If parties wish for the Commission to conduct a conference in respect of any particular award prior to the hearing, that will be arranged on request to the chambers of Deputy President Hampton.

[29] As the awards that now fall within the scope of this review include awards in the Care and Community Sector, such as the *Nurses Award 2020*, the Full Bench (with the same composition) will be constituted as an Expert Panel for the Care and Community Sector for the purpose of any variation that might be required for awards falling in this category.



PRESIDENT

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Attachment A – Industry and occupational modern awards with classification rates at $C14\ level$

Awards to be further considered (36 awards)

- Air Pilots Award 2020
- Airline Operations Ground Staff Award 2020
- Alpine Resorts Award 2020
- Amusement, Events and Recreation Award 2020
- Animal Care and Veterinary Services Award 2020
- Aquaculture *Industry Award 2020*
- Architects Award 2020
- Asphalt Industry Award 2020
- Cement, Lime and Quarrying Award 2020
- Cemetery Industry Award 2020
- Corrections and Detention (Private Sector) Award 2020
- Fitness Industry Award 2020
- Food, Beverage and Tobacco Manufacturing Award 2020
- Gardening and Landscaping Services Award 2020
- Graphic Arts, Printing and Publishing Award 2020
- Horse and Greyhound Training Award 2020
- Horticulture Award 2020
- Hospitality Industry (General) Award 2020
- Joinery and Building Trades Award 2020
- Live Performance Award 2020
- Manufacturing and Associated Industries and Occupations Award 2020
- Miscellaneous Award 2020
- Nursery Award 2020
- Oil Refining and Manufacturing Award 2020
- Pastoral Award 2020
- Port Authorities Award 2020
- Racing Clubs Events Award 2020
- Racing Industry Ground Maintenance Award 2020
- Registered and Licensed Clubs Award 2020
- Restaurant Industry Award 2020
- Seafood Processing Award 2020
- Stevedoring *Industry Award 2020*
- Supported Employment Services Award 2020
- Textile, Clothing, Footwear and Associated Industries Award 2020
- Timber Industry Award 2020
- Vehicle Repair, Services and Retail Award 2020

Variation proposals with consensus (4 awards)

- Concrete Products Award 2020
- Dry Cleaning and Laundry Industry Award 2020
- Funeral Industry Award 2020
- Sugar Industry Award 2020

Variation proposal without consensus (3 awards)

- Meat Industry Award 2020
- Rail Industry Award 2020

• Travelling Shows Award 2020

Attachment B – Industry and occupational modern awards with classification rates below C13 (excluding awards in Attachment A)

- Australian Government Industry Award 2016
- Business Equipment Award 2020
- Children's Services Award 2010
- Cotton Ginning Award 2020
- Electrical, Electronic and Communications Contracting Award 2020
- Marine Tourism and Charter Vessels Award 2020
- Maritime Offshore Oil and Gas Award 2020
- Nurses Award 2020
- Pest Control Industry Award 2020
- Premixed Concrete Award 2020
- Professional Diving Industry (Industrial) Award 2020
- Seagoing Industry Award 2020
- Wine Industry Award 2020
- Wool Storage, Sampling and Testing Award 2020

$Attachment \ C-Modern \ enterprise \ awards \ and \ State \ reference \ public \ sector \ modern \ awards \ containing \ rates \ below \ C13$

- Australia Post Enterprise Award 2015
- Australian Capital Territory Public Sector Enterprise Award 2016
- Australian Nuclear Science and Technology Organisation (ANSTO) Enterprise Award 2016
- Christmas Island Administration Enterprise Award 2016
- Metropolitan Newspapers (South Australia and Tasmania) Printing Award 2015
- Northern Territory News Award 2015
- Northern Territory Public Sector Enterprise Award 2016
- Note Printing Australia Award 2016
- Nurses and Midwives (Victoria) State Reference Public Sector Award 2015
- Printing Industry Herald & Weekly Times Production Award 2015
- Reserve Bank of Australia Award 2016
- Victorian Local Government (Early Childhood Education Employees) Award 2016
- Victorian State Government Agencies Award 2015

Attachment D – Minimum rates below the C13 level in modern awards

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Air Pilots Award 2020	MA000046	C.9.1	Between 0–1000 flying hours experience	\$859.30 (at C14)	Category (iii) – based on flying hours experience in the industry (cl C.9.1).		Between 1001–2000 flying hours experience = \$886.00
Air Pilots Award 2020	<u>MA000046</u>	A.1.1	First Officers Second Pilots: Single engine UTBNI 1360 kg	\$859.38 (at C14) (\$44,688 per annum)	Category (v) – see clause B.6.	Current rate is marginally above C14 but considered to be on this rate as part of the C14 Review.	Captain: Single engine 1360 kg = \$995.48 (\$51,765 per annum)
Air Pilots Award 2020	<u>MA000046</u>	A.1.1	First Officers Second Pilots: Single engine 1360 kg-3359 kg	\$859.38 (at C14) (\$44,688 per annum)	Category (v) – see clause B.6.	Current rate is marginally above C14 but considered to be on this rate as part of the C14 Review.	Captain: Single engine 1360 kg– 3359kg = \$1037.80 (\$53,965 per annum)
Airline Operations – Ground Staff Award 2020	<u>MA000048</u>	18.3	Maintenance and engineering stream: Aircraft Worker 1	\$859.30 (at C14)	Category (ii) – undertaking up to 38 hours of induction training so as to enable them to work at Level 2. A Level 2 is an employee who has completed up to 3 months structured training (cl A.3).		Aircraft Worker 2 = \$882.80^
Alpine Resorts Award 2020	MA000092	18.1	Alpine resort workers: Training	\$859.56 (at C14) (\$22.62 per hour)	Category (iii) – maximum period of time at the Training Level is 7 weeks (cl A.1).	Current rate is marginally above C14 but considered to be on this rate as part of the C14 Review.	Resort Worker Level 1 = \$882.74 (\$23.23 per hour)^
Amusement, Events and Recreation Award 2020	MA000080	16.1	Introductory level employee	\$859.30 (at C14)	Category (ii) – transition occurs after 3 months (cl A.1).		Grade 1 = \$882.80^

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Animal Care and Veterinary Services Award 2020	MA000118	15.2	Practice managers, Veterinary nurses, Receptionists, Animal attendants and Assistants: Introductory level	\$859.30 (at C14)	Category (ii) – transition occurs after a period not exceeding 3 months (however, employee must attain the level of skill required to progress to Level 1) (cl A.2.1)		Level 1 = \$882.80^
Aquaculture Industry Award 2020	MA000114	16.1	Aquaculture Attendant Level 1	\$859.30 (at C14)	Category (iii) – transition occurs after 4 months and in the case of the Shell Fish Stream, is capable of performing Level 1 tasks without constant supervision (cl. A.1–A.2)		Aquaculture Attendant Level 2 = \$871.20
Aquaculture Industry Award 2020	MA000114	16.1	Aquaculture Attendant Level 2	\$871.20 (between C14 and C13)	Category (v) – see clause A.2–A.3.		Aquaculture Attendant Level 3 = \$948.90
Architects Award 2020	MA000079	13.5(b)	Students of Architecture (21 years of age and over): Less than 3 years of experience	\$859.30 (at C14)	Category (iii)* – transition occurs after 3 years experience (cl 13.5(b)).	Students of Architecture are undertaking a Bachelor degree (see cl 2).	Students of Architecture (21 years of age and over): 3 rd year of experience = \$871.58
Architects Award 2020	MA000079	13.5(b)	Students of Architecture (21 years of age and over): 3rd year of experience	\$871.58 (between C14 and C13)	Category (v) – see clause 13.5(b).	Rate (\$) is not presented in award but is calculated as 75% of the Level 1—Entry rate.	Level 1—Graduate of Architecture – Entry = \$1162.10
Asphalt Industry Award 2020	MA000054	15.1	Skill Level 1	\$859.30 (at C14)	Category (i) – undertaking up to 38 hours induction training (cl 12.4)	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the industry and inclement weather allowances exceeds C13.	Skill Level 2 = \$907.00

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Australia Post Enterprise Award 2015	MA000137	23.1	Agency Assistant Grade 1	\$881.94 (between C14 and C13) (\$46,008 per annum)	Category (v)		Agency Assistant Grade 2 = \$891.58 (\$46,511 per annum)
Australia Post Enterprise Award 2015	MA000137	23.1	Trainee Mail Officer Level 1	\$881.94 (between C14 and C13) (\$46,008 per annum)	Category (v) – see clause 23.4.		Mail officer = \$920.55 (\$48,022 per annum)
Australia Post Enterprise Award 2015	MA000137	23.1	Trainee Postal Delivery Officer	\$881.94 (between C14 and C13) (\$46,008 per annum)	Category (v) – see clause 23.4.		Postal Delivery Officer = \$920.55 (\$48,022 per annum)
Australia Post Enterprise Award 2015	MA000137	23.1	Trainee Parcel Post Officer Level 1	\$881.94 (between C14 and C13) (\$46,008 per annum)	Category (v) – see clause 23.4.		Parcel Post Officer = \$944.66 (\$49,280 per annum)
Australian Capital Territory Public Sector Enterprise Award 2016	MA000146	A.1.1	Clerical, Technical and related classifications (36.75 hour week): Allied Health Assistant 1	\$779.00 (less than C14) (\$20.50 per hour)	Category (v)	Classification is less than C14, however, it is not clear if this is a non- adult rate (i.e. training rate)	Allied Health Assistant 2 = \$997.88 (\$26.26 per hour)
Australian Government Industry Award 2016	MA000153	I.17.4	AMSA Level 1: Minimum	\$859.56 (between C14 and C13) (\$22.62 per hour)	Category (v) – pay point progression is via an annual performance review and is not automatic (cl I.17.6).	Amount is inclusive of leave loading (17.5%).	AMSA Level 1: 1st Point = \$882.36 (\$23.22 per hour)
Australian Government Industry Award 2016	MA000153	I.17.4	AMSA Level 1: 1st Point	\$882.36 (between C14 and C13) (\$23.22 per hour)	Category (v) – pay point progression is via an annual performance review and is not automatic (cl I.17.6).	Amount is inclusive of leave loading (17.5%).	AMSA Level 1: 2nd Point = \$877.96 (\$23.89 per hour)

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Australian Government Industry Award 2016	MA000153	J.5	Graduate trainee (Band 1)	\$872.59 (between C14 and C13) (\$45,520 per annum)	Category (iii)* –traineeship not exceeding 12 months (cl J.5).		Remuneration Band 1 = \$929.94 (\$48,512 per annum)
Australian Nuclear Science and Technology Organisation (ANSTO) Enterprise Award 2016	MA000144	10.1	CP Level 1	\$872.80 (between C14 and C13) (\$45,530 per annum)	Category (v) – Suitability for promotion will be assessed annually on merit with the relevant ANSTO work level descriptors, and subject to work being available at the higher level (cl A.1).		CP Level 2 = \$901.60 (\$47,034 per annum)
Business Equipment Award 2020	MA000021	14.2(a)(i)	Technical stream: Level 1	\$881.80 (between C14 and C13) (\$45,853 per annum)	Category (v) – see clause A.1.1.		Technical stream: Level 2 = \$914.50 (\$47,554 per annum)
Cement, Lime and Quarrying Award 2020	MA000055	16.2	Quarrying industry: Grade 1	\$859.30 (at C14)	Category (iv) – undertaking training to become competent in the Basic Quarry competency required at Grade 2 and above (cl B.1).	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the industry allowance exceeds C13.	Quarrying industry: Grade 2 = \$882.30
Cement, Lime and Quarrying Award 2020	<u>MA000055</u>	16.2	Quarrying industry: Grade 2	\$882.30 (between C14 and C13)	Category (iv) – undertaking training to be assessed as competent in one or more core competencies (cl B.1).	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the industry allowance exceeds C13.	Quarrying industry: Grade 3 = \$939.00

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Cement, Lime and Quarrying Award 2020	MA000055	16.1	Cement and lime industry: Level 1	\$859.30 (at C14)	Category (iv) – undertaking the Basic competency training required at Level 2 and above. Employee will progress upon attaining the Basic competency and is developing the Yard competency and one element of the Production competency (cl A.1).	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the industry allowance exceeds C13.	Cement and lime industry: Level 2 = \$902.20
Cemetery Industry Award	<u>MA000070</u>	14.1	Cemetery Employee Class 1	\$859.30 (at C14)	Category (iii) – less than 6 months service with an employer. At Class 2 and above (other than an Assistant Gravedigger), employee must hold appropriate licence and an accredited short course certificate (cl A.1–A.3).	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the industry allowance exceeds C13.	Cemetery Employee Class 2 = \$914.90
Children's Services Award 2010	MA000120	14.1	Children's services employees: Level 1.1	\$878.00 (between C14 and C13)	Category (iii)* – will progress to the next level after 1 year, or earlier if they are capable of performing work at the next level (cl B.1.1).		Children's services employees: Level 2.1 = \$909.90
Children's Services Award 2010	MA000120	14.1	Support worker: Level 1.1	\$878.00 (between C14 and C13)	Category (iii)* – will progress to the next level after 12 months, or earlier if performing duties of next level (cl B.2.1).		Support worker: Level 2.1 = \$909.90
Christmas Island Administration Enterprise Award 2016	MA000149	10.4	GSO 2	\$871.34 (between C14 and C13) (\$22.93 per hour)	Category (v) – see clause A.3.		GSO 3 = \$911.24 (\$23.98 per hour)

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Christmas Island Administration Enterprise Award 2016	<u>MA000149</u>	10.4	HSE (Level 1)	\$870.58 (between C14 and C13) (\$22.91 per hour)	Category (ii) – less than 3 months of work experience in the industry (cl A.6).		HSE (Level 2) = \$910.86 (\$23.97 per hour)
Concrete Products Award	<u>MA000056</u>	16.2	Level 1	\$859.30 (at C14)	Category (iv) – undertaking employer's induction program. At Level 2 employees must have satisfactory completed training required at this Level (cl A.1–A.2).	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the industry allowance exceeds C13.	Level 2 = \$882.70
Concrete Products Award	<u>MA000056</u>	16.2	Level 2	\$882.70 (between C14 and C13)	Category (v) – see clause A.2–A.3.	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the industry allowance exceeds C13.	Level 3= \$914.90
Corrections and Detention (Private Sector) Award 2020	MA000110	15.1(b)	Introductory	\$859.30 (at C14)	Category (ii) – up to 3 months other than where employer and employee agree to extend to a further 3 months in order to achieve competency at Level 1 (cl C.1).		Level 1: = \$882.80^
Cotton Ginning Award	<u>MA000024</u>	17.1	CG1	\$867.50 (between C14 and C13)	Category (v) – see clause 13.	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the disabilities allowance exceeds C13.	CG2 = \$910.40

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Dry Cleaning and Laundry Industry Award 2020	MA000096	18.1(a)	Dry cleaning employee Level 1	\$859.30 (at C14)	Category (v) – see Schedule A.		Dry cleaning employee Level 2 = \$882.80^
Dry Cleaning and Laundry Industry Award 2020	MA000096	18.1(b)	Laundry employee Level 1	\$870.70 (between C14 and C13)	Category (iii) – 6-month transition period specified, however, must demonstrate competency at Level 2 to advance (cl B.1).		Laundry employee Level 1 = \$900.50
Electrical, Electronic and Communicatio ns Contracting Award	MA000025	16.2	Electrical worker grade 1	\$871.20 (between C14 and C13)	Category (v) – see clause A.2.	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the industry allowance exceeds C13.	Electrical worker grade 2 = \$900.70
Fitness Industry Award 2020	MA000094	15.1	Level 1	\$859.30 (at C14)	Category (ii) – to be classified at level 2, an employee must complete 456 hours of training at level 1. Employee may also be required to hold a swim and safety teacher or coach qualification or a Gymnastics Australia Coach Accreditation (Schedule A).		Level 2 = \$882.80^
Food, Beverage and Tobacco Manufacturing Award 2020	MA000073	14.1(a)	Level 1	\$859.30 (at C14)	Category (ii) – less than 3 months experience; or for a seasonal employee less than 4 weeks experience or 152 hours for a casual employee (cl A.2.1).		Level 2 = \$882.80^

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Funeral Industry Award 2020	MA000105	15.1	Grade 1	\$859.30 (at C14)	Category (v) – see clause 12.		Grade 2 = \$882.80^
Gardening and Landscaping Services Award 2020	MA000101	15.1	Introductory Level	\$859.30 (at C14)	Category (ii) – undertakes training of not more than 3 months to enable to work at Level 1 (cl A.1).		Level 1 = \$882.80^
Graphic Arts, Printing and Publishing Award 2020	MA000026	17.2	Level 1	\$859.30 (at C14)	Category (i) – An employee at this level is undertaking up to 38 hours of induction training. On completion of required training they will be reclassified to Level 2 (cl A.1).		Level 2 = \$882.80^
Horse and Greyhound Training Award 2020	<u>MA000008</u>	13.1	Stable employee (on commencement with employer)	\$859.30 (at C14)	Category (ii) – First 3 months only. Progress to Stablehand Grade 1 (after three months' continuous employment with the employer) (cl 13.1).		Stablehand Grade 1 (after 3 months' continuous employment with the employer) = \$882.80^
Horticulture Award 2020	<u>MA000028</u>	15.1(a)	Level 1	\$859.30 (at C14)	Category (v) – Employee at Level 1 is undertaking 3-month induction training so as to advance to Level 2 (cl A.1– A.2), but no requirement for transition to Level 2 after 3 months.	Level 1 and Level 2 have distinct duties independent of the training requirement.	Level 2 = \$882.80^
Hospitality Industry (General) Award 2020	<u>MA000009</u>	18.1	Introductory level	\$859.30 (at C14)	Category (ii) – transition occurs after 3 months, however, another 3 months can apply by mutual agreement in order for employee to achieve necessary competency (cl A.1).		Level 1= \$882.80^

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Joinery and Building Trades Award	MA000029	19.1	Level 1	\$859.30 (at C14)	Category (i) – employee at this level will undertake up to 38 hours induction training. Employee must complete a competency assessment to perform Level 2 work (cl A.1.1–A.1.2).	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the industry allowance exceeds C13.	Level 2 = \$882.80^
Live Performance Award 2020	MA000081	11.1	Production and Support Staff Level 1 (Induction/Trainin g)	\$859.30 (at C14)	Category (iii) – trainee employee who is undertaking 6 weeks of induction if full/part- time, or 228 hours if casual (cl A.1–A.2).		Level 2: Production and Support Staff Level 2 = \$930.70
Manufacturing and Associated Industries and Occupations Award 2020	<u>MA000010</u>	20.1(a)	C14 / V1	\$859.30 (at C14)	Category (i) – C14: up to 38 hours induction training. However, a C13 employee must also have completed up to 3 months' structured training (cl A.4.3–A.4.4). V1: up to 38 hours induction training. However, a V2 employee must also met the requirements of a Certificate I (cl B.2–B.3).		C13 / V2 = \$882.80^
Marine Tourism and Charter Vessels Award 2020	<u>MA000093</u>	15.2	Crew Level 1	\$860.80 (between C14 and C13)	Category (ii) – transition occurs after 3 months probationary period. Employee must also complete the Introduction Deckhand Course (which may occur within or outside probationary period) (cl 12.1–12.2).		Crew Level 2 = \$942.70

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Maritime Offshore Oil and Gas Award	MA000086	13.1(e)	Self-propelled drilling vessels and thruster assisted vessel: Semi- submersible – Provisional IR— over 18 years	\$861.85 (between C14 and C13) (\$44,816 per annum)	Category (v) – see clause 13.2.	This record reflects the 'Minimum Salary' only. The 'Aggregate Annual Salary' of this classification is higher than the NMW.	Self-propelled drilling vessels and thruster assisted vessel: Semi- submersible – Integrated rating = \$1104.42 (\$57,430 per annum)
Maritime Offshore Oil and Gas Award	MA000086	13.1(e)	Self-propelled drilling vessels and thruster assisted vessel: Drill ships – Provisional IR— over 18 years	\$861.85 (between C14 and C13) (\$44,816 per annum)	Category (v) – see clause 13.2.	This record reflects the 'Minimum Salary' only. The 'Aggregate Annual Salary' of this classification is higher than the NMW	Self-propelled drilling vessels and thruster assisted vessel: Semi- submersible – Integrated rating = \$1160.19 (\$60,330 per annum)
Maritime Offshore Oil and Gas Award	<u>MA000086</u>	13.1(f)	Seismic survey vessels: Provisional IR— over 18 years	\$861.85 (between C14 and C13) (\$44,816 per annum)	Category (v) – see clause 13.2.	This record reflects the 'Minimum Salary' only. The 'Aggregate Annual Salary' of this classification is higher than the NMW.	Seismic survey vessels: Integrated ratings = \$1237.23 (\$64,336 per annum)
Meat Industry Award 2020	MA000059	16.1	MI 1	\$859.30 (at C14)	Category (iv) – undergoing on- the-job training for an initial period of at least 3 months (cl A.3.1).		MI 2 = \$888.10
Metropolitan Newspapers (South Australia and Tasmania) Printing Award 2015	MA000130	20.2(a)	Davies Brothers and Adelaide City Site: Not otherwise specified	\$871.00 (between C14 and C13)	Category (v)		Other publishing duties not otherwise specified = \$895.10

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Miscellaneous Award 2020	MA000104	15.1	Level 1	\$859.30 (at C14)	Category (ii) – employed for a period of less than 3 months (cl 12.1)		Level 2 = \$914.90
Northern Territory News Award 2015	<u>MA000129</u>	17.1(a)	Level 1	\$859.30 (at C14)	Category (i) – undertaking between 4 and 38 hours introductory training during the first 4 weeks of employment (cl A.1.1).		Group level 2 = \$882.80
Northern Territory Public Sector Enterprise Award 2016	MA000151	10.4(a)	Nurses and Midwives: Pupil Nurse	\$874.70 (between C14 and C13) (\$45,630 per annum)	Category (v) – see clause F.6.		Nurse 1 (Enrolled Nurse) – Year 1 = \$980.65 (\$51,157 per annum)
Note Printing Australia Award 2016	MA000156	20.1	Level 1	\$859.30 (at C14)	Category (v) – see Schedule E.	Level 1 appears to apply to casual positions only (see clause E.1.2).	Level 2 = \$882.80^
Nursery Award 2020	MA000033	15.1(a)	Grade 1A	\$859.30 (at C14)	Category (ii) –period of no longer than 3 months (cl A.1–A.2).		Grade 1B = \$882.80^
Nurses and Midwives (Victoria) State Reference Public Sector Award 2015	MA000125	A.2	Trainee Enrolled Nurse: Year 1	\$867.90 (between C14 and C13)	Category (iii)* – progression appears to occur after one year (cl A.2).		Trainee Enrolled Nurse Year 2 = \$910.90
Nurses Award 2020	MA000034	15.1(b)(i)	Student enrolled nurse: Less than 21 years of age	\$867.90 (between C14 and C13)	Category (iv) – student undertaking study (unspecified period) to become an enrolled nurse (cl A.3).	Rate could be considered a junior rate, however, it is not fixed as a percentage of an adult rate.	Student enrolled nurse: 21 years of age and over = \$910.90

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Oil Refining and Manufacturing Award 2020	MA000072	16.1	Refinery operations: Trainee operator (level 1)	\$877.80 (between C14 and C13)	Category (iv) – undergoing the necessary orientation and training. Note Level 2 must hold the relevant certificates of competency for their area (cl A.1.3).		Refinery operations: Outside operator (level 2) = \$950.50
Oil Refining and Manufacturing Award 2020	MA000072	16.1	Lubricants/bitume n plants and terminals: Trainee (level 1)	\$859.30 (at C14)	Category (iv) – undergoing the necessary orientation and training (cl A.1.4).		Lubricants/bitumen plants and terminals: Operator (competent) (level 2) = \$908.30
Pastoral Award 2020	MA000035	32.1	FLH1	\$859.30 (at C14)	Category (i), (iii) or (v)* – varies depending on occupation. For example, covers station hands and Dairy operators Grade 1A with less than 12 months experience (with progression to FLH3) and feedlot employees with less than 3 months experience (with progression to FLH2). No progression apparent for Station cooks (cl 31).		FLH2 = \$882.80^
Pastoral Award 2020	MA000035	37.1	PA1	\$859.30 (at C14)	Category (i) – up to 38 hours induction training. However, a PA2 employee must have completed up to 3 months' structured training (cl 36).		PA2 = \$882.30
Pastoral Award 2020	MA000035	37.1	PA2	\$882.30 (between C14 and C13)	Category (v) – see clause 36.		PA3 = \$914.90
Pastoral Award 2020	MA000035	47.1	PW1	\$859.30 (at C14)	Category (iii)* – less than 12 months' experience in the industry (cl 46)		PW2 = \$895.00

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Pest Control Industry Award 2020	<u>MA000097</u>	16.1	Level 1	\$868.00 (between C14 and C13)	Category (iii) —employed in the industry for less than 6 months. A Level 2 employee must also have applied for a licence (cl 12.1).		Level 2 = \$888.30
Port Authorities Award 2020	MA000051	15.1(a)	Level 1	\$859.30 (at C14)	Category (iv) – describes an employee having 'completed induction'. Employees at Level 2 perform duties above Level 1 (cl A.1–A.2).		Level 2 = \$903.60
Premixed Concrete Award	MA000057	16.1	Level 1	\$882.50 (between C14 and C13)	Category (iii) – an employee without industry skills, training to be a batcher, allocator, testing or plant assistant. An employee may work at this level for up to 6 months (cl 12.4).	Reflects the 'Minimum weekly wage'. However, the ordinary hourly rate of the classification taking into account payment of the industry allowance exceeds C13.	Level 2 = \$890.10
Printing Industry – Herald & Weekly Times – Production Award 2015	MA000126	16.1(a)	Production Assistant 1	\$877.10 (between C14 and C13)	Category (ii) – transitions after 3 months employment and is capable of performing duties of a Production Assistant 2 (cl 15.2).		Production Assistant 2 = \$935.40
Professional Diving Industry (Industrial) Award 2020	MA000108	32.1(a)	Diver's Attendant	\$864.50 (between C14 and C13)	Category (v) – see Schedule A	This record reflects the 'Minimum weekly wage'. However, the 'Total weekly rate' of this record exceeds the NMW	Operator (ADS Operations = \$988.70

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Racing Clubs Events Award 2020	MA000013	17.1	Introductory level employee	\$859.30 (at C14)	Category (ii) – transition occurs after 3 months training, however, a further 3 months may apply if it is agreed further training is required (cl 13).		Grade 1 racecourse attendant = \$882.80^
Racing Industry Ground Maintenance Award 2020	MA000014	15.1	Introductory level	\$859.30 (at C14)	Category (ii) – transition occurs after 3 months training, however, a further 3 months may apply if it is agreed further training is required (cl A.1).		Maintenance and Horticultural Employee Level 1 = \$893.10
Rail Industry Award 2020	<u>MA000015</u>	15.1(b)	Level 1 Rail Worker (Op)	\$859.30 (at C14)	Category (iv) – undertake and successfully complete induction training (see Schedule A).		Level 2 Rail Worker (Op) = \$910.90
Rail Industry Award 2020	<u>MA000015</u>	15.1(c)	Level 1 Rail Worker (TCI)	\$882.40 (between C14 and C13)	Category (v) – (see Schedule A).		Level 2 Rail Worker (TCI) = \$914.80
Registered and Licensed Clubs Award 2020	MA000058	18.3	Introductory	\$859.30 (at C14)	Category (ii) – transition occurs after 3 months training, however, a further 3 months may apply if it is agreed further training is required to meet competency at next level (cl A.1).		Level 1 = \$882.80^
Reserve Bank of Australia Award 2016	MA000140	13.3	Level 1	\$881.64 (between C14 and C13) (\$45,992 per annum)	Category (v) – see clause A.1.		Level 2 = \$1,009.07 (\$52,640 per annum)

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Restaurant Industry Award 2020	MA000119	18.1	Introductory Level	\$859.30 (at C14)	Category (ii) – undertakes 3 months training, with another 3 months training provided by mutual agreement to achieve the necessary competency (cl A.1).		Level 1: Food and beverage attendant grade 1 Kitchen attendant grade 1= \$882.80^
Seafood Processing Award 2020	<u>MA000068</u>	15.1(a)	Process Attendant Level 1	\$859.30 (at C14)	Category (ii) – an employee remains at this level for the first 3 months or until they demonstrate competency at the current level (cl 12.1).		Process Attendant Level 2 = \$871.00
Seafood Processing Award 2020	MA000068	15.1(a)	Process Attendant Level 2	\$871.00 (between C14 and C13)	Category (v) – (see clause 12.2)		Process Attendant Level 3 = \$948.90
Seagoing Industry Award 2020	MA000122	A.1.1	Vessels Granted a Temporary Licence: OS/Wiper/Deckbo y/Catering Boy/2nd Cook/Messroom Steward	\$859.40 (between C14 and C13)	Category (v)		Integrated rating/Able seaman/Fireman/Mot orman/Pumpman/Oil er greaser/Steward = \$1013.40
Stevedoring Industry Award 2020	MA000053	16.1	Grade 1	\$859.30 (at C14)	Category (iv) – undergoing induction and initial training prior to appointment as a stevedoring employee Grade 2 (cl A.1).		Grade 2 = \$889.10
Sugar Industry Award 2020	MA000087	17.1	Field, experiment stations and cane tester employees: CPT (Inductee/Trainee)	\$867.20 (between C14 and C13)	Category (iii) – engaged for a maximum of 240 consecutive hours within the first 6 weeks of initial engagement in industry (cl A.2.1).		CP1 (Level 1) = \$929.00

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Sugar Industry Award 2020	MA000087	17.1	Field, experiment stations and cane tester employees: CT1 (Level 1)	\$861.40 (between C14 and C13)	Category (v) – see clause A.5.1.		CP2 (Level 2) = \$959.70
Sugar Industry Award 2020	MA000087	19.1	Milling, distillery, refinery and maintenance employees: C14/L2	\$859.30 (at C14)	Category (v) – see clause B.1.1.		C13/L3 = \$882.80^
Sugar Industry Award 2020	MA000087	21.1	Bulk terminal employees: BT1	\$859.30 (at C14)	Category (ii) – undertakes 3- month probation period (cl C.1).		BT2 = \$889.10
Supported Employment Services Award 2020	MA000103	15.2	Grade 1	\$859.30 (at C14)	Category (ii) – undertakes induction and/or training to perform work in Grade 2 or above for a period not exceeding 3 months (cl A.2.3)	Initially allocated to (i), however, transition period changed as result of PR749151.	Grade 2 = \$882.80^
Textile, Clothing, Footwear and Associated Industries Award 2020	MA000017	19.1	General Employees: Trainee	\$859.30 (at C14)	Category (ii) – up to 3 months undergo approved (including induction) training so as to enable them to achieve the level of competence required at Skill Level 1 (cl A.1).		Skill level 1 = \$882.80^
Textile, Clothing, Footwear and Associated Industries Award 2020	MA000017	19.2	Wool and Basil Employees: General hand	\$859.30 (at C14)	Category (v) – see clause B.4.		Operator – Grade 3 = \$882.80^
Timber Industry Award 2020	MA000071	20.1(a)	General Timber Stream: Level 1	\$859.30 (at C14)	Category (ii) – maximum 3 months unless 3 month extension agreed (cl A.1(f)).		General Timber Stream: Level 2 = \$882.80^

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Timber Industry Award 2020	MA000071	20.1(b)	Wood and Timber Furniture Stream: Level 1	\$859.30 (at C14)	Category (ii) – undertaking up to 3 months' induction and skill development. Progression will occur on completion of induction and the core units of the Furnishing Industry Training Package and demonstrates competency to undertake Level 2 (cl B.1).		Wood and Timber Furniture Stream: Level 2 = \$882.80^
Travelling Shows Award 2020	MA000102	16.1	Grade 1	\$859.30 (at C14)	Category (v) – see clause 12.2.		Grade 2 = \$914.90
Vehicle Repair, Services and Retail Award 2020	MA000089	16.2	Vehicle RS&R industry employee—Level 1	\$859.30 (at C14)	Category (i) – may be undertaking up to 38 hours of induction training. Note that a Level 2 employee is an employee who has completed 3 months structured training (cl A.1).		Vehicle RS&R industry employee— Level 2 = \$882.80^
Victorian Local Government (Early Childhood Education Employees) Award 2016	MA000150	14.5	Educator (Unqualified): Level 1.1 On commencement	\$878.00 (between C14 and C13)	Category (iii)* – 12 months experience at level (or 24 months for employees who work 19 hours or less) and inservice training. Employee must meet competency at existing level and demonstrated ability to acquire skills at next level (cl 14.6(a)).		Educator (Unqualified): Level 2.1 On commencement = \$909.90

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Victorian State Government Agencies Award 2015	MA000134	33.2	Trainee officer	\$859.28 (at C14) (\$44,836 per annum)	Category (v) –employees may be eligible to progress to next salary range after 12 months' satisfactory occupancy of current step. Progression is not automatic and is dependent on demonstration and utilisation of new and enhanced skills. Advancement may also be based on availability of suitable vacancy (cl 9.6–9.7).	Marginally below current C14 rate.	Operational support officer = \$915.60 (\$47,775 per annum)
Victorian State Government Agencies Award 2015	MA000134	38.2	RW 1-1	\$879.31 (between C14 and C13) (\$45,881 per annum)	Category (v) – employees may be eligible to progress to next salary range after 12 months' satisfactory occupancy of current step. Progression is not automatic and is dependent on demonstration and utilisation of new and enhanced skills (cl 9.6).		RW 1-2 = \$915.60 (\$46,582 per annum)
Wine Industry Award 2020	MA000090	15.1	Grade 1	\$871.20 (between C14 and C13)	Category (iii)* – trainee undertaking 3 month induction and training modules. Will progress to Grade 2 on completion and assessment of such training within 12 months of service (cl A.1.1).		Grade 2 = \$906.90
Wool Storage, Sampling and Testing Award 2020	MA000044	16.1	Wool Industry Worker Level 1 (Wool Storage)	\$878.40 (between C14 and C13)	Category (v) – see clause A.3.1.		Wool Industry Worker Level 2 (Wool Storage) = \$911.40

Award title	Award code	Clause	Classification	Weekly rate (or equivalent)	Transitional category ¹	Comment	Next classification up ²
Wool Storage,	MA000044	16.1	Wool Industry	\$878.40 (between	Category (ii) – transition occurs		Wool Industry
Sampling and			Worker Level 1	C14 and C13)	to higher pay point after 3		Worker Level 1
Testing Award			(Wool Testing)—		months (cl 16.1).		(Wool Testing)—
2020			First 3 months				After 3 months =
							\$895.00
Wool Storage,	MA000044	16.1	Wool Industry	\$878.40 (between	Category (ii) – transition occurs		Wool Industry
Sampling and			Worker Level 1	C14 and C13)	after 3 months (cl 16.1)		Worker Level 1 (Skin
Testing Award			(Skin and Hide				and Hide Stores)—
2020			Stores)—First 3				After 3 months up
			months				until 12 months =
							\$895.00

Note: This table is limited to adult rates of pay and excludes junior, apprentice, trainee (under the NTW schedule), cadet and disability rates. Ordinary hourly rates and rates which are or form part of a piece rate or engagement rate are also excluded.

A category (iii) assigned an asterisk (*) indicates that the transition period is greater than **6 months**.

² The following accent symbol (^) is used to indicate a rate which is equal to the C13 rate.

¹ The transitional categories are based on the categories set out at paragraph [3] of this statement.

¹ [2019] FWC 5863.

² [2019] FWCFB 3500.

³ PR749974.

⁴ [2019] FWC 5863 at [5] and [6].

⁵ Port Authorities Award 2020, Stevedoring Industry Award 2020, Cement, Lime and Quarrying Award 2020, Oil Refining and Manufacturing Award 2020 and Air Pilots Award 2020; see [2022] FWCFB 183 at [26] and [2022] FWCFB 198 at [6]-[8].

 $^{^6}$ In particular, see [2019] FWC 5863, [2019] FWC 8159, [2022] FWC 1989, [2022] FWCFB 198 and [2023] FWC 202.

⁷ [2022] FWC 2239.

⁸ [2023] FWC 716.

⁹ [2023] FWCFB 3500 at [8].

¹⁰ [2023] FWCFB 3500 at [173].