



# STATEMENT

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

## **4 yearly review of modern awards—Payment of wages** (AM2016/8)

JUSTICE ROSS, PRESIDENT  
DEPUTY PRESIDENT BOOTH  
DEPUTY PRESIDENT CLANCY  
COMMISSIONER CRIBB  
COMMISSIONER HUNT

MELBOURNE, 14 OCTOBER 2016

*4 yearly review of modern awards – Payment of wages –Timing of payment on termination.*

[1] A number of matters concerning various ‘payment of wages’ terms in certain modern awards have been referred to this Full Bench for determination. A summary of the various matters is set out in a [Statement](#) issued 6 July 2016 (the 6 July Statement).

[2] A further [Statement](#) with draft directions was issued on 2 August 2016 (the 2 August Statement). That statement provided interested parties with an opportunity to comment on the proposed directions. Final [directions](#) were issued on 15 August 2016.

[3] A [Statement](#) was issued on 8 September 2016 (the 8 September Statement) attaching draft determinations for 25 awards in relation to the timing of payment of wages on termination. The Statement also raised a number of issues for the consideration of the parties.

[4] This matter is listed for [mention](#) on 17 October 2016 and [hearing](#) on 21 October 2016.

[5] The purpose of this statement is to express a preliminary view about the payment of wages on termination.

### ***Current award provisions***

[6] Attachment A sets out awards that provide for payment of wages and other amounts owing on termination of employment and any timeframe for payment specified in the award. Some 86 modern awards make no provision for payment on termination (Attachment B).

[7] Of the 36 awards that provide a timeframe for payment on termination:

- (i) 10 awards are the subject of the ABI/Ai Group claim;
- (ii) the Commission has issued draft variation determinations in relation to 25 awards which provide for a timeframe for payment on termination; and
- (iii) the remaining award provides for payment in the normal pay cycle so no draft determination was published.

[8] We note the following features of some of the award provisions for payment of wages on termination:

(i) The *Plumbing and Fire Sprinklers Award 2010*, the *Silviculture Award 2010* and the *Supported Employment Services Award 2010* currently provide for paid waiting time where payment on termination is made later than the prescribed time.

(ii) Thirteen awards provide for termination payments to be made *by post* in timeframes between one and three days after termination:

*Black Coal Mining Industry Award 2010 – cl 16.7(a)*  
*Building and Construction General On-Site Award 2010 – cl 31.4(a)*  
*Electrical, Electronic and Communications Contracting Award 2010 – cl 22.3(a)*  
*Graphic Arts, Printing and Publishing Award 2010I (cl.28.5)*  
*Horticulture Award 2010(cl.19.3)*  
*Manufacturing and Associated Industries and Occupations Award 2010 (cl.34.3)*  
*Market and Social Research Award 2010 – cl 19.5(a)*  
*Mobile Crane Hiring Award 2010 – cl 19.5(a)*  
*Pastoral Award 2010 – cl 16.3(a)*  
*Plumbing and Fire Sprinklers Award 2010 – cl 27.4(a)*  
*Silviculture Award 2010 – cl 21.3(a)*  
*Professional Diving Industry (Industrial) Award 2010 – cl 19.4(a)*  
*Professional Diving Industry (Recreational) Award 2010 – cl 18.4(a)*

(iii) Ten awards provide for termination payments to be ‘forwarded’ to the former employee, but do not specify the means by which such payments are to be provided. These awards are:

*Asphalt Industry Award 2010 (cl 19.3(a))*  
*Business Equipment Award 2010 (cl 25.4)*  
*Food, Beverage and Tobacco Manufacturing Award 2010 (cl.28.3)*  
*Meat Industry Award 2010 (cl 29.2(a))*  
*Nursery Award 2010 (cl 22.3(a))*  
*Pharmaceutical Industry Award 2010 (cl 21.3(a))*  
*Seafood Processing Award 2010 (cl 21.3(a))*  
*Storage Services and Wholesale Award 2010 (cl.20.3)*  
*Vehicle Manufacturing Repair Services and Retail Award 2010 (cl 24.4(a)(ii)).*  
*Wine Industry Award 2010 (cl 26.3)*

(iv) The *Aged Care Award 2010* (cl 17.3(a)) and the *Dry Cleaning and Laundry Industry Award 2010* (cl 19.3(a)) both provide that termination monies are to be paid by ‘no later than the last day of the formal notice period’. These provisions may give rise to some uncertainty where notice is not given.

(v) The following awards do not specify a time period within which termination payments are to be made:

*Nurses Award 2010* (cl 18.3(a))  
*Road Transport (Long Distance Operations) Award 2010* (cl 18.3 ‘immediately’)  
*Road Transport and Distributions Award 2010* (cl 20.3 ‘forthwith’)  
*Supported Employment Services Award 2010* (cl 18.4 ‘immediately’)  
*Waste Management Award 2010* (cl 24.3(a) ‘as soon as possible’)

(vi) The *Children’s Services Award 2010* (cl 19.3(a)) provides two time periods for the payment of termination monies – where the employee ‘lawfully leaves their employment’ and otherwise. The *Restaurant Industry Award 2010* also provides that in circumstances where notice has been given, payment on termination will be made prior to the employee leaving their employment and where the employee is dismissed for misconduct they must be paid within one hour of their dismissal or as soon as practicable thereafter. It is not clear that the timing of payment on termination of employment should depend on the reason for termination.

### ***The current claims***

[9] Ai Group’s proposed draft determinations would add the following sentence to existing payment of wages clauses: “provided that, where such wages are paid by EFT, payment may be made in accordance with the usual pay cycle.” It is submitted that this change will reduce costs and regulatory burden presently borne by the employer because of the requirement to pay a potentially large sum within a short period and the need to administer an additional pay run.

[10] Ai Group submits that current award provisions:

- are unfair to employers because they impose additional employment costs and create a regulatory burden;
- are irrelevant, having regard to modern payroll practices by virtue of which employees are now primarily paid by EFT; and
- are out of step with the vast majority of modern awards.

[11] It is further submitted that the proposed variations:

- encourage flexibility and modern work practices; and
- are necessary to ensure that the nine awards identified are achieving the modern awards objective<sup>1</sup>.

[12] ABI and the NSW Business Chamber submit that the current award provisions in the 10 awards that form part of the claim are impractical and inconsistent with the modern awards objective<sup>2</sup>. Their submission outlines five reasons for the proposed change:

- The provisions apply to all terminations, including those that arise summarily.
- Employers can have difficulty promptly obtaining wage information necessary to process payments.
- Employers sometimes need time to make funds available.
- Processing termination payments manually to comply with award provisions imposes a time and administrative cost on employers.

- Employers may incur additional financial costs when paying ‘out of cycle’ EFT transactions for individual employees.

### *Legislative scheme*

[13] Section 323 of the *Fair Work Act 2009* (FW Act) deals with both the frequency of payments to an employee for “amounts payable to the employee in relation to the performance of work” and the method for payment:

#### **323 Method and frequency of payment**

(1) An employer must pay an employee amounts payable to the employee in relation to the performance of work:

- (a) in full (except as provided by section 324); and
- (b) in money by one, or a combination, of the methods referred to in subsection (2); and
- (c) at least monthly.

Note 1: This subsection is a civil remedy provision (see Part 4-1).

Note 2: Amounts referred to in this subsection include the following if they become payable during a relevant period:

- (a) incentive-based payments and bonuses;
- (b) loadings;
- (c) monetary allowances;
- (d) overtime or penalty rates;
- (e) leave payments.

(2) The methods are as follows:

- (a) cash;
- (b) cheque, money order, postal order or similar order, payable to the employee;
- (c) the use of an electronic funds transfer system to credit an account held by the employee;
- (d) a method authorised under a modern award or an enterprise agreement.

(3) Despite paragraph (1)(b), if a modern award or an enterprise agreement specifies a particular method by which the money must be paid, then the employer must pay the money by that method.

Note: This subsection is a civil remedy provision (see Part 4-1).

[14] In *Casey Grammar School v Independent Education Union of Australia*<sup>3</sup> the Commission observed that:

‘Section 323 is, as it[s] heading indicates, concerned with regulating the timing and frequency of the payment of “amount[s] payable” to an employee, together with the method by which those payments must be made. It does not create the underlying legal obligation to pay that renders an amount as “an amount payable to an employee” within the meaning of s.324(1). Rather, it operates on an existing legal obligation to pay and then imposes further obligations on the employer in relation to the timing, frequency and method of such payments. The words of s.323(1) are apt to cover all wage and wage-related amounts due from a national system employer to one of its employees, irrespective of whether those amounts become legally “payable” by virtue of the NES, an award, an individual or collective statutory agreement or a common law contract.’<sup>4</sup>

[15] While s.323 clearly requires an employer to pay wages and related amounts such as leave payments<sup>5</sup> not later than one month after they have accrued, it is not clear whether “amounts payable to the employee in relation to the performance of work” encompasses amounts accrued under an award or the NES upon termination such as payment in lieu of annual leave (FW Act s.90(2)) and redundancy pay (s.119(1)).<sup>6</sup> There does not appear to be anything else in the FW Act that addresses the timing of termination payments generally. Consequently, if s.323 does not encompass all termination payments, there would seem to be a legislative gap.

[16] One provision of the FW Act that does deal expressly with the timing of a termination payment is s.117. Specifically, s.117(2)(b) appears to require,<sup>7</sup> where employment is terminated with payment in lieu of the statutory notice period, that the payment in lieu be made prior to or upon the termination of employment:

### **117 Requirement for notice of termination or payment in lieu**

#### *Notice specifying day of termination*

(1) An employer must not terminate an employee’s employment unless the employer has given the employee written notice of the day of the termination (which cannot be before the day the notice is given).

Note 1: Section 123 describes situations in which this section does not apply.

Note 2: Sections 28A and 29 of the *Acts Interpretation Act 1901* provide how a notice may be given. In particular, the notice may be given to an employee by:

- (a) delivering it personally; or
- (b) leaving it at the employee’s last known address; or
- (c) sending it by pre-paid post to the employee’s last known address.

#### *Amount of notice or payment in lieu of notice*

(2) The employer must not terminate the employee’s employment unless:

(a) the time between giving the notice and the day of the termination is at least the period (the *minimum period of notice*) worked out under subsection (3); or

(b) the employer has paid to the employee (or to another person on the employee’s behalf) payment in lieu of notice of at least the amount the employer would have been liable to pay to the employee (or to another person on the employee’s behalf) at the full rate of pay for the hours the employee would have worked had the employment continued until the end of the minimum period of notice. [emphasis added]

[17] How s.117(2)(b) sits with current award provisions in relation to payment on termination is unclear.

### ***Provisional view and questions for the parties***

[18] It seems to us that the issue of payment of wages and other amounts owing on termination of employment is a broader issue than previously appreciated. There is at least a doubt that the legislative scheme covers the payment of termination payments generally on termination. Accordingly, it is our provisional view that there is some utility in a common payment on termination provision across all 122 modern awards.

**[19]** It is our provisional view that each modern award should provide for the payment of wages and other amounts owing on termination of employment, to ensure that employers and employees are aware of their obligations and entitlements. It is proposed that the default term for payment of wages and other amounts due on termination of employment should be:

**1. Payment on termination of employment**

The employer must pay all amounts that are due to an employee under this award and the NES when the employee's employment ends:

- (a) within 7 days after the employee's last day of employment; or
- (b) on the next normal pay day.

**[20]** Unlike the ABI/AiGroup proposed variations, the provisional default term is not confined to the circumstances where an employee is paid by EFT. This is because our provisional view is that the draft determination proposed by ABI/AiGroup does not adequately address the concern that employers not be required to make termination payments within a very short timeframe. For example, if an employee's employment was terminated the day before a normal payday, the employer would be required to make the payment the following day. We are also of the provisional view that there is merit in the proposition that the current award provisions do not reflect modern payroll practices.

**[21]** Further, our provisional view is that there does not appear to be a sound rationale for retaining the current provisions that require payment of wages on termination within a short period after termination (such as one or two days, or 'forthwith'). Accordingly, we would propose to replace the existing provisions in respect of the timeframe for the payment of termination payments, in the 36 modern awards mentioned previously, with the provisional default term.

***Question 1** – Parties are invited to comment on the terms of the provisional default term.*

***Question 2** – Parties are invited to comment on the provisionally expressed view that the default term be inserted into all modern awards.*

***Question 3**–If any party would seek to retain a current award provision, the Full Bench requests that the party provide an explanation as to the purpose of the provision and how this particular provision meets the modern awards objective.*

***Question 4**–Parties are asked to consider how s.117(2)(b) might interact with the proposed default term and whether the clause should include reference to s.117(2)(b).*

Note: As observed above (at [16]), it appears that s.117(2)(b) requires payment in lieu of notice under the NES to be made prior to or upon termination of employment.

*Next Steps*

[22] The hearing in respect of all payment of wages matters is listed for **9:30 am on Friday, 21 October 2016** in Sydney. In addition to any other matter they may wish to raise, interested parties are asked to address the questions set out above during the course of their oral submissions on 21 October 2016.

PRESIDENT

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<sup>1</sup> AiGroup [submission](#) 20 September 2016 pages 8-9

<sup>2</sup> ABI & NSWBC submission 20 September at 6

<sup>3</sup> [2010] FWA 8218

<sup>4</sup> Ibid at [9]. See further *Murrihy v Betezy.com.au Pty Ltd* [2013] FCA 908 at 142

<sup>5</sup> In relation to payment for leave, see *Canavan Building Pty Ltd* [2014] FWCFB 3202 at [44]

<sup>6</sup> See for example *Garrick & Mines v Mitsubishi Motors Australia Ltd* [2014] SAIRC 38

<sup>7</sup> See *Melbourne Stadiums Ltd v Sautner* [2015] FCAFC 20 per White J at [213]-[214]

## Attachment A–Awards containing provision for payment on termination

Award	Method of payment	Provision for payment on termination	Timeframe for payment on termination
<a href="#">Aged Care Award 2010 [MA000018]</a>	Cash or EFT	Clause 17.3	When notice of termination of employment has been given by an employee or an employee's services have been terminated by an employer, payment of all wages and other moneys owing to an employee will be made to the employee by no later than the last day of the formal notice period.
<a href="#">Aluminium Industry Award 2010 [MA000060]</a>	Cash, cheque or EFT	Clause 17.3	On termination of employment, wages due to an employee must be paid on the day of termination or paid to the employee by the next regular pay day in accordance with clause 17.2.
<a href="#">Asphalt Industry Award 2010 [MA000054]</a>	Cash, cheque or EFT	Clause 19.3	On termination of employment the wages due to an employee must be paid on the day of termination or be forwarded to the employee within 2 business days after termination.
<a href="#">Black Coal Mining Industry Award 2010 [MA000001]</a>	Cheque or EFT	Clause 16.7	Upon termination of employment, wages due to an employee will be paid on the day of such termination or forwarded by post, within 72 hours, to the last address notified in writing by the employee. Note also cl. 13.5 which sets out payments on termination
<a href="#">Building and Construction General On-site Award 2010 [MA000020]</a>	Cash, cheque, bank cheque or EFT	Clause 31.4	When notice is given, all monies due to the employee must be paid at the time of termination of employment. Where this is not practicable, the employer will have two working days to send monies due to the employee by registered post (or where paid by EFT the monies are

Award	Method of payment	Provision for payment on termination	Timeframe for payment on termination
			transferred into the employee's account).
<a href="#">Business Equipment Award 2010 [MA000021]</a>	Cash, cheque or EFT	Clause 25.4	Upon termination of employment, the wages due to an employee must be paid on the day of such termination or forwarded by post on the next working day.
<a href="#">Children's Services Award 2010 [MA000120]</a>	Cash, cheque or EFT	Clause 19.3	Where an employee lawfully leaves their employment they will be paid all moneys due at the time of leaving by cash, cheque or electronic funds transfer. Alternatively, the employee may be paid on the next working day where this is reasonable.
<a href="#">Dry Cleaning and Laundry Industry Award 2010 [MA000096]</a>	Cash or EFT	Clause 19.3	When notice of termination of employment has been given by an employee or an employee's services have been terminated by an employer, payment of all wages and other money owing to an employee will be made to the employee by no later than the last day of the formal notice period.
<a href="#">Electrical, Electronic and Communications Contracting Award 2010 [MA000025]</a>	Cash, cheque or EFT	Clause 22.3	<b>(a)</b> On termination of employment, wages due to an employee must be paid on the day of termination or forwarded to the employee by post on the next working day. <b>(b)</b> Where an employee is paid under a rostered day off system and has accrued a credit towards a rostered day off such credit must be taken into account in calculating wages due on termination.

<b>Award</b>	<b>Method of payment</b>	<b>Provision for payment on termination</b>	<b>Timeframe for payment on termination</b>
<a href="#">Food, Beverage and Tobacco Manufacturing Award 2010 [MA000073]</a>	Cash, cheque or EFT	Clause 28.3	On termination of employment, wages due to an employee must be paid on the day of termination or forwarded to the employee on the next working day.
<a href="#">Graphic Arts, Printing and Publishing Award 2010 [MA000026]</a>	Cash, cheque or EFT	Clause 28.5	On termination of employment, all monies due to an employee must be paid on the day of termination. When an employee is dismissed without notice all monies are to be forwarded to the employee by post or electronic funds transfer by the end of the next business day following the termination.
<a href="#">Horse and Greyhound Training Award 2010 [MA000008]</a>	Cash, cheque or EFT	Clause 18.1	When an employee's employment is terminated before the usual payday, the employee must be paid all wages and holiday pay to which the employee is entitled within 24 hours of leaving the employer's service.
<a href="#">Horticulture Award 2010 [MA000028]</a>	Cash, cheque or EFT	Clause 19.3	On termination of employment, wages due to an employee must be paid on the day of termination or forwarded to the employee by post on the next working day.
<a href="#">Manufacturing and Associated Industries and Occupations Award 2010 [MA000010]</a>	Cash, cheque or EFT	Clause 34.3	On termination of employment, wages due to an employee must be paid on the day of termination or forwarded to the employee by post on the next working day.
<a href="#">Market and Social Research Award 2010 [MA000030]</a>	EFT or by agreement cash or cheque	Clause 19.5	An employer must, on request, provide to an employee on termination a detailed statement of outstanding entitlements. The wages due to an employee must be paid on the day of

Award	Method of payment	Provision for payment on termination	Timeframe for payment on termination
			such termination or forwarded via post on the next working day.
<a href="#">Meat Industry Award 2010 [MA000059]</a>	"In manner agreed"	Clause 29.2	Upon termination of employment, any wages due to an employee will be paid on the day of such termination or, at the employee's option, forwarded to them on the next working day.
<a href="#">Mobile Crane Hiring Award 2010 [MA000032]</a>	Cash, cheque or EFT	Clause 19.5	Upon termination of employment, wages due will be paid on the day of such termination or forwarded by electronic transfer or post on the next working day.
<a href="#">Nursery Award 2010 [MA000033]</a>	Cash, cheque or EFT	Clause 22.3	On termination of the employment, the wages due to an employee must be paid on the day of termination or be forwarded to the employee within 2 business days after termination.
<a href="#">Nurses Award 2010 [MA000034]</a>	Cash, cheque or EFT	Clause 18.3	When notice of termination of employment has been given by an employee or an employee's services have been terminated by the employer, payment of all wages and other monies owing to an employee will be made to the employee.
<a href="#">Passenger Vehicle Transportation Award 2010 [MA000063]</a>	The employer at its discretion may pay an employee by electronic funds transfer to a bank account nominated by an employee	Clause 19.4	Notwithstanding anything contained in this clause, the employer must pay to an employee who leaves or is dismissed all moneys due to the employee within two working days.
<a href="#">Pastoral Award 2010 [MA000035]</a>	Cash, cheque or EFT	Clause 16.3	On termination of employment, wages due to an employee must be paid on the day of termination or forwarded to the employee by post

Award	Method of payment	Provision for payment on termination	Timeframe for payment on termination
			on the next working day.
<a href="#">Pharmaceutical Industry Award 2010 [MA000069]</a>	Cash, cheque or EFT	Clause 21.3	On termination of employment the wages due to an employee must be paid on the day of such termination or be forwarded to them within 2 business days after termination.
<a href="#">Plumbing and Fire Sprinklers Award 2010 [MA000036]</a>	Cash, cheque, bank cheque or EFT		When notice is given in accordance with clause 17—Termination of employment, monies due to the employee must be paid at the time of termination. Where this is not practicable monies will be sent by registered post or, if the employee is normally paid by electronic funds transfer, transferred into the employee’s account within two working days <b>Note- penalty payment for waiting time (ordinary rates for 8 hours per day for up to a week)</b>
<a href="#">Professional Diving Industry (Industrial) Award 2010 [MA000108]</a>	Cash, cheque, bank cheque or EFT	Clause 19.4	On termination of employment, wages due to employees must be paid to them on the day of such termination or forwarded to them by post on the next working day.
<a href="#">Professional Diving Industry (Recreational) Award 2010 [MA000109]</a>	Cash, cheque, bank cheque or EFT	Clause 18.4	On termination of employment, wages due to employees must be paid to them on the day of such termination or forwarded to them by post on the next working day.
<a href="#">Restaurant Industry Award 2010 [MA000119]CSH,</a>	Cash, cheque or EFT	Clauses 27.4 and 27.5	<b>27.4</b> When notice of termination of employment has been given by an employee or an employee’s services have been terminated by an employer, payment of

Award	Method of payment	Provision for payment on termination	Timeframe for payment on termination
			<p>all wages due must be made during working time, prior to the employee leaving their employment.</p> <p><b>27.5</b> Where an employee is dismissed for misconduct the employee must be paid within one hour of their dismissal or as soon as practicable thereafter.</p>
<p><a href="#">Road Transport (Long Distance Operations) Award 2010 [MA000039]</a></p>	<p>EFT at the employer's discretion</p>	<p>Clause 18.3</p>	<p>Notwithstanding anything contained in this clause, the employer must pay to an employee who leaves or is dismissed all money due to the employee immediately</p>
<p><a href="#">Road Transport and Distribution Award 2010 [MA000038]</a></p>	<p>EFT at employer's discretion</p>	<p>Clause 20.3</p>	<p>Notwithstanding anything contained in this clause, the employer must pay to an employee who leaves or is dismissed all moneys due to the employee forthwith.</p>
<p><a href="#">Seafood Processing Award 2010 [MA000068]</a></p>	<p>Cash, cheque or EFT</p>	<p>Clause 21.3</p>	<p>On the day of termination or forwarded within 48 hours.</p>
<p><a href="#">Silviculture Award 2010 [MA000040]</a></p>	<p>Cash, cheque or EFT</p>	<p>Clause 21.3</p>	<p>When notice is given in accordance with the NES, all money due to the employee pursuant to this award must be paid at the time of termination. Where this is not practicable, the employer must, within two clear working days of the termination, transfer all money due by electronic funds transfer or by registered post to the employee's home address.</p> <p>Any time spent waiting beyond the two working days must be paid for at ordinary rates of eight</p>

Award	Method of payment	Provision for payment on termination	Timeframe for payment on termination
			hours per day for up to one week.
<a href="#">Storage Services and Wholesale Award 2010 [MA000084]</a>	Cash or cheque during working hours or by EFT	Clause 20.3	On termination of employment, wages due to an employee must be paid on the day of termination or forwarded to the employee as soon as reasonably practicable and within two working days after the termination.
<a href="#">Supported Employment Services Award 2010 [MA000103]</a>	Cash, cheque or EFT, as determined by employer.	Clause 18.4 and 18.5	<p><b>18.4</b> Where an employee is discharged from employment the employee will be paid immediately for all wages, overtime, pro rata payment for annual leave, annual leave loading or any remuneration due. Payment may be made by cash, cheque or electronic funds transfer at the discretion of the employer.</p> <p><b>18.5</b> Where an employee lawfully leaves their employment they will be paid all monies due at the time of leaving. Payment may be made by cash, cheque or electronic funds transfer at the discretion of the employer.</p> <p><b>18.6</b> In the event of a delay of this payment, within the control of the employer, the employee to be paid ordinary time rates for 'waiting time'. Time kept waiting will be deemed to operate after 6pm on the Friday of each pay week where payment made by EFT.</p>

Award	Method of payment	Provision for payment on termination	Timeframe for payment on termination
<a href="#">Timber Industry Award 2010 [MA000071]</a>	Cash, cheque or EFT	Clause 25.3	<p>25.3(a) Upon termination after the prescribed period of notice, or where the notice period has been dispensed with in accordance with clause 15 (Redundancy) all monies must be paid at the usual place of payment within 15 minutes of the ceasing time on the day of the termination of employment. If the usual place is at work in the bush, within 30 minutes of the usual ceasing time.</p> <p>25.3(b) - If the employment is otherwise terminated, no later than the expiration of the pay period.</p>
<a href="#">Vehicle Manufacturing, Repair, Services and Retail Award 2010 [MA000089]</a>	<p>Cash or, with the agreement of the majority of workers in a workplace, by cheque or direct transfer.</p> <p>An employer and an employee may agree to pay by cheque or direct transfer.</p>	Clause 24.4	<p>(a) Upon termination of the employment, the employer will pay wages due to an employee:</p> <ul style="list-style-type: none"> <li>(i) on the day of such termination;</li> <li>(ii) by forwarding such wages to the employee on the next working day; or</li> <li>(iii) at the employer's place of business on a stated day not later than seven days after such termination. If the employer requires the employee to visit such place of business to collect wages then, in addition to the amount of moneys due, the employer will pay the employee an additional four hours' ordinary pay. Except that where an employee abandons his or her employment or the employee's employment is terminated without</li> </ul>

Award	Method of payment	Provision for payment on termination	Timeframe for payment on termination
			<p>notice for serious and wilful misconduct the employer will pay the wages due to the employee within two business days (not including a Saturday, Sunday or public holiday) of the termination.</p> <p><b>(b)</b> An employer may deduct from monies due to an employee such amount as is authorised in writing by the employee for a lawful purpose specified in the authority.</p>
<p><a href="#">Waste Management Award 2010 [MA000043]</a></p>	<p>At the employer's discretion, by EFT.</p>	<p>Clause 24.3</p>	<p>Despite anything contained in this clause, the employer must pay to an employee who leaves or is dismissed all money due to the employee as soon as possible.</p>
<p><a href="#">Wine Industry Award 2010</a></p>	<p>Cash or EFT</p>	<p>Clause 26.3</p>	<p>On termination of the employment, wages due to an employee must be paid on the day of such termination or be forwarded to the employee on the next working day.</p>

**Attachment B—Awards with no provision for payment on termination**

*Aboriginal Community Controlled Health Services Award 2010 [MA000115]*  
*Air Pilots Award 2010 [MA000046]*  
*Aircraft Cabin Crew Award 2010 [MA000047]*  
*Airline Operations—Ground Staff Award 2010 [MA000048]*  
*Airport Employees Award 2010 [MA000049]*  
*Alpine Resorts Award 2010 [MA000092]*  
*Ambulance and Patient Transport Industry Award 2010 [MA000098]*  
*Amusement, Events and Recreation Award 2010 [MA000080]*  
*Animal Care and Veterinary Services Award 2010 [MA000118]*  
*Aquaculture Industry Award 2010 [MA000114]*  
*Architects Award 2010 [MA000079]*  
*Banking, Finance and Insurance Award 2010 [MA000019]*  
*Book Industry Award 2010 [MA000078]*  
*Broadcasting and Recorded Entertainment Award 2010 [MA000091]*  
*Car Parking Award 2010 [MA000095]*  
*Cement and Lime Award 2010 [MA000055]*  
*Cemetery Industry Award 2010 [MA000070]*  
*Cleaning Services Award 2010 [MA000022]*  
*Clerks—Private Sector Award 2010 [MA000002]*  
*Coal Export Terminals Award 2010 [MA000045]*  
*Commercial Sales Award 2010 [MA000083]*  
*Concrete Products Award 2010 [MA000056]*  
*Contract Call Centres Award 2010 [MA000023]*  
*Corrections and Detention (Private Sector) Award 2010 [MA000110]*  
*Cotton Ginning Award 2010 [MA000024]*  
*Dredging Industry Award 2010 [MA000085]*  
*Educational Services (Post-Secondary Education) Award 2010 [MA000075]*  
*Educational Services (Schools) General Staff Award 2010 [MA000076]*  
*Educational Services (Teachers) Award 2010 [MA000077]*  
*Electrical Power Industry Award 2010 [MA000088]*  
*Fast Food Industry Award 2010 [MA000003]*  
*Fire Fighting Industry Award 2010 [MA000111]*  
*Fitness Industry Award 2010 [MA000094]*  
*Funeral Industry Award 2010 [MA000105]*  
*Gardening and Landscaping Services Award 2010 [MA000101]*  
*Gas Industry Award 2010 [MA000061]*  
*General Retail Industry Award 2010 [MA000004]*  
*Hair and Beauty Industry Award 2010 [MA000005]*  
*Health Professionals and Support Services Award 2010 [MA000027]*  
*Higher Education Industry—Academic Staff—Award 2010 [MA000006]*  
*Higher Education Industry—General Staff—Award 2010 [MA000007]*  
*Hospitality Industry (General) Award 2010 [MA000009]*  
*Hydrocarbons Field Geologists Award 2010 [MA000064]*  
*Hydrocarbons Industry (Upstream) Award 2010 [MA000062]*  
*Joinery and Building Trades Award 2010 [MA000029]*  
*Journalists Published Media Award 2010 [MA000067]*  
*Labour Market Assistance Industry Award 2010 [MA000099]*  
*Legal Services Award 2010 [MA000116]C*

*Live Performance Award 2010 [MA000081]*  
*Local Government Industry Award 2010 [MA000112]*  
*Mannequins and Models Award 2010 [MA000117] Clause 17*  
*Marine Tourism and Charter Vessels Award 2010 [MA000093]*  
*Marine Towage Award 2010 [MA000050]*  
*Maritime Offshore Oil and Gas Award 2010 [MA000086]*  
*Medical Practitioners Award 2010 [MA000031]*  
*Mining Industry Award 2010 [MA000011]*  
*Miscellaneous Award 2010 [MA000104]*  
*Oil Refining and Manufacturing Award 2010 [MA000072]*  
*Pest Control Industry Award 2010 [MA000097]*  
*Pharmacy Industry Award 2010 [MA000012]*  
*Port Authorities Award 2010 [MA000051]*  
*Ports, Harbours and Enclosed Water Vessels Award 2010 [MA000052]*  
*Poultry Processing Award 2010 [MA000074]*  
*Premixed Concrete Award 2010 [MA000057]*  
*Professional Employees Award 2010 [MA000065]*  
*Quarrying Award 2010 [MA000037]*  
*Racing Clubs Events Award 2010 [MA000013]*  
*Racing Industry Ground Maintenance Award 2010 [MA000014]*  
*Rail Industry Award 2010 [MA000015]*  
*Real Estate Industry Award 2010 [MA000106]*  
*Registered and Licensed Clubs Award 2010 [MA000058]*  
*Salt Industry Award 2010 [MA000107]*  
*Seagoing Industry Award 2010 [MA000122]*  
*Security Services Industry Award 2010 [MA000016]*  
*Social, Community, Home Care and Disability Services Industry Award 2010 [MA000100]*  
*Sporting Organisations Award 2010 [MA000082]*  
*State Government Agencies Award 2010 [MA000121]*  
*Stevedoring Industry Award 2010 [MA000053]*  
*Sugar Industry Award 2010 [MA000087]*  
*Surveying Award 2010 [MA000066]*  
*Telecommunications Services Award 2010 [MA000041]*  
*Textile, Clothing, Footwear and Associated Industries Award 2010 [MA000017]*  
*Transport (Cash in Transit) Award 2010 [MA000042]*  
*Travelling Shows Award 2010 [MA000102]*  
*Water Industry Award 2010 [MA000113]*  
*Wool Storage, Sampling and Testing Award 2010 [MA000044]*