



STATEMENT AND DIRECTIONS

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – Plain language project – National Training Wage Award Specific Schedules (AM2016/15; AM2016/17)

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT HATCHER
COMMISSIONER HUNT

MELBOURNE, 16 DECEMBER 2019

4 yearly review of modern awards – plain language project – National Training Wage Schedule – Joinery and Building Trades Award 2010 – Mobile Crane Hiring Award 2010

[1] This statement deals with proposals to include award-specific National Training Wage Schedules (NTW Schedule) in the *Joinery and Building Trades Award 2010* (the Joinery Award) and the *Mobile Crane Hiring Award 2010* (the Mobile Crane Award).

[2] In a Statement¹ published on 23 February 2017, the National Training Wage Full Bench expressed a *provisional* view that where parties requested that the NTW Schedule be tailored to a particular modern award, this would occur.

[3] In a Decision² of 9 June 2017, the Full Bench confirmed that, following applications by the Australian Manufacturing Workers Union and the Construction, Forestry, Maritime, Mining and Energy Union (Construction and General Division) (CFMMEU), award-specific NTW Schedules will be maintained a number of Awards, including the Joinery Award and the Mobile Crane Award.

[4] Draft award-specific NTW Schedules were annexed to a Statement of 28 August 2017.³ Interested parties were invited to file submissions in relation to the draft award-specific NTW Schedules.⁴

¹ [\[2017\] FWCFB 1095](#) at [8].

² [\[2017\] FWCFB 3176](#) at [3].

³ Statement [\[2017\] FWCFB 4457](#).

⁴ [\[2017\] FWCFB 4174](#) at [69]; [\[2017\] FWCFB 4457](#) at [11] and [12].

[5] Submissions in relation to the Joinery Award were received from:

- CFMMEU on [8 September 2017](#);
- Housing Industry Association Limited (HIA) on [8 September 2017](#) and [17 March 2017](#); and
- Master Builders Australia (MBA) on [8 September 2017](#).

[6] Submissions in relation to the Mobile Cranes Award were received from:

- CFMMEU on [8 September 2017](#); and
- Australian Industry Group (Ai Group) on [8 September 2017](#).

[7] A conference was then held on 23 August 2019 (August 2019 Conference) where parties were requested to prepare a joint report to the Full Bench in relation to what is agreed and what is not agreed upon in the matter and including draft consent directions, if necessary, as to how the matter should be resolved.⁵

[8] Transcripts of each of the hearings and conference are available on the Commission's website.⁶

[9] The following Submissions were received after the August 2019 Conference:

- CFMMEU on [15 November 2019](#);
- HIA on [22 November 2019](#); and
- MBA on [22 November 2019](#).

[10] The CFMMEU submitted that it was that it was not possible for all the parties to agree on a report to present to the Full Bench. The CFMMEU provided a report (Report) which it stated was agreed to by Ai Group but not by HIA or MBA.⁷

[11] The CFMMEU also provided draft award-specific NTW Schedules for both Awards as part of the Report.⁸ A copy of these draft schedules are at **Attachment A** to this statement.

[12] The CFMMEU submitted that it will be necessary to have a full hearing of the matter in relation to the Joinery Award and the Mobile Crane Award, subject to the submissions of the MBA. It also suggested that directions be issued for the filing of further submissions and evidence.

⁵ [Transcript](#), 23 August 2019 at PN14, PN16 and PN44.

⁶ [Transcript](#), 7 September 2018; [Transcript](#), 27 September 2018; [Transcript](#), 23 August 2019.

⁷ CFMMWU [submissions](#), 15 November 2019, at para 5.

⁸ CFMMWU [submissions](#), 15 November 2019, at Appendix A and B.

Next steps

[13] We issue the following directions in relation to the determination of CFMMEU's proposal to include award specific NTW Schedules in the Joinery Award and Mobile Crane Award:

1. Any party seeking the inclusion of an award specific NTW Schedule for the *Joinery Building Trades Award 2010* and *Mobile Crane Award 2010*, shall file submissions and any evidence upon which they wish to rely by **5.00pm Wednesday 15 January 2020**.
2. Any submissions in reply including any evidentiary material are to be filed by **5.00pm Wednesday 12 February 2020**.
3. All submissions and evidence shall be sent by email to amod@fwc.gov.au
4. The parties are granted liberty to apply to vary these directions.

Note: All parties must file new submissions in accordance with the above directions (parties may refer to previous submissions and rely on them, but absent a submission in accordance with these directions we will **not** be having regard to any previous submissions).

[14] Submissions should be sent to amod@fwc.gov.au and will be published on the Commission's website.

PRESIDENT

Printed by authority of the Commonwealth Government Printer

<PR715307>

Attachment A

Draft Tailored NTW Schedule for the Joinery and Building Trades Award 2010

Schedule E—National Training Wage

E.1 Definitions

E.1.1 In this schedule:

adult trainee means a trainee who would qualify for the highest minimum wage in wage level A ~~or B or C~~ if covered by that wage level.

approved training, in relation to a trainee, means the training specified in the training contract of the trainee.

Australian Qualifications Framework (AQF) means the national framework for qualifications in post-compulsory education and training.

relevant Ministers means the Commonwealth, State and Territory Ministers responsible for vocational education and training.

relevant State or Territory training authority means a body in the relevant State or Territory that has power to approve traineeships, and to register training contracts, under the relevant State or Territory vocational education and training legislation.

relevant State or Territory vocational education and training legislation means the following or any successor legislation:

Apprenticeship and Traineeship Act 2001 (NSW);

Education and Training Reform Act 2006 (Vic);

Training and Skills Development Act 2008 (SA);

Training and Skills Development Act 2016 (NT);

Training and Tertiary Education Act 2003 (ACT);

Training and Workforce Development Act 2013 (Tas);

Vocational Education and Training Act 1996 (WA);

Further Education and Training Act 2014 (Qld).

trainee means an employee undertaking a traineeship under a training contract.

traineeship means a system of training that:

- (a) has been approved by the relevant State or Territory training authority; and
- (b) meets the requirements of a training package developed by the relevant Skills Service Organisation and endorsed by the Australian Industry and Skills Committee; and
- (c) leads to an AQF certificate level qualification.

training contract means an agreement for a traineeship made between an employer and an employee that is registered by the relevant State or Territory training authority.

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification that have been endorsed for an industry or enterprise by the Australian Industry and Skills Committee and placed on the National Training Information Service with the approval of the relevant Ministers, and includes any relevant replacement training package.

wage level A or B or C, see clause [E.4](#).

Year 10 includes any year before Year 10.

E.1.2 A reference in this schedule to **out of school** refers only to periods out of school beyond Year 10 as at 1 January in each year and is taken to:

- (a) include any period of schooling beyond Year 10 that was not part of, or did not contribute to, a completed year of schooling; and
- (b) include any period during which a trainee repeats, in whole or part, a year of schooling beyond Year 10; and
- (c) not include any period during a calendar year after the completion during that year of a year of schooling.

E.2 Coverage

E.2.1 Subject to clauses [E.2.2](#) to [E.2.5](#), this schedule applies to an employee covered by this award who is undertaking a traineeship and whose training package and AQF certificate level are allocated to a wage level by clause [E.6](#) or by clause [E.4.4](#).

E.2.2 This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in clause [E.6](#).

E.2.3 This schedule does not apply to:

- (a) the apprenticeship system; or
- (b) qualifications not identified in training packages; or
- (c) qualifications in training packages that are not identified as appropriate for a traineeship.

E.2.4 If this schedule is inconsistent with other provisions of this award relating to traineeships, the other provisions prevail.

E.2.5 This schedule ceases to apply to an employee at the end of the traineeship.

E.3 Types of traineeship

The following types of traineeship are available:

E.3.1 A full-time traineeship based on 38 ordinary hours per week, with 20% of those hours being approved training;

E.3.2 A part-time traineeship based on fewer than 38 ordinary hours per week, with 20% of those hours being approved training provided:

- (a) wholly on the job; or
- (b) partly on the job and partly off the job; or
- (c) wholly off the job.

E.4 Minimum rates

[E.4 varied by [PR606430](#), [PR707522](#) ppc 01Jul19]

E.4.1 Minimum weekly rates for full-time traineeships

(a) Wage level A

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause [E.6.1](#) is the weekly rate specified in Column 2 of [Table 1—Wage level A minimum weekly rate for full-time trainees \(AQF Certificate Level I–III traineeship\)](#) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 1—Wage level A minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)

COLUMN 1 EXPERIENCE LEVEL OF TRAINEE	Column 2 Highest year of schooling completed		
	Year 10 per week	Year 11 per week	Year 12 per week
School leaver	\$332.80	\$366.50	\$436.60
Plus 1 year out of school	\$366.50	\$436.60	\$508.10

Plus 2 years out of school	\$436.60	\$508.10	\$591.30
Plus 3 years out of school	\$508.10	\$591.30	\$677.00
Plus 4 years out of school	\$591.30	\$677.00	
Plus 5 or more years out of school	\$677.00		

NOTE: See clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

(b) Wage level B

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause [E.6.2](#) or by clause [E.4.4](#) is the weekly rate specified in Column 2 of [Table 2—Wage level B minimum weekly rate for full-time trainees \(AQF Certificate Level I–III traineeship\)](#) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 2—Wage level B minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$332.80	\$366.50	\$424.80
Plus 1 year out of school	\$366.50	\$424.80	\$488.60
Plus 2 years out of school	\$424.80	\$488.60	\$573.10
Plus 3 years out of school	\$488.60	\$573.10	\$653.70
Plus 4 years out of school	\$573.10	\$653.70	
Plus 5 or more years out of school	\$653.70		

NOTE: See clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

~~(c) Wage level C~~ (CFMMEU comment: There are no relevant training packages under this level)

~~The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause [E.6.1](#) is the weekly rate specified in Column 2 of [Table 3—Wage level C minimum weekly rate for full-time trainees](#)~~

~~(AQF Certificate Level I-III traineeship)~~ according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

~~Table 3 Wage level C minimum weekly rate for full-time trainees (AQF Certificate Level I-III traineeship)~~

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
-	Year 10	Year 11	Year 12
-	per week	per week	per week
School leaver	\$332.80	\$366.50	\$424.80
Plus 1 year out of school	\$366.50	\$424.80	\$478.20
Plus 2 years out of school	\$424.80	\$478.20	\$534.30
Plus 3 years out of school	\$478.20	\$534.30	\$595.20
Plus 4 years out of school	\$534.30	\$595.20	-
Plus 5 or more years out of school	\$595.20	-	-

~~NOTE: See clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.~~

(d) AQF Certificate Level IV traineeships

(i) The minimum rate for a full-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum rate for the relevant full-time AQF Certificate Level III traineeship increased by 3.8%.

(ii) The minimum rate for a full-time adult trainee undertaking an AQF Certificate Level IV traineeship is the weekly rate specified in Column 2 or 3 of [Table 4—Minimum weekly rate for full-time adult trainees \(AQF Certificate Level IV traineeship\)](#), according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in Column 1.

Table 4—Minimum weekly rate for full-time adult trainees (AQF Certificate Level IV traineeship)

Column 1 Wage level	Column 2 First year of traineeship	Column 3 Second and subsequent years of traineeship

	per week	per week
A	\$703.20	\$730.40
B	\$678.40	\$704.40
C	\$617.40	\$640.70 (CFMMEU comment: Wage level C is not relevant for this award)

NOTE: See clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

E.4.2 Minimum hourly rates for part-time traineeships

(a) Wage level A

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause [E.6.1](#) is the hourly rate specified in Column 2 of [Table 5—Wage level A minimum hourly rate for part-time trainees \(AQF Certificate Level I–III traineeship\)](#) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 5—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.95	\$12.07	\$14.37
Plus 1 year out of school	\$12.07	\$14.37	\$16.73
Plus 2 years out of school	\$14.37	\$16.73	\$19.45
Plus 3 years out of school	\$16.73	\$19.45	\$22.26
Plus 4 years out of school	\$19.45	\$22.26	
Plus 5 or more years out of school	\$22.26		

NOTE: See paragraph [\(f\)](#) for calculating the actual minimum wage. See also clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

(b) Wage level B

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause [E.6.2](#) or by clause [E.4.4](#) is the hourly rate specified in Column 2 of **Table 6—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 6—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.95	\$12.07	\$13.99
Plus 1 year out of school	\$12.07	\$13.99	\$16.08
Plus 2 years out of school	\$13.99	\$16.08	\$18.87
Plus 3 years out of school	\$16.08	\$18.87	\$21.52
Plus 4 years out of school	\$18.87	\$21.52	
Plus 5 or more years out of school	\$21.52		

NOTE: See paragraph (f) for calculating the actual minimum wage. See also clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

(e) Wage level C (CFMMEU comment: Wage level C is not relevant for this award)

~~The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause [E.6.3](#) is the hourly rate specified in Column 2 of **Table 7—Wage level C minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.~~

~~Table 7—Wage level C minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)~~

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
-			

	per hour	per hour	per hour
-			
School leaver	\$10.95	\$12.07	\$13.99
Plus 1 year out of school	\$12.07	\$13.99	\$15.73
Plus 2 years out of school	\$13.99	\$15.73	\$17.57
Plus 3 years out of school	\$15.73	\$17.57	\$19.58
Plus 4 years out of school	\$17.57	\$19.58	-
Plus 5 or more years out of school	\$19.58	-	-

NOTE: See paragraph (f) for calculating the actual minimum wage. See also clause E.4.3 for other minimum wage provisions that affect this paragraph.

(d) School-based traineeships

The minimum hourly rate for a part-time trainee who works ordinary hours and is undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage levels A, B or C by clause E.6 or by clause E.4.4 is the hourly rate in Column 1 or 2 of [Table 8—Minimum hourly rate for part-time trainees \(school-based AQF Certificate Level I–III traineeship\)](#) according to the year of schooling of the trainee.

Table 8—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)

Column 1	Column 2
Year 11 or lower	Year 12
per hour	per hour
\$10.95	\$12.07

NOTE: See paragraph (f) for calculating the actual minimum wage. See also clause E.4.3 for other minimum wage provisions that affect this paragraph.

(e) AQF Certificate Level IV traineeships

(i) The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum hourly rate for the relevant part-time AQF Certificate Level III traineeship increased by 3.8%.

(ii) The minimum hourly rate for a part-time adult trainee undertaking an AQF Certificate Level IV traineeship is the hourly rate in Column 2 or 3 of [Table 9—Minimum hourly rate for part-time adult trainees \(AQF Certificate Level IV traineeship\)](#)

(iii), according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in Column 1.

Table 9—Minimum hourly rate for part-time adult trainees (AQF Certificate Level IV traineeship)

Column 1 Wage level	Column 2 First year of traineeship per hour	Column 3 Second and subsequent years of traineeship per hour
A	\$23.12	\$24.03
B	\$22.29	\$23.15
C	\$20.31	\$21.08

NOTE: See paragraph (f) for calculating the actual minimum wage. See also clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

(f) Calculating the actual minimum wage

(i) If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate minimum hourly rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses [E.4.2\(a\)](#) to [\(e\)](#) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.

(ii) If the approved training for a part-time traineeship is provided wholly off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses [E.4.2\(a\)](#) to [\(e\)](#) applies to each ordinary hour worked by the trainee.

(iii) If the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum hourly rate in clauses [E.4.2\(a\)](#) to [\(e\)](#) minus 20% applies to each ordinary hour worked by the trainee.

E.4.3 Other minimum wage provisions

(a) Clause [E.4.3](#) applies despite anything to the contrary in clause [E.4.4](#) or [E.3.2](#).

(b) An employee who was employed by an employer immediately before becoming a trainee with that employer must not suffer a reduction in their minimum rate of pay because of becoming a trainee.

(c) For the purpose of determining whether a trainee has suffered a reduction as mentioned in paragraph (b), casual loadings are to be disregarded.

(d) If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum wage provided in this schedule, if a higher minimum wage is provided for the new AQF certificate level.

E.4.4 Default wage rate

The minimum wage for a trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate level are not allocated to a wage level by clause [E.6](#) is the relevant minimum wage under this schedule for a trainee undertaking an AQF Certificate to Level I–III traineeship whose training package and AQF certificate level are allocated to wage level B.

E.5 Employment conditions

E.5.1 A trainee undertaking a school-based traineeship may agree to be paid an additional loading of 25% on all ordinary hours worked instead of being paid annual leave, paid personal/carer’s leave, paid compassionate leave and paid absence on public holidays. However, if the trainee works on a public holiday, the public holiday provisions of this award apply.

E.5.2 A trainee is entitled to be released from work without loss of pay and without loss of continuity of employment to attend any training and assessment specified in, or associated with, the training contract.

E.5.3 Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee’s wages and determining the trainee’s employment conditions.

E.5.4 The time to be included for the purpose of calculating the wages for part time trainees whose approved training is wholly off-the-job is determined by clauses [E.4.2\(f\)\(ii\)](#) and [\(iii\)](#) and not by clause [E.5.3](#).

E.5.5 Subject to clause [E.2.4](#), this award applies to a trainee in the same way that it applies to an employee who is not a trainee except as otherwise expressly provided by this schedule.

E.6 Allocation of traineeships to wage levels

The wage levels applying to training packages and their AQF certificate levels are:

E.6.1 Wage level A (CFMMEU comment: Only 3 of the training packages listed have any possible relevance)

Training package	AQF certificate level
Aeroskills	II
Aviation	I, II, III
Beauty	III
Business Services	I, II, III
Chemical, Hydrocarbons and Refining	I, II, III

Civil Construction	III
Coal Training Package	II, III
Community Services	II, III
Construction, Plumbing and Services Integrated Framework	I, II, III
Correctional Services	II, III
Drilling	II, III
Electricity Supply Industry— Generation Sector	II, III (III in Western Australia only)
Electricity Supply Industry— Transmission, Distribution and Rail Sector	II
Electrotechnology	I, II, III (III in Western Australia only)
Financial Services	I, II, III
Floristry	III
Food Processing Industry	III
Gas Industry	III
Information and Communications Technology	I, II, III
Laboratory Operations	II, III
Local Government (other than Operational Works Cert I and II)	I, II, III
Manufactured Mineral Products	III
Manufacturing	I, II, III
Maritime	I, II, III
Metal and Engineering (Technical)	II, III
Metalliferous Mining	II, III
Museum, Library and Library/Information Services	II, III
Plastics, Rubber and Cablemaking	III

Public Safety	III
Public Sector	II, III
Pulp and Paper Manufacturing Industries	III
Retail Services (including wholesale and Community pharmacy)	III
Telecommunications	II, III
Textiles, Clothing and Footwear	III
Tourism, Hospitality and Events	I, II, III
Training and Assessment	III (CFMMEU comment: The Certificate III no longer exists, the lowest qualification is a certificate IV)
Transport and Logistics	III
Water Industry (Utilities)	III

E.6.2 Wage level B (CFMMEU comment: Only 3 of the training packages listed have any possible relevance)

Training package	AQF certificate level
Animal Care and Management	I, II, III
Asset Maintenance	I, II, III
Australian Meat Industry	I, II, III
Automotive Industry Manufacturing	II, III
Automotive Industry Retail, Service and Repair	I, II, III
Beauty	II
Caravan Industry	II, III
Civil Construction	I
Community Recreation Industry	III
Entertainment	I, II, III
Extractive Industries	II, III
Fitness Industry	III
Floristry	II

Food Processing Industry	I, II
Forest and Forest Products Industry	I, II, III
Furnishing	I, II, III
Gas Industry	I, II
Golf Clubs and Facilities	II, III
Health	II, III
Local Government (Operational Works)	I, II
Manufactured Mineral Products	I, II
Metal and Engineering (Production)	II, III
Outdoor Recreation Industry	I, II, III
Plastics, Rubber and Cablemaking	II
Printing and Graphic Arts	II, III
Property Services	I, II, III
Public Safety	I, II
Pulp and Paper Manufacturing Industries	I, II
Retail Services	I, II
Screen and Media	I, II, III
Sport Industry	II, III
Sugar Milling	I, II, III
Textiles, Clothing and Footwear	I, II
Transport and Logistics	I, II
Visual Arts, Craft and Design	I, II, III
Water Industry	I, II

E.6.3 Wage level C (CFMMEU comment: None of these training packages are relevant to the Joinery Award)

Training package	AQF certificate level
Agriculture, Horticulture and Conservation and Land Management	I, II, III
Funeral Services	I, II, III
Musie	I, II, III
Racing Industry	I, II, III
Rural Production	I, II, III
Seafood Industry	I, II, III

Draft Tailored NTW Schedule for the Mobile Crane Hiring Award 2010

Schedule E—National Training Wage

E.1 Definitions

E.1.1 In this schedule:

adult trainee means a trainee who would qualify for the highest minimum wage in wage level A or B or C if covered by that wage level. (CFMMEU comment: Wage level C is not relevant as the training packages under this level have no application under this award)

approved training, in relation to a trainee, means the training specified in the training contract of the trainee.

Australian Qualifications Framework (AQF) means the national framework for qualifications in post-compulsory education and training.

relevant Ministers means the Commonwealth, State and Territory Ministers responsible for vocational education and training.

relevant State or Territory training authority means a body in the relevant State or Territory that has power to approve traineeships, and to register training contracts, under the relevant State or Territory vocational education and training legislation.

relevant State or Territory vocational education and training legislation means the following or any successor legislation:

Apprenticeship and Traineeship Act 2001 (NSW);

Education and Training Reform Act 2006 (Vic);

Training and Skills Development Act 2008 (SA);

Training and Skills Development Act 2016 (NT);

Training and Tertiary Education Act 2003 (ACT);

Training and Workforce Development Act 2013 (Tas);

Vocational Education and Training Act 1996 (WA);

Further Education and Training Act 2014 (Qld).

trainee means an employee undertaking a traineeship under a training contract.

traineeship means a system of training that:

- (a) has been approved by the relevant State or Territory training authority; and
- (b) meets the requirements of a training package developed by the relevant Skills Service Organisation and endorsed by the Australian Industry and Skills Committee; and
- (c) leads to an AQF certificate level qualification.

training contract means an agreement for a traineeship made between an employer and an employee that is registered by the relevant State or Territory training authority.

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification that have been endorsed for an industry or enterprise by the Australian Industry and Skills Committee and placed on the National Training Information Service with the approval of the relevant Ministers, and includes any relevant replacement training package.

wage level A or B or C, see clause [E.4](#).

Year 10 includes any year before Year 10.

E.1.2 A reference in this schedule to **out of school** refers only to periods out of school beyond Year 10 as at 1 January in each year and is taken to:

- (a) include any period of schooling beyond Year 10 that was not part of, or did not contribute to, a completed year of schooling; and
- (b) include any period during which a trainee repeats, in whole or part, a year of schooling beyond Year 10; and
- (c) not include any period during a calendar year after the completion during that year of a year of schooling.

E.2 Coverage

E.2.1 Subject to clauses [E.2.2](#) to [E.2.5](#), this schedule applies to an employee covered by this award who is undertaking a traineeship and whose training package and AQF certificate level are allocated to a wage level by clause [E.6](#) or by clause [E.4.4](#).

E.2.2 This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in clause [E.6](#).

E.2.3 This schedule does not apply to:

- (a) the apprenticeship system; or
- (b) qualifications not identified in training packages; or
- (c) qualifications in training packages that are not identified as appropriate for a traineeship.

E.2.4 If this schedule is inconsistent with other provisions of this award relating to traineeships, the other provisions prevail.

E.2.5 This schedule ceases to apply to an employee at the end of the traineeship.

E.3 Types of traineeship

The following types of traineeship are available:

E.3.1 A full-time traineeship based on 38 ordinary hours per week, with 20% of those hours being approved training;

E.3.2 A part-time traineeship based on fewer than 38 ordinary hours per week, with 20% of those hours being approved training provided:

- (a) wholly on the job; or
- (b) partly on the job and partly off the job; or
- (c) wholly off the job.

E.4 Minimum rates

[E.4 varied by [PR606430](#), [PR707522](#) ppc 01Jul19]

E.4.1 Minimum weekly rates for full-time traineeships

(a) Wage level A

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause [E.6.1](#) is the weekly rate specified in Column 2 of [Table 1—Wage level A minimum weekly rate for full-time trainees \(AQF Certificate Level I–III traineeship\)](#) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 1—Wage level A minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$332.80	\$366.50	\$436.60
Plus 1 year out of school	\$366.50	\$436.60	\$508.10

Plus 2 years out of school	\$436.60	\$508.10	\$591.30
Plus 3 years out of school	\$508.10	\$591.30	\$677.00
Plus 4 years out of school	\$591.30	\$677.00	
Plus 5 or more years out of school	\$677.00		

NOTE: See clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

(b) Wage level B (CFMMEU comment: The only qualifications under this level from the relevant training packages are the Cert I and cert II from transport and logistics. Given the classification structure under the award only the Cert II has any possible connection.)

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause [E.6.2](#) or by clause [E.4.4](#) is the weekly rate specified in Column 2 of [Table 2—Wage level B minimum weekly rate for full-time trainees \(AQF Certificate Level I–III traineeship\)](#) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 2—Wage level B minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$332.80	\$366.50	\$424.80
Plus 1 year out of school	\$366.50	\$424.80	\$488.60
Plus 2 years out of school	\$424.80	\$488.60	\$573.10
Plus 3 years out of school	\$488.60	\$573.10	\$653.70
Plus 4 years out of school	\$573.10	\$653.70	
Plus 5 or more years out of school	\$653.70		

NOTE: See clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

(c) Wage level C (CFMMEU comment: Wage level C is not relevant as the training packages under this level have no application under this award)

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I-III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause [E.6.1](#) is the weekly rate specified in Column 2 of [Table 3—Wage level C minimum weekly rate for full-time trainees \(AQF Certificate Level I-III traineeship\)](#) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 3—Wage level C minimum weekly rate for full-time trainees (AQF Certificate Level I-III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
-	Year 10	Year 11	Year 12
-	per week	per week	per week
School leaver	\$332.80	\$366.50	\$424.80
Plus 1 year out of school	\$366.50	\$424.80	\$478.20
Plus 2 years out of school	\$424.80	\$478.20	\$534.30
Plus 3 years out of school	\$478.20	\$534.30	\$595.20
Plus 4 years out of school	\$534.30	\$595.20	-
Plus 5 or more years out of school	\$595.20	-	-

NOTE: See clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

(d) AQF Certificate Level IV traineeships

(i) The minimum rate for a full-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum rate for the relevant full-time AQF Certificate Level III traineeship increased by 3.8%.

(ii) The minimum rate for a full-time adult trainee undertaking an AQF Certificate Level IV traineeship is the weekly rate specified in Column 2 or 3 of [Table 4—Minimum weekly rate for full-time adult trainees \(AQF Certificate Level IV traineeship\)](#), according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in Column 1.

Table 4—Minimum weekly rate for full-time adult trainees (AQF Certificate Level IV traineeship)

Column 1 Wage level	Column 2 First year of traineeship	Column 3 Second and subsequent years of traineeship
	per week	per week
A	\$703.20	\$730.40
B	\$678.40	\$704.40
C	\$617.40	\$640.70

(CFMMEU comment: Wage level C is not relevant as the training packages under this level have no application under this award)

NOTE: See clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

E.4.2 Minimum hourly rates for part-time traineeships

(a) Wage level A

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause [E.6.1](#) is the hourly rate specified in Column 2 of [Table 5—Wage level A minimum hourly rate for part-time trainees \(AQF Certificate Level I–III traineeship\)](#) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 5—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.95	\$12.07	\$14.37
Plus 1 year out of school	\$12.07	\$14.37	\$16.73
Plus 2 years out of school	\$14.37	\$16.73	\$19.45
Plus 3 years out of school	\$16.73	\$19.45	\$22.26
Plus 4 years out of school	\$19.45	\$22.26	

Plus 5 or more years out of school \$22.26

NOTE: See paragraph (f) for calculating the actual minimum wage. See also clause E.4.3 for other minimum wage provisions that affect this paragraph.

(b) Wage level B

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause E.6.2 or by clause E.4.4 is the hourly rate specified in Column 2 of **Table 6—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 6—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.95	\$12.07	\$13.99
Plus 1 year out of school	\$12.07	\$13.99	\$16.08
Plus 2 years out of school	\$13.99	\$16.08	\$18.87
Plus 3 years out of school	\$16.08	\$18.87	\$21.52
Plus 4 years out of school	\$18.87	\$21.52	
Plus 5 or more years out of school	\$21.52		

NOTE: See paragraph (f) for calculating the actual minimum wage. See also clause E.4.3 for other minimum wage provisions that affect this paragraph.

(c) Wage level C (CFMMEU comment: See comment above.)

~~The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause E.6.3 is the hourly rate specified in Column 2 of **Table 7—Wage level C minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.~~

Table 7—Wage level C minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
-	per hour	per hour	per hour
School leaver	\$10.95	\$12.07	\$13.99
Plus 1 year out of school	\$12.07	\$13.99	\$15.73
Plus 2 years out of school	\$13.99	\$15.73	\$17.57
Plus 3 years out of school	\$15.73	\$17.57	\$19.58
Plus 4 years out of school	\$17.57	\$19.58	-
Plus 5 or more years out of school	\$19.58	-	-

NOTE: See paragraph (f) for calculating the actual minimum wage. See also clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

(d) School-based traineeships (CFMMEU comment: It is questionable whether this is relevant given the age requirements to drive a heavy rigid vehicle (at least 19) or be a licensed dogger (over 18) or crane driver (18 years))

The minimum hourly rate for a part-time trainee who works ordinary hours and is undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage levels A, B or C by clause [E.6](#) or by clause [E.4.4](#) is the hourly rate in Column 1 or 2 of [Table 8—Minimum hourly rate for part-time trainees \(school-based AQF Certificate Level I–III traineeship\)](#) according to the year of schooling of the trainee.

Table 8—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)

Column 1 Year 11 or lower	Column 2 Year 12
per hour	per hour
\$10.95	\$12.07

NOTE: See paragraph (f) for calculating the actual minimum wage. See also clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

(e) AQF Certificate Level IV traineeships

(i) The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum hourly rate for the relevant part-time AQF Certificate Level III traineeship increased by 3.8%.

(ii) The minimum hourly rate for a part-time adult trainee undertaking an AQF Certificate Level IV traineeship is the hourly rate in Column 2 or 3 of [Table 9—Minimum hourly rate for part-time adult trainees \(AQF Certificate Level IV traineeship\)](#)

(iii) , according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in Column 1.

Table 9—Minimum hourly rate for part-time adult trainees (AQF Certificate Level IV traineeship)

Column 1 Wage level	Column 2 First year of traineeship	Column 3 Second and subsequent years of traineeship
	per hour	per hour
A	\$23.12	\$24.03
B	\$22.29	\$23.15
C	\$20.31	\$21.08

NOTE: See paragraph (f) for calculating the actual minimum wage. See also clause [E.4.3](#) for other minimum wage provisions that affect this paragraph.

(f) Calculating the actual minimum wage

(i) If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate minimum hourly rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses [E.4.2\(a\)](#) to [\(e\)](#) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.

(ii) If the approved training for a part-time traineeship is provided wholly off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses [E.4.2\(a\)](#) to [\(e\)](#) applies to each ordinary hour worked by the trainee.

(iii) If the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum hourly rate in clauses [E.4.2\(a\)](#) to [\(e\)](#) minus 20% applies to each ordinary hour worked by the trainee.

E.4.3 Other minimum wage provisions

- (a) Clause [E.4.3](#) applies despite anything to the contrary in clause [E.4.4](#) or [E.3.2](#).
- (b) An employee who was employed by an employer immediately before becoming a trainee with that employer must not suffer a reduction in their minimum rate of pay because of becoming a trainee.
- (c) For the purpose of determining whether a trainee has suffered a reduction as mentioned in paragraph [\(b\)](#), casual loadings are to be disregarded.
- (d) If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum wage provided in this schedule, if a higher minimum wage is provided for the new AQF certificate level.

E.4.4 Default wage rate

The minimum wage for a trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate level are not allocated to a wage level by clause [E.6](#) is the relevant minimum wage under this schedule for a trainee undertaking an AQF Certificate to Level I–III traineeship whose training package and AQF certificate level are allocated to wage level B.

E.5 Employment conditions

E.5.1 A trainee undertaking a school-based traineeship may agree to be paid an additional loading of 25% on all ordinary hours worked instead of being paid annual leave, paid personal/carer’s leave, paid compassionate leave and paid absence on public holidays. However, if the trainee works on a public holiday, the public holiday provisions of this award apply.

E.5.2 A trainee is entitled to be released from work without loss of pay and without loss of continuity of employment to attend any training and assessment specified in, or associated with, the training contract.

E.5.3 Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee’s wages and determining the trainee’s employment conditions.

E.5.4 The time to be included for the purpose of calculating the wages for part time trainees whose approved training is wholly off-the-job is determined by clauses [E.4.2\(f\)\(ii\)](#) and [\(iii\)](#) and not by clause [E.5.3](#).

E.5.5 Subject to clause [E.2.4](#), this award applies to a trainee in the same way that it applies to an employee who is not a trainee except as otherwise expressly provided by this schedule.

E.6 Allocation of traineeships to wage levels

The wage levels applying to training packages and their AQF certificate levels are:

E.6.1 Wage level A

Training package

AQF certificate level

Aeroskills (CFMMEU comment: There are only 2 training packages that contain qualifications relevant to the classifications within this award.)	I, II, III
Aviation	I, II, III
Beauty	III
Business Services	I, II, III
Chemical, Hydrocarbons and Refining	I, II, III
Civil Construction	III
Coal Training Package	II, III
Community Services	II, III
Construction, Plumbing and Services Integrated Framework	I, II, III
Correctional Services	II, III
Drilling	II, III
Electricity Supply Industry—Generation Sector	II, III (III in Western Australia only)
Electricity Supply Industry—Transmission, Distribution and Rail Sector	II
Electrotechnology	I, II, III (III in Western Australia only)
Financial Services	I, II, III
Floristry	III
Food Processing Industry	III
Gas Industry	III
Information and Communications Technology	I, II, III
Laboratory Operations	II, III
Local Government (other than Operational Works Cert I and II)	I, II, III
Manufactured Mineral Products	III
Manufacturing	I, II, III

Maritime	I, II, III
Metal and Engineering (Technical)	II, III
Metalliferous Mining	II, III
Museum, Library and Library/Information Services	II, III
Plastics, Rubber and Cablemaking	III
Public Safety	III
Public Sector	II, III
Pulp and Paper Manufacturing Industries	III
Retail Services (including wholesale and Community pharmacy)	III
Telecommunications	II, III
Textiles, Clothing and Footwear	III
Tourism, Hospitality and Events	I, II, III
Training and Assessment	III (CFMMEU comment: The Certificate III no longer exists, the lowest qualification is a certificate IV)
Transport and Logistics	III
Water Industry (Utilities)	III

E.6.2 Wage level B

Training package	AQF certificate level
Animal Care and Management	I, II, III
Asset Maintenance	I, II, III
Australian Meat Industry	I, II, III
Automotive Industry Manufacturing	II, III
Automotive Industry Retail, Service and Repair	I, II, III
Beauty	II
Caravan Industry	II, III
Civil Construction	I

Community Recreation Industry	III
Entertainment	I, II, III
Extractive Industries	II, III
Fitness Industry	III
Floristry	II
Food Processing Industry	I, II
Forest and Forest Products Industry	I, II, III
Furnishing	I, II, III
Gas Industry	I, II
Golf Clubs and Facilities	II, III
Health	II, III
Local Government (Operational Works)	I, II
Manufactured Mineral Products	I, II
Metal and Engineering (Production)	II, III
Outdoor Recreation Industry	I, II, III
Plastics, Rubber and Cablemaking	II
Printing and Graphic Arts	II, III
Property Services	I, II, III
Public Safety	I, II
Pulp and Paper Manufacturing Industries	I, II
Retail Services	I, II
Screen and Media	I, II, III
Sport Industry	II, III
Sugar Milling	I, II, III
Textiles, Clothing and Footwear	I, II
Transport and Logistics	I, II
Visual Arts, Craft and Design	I, II, III

Water Industry

I, II

E.6.3 Wage level C

Training package	AQF certificate level
Agriculture, Horticulture and Conservation and Land Management	I, II, III
Funeral Services	I, II, III
Music	I, II, III
Racing Industry	I, II, III
Rural Production	I, II, III
Seafood Industry	I, II, III