



BACKGROUND PAPER

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards—Transport Awards (AM2019/17)

MELBOURNE, 11 DECEMBER 2019

Note: This is a background document only and does not purport to be a comprehensive discussion of the issues involved. It has been prepared by the Commission research area and does not represent the view of the Commission on any issue.

[1] The Fair Work Commission (Commission) has produced this background paper in order to facilitate discussions at the hearing scheduled by providing background information about the summary of the contested divisor for the calculation of hourly wage rates for oil distribution employees covered by the *Road Transport and Distribution Award 2010* (Road Transport Award).

[2] The following awards in Tranche 2 were designated as ‘Transport Awards’, and were listed for the hearing of oral submissions at **2:00pm on Tuesday, 17 December 2019**:

- Road Transport Award;
- *Passenger Vehicle Transportation Award 2010*;
- *Road Transport (Long Distance Operations) Award 2010*;
- *Transport (Cash in Transit) Award 2010*; and
- *Waste Management Award 2010*.

[3] Submissions in relation to the Transport Awards were received from:

- Australian Business Industrial & the NSW Business Chamber (ABI) [submission](#), 27 November 2019
- Australian Industry Group (Ai Group) [submission](#), 27 November 2019
Ai Group [submission](#), 9 December 2019
- Australian Manufacturing Workers’ Union (AMWU) [submission](#), 27 November 2019
- Australian Workers’ Union (AWU) [submission](#), 27 November 2019
AWU [submission](#), 9 December 2019
- National Road Transport Association (NatRoad) [submission](#), 14 October 2019
- NatRoad [submission](#), 18 November 2019
- NatRoad [submission](#), 3 December 2019
- Transport Workers Union (TWU) in relation to the following awards:
 - Passenger Vehicle Transportation Award on [21 November 2019](#)
 - Road Transport (Long Distance Operations) Award on [21 November 2019](#)

- Waste Management Award on [21 November 2019](#)
- Transport (Cash in Transit) Award on [21 November 2019](#)
- Road Transport and Distribution Award on [21 November 2019](#)

[4] During the Full Bench hearing on 9 October 2019 relating to the Tranche 2 Exposure Drafts, an issue arose in relation to the Exposure Draft for the Road Transport Award. The issue is in relation to ‘clause 12.2 – Minimum wage rates – oil distribution workers’ and whether the divisor for the calculation of hourly wage rates for oil distribution workers is 35 or 38.

[5] Clause 12.2 of the Exposure Draft¹ states as follows:

“12.2 Minimum wage rates—oil distribution workers

An employer must pay adult employees the following minimum wages for ordinary hours worked by the employee:

Employee classification	Minimum weekly rate \$ (full-time employee)	Minimum hourly rate \$
Transport Worker Grade 1	761.70	21.76
Transport Worker Grade 2	780.90	22.31
Transport Worker Grade 3	790.50	22.59
Transport Worker Grade 4	805.00	23.00
Transport Worker Grade 5	815.10	23.29
Transport Worker Grade 6	824.50	23.56
Transport Worker Grade 7	836.50	23.90
Transport Worker Grade 8	860.80	24.59
Transport Worker Grade 9	875.20	25.01
Transport Worker Grade 10	898.90	25.63

[6] National Road Transport Association (NatRoad) filed a [submission](#) noting that at clause 12.2 and Schedule C there is a Commission note that the hourly rates for oil distribution workers are to be considered by a Full Bench in AM2016/32.

[7] During the 9 October 2019 hearing this matter was a point of discussion:

¹ Road Transport [Exposure Draft](#) dated 15 February 2019

PN467

JUSTICE ROSS: There's this issue about hourly rates for oil distribution workers where, as I understand it, NatRoad says the issue has been abandoned. The TWU says they're still pressing it. Isn't that really a matter for - there's been a Full Bench dealing with the substantive claims in this award, hasn't there?

PN468

MR CALVER: I think that Full Bench is functus officio now, though, your Honour. The point I made in the email to your associate dated 23 September is that the TWU had until 20 September to file submissions on its exposure draft.

PN469

JUSTICE ROSS: No, no, Mr Calver - - -

PN470

MR CALVER: Sorry.

PN471

JUSTICE ROSS: - - -we're not going to engage in whether they have or they haven't abandoned their claim. We'll simply take the note out and - - -

PN472

MR CALVER: Okay.

PN473

JUSTICE ROSS: - - -we're not expressing a view about whether they've abandoned their claim or not. If the TWU seeks to agitate that claim before the Full Bench in AM2016/32 that's a matter for them, and you can, Mr Calver, take whatever position you want in response to that. We'll just take the note out for this point and we'll leave you both to it.

PN474

MS BHATT: Your Honour, can I just raise one issue about that, to the extent that it's relevant to the TWU's consideration of this. The issue arises in the context of the exposure draft because of the schedule of hourly rates.

PN475

JUSTICE ROSS: Yes.

PN476

MS BHATT: As I understand it the debate is should the weekly rates prescribed by the current award be divided by 38 or 35 when being calculated for oil distribution workers. The exposure draft appears to divide the weekly rates by 35.

PN477

JUSTICE ROSS: Yes.

PN478

MS BHATT: That might mean that the issue has resolved itself from the TWU's perspective and there is nothing further to agitate unless any employer party in the context of the exposure draft proceedings takes a different view, and to my knowledge no such party has raised that issue in these proceedings.

PN479

JUSTICE ROSS: Okay.

PN480

MS BHATT: But I just raise that for the union's consideration.

PN481

JUSTICE ROSS: Yes. All right.

PN482

MR CALVER: Thank you. That was a similar point to that which I was to make, your Honour. That is that taking out the note does not resolve the issue.

PN483

JUSTICE ROSS: We'll take out the note and when this exposure draft comes up in the tranches when dealing with the finalisation and it's still an issue we can deal with it then.

[8] NatRoad filed a [submission](#) on 14 October 2019 in support of the divisor being 38:

‘This submission records the NatRoad position that certain of the Schedules in the Draft should be deleted as there has been no determination of the Commission that the divisor for oil distribution workers in respect of the weekly wage rate is 35. Whilst clause 23 of the current Award specifies that employees engaged in the transport and/or distribution of petroleum products in their raw or manufactured state enjoy a 35 hour week, the dispute arises as to whether the weekly rates are divided by 35 or by 38. If the Draft stands unaltered the question is decided in favour of the divisor being 35. NatRoad advises its members that the current divisor is 38.

We note that Schedule C2.3, C2.4, C3.3, C3.4, C4.3 and C4.4 are affected and, in NatRoad’s submission, should either be deleted or changed to reflect a divisor of 38.’²

[9] A telephone mention was held on 24 October 2019 to discuss the issue. The parties in attendance were NatRoad, Australian Industry Group (Ai Group), and the Transport Workers’ Union of Australia (TWU). It was generally agreed that the issue in contention be the subject of further submissions. Accordingly, the Commission made directions for all interested parties to file a written submission setting out whether they support a divisor of 35 or 38 for the calculation of hourly wage rates for oil distribution workers covered by the Road Transport Award and the submissions they advance in support of that position.³

[10] The following awards in Tranche 2 were designated as ‘Transport Awards’, and were listed for the hearing of oral submissions at **2:00pm on Tuesday, 17 December 2019**:

- Road Transport Award;
- *Passenger Vehicle Transportation Award 2010*;
- *Road Transport (Long Distance Operations) Award 2010*;

² NatRoad [submission](#) dated 14 October 2019 at paras [4] and [5]

³ [Directions](#) dated 24 October 2019

- *Transport (Cash in Transit) Award 2010*; and
- *Waste Management Award 2010*.

[11] Submissions were received from:

- ABI [submission](#) dated 27 November 2019
- Ai Group [submission](#) dated 27 November 2019
- AMWU [submission](#) 27 November 2019
- AWU [submission](#) 27 November 2019
- NatRoad [submission](#) dated 14 October 2019
- NatRoad [submission](#) dated 18 November 2019
- NatRoad [submission](#) dated 3 December 2019
- Transport Workers Union (TWU) in relation to the following awards:
 - Passenger Vehicle Transportation Award on [21 November 2019](#)
 - Road Transport (Long Distance Operations) Award on [21 November 2019](#)
 - Waste Management Award on [21 November 2019](#)
 - Transport (Cash in Transit) Award on [21 November 2019](#)
 - Road Transport and Distribution Award on [21 November 2019](#)

NatRoad

[12] NatRoad refer to clause 23.2 of the Road Transport Award which states:

‘23. Ordinary hours of work for oil distribution workers

...

23.2 The ordinary hours of work will be 35 per week or 70 per two week period.’

[13] NatRoad [submit](#) that clause 23 does not establish that the 35 hour week translates to a divisor of 35 in respect of minimum wages, and that it is silent on this matter. They further refer to clause 15.2 of the award and submit that this clause is clear in its prescription of the minimum wage rates as it states, “*The minimum wage rates of pay for a full-time adult employee are set out below.*” NatRoad submit that there is no qualification to this statement. There is no cross-reference to clause 23 or a separate reference to oil distribution workers and the manner of the calculation of their wages. NatRoad submit that they have taken the position that oil distribution workers receive the minimum wage rates of pay as set out in the table at clause 15.2 with the calculation of those minimum weekly rates to an hourly rate being reached using a divisor of 38.⁴

[14] Accordingly, NatRoad contend that certain of the schedules in the Exposure Draft should be deleted as there has been no determination of the Commission that the divisor for oil distribution workers in respect of the weekly rate is 35.⁵

[15] NatRoad refer to the Australian Industrial Relations Commission *Award modernisation* decision,⁶ and in particular to paragraphs 176 and 177:

⁴ NatRoad [submission](#) dated 18 November 2019 at para [4]

⁵ NatRoad [submission](#) dated 18 November 2019 at para [5]

⁶ [2009] AIRCFB 345

[176] We acknowledge the fact that the rates in the Transport Workers (Oil Distribution) Award 2001 and the Transport Workers (L.P. Gas Industry) Award 2005 are higher than rates in the other pre-reform transport awards. We have considered the history of adjustment of the rates in those awards. It appears that each award had, in the past, operated as a paid rates award and it is not apparent that when the awards were simplified the rates were converted to minimum rates. In any event the majority of rates in other pre-reform transport awards and NAPSAs weigh heavily in favour of them being reflected in the rates in the RT&D Modern Award. We need say little about the TWU suggestion that we introduce an 11% industry allowance in the oil distribution and LP gas sectors. The union did not raise this proposal in submissions filed in accordance with the published timetable. When it was raised late in the consultation process little was said to justify it. Such an allowance would normally apply to all employees in the sector and for all purposes and before we would consider the introduction of such an allowance employers would need to first be alerted to the fact it was being sought and then an opportunity, on the days set aside for Full Bench consultations, to make submissions about it. We have decided that no such provision should be in the RT&D Modern Award. The rates for these two sectors can be considered further in the context of transitional provisions.

[177] We next turn to the hours clause in the RT&D Modern Award and in particular cl.23 which provides for ordinary hours of work for oil distribution workers. The exposure draft clause reflected the existing regime of hours being 35 per week or 70 per fortnight. We are aware that these hours have operated within these sectors of the transport industry for many decades. We considered whether, in the context of this modern award, the ordinary hours for this sector of the industry should be less than those for the remaining sectors. In this respect we acknowledge the submissions of the Oil Industry Industrial Committee as to why two different hours clauses may not be appropriate. On balance however we have decided it is appropriate to retain the two minimum ordinary hours clauses. As a consequence of doing so we have inserted into the facilitative provisions and the provisions of cl.23 additional flexibilities contained in existing awards. We should indicate that it is not our intention that these minimum hours of work should extend any further than they have traditionally applied. It may be that, at an appropriate time, consideration needs to be given to variations to the award to ensure these constraints are reflected in it.’

[16] NatRoad place emphasis on the following sentence *‘In any event the majority of rates in other pre-reform transport awards and NAPSAs weigh heavily in favour of them being reflected in the rates in the RT&D Modern Award.’* NatRoad submit that this sentence clearly indicates that minimum wages for oil distribution workers were to be reflective of ‘the majority of rates’ in other pre-reform awards and NAPSAs. They contend that the AIRCFB has separated its consideration of minimum rates in paragraph 176 of its decision from the ordinary hours of work issue that is then addressed in paragraph 177 of the decision. NatRoad submit that the current award reflects this distinction and it should not now be interpreted so that these issues are conflated.⁷

[17] NatRoad contend that the AIRCFB considered pre-modern awards and that its consideration led to a separation of the issue of minimum wages from ordinary hours of work. NatRoad contend that this accords with the omission from the award of any clear statement of a linkage between the ordinary hours of work of oil distribution workers and the minimum rates of pay as appeared in the federal pre-modern award, the *Transport Workers (Oil Distribution) Award 2001* as follows:

⁷ NatRoad [submission](#) dated 18 November 2019 at para [8]

‘Ordinary-time rate means for an employee (other than a casual employee) 1/35th of the wage rate prescribed in clause 16 - Classifications and wage rates, of this award for the classification in which the employee is employed.’⁸

[18] NatRoad submit that the Full Bench which established the award created a distinction between the ordinary hours of oil distribution workers and their minimum wage rates. They submit that this distinction should not be set aside because of the manner in which an Exposure Draft is now proposed.⁹

[19] NatRoad contend that there has been no application by the TWU or another party to change the status quo. They submit that the broad scope of the 4 yearly review does not obviate the need for a merit argument to be advanced in support of a proposed variation, and no such merit arguments have been advanced as a trigger for the current consideration before the Commission.¹⁰ NatRoad submit that the Exposure Draft should reflect the status quo as outlined in its submission.¹¹

TWU

[20] The [TWU](#) refer to NatRoad’s email correspondence to the Commission in which it was suggested that the matter of the appropriate divisor for oil distribution workers under the award was not properly advanced by the TWU and that the TWU has made no submissions on the matter. The TWU agree that it did not advance this matter in its submission dated 25 November 2014, however that the matter was advanced by the Fair Work Ombudsman in a submission of 24 November 2014 and refer to item 22 on page 7 of the FWO’s submissions.

[21] TWU submit that having regard to the modern awards objectives, the history of industrial conditions for employees engaged in the oil distribution sector of the road transport industry and the plain meaning of the provisions of the award, it does not find an anomaly associated with the appropriate divisor for oil distribution workers.¹²

[22] TWU note that clause 14.2 of the Exposure Draft clearly states that the ordinary hours of work for oil distribution workers is either 35 hours per week or 70 hours per two week period. They submit that that other provisions, such as clauses 14.5 and 14.6 refer to oil distribution workers being engaged on the basis of 5 days or 7 hours per day, consistent with the conclusion that the industry has historically operated on the basis that oil distribution workers were engaged for 35 hours per week.¹³

[23] TWU oppose NatRoad’s proposition as they submit it will create a circumstance where workers engaged in the oil distribution sector are paid less than the minimum weekly wage prescribed for their classification under the award to complete their 35 hour working week, consistent with the provisions of clause 14.2 of the Exposure Draft. TWU provide an example

⁸ NatRoad [submission](#) dated 18 November 2019 at para [9]

⁹ NatRoad [submission](#) dated 18 November 2019 at para [11]

¹⁰ NatRoad [submission](#) dated 18 November 2019 at para [12]

¹¹ NatRoad [submission](#) dated 18 November 2019 at paras [12] to [14]

¹² TWU [submission](#) dated 21 November 2019 at para [36]

¹³ TWU [submission](#) dated 21 November 2019 at para [37]

at [Attachment 4](#) of their submissions to illustrate the effect that a 38 hour week divisor would have on the minimum weekly wage under the award.¹⁴

[24] TWU submit that using the ordinary hours of work as the divisor of the weekly rate is the only mathematical calculation to determine the correct hourly rate. They further submit that the methodology of applying a divisor less than 38 hours is not limited to the operation of oil distribution employees working 35 hours per week or 70 hours per two week period under this award. TWU contend that commonly, where the full-time ordinary hours are 38 per week, a divisor of 38 will apply for the purposes of determining the correct hourly rate. However, where the weekly full-time hours are less than 38 per week, the weekly rate is divided by the equivalent full-time number of ordinary hours for the purposes of determining the appropriate hourly rate. TWU provide examples of the appropriate divisor applied to those relevant modern awards having regard to the prescribed number of ordinary full-time hours at [Attachment 5](#) of their submissions.¹⁵

[25] TWU also reference paragraph 177 of the AIRCFB decision in respect of the hours clause for oil distribution workers, noting that the pre-reform regime was 35 hours per week or 70 hours per two week period and place emphasis on the following sentence ‘...we have decided it is appropriate to retain the two minimum ordinary hours clauses’.¹⁶

[26] TWU further submit that the appropriate divisor when determining the hourly rate for those pre-reform awards was 1/35 of the minimum weekly rate and that this is also a relevant distinction.¹⁷ They submit that this applied to the following instruments: *Transport Industry – Petroleum & C., Distribution (State) Award* at clause 28, and *Transport Workers (Oil Distribution) Award 2001* at clause 13.2.2 pertaining to casual employees.¹⁸

[27] TWU contend that an incorrect divisor will impact on all clauses within the award where hourly rates are referenced. They submit that the following clauses may be impacted: 10.5, 10.9, 11.1, 11.3(a)(i) and (ii), 11.5, 13.7(a)(ii), 14.6(a)(ii), 19.2, 20.2, 21.1, 21.4(c)(i), 21.5(b), 22.3, 22.5, 22.10, 23.1 and 23.2.¹⁹

NatRoad reply

[28] NatRoad [submit](#) that there are a number of issues raised by the TWU that have not been previously flagged and which were not raised in prior hearings or submissions. They contend that to the extent that the TWU wishes to now agitate other issues, that the TWU should make separate application in order to advance its arguments, if pressed.²⁰

[29] NatRoad contend that the argument advanced by the TWU that by using a divisor of 35 oil distribution workers will be ‘underpaid’ when having regard to the award rates per week, is

¹⁴ TWU [submission](#) dated 21 November 2019 at para [39]

¹⁵ TWU [submission](#) dated 21 November 2019 at paras [40] to [42]

¹⁶ TWU [submission](#) dated 21 November 2019 at para [43]

¹⁷ TWU [submission](#) dated 21 November 2019 at para [44]

¹⁸ TWU [submission](#) dated 21 November 2019 at para [44]

¹⁹ TWU [submission](#) dated 21 November 2019 at para [45]

²⁰ NatRoad [submission](#) dated 3 December 2019 at para [3]

not correct.²¹ NatRoad submit that when working at 38 hour week, at least three hours will be paid at overtime rates, and so this does not lead to an underpayment.²²

[30] NatRoad refer to the TWU's submission in which they refer to the FWO's submission of 24 November 2014 and submit that the reference by the TWU is incorrect. NatRoad refer to item 25 of the attachment to the FWO's submission which states:

'It may be difficult to determine the hourly wage for part-time oil distribution workers as:

- clause 12.4(f) states that a part-time employee is paid 1/38th of the weekly wage prescribed by clause 15 per hour worked; and
- clause 23.2 states that the ordinary weekly hours for oil distribution workers are 35 hours per week.'

[31] NatRoad contend that the FWO's submission in fact supports its position. They submit that the FWO rightly states that a part-time employee is paid 1/38th of the weekly wage for hours worked and no distinction is made for oil distribution workers. They contend that the FWO's submission does not in any way detract from the fact that the TWU did not advance its case and therefore the Exposure Draft should not, by default establish the position that it argues.²³

[32] In response to the TWU's submission regarding the Full Bench retaining two clauses about ordinary hours, NatRoad contend that the Full Bench made no separate determination about two separate minimum wage rates, as was open to it, which did not occur.²⁴

[33] In response to the TWU's argument that two pre-modern awards had a divisor of 35, NatRoad submit that the following had 38: *Liquefied Petroleum Gas Industry Award 1998 (Fed)*; *Transport Industry - Mixed Enterprises Interim (State) Award (NSW)* and the *Transport Industry (State) Award (NSW)*.²⁵

[34] With regards to the Full Bench that made the award, NatRoad's research is that in respect of the pre-modern awards, six awards address oil distribution workers (transport). They submit that two out of six of those awards outline the ordinary working week as 35 hours. Of the other four pre-modern awards, three awards provide a divisor to calculate the hourly rate for oil distribution workers. NatRoad submit that those awards provide that the hourly rate is to equal the minimum wage for that classification and divided by 38. NatRoad attach their notes on this subject from the research done in the lead up to the award modernisation process at [Attachment A](#) to its submission.

[35] An alternative argument which NatRoad proffers without prejudice is that this matter could be deferred with the status quo replicated (so not include separate tables for oil distribution workers) at least until the TWU brings on 'evidence and proper merit arguments as was earlier foreshadowed'.²⁶ They submit that any determination of this matter that reversed

²¹ NatRoad [submission](#) dated 3 December 2019 at para [17]

²² NatRoad [submission](#) dated 3 December 2019 at para [17]

²³ NatRoad [submission](#) dated 3 December 2019 at paras [18] and [19]

²⁴ NatRoad [submission](#) dated 3 December 2019 at para [20]

²⁵ NatRoad [submission](#) dated 3 December 2019 at para [21]

²⁶ NatRoad [submission](#) dated 3 December 2019 at para [23]

what NatRoad argues is the status quo could then be instituted prospectively. They submit that to proceed otherwise might provide retrospective effect to the TWU position and therefore create regulatory risk as shown by the FWO submission.²⁷

Next steps

[36] Commission staff have conducted an audit of the modern awards and identified the relevant divisor used to calculate the hourly wage rate. These are set out at Appendix 1. The Transport Awards appear to use a divisor of 38, with the Road Transport Award including the contested divisor of 35 for oil distribution employees.

[37] A divisor of 35 is used for the following awards:

- *Black Coal Mining Industry Award 2010*
- *Coal Export Terminals Award 2010*
- *Marine Towage Award 2010*
- *Oil Refining and Manufacturing Award 2010*
- *Stevedoring Industry Award 2010*

[38] Other hourly divisors are used for the following awards:

- *Aircraft Cabin Crew Award 2010*²⁸
- *Electrical Power Industry Award 2010*²⁹
- *Fire Fighting Industry Award 2010*³⁰
- *Higher Education Industry—General Staff—Award 2010*³¹
- *Maritime Offshore Oil and Gas Award 2010*³²

[39] Parties are asked to consider the material contained in this background paper and be prepared to comment on the accuracy of the list of divisors identified at Appendix 1 during the hearing.

²⁷ NatRoad [submission](#) dated 3 December 2019 at para [23]

²⁸ 1872 hours each year (clause B.2.1)

²⁹ An average of 37.5 hours (clause 11)

³⁰ Public sector employees - average of 42 hours per week, two hours of which will be overtime work and two hours will be taken as annual/accrued leave (clause 22). Private sector employees – average of 38 hours per week (clause 23)

³¹ 38 and 36.75 ordinary hours for various classifications (clause 21)

³² An average of 38 ordinary hours per week plus reasonable additional hours for a full-time employee (clause 10.2). The ordinary hours of work will be eight hours per day Monday to Sunday (clause 18.1).

APPENDIX 1

Award	Divisor used in current award to calculate weekly rates	Clause reference (Ordinary Hours worked)
Transport Awards		
<i>Passenger Vehicle Transportation Award 2010</i>	38	21.1
<i>Road Transport and Distribution Award 2010</i>	35 (for oil distribution workers) 38	23.2 22.1
<i>Road Transport (Long Distance Operations) Award 2010</i>	38	20.1(a)
<i>Transport (Cash in Transit) Award 2010</i>	38	23.1(a)
<i>Waste Management Award 2010</i>	38	27.1
Other awards		
<i>Aboriginal Community Controlled Health Services Award 2010</i>	38	20.1
<i>Aged Care Award 2010</i>	38	22.1
<i>Aircraft Cabin Crew Award 2010</i>	Ordinary hours = 1872 hours each year but casual and part time employees are paid per hour at the rate of 1/38th of the weekly rate	13.6 14.2 B.2.1
<i>Airline Operations—Ground Staff Award 2010</i>	38	28.2(a)
<i>Air Pilots Award 2010</i>	38	24.2
<i>Airport Employees Award 2010</i>	38	27.2(a)
<i>Alpine Resorts Award 2010</i>	38	22.2
<i>Aluminium Industry Award 2010</i>	38	19.2(a)
<i>Ambulance and Patient Transport Industry Award 2010</i>	38	20.1
<i>Amusement, Events and Recreation Award 2010</i>	38	21.1
<i>Animal Care and Veterinary Services Award 2010</i>	38	22.1(a)

Award	Divisor used in current award to calculate weekly rates	Clause reference (Ordinary Hours worked)
<i>Aquaculture Industry Award 2010</i>	38	19.2(a)
<i>Architects Award 2010</i>	38	19.1
<i>Asphalt Industry Award 2010</i>	38	21.1(a)
<i>Banking, Finance and Insurance Award 2010</i>	38	22.2
<i>Black Coal Mining Industry Award 2010</i>	35	21.1
<i>Book Industry Award 2010</i>	38	17.1(a)
<i>Broadcasting, Recorded Entertainment and Cinemas Award 2010</i>	38	27.1
<i>Building and Construction General On-site Award 2010</i>	38	33.1
<i>Business Equipment Award 2010</i>	38	27.1(a)
<i>Car Parking Award 2010</i>	38	21.1(a)
<i>Cement and Lime Award 2010</i>	38	20.1
<i>Cemetery Industry Award 2010</i>	38	21.1
<i>Children's Services Award 2010</i>	38	21.1
<i>Cleaning Services Award 2010</i>	38	24.1(a)
<i>Clerks—Private Sector Award 2010</i>	38	25.1(a)
<i>Coal Export Terminals Award 2010</i>	35	16.1
<i>Commercial Sales Award 2010</i>	38	21.2
<i>Concrete Products Award 2010</i>	38	22.1
<i>Contract Call Centres Award 2010</i>	38	24.1

Award	Divisor used in current award to calculate weekly rates	Clause reference (Ordinary Hours worked)
<i>Corrections and Detention (Private Sector) Award 2010</i>	38	20.2
<i>Cotton Ginning Award 2010</i>	38	21.1(a)
<i>Dredging Industry Award 2010</i>	38	10.2
<i>Dry Cleaning and Laundry Industry Award 2010</i>	38	21.1(a)
<i>Educational Services (Schools) General Staff Award 2010</i>	38	22.1
<i>Educational Services (Post-Secondary Education) Award 2010</i>	38	21.1(b)
<i>Educational Services (Teachers) Award 2010</i>	38	B.1.1
<i>Electrical, Electronic and Communications Contracting Award 2010</i>	38	24.4
<i>Electrical Power Industry Award 2010</i>	37.5	24.1(a)
<i>Fast Food Industry Award 2010</i>	38	25.2(a)
<i>Fire Fighting Industry Award 2010</i>	42 - public sector 38 - private sector	22.2(a) 23.2
<i>Fitness Industry Award 2010</i>	38	24.1
<i>Food, Beverage and Tobacco Manufacturing Award 2010</i>	38	30.2(a)
<i>Funeral Industry Award 2010</i>	38	21.1(a)
<i>Gardening and Landscaping Services Award 2010</i>	38	21.1
<i>Gas Industry Award 2010</i>	38	21.1(a)
<i>General Retail Industry Award 2010</i>	38	11
<i>Graphic Arts, Printing and Publishing Award 2010</i>	38	30.2(b)(i)
<i>Hair and Beauty Industry Award 2010</i>	38	28.2(a)

Award	Divisor used in current award to calculate weekly rates	Clause reference (Ordinary Hours worked)
<i>Health Professionals and Support Services Award 2010</i>	38	23.1
<i>Higher Education Industry—Academic Staff—Award 2010</i>	38	22
<i>Higher Education Industry—General Staff—Award 2010</i>	38 36.75 – PACCT staff	21
<i>Horse and Greyhound Training Award 2010</i>	38	20.1
<i>Horticulture Award 2010</i>	38	14.1(b)
<i>Hospitality Industry (General) Award 2010</i>	38	29.1
<i>Hydrocarbons Field Geologists Award 2010</i>	38	20.1
<i>Hydrocarbons Industry (Upstream) Award 2010</i>	38	22.1
<i>Joinery and Building Trades Award 2010</i>	38	28.1
<i>Journalists Published Media Award 2010</i>	38	19.1
<i>Labour Market Assistance Industry Award 2010</i>	38	21.1
<i>Legal Services Award 2010</i>	38	24.1
<i>Live Performance Award 2010</i>	38	26
<i>Local Government Industry Award 2010</i>	38	21.1
<i>Mannequins and Models Award 2010</i>	38	19.1
<i>Manufacturing and Associated Industries and Occupations Award 2010</i>	38	36.2(a)
<i>Marine Tourism and Charter Vessels Award 2010</i>	38	20
<i>Marine Towage Award 2010</i>	35	20.1
<i>Maritime Offshore Oil and Gas Award 2010</i>	38 - for full time employees (but ordinary hours = 8	10.2 18.1

Award	Divisor used in current award to calculate weekly rates	Clause reference (Ordinary Hours worked)
	hours per day: Monday - Sunday)	
<i>Market and Social Research Award 2010</i>	38	21.1
<i>Meat Industry Award 2010</i>	38	31.2(a)
<i>Medical Practitioners Award 2010</i>	38	20.1
<i>Mining Industry Award 2010</i>	38	18.1
<i>Miscellaneous Award 2010</i>	38	E.4.2.(f)
<i>Mobile Crane Hiring Award 2010</i>	38	21.1
<i>Nursery Award 2010</i>	38	24.2
<i>Nurses Award 2010</i>	38	21.1
<i>Oil Refining and Manufacturing Award 2010</i>	35	10.1
<i>Pastoral Award 2010</i>	38	30.1
<i>Pest Control Industry Award 2010</i>	38	20.1
<i>Pharmaceutical Industry Award 2010</i>	38	23.2(a)
<i>Pharmacy Industry Award 2010</i>	38	25.3
<i>Plumbing and Fire Sprinklers 2010</i>	38	29.1
<i>Port Authorities Award 2010</i>	38	19.2(a)
<i>Ports, Harbours and Enclosed Water Vessels Award 2010</i>	38	10.2
<i>Poultry Processing Award 2010</i>	38	24.2
<i>Premixed Concrete Award 2010</i>	38	20.1
<i>Professional Diving Industry (Industrial) Award 2010</i>	38	21.1(a)

Award	Divisor used in current award to calculate weekly rates	Clause reference (Ordinary Hours worked)
<i>Professional Diving Industry (Recreational) Award 2010</i>	38	20.2
<i>Professional Employees Award 2010</i>	38	18.1
<i>Quarrying Award 2010</i>	38	11
<i>Racing Clubs Events Award 2010</i>	38	26.1
<i>Racing Industry Ground Maintenance Award 2010</i>	38	21.1
<i>Rail Industry Award 2010</i>	38	10.1
<i>Real Estate Industry Award 2010</i>	38	23.1
<i>Registered and Licensed Clubs Award 2010</i>	38	26.1
<i>Restaurant Industry Award 2010</i>	38	31
<i>Salt Industry Award 2010</i>	38	20.1
<i>Seafood Processing Award 2010</i>	38	23.2(a)
<i>Seagoing Industry Award 2010</i>	38	10.2
<i>Security Services Industry Award 2010</i>	38	21.1(a)
<i>Silviculture Award 2010</i>	38	24.1
<i>Social, Community, Home Care and Disability Services Industry Award 2010</i>	38	25.1(a)
<i>Sporting Organisations Award 2010</i>	38	22.1(a)(i)
<i>State Government Agencies Award 2010</i>	38	21.1
<i>Stevedoring Industry Award 2010</i>	35	17.1
<i>Storage Services and Wholesale Award 2010</i>	38	22.1(a)

Award	Divisor used in current award to calculate weekly rates	Clause reference (Ordinary Hours worked)
<i>Sugar Industry Award 2010</i>	38	29
<i>Supported Employment Services Award 2010</i>	38	20.1
<i>Surveying Award 2010</i>	38	21.1(a)
<i>Telecommunications Services Award 2010</i>	38	20.1
<i>Textile, Clothing, Footwear and Associated Industries Award 2010</i>	38	28
<i>Timber Industry Award 2010</i>	38	27
<i>Travelling Shows Award 2010</i>	38	21.1
<i>Vehicle Manufacturing, Repair, Services and Retail Award 2010</i>	38	53.1(a)
<i>Water Industry Award 2010</i>	38	25
<i>Wine Industry Award 2010</i>	38	28
<i>Wool Storage, Sampling and Testing Award 2010</i>	38	22.1(a)