

4 yearly review of modern awards – [AM2014/239](#)—*Pastoral Award 2010* [\[MA000035\]](#)

Award history of annual leave loading provision (clause 14.4(a) of the revised Exposure Draft and clause 23.5 of the current award)

Note: This document has been prepared by the Commission research area and does not represent the view of the Commission on any issue.

This document is divided into four parts:

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Part 1—Comparison of current award, proposed award and The Australian Workers’ Union (AWU) proposal

<i>Pastoral Award 2010</i> [MA000035]	<i>Proposed Pastoral Award 2016</i>	<i>AWU proposal</i> (see para 16, Submission – 17 April 2016)
<p>23.5 Annual leave loading</p> <p>(a) An employee must also be paid a loading calculated on the wages prescribed by this award.</p> <p>(b) The loading must be as follows:</p> <p>(i) Other than shiftworkers</p> <ul style="list-style-type: none"> • An employee other than a shiftworker must be paid a loading equal to 17.5% of the wages prescribed by this award for the ordinary hours of work as performed between Monday and Friday. • Where an employee is rostered to work the ordinary weekly hours on days which attract penalty rates and the employee would have earned a greater amount than the payment for ordinary hours worked between Monday and Friday plus 17.5% but for the period of leave then the amount which the employee would have earned for the ordinary hours of work they would have worked but for the period of leave will be paid instead of the 17.5% loading. <p>(ii) Shiftworkers An employee who would have worked on shiftwork had they not been on leave must be paid a loading equal to 17.5% of the wages prescribed by this award or the shift loading including relevant weekend penalty rates, whichever is the greater but not both.</p>	<p>14.4 Annual leave loading</p> <p>An employee must also be paid a loading calculated on the wages prescribed by this award. The loading must be as follows:</p> <p>(a) Other than shiftworkers</p> <p>(i) An employee other than a shiftworker must be paid a loading equal to 17.5% of the wages prescribed by this award for the ordinary hours of work as performed between Monday and Friday.</p> <p>(ii) Where an employee is rostered to work ordinary weekly hours on days which attract penalty rates and the employee would have earned a greater amount than the amount provided in clause 14.4(a)(i) but for the period of leave then the employee will be paid the amount they would have earned for the ordinary hours worked instead of the 17.5% loading.</p> <p>(b) Shiftworkers An employee who would have worked on shiftwork had they not been on leave must be paid a loading equal to 17.5% of the wages prescribed by this award or the shift loading including relevant weekend penalty rates, whichever is the greater but not both.</p>	<p>23.5 Annual leave loading</p> <p>(a) An employee must also be paid a loading calculated on the wages prescribed by this award.</p> <p>(b) The loading must be as follows:</p> <p>(i) Other than shiftworkers</p> <ul style="list-style-type: none"> • An employee other than a shiftworker must be paid a loading equal to 17.5% of the wages prescribed by this award for the ordinary hours of work as performed between Monday and Friday. • Where an employee is rostered to work the ordinary weekly hours on days which attract penalty rates and the employee would have earned a greater amount than the payment for ordinary hours worked between Monday and Friday plus 17.5% but for the period of leave then the amount which the employee would have earned for the ordinary hours of work they would have worked but for the period of leave will be paid instead of the 17.5% loading. <p>(ii) Shiftworkers An employee who would have worked on shiftwork had they not been on leave must be paid a loading equal to 17.5% of the wages prescribed by this award or the shift loading including relevant weekend penalty rates, whichever is the greater but not both.</p>

Part 2—Award modernisation – [Agriculture Group](#) – Comparison of AIRC Exposure Draft (January 2009) and parties’ draft awards – annual leave loading provision

Pastoral Award 2010 – Exposure draft (23 January 2009)	AWU proposed Agricultural Industry Award 2010 (31 October 2008)	AWU proposed Agricultural Industry Award 2010 (10 December 2008)	NFF proposed Agricultural Industry Award (31 October 2008)	NFF proposed Agricultural Industry Award (10 December 2008)
<p>22.4 Annual leave loading</p> <p>(a) An employee must also be paid a loading calculated on the wages prescribed by this award.</p> <p>(b) The loading must be as follows:</p> <p>(i) Other than shiftworkers</p> <ul style="list-style-type: none"> • An employee other than a shiftworker must be paid a loading equal to 17.5% of the wages prescribed by this award for the ordinary hours of work as performed between Monday and Friday. • Where an employee is rostered to work the ordinary weekly hours on days which attract penalty rates and the employee would have earned a greater amount than the payment for ordinary hours worked between Monday and Friday plus 17.5% but for the period of leave then the amount which the employee would have earned for the ordinary hours of work they would have worked but for the period of leave will be paid instead of the 17.5% loading. <p>(ii) Shiftworkers</p> <p>An employee who would have worked on shiftwork had they not been on leave must be paid a loading equal to 17.5% of the wages prescribed by this award or the shift loading including relevant weekend penalty rates, whichever is the greater but not both.</p>	<p>29.5 Annual leave loading (a) During a period of annual leave an employee must also be paid a loading calculated on the wages prescribed in clause 17. (b) The loading must be as follows: (i) Day work An employee who would have worked on day work only had they not been on leave must be paid a loading equal to 17½% of the wages prescribed in clause 17 or the relevant weekend penalty rates, whichever is the greater but not both. (ii) Shiftwork An employee who would have worked on shiftwork had they not been on leave must be paid a loading equal to 17½% of the wages prescribed in clause 29.4 or the shift loading including relevant weekend penalty rates, whichever is the greater but not both.</p>	<p>29.5 Annual leave loading (a) During a period of annual leave an employee must also be paid a loading calculated on the wages prescribed in clause 17. (b) The loading must be as follows: (i) Day work An employee who would have worked on day work only had they not been on leave must be paid a loading equal to 17½% of the wages prescribed in clause 17 or the relevant weekend penalty rates, whichever is the greater but not both. (ii) Shiftwork An employee who would have worked on shiftwork had they not been on leave must be paid a loading equal to 17½% of the wages prescribed in clause 29.4 or the shift loading including relevant weekend penalty rates, whichever is the greater but not both.</p>	<p>21.8 During a period of annual leave, the employee will receive a loading of 17.5 per cent calculated on the wage the employee would have received in respect of the ordinary time which the employee would have worked had the employee not been on leave during the relevant period plus, in the case of an employee engaged ‘with keep’, the value of the ‘keep’ deduction specified in clause 16 of this award.</p>	<p>21.8 During a period of annual leave, the employee will receive a loading of 17.5 per cent calculated on the wage the employee would have received in respect of the ordinary time which the employee would have worked had the employee not been on leave during the relevant period plus, in the case of an employee engaged ‘with keep’, the value of the ‘keep’ deduction specified in clause 16 of this award.</p>

Part 3—Awards that applied to employees covered by the *Pastoral Award 2010* [\[MA000035\]](#) prior to 1 January 2010 – annual leave loading provision

PRE-REFORM AWARD TITLE	ANNUAL LEAVE LOADING PROVISION
AT792378CRV - Pastoral Industry Award 1998 [Transitional]	40.3 Provided that before going on annual leave each employee, in addition to the amount of payment for the period of annual leave due under this subclause, shall be paid a loading of 17.5 per cent. For the purposes of this subclause, "with pay" means the amount of wage the employee would have received in respect of the ordinary time which the employee would have worked had the employee not been on leave during the relevant period plus, in the case of an employee engaged "with keep", the value of the "keep" deduction specified in clause 35.1.1(a) of this award.
AP808598CRN - Northern Territory Cattle Industry Award 2001	26.7 Loading on annual leave 26.7.1 In addition to the payment provided for in this clause, for any period of leave becoming due under 26.1, the employee is entitled to be paid a loading of 17-½%. 26.7.2 The loading is calculated on the rate of wage prescribed by 26.5.2.
AP793680CRV - Pig Breeding and Raising (AWU) Award 1999	17.6 During the period of annual leave allowed herein, an employee shall receive a loading of 17.5% calculated on the rate of wage prescribed by clause 10 – Rates of pay and allowances of this award. Such loading shall be paid in advance and shall be calculated upon the ordinary wages which would accrue to the employee during the currency of the leave. All loading shall become due only on completion of each twelve month period of continuous service.
AP792378CRV - Pastoral Industry Award 1998	40.3 Provided that before going on annual leave each employee, in addition to the amount of payment for the period of annual leave due under this subclause, shall be paid a loading of 17.5 per cent. For the purposes of this subclause, "with pay" means the amount of wage the employee would have received in respect of the ordinary time which the employee would have worked had the employee not been on leave during the relevant period plus, in the case of an employee engaged "with keep", the value of the "keep" deduction specified in clause 35.1.1(a) of this award.
AP792331 - Poultry Farm Employees (A.C.T.) Award, 1999	24.13 During a period of annual leave an employee will receive a loading of 17.5 percent of the appropriate rate of wage prescribed by 13.1.
AN170032 – Farming and Fruit Growing Award	(f) Payment for Period of Leave All employees, before going on annual leave, shall be paid the amount of wages they would have

PRE-REFORM AWARD TITLE	ANNUAL LEAVE LOADING PROVISION
	<p>received in respect of the ordinary time they would have worked had they not been on leave during the relevant period.</p> <p>In addition thereto, all employees, other than casual employees, before going on annual leave shall be paid a loading of 17.5% on payments made for annual leave.</p>
<p>AN160255 – Poultry Breeding Farm & Hatchery Workers’ Award 1976</p>	<p>(3) During a period of annual leave a worker shall receive a loading of 17.5 percent calculated on his/her ordinary rate of wage. Provided that where the worker would have received any additional rates for the work performed in ordinary hours, as prescribed by this award, had he/she not been on leave during the relevant period and such additional rates would have entitled him/her to a greater amount than the loading of 17.5 percent, then such additional rates shall be added to his/her ordinary rate of wage in lieu of the 17.5 percent loading. Provided further, that if the additional rates would have entitled him/her to a lesser amount than the loading of 17.5 percent, then such loading of 17.5 percent shall be added to his/her ordinary rate of wage in lieu of the additional rates.</p>
<p>AN160126 – Farm Employees’ Award, 1985</p>	<p>(5) (a) During a period of annual leave an employee shall be paid a loading of 17 1/2% of the rate of wage prescribed in Clause 14. - Wages of this award.</p> <p>(b) The loading prescribed by this subclause shall not apply to proportionate leave on termination.</p>
<p>AN150104 – Pastoral Industry (South Australia) Award</p>	<p>62.5 Payment for annual leave</p> <p>62.5.1 Prior to proceeding on annual leave, an employee is entitled to be paid for the period of leave at the ordinary rate of pay applicable to the employee.</p> <p>62.5.2 Upon termination of employment, an employee must be paid for leave accrued in accordance with 62.3, which has not been taken.</p> <p>62.5.3 In addition to the payment set out in clause 62.5.2 in the case of an employee engaged with keep; the value of the keep deduction specified in Schedule 2 will be made.</p> <p>62.6 Annual leave loading</p> <p>62.6.1 An employee is also entitled to payment of a loading equivalent to 116.5% of the payment provided for in 62.5 at the time that payment is made.</p>

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	<p>62.6.2 Where an employee would have received shift loadings had the employee not been going on leave during the relevant period and such loadings would have entitled the employee to a greater amount than the loading of 116.5%, then the shift loadings are to be substituted for the 116.5% loading prescribed in 62.6.1.</p> <p>Annual leave loading payment is not payable on leave accrued in accordance with 62.7.</p>
<p>AN140324 – Feedlot Industry Award - State 2006</p>	<p>7.1.5 <i>Calculation of annual leave pay</i> - In respect to annual leave entitlements to which clause 7.1.5 applies, annual leave pay (including any proportionate payments) shall be calculated as follows:</p> <p>(a) Shift workers - Subject to clause 7.1.5(c) the rate of wage to be paid to a shift workers shall be the rate payable for work in ordinary time according to the employee's roster or projected roster, including Saturday, Sunday, or holiday shifts.</p> <p>(b) Leading hands - Subject to clause 7.1.5 (c), leading hand allowance and amounts of a like nature otherwise payable for ordinary time worked shall be included in the wages to be paid to employees during annual leave.</p> <p>(c) All employees - Subject to provisions of clause 7.1.5(d), in no case shall the payment by an employer to an employee be less than the sum of the following amounts:</p> <p>(i) The employee's ordinary wage rate as prescribed by the Award for the period of the annual leave (excluding shift premiums and week-end penalty rates);</p> <p>(ii) Leading hand allowance or amounts of a like nature;</p> <p>(iii) A further amount calculated at the rate of 17.5% of the amounts referred to in clauses 7.1.5(c)(i) and (ii).</p> <p>(d) The provision of clause 7.1.5(c) shall not apply to the following:</p> <p>(i) Any period or periods of annual leave exceeding:</p> <p>(A) 5 weeks in the case of employees employed in a calling where 3 shifts per day are worked over a period of 7 days per week; or</p>

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	<p>(B) 4 weeks in any other case.</p> <p>(ii) Employers (and the employees) who are already paying (or receiving) an annual leave bonus, loading or other annual leave payment which is not less favourable to employees.</p>
<p><u>AN140318</u> – Wool Classers and Wool Sorters (Other than Wool Classers and Wool Sorters Employed in Shearing Sheds) Award - South-Eastern Division 2003</p>	<p><i>7.1.5 Calculation of annual leave pay</i></p> <p>In respect to annual leave entitlements to which clause 7.1 applies, annual leave pay (including any proportionate payments), shall be calculated as follows:</p> <p>(a) Shift workers - Subject to clause 7.1.5(c), the rate of wage to be paid to a Shift Worker shall be the rate payable for work in ordinary time according to the employee's roster or projected roster, including Saturday, Sunday or public holiday shifts.</p> <p>(b) Leading hands etc. - Subject to clause 7.1.5(c), leading hand allowances otherwise payable for ordinary time worked shall be included in the wages to be paid to employees during annual leave.</p> <p>(c) All employees - Subject to the provisions of clause 7.1.5(d), in no case shall the payment by an employer to an employee be less than the sum of the following amounts:</p> <p>(i) the employee's ordinary wage rate as prescribed in clause 5.2 for the period of the annual leave (excluding shift premiums and weekend penalty rates);</p> <p>(ii) leading hand allowance prescribed in clause 5.2;</p> <p>(iii) a further amount calculated at the rate of 17 1/2% of the amounts referred to in clauses 7.1.5(c)(i) and 7.1.5(c)(ii).</p> <p>(d) Clause 7.1.5(c) does not apply to the following:</p> <p>(i) any period or periods of leave exceeding:</p> <ul style="list-style-type: none"> - 5 weeks in the case of employees employed in a calling where 3 shifts per day are worked over a period of 7 days per week; or - 4 weeks in any other case.

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	(ii) employers who are already paying an annual leave bonus, loading or other annual leave payment which is not less favourable to employees.
<p>AN140317 – Woolclassers and Sheep Shearing Machine Experts and Grinders’ Award - State 2003</p>	<p>7.1.5 Calculation of annual leave pay</p> <p>In respect to annual leave entitlements to which clause 7.1 applies, annual leave pay (including any proportionate payments), shall be calculated as follows:</p> <p>(a) Shift workers - Subject to clause 7.1.5(c), the rate of wage to be paid to a Shift Worker shall be the rate payable for work in ordinary time according to the employee's roster or projected roster, including Saturday, Sunday or public holiday shifts.</p> <p>(b) Leading hands etc. - Subject to clause 7.1.5(c), leading hand allowances otherwise payable for ordinary time worked shall be included in the wages to be paid to employees during annual leave.</p> <p>(c) All employees - Subject to the provisions of clause 7.1.5(d), in no case shall the payment by an employer to an employee be less than the sum of the following amounts:</p> <p>(i) the employee's ordinary wage rate as prescribed in clause 5.2 for the period of the annual leave (excluding shift premiums and weekend penalty rates);</p> <p>(ii) leading hand allowance prescribed in clause 5.2;</p> <p>(iii) a further amount calculated at the rate of 17 1/2% of the amounts referred to in clauses 7.1.5(c)(i) and 7.1.5(c)(ii).</p> <p>(c) Clause 7.1.5(c) does not apply to the following:</p> <p>(i) any period or periods of leave exceeding:</p> <ul style="list-style-type: none"> - 5 weeks in the case of employees employed in a calling where 3 shifts per day are worked over a period of 7 days per week; or - 4 weeks in any other case.

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	(ii) employers who are already paying an annual leave bonus, loading or other annual leave payment which is not less favourable to employees.
<p>AN140277 – Station Hands’ Award - State 2003</p>	<p>7.1.7 In respect to annual leave entitlements to which clause 7.1 applies, annual leave pay (including and proportionate payments), shall be calculated as follows:</p> <p>(a) Leading hands etc. - Subject to clause 7.1.7(c), leading hand allowances and amounts of a like nature otherwise payable for ordinary time worked shall be included in the wages to be paid to employees during Annual leave.</p> <p>(b) All employees - Subject to the provisions of 7.1.7(d), in no case shall the payment by an employer to an employee be less than the sum of the following amounts:</p> <p>(i) The employee's ordinary wage rate as prescribed by the Award for the period of the annual leave (excluding week-end penalty rates);</p> <p>(ii) Leading hand allowance or amounts of a like nature;</p> <p>(iii) A further amount calculated at the rate of 17 1/2% of the amounts referred to in clauses 7.1.7(c)(i) and 7.1.7(c)(ii).</p> <p>(c) Clause 7.1.7(c) shall not apply to the following:</p> <p>(i) any period or periods of annual leave exceeding 4 weeks; or</p> <p>(ii) employers (and their employees) who are already paying (or receiving) an annual leave bonus, loading or other annual leave payment which is not less favourable to employees.</p>
<p>AN140272 – Shearing Industry Award - State 2003</p>	<p>7.1 ANNUAL LEAVE</p> <p>The rates of pay prescribed in 5.1 (Wages) of this Award include components in compensation for the non-payment of <i>pro rata</i> annual leave on termination of the engagement.</p>
<p>AN140216 – Poultry Farm and Hatchery Employees’ Award - State 2002</p>	<p>7.1.5 Calculation of annual leave pay</p> <p>In respect to annual leave entitlements to which clause 7.1 applies, annual leave pay (including any</p>

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	<p>proportionate payments) shall be calculated as follows:</p> <p>(a) Shift Workers - Subject to clause 7.1.5(c) the rate of wage to be paid to a shift worker shall be the rate payable for work in ordinary time according to the employee's roster or projected roster, including Saturday, Sunday or public holiday shifts.</p> <p>(b) Leading Hands, etc. - Subject to clause 7.1.5(c), Leading Hand allowances and amounts of a like nature otherwise payable for ordinary time worked shall be included in the wages to be paid to employees during annual leave.</p> <p>(c) All employees - Subject to the provisions of clause 7.1.5(d), in no case shall the payment by an employer to an employee be less than the sum of the following amounts:</p> <p>(i) The employee's ordinary wage rate as prescribed by the Award for the period of the annual leave (excluding shift premiums and week-end penalty rates);</p> <p>(ii) Leading Hand allowance or amounts of a like nature;</p> <p>(iii) A further amount calculated at the rate of 17 1/2% of the amounts referred to in clause 7.1.5(c)(i) and 7.1.5(c)(ii).</p> <p>(d) Clause 7.1.5(c) does not apply to:</p> <p>(i) any period or periods of annual leave:</p> <ul style="list-style-type: none"> - exceeding 5 weeks in the case of employees employed in a calling where 3 shifts per day are worked over a period of 7 days per week; or - exceeding 4 weeks in any other case; or <p>(ii) employers (and their employees) who are already paying (or receiving) an annual leave bonus, loading or other annual leave payment which is not less favourable to employees.</p>
<u>AN140210</u> – Pig Breeding and Raising Award - State 2003	<p>PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS</p> <p>7.1 ANNUAL LEAVE</p>

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	<p>7.1.1 Every employee, other than a casual employee, covered by this Award shall at the end of each year of employment be entitled to annual leave on full pay of 4 weeks.</p> <p>7.1.2 Such annual leave shall be exclusive of any public holiday which may occur during the period of that annual leave and shall be paid for by the employer in advance at the ordinary rate payable to the employee concerned immediately prior to that leave, together with a 17 1/2% loading.</p> <p>7.1.3 If the employment of any employee is terminated at the expiration of a full year of employment such employee shall be paid, in addition to any other amounts due ordinary pay for a period of 4 weeks and also ordinary pay for any public holiday occurring during such period of 4 weeks, together with a 17 1/2% loading.</p> <p>7.1.4 Where the employment of any employee is terminated at the end of a period of employment of less than a full year the employer shall forthwith pay to the employee an amount equal to 1/12th of ordinary pay earned for that period of employment, together with a 17 1/2% loading.</p> <p>7.1.5 At least one month's notice of the commencement of annual leave shall be given to the employee.</p> <p>7.1.6 Except as hereinbefore provided it shall not be lawful for any employer to give or for any employee to accept payment in lieu of annual leave.</p>
<p>AN140087 – Cotton Harvesting Award - State 2003</p>	<p>PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS 7.1 ANNUAL LEAVE</p> <p>7.1.5 Calculation of annual leave pay</p> <p>In respect to annual leave entitlements to which clause 7.1 applies, annual leave pay (including any proportionate payments) shall be calculated as follows:</p> <p>(a) All employees - Subject to the provisions of clause 7.1.5 (b), in no case shall the payment by an employer to an employee be less than the sum of the following amounts:</p> <p>(i) The employee's ordinary wage rate as prescribed by the Award for the period of the annual leave (excluding weekend penalty rates);</p>

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	(ii) A further amount calculated at the rate of 17 1/2% of the amount referred to in clause 7.1.5(a)(i).
<p>AN120427 – Poultry Industry Livestock (State) Award</p>	<p>11. ANNUAL LEAVE LOADING</p> <p>(i) In this clause the <i>Annual Holidays Act</i> 1944 is referred to as "the Act".</p> <p>(ii) An employer shall pay an employee a loading determined in accordance with this clause.</p> <p>(iii) The loading is payable in addition to annual leave paid.</p> <p>(iv) The loading is to be calculated in relation to any period of annual leave to which the employee becomes entitled under the Act.</p> <p>(v) The loading is the amount payable for the period of leave at the rate of 20 per cent of the appropriate weekly time rate of pay prescribed by this award for the classification in which the employee was employed immediately before commencing annual leave. It shall not include the amount prescribed for allowances, including shift allowances, penalty rates, overtime or any other payments.</p> <p>(vi) No loading is payable to an employee who takes annual leave in advance until the anniversary date has elapsed, except at the discretion of the employer.</p> <p>(vii) Where the employer's establishment or part of it is temporarily closed down for the purpose of giving annual leave without pay to the employees concerned:</p> <p>(a) An employee who is entitled to and takes annual leave shall be paid the loading.</p> <p>(b) An employee who is not entitled to annual leave and takes leave without pay shall be paid such proportion of the loading that would have been payable had the employee become entitled to annual leave prior to close down.</p> <p>(viii)</p> <p>(a) Where annual leave has fallen due and has not been taken and the employee's services are terminated for a cause other than misconduct by the employer, the loading shall be paid for the leave that had fallen due.</p>

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	<p>(b) Except as provided by paragraph (a) of this subclause, no loading is payable on termination of an employee's employment.</p> <p>(ix) This clause extends to an employee who is given and takes annual leave and who would have worked as a shift worker if the employee would not have been on holidays, provided that if the amount to which the employee would have been entitled by way of shift work allowances and weekend penalty rates for the ordinary time (not including time on a public or special holiday) which the employee would have worked during the period of the holiday, exceeds the loading calculated in accordance with this clause, then that amount shall be paid to the employee in lieu of the loading.</p>
<p>AN120426 – Poultry Farm Employees (State) Award</p>	<p>13. ANNUAL LEAVE LOADING</p> <p>(i) This clause applies only in relation to annual holidays to which employees become or have become entitled.</p> <p>(ii) In this clause, the <i>Annual Holidays Act</i> 1944 is referred to as "the Act".</p> <p>(iii) Before an employee is given and takes an annual holiday or where, by agreement between the employer and employee, the annual holiday is given and taken in more than one separate period, then before each of such separate periods the employer shall pay the employee a loading determined in accordance with this clause. (NOTE : The obligation to pay in advance does not apply where an employee takes an annual holiday wholly or partly in advance — see subclause (vii) of this clause.)</p> <p>(iv) The loading is payable in addition to the pay for the period of holiday given and taken and due to the employee under the Act.</p> <p>(v) The loading is to be calculated in relation to any period of annual holiday to which the employee becomes or has become entitled under the Act and this award or, where such a holiday is given and taken in separate periods, then in relation to each such separate period. (NOTE : see subclause (vii) in relation to holidays taken wholly or partly in advance)</p> <p>(vi) The loading is the amount payable for the period or separate period, as the case may be, stated in subclause (v) at the rate per week of 17.5 per cent of the appropriate ordinary weekly time rate of pay prescribed by this award for the classification in which the employee was employed</p>

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	<p>immediately before commencing annual holiday together with, where applicable, the leading hand rates prescribed by subclause (vii) of clause 4, Wages, but shall not include the shift allowances prescribed in subclauses (iii) and (iv) of the said clause 4, any other allowances, penalty rates, overtime rates or any other payments prescribed by this award.</p> <p>(vii) No loading is payable to an employee who takes an annual holiday wholly or partly in advance. However, if the employment of such an employee continues until the day when the employee would have become entitled under the Act to an annual holiday, the loading then becomes payable in respect of the period of such holiday, and is to be calculated in accordance with subclause (vi) of this clause, applying the award rates of wages payable on that day.</p> <p>(viii) Where, in accordance with the Act, the employer's establishment or part of it is temporarily closed down for the purpose of giving an annual holiday or leave without pay to the employees concerned:</p> <p>(a) An employee who is entitled under the Act to an annual holiday and who is given and takes such a holiday shall be paid the loading calculated in accordance with subclause (vi) of this clause.</p> <p>(b) An employee who is not entitled under the Act to an annual holiday and who is given and takes leave without pay shall be paid, in addition to the amount payable under the Act, such proportion of the loading that would have been payable under this clause if the employee had become entitled to an annual holiday prior to the close-down as the qualifying period of employment in completed weeks bears to 52.</p> <p>(ix) (a) When the employment of an employee is terminated by the employer on or after the date of operation of this award for a cause other than misconduct, and at the time of the termination the employee has not taken the whole of an annual holiday to which the employee became entitled, the employee shall be paid a loading calculated in accordance with subclause (vi) for the period not taken.</p> <p>(b) Except as provided by paragraph (a) of this subclause, no loading is payable on the termination of an employee's employment.</p> <p>(x) This clause extends to an employee who is given and takes an annual holiday and who would have worked as a shift worker, namely an employee engaged on night pick-up or early morning shift, pursuant respectively to subclauses (iii) and (iv) of clause 2, Hours, if the employee had not been on annual holiday. However if an employee had been working in accordance with a shift</p>

PRE-REFORM AWARD TITLE	ANNUAL LEAVE LOADING PROVISION
	<p>roster, and not been on annual leave, the employee shall be entitled to the following amounts in lieu of the loading, if these amounts exceed the loading:</p> <ul style="list-style-type: none"> • allowances for shifts worked according to subclause (iii) and (iv) of clause 4, Wages; • the rate for Saturday shift worked according to subclause (ii) of clause 7, Saturday and Sunday Work.
<p>AN120408 – Pastoral Employees (State) Award</p>	<p>57. ANNUAL LEAVE</p> <p>...</p> <p>(c) Provided that before going on annual leave each employee, in addition to the amount of payment for the period of annual leave due under this subclause, shall be paid a loading of 17.5 per cent. For the purpose of this subclause, "with pay" means the amount of wage the employee would have received in respect of the ordinary time which the employee would have worked had the employee not been on leave during the relevant period plus, in the case of an employee engaged "with keep", the value of the "keep" deduction specified in the said clause 50.</p>
<p>AN120176 – Dairying Industry Employees (State) Award</p>	<p>15. ANNUAL LEAVE LOADING</p> <p>(i) In this clause the <i>Annual Holidays Act 1944</i> is referred to as the Act.</p> <p>(ii) Before an employee is given and takes his/her annual holiday, or where by agreement between the employer and employee the annual holiday is given and taken in more than one separate period, then before each of such separate periods, the employer shall pay the employee a loading determined in accordance with this clause. (NOTE: The obligation to pay in advance does not apply where an employee takes an annual holiday wholly or partly in advance see subclause (v) of this section).</p> <p>(iii) The loading is payable in addition to the pay for the period of the holiday given and taken and due to the employee under the Act.</p> <p>(iv) The loading is the amount payable for the period or the separate period of annual leave, as the case may be, at the rate per week of 17.5 per cent of the appropriate ordinary weekly time rate of pay prescribed by this award for the classification in which the employee was employed immediately before commencing annual holiday.</p>

PRE-REFORM AWARD TITLE	ANNUAL LEAVE LOADING PROVISION
	<p>(v) No loading is payable to an employee who takes an annual holiday wholly or partly in advance; provided that, if the employment of such an employee continues until the day when the employee would have become entitled under the Act to an annual holiday, the loading then becomes payable in respect of the period of such holiday and is to be calculated in accordance with subclause (iv) of this clause, applying the award rates of wages payable on that day.</p> <p>(vi) Where, in accordance with the Act the employers establishment or part of it is temporarily closed down for the purpose of giving an annual holiday:</p> <p>(a) An employee who is entitled under the Act to an annual holiday and who is given and takes such a holiday shall be paid the loading calculated in accordance with subclause (iv) of this clause;</p> <p>(b) An employee who is not entitled under the Act to an annual holiday and who is given and takes leave without pay shall be paid in addition to the amount payable to him/her under the Act such proportion of the loading that would have been payable to him/her under this clause if he/she had become entitled to an annual holiday.</p> <p>(vii) (a) When the employment of an employee is terminated by his/her employer for a cause other than misconduct and at the time of the termination the employee has not been given and has not taken the whole of an annual holiday to which he/she became entitled, the employee shall be paid a loading calculated in accordance with subclause (iv) of this clause.</p> <p>(b) Except as provided by paragraph (a) of this subclause no loading is payable on the termination of an employees employment.</p>
<p>AN120161 – Cotton Growing Employees (State) Award</p>	<p>11. ANNUAL HOLIDAY LOADING</p> <p>(1) In this clause, the <i>Annual Holidays Act 1944</i> is referred to as "the Act".</p> <p>(2) Before an employee is given and takes an annual holiday or where, by agreement between the employer and employee the annual holiday is given and taken in more than one separate period, then before each of such separate periods the employer shall pay his/her employee a loading determined in accordance with this clause. (NOTE : The obligation to pay in advance does not apply where an employee takes an annual holiday wholly or partly in advance — see subclause (6) of this clause).</p>

PRE-REFORM AWARD TITLE	ANNUAL LEAVE LOADING PROVISION
	<p>(3) The loading is payable in addition to the pay for the period of holiday given and taken and due to the employee under the Act and this award.</p> <p>(4) The loading is to be calculated in relation to any period of annual holiday to which the employee becomes or has become entitled under the Act and this award (but excluding days added to compensate for public or special holidays worked or public or special holidays falling on an employee's rostered day off not worked) and which commences on or after 20 March 1974 or, where a holiday is given and taken in separate periods, then in relation to each such separate period. (NOTE: See subclause (6) of this clause as to holidays taken wholly or partly in advance .)</p> <p>(5) The loading is the amount payable for the period or the separate period, as the case may be, stated in subclause (5) of this clause, at the rate per week of 17.5 per cent of the appropriate ordinary weekly time rate of pay prescribed by this award for the classification in which the employee was employed immediately before commencing his/her annual holiday, together with the leading hand allowance where applicable.</p> <p>(6) No loading is payable to an employee who takes an annual holiday wholly or partly in advance; provided that, if the employment of such an employee continues until the day when he/she would have become entitled under the Act to an annual holiday, the loading then becomes payable in respect of the period of such holiday and is to be calculated in accordance with subclause (5) of this clause, applying the award rates of wages payable on that day.</p> <p>This subclause applies when an annual holiday has been taken wholly or partly in advance.</p> <p>(7) Where, in accordance with the Act the employer's establishment or part of it is temporarily closed down for the purpose of giving an annual holiday or leave without pay to the employees concerned:</p> <p>(a) An employee who is entitled under the Act to an annual holiday and who is given and takes such a holiday shall be paid the loading calculated in accordance with subclause (5) of this clause.</p> <p>(b) An employee who is not entitled under the Act to an annual holiday and who is given and takes leave without pay shall be paid, in addition to the amount payable to him/her under the Act, such proportion of the loading that would have been payable to him/her under this clause if he/she had become entitled to an annual holiday prior to the closedown as his/her qualifying period of employment in completed weeks bears to 52.</p>

PRE-REFORM AWARD TITLE	ANNUAL LEAVE LOADING PROVISION
	<p>(8) (a) When the employment of an employee is terminated by the employer for a cause other than misconduct and at the time of the termination the employee has not been given and has not taken the whole of the annual holiday to which he/she became entitled he/she shall be paid a loading calculated in accordance with subclause (6) of this clause for the period not taken.</p> <p>(b) Except as provided by paragraph (a) of this subclause, no loading is payable on the termination of an employee's employment.</p> <p>(9) This clause extends to an employee who is given and takes an annual holiday and who would have worked as a shift worker if he/she had not been on holidays; provided that, if the amount to which the employee would have been entitled by way of shift work allowances and weekend penalty rates for the ordinary time (not including time on a public or special holiday) when the employee would have worked during the period of the holiday exceeds the loading calculated in accordance with this clause, then that amount shall be paid to the employee in lieu of the loading.</p>
<p><u>AN120084</u> – Breeding and Raising Pigs, etc., Employees (State) Award</p>	<p>14. ANNUAL LEAVE LOADING</p> <p>During the period of annual leave allowed pursuant to the <i>Annual Holidays Act 1944</i>, an employee shall receive a loading of 17.5 per cent calculated on the rate of wage prescribed by clause 3, Rates of Pay Adults and Juniors. Such loading shall be paid in advance and shall be calculated upon the ordinary wages which would accrue during the currency of the leave.</p> <p>The loading prescribed in this clause shall apply to annual leave due on or after the date of operation of this award. The said loading shall not apply to proportionate leave on termination.</p>

Part 4— Award modernisation – [Agriculture Group](#) – submissions

1. [Submission](#) of Industrial Mediation Services on Exposure Draft (January 2009) Pastoral Industry Award 2010 – 13 February 2009

Clause 22.4 (b) Annual Leave Loading

It is provided that other than for shift workers a loading of 17.5% of the wages prescribed by this award be paid for the ordinary hours of work as performed between Monday and Friday.

Part 4 of the award relating to the Broadacre Farming and livestock industry permits employees to work their ordinary hours over any five days of the week Monday to Sunday. It is possible therefore that an employee may work their ordinary hours of work for example Wednesday to Sunday. On the basis of the loading only being applicable for “ordinary hours of work as performed Monday to Friday”, the employee may be disadvantaged during a particular period of annual leave.