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Subject: AM2014/230 Higher Education Industry - General Staff - Award 2010 MA000007
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Attachments: [MA000007 - General Staff - Consolidated NTEU amendments - no comments.pdf](#)
[MA000007 - General Staff - Consolidated NTEU amendments.pdf](#)

Pursuant to the directions of Commissioner Johns in 2015/6, please find attached for filing the NTEU's proposed variations to the Higher Education Industry - General Staff - Award 2010 MA000007.

For ease of reading, we have supplied two versions – one with markup comments linking the proposed text to the NTEU's claims, and the second with no comments shown.

These are the proposed variations we are pursuing under the matter number 2015/6, and are in addition to any variations which may flow as a result of Common matters.

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Higher Education Industry—General Staff—Award 2010

This Fair Work Commission consolidated modern award incorporates all amendments up to and including 18 June 2015 ([PR566673](#)), 18 June 2015 ([PR566815](#)) and 26 June 2015 ([PR568050](#)).

Clause(s) affected by the most recent variation:

- 15—Rates of pay
- Schedule C—Allowances
- Schedule D—Supported Wage System
- Schedule E—National Training Wage
- Schedule G—Apprentices

Current review matter(s): [AM2014/47](#); [AM2014/190](#); [AM2014/196](#); [AM2014/197](#); [AM2014/231](#); [AM2014/300](#); [AM2014/301](#); [AM2014/306](#); [AM2015/1](#); [AM2015/2](#)

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Part 1—Coverage and Operation

1. Title

This award is the *Higher Education Industry—General Staff—Award 2010*.

2. Commencement and transitional

[Varied by [PR988381](#), [PR542127](#)]

2.1 This award commences on 1 January 2010.

2.2 The monetary obligations imposed on employers by this award may be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase any overaward payment.

2.3 This award contains transitional arrangements which specify when particular parts of the award come into effect. Some of the transitional arrangements are in clauses in the main part of the award. There are also transitional arrangements in Schedule A. The arrangements in Schedule A deal with:

- minimum wages and piecework rates
- casual or part-time loadings
- Saturday, Sunday, public holiday, evening or other penalties
- shift allowances/penalties.

[2.4 varied by [PR542127](#) from 04Dec13]

2.4 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, the Fair Work Commission may make any order it considers appropriate to remedy the situation.

[2.5 varied by [PR542127](#) from 04Dec13]

2.5 The Fair Work Commission may review the transitional arrangements in this award and make a determination varying the award.

[2.6 varied by [PR542127](#) from 04Dec13]

2.6 The Fair Work Commission may review the transitional arrangements:

- (a) on its own initiative; or

- (b) on application by an employer, employee, organisation or outworker entity covered by the modern award; or
- (c) on application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award; or
- (d) in relation to outworker arrangements, on application by an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the arrangements relate.

3. Definitions and interpretation

[Varied by [PR994098](#), [PR994510](#), [PR997772](#), [PR503609](#), [PR545962](#)]

3.1 In this award, unless the contrary intention appears:

[Definition of **Act** substituted by [PR994510](#) from 01Jan10]

Act means the *Fair Work Act 2009* (Cth)

[Definition of **agreement-based transitional instrument** inserted by [PR994510](#) from 01Jan10]

agreement-based transitional instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **award-based transitional instrument** inserted by [PR994510](#) from 01Jan10]

award-based transitional instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Commission** deleted by [PR994510](#) from 01Jan10]

[Definition of **Division 2B State award** inserted by [PR503609](#) ppc 01Jan11]

Division 2B State award has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Division 2B State employment agreement** inserted by [PR503609](#) ppc 01Jan11]

Division 2B State employment agreement has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **employee** substituted by [PR994510](#), [PR997772](#) from 01Jan10]

employee means national system employee within the meaning of the Act

[Definition of **employer** substituted by [PR994510](#), [PR997772](#) from 01Jan10]

employer means national system employer within the meaning of the Act

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[Definition of **enterprise award** deleted by [PR994510](#) from 01Jan10]

[Definition of **enterprise award-based instrument** inserted by [PR994510](#) from 01Jan10]

enterprise award-based instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **default fund employee** inserted by [PR545962](#) from 01Jan14]

default fund employee means an employee who has no chosen fund within the meaning of the *Superannuation Guarantee (Administration) Act 1992* (Cth)

[Definition of **defined benefit member** inserted by [PR545962](#) from 01Jan14]

defined benefit member has the meaning given by the *Superannuation Guarantee (Administration) Act 1992* (Cth)

[Definition of **exempt public sector superannuation scheme** inserted by [PR545962](#) from 01Jan14]

exempt public sector superannuation scheme has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth)

[Definition of **MySuper product** inserted by [PR545962](#) from 01Jan14]

MySuper product has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth)

[Definition of **General staff** varied by [PR994098](#) ppc 26Feb10]

General staff means all employees throughout Australia in the higher education industry, as defined, and employees of university unions and student unions, other than:

- (a) persons employed as academic staff;
- (b) persons employed principally to teach ELICOS, TESOL or other English language courses;
- (c) persons principally employed in the operation of theatrical venues used predominantly for commercial purposes or production companies engaged in the production of theatrical, musical or other entertainments on a commercial basis; and
- (d) persons primarily employed to teach TAFE subjects that may be offered by an employer bound by this award

HEW means higher education worker

Higher education industry means educational institutions providing undergraduate and postgraduate teaching leading to the conferring of accredited degrees and performing research to support and inform the curriculum

[Definition of **NAPSA** deleted by [PR994510](#) from 01Jan10]

[Definition of **NES** substituted by [PR994510](#) from 01Jan10]

NES means the National Employment Standards as contained in [sections 59 to 131](#) of the *Fair Work Act 2009* (Cth)

[Definition of **on-hire** inserted by [PR994510](#) from 01Jan10]

on-hire means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client

PACCT employee means professional, administrative, clerical, computing and technical employees by whatever name called

seven day shiftworker means, for the purpose of the additional week of leave provided by the NES, a seven day shiftworker who is regularly rostered to work on Sundays and public holidays in an institution in which shifts are continuously rostered 24 hours a day seven days a week

standard rate (SR) means the weekly rate derived from the annual rate for a HEW 3.1 in clause 15—Rates of pay

[Definition of **Research Institute** inserted by PR from]

Research Institute means a corporate entity:

- whose primary activity is to undertake medical, health, scientific or social research, and
- which is established for a charitable, educational or other public purpose, and
- which is affiliated to a university, or where persons are employed who hold academic titles conferred by a higher education institution, and
- where the supervision of the research work of postgraduate research students occurs;

but not including:

- any entity whose primary business is the provision of medical, health, social or religious services to patients, customers or clients;
- any State, Territory or Commonwealth Department or Agency;
- any for-profit corporation.

[Definition of **transitional minimum wage instrument** inserted by [PR994510](#) from 01Jan10]

transitional minimum wage instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **University unions and student unions** inserted by [PR994098](#) ppc 26Feb10]

University unions and student unions means associations of students, or of students and others, established primarily or exclusively for the purpose of providing representation or services to students

[Definition of **weekly rate** inserted by [PR994510](#) from 01Jan10]

weekly rate means the employee's minimum annual salary for the class of work performed divided by 52

- 3.2 Where this award refers to a condition of employment provided for in the NES, the NES definition applies.

4. Coverage

[Varied by [PR994510](#), [PR506529](#), [PR544712](#)]

[4.1 substituted by [PR506529](#) ppc 04Feb11]

- 4.1 This industry award covers employers throughout Australia in the higher education industry as defined, **and Research Institutes as defined**, and University Unions and Student Unions as defined, and their employees engaged as general staff in the classifications listed in clause 15—Rates of pay in this award to the exclusion of any other modern award.

- 4.2 The award does not cover an employee excluded from award coverage by the Act.

[4.3 substituted by [PR994510](#) from 01Jan10]

- 4.3 The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

[New 4.4 inserted by [PR994510](#) from 01Jan10]

- 4.4 The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

[4.5 inserted by [PR994510](#) from 01Jan10]

- 4.5 This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

[4.4 renumbered as 4.6 by [PR994510](#) from 01Jan10; substituted by [PR544712](#) ppc 01Jan14]

- 4.6 This award covers employers which provide group training services for apprentices and trainees engaged in the industry and/or parts of industry set out at clause 4.1 and those apprentices and trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This clause operates subject to the exclusions from coverage in this award.

[4.7 inserted by [PR544712](#) ppc 01Jan14]

4.7 Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

5. Access to the award and National Employment Standards

The employer must ensure that copies of this award and the NES are available to all employees to whom they apply either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible.

6. The National Employment Standards and this award

The [NES](#) and this award contain the minimum conditions of employment for employees covered by this award.

7. Award flexibility

[Varied by [PR994510](#), [PR542127](#)]

7.1 Notwithstanding any other provision of this award, an employer and an individual employee may agree to vary the application of certain terms of this award to meet the genuine individual needs of the employer and the individual employee. The terms the employer and the individual employee may agree to vary the application of are those concerning:

- (a) arrangements for when work is performed;
- (b) overtime rates;
- (c) penalty rates;
- (d) allowances; and
- (e) leave loading.

[7.2 varied by [PR542127](#) from 04Dec13]

7.2 The employer and the individual employee must have genuinely made the agreement without coercion or duress. An agreement under this clause can only be entered into after the individual employee has commenced employment with the employer.

7.3 The agreement between the employer and the individual employee must:

- (a) be confined to a variation in the application of one or more of the terms listed in clause 7.1; and

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[7.3(b) substituted by [PR994510](#) from 01Jan10; varied by [PR542127](#) from 04Dec13]

- (b) result in the employee being better off overall at the time the agreement is made than the employee would have been if no individual flexibility agreement had been agreed to.

[7.4 substituted by [PR994510](#) from 01Jan10]

7.4 The agreement between the employer and the individual employee must also:

- (a) be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;
- (b) state each term of this award that the employer and the individual employee have agreed to vary;
- (c) detail how the application of each term has been varied by agreement between the employer and the individual employee;
- (d) detail how the agreement results in the individual employee being better off overall in relation to the individual employee's terms and conditions of employment; and
- (e) state the date the agreement commences to operate.

[7.5 deleted by [PR994510](#) from 01Jan10]

[7.6 renumbered as 7.5 by [PR994510](#) from 01Jan10]

7.5 The employer must give the individual employee a copy of the agreement and keep the agreement as a time and wages record.

[New 7.6 inserted by [PR994510](#) from 01Jan10]

7.6 Except as provided in clause 7.4(a) the agreement must not require the approval or consent of a person other than the employer and the individual employee.

7.7 An employer seeking to enter into an agreement must provide a written proposal to that employee. Where the employee's understanding of written English is limited the employer must take measures, including translation into an appropriate language, to ensure the employee understands the proposal.

7.8 The agreement may be terminated:

[7.8(a) varied by [PR542127](#) from 04Dec13]

- (a) by the employer or the individual employee giving 13 weeks' notice of termination, in writing, to the other party and the agreement ceasing to operate at the end of the notice period; or
- (b) at any time, by written agreement between the employer and the individual employee.

[Note inserted by [PR542127](#) from 04Dec13]

Note: If any of the requirements of s.144(4), which are reflected in the requirements of this clause, are not met then the agreement may be terminated by either the employee or the employer, giving written notice of not more than 28 days (see s.145 of the *Fair Work Act 2009* (Cth)).

[New 7.9 inserted by [PR542127](#) from 04Dec13]

7.9 The notice provisions in clause 7.8(a) only apply to an agreement entered into from the first full pay period commencing on or after 4 December 2013. An agreement entered into before that date may be terminated in accordance with clause 7.8(a), subject to four weeks' notice of termination.

[7.9 renumbered as 7.10 by [PR542127](#) from 04Dec13]

7.10 The right to make an agreement pursuant to this clause is in addition to, and is not intended to otherwise affect, any provision for an agreement between an employer and an individual employee contained in any other term of this award.

Part 2—Consultation and Dispute Resolution

8. Consultation

[8—Consultation regarding major workplace change renamed and substituted by [PR546288](#) ppc 01Jan14]

8.1 Consultation regarding major workplace change

(a) Employer to notify

- (i) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must notify the employees who may be affected by the proposed changes and their representatives, if any.
- (ii) **Significant effects** include termination of employment; major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations; and the restructuring of jobs. Provided that where this award makes provision for alteration of any of these matters an alteration is deemed not to have significant effect.

(b) Employer to discuss change

- (i) The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in clause 8.1(a), the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on

employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.

- (ii) The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in clause 8.1(a).
- (iii) For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees provided that no employer is required to disclose confidential information the disclosure of which would be contrary to the employer's interests.

8.2 Consultation about changes to rosters or hours of work

- (a) Where an employer proposes to change an employee's regular roster or ordinary hours of work, the employer must consult with the employee or employees affected and their representatives, if any, about the proposed change.
- (b) The employer must:
 - (i) provide to the employee or employees affected and their representatives, if any, information about the proposed change (for example, information about the nature of the change to the employee's regular roster or ordinary hours of work and when that change is proposed to commence);
 - (ii) invite the employee or employees affected and their representatives, if any, to give their views about the impact of the proposed change (including any impact in relation to their family or caring responsibilities); and
 - (iii) give consideration to any views about the impact of the proposed change that are given by the employee or employees concerned and/or their representatives.
- (c) The requirement to consult under this clause does not apply where an employee has irregular, sporadic or unpredictable working hours.
- (d) These provisions are to be read in conjunction with other award provisions concerning the scheduling of work and notice requirements.

9. Dispute resolution

[Varied by [PR994510](#), [PR542127](#)]

- 9.1** In the event of a dispute about a matter under this award, or a dispute in relation to the NES, in the first instance the parties must attempt to resolve the matter at the workplace by discussions between the employee or employees concerned and the

relevant supervisor. If such discussions do not resolve the dispute, the parties will endeavour to resolve the dispute in a timely manner by discussions between the employee or employees concerned and more senior levels of management as appropriate.

[9.2 varied by [PR994510](#), [PR542127](#) from 04Dec13]

9.2 If a dispute about a matter arising under this award or a dispute in relation to the NES is unable to be resolved at the workplace, and all appropriate steps under clause 9.1 have been taken, a party to the dispute may refer the dispute to the Fair Work Commission.

[9.3 varied by [PR994510](#), [PR542127](#) from 04Dec13]

9.3 The parties may agree on the process to be utilised by the Fair Work Commission including mediation, conciliation and consent arbitration.

[9.4 varied by [PR994510](#), [PR542127](#) from 04Dec13]

9.4 Where the matter in dispute remains unresolved, the Fair Work Commission may exercise any method of dispute resolution permitted by the Act that it considers appropriate to ensure the settlement of the dispute.

9.5 An employer or employee may appoint another person, organisation or association to accompany and/or represent them for the purposes of this clause.

9.6 While the dispute resolution procedure is being conducted, work must continue in accordance with this award and the Act. Subject to applicable occupational health and safety legislation, an employee must not unreasonably fail to comply with a direction by the employer to perform work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.

Part 3—Types of Employment and Termination of Employment

10. Contract of employment

[Varied by [PR994510](#), [PR994098](#), [PR510936](#)]

[10 varied by [PR994510](#) ppc 01Jan10]

An employer must engage a person as an employee on terms that correspond with one or other of the types of employment prescribed in this clause, or clause 11 or 12.

The restriction on the use of **fixed-term employment** only applies to those employers who were bound to the *Higher Education Contract of Employment Award 1998* [AP784204].

To avoid doubt, nothing in this award prevents an employee engaging in additional work as a casual employee in work unrelated to, or identifiably separate from, the employee's normal duties. Nothing in this award limits the number or proportion of employees that an employer may employ in a particular type of employment.

- 10.1 Continuing Full-time employment** means all employment other than **fixed-term, part-time, or casual**. **Continuing Full-time** employment may contain a reasonable probationary period that is directly related to the nature of the work to be carried out under the contract. As a condition incidental to employment on probation, an employee must be advised of, and given an opportunity to make response to, any adverse material about the employee which the employer intends to take into account in a decision to terminate the employment upon or before the expiry of the period of probation.
- 10.2 Part-time employment** means **continuing or fixed-term** employment for less than the normal weekly ordinary hours specified for a full-time employee, for which all award entitlements are paid on a pro rata basis calculated by reference to the time worked. ~~Part-time employment may contain a reasonable probationary period that is directly related to the nature of the work to be carried out under the contract. As a condition incidental to employment on probation, an employee must be advised of, and given an opportunity to make response to, any adverse material about the employee which the employer intends to take into account in a decision to terminate the employment upon or before the expiry of the period of probation.~~

[10.3 varied by [PR994098](#) ppc 26Feb10]

- 10.3 Fixed-term employment** means employment for a specified term or ascertainable period, for which the instrument of engagement will specify the starting and finishing dates of that employment, (or instead of a finishing date, will specify the circumstance(s) or contingency relating to a specific task or project, upon the occurrence of which the term of the employment will expire).

Fixed-term employment may contain a reasonable probationary period that is directly related to the nature of the work to be carried out under the contract. As a condition incidental to employment on probation, an employee must be advised of, and given an opportunity to make response to, any adverse material about the employee which the employer intends to take into account in a decision to terminate the employment upon or before the expiry of the period of probation.

Any second or subsequent fixed-term contract, with the same employer, must not contain a probationary period.

The use of **fixed-term employment** must be limited to the employment of an employee engaged on work activity that comes within the description of one or more of the following circumstances:

- (a) **Specific task or project** means a definable work activity which has a starting time and which is expected to be completed within an anticipated timeframe. Without limiting the generality of that circumstance, it will also include a period of employment provided for from identifiable funding external to the employer, not being funding that is part of an operating grant from government or funding comprised of payments of fees made by or on behalf of students.
- (b) **Research** means work activity by a person engaged on research only functions for a contract period not exceeding five years.

(c) **Replacement employee** means an employee:

- (i) undertaking work activity replacing a full-time or part-time employee for a definable period for which the replaced employee is either on authorised leave of absence or is temporarily seconded away from their usual work area; or

[10.3(c)(ii) substituted by [PR510936](#) ppc 16May11]

(ii) performing the duties of:

- a vacant position for which the employer has made a definite decision to fill and has commenced recruitment action; or
- a position the normal occupant of which is performing higher duties pending the outcome of recruitment action initiated by the employer and in progress for that vacant higher duties position

until a full-time or part-time employee is engaged for the vacant position or vacant higher duties position as applicable.

(d) **Pre-retirement contract**

Where a full-time or a part-time employee declares that it is their intention to retire, a fixed-term contract expiring on or around the relevant retirement date may be adopted as the appropriate type of employment for a period of up to five years.

(e) **Fixed-term contract employment subsidiary to studentship**

Where a person is enrolled as a student, fixed-term contract employment may be adopted as the appropriate type of employment for work activity, not within the description of another circumstance in the preceding paragraphs of this clause, that is work within the student's academic unit or an associated research unit of that academic unit and is work generally related to a degree course that the student is undertaking within the academic unit, provided that:

- (i) such fixed-term contract employment will be for a period that does not extend beyond, or that expires at the end of, the academic year in which the person ceases to be a student, including any period that the person is not enrolled as a student but is still completing postgraduate work or is awaiting results; and
- (ii) that an offer of fixed-term employment under this paragraph must not be made on the condition that the person offered the employment undertake the studentship.

11. Incidents of fixed-term contract of employment

[Varied by [PR994510](#), [PR542127](#)]

This clause only applies to those employers who were bound to the *Higher Education Contract of Employment Award 1998* [AP784204].

Without derogating from any entitlement under the employee's contract or under an award provision applicable to the employee on account of the employee's continuous service, a fixed-term contract employee is entitled to benefits specified in this clause.

11.1 Incremental advancement

A fixed-term employee who has a period of continuous service in a classification must be entitled to progress through that structure in the same way as an employee engaged as a full-time employee in the same or similar classification.

11.2 Notice of cessation or revocation of employment upon expiry of the contract

The employer will provide to a fixed-term employee, written notice of the employer's intention to renew, or not to renew, employment with the employer upon the expiry of the contract. Such notice will be the greater of:

- (a) any entitlement to notice of the employer's intention to renew, or not to renew, employment with the employee upon the expiry of the contract: or

Period of continuous service

Period of notice

Not more than 1 year

at least 1 week, or the equivalent of a full pay period, whichever is the greater

1 year but less than 3 years

at least 2 weeks, or the equivalent of a full pay period, whichever is the greater

3 years but less than 5 years

at least 3 weeks, or the equivalent of a full pay period, whichever is the greater

5 years or over

at least 4 weeks, or the equivalent of a full pay period, whichever is the greater

- (b) In addition to this notice, an employee over the age of 45 years at the time of the giving of notice and with not less than two years continuous service will be entitled to an additional week's notice.

11.3 Where, because of circumstances relating to the provision of specific funding to support employment external to the employer and beyond its control, the employer is not reasonably able to give the notice required by this clause, it will be sufficient compliance with this clause if the employer:

- (a) advises those circumstances to the employee in writing by the latest time at which the notice would otherwise be required to be given; and
- (b) gives notice to the employee at the earliest practicable date thereafter.

11.4 Severance pay

[11.4 substituted by [PR994510](#) from 01Jan10]

- (a) A fixed-term employee whose contract of employment is not renewed in circumstances where the employee seeks to continue the employment will be entitled to a severance payment or retrenchment benefit payment howsoever called in accordance with the NES as it would apply to a full-time employee engaged in an equivalent classification in the following circumstances:
 - (i) employee is employed on a second or subsequent fixed term contract to do work required for the circumstances described in clause 10.3(a) or (b) and the same or substantially similar duties are no longer required by the employer; or
 - (ii) employee is employed on a fixed term contract to do work required for the circumstances described in clause 10.3(a) or (b) and the duties of the kind performed in relation to work continue to be required but another person has been appointed, or is to be appointed, to the same or substantially similar duties.
- (b) Where an employer advises an employee in writing that further employment may be offered within six weeks of the expiry of a period of fixed-term employment, then the employing university may defer payment of severance benefits for a maximum period of four weeks from the expiry of the period of fixed-term employment.

[11.4(c) varied by [PR542127](#) from 04Dec13]

- (c) An employer, in a particular case, may make application to the Fair Work Commission to have the general severance payment or retrenchment benefit payment prescription varied if the employer obtains acceptable alternative employment for the employee.

11.5 Award entitlements and calculation of continuous service

- (a) A fixed-term employee will be entitled to the same award terms and conditions in respect to award matters as would apply to a full-time or part-time employee engaged in an equivalent classification and working an equivalent proportion of normal weekly ordinary hours for the classification.
- (b) For the purpose of this award, breaks between fixed-term appointments of up to two times per year and of up to six weeks, will not constitute breaks in continuous service.
- (c) Periods of approved unpaid leave will not count for service, but will not constitute breaks in service for the purposes of this clause.

11.6 Right of application for full-time or part-time employment

No employee employed on a fixed-term contract (other than an employee employed on a pre-retirement contract within the meaning of clause 10.3(d)) will be prevented from making application to an employer, nor having their application for

employment within the terms of this award considered, solely because the employee has previously been employed on a fixed-term contract by the same employer.

12. Casual employment

[Varied by [PR994510](#)]

[Preamble renumbered as 12.1 by [PR994510](#) from 01Jan10]

12.1 Casual employment means a person engaged by the hour and paid on an hourly basis that includes a loading related to award based benefits for which a casual employee is not eligible. The casual loading will be 25%.

12.2 Minimum period of engagement for casual staff

[12.1 renumbered as 12.2 by [PR994510](#) from 01Jan10]

The minimum period of engagement for a casual employee will be as follows:

- (i) employees who are students (including postgraduate students) who are expected to attend the university on that day in their capacity as students will have a minimum engagement period of one hour;
- (ii) a student will be taken as being expected for attendance on any Monday to Friday during the main teaching weeks of the university, other than public holidays as applied at the relevant university;
- (iii) employees with a primary occupation elsewhere (or with the employer) have a minimum period of engagement of one hour; and
- (iv) all other casuals must have a minimum period of engagement of three hours.

12.3 Casual conversion

[12.2 renumbered as 12.3 by [PR994510](#) from 01Jan10]

(a) General

[12.3 renumbered as 12.3(a) by [PR994510](#) from 01Jan10]

- (i) An employee must not be engaged and re-engaged nor have their hours reduced in order to avoid any obligation under this clause.
- (ii) Upon appointment, the employer must advise a casual employee that, after serving qualifying periods, see clause 12.3(b), casual employees may have a right to apply for conversion and a copy of the conversion provisions of this award will be made available to such employees.
- (iii) The employer must also take reasonable steps from time to time to inform casual employees of the conversion provisions of this award.

- (iv) An eligible casual employee may apply in writing for conversion to non-casual employment in accordance with the conversion provisions of this award.

(b) Eligibility for conversion

[12.4 renumbered as 12.3(b) by [PR994510](#) from 01Jan10]

- (i) To be eligible to apply for conversion, a casual employee must be employed on a regular and systematic basis in the same or a similar and identically classified position in the same department (or equivalent), either:

- over the immediately preceding period of 12 months and in those immediately preceding 12 months the average weekly hours worked equalled at least 50% of the ordinary weekly hours that would have been worked by an equivalent full-time employee; or
- over the immediately preceding period of at least 24 months.

- (ii) For the purposes of this clause occasional and short-term work performed by the employee in another classification, job or department must not:

- affect the employee's eligibility for conversion;
- be included in determining whether the employee meets or does not meet the eligibility requirements.

(c) Application for conversion

[12.5 renumbered as 12.3(c) by [PR994510](#) from 01Jan10]

The employer will not unreasonably refuse an application for conversion. However, it may refuse an application on reasonable grounds. Reasonable grounds include, but are not limited to, the following:

- (i) the employee is a student, or has recently been a student, other than where their status as a student is irrelevant to their engagement and the work required;
- (ii) the employee is a genuine retiree;
- (iii) the employee is performing work which will either cease to be required or will be performed by a non-casual employee, within 26 weeks (from the date of application);
- (iv) the employee has a primary occupation with the employer or elsewhere, either as an employee or as a self-employed person;
- (v) the employee does not meet the essential requirements of the position; or
- (vi) the work is ad hoc, intermittent, unpredictable or involves hours that are irregular.

(d) Offer of non-casual employment

[12.6 renumbered as 12.3(d) by [PR994510](#) from 01Jan10]

- (i) The employer must determine an application for conversion either by offering conversion to non-casual employment or by rejecting the application. If the employer rejects the application, it must provide written reasons for rejecting it. If the application is accepted, the employee will be offered a non-casual position.
- (ii) Conversion may be to either a continuing appointment or to a fixed-term appointment. The offer of conversion will indicate the hours and pattern of work which, subject to due consideration of the employer's operational requirements and the desirability of offering the employee work which is as regular and continuous as is reasonably practicable, will be consistent with the employee's casual engagement. The conversion offer will also constitute (and include such other details as are required for) an instrument of engagement under the award.
- (iii) Employees converted under this clause will not have their casual service count as service for the purpose of calculating any other existing entitlements except for:
 - long service leave, if, at the time of conversion, the employer provides casual employees with an entitlement to long service leave. In such a case casual service with the employing institution would count for the purposes of any qualifying period for long service leave, but would not give rise to any paid leave entitlement in respect of that casual service, except where institutions, at the time of making this award, pay long service leave to casuals in relation to their casual service; and
 - any applicable unpaid parental leave.

(e) Further applications

[12.7 renumbered as 12.3(e) by [PR994510](#) from 01Jan10]

An employee whose application for conversion is rejected will not be entitled to apply again within 12 months except where:

- (i) that rejection is solely based upon the ground set out in 12.3(c)(iii); and
- (ii) that ground ceased to apply.

13. Termination of employment

13.1 Notice of termination is provided for in the NES.

13.2 Notice of termination by an employee

The notice of termination required to be given by an employee is the same as that required of an employer except that there is no requirement on the employee to give

additional notice based on the age of the employee concerned. If an employee fails to give the required notice the employer may withhold from any monies due to the employee on termination under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by the clause less any period of notice actually given by the employee.

13.3 Job search entitlement

Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off will be taken at times that are convenient to the employee after consultation with the employer.

14. Requirement to state terms of engagement

14.1 Upon engagement, the employer must provide to the employee an instrument of appointment which stipulates the type of employment and informs the employee of the terms of engagement at the time of the appointment in relation to:

- (a) for employees other than casual employees, the classification level and salary of the employee on commencement of the employment, and the hours or the fraction of full-time hours to be worked;
- (b) for fixed-term employees, whether the term of the employment, the length and terms of any period of probation, and the circumstance(s) by reference to which the use of fixed-term contract for the type of employment has been decided for that employment;
- (c) for part-time employees, the employer and the part-time employee will agree on a regular pattern of work, specifying at least the hours worked each day, which days of the week the employee will work and the actual starting and finishing times each day;
- (d) for casual employees, the duties required, the number of hours required, the rate of pay for each class of duty required and a statement that any additional duties required during the term will be paid for;
- (e) for any employee subject to probationary employment, the length and terms of the probation; and
- (f) other main conditions of employment including the identity of the employer, or the documentary, or other recorded sources from which such conditions derive, and the duties and reporting relationships to apply upon appointment that can be ascertained.

Part 4—Rates of Pay and Related Matters

15. Rates of pay

[Varied by [PR997965](#), [PR505242](#), [PR509038](#), [PR522869](#), [PR536672](#), [PR551595](#), [PR566673](#)]

15.1 The minimum wages payable to employees are as follows:

[15 varied by [PR997965](#); renumbered as 15.1 by [PR505242](#) ppc 17Dec10; varied by [PR509038](#), [PR522869](#), [PR536672](#), [PR551595](#), [PR566673](#) ppc 01Jul15]

	Annual salary
	\$
HEW 1	
HEW Level 1.1	36,703.62
HEW Level 1.2	37,279.88
HEW Level 1.3	37,856.12
HEW 2	
HEW Level 2.1	38,547.63
HEW Level 2.2	39,123.89
HEW 3	
HEW Level 3.1	39,936.41
HEW Level 3.2	40,627.91
HEW Level 3.3	41,319.42
HEW Level 3.4	42,010.92
HEW Level 3.5	42,582.56
HEW 4	
HEW Level 4.1	43,504.57
HEW Level 4.2	44,311.31
HEW Level 4.3	45,118.08
HEW 5	
HEW Level 5.1	45,738.33
HEW Level 5.2	46,683.39
HEW Level 5.3	47,303.78

Higher Education Industry—General Staff—Award 2010

	Annual salary
	\$
HEW Level 5.4	48,248.84
HEW Level 5.5	49,193.89
HEW 6	
HEW Level 6.1	50,369.45
HEW Level 6.2	51,314.50
HEW Level 6.3	52,139.71
HEW Level 6.4	53,084.77
HEW 7	
HEW Level 7.1	54,162.37
HEW Level 7.2	55,314.87
HEW Level 7.3	56,467.38
HEW Level 7.4	57,619.90
HEW 8	
HEW Level 8.1	59,002.91
HEW Level 8.2	60,846.93
HEW Level 8.3	62,690.93
HEW Level 8.4	64,534.94
HEW 9	
HEW Level 9.1	66,494.22
HEW Level 9.2	68,338.24
HEW Level 9.3	70,182.24
HEW 10	
HEW Level 10.1	70,297.49

15.2 Apprentice rates of pay

[15.2 inserted by [PR505242](#) ppc 17Dec10]

The minimum award rates of pay for apprentices are set out in Schedule G—Apprentices.

15.3 Classification Levels

The Higher Education Worker Level classification standards set out in Schedule B – Classification Definitions shall be the primary determinant of the classifications of general staff positions. Positions will be classified at the level which most accurately reflects the work performed by the employee as required by the employer, taking into account the skills and responsibilities required to perform that work.

16. Salary movement within a classification level

- 16.1** At the conclusion of each 12 month period, following the date of effect of this award or entry into a HEW level, full-time and part-time general employees will be eligible for movement to the next highest pay point within the HEW level, following a staff development/performance review.
- 16.2** Movement to the next pay point within a HEW level will only occur when a employee has, over the preceding twelve months:
- (a)** acquired and utilised additional skills, experience and competencies within the ambit of the classification and in accord with the priorities of the organisational unit and or employer. For this purpose the employee will be assessed against relevant criteria used in a staff development/performance review; and
 - (b)** demonstrated satisfactory performance against the position classification standards within this award.
- 16.3** If the requirements above are not met at the conclusion of the period referred to in clause 16.2, then the employee will not progress until such time as the requirements are met.
- 16.4** Movement to the next highest pay point will be effective from the anniversary date of employment. In cases where a staff development/performance review is delayed, the anniversary date must not be changed and any increase in salary will be paid retrospectively to the anniversary date, unless the delay is related to the acquisition of new skills and greater responsibilities and/or competencies, in which case the date of acquisition will be the effective date.
- 16.5** An employee who has been absent in excess of three months, in aggregate, will have the review delayed by the period of absence. Any resultant increase will also be delayed by the period of absence.
- 16.6** An annual staff development/performance review must be conducted for all full-time and part-time employees, except those on the highest salary point within their classification. Such review will be confidential.

The aims of this review will at least include:

- (a) assessment of performance and use of skills against the position classification standards; and
- (b) identification of the development and training needs of the employee in order to:
 - (i) enable the acquisition and use of new skills, experience and knowledge in accordance with the short and long term priorities of the organisational unit and/or the employer;
 - (ii) identify performance objectives; and
 - (iii) ensure continued satisfactory performance within the ambit of the classification.

17. Junior employees

Juniors are to be paid at the following percentages of the appropriate adult rate for the position performed. This clause does not apply to employees who are required to hold a trade qualification or to employees employed in a position classified higher than HEW 3.

Age	% of adult rate
Under 16 years	36.8
At 16 years	47.3
At 17 years	57.8
At 18 years	68.3
At 19 years	82.5
At 20 years	97.7

18. Allowances

To view the current monetary amounts of work-related allowances refer to the [Allowances Sheet](#).

[Varied by [PR988381](#), [PR994510](#), [PR503609](#), [PR522990](#), [PR561478](#)]

- 18.1** The allowances in the table in Schedule C—Allowances are payable to an employee in addition to their ordinary rate of pay, in accordance with the terms set out in the table. These allowances have been fixed using HEW 3.1 as the [standard rate](#).

18.2 Adjustment of expense related allowances

[18.2 substituted by [PR994510](#) from 01Jan10]

- (a) At the time of any adjustment to the [standard rate](#), each expense related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.

[18.2(b) varied by [PR522990](#) ppc 01Jul12]

- (b) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

Allowance	Applicable Consumer Price Index figure
Meal allowance	Take away and fast foods sub-group
Compensation for damage to clothing and personal effects	Clothing and footwear group
Compensation for tools	Tools and equipment for house and garden component of the household appliances, utensils and tools sub-group

18.3 Accident pay

[18.3 varied by [PR994510](#); substituted by [PR503609](#); deleted by [PR561478](#) ppc 05Mar15]

19. Payment of wages

An employee's salary, including applicable allowances and overtime payments will be paid fortnightly by cheque or electronic funds transfer. Notwithstanding this, if an employer and the majority of employees agree, all employees must be paid by electronic funds transfer.

20. Superannuation

[Varied by [PR994510](#), [PR545962](#)]

20.1 Superannuation legislation

- (a) Superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deals with the superannuation rights and obligations of employers and employees. Under superannuation legislation individual employees generally have the opportunity to choose their own superannuation fund. If an employee does not choose a superannuation fund, any superannuation fund nominated in the award covering the employee applies.

- (b) The rights and obligations in these clauses supplement those in superannuation legislation.

20.2 Employer contributions

- (a) An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee.
- (b) Employers who, before 12 September 2008 made contributions of 3% to the Tertiary Education Superannuation Scheme for the benefit of employees for whom they were not required to pay the superannuation guarantee charge, must continue to make such contributions as if the *Tertiary Education Superannuation Scheme – Superannuation Award 1988* continued to apply.

20.3 Voluntary employee contributions

- (a) Subject to the governing rules of the relevant superannuation fund, an employee may, in writing, authorise their employer to pay on behalf of the employee a specified amount from the post-taxation wages of the employee into the same superannuation fund as the employer makes the superannuation contributions provided for in clause 20.2.
- (b) An employee may adjust the amount the employee has authorised their employer to pay from the wages of the employee from the first of the month following the giving of three months' written notice to their employer.
- (c) The employer must pay the amount authorised under clauses 20.3(a) or (b) no later than 28 days after the end of the month in which the deduction authorised under clauses 20.3(a) or (b) was made.

20.4 Superannuation fund

[20.4 varied by [PR994510](#) from 01Jan10]

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 20.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 20.2 and pay the amount authorised under clauses 20.3(a) or (b) to one of the following superannuation funds or its successor:

- (a) Unisuper; or

[20.4(b) varied by [PR545962](#) from 01Jan14]

- (b) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund and is a fund that offers a MySuper product or is an exempt public sector scheme.

[20.4(c) inserted by [PR545962](#) from 01Jan14]

- (c) a superannuation fund or scheme which the employee is a defined benefit member of.

20.5 Absence from work

Subject to the governing rules of the relevant superannuation fund, the employer must also make the superannuation contributions provided for in clause 20.2 and pay the amount authorised under clauses 20.3(a) or (b):

- (a) **Paid leave**—while the employee is on any paid leave;
- (b) **Work-related injury or illness**—for the period of absence from work (subject to a maximum of 52 weeks) of the employee due to work-related injury or work-related illness provided that:
 - (i) the employee is receiving workers compensation payments or is receiving regular payments directly from the employer in accordance with the statutory requirements; and
 - (ii) the employee remains employed by the employer.

Part 5—Hours of Work and Related Matters

21. Ordinary hours and spread of ordinary hours

[Varied by [PR988381](#)]

The maximum ordinary hours of work, and the spread of hours during which (other than for shift workers) ordinary hours can be worked, shall be as set out in the following table, provided that ordinary hours may be worked in a manner agreed over a four week cycle.

Category of staff employees	Ordinary hours	Spread of hours (non shiftworkers)
Building services staff	38	6.00 am – 6.00 pm Monday – Friday
Catering and retail staff	38	6.00 am – 7.30 pm Monday – Sunday
Security staff	38	6.00 am – 6.00 pm Monday – Sunday
Children’s services staff	38	6.30 am – 6.30 pm Monday – Friday
Storage services staff	38	7.00 am – 5.30 pm Monday – Friday
Building and maintenance staff	38	6.00 am – 6.00 pm

Category of staff employees	Ordinary hours	Spread of hours (non shiftworkers) Monday – Friday
Trades staff, including plumbers	38	6.00 am – 6.00 pm Monday – Friday
PACCT staff	36.75	8.00 am – 6.00 pm Monday – Friday

The classifications set out in the above table must be read in conjunction with Schedule B—Classification Definitions.

22. Breaks

22.1 Meal break

An employee will not be required to work more than five consecutive hours without a meal break of at least half an hour. Time taken as meal breaks will not be paid for and will not be counted as time worked.

22.2 Rest break

Employees, other than PACCT staff, are entitled to two 10 minute paid breaks per day.

23. Overtime

23.1 An employee will be paid overtime for all authorised work performed outside of, or in excess of, the ordinary or rostered hours as follows:

Time worked	Overtime rate
Monday—Saturday	150% of the ordinary rate of pay for the first two hours (first three hours for PACCT staff); and 200% of the ordinary rate of pay thereafter
Sunday	200% of the ordinary rate of pay
Public holidays	250% of the ordinary rate of pay

23.2 The employer must take reasonable steps to ensure that employees are not performing work in excess of the ordinary hours of work or outside the ordinary spread of hours as specified in clauses 21 and 27, except where such work has been authorised and compensated in accordance with clauses 23, 24 or 26.

23.3 An employee at Level 6 or above who responds to or uses email or phone messaging beyond or outside the ordinary hours of work for brief periods, and only

occasionally, to meet the needs of the employer, will not be deemed to be performing work beyond or outside the ordinary hours of work, provided that the sending or responding to such email messages at that time is not part of their assigned duties, contract or conditions of employment, has not been directed and is in all other senses voluntary.

24. Employee recalled to duty

An employee recalled to work overtime which is not continuous with their ordinary hours of duty must be paid a minimum of two hours at the appropriate overtime rate.

25. Minimum break following overtime

An employee who has worked overtime will be given a minimum break of ten hours between the end of one period of duty and the beginning of the next. A staff member required by an employer to resume or continue to work without having a ten hour break off duty is entitled to be absent from duty without loss of pay until a ten hour break has been taken, or be paid at 200% of the ordinary rate until released from duty.

26. Time off instead of overtime payment

26.1 An employee will be paid overtime or provided with time off instead of overtime payment for all authorised work performed outside of, or in excess of, the ordinary or rostered hours as follows:

- (a) An HEW 6 or below will be eligible to receive paid overtime or, where requested by the employee and approved by the employer, may take time off instead of overtime payment calculated in accordance with the relevant overtime rate.
- (b) An HEW 7 or HEW 8 will not be eligible for paid overtime but may take time off instead of overtime payment, at a mutually agreed time, calculated in accordance with the relevant overtime rate.
- (c) An HEW 9 or above will not, except as provided in this subclause, be entitled to paid overtime or time off instead of overtime payment. By agreement with the employer, the employee will be provided with time off instead of overtime payment at the rate of one hour for each hour of overtime worked when the employee is specifically required to work additional hours and it would be unreasonable for time off instead of overtime payment not to be provided.

27. Ordinary hours for shiftwork

27.1 The ordinary hours for shiftwork will:

- (a) be worked continuously each shift (except for meal breaks);
- (b) not exceed 10 hours, inclusive of a meal break in any single shift; and

- (c) be rostered in accordance with clause 28—Rostering.

28. Rostering

28.1 The following shift definitions apply:

- (a) **Day shift** commences at or after 6.00 am and finishes at or before 6.00 pm.
- (b) **Afternoon shift** finishes after 6.00 pm and at or before midnight.
- (c) **Night shift** finishes after midnight and at or before 8.00 am.

28.2 Afternoon shift and night shift will attract a shift loading in accordance with clause 29—Penalty rates.

28.3 Shiftworkers' ordinary hours will be worked in accordance with a roster provided by the employer at least seven days in advance.

28.4 A shift or roster may be changed at any time to enable the functions of the employer to be carried out where an employee is absent due to illness or on account of a contingency which the employer could not have reasonably foreseen. The employee must be notified of the changed shift as soon as possible.

28.5 Where changes are made by the employer to the employee's shift or roster, or the employee is transferred between rosters the employee must be notified at least 72 hours prior to the change becoming operative. If 72 hours notice is not provided, the employee will be entitled to an additional allowance of 50% instead of any other shift penalty that may apply.

28.6 Ordinary hours for shiftwork may be rostered on a Saturday, Sunday or public holiday and will attract a penalty rate in accordance with clause 29.1.

29. Penalty rates

Afternoon and night shift will attract a penalty rate of 15%, except a non-rotating night shift, which attracts 30%.

29.1 An employee required to work ordinary time on a Saturday or Sunday will be paid the ordinary time rate of pay plus a penalty of:

- (a) on a Saturday 50% of the ordinary time rate; or
- (b) on a Sunday 100% of the ordinary time rate.

29.2 The penalty rates within this clause and in the overtime clause are not cumulative. Where an employee is entitled to more than one penalty rate, the employee will be entitled to the highest single penalty rate.

Part 6—Leave and Public Holidays

30. Annual leave

[Varied by [PR507375](#)]

Annual leave is provided for in the NES, subject to the provisions of this clause.

For the purposes of the NES an employee entitled to five weeks' annual leave means a seven day shiftworker.

30.1 Management of annual leave

An employee whose accrued annual leave entitlement equals or exceeds 30 days may be directed in writing to take up to 20 days of their accrued annual leave entitlement.

The time of taking leave will be determined by the employer, having regard to operational requirements and any matters raised by the individual employee.

Written direction to take annual leave:

- (a) must be given at least two months prior to the date on which the employee is to take the leave; and
- (b) can be given whether the employee's accrued annual leave equals or exceeds 30 days when the direction is given or when it takes effect.

Where an employee is directed to take annual leave, the employer will be entitled to deduct the amount of annual leave directed to be taken at the conclusion of the period of leave.

30.2 Payment of annual leave on termination

[30.2 renamed by [PR507375](#) ppc 25Mar11]

Payment of the base salary instead of annual leave will be made for any entitlement to annual leave accrued but not taken on termination. Where termination of employment is due to the employee's death, such payment will be made to the employee's estate.

30.3 Annual leave loading

Annual leave loading will be paid at a rate of 17.5% of the ordinary rate of pay paid during the leave period, up to the limit of payment equal to the Australian Statistician's average weekly earnings for all males (Australia) for the preceding August quarter.

Shiftworkers on annual leave will be paid the greater of:

- (a) shift penalties an employee would have received had they not been on annual leave; or
- (b) the 17.5% annual leave loading as prescribed.

30.4 Close down

(a) Christmas/New Year close down

Employees may be required to take annual leave during a period of Christmas/New Year close down, for days other than public holidays (including any substituted days) falling during that period. Employees with insufficient accrued annual leave will take leave without pay.

(b) Seasonal stand down of residential colleges staff

Employees engaged in domestic work in, or in connection with, residential colleges may be stood down without pay during official term breaks, semester breaks and the Christmas/Summer vacation, provided that:

- (i)** an employee will be given as much notice as practicable of the start and finish of any stand down period; notice must be at least one week and be in writing. Once notice is given, the stand down period must not be varied unless by mutual consent between the employer and the employee;
 - (ii)** an employee may take accrued annual leave or long service leave during term breaks, semester breaks and the Christmas/Summer vacation;
 - (iii)** all periods of stand down must count for the purpose of accrual of sick leave, annual leave and long service leave;
 - (iv)** if appropriate work is available for an employee during any period of stand down, the existing employee will be offered such employment (whether on a full-time or casual basis) before any additional employee is employed; the employee who has been stood down may refuse an offer of employment without prejudice to their normal employment relationship;
 - (v)** for the purpose of this clause appropriate work will mean such work as is available that is capable of being performed by the employee. Remuneration for such work will be at the rate of pay applicable to the work being performed; and
 - (vi)** no employee will have their employment terminated on the grounds of work not being available due to a term break, semester break or Christmas/Summer vacation.
- (c)** This clause does not confer any right to stand down any employee employed before 1 January 2010 who was not subject to a stand down provision in an award before 1 January 2010.

31. Community service leave

Community service leave is provided for in the NES.

32. Parental leave

[Varied by [PR994510](#)]

[32.1 substituted by [PR994510](#) from 01Jan10]

32.1 The entitlement to parental leave is set out in the NES.

[32.2 inserted by [PR994510](#) from 01Jan10]

32.2 The NES is supplemented by maintaining an entitlement to payment, in relation to maternity leave, adoption leave or paternity leave for employees in the classifications under this award of employers who were entitled to payment for maternity leave, paternity leave or adoption leave in accordance with the terms of an award made under the *Workplace Relations Act 1996* (Cth):

- (a) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and
- (b) that would have entitled the employee to paid maternity leave, paternity leave or adoption leave.

33. Public holidays

[Varied by [PR994510](#)]

[Preamble renumbered as 33.1 by [PR994510](#) from 01Jan10]

33.1 The entitlement to public holidays is set out in the NES, subject to the provisions of this clause.

33.2 Substitution of public holidays where employer holidays provided

[33.1 renumbered as 33.2 by [PR994510](#) from 01Jan10]

An employer may substitute a public holiday or part holiday for another working day or part-day to be taken during a period of institutional close-down. Where substitution occurs the substituted day or part-day will be the public holiday for the purposes of this award.

33.3 Effect on payment for holidays

[33.2 renumbered as 33.3 by [PR994510](#) from 01Jan10]

Where an employee is absent from their employment on the working day before or the working day after a public holiday without reasonable excuse or without the consent of the employer, they will not be entitled to payment for the holiday.

34. Personal/carer's leave and compassionate leave

Personal/carer's leave and compassionate leave are provided for in the NES, save that the entitlement will be three days of compassionate leave for each permissible occasion.

Schedule A—Transitional Provisions

[Sched A varied by [PR988381](#), [PR994510](#); substituted by [PR996673](#) from 30Apr10; varied by [PR503609](#)]

A.1 General

A.1.1 The provisions of this schedule deal with minimum obligations only.

A.1.2 The provisions of this schedule are to be applied:

- (a) when there is a difference, in money or percentage terms, between a provision in a relevant transitional minimum wage instrument (including the transitional default casual loading) or award-based transitional instrument on the one hand and an equivalent provision in this award on the other;
- (b) when a loading or penalty in a relevant transitional minimum wage instrument or award-based transitional instrument has no equivalent provision in this award;
- (c) when a loading or penalty in this award has no equivalent provision in a relevant transitional minimum wage instrument or award-based transitional instrument; or
- (d) when there is a loading or penalty in this award but there is no relevant transitional minimum wage instrument or award-based transitional instrument.

A.2 Minimum wages – existing minimum wage lower

A.2.1 The following transitional arrangements apply to a university union or student union employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage lower than that in this award for any classification of employee.

A.2.2 In this clause minimum wage includes;

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
- (b) a piecework rate; and
- (c) any applicable industry allowance.

A.2.3 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

A.2.4 The difference between the minimum wage for the classification in this award and the minimum wage in clause A.2.3 is referred to as the transitional amount.

A.2.5 From the following dates the employer must pay no less than the minimum wage for the classification in this award minus the specified proportion of the transitional amount:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.2.6 The employer must apply any increase in minimum wages in this award resulting from an annual wage review.

A.2.7 These provision cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.3 Minimum wages – existing minimum wage higher

A.3.1 The following transitional arrangements apply to a university union or student union employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage higher than that in this award for any classification of employee.

A.3.2 In this clause minimum wage includes;

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
- (b) a piecework rate; and
- (c) any applicable industry allowance.

A.3.3 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

A.3.4 The difference between the minimum wage for the classification in this award and the minimum wage in clause A.3.3 is referred to as the transitional amount.

A.3.5 From the following dates the employer must pay no less than the minimum wage for the classification in this award plus the specified proportion of the transitional amount:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.3.6 The employer must apply any increase in minimum wages in this award resulting from an annual wage review. If the transitional amount is equal to or less than any increase in minimum wages resulting from the 2010 annual wage review the transitional amount is to be set off against the increase and the other provisions of this clause will not apply.

A.3.7 These provision cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.4 Loadings and penalty rates

For the purposes of this schedule loading or penalty means a:

- casual or part-time loading;
- Saturday, Sunday, public holiday, evening or other penalty;
- shift allowance/penalty.

A.5 Loadings and penalty rates – existing loading or penalty rate lower

A.5.1 The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a lower rate than the equivalent loading or penalty in this award for any classification of employee.

A.5.2 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument for the classification concerned.

A.5.3 The difference between the loading or penalty in this award and the rate in clause A.5.2 is referred to as the transitional percentage.

A.5.4 From the following dates the employer must pay no less than the loading or penalty in this award minus the specified proportion of the transitional percentage:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.5.5 These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.6 Loadings and penalty rates – existing loading or penalty rate higher

A.6.1 The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a higher rate than the equivalent loading or penalty in this award, or to pay a particular loading or penalty and there is no equivalent loading or penalty in this award, for any classification of employee.

A.6.2 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument.

A.6.3 The difference between the loading or penalty in this award and the rate in clause A.6.2 is referred to as the transitional percentage. Where there is no equivalent loading or penalty in this award, the transitional percentage is the rate in A.6.2.

- A.6.4** From the following dates the employer must pay no less than the loading or penalty in this award plus the specified proportion of the transitional percentage:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

- A.6.5** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.7 Loadings and penalty rates – no existing loading or penalty rate

- A.7.1** The following transitional arrangements apply to an employer not covered by clause A.5 or A.6 in relation to a particular loading or penalty in this award.

- A.7.2** Prior to the first full pay period on or after 1 July 2010 the employer need not pay the loading or penalty in this award.

- A.7.3** From the following dates the employer must pay no less than the following percentage of the loading or penalty in this award:

First full pay period on or after

1 July 2010	20%
1 July 2011	40%
1 July 2012	60%
1 July 2013	80%

- A.7.4** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.8 Former Division 2B employers

[A.8 inserted by [PR503609](#) ppc 01Jan11]

- A.8.1** This clause applies to an employer which, immediately prior to 1 January 2011, was covered by a Division 2B State award.

- A.8.2** All of the terms of a Division 2B State award applying to a Division 2B employer are continued in effect until the end of the full pay period commencing before 1 February 2011.

- A.8.3** Subject to this clause, from the first full pay period commencing on or after 1 February 2011 a Division 2B employer must pay no less than the minimum wages, loadings and penalty rates which it would be required to pay under this Schedule if it had been a national system employer immediately prior to 1 January 2010.

- A.8.4** Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was lower than the

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corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay more than the minimum wage, loading or penalty rate in this award.

A.8.5 Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was higher than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay less than the minimum wage, loading or penalty rate in this award.

A.8.6 In relation to a Division 2B employer this Schedule commences to operate from the beginning of the first full pay period on or after 1 January 2011 and ceases to operate from the beginning of the first full pay period on or after 1 July 2014.

Schedule B—Classification Definitions

[Varied by [PR988381](#)]

DEFINITIONS

Definition 1: Supervision

Close supervision

Clear and detailed instructions are provided. Tasks are covered by standard procedures. Deviation from procedures or unfamiliar situations are referred to higher levels. Work is regularly checked.

Routine supervision

Direction is provided on the tasks to be undertaken with some latitude to rearrange sequences and discriminate between established methods. Guidance on the approach to standard circumstances is provided in procedures, guidance on the approach to non-standard circumstances is provided by a supervisor.

Checking is selective rather than constant.

General direction

Direction is provided on the assignments to be undertaken, with the occupant determining the appropriate use of established methods, tasks and sequences.

There is some scope to determine an approach in the absence of established procedures or detailed instructions, but guidance is readily available.

Performance is checked by assignment completion.

Broad direction

Direction is provided in terms of objectives which may require the planning of staff, time and material resources for their completion. Limited detailed guidance will be available and the development or modification of procedures by the employee may be required. Performance will be measured against objectives.

Definition 2: Qualifications

Within the Australian Qualifications Framework:

Year 12

Completion of a senior secondary certificate of education, usually in Year 12 of secondary school.

Trade certificate

Completion of an apprenticeship, normally of four years' duration, or equivalent recognition, e.g. Certificate III.

Post-trade certificate

A course of study over and above a trade certificate and less than a Certificate IV.

Certificates I and II

Courses that recognise basic vocational skills and knowledge, without a Year 12 prerequisite.

Certificate III

A course that provides a range of well-developed skills and is comparable to a trade certificate.

Certificate IV

A course that provides greater breadth and depth of skill and knowledge and is comparable to a two year part-time post-Year 12 or post-trade certificate course.

Diploma

A course at a higher education or vocational educational and training institution, typically equivalent to two years full-time post-Year 12 study.

Advanced diploma

A course at a higher education or vocational educational and training institution, typically equivalent to three years full-time post-Year 12 study.

Degree

A recognised degree from a higher education institution, often completed in three or four years, and sometimes combined with a one year diploma.

Postgraduate degree

A recognised postgraduate degree, over and above a degree as defined above.

Note: Previously recognised qualifications obtained prior to the implementation of the Australian Qualifications Framework continue to be recognised. The above definitions also include equivalent recognised overseas qualifications.

Definition 3: Classification dimensions

Training level

The type and duration of training which the duties of the classification level typically require for effective performance. Training is the process of acquiring skills and knowledge through formal education, on the job instruction or exposure to procedures.

Occupational equivalent

Examples of occupations typically falling within each classification level.

Level of supervision

This dimension covers both the way in which employees are supervised or managed and the role of employees in supervising or managing others.

Task level

The type, complexity and responsibility of tasks typically performed by employees within each classification level.

Organisational knowledge

The level of knowledge and awareness of the organisation, its structure and functions that would be expected of employees at each proposed classification level, and the purposes to which that organisational knowledge may be put.

Judgment, independence and problem solving

Judgment is the ability to make sound decisions, recognising the consequences of decisions taken or actions performed. Independence is the extent to which an employee is able (or allowed) to work effectively without supervision or direction. Problem solving is the process of defining or selecting the appropriate course of action where alternative courses of actions are available.

This dimension looks at how much of each of these three qualities applies at each classification level.

Typical activities

Examples of activities typically undertaken by employees in different occupations at each of the classification levels.

HIGHER EDUCATION WORKER LEVEL 1

Training level or qualifications

Employees at the base of this level would not be required to have formal qualifications or work experience upon engagement.

Employees engaged at the base of this level will be provided with structured on the job training in addition to up to 38 hours of induction to the which must provide information on the higher education institution, conditions of employment, training to be made available and consequent career path opportunities, physical layout of the institution/work areas, introduction to fellow workers and supervisors, work and documentation procedures, occupational health and safety, equal opportunity practices and extended basic literacy and numeracy skills training where required/necessary to enable career path progression.

Occupational equivalent

Cleaner, labourer, trainee for Level 2 duties.

Level of supervision

Close supervision or, in the case of more experienced employees working alone, routine supervision.

Task level

Straightforward manual duties, or elements of Level 2 duties under close supervision and structured on the job training. Some knowledge of materials, e.g. cleaning chemicals and hand tools, may be required. Established procedures exist.

Organisational knowledge

Will provide straightforward information to others on building or service locations.

Judgment, independence and problem solving

Resolve problems where alternatives for the employee are limited and the required action is clear or can be readily referred to higher levels.

Typical activities

Perform a range of industrial cleaning tasks, move furniture, assist trades personnel with manual duties.

HIGHER EDUCATION WORKER LEVEL 2

Training level or qualifications

Level 2 duties typically require a skill level which assumes and requires knowledge, training or experience relevant to the duties to be performed; or Completion of Year 12 without work experience; or Completion of Certificates I or II with work related experience; or an equivalent combination of experience and training.

Occupational equivalent

Mailroom attendant/assistant, loans & shelving assistant, print services assistant, grounds assistant (unqualified), groundsperson (unqualified), gardener (unqualified), cleaner, storeroom assistant/attendant, ~~Administrative assistant~~, security patrol officer.

Level of supervision

Routine supervision of straightforward tasks; close supervision of more complex tasks (see task level below).

Task level

Perform a range of straightforward tasks where procedures are clearly established. May on occasion perform more complex tasks.

Organisational knowledge

Following training, may provide general information/advice and assistance to members of the public, students and other employees which is based on a broad knowledge of the employees's work area/responsibility, including knowledge of the functions carried out and the location and availability of particular personnel and services.

Judgment, independence and problem solving

Solve relatively simple problems with reference to established techniques and practices. Will sometimes choose between a range of straightforward alternatives.

An employee at this level will be expected to perform a combination of various routine tasks where the daily work routine will allow the latitude to rearrange some work sequences, provided the prearranged work priorities are achieved.

Typical activities

Administrative positions at this level may include duties involving the inward and outward movement of mail, keeping, copying, maintaining and retrieving records, straightforward data entry and retrieval.

Security officers may be involved in a range of patrol duties, including responding to alarms, following emergency procedures and preparing incident reports.

HIGHER EDUCATION WORKER LEVEL 3

Training level or qualifications

Level 3 duties typically require a skill level which assumes and requires knowledge or training in clerical/administrative, trades or technical functions equivalent to:

- completion of a trades certificate or Certificate III;
- completion of Year 12 or a Certificate II, with relevant work experience; or
- an equivalent combination of relevant experience and/or education/training.

Persons advancing through this level may typically perform duties which require further on the job training or knowledge and training equivalent to progress toward completion of a Certificate IV or Diploma.

Occupational equivalent

Tradesperson, technical assistant/technical trainee, administrative assistant, **finance services assistant, library assistant, student services assistant, mailroom clerk.**

Level of supervision

In technical positions, routine supervision, moving to general direction with experience. In other positions, general direction. This is the first level where **the provision of guidance and direction to the supervision** of other employees may be required.

Task level

Some complexity. Apply body of knowledge equivalent to trade certificate or Certificate III, including diagnostic skills and assessment of the best approach to a given task.

Organisational knowledge

Perform tasks/assignments which require knowledge of the work area processes and an understanding of how they interact with other related areas and processes.

Judgment, independence and problem solving

Exercise judgment on work methods and task sequence within specified timelines and standard practices and procedures.

Typical activities

In trades positions, apply the skills taught in a trades certificate or Certificate III, including performance of a range of construction, maintenance and repair tasks, using precision hand and power tools and equipment. In some cases this will involve familiarity with the work of other trades or require further training.

In technical assistant positions:

- assist a technical officer in operating a laboratory, including ordering supplies;
- assist in setting up routine experiments;
- monitor experiments for report to a technical officer;
- assist with the preparation of specimens; and
- assist with the feeding and care of animals.

Employees would be expected to perform a greater range and complexity of tasks as they progressed through the level and obtained further training. In administrative positions perform a range of administrative support tasks including:

- standard use of a range of desktop based programs, e.g. word processing, established spreadsheet or database applications, and management information systems (e.g. financial, student or human resource systems). This may include store and retrieve documents, key and lay out correspondence and reports, merge, move and copy, use of columns, tables and basic graphics;
- provide general administrative support to other employees including setting up meetings, answering straightforward inquiries and directing others to the appropriate personnel; and
- process accounts for payment.

HIGHER EDUCATION WORKER LEVEL 4

Training level or qualifications

Level 4 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- completion of a diploma level qualification with relevant work related experience;
or
- completion of a Certificate IV with relevant work experience; or

- completion of a post-trades certificate and extensive relevant experience and;
- on the job training; or
- completion of a Certificate III with extensive relevant work experience; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Newly qualified trades-based technical/technical officer or technician, administrative role above Level 3 (eg. in student inquiries, admissions or records), advanced tradespersons.

Level of supervision

In technical positions, routine supervision to general direction depending upon experience and the complexity of the tasks. In other positions, general direction. May supervise or co-ordinate others to achieve objectives, including liaison with employees at higher levels. May undertake stand-alone work.

Task level

May undertake limited creative, planning or design functions; apply skills to a varied range of different tasks.

Organisational knowledge

Perform tasks/assignments which require proficiency in the work area's rules, regulations, processes and techniques; and how they interact with other related functions.

Judgment, independence and problem solving

In trades positions, extensive diagnostic skills.

In technical positions, apply theoretical knowledge and techniques to a range of procedures and tasks.

In administrative positions, provide factual advice which requires proficiency in the work area's rules and regulations, procedures requiring expertise in a specialist area or broad knowledge of a range of personnel and functions.

Typical activities

In trades positions:

- work on complex engineering or interconnected electrical circuits; and/or
- exercise high precision trades skills using various materials and/or specialised techniques.

In technical positions:

- develop new equipment to criteria developed and specified by others;

- under routine direction, assist in the conduct of major experiments and research programs and/or in setting up complex or unusual equipment for a range of experiments and demonstrations; and/or
- demonstrate the use of equipment and prepare reports of a technical nature as directed.

In library technician positions:

- undertake copy cataloguing;
- use a range of bibliographic databases & library management systems;
- undertake acquisitions; and/or
- respond to straight forward reference inquiries.

In administrative positions:

- may use a full range of desktop based programs, including word processing packages, mathematical formulae and symbols, manipulation of text and layout in desktop publishing and/or web software, and management information systems;
- plan and set up spreadsheets or database applications;
- be responsible for preparing high quality correspondence for senior staff ~~providing a full range of secretarial services~~, e.g. in a school, centre or faculty;
- provide advice to students on enrolment procedures and requirements; and/or
- administer enrolment and course progression records.

HIGHER EDUCATION WORKER LEVEL 5

Training level or qualifications

Level 5 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- completion of a degree without subsequent relevant work experience; or
- completion of an advanced diploma qualification and at least one year's subsequent relevant work experience; or
- completion of a diploma qualification and at least two years' subsequent relevant work experience; or
- completion of a Certificate IV and extensive relevant work experience; or
- completion of a post-trades certificate and extensive (typically more than two years') relevant experience as a technician; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Graduate (i.e. degree) or professional, without subsequent work experience on entry (including inexperienced computer systems officer, graduate technical officer & graduate research assistant), graduate or experienced administrative officer or coordinator ~~administrator~~ with responsibility for advice and determinations, experienced trades-based technical officer.

Level of supervision

In professional positions, routine supervision to general direction, depending on tasks involved and experience. In other positions, general direction and may supervise other staff.

Task level

Apply body of broad technical knowledge and experience at a more advanced level than Level 4, including the development of areas of specialist expertise. In professional positions, apply theoretical knowledge, at degree level, in a straightforward way. In administrative positions, provide interpretation, advice and decisions on rules and entitlements.

Organisational knowledge

Perform tasks/assignments which require proficiency in the work area's rules, regulations, policies, procedures, systems, processes and techniques, and how they interact with other related functions, in order to assist in their adaptation to achieve objectives, and advise, assist and influence others.

Judgment, independence and problem solving

In professional positions, solve problems through the standard application of theoretical principles and techniques at degree level. In technical positions, apply standard technical training and experience to solve problems. In administrative positions, may apply expertise in a particular set of rules or regulations to make decisions, or be responsible for co-ordinating a team to provide an administrative service.

Typical activities

In technical positions:

- develop new equipment to general specifications;
- under general direction, assist in the conduct of major experiments and research programs and/or in setting up complex or unusual equipment for a range of experiments and demonstrations;
- under broad direction, set up, monitor and demonstrate standard experiments and equipment use; and/or
- prepare reports of a technical nature.

In library technician positions:

- perform at a higher level than Level 4, including:
- assist with reader education programs and more complex bibliographic, library management systems and acquisition services; and/or

- operate a discrete unit within a library which may involve significant supervision or be the senior employee in an out-posted service.

In administrative positions:

- responsible for the explanation and **administration coordination** of an administrative function, e.g. HECS advice, records, determinations and payments, a centralised enrolment function, the organisation and administration of exams at a small campus.

In professional positions and under professional supervision:

- **In research positions, undertake research support, such as data analysis and compilation, applying skill obtained from relevant under-graduate degree and work** as part of a research team in a support role;
- provide a range of library services including bibliographic assistance, original cataloguing and reader education in library and reference services; and/or
- provide counselling services.

HIGHER EDUCATION WORKER LEVEL 6

Training level or qualifications

Level 6 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- a degree with subsequent relevant experience; or
- extensive experience and specialist expertise or broad knowledge in technical or administrative fields; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Graduate or professional with subsequent relevant work experience (including a computer systems officer with some experience), **research assistant with relevant work experience**, line manager, **experienced administrative officer/coordinator**, experienced technical specialist and/or technical supervisor.

Level of supervision

In professional positions, general direction; in other positions, broad direction. May have extensive supervisory and line management responsibility for technical, administrative and other non-professional employees.

Task level

Perform work assignments guided by policy, precedent, professional standards and managerial or technical expertise. Employees would have the latitude to develop or redefine procedure and interpret policy so long as other work areas are not affected. In technical and

administrative areas, have a depth or breadth of expertise developed through extensive relevant experience and application.

Organisational knowledge

Perform tasks/assignments which require proficiency in the work area's existing rules, regulations, policies, procedures, systems, processes and techniques and how they interact with other related functions, and to adapt those procedures and techniques as required to achieve objectives without impacting on other areas.

Judgment, independence and problem solving

Discretion to innovate within own function and take responsibility for outcomes; design, develop and test complex equipment, systems and procedures; undertake planning involving resources use and develop proposals for resource allocation; exercise high level diagnostic skills on sophisticated equipment or systems; analyse and report on data and experiments.

Typical activities

In technical positions:

- manage a teaching or research laboratory or a field station;
- provide highly specialised technical services;
- set up complex experiments;
- design and construct complex or unusual equipment to general specifications;
- assist honours and postgraduate students with their laboratory requirements; and/or
- install, repair, provide and demonstrate computer services in laboratories.

In administrative positions:

- provide financial, policy and planning **information, referral and advice in accordance with relevant policy and guidance**;
- service a range of administrative and academic committees, including preparation of agendas, papers, minutes and correspondence; and/or
- monitor **income and** expenditure against budget in a school or small faculty.

In professional positions:

- ~~work as part of a research team~~ undertake a range of research functions, such as literature reviews, statistical analysis, database maintenance and preparation of reports as part of a research team;
- provide a range of library services, including bibliographic assistance, original cataloguing and reader education in library and reference services;
- provide counselling services;
- undertake a range of computer programming tasks;

- provide documentation and assistance to computer users; and/or
- analyse less complex user and system requirements.

HIGHER EDUCATION WORKER LEVEL 7

Training level or qualifications

Level 7 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- a degree with at least four years' subsequent relevant experience; or
- extensive experience and management expertise in technical or administrative fields; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Senior librarian, technical manager, senior research assistant/officer, professional or scientific officer, **learning and teaching advisor, international recruitment advisor**, senior administrator in a small less complex faculty.

Level of supervision

Broad direction. May manage other employees including administrative, technical and/or professional employees.

Task level

Independently relate existing policy to work assignments or rethink the way a specific body of knowledge is applied in order to solve problems. In professional or technical positions, may be a recognised authority in a specialised area. **In administrative positions, apply extensive experience and relevant expertise in a specialised area. In research and learning and teaching positions, apply expertise and relevant experience in a specialised area, derived from the completion of a higher degree.**

Organisational knowledge

Detailed knowledge of academic and administrative policies and the inter-relationships between a range of policies and activities.

Judgment, independence and problem solving

Independently relate existing policy to work assignments, rethink the way a specific body of knowledge is applied in order to solve problems, adapt procedures to fit policy prescriptions or use theoretical principles in modifying and adapting techniques. This may involve stand-alone work or the supervision of employees in order to achieve objectives. It may also involve the interpretation of policy which has an impact beyond the immediate work area.

Typical activities

In a library, combine specialist expertise and responsibilities for managing a library function.

In student services, the training and supervision of other professional employees combined with policy development responsibilities which may include research and publication.

In technical manager positions, the management of teaching and research facilities for a department or school.

In research positions, **provide** acknowledged expertise in a specialised area or a combination of technical management and specialised research.

In learning and teaching support positions, collaborate with staff to provide learning and teaching development, services and programs.

In administrative positions, provide less senior administrative support to relatively small and less complex faculties or equivalent.

HIGHER EDUCATION WORKER LEVEL 8

Training level or qualifications

Level 8 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- postgraduate qualifications or progress towards postgraduate qualifications and extensive relevant experience; or
- extensive experience and management expertise; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Manager (including administrative, research, professional or scientific), senior school or faculty administrator, **senior researcher, senior advisor, e-learning & educational designer.**

Level of supervision

Broad direction, working with a degree of autonomy. May have management responsibility for a functional area and/or manage other employees including administrative, technical and/or professional employees.

Task level

Work at this level is likely to require the development of new ways of using a specific body of knowledge which applies to work assignments, or may involve the integration of other specific bodies of knowledge.

Organisational knowledge

The employees will be expected to make policy recommendations to others and to implement programs involving major change which may impact on other areas of the institution's operations.

Judgment, independence and problem solving

Responsible for program development and implementation. Provide strategic support and advice (e.g. to schools or faculties) requiring integration of a range of university policies and external requirements, and an ability to achieve objectives operating within complex organisational structures.

Typical activities

Assist in the management of a large functional unit with a diverse or complex set of functions and significant resources.

Manage a function or development and implementation of a policy requiring a high degree of knowledge and sensitivity.

Manage a small or specialised unit where significant innovation, initiative and/or judgment are required.

Provide senior administrative support to schools and faculties of medium complexity, taking into account the size, budget, course structure, external activities and management practices within the faculty or equivalent unit.

HIGHER EDUCATION WORKER LEVEL 9

Training level or qualifications

Level 9 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- postgraduate qualifications and extensive relevant experience; or
- extensive management experience and proven management expertise; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Manager (including administrative, research, professional or scientific), senior school or faculty administrator, senior researcher.

Level of supervision

Broad direction, working with a considerable degree of autonomy. Will have management responsibility for a major functional area and/or manage other employees including administrative, technical and/or professional employees.

Task level

Demonstrated capacity to conceptualise, develop and review major professional, management or administrative policies at the corporate level. Significant high level creative, planning and management functions. Responsibility for significant resources.

Organisational knowledge

Conceptualise, develop and review major policies, objectives and strategies involving high level liaison with internal and external client areas. Responsible for programs involving major change which may impact on other areas of the institution's operations.

Judgment, independence and problem solving

Responsible for significant program development and implementation. Provide strategic support and advice (e.g. to schools or faculties or at the corporate level) requiring integration of a range of internal and external policies and demands, and an ability to achieve broad objectives while operating within complex organisational structures.

Typical activities

Assist in the management of a large functional unit with a diverse or complex set of functions and significant resources.

Manage a function or development and implementation of a policy requiring a high degree of knowledge and sensitivity and the integration of internal and external requirements.

Manage a small and specialised unit where significant innovation, initiative and/or judgment are required.

Provide senior administrative support to the more complex schools and faculties, taking into account the size, budget, course structure, external activities and management practices within the faculty or equivalent unit.

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Training level or qualifications

Duties at or above this level typically require a skill level which assumes and requires knowledge or training equivalent to:

- proven expertise in the management of significant human and material resources; and
- in some areas postgraduate qualifications and extensive relevant experience.

Occupational equivalent

Senior program, research or administrative manager.

Level of supervision

Broad direction, operating with a high overall degree of autonomy. Will have substantial management responsibility for diverse activities and/or employees (including administrative, technical and/or professional employees).

Task level

Complex, significant and high level creative planning, program and managerial functions with clear accountability for program performance. Comprehensive knowledge of related programs. Generate and use a high level of theoretical and applied knowledge.

Organisational knowledge

Bring a multi-perspective understanding to the development, carriage, marketing and implementation of new policies; devise new ways of adapting the organisation's strategies to new, including externally generated, demands.

Judgment, independence and problem solving

Be fully responsible for the achievement of significant organisational objectives and programs.

Typical activities

Manage a large functional unit with a diverse or complex set of functions and significant resources.

Manage a more complex function or unit where significant innovation, initiative and/or judgment are required.

Provide senior administrative support to the most complex schools and faculties in large institutions, involving complex course structures, significant staff and financial resources, outside activities and extensive devolution of administrative, policy and financial management responsibilities to this position.

Schedule C—Allowances

[Varied by [PR988381](#), [PR994510](#), [PR998163](#), [PR509160](#), [PR522990](#), [PR536793](#), [PR551716](#), [PR566815](#)]

Allowance	Rate	Application
[Overtime meal allowance varied by PR998163 , PR509160 , PR522990 , PR536793 , PR551716 , PR566815 ppc 01Jul15]		
Overtime meal allowance	\$15.26 per occurrence	<ul style="list-style-type: none"> • Weekdays: when the employee has worked approved overtime beyond the ordinary hours of work for more than two hours • Saturday and Sunday: when the employee has worked approved overtime for more than five hours • Will not be paid if the employee can reasonably return home for a meal and then resume duty or a meal is provided by the employer
Accommodation, meals and incidental expenditure when travelling	Reimbursement of reasonable expenses or a reasonable allowance to cover the cost of meals, accommodation, and incidental expenditure	Where the employee is absent overnight on employer business. Employer business includes attending a course or conference on a residential live-in basis in respect of which the employer has agreed to meet the accommodation living expenses
Reimbursement of fares	Reimbursed for the reasonable cost of travel upon production of receipts	Where required to travel on employer business unless otherwise authorised, must travel on public transport or employer supplied vehicle

Allowance	Rate	Application
Overtime	Reimbursed difference between the normal cost of travel and the cost actually incurred through the use of a reasonable alternative means of transport. Not eligible for overtime reimbursed for all reasonable travel expenses necessarily incurred	<p>Overtime</p> <ul style="list-style-type: none"> • Where required to work overtime at a time when usual means of transport are not available <p>Not eligible for overtime</p> <ul style="list-style-type: none"> • If directed to work other than his/her reasonable hours of duty and is not eligible to receive payment for overtime
Vehicle	Allowance in accordance with the Australian Taxation Office guidelines as at 1 July each year	Where an employee is authorised to use his/her own motor vehicle in the performance of his/her duties
Uniform/protective clothing	Allowance equivalent to the purchase price of any uniforms, overalls or protective clothing	<ul style="list-style-type: none"> • Where such items are required by the employer in the performance of the employee's duties • Allowance does not apply if such items are provided by the employer
Higher duties	Allowance equal to the difference between the employee's ordinary rate and the ordinary rate of the position temporarily filled, on a proportionate basis (i.e. proportion will equate with the proportion of duties of the higher position performed)	<ul style="list-style-type: none"> • Where maximum salary of the employee does not exceed HEW7 and higher duty is performed for more than two consecutive weeks • Where maximum salary of the employee exceeds HEW7 and higher duty is performed for more than four consecutive weeks • Junior employees will be paid an allowance equal to the difference between the salary rate for the employee's age in their own position and salary rate for the employee's age in the higher position (if an age classification does not exist, will be calculated in the normal manner for adult employees)

Allowance	Rate	Application
Sleep-over	5.31% of SR per occurrence	<ul style="list-style-type: none"> • Where an employee (permanently residing on campus) is required to sleep-over at the employer’s premises for a period outside the employee’s ordinary hours of duty • Sleep-over period will not commence prior to 10.00 pm • The employee will be paid as follows: <ul style="list-style-type: none"> • For work less than one hour—nil • For work more than one hour—in accordance with overtime provisions

Information Technology	Reimbursement of the actual costs incurred, up to the value of the monthly subscription cost of the cheapest service package (sufficient to provide the level data connection required for the performance of the work) that is readily available in the location (whether that is a bundled package or not), payable for each month of employment.	<p>Where an employee is required by the nature of their work, including by custom and practice, to use any of the following services for work purposes other than at the workplace:</p> <ul style="list-style-type: none"> (a) A telephone connection; (b) Email access; (c) An internet connection; (d) Any like data connection or account; <p>and the employer has not provided that service at no cost to the employee.</p>
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The following additional allowances apply to certain trades and services staff only as specified in the following table, subject to the terms in the table:

Allowance	Staff Category	Rate	Application
Travel/ reimbursement of fares	Catering and retail staff; children’s services staff; storage services and trades staff	Ordinary rate of pay for travel time and any fares reasonably incurred in excess of those normally	<ul style="list-style-type: none"> • Where required to work away from their usual place of work; or • Where required to work overtime at a time when

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Allowance	Staff Category	Rate incurred	Application
Broken shift	Catering and retail staff; and security staff	0.28% of SR per day to a maximum of 1.38% of SR per week	reasonable means of transport are not available When an employee is required to work shift in two periods of duty
Compensation for damage to clothing and personal effects	Storage staff and trades staff	Compensation up to a maximum of \$350	Will be compensated if damage to clothing, spectacles, hearing aids and tools (other than where supplied by the employer) sustained in the course of work (not payable if covered by workers compensation or if damage/loss is due to the employee's own negligence)
First aid	Building services staff; security staff; storage services; and trades staff	1.45% of SR per week	Where an employee is the current holder of appropriate first aid qualifications (St John Ambulance) and the employer has formally appointed the employee to act as the first aid attendant
Mixed functions	Catering and retail staff; children's services staff; storage services; grounds/gardeners/farm staff; maintenance staff	Payment of higher rate	<ul style="list-style-type: none"> • Where engaged for more than two hours on duties carrying a higher rate than his/her ordinary classification must be paid the higher rate for each day • Where engaged for less than two hours on duties carrying a higher rate than their ordinary classification must be paid the higher rate for the time so worked
Cold work	Building services staff; maintenance staff (inclusive only of carpenters, joiners and painters); and trades staff	0.06% of SR per hour 20 min rest period (every two hours)	<ul style="list-style-type: none"> • Where employees are required to work one or more hours in places where the temperature is reduced by artificial means below 0°C

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Allowance	Staff Category	Rate	Application
			<ul style="list-style-type: none"> • Where the work continues for two or more hours employees will be entitled to a rest period of 20 minutes every two hours (without loss of pay)
[Hot work allowance varied by PR994510 from 01Jan10]			
Hot work	Building services staff; maintenance staff (inclusive only of carpenters, joiners and painters); and trades staff (excluding plumbers)	0.05% of SR per hour (46°C–54°C)	<ul style="list-style-type: none"> • Where employees are required to work for one or more hours in places where the temperature is raised by artificial means to between 46°C and 54°C
		0.06% of SR per hour (where temperature exceeds 54°C) 20 min rest period (every two hours)	<ul style="list-style-type: none"> • In places where the temperature exceeds 54°C • Where the work continues for two or more hours in temperatures exceeding 54°C employees will be entitled to a rest period of 20 minutes every two hours (without loss of pay)
Wet work	Maintenance staff (inclusive only of carpenters or joiners); and trades staff (excluding plumbers)	0.06% of SR per hour	<ul style="list-style-type: none"> • Where employees are working in any place where their clothing becomes saturated by water, oil or another substance they must be paid the allowance for every hour so engaged unless supplied with protective clothing and/or footwear

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Allowance	Staff Category	Rate	Application
Height	Maintenance staff (inclusive only of carpenters, joiners and painters); and trades staff (excluding linespersons, riggers and splicers)	0.06% of SR per hour	<ul style="list-style-type: none"> • Where an employee is working in any structure at a height exceeding 9 m where an adequate fixed support (not less than 0.75 m wide) is not provided • Allowance does not apply if the employee is working in a bosun's swing stage
Confined spaces	Trades staff (excluding plumbers)	0.07% of SR per hour	<ul style="list-style-type: none"> • Where working in a confined space (dimensions necessitate working in stooped/cramped position, without proper ventilation) • Confined spaces include boilers steam drums, mud drums, fire boxes of vertical or road vehicle boilers, furnaces, flues combustion chambers, receivers, buoys, tanks, superheaters or economizers
Boiler repairs	Trades staff (excluding plumbers and electricians)	0.04% of SR per hour (base) 0.15% of SR per hour (if inside)	<ul style="list-style-type: none"> • Where working on repairs to smoke-boxes, fire-boxes, furnaces or flues of boilers • Where engaged on repairs to oil fired boilers (including castings, uptakes and funnels or flues and smoke stacks)
Insulation materials	Maintenance staff (inclusive only of carpenters or joiners); and trades staff	0.08% of SR per hour or part thereof	<ul style="list-style-type: none"> • Where employees are handling charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool, or other recognized insulating material of a like nature, associated with similar disabilities in its use

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Allowance	Staff Category	Rate	Application
[Toxic substances allowance varied by PR994510 from 01Jan10]			
Toxic substances	Maintenance staff (inclusive only of carpenters, joiners and painters)	0.06% of SR per hour	<ul style="list-style-type: none"> • Employees engaged in preparation and/or application of epoxy based materials, materials of a like nature or toxic materials • Employees in close proximity to other employees so engaged
Dirty work	Maintenance staff (inclusive only of carpenters, joiners and painters); and trades staff (excluding plumbers)	0.06% of SR per hour	<ul style="list-style-type: none"> • Where an employee and supervisor agree that work is of an unusually dirty or offensive nature
Asbestos	Maintenance staff (inclusive only of carpenters or joiners)	0.08% of SR per hour	<ul style="list-style-type: none"> • Where required to wear protective equipment as required by the appropriate occupational health authority for the handling of materials containing asbestos or working in close proximity to employees handling such materials
Bitumen work	Maintenance staff (inclusive only of carpenters or joiners)	0.08% of SR per hour	<ul style="list-style-type: none"> • Where handling hot bitumen or asphalt or dipping materials in creosote
Coloured mortar	Maintenance staff (inclusive only of carpenters or joiners)	0.07% of SR per hour	<ul style="list-style-type: none"> • Where engaged in the use of coloured additives in mortar
Second-hand timber	Maintenance staff (inclusive only of carpenters or joiners)	0.24% of SR per day	<ul style="list-style-type: none"> • Where working with second-hand timber and the employee's tools are damaged by nail, dumps or other foreign matter on the timber • Damage must be immediately reported to their supervisor

Higher Education Industry—General Staff—Award 2010

Allowance	Staff Category	Rate	Application
Lifting	Maintenance staff (inclusive only of builders labourers)	0.06% of SR per hour (5.5kg-9kg blocks) 0.11% of SR per hour (9kg-18kg blocks) 0.16% of SR per hour (18 or more kg blocks)	<ul style="list-style-type: none"> • Where required to lift blocks (other than cindrete blocks for plugging purposes) • Employees will not be required to lift blocks in excess of 20kg unless they are provided with a mechanical aid or with an assisting employee
Roofing repairs	Maintenance staff (inclusive only of carpenters or joiners)	0.08% of SR per hour	<ul style="list-style-type: none"> • Where engaged in repairs to roofs
Computing quantities	Maintenance staff (inclusive only of carpenters, joiners and painters)	0.45% of SR per day or part thereof	<ul style="list-style-type: none"> • Where regularly required to compute or estimate quantities of materials in respect of the work performed by other employees
Certificate	Maintenance staff (inclusive only of painters)	0.06% of SR per hour	<ul style="list-style-type: none"> • Where the employee holds a scaffolding certificate or rigging certificate and is required to act on that certificate whilst engaged in work requiring a certified person
Leading hand	Trades staff	3.04% of SR per week (3–10 employees) 4.8% of SR per week (11–20 employees) 6.1% of SR per week (20 or more employees)	<ul style="list-style-type: none"> • Where the leading hand is in charge of multiple employees (more than three)
Tools	Storage services; grounds/gardeners/farm staff; maintenance staff; and trades staff.	Reimbursed full cost of purchasing/ supplying tools	<ul style="list-style-type: none"> • Will be fully reimbursed for the cost of purchasing or supplying tools required by the employer in the course of work • Allowance does not apply if such tools are provided

Higher Education Industry—General Staff—Award 2010

Allowance	Staff Category	Rate	Application by the employer
[Compensation for tools allowance varied by PR998163 ppc 01Jul10]			
Compensation for tools	Maintenance staff (inclusive only of carpenters, joiners and painters)	Reimbursed to a maximum of \$1017.00	<ul style="list-style-type: none"> • Where tools are lost through fire or stolen whilst securely stored by employer • Carpenters and joiners are entitled to reimbursement where tools are lost during transport (if directed by employer), accidentally lost over water or are stolen whilst the employee is absent due to illness or injury
Explosive power tools	Maintenance staff (inclusive only of carpenters or joiners); and trades staff	0.15% of SR per day	<ul style="list-style-type: none"> • Where required to operate explosive power tools
Grindstone	Maintenance staff (inclusive only of carpenters or joiners)	0.64% of SR per week	<ul style="list-style-type: none"> • Where grindstone or wheel is not made available by the employer
Relieving officer	Security staff	2.94% of SR per week	<ul style="list-style-type: none"> • Where appointed as a relieving officer (relieves at short notice another security officer, a display roster is not required and 24 hours notice of shift will be given where possible)

Schedule D—Supported Wage System

[Sched D inserted by [PR505242](#) ppc 17Dec10; varied by [PR510670](#), [PR525068](#), [PR537893](#), [PR542127](#), [PR551831](#), [PR568050](#)]

D.1 This schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award.

[D.2 varied by [PR568050](#) ppc 01Jul15]

D.2 In this schedule:

approved assessor means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

assessment instrument means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

disability support pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991* (Cth), as amended from time to time, or any successor to that scheme

relevant minimum wage means the minimum wage prescribed in this award for the class of work for which an employee is engaged

supported wage system (SWS) means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: www.jobaccess.gov.au

SWS wage assessment agreement means the document in the form required by the Department of Social Services that records the employee's productive capacity and agreed wage rate

D.3 Eligibility criteria

D.3.1 Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.

D.3.2 This schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their employment.

D.4 Supported wage rates

D.4.1 Employees to whom this schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following schedule:

Assessed capacity (clause D.5)	Relevant minimum wage
%	%
10	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

[D.4.2 varied by [PR510670](#), [PR525068](#), [PR537893](#), [PR551831](#), [PR568050](#) ppc 01Jul15]

D.4.2 Provided that the minimum amount payable must be not less than \$81 per week.

D.4.3 Where an employee's assessed capacity is 10%, they must receive a high degree of assistance and support.

D.5 Assessment of capacity

D.5.1 For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.

D.5.2 All assessments made under this schedule must be documented in an SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

D.6 Lodgement of SWS wage assessment agreement

[D.6.1 varied by [PR542127](#) from 04Dec13]

D.6.1 All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with the Fair Work Commission.

[D.6.2 varied by [PR542127](#) from 04Dec13]

D.6.2 All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the

award is not a party to the assessment, the assessment will be referred by the Fair Work Commission to the union by certified mail and the agreement will take effect unless an objection is notified to the Fair Work Commission within 10 working days.

D.7 Review of assessment

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

D.8 Other terms and conditions of employment

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this schedule will be entitled to the same terms and conditions of employment as other workers covered by this award on a pro rata basis.

D.9 Workplace adjustment

An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

D.10 Trial period

D.10.1 In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.

D.10.2 During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.

[D.10.3 varied by [PR510670](#), [PR525068](#), [PR537893](#), [PR551831](#), [PR568050](#) ppc 01Jul15]

D.10.3 The minimum amount payable to the employee during the trial period must be no less than \$81 per week.

D.10.4 Work trials should include induction or training as appropriate to the job being trialled.

D.10.5 Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under D.5—Assessment of capacity.

Schedule E—National Training Wage

[Sched E inserted by [PR505242](#) ppc 17Dec10; varied by [PR509038](#), [PR522869](#), [PR536672](#), [PR545787](#), [PR551595](#), [PR566673](#)]

E.1 Title

This is the National Training Wage Schedule.

E.2 Definitions

In this schedule:

adult trainee is a trainee who would qualify for the highest minimum wage in Wage Level A, B or C if covered by that wage level

approved training means the training specified in the training contract

Australian Qualifications Framework (AQF) is a national framework for qualifications in post-compulsory education and training

out of school refers only to periods out of school beyond Year 10 as at the first of January in each year and is deemed to:

- (a) include any period of schooling beyond Year 10 which was not part of or did not contribute to a completed year of schooling;
- (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 in which a year of schooling is completed

relevant State or Territory training authority means the bodies in the relevant State or Territory which exercise approval powers in relation to traineeships and 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:

Australian Capital Territory: *Training and Tertiary Education Act 2003*;

New South Wales: *Apprenticeship and Traineeship Act 2001*;

Northern Territory: *Northern Territory Employment and Training Act 1991*;

Queensland: *Vocational Education, Training and Employment Act 2000*;

South Australia: *Training and Skills Development Act 2008*;

Tasmania: *Vocational Education and Training Act 1994*;

Victoria: Education and Training Reform Act 2006; or

Western Australia: Vocational Education and Training Act 1996

trainee is an employee undertaking a traineeship under a training contract

traineeship means a system of training which has been approved by the relevant State or Territory training authority, which meets the requirements of a training package developed by the relevant Industry Skills Council and endorsed by the National Quality Council, and which leads to an AQF certificate level qualification

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

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification which have been endorsed for an industry or enterprise by the National Quality Council and placed on the National Training Information Service with the approval of the Commonwealth, State and Territory Ministers responsible for vocational education and training, and includes any relevant replacement training package

year 10 includes any year before Year 10

E.3 Coverage

- E.3.1** Subject to clauses E.3.2 to E.3.6 of this schedule, this schedule applies in respect of an employee covered by this award who is undertaking a traineeship whose training package and AQF certificate level is allocated to a wage level by Appendix E1 to this schedule or by clause E.5.4 of this schedule.
- E.3.2** This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in Appendix E1 to this schedule.
- E.3.3** This schedule does not apply to the apprenticeship system or to any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an award as at 25 June 1997.
- E.3.4** This schedule does not apply to qualifications not identified in training packages or to qualifications in training packages which are not identified as appropriate for a traineeship.
- E.3.5** Where the terms and conditions of this schedule conflict with other terms and conditions of this award dealing with traineeships, the other terms and conditions of this award prevail.
- E.3.6** At the conclusion of the traineeship, this schedule ceases to apply to the employee.

E.4 Types of traineeship

The following types of traineeship are available under this schedule:

- E.4.1** a full-time traineeship based on 38 ordinary hours per week, with 20% of ordinary hours being approved training; and
- E.4.2** a part-time traineeship based on less than 38 ordinary hours per week, with 20% of ordinary hours being approved training solely on-the-job or partly on-the-job and partly off-the-job, or where training is fully off-the-job.

E.5 Minimum wages

[E.5 substituted by [PR509038](#), [PR522869](#), [PR536672](#), [PR551595](#), [PR566673](#) ppc 01Jul15]

E.5.1 Minimum wages for full-time traineeships

(a) Wage Level A

Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix E1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	295.10	325.00	387.20
Plus 1 year out of school	325.00	387.20	450.60
Plus 2 years out of school	387.20	450.60	524.40
Plus 3 years out of school	450.60	524.40	600.40
Plus 4 years out of school	524.40	600.40	
Plus 5 or more years out of school	600.40		

(b) Wage Level B

Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix E1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	Per week	per week
	\$	\$	\$
School leaver	295.10	325.00	376.80
Plus 1 year out of school	325.00	376.80	433.40
Plus 2 years out of school	376.80	433.40	508.20
Plus 3 years out of school	433.40	508.20	579.70

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	Per week	per week
	\$	\$	\$
Plus 4 years out of school	508.20	579.70	
Plus 5 or more years out of school	579.70		

(c) Wage Level C

Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix E1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	295.10	325.00	376.80
Plus 1 year out of school	325.00	376.80	424.10
Plus 2 years out of school	376.80	424.10	473.80
Plus 3 years out of school	424.10	473.80	527.90
Plus 4 years out of school	473.80	527.90	
Plus 5 or more years out of school	527.90		

(d) AQF Certificate Level IV traineeships

(i) Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level IV traineeship are the minimum wages for the relevant full-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.

(ii) Subject to clause E.5.3 of this schedule, the minimum wages for an adult trainee undertaking a full-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of	Second and
	traineeship	subsequent years of
	per week	traineeship
	\$	\$
Wage Level A	623.50	647.70
Wage Level B	601.60	624.70

Wage level	First year of traineeship	Second and subsequent years of traineeship
	per week	per week
	\$	\$
Wage Level C	547.50	568.20

E.5.2 Minimum wages for part-time traineeships

(a) Wage Level A

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix E1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	9.71	10.70	12.74
Plus 1 year out of school	10.70	12.74	14.83
Plus 2 years out of school	12.74	14.83	17.25
Plus 3 years out of school	14.83	17.25	19.74
Plus 4 years out of school	17.25	19.74	
Plus 5 or more years out of school	19.74		

(b) Wage Level B

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix E1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	9.71	10.70	12.40
Plus 1 year out of school	10.70	12.40	14.26
Plus 2 years out of school	12.40	14.26	16.73
Plus 3 years out of school	14.26	16.73	19.08
Plus 4 years out of school	16.73	19.08	

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
Plus 5 or more years out of school	19.08		

(c) Wage Level C

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix E1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	9.71	10.70	12.40
Plus 1 year out of school	10.70	12.40	13.95
Plus 2 years out of school	12.40	13.95	15.58
Plus 3 years out of school	13.95	15.58	17.36
Plus 4 years out of school	15.58	17.36	
Plus 5 or more years out of school	17.36		

(d) School-based traineeships

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee 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 Appendix E1 are as follows when the trainee works ordinary hours:

Year of schooling	
Year 11 or lower	Year 12
per hour	per hour
\$	\$
9.71	10.70

(e) AQF Certificate Level IV traineeships

(i) Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level IV traineeship are the minimum wages for the relevant part-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.

- (ii) Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for an adult trainee undertaking a part-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of traineeship per hour \$	Second and subsequent years of traineeship per hour \$
Wage Level A	20.51	21.31
Wage Level B	19.77	20.54
Wage Level C	18.01	18.70

(f) Calculating the actual minimum wage

- (i) Where the full-time ordinary hours of work are not 38 or an average of 38 per week, the appropriate hourly minimum wage is obtained by multiplying the relevant minimum wage in clauses E.5.2(a)–(e) of this schedule by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
- (ii) Where the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum wage in clauses E.5.2(a)–(e) of this schedule applies to each ordinary hour worked by the trainee.
- (iii) Where 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 wage in clauses E.5.2(a)–(e) of this schedule minus 20% applies to each ordinary hour worked by the trainee.

E.5.3 Other minimum wage provisions

- (a) An employee who was employed by an employer immediately prior to becoming a trainee with that employer must not suffer a reduction in their minimum wage per week or per hour by virtue of becoming a trainee. Casual loadings will be disregarded when determining whether the employee has suffered a reduction in their minimum wage.
- (b) 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, where a higher minimum wage is provided for the new AQF certificate level.

E.5.4 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 Appendix E1 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.6 Employment conditions

- E.6.1** A trainee undertaking a school-based traineeship may, with the agreement of the trainee, be paid an additional loading of 25% on all ordinary hours worked instead of paid annual leave, paid personal/carer’s leave and paid absence on public holidays, provided that where the trainee works on a public holiday then the public holiday provisions of this award apply.
- E.6.2** A trainee is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.
- E.6.3** 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.

[Note inserted by [PR545787](#) ppc 01Jan14]

Note: The time to be included for the purpose of calculating the wages for part-time trainees whose approved training is fully off-the-job is determined by clause E.5.2(f)(ii) and not by this clause.

- E.6.4** Subject to clause E.3.5 of this schedule, all other terms and conditions of this award apply to a trainee unless specifically varied by this schedule.

Appendix E1: Allocation of Traineeships to Wage Levels

[Appx E1 inserted by [PR505242](#) ppc 17Dec10]

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

E1.1 Wage Level A

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 (in Western Australia only)
Electricity Supply Industry—Transmission, Distribution and Rail Sector	II
Electrotechnology	I II III (in Western Australia only)
Financial Services	I

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Training package	AQF certificate level
	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 package	AQF certificate level
Training and Assessment	III
Transport and Distribution	III
Water Industry (Utilities)	III

E1.2 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

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Training package	AQF certificate level
Furnishing	I
	II
	III
Gas Industry	I
	II
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

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Training package	AQF certificate level
Transport and Logistics	I II
Visual Arts, Craft and Design	I II III
Water Industry	I II

E1.3 Wage Level C

Training package	AQF certificate level
Agri-Food	I
Amenity Horticulture	I II III
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

Schedule F—School-based Apprenticeship

[Sched F inserted by [PR505242](#) ppc 17Dec10; varied by [PR544712](#)]

- F.1** This schedule applies to school-based apprentices. A school-based apprentice is a person who is undertaking an apprenticeship in accordance with this schedule while also undertaking a course of secondary education.
- F.2** A school-based apprenticeship may be undertaken in the trades covered by this award under a training agreement or contract of training for an apprentice declared or recognised by the relevant State or Territory authority.
- F.3** The relevant minimum wages for full-time junior and adult apprentices provided for in this award, calculated hourly, will apply to school-based apprentices for total hours worked including time deemed to be spent in off-the-job training.
- F.4** For the purposes of clause F.3, where an apprentice is a full-time school student, the time spent in off-the-job training for which the apprentice must be paid is 25% of the actual hours worked each week on-the-job. The wages paid for training time may be averaged over the semester or year.
- F.5** A school-based apprentice must be allowed, over the duration of the apprenticeship, the same amount of time to attend off-the-job training as an equivalent full-time apprentice.
- F.6** For the purposes of this schedule, off-the-job training is structured training delivered by a Registered Training Organisation separate from normal work duties or general supervised practice undertaken on the job.
- F.7** The duration of the apprenticeship must be as specified in the training agreement or contract for each apprentice but must not exceed six years.

[F.8 substituted by [PR544712](#) ppc 01Jan14]

- F.8** School-based apprentices progress through the relevant wage scale at the rate of 12 months progression for each two years of employment as an apprentice or at the rate of competency-based progression, if provided for in this award.

[F.9 substituted by [PR544712](#) ppc 01Jan14]

- F.9** The apprentice wage scales are based on a standard full-time apprenticeship of four years (unless the apprenticeship is of three years duration) or stages of competency based progression, if provided for in this award. The rate of progression reflects the average rate of skill acquisition expected from the typical combination of work and training for a school-based apprentice undertaking the applicable apprenticeship.

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[F.9 substituted by [PR544712](#) ppc 01Jan14]

- F.10** If an apprentice converts from school-based to full-time, the successful completion of competencies (if provided for in this award) and all time spent as a full-time apprentice will count for the purposes of progression through the relevant wage scale in addition to the progression achieved as a school-based apprentice.
- F.11** School-based apprentices are entitled pro rata to all of the other conditions in this award.

Schedule G—Apprentices

[Sched G inserted by [PR505242](#) ppc 17Dec10; corrected by [PR505960](#), [PR507524](#); varied by [PR544712](#), [PR559283](#), [PR566673](#)]

G.1 Definitions

adult apprentice is an employee who is 21 years of age or over at the time of signing the contract of training.

apprentice is an employee who is bound by a contract of training registered with the appropriate State or Territory training authority.

apprenticeship is a system of structured on-the-job training with an employer and off-the-job training with an approved training provider accessed through a contract of training

approved training provider is a Technical and Further Education College or other training provider accredited by the appropriate State or Territory training authority.

contract of training means an approved agreement for training registered with the appropriate State or Territory training authority or under the provisions of the appropriate State or Territory training legislation.

school-based apprentice is an employee who is undertaking an apprenticeship in accordance with [Schedule F](#) while also undertaking a course of secondary education.

standard rate (SR) means the weekly rate derived from the annual rate for a HEW 3.1 in clause 15—Rates of pay.

For the purposes of this award, a **building trades apprenticeship, electrical trades apprenticeship, metal and engineering trades apprenticeship, plumbing trades apprenticeship** and **hospitality trades apprenticeship** is a contract of training for the acquisition of tradesperson qualifications.

G.2 Building trades apprentices

G.2.1 Minimum wage rates for building trades apprentices that commenced prior 1 January 2014

[G.2.1 varied by [PR544712](#) ppc 01Jan14]

The minimum ordinary rate of pay to be paid to junior building trades apprentices, who commenced their apprenticeship prior to 1 January 2014, shall be in accordance with the percentages set out below applied to the [standard rate](#).

Four year apprenticeship % of the standard rate

First year	45
Second year	55
Third year	75
Fourth year	90

Three year apprenticeship % of the standard rate

First year	55
Second year	75
Third year	90

[G.2.2 substituted by [PR544712](#) ppc 01Jan14]

G.2.2 The rate of pay of a building trades adult apprentice, who commenced their apprenticeship prior to 1 January 2014, will be the rate prescribed for Higher Education Worker Level 1.1 or the percentages in G.2.1, whichever is higher.

[G.2.3 inserted by [PR544712](#); substituted by [PR566673](#) ppc 01Jan15]

G.2.3 Minimum wage rates for building trades apprentices that commenced on or after 1 January 2014

The minimum ordinary rate of pay to be paid to junior building trades apprentices, who commenced their apprenticeship on or after 1 January 2014, shall be in accordance with the percentages set out below applied to the HEW Level 3.1 rate.

Four year apprenticeship	Has not completed	Has completed
	year 12	year 12

% of HEW Level 3.1 rate

Stage 1	50	55
Stage 2	60	65
Stage 3	75	75
Stage 4	90	90

Three year apprenticeship % of HEW Level 3.1 rate

Stage 1	55
Stage 2	75
Stage 3	90

[G.2.4 inserted by [PR544712](#) ppc 01Jan14]

G.2.4 The rate of pay of a building trades adult apprentice, who commenced their apprenticeship on or after 1 January 2014, will be the rate prescribed for Higher Education Worker Level 1.1 or the percentages in G.2.3, whichever is higher.

G.3 Electrical trades apprentices

G.3.1 Minimum wage rates for electrical trades apprentices that commenced prior to 1 January 2014

[G.3.1 varied by [PR544712](#) ppc 01Jan14]

The minimum ordinary rate of pay to be paid to electrical trades apprentices, who commenced their apprenticeship prior to 1 January 2014, shall be in accordance with the percentages set out below applied to the [standard rate](#).

Year	Junior apprentice	Adult apprentice
	% of standard rate	% of standard rate
1	42	70
2	55	80
3	75	85
4	85	90

[G.3.2 inserted by [PR544712](#); substituted by [PR566673](#) ppc 01Jan15]

G.3.2 Minimum wage rates for electrical trades apprentices that commenced on or after 1 January 2014

The minimum ordinary rate of pay to be paid to electrical trades apprentices, who commenced their apprenticeship on or after 1 January 2014, shall be in accordance with the percentages set out below applied to the HEW Level 3.1 rate.

Stage of apprenticeship	Junior apprentice		Adult apprentice
	Has not completed year 12	Has completed year 12	
	% of HEW Level 3.1 rate		
Stage 1	50	55	80
Stage 2	60	65	HEW Level 1.1
Stage 3	75	75	HEW Level 1.1
Stage 4	85	85	HEW Level 1.1

G.4 Metal and engineering trades apprentices

[G.4 varied by [PR544712](#) ppc 01Jan14]

G.4.1 Minimum Wage Rates for metal and engineering trades apprentices that commenced prior to 1 January 2014

The minimum ordinary rate of pay to be paid to metal and engineering trades apprentices, who commenced their apprenticeship prior to 1 January 2014, shall be in accordance with the percentages set out below applied to the [standard rate](#).

[Column 4 Stage 4 corrected by [PR505960](#) ppc 17Dec10; Column 2 Stage 1 corrected by [PR507524](#) ppc 11Mar11]

Stage of apprenticeship	Column 1	Column 2	Column 3	Column 4
	Completed Year 10 or less	Completed Year 11	Completed Year 12	Adult (i.e. 21 years of age or over)
Stage 1	42% of the Higher Education Worker Level 3.1 rate	80% of the Higher Education Worker Level 1.2	The relevant rate applicable to a trainee commencing after year 12 under National Training Wage Skill Level A.	National Training Wage Traineeship Skill Level B exit rate.
Stage 2	55% of the Higher Education Worker Level 3.1 rate	55% of the Higher Education Worker Level 3.1 rate	The relevant rate applicable to a trainee commencing at year 12 plus one year under National Training Wage Skill Level A.	Higher Education Worker Level 1.1 rate
Stage 3	75% of the Higher Education Worker Level 3.1 rate	75% of the Higher Education Worker Level 3.1 rate	75% of the Higher Education Worker Level 3.1 rate	Higher Education Worker Level 1.2 rate
Stage 4	88% of the Higher Education Worker Level 3.1 rate	88% of the Higher Education Worker Level 3.1 rate	Higher Education Worker Level 1.3 rate	Higher Education Worker Level 1.3 rate

G.4.2 Minimum Wage Rates for metal and engineering trades apprentices that commenced on or after 1 January 2014

[G.4.2 substituted by [PR566673](#) ppc 01Jul15]

The minimum ordinary rates of pay to be paid to metal and engineering trades apprentices, who commenced their apprenticeship on or after 1 January 2014 are set out below applied to the HEW Level 3.1 rate.

Stage of apprenticeship	Junior apprentice		Adult apprentice
	Has not completed year 12	Has completed year 12	
	% of HEW Level 3.1 rate		
Stage 1	50	55	80
Stage 2	60	65	HEW Level 1.1
Stage 3	75	75	HEW Level 1.2
Stage 4	88	HEW Level 1.3	HEW Level 1.3

G.5 Plumbing trades apprentices

G.5.1 Minimum Wage Rates for plumbing trades apprentices that commenced prior to 1 January 2014

[G.5.1 varied by [PR544712](#) ppc 01Jan14]

The minimum ordinary rate of pay to be paid to plumbing trades apprentices, who commenced their apprenticeship prior to 1 January 2014, shall be in accordance with the percentages set out below applied to the [standard rate](#):

Year	% of standard rate
First	41
Second	60
Third	76
Fourth	98

G.5.2 Minimum Wage Rates for plumbing trades apprentices that commenced on or after 1 January 2014

[G.5.2 inserted by [PR544712](#), substituted by [PR566673](#) ppc 01Jan15]

The minimum ordinary rate of pay to be paid to plumbing trades apprentices, who commenced their apprenticeship on or after 1 January 2014, shall be in accordance with the percentages set out below applied to the HEW Level 3.1 rate.

Stage of apprenticeship	Has not completed	Has completed
	Year 12	Year 12
% of HEW Level 3.1 rate		
Stage 1	50	55
Stage 2	60	65
Stage 3	76	76
Stage 4	98	98

G.6 Hospitality trades apprentices

G.6.1 Cooking apprenticeship

- (a) A person who has completed a full apprenticeship for cooking must be paid not less than the standard weekly rate.
- (b) An employee apprenticed in the cooking trade will be paid the percentage of the [standard rate](#), as follows:

Year	% of standard rate
First	55
Second	65
Third	80
Fourth	95

G.6.2 Waiting apprenticeship

- (a) A person who has completed a full apprenticeship for waiting must be paid not less than the standard weekly rate.
- (b) An employee apprenticed in the waiting trade will be paid the percentage of the standard weekly rate, or the wage as otherwise prescribed, as follows:

First six months	70%
Second six months	85%
Third six months	Midway between the total rate prescribed for a Higher Education Worker Level 1.1 in clause 15.1 and the standard weekly rate; and

Fourth six months Midway between the total rate prescribed for third six months, above, and the standard weekly rate.

G.6.3 Proficiency payments—cooking trade

(a) Application

Proficiency pay as set out in clause G.6.3(b) will apply to apprentices who have successfully completed their schooling in a given year.

(b) Payments

Apprentices must receive the standard weekly rate during the latter half of the fourth year of the apprenticeship where the standard of proficiency has been attained on one, two or three occasions on the following basis:

(i) one occasion only:

- for the first nine months of the fourth year of apprenticeship, the normal fourth year rate of pay;
- thereafter, the standard weekly rate.

(ii) on two occasions:

- for the first six months of the fourth year of apprenticeship, the normal fourth year rate of pay;
- thereafter, the standard weekly rate.

(iii) on all three occasions:

- for the entire fourth year, the standard weekly rate.

G.6.4 Proficiency payments—waiting trade

(a) Application

Proficiency pay as set out in clause G.6.4(b) will apply to level 2 apprentices who have successfully completed their schooling in the first year.

(b) Payments

Apprentices who have attained the standard of proficiency in their first year must receive the standard weekly rate during the latter half of the second year of apprenticeship.

G.7 Apprentice conditions of employment

[G.7 renamed and substituted by [PR559283](#) ppc 01Jan15]

G.7.1 Except as provided in this clause or where otherwise stated, all conditions of employment specified in this award apply to apprentices.

- G.7.2** Where an apprentice is required to attend block release training for training identified in or associated with their training contract, and such training requires an overnight stay, the employer must pay for the excess reasonable travel costs incurred by the apprentice in the course of travelling to and from such training. Provided that this clause will not apply where the apprentice could attend an alternative Registered Training Organisation (RTO) and the use of the more distant RTO is not agreed between the employer and the apprentice.
- G.7.3** For the purposes of clause G.7.2, excess reasonable travel costs include the total costs of reasonable transportation (including transportation of tools where required), accommodation costs incurred while travelling (where necessary) and reasonable expenses incurred while travelling, including meals, which exceed those incurred in travelling to and from work. For the purposes of this subclause, excess travel costs do not include payment for travelling time or expenses incurred while not travelling to and from block release training.
- G.7.4** The amount payable by an employer under clause G.7.2 may be reduced by an amount the apprentice is eligible to receive for travel costs to attend block release training under a Government apprentice assistance scheme. This will only apply if an apprentice has either received such assistance or their employer has advised them in writing of the availability of such assistance.
- G.7.5** All training fees charged by an RTO for prescribed courses and the cost of all prescribed textbooks (excluding those textbooks which are available in the employer's technical library) for the apprenticeship, which are paid by an apprentice, shall be reimbursed by the employer within six months of the commencement of the apprenticeship or the relevant stage of the apprenticeship, or within three months of the commencement of the training provided by the RTO, whichever is the later, unless there is unsatisfactory progress.
- G.7.6** An employer may meet its obligations under clause G.7.5 by paying any fees and/or cost of textbooks directly to the RTO.
- G.7.7** An apprentice is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.
- G.7.8** Time spent by an apprentice in attending any training and/or 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 apprentice's wages and determining the apprentice's employment conditions. This subclause operates subject to the provisions of Schedule F—School-based Apprenticeship.
- G.7.9** No apprentice will, except in an emergency, work or be required to work overtime or shiftwork at times which would prevent their attendance at training consistent with their training contract.

Schedule H—2014 Part-day Public Holidays

[Sched H inserted by [PR532630](#) ppc 23Nov12; renamed and varied by [PR544519](#) ppc 21Nov13; renamed and varied by [PR557581](#) ppc 12Nov14]

This schedule operates where this award otherwise contains provisions dealing with public holidays that supplement the NES.

- H.1** Where a part-day public holiday is declared or prescribed between 7.00pm and midnight on Christmas Eve (24 December 2014) or New Year's Eve (31 December 2014) the following will apply on Christmas Eve and New Year's Eve and will override any provision in this award relating to public holidays to the extent of the inconsistency:
- (a) All employees will have the right to refuse to work on the part-day public holiday if the request to work is not reasonable or the refusal is reasonable as provided for in the NES.
 - (b) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00pm and midnight but as a result of exercising their right under the NES does not work, they will be paid their ordinary rate of pay for such hours not worked.
 - (c) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00pm and midnight but as a result of being on annual leave does not work, they will be taken not to be on annual leave between those hours of 7.00pm and midnight that they would have usually been rostered to work and will be paid their ordinary rate of pay for such hours.
 - (d) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00pm and midnight, but as a result of having a rostered day off (RDO) provided under this award, does not work, the employee will be taken to be on a public holiday for such hours and paid their ordinary rate of pay for those hours.
 - (e) Excluding annualised salaried employees to whom clause H.1(f) applies, where an employee works any hours between 7.00pm and midnight they will be entitled to the appropriate public holiday penalty rate (if any) in this award for those hours worked.
 - (f) Where an employee is paid an annualised salary under the provisions of this award and is entitled under this award to time off in lieu or additional annual leave for work on a public holiday, they will be entitled to time off in lieu or pro-rata annual leave equivalent to the time worked between 7.00pm and midnight.
 - (g) An employee not rostered to work between 7.00pm and midnight, other than an employee who has exercised their right in accordance with clause H.1(a), will not be entitled to another day off, another day's pay or another day of annual leave as a result of the part-day public holiday.

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This schedule is not intended to detract from or supplement the NES.

This schedule is an interim provision and subject to further review.

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This Fair Work Commission consolidated modern award incorporates all amendments up to and including 18 June 2015 ([PR566673](#)), 18 June 2015 ([PR566815](#)) and 26 June 2015 ([PR568050](#)).

Clause(s) affected by the most recent variation:

- 15—Rates of pay
- Schedule C—Allowances
- Schedule D—Supported Wage System
- Schedule E—National Training Wage
- Schedule G—Apprentices

Current review matter(s): [AM2014/47](#); [AM2014/190](#); [AM2014/196](#); [AM2014/197](#); [AM2014/231](#); [AM2014/300](#); [AM2014/301](#); [AM2014/306](#); [AM2015/1](#); [AM2015/2](#)

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Part 1—Coverage and Operation

1. Title

This award is the *Higher Education Industry—General Staff—Award 2010*.

2. Commencement and transitional

[Varied by [PR988381](#), [PR542127](#)]

2.1 This award commences on 1 January 2010.

2.2 The monetary obligations imposed on employers by this award may be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase any overaward payment.

2.3 This award contains transitional arrangements which specify when particular parts of the award come into effect. Some of the transitional arrangements are in clauses in the main part of the award. There are also transitional arrangements in Schedule A. The arrangements in Schedule A deal with:

- minimum wages and piecework rates
- casual or part-time loadings
- Saturday, Sunday, public holiday, evening or other penalties
- shift allowances/penalties.

[2.4 varied by [PR542127](#) from 04Dec13]

2.4 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, the Fair Work Commission may make any order it considers appropriate to remedy the situation.

[2.5 varied by [PR542127](#) from 04Dec13]

2.5 The Fair Work Commission may review the transitional arrangements in this award and make a determination varying the award.

[2.6 varied by [PR542127](#) from 04Dec13]

2.6 The Fair Work Commission may review the transitional arrangements:

- (a) on its own initiative; or

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- (b) on application by an employer, employee, organisation or outworker entity covered by the modern award; or
- (c) on application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award; or
- (d) in relation to outworker arrangements, on application by an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the arrangements relate.

3. Definitions and interpretation

[Varied by [PR994098](#), [PR994510](#), [PR997772](#), [PR503609](#), [PR545962](#)]

3.1 In this award, unless the contrary intention appears:

[Definition of **Act** substituted by [PR994510](#) from 01Jan10]

Act means the *Fair Work Act 2009* (Cth)

[Definition of **agreement-based transitional instrument** inserted by [PR994510](#) from 01Jan10]

agreement-based transitional instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **award-based transitional instrument** inserted by [PR994510](#) from 01Jan10]

award-based transitional instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Commission** deleted by [PR994510](#) from 01Jan10]

[Definition of **Division 2B State award** inserted by [PR503609](#) ppc 01Jan11]

Division 2B State award has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Division 2B State employment agreement** inserted by [PR503609](#) ppc 01Jan11]

Division 2B State employment agreement has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **employee** substituted by [PR994510](#), [PR997772](#) from 01Jan10]

employee means national system employee within the meaning of the Act

[Definition of **employer** substituted by [PR994510](#), [PR997772](#) from 01Jan10]

employer means national system employer within the meaning of the Act

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[Definition of **enterprise award** deleted by [PR994510](#) from 01Jan10]

[Definition of **enterprise award-based instrument** inserted by [PR994510](#) from 01Jan10]

enterprise award-based instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **default fund employee** inserted by [PR545962](#) from 01Jan14]

default fund employee means an employee who has no chosen fund within the meaning of the *Superannuation Guarantee (Administration) Act 1992* (Cth)

[Definition of **defined benefit member** inserted by [PR545962](#) from 01Jan14]

defined benefit member has the meaning given by the *Superannuation Guarantee (Administration) Act 1992* (Cth)

[Definition of **exempt public sector superannuation scheme** inserted by [PR545962](#) from 01Jan14]

exempt public sector superannuation scheme has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth)

[Definition of **MySuper product** inserted by [PR545962](#) from 01Jan14]

MySuper product has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth)

[Definition of **General staff** varied by [PR994098](#) ppc 26Feb10]

General staff means all employees throughout Australia in the higher education industry, as defined, and employees of university unions and student unions, other than:

- (a) persons employed as academic staff;
- (b) persons employed principally to teach ELICOS, TESOL or other English language courses;
- (c) persons principally employed in the operation of theatrical venues used predominantly for commercial purposes or production companies engaged in the production of theatrical, musical or other entertainments on a commercial basis; and
- (d) persons primarily employed to teach TAFE subjects that may be offered by an employer bound by this award

HEW means higher education worker

Higher education industry means educational institutions providing undergraduate and postgraduate teaching leading to the conferring of accredited degrees and performing research to support and inform the curriculum

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[Definition of **NAPSA** deleted by [PR994510](#) from 01Jan10]

[Definition of **NES** substituted by [PR994510](#) from 01Jan10]

NES means the National Employment Standards as contained in [sections 59 to 131](#) of the *Fair Work Act 2009* (Cth)

[Definition of **on-hire** inserted by [PR994510](#) from 01Jan10]

on-hire means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client

PACCT employee means professional, administrative, clerical, computing and technical employees by whatever name called

seven day shiftworker means, for the purpose of the additional week of leave provided by the NES, a seven day shiftworker who is regularly rostered to work on Sundays and public holidays in an institution in which shifts are continuously rostered 24 hours a day seven days a week

standard rate (SR) means the weekly rate derived from the annual rate for a HEW 3.1 in clause 15—Rates of pay

[Definition of **Research Institute** inserted by PR from]

Comment [lg1]: NTEU claim to extend coverage to Research Institutes.

Research Institute means a corporate entity:

- whose primary activity is to undertake medical, health, scientific or social research, and
- which is established for a charitable, educational or other public purpose, and
- which is affiliated to a university, or where persons are employed who hold academic titles conferred by a higher education institution, and
- where the supervision of the research work of postgraduate research students occurs;

but not including:

- any entity whose primary business is the provision of medical, health, social or religious services to patients, customers or clients;
- any State, Territory or Commonwealth Department or Agency;
- any for-profit corporation.

[Definition of **transitional minimum wage instrument** inserted by [PR994510](#) from 01Jan10]

transitional minimum wage instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **University unions and student unions** inserted by [PR994098](#) ppc 26Feb10]

University unions and student unions means associations of students, or of students and others, established primarily or exclusively for the purpose of providing representation or services to students

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[Definition of **weekly rate** inserted by [PR994510](#) from 01Jan10]

weekly rate means the employee's minimum annual salary for the class of work performed divided by 52

- 3.2 Where this award refers to a condition of employment provided for in the NES, the NES definition applies.

4. Coverage

[Varied by [PR994510](#), [PR506529](#), [PR544712](#)]

[4.1 substituted by [PR506529](#) ppc 04Feb11]

- 4.1 This industry award covers employers throughout Australia in the higher education industry as defined, **and Research Institutes as defined**, and University Unions and Student Unions as defined, and their employees engaged as general staff in the classifications listed in clause 15—Rates of pay in this award to the exclusion of any other modern award.

Comment [lg2]: NTEU claim to extend coverage to Research Institutes.

- 4.2 The award does not cover an employee excluded from award coverage by the Act.

[4.3 substituted by [PR994510](#) from 01Jan10]

- 4.3 The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

[New 4.4 inserted by [PR994510](#) from 01Jan10]

- 4.4 The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

[4.5 inserted by [PR994510](#) from 01Jan10]

- 4.5 This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

[4.4 renumbered as 4.6 by [PR994510](#) from 01Jan10; substituted by [PR544712](#) ppc 01Jan14]

- 4.6 This award covers employers which provide group training services for apprentices and trainees engaged in the industry and/or parts of industry set out at clause 4.1 and those apprentices and trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This clause operates subject to the exclusions from coverage in this award.

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[4.7 inserted by [PR544712](#) ppc 01Jan14]

4.7 Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

5. Access to the award and National Employment Standards

The employer must ensure that copies of this award and the NES are available to all employees to whom they apply either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible.

6. The National Employment Standards and this award

The [NES](#) and this award contain the minimum conditions of employment for employees covered by this award.

7. Award flexibility

[Varied by [PR994510](#), [PR542127](#)]

7.1 Notwithstanding any other provision of this award, an employer and an individual employee may agree to vary the application of certain terms of this award to meet the genuine individual needs of the employer and the individual employee. The terms the employer and the individual employee may agree to vary the application of are those concerning:

- (a) arrangements for when work is performed;
- (b) overtime rates;
- (c) penalty rates;
- (d) allowances; and
- (e) leave loading.

[7.2 varied by [PR542127](#) from 04Dec13]

7.2 The employer and the individual employee must have genuinely made the agreement without coercion or duress. An agreement under this clause can only be entered into after the individual employee has commenced employment with the employer.

7.3 The agreement between the employer and the individual employee must:

- (a) be confined to a variation in the application of one or more of the terms listed in clause 7.1; and

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[7.3(b) substituted by [PR994510](#) from 01Jan10; varied by [PR542127](#) from 04Dec13]

- (b) result in the employee being better off overall at the time the agreement is made than the employee would have been if no individual flexibility agreement had been agreed to.

[7.4 substituted by [PR994510](#) from 01Jan10]

7.4 The agreement between the employer and the individual employee must also:

- (a) be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;
- (b) state each term of this award that the employer and the individual employee have agreed to vary;
- (c) detail how the application of each term has been varied by agreement between the employer and the individual employee;
- (d) detail how the agreement results in the individual employee being better off overall in relation to the individual employee's terms and conditions of employment; and
- (e) state the date the agreement commences to operate.

[7.5 deleted by [PR994510](#) from 01Jan10]

[7.6 renumbered as 7.5 by [PR994510](#) from 01Jan10]

7.5 The employer must give the individual employee a copy of the agreement and keep the agreement as a time and wages record.

[New 7.6 inserted by [PR994510](#) from 01Jan10]

7.6 Except as provided in clause 7.4(a) the agreement must not require the approval or consent of a person other than the employer and the individual employee.

7.7 An employer seeking to enter into an agreement must provide a written proposal to that employee. Where the employee's understanding of written English is limited the employer must take measures, including translation into an appropriate language, to ensure the employee understands the proposal.

7.8 The agreement may be terminated:

[7.8(a) varied by [PR542127](#) from 04Dec13]

- (a) by the employer or the individual employee giving 13 weeks' notice of termination, in writing, to the other party and the agreement ceasing to operate at the end of the notice period; or
- (b) at any time, by written agreement between the employer and the individual employee.

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[Note inserted by [PR542127](#) from 04Dec13]

Note: If any of the requirements of s.144(4), which are reflected in the requirements of this clause, are not met then the agreement may be terminated by either the employee or the employer, giving written notice of not more than 28 days (see s.145 of the *Fair Work Act 2009* (Cth)).

[New 7.9 inserted by [PR542127](#) from 04Dec13]

7.9 The notice provisions in clause 7.8(a) only apply to an agreement entered into from the first full pay period commencing on or after 4 December 2013. An agreement entered into before that date may be terminated in accordance with clause 7.8(a), subject to four weeks' notice of termination.

[7.9 renumbered as 7.10 by [PR542127](#) from 04Dec13]

7.10 The right to make an agreement pursuant to this clause is in addition to, and is not intended to otherwise affect, any provision for an agreement between an employer and an individual employee contained in any other term of this award.

Part 2—Consultation and Dispute Resolution

8. Consultation

[8—Consultation regarding major workplace change renamed and substituted by [PR546288](#) ppc 01Jan14]

8.1 Consultation regarding major workplace change

(a) Employer to notify

- (i) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must notify the employees who may be affected by the proposed changes and their representatives, if any.
- (ii) **Significant effects** include termination of employment; major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations; and the restructuring of jobs. Provided that where this award makes provision for alteration of any of these matters an alteration is deemed not to have significant effect.

(b) Employer to discuss change

- (i) The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in clause 8.1(a), the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on

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employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.

- (ii) The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in clause 8.1(a).
- (iii) For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees provided that no employer is required to disclose confidential information the disclosure of which would be contrary to the employer's interests.

8.2 Consultation about changes to rosters or hours of work

- (a) Where an employer proposes to change an employee's regular roster or ordinary hours of work, the employer must consult with the employee or employees affected and their representatives, if any, about the proposed change.
- (b) The employer must:
 - (i) provide to the employee or employees affected and their representatives, if any, information about the proposed change (for example, information about the nature of the change to the employee's regular roster or ordinary hours of work and when that change is proposed to commence);
 - (ii) invite the employee or employees affected and their representatives, if any, to give their views about the impact of the proposed change (including any impact in relation to their family or caring responsibilities); and
 - (iii) give consideration to any views about the impact of the proposed change that are given by the employee or employees concerned and/or their representatives.
- (c) The requirement to consult under this clause does not apply where an employee has irregular, sporadic or unpredictable working hours.
- (d) These provisions are to be read in conjunction with other award provisions concerning the scheduling of work and notice requirements.

9. Dispute resolution

[Varied by [PR994510](#), [PR542127](#)]

- 9.1** In the event of a dispute about a matter under this award, or a dispute in relation to the NES, in the first instance the parties must attempt to resolve the matter at the workplace by discussions between the employee or employees concerned and the

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relevant supervisor. If such discussions do not resolve the dispute, the parties will endeavour to resolve the dispute in a timely manner by discussions between the employee or employees concerned and more senior levels of management as appropriate.

[9.2 varied by [PR994510](#), [PR542127](#) from 04Dec13]

9.2 If a dispute about a matter arising under this award or a dispute in relation to the NES is unable to be resolved at the workplace, and all appropriate steps under clause 9.1 have been taken, a party to the dispute may refer the dispute to the Fair Work Commission.

[9.3 varied by [PR994510](#), [PR542127](#) from 04Dec13]

9.3 The parties may agree on the process to be utilised by the Fair Work Commission including mediation, conciliation and consent arbitration.

[9.4 varied by [PR994510](#), [PR542127](#) from 04Dec13]

9.4 Where the matter in dispute remains unresolved, the Fair Work Commission may exercise any method of dispute resolution permitted by the Act that it considers appropriate to ensure the settlement of the dispute.

9.5 An employer or employee may appoint another person, organisation or association to accompany and/or represent them for the purposes of this clause.

9.6 While the dispute resolution procedure is being conducted, work must continue in accordance with this award and the Act. Subject to applicable occupational health and safety legislation, an employee must not unreasonably fail to comply with a direction by the employer to perform work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.

Part 3—Types of Employment and Termination of Employment

10. Contract of employment

[Varied by [PR994510](#), [PR994098](#), [PR510936](#)]

[10 varied by [PR994510](#) ppc 01Jan10]

An employer must engage a person as an employee on terms that correspond with one or other of the types of employment prescribed in this clause, or clause 11 or 12.

The restriction on the use of **fixed-term employment** only applies to those employers who were bound to the *Higher Education Contract of Employment Award 1998* [AP784204].

To avoid doubt, nothing in this award prevents an employee engaging in additional work as a casual employee in work unrelated to, or identifiably separate from, the employee's normal duties. Nothing in this award limits the number or proportion of employees that an employer may employ in a particular type of employment.

10.1 ~~Continuing Full-time~~ **employment** means all employment other than **fixed-term, part-time,** or **casual.** ~~Continuing Full-time~~ employment may contain a reasonable probationary period that is directly related to the nature of the work to be carried out under the contract. As a condition incidental to employment on probation, an employee must be advised of, and given an opportunity to make response to, any adverse material about the employee which the employer intends to take into account in a decision to terminate the employment upon or before the expiry of the period of probation.

Comment [lg3]: Amendments shown in this and the following sub-clause are proposed by the NTEU and are consistent with the AHEIA proposal to change "Full-time" to "Continuing in this sub-clause".

10.2 **Part-time employment** means ~~continuing or fixed-term~~ employment for less than the normal weekly ordinary hours specified for a full-time employee, for which all award entitlements are paid on a pro rata basis calculated by reference to the time worked. ~~Part time employment may contain a reasonable probationary period that is directly related to the nature of the work to be carried out under the contract. As a condition incidental to employment on probation, an employee must be advised of, and given an opportunity to make response to, any adverse material about the employee which the employer intends to take into account in a decision to terminate the employment upon or before the expiry of the period of probation.~~

[10.3 varied by [PR994098](#) ppc 26Feb10]

10.3 **Fixed-term employment** means employment for a specified term or ascertainable period, for which the instrument of engagement will specify the starting and finishing dates of that employment, (or instead of a finishing date, will specify the circumstance(s) or contingency relating to a specific task or project, upon the occurrence of which the term of the employment will expire).

Fixed-term employment may contain a reasonable probationary period that is directly related to the nature of the work to be carried out under the contract. As a condition incidental to employment on probation, an employee must be advised of, and given an opportunity to make response to, any adverse material about the employee which the employer intends to take into account in a decision to terminate the employment upon or before the expiry of the period of probation.

Any second or subsequent fixed-term contract, with the same employer, must not contain a probationary period.

The use of **fixed-term employment** must be limited to the employment of an employee engaged on work activity that comes within the description of one or more of the following circumstances:

- (a) **Specific task or project** means a definable work activity which has a starting time and which is expected to be completed within an anticipated timeframe. Without limiting the generality of that circumstance, it will also include a period of employment provided for from identifiable funding external to the employer, not being funding that is part of an operating grant from government or funding comprised of payments of fees made by or on behalf of students.
- (b) **Research** means work activity by a person engaged on research only functions for a contract period not exceeding five years.

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(c) Replacement employee means an employee:

- (i) undertaking work activity replacing a full-time or part-time employee for a definable period for which the replaced employee is either on authorised leave of absence or is temporarily seconded away from their usual work area; or

[10.3(c)(ii) substituted by [PR510936](#) ppc 16May11]

(ii) performing the duties of:

- a vacant position for which the employer has made a definite decision to fill and has commenced recruitment action; or
- a position the normal occupant of which is performing higher duties pending the outcome of recruitment action initiated by the employer and in progress for that vacant higher duties position

until a full-time or part-time employee is engaged for the vacant position or vacant higher duties position as applicable.

(d) Pre-retirement contract

Where a full-time or a part-time employee declares that it is their intention to retire, a fixed-term contract expiring on or around the relevant retirement date may be adopted as the appropriate type of employment for a period of up to five years.

(e) Fixed-term contract employment subsidiary to studentship

Where a person is enrolled as a student, fixed-term contract employment may be adopted as the appropriate type of employment for work activity, not within the description of another circumstance in the preceding paragraphs of this clause, that is work within the student's academic unit or an associated research unit of that academic unit and is work generally related to a degree course that the student is undertaking within the academic unit, provided that:

- (i) such fixed-term contract employment will be for a period that does not extend beyond, or that expires at the end of, the academic year in which the person ceases to be a student, including any period that the person is not enrolled as a student but is still completing postgraduate work or is awaiting results; and
- (ii) that an offer of fixed-term employment under this paragraph must not be made on the condition that the person offered the employment undertake the studentship.

11. Incidents of fixed-term contract of employment

[Varied by [PR994510](#), [PR542127](#)]

This clause only applies to those employers who were bound to the *Higher Education Contract of Employment Award 1998* [AP784204].

Without derogating from any entitlement under the employee's contract or under an award provision applicable to the employee on account of the employee's continuous service, a fixed-term contract employee is entitled to benefits specified in this clause.

11.1 Incremental advancement

A fixed-term employee who has a period of continuous service in a classification must be entitled to progress through that structure in the same way as an employee engaged as a full-time employee in the same or similar classification.

11.2 Notice of cessation or revocation of employment upon expiry of the contract

The employer will provide to a fixed-term employee, written notice of the employer's intention to renew, or not to renew, employment with the employer upon the expiry of the contract. Such notice will be the greater of:

- (a) any entitlement to notice of the employer's intention to renew, or not to renew, employment with the employee upon the expiry of the contract: or

Period of continuous service	Period of notice
Not more than 1 year	at least 1 week, or the equivalent of a full pay period, whichever is the greater
1 year but less than 3 years	at least 2 weeks, or the equivalent of a full pay period, whichever is the greater
3 years but less than 5 years	at least 3 weeks, or the equivalent of a full pay period, whichever is the greater
5 years or over	at least 4 weeks, or the equivalent of a full pay period, whichever is the greater

- (b) In addition to this notice, an employee over the age of 45 years at the time of the giving of notice and with not less than two years continuous service will be entitled to an additional week's notice.

11.3 Where, because of circumstances relating to the provision of specific funding to support employment external to the employer and beyond its control, the employer is not reasonably able to give the notice required by this clause, it will be sufficient compliance with this clause if the employer:

- (a) advises those circumstances to the employee in writing by the latest time at which the notice would otherwise be required to be given; and
- (b) gives notice to the employee at the earliest practicable date thereafter.

11.4 Severance pay

[11.4 substituted by [PR994510](#) from 01Jan10]

- (a) A fixed-term employee whose contract of employment is not renewed in circumstances where the employee seeks to continue the employment will be entitled to a severance payment or retrenchment benefit payment howsoever called in accordance with the NES as it would apply to a full-time employee engaged in an equivalent classification in the following circumstances:
 - (i) employee is employed on a second or subsequent fixed term contract to do work required for the circumstances described in clause 10.3(a) or (b) and the same or substantially similar duties are no longer required by the employer; or
 - (ii) employee is employed on a fixed term contract to do work required for the circumstances described in clause 10.3(a) or (b) and the duties of the kind performed in relation to work continue to be required but another person has been appointed, or is to be appointed, to the same or substantially similar duties.
- (b) Where an employer advises an employee in writing that further employment may be offered within six weeks of the expiry of a period of fixed-term employment, then the employing university may defer payment of severance benefits for a maximum period of four weeks from the expiry of the period of fixed-term employment.

[11.4(c) varied by [PR542127](#) from 04Dec13]

- (c) An employer, in a particular case, may make application to the Fair Work Commission to have the general severance payment or retrenchment benefit payment prescription varied if the employer obtains acceptable alternative employment for the employee.

11.5 Award entitlements and calculation of continuous service

- (a) A fixed-term employee will be entitled to the same award terms and conditions in respect to award matters as would apply to a full-time or part-time employee engaged in an equivalent classification and working an equivalent proportion of normal weekly ordinary hours for the classification.
- (b) For the purpose of this award, breaks between fixed-term appointments of up to two times per year and of up to six weeks, will not constitute breaks in continuous service.
- (c) Periods of approved unpaid leave will not count for service, but will not constitute breaks in service for the purposes of this clause.

11.6 Right of application for full-time or part-time employment

No employee employed on a fixed-term contract (other than an employee employed on a pre-retirement contract within the meaning of clause 10.3(d)) will be prevented from making application to an employer, nor having their application for

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employment within the terms of this award considered, solely because the employee has previously been employed on a fixed-term contract by the same employer.

12. Casual employment

[Varied by [PR994510](#)]

[Preamble renumbered as 12.1 by [PR994510](#) from 01Jan10]

12.1 Casual employment means a person engaged by the hour and paid on an hourly basis that includes a loading related to award based benefits for which a casual employee is not eligible. The casual loading will be 25%.

12.2 Minimum period of engagement for casual staff

[12.1 renumbered as 12.2 by [PR994510](#) from 01Jan10]

The minimum period of engagement for a casual employee will be as follows:

- (i) employees who are students (including postgraduate students) who are expected to attend the university on that day in their capacity as students will have a minimum engagement period of one hour;
- (ii) a student will be taken as being expected for attendance on any Monday to Friday during the main teaching weeks of the university, other than public holidays as applied at the relevant university;
- (iii) employees with a primary occupation elsewhere (or with the employer) have a minimum period of engagement of one hour; and
- (iv) all other casuals must have a minimum period of engagement of three hours.

12.3 Casual conversion

[12.2 renumbered as 12.3 by [PR994510](#) from 01Jan10]

(a) General

[12.3 renumbered as 12.3(a) by [PR994510](#) from 01Jan10]

- (i) An employee must not be engaged and re-engaged nor have their hours reduced in order to avoid any obligation under this clause.
- (ii) Upon appointment, the employer must advise a casual employee that, after serving qualifying periods, see clause 12.3(b), casual employees may have a right to apply for conversion and a copy of the conversion provisions of this award will be made available to such employees.
- (iii) The employer must also take reasonable steps from time to time to inform casual employees of the conversion provisions of this award.

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- (iv) An eligible casual employee may apply in writing for conversion to non-casual employment in accordance with the conversion provisions of this award.

(b) Eligibility for conversion

[12.4 renumbered as 12.3(b) by [PR994510](#) from 01Jan10]

- (i) To be eligible to apply for conversion, a casual employee must be employed on a regular and systematic basis in the same or a similar and identically classified position in the same department (or equivalent), either:
- over the immediately preceding period of 12 months and in those immediately preceding 12 months the average weekly hours worked equalled at least 50% of the ordinary weekly hours that would have been worked by an equivalent full-time employee; or
 - over the immediately preceding period of at least 24 months.
- (ii) For the purposes of this clause occasional and short-term work performed by the employee in another classification, job or department must not:
- affect the employee's eligibility for conversion;
 - be included in determining whether the employee meets or does not meet the eligibility requirements.

(c) Application for conversion

[12.5 renumbered as 12.3(c) by [PR994510](#) from 01Jan10]

The employer will not unreasonably refuse an application for conversion. However, it may refuse an application on reasonable grounds. Reasonable grounds include, but are not limited to, the following:

- (i) the employee is a student, or has recently been a student, other than where their status as a student is irrelevant to their engagement and the work required;
- (ii) the employee is a genuine retiree;
- (iii) the employee is performing work which will either cease to be required or will be performed by a non-casual employee, within 26 weeks (from the date of application);
- (iv) the employee has a primary occupation with the employer or elsewhere, either as an employee or as a self-employed person;
- (v) the employee does not meet the essential requirements of the position; or
- (vi) the work is ad hoc, intermittent, unpredictable or involves hours that are irregular.

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(d) Offer of non-casual employment

[12.6 renumbered as 12.3(d) by [PR994510](#) from 01Jan10]

- (i) The employer must determine an application for conversion either by offering conversion to non-casual employment or by rejecting the application. If the employer rejects the application, it must provide written reasons for rejecting it. If the application is accepted, the employee will be offered a non-casual position.
- (ii) Conversion may be to either a continuing appointment or to a fixed-term appointment. The offer of conversion will indicate the hours and pattern of work which, subject to due consideration of the employer's operational requirements and the desirability of offering the employee work which is as regular and continuous as is reasonably practicable, will be consistent with the employee's casual engagement. The conversion offer will also constitute (and include such other details as are required for) an instrument of engagement under the award.
- (iii) Employees converted under this clause will not have their casual service count as service for the purpose of calculating any other existing entitlements except for:
 - long service leave, if, at the time of conversion, the employer provides casual employees with an entitlement to long service leave. In such a case casual service with the employing institution would count for the purposes of any qualifying period for long service leave, but would not give rise to any paid leave entitlement in respect of that casual service, except where institutions, at the time of making this award, pay long service leave to casuals in relation to their casual service; and
 - any applicable unpaid parental leave.

(e) Further applications

[12.7 renumbered as 12.3(e) by [PR994510](#) from 01Jan10]

An employee whose application for conversion is rejected will not be entitled to apply again within 12 months except where:

- (i) that rejection is solely based upon the ground set out in 12.3(c)(iii); and
- (ii) that ground ceased to apply.

13. Termination of employment

13.1 Notice of termination is provided for in the NES.

13.2 Notice of termination by an employee

The notice of termination required to be given by an employee is the same as that required of an employer except that there is no requirement on the employee to give

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additional notice based on the age of the employee concerned. If an employee fails to give the required notice the employer may withhold from any monies due to the employee on termination under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by the clause less any period of notice actually given by the employee.

13.3 Job search entitlement

Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off will be taken at times that are convenient to the employee after consultation with the employer.

14. Requirement to state terms of engagement

14.1 Upon engagement, the employer must provide to the employee an instrument of appointment which stipulates the type of employment and informs the employee of the terms of engagement at the time of the appointment in relation to:

- (a) for employees other than casual employees, the classification level and salary of the employee on commencement of the employment, and the hours or the fraction of full-time hours to be worked;
- (b) for fixed-term employees, whether the term of the employment, the length and terms of any period of probation, and the circumstance(s) by reference to which the use of fixed-term contract for the type of employment has been decided for that employment;
- (c) for part-time employees, the employer and the part-time employee will agree on a regular pattern of work, specifying at least the hours worked each day, which days of the week the employee will work and the actual starting and finishing times each day;
- (d) for casual employees, the duties required, the number of hours required, the rate of pay for each class of duty required and a statement that any additional duties required during the term will be paid for;
- (e) for any employee subject to probationary employment, the length and terms of the probation; and
- (f) other main conditions of employment including the identity of the employer, or the documentary, or other recorded sources from which such conditions derive, and the duties and reporting relationships to apply upon appointment that can be ascertained.

Part 4—Rates of Pay and Related Matters

15. Rates of pay

[Varied by [PR997965](#), [PR505242](#), [PR509038](#), [PR522869](#), [PR536672](#), [PR551595](#), [PR566673](#)]

15.1 The minimum wages payable to employees are as follows:

[15 varied by [PR997965](#); renumbered as 15.1 by [PR505242](#) ppc 17Dec10; varied by [PR509038](#), [PR522869](#), [PR536672](#), [PR551595](#), [PR566673](#) ppc 01Jul15]

	Annual salary
	\$
HEW 1	
HEW Level 1.1	36,703.62
HEW Level 1.2	37,279.88
HEW Level 1.3	37,856.12
HEW 2	
HEW Level 2.1	38,547.63
HEW Level 2.2	39,123.89
HEW 3	
HEW Level 3.1	39,936.41
HEW Level 3.2	40,627.91
HEW Level 3.3	41,319.42
HEW Level 3.4	42,010.92
HEW Level 3.5	42,582.56
HEW 4	
HEW Level 4.1	43,504.57
HEW Level 4.2	44,311.31
HEW Level 4.3	45,118.08
HEW 5	
HEW Level 5.1	45,738.33
HEW Level 5.2	46,683.39
HEW Level 5.3	47,303.78

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	Annual salary
	\$
HEW Level 5.4	48,248.84
HEW Level 5.5	49,193.89
HEW 6	
HEW Level 6.1	50,369.45
HEW Level 6.2	51,314.50
HEW Level 6.3	52,139.71
HEW Level 6.4	53,084.77
HEW 7	
HEW Level 7.1	54,162.37
HEW Level 7.2	55,314.87
HEW Level 7.3	56,467.38
HEW Level 7.4	57,619.90
HEW 8	
HEW Level 8.1	59,002.91
HEW Level 8.2	60,846.93
HEW Level 8.3	62,690.93
HEW Level 8.4	64,534.94
HEW 9	
HEW Level 9.1	66,494.22
HEW Level 9.2	68,338.24
HEW Level 9.3	70,182.24
HEW 10	
HEW Level 10.1	70,297.49

15.2 Apprentice rates of pay

[15.2 inserted by [PR505242](#) ppc 17Dec10]

The minimum award rates of pay for apprentices are set out in Schedule G—Apprentices.

15.3 Classification Levels

The Higher Education Worker Level classification standards set out in Schedule B – Classification Definitions shall be the primary determinant of the classifications of general staff positions. Positions will be classified at the level which most accurately reflects the work performed by the employee as required by the employer, taking into account the skills and responsibilities required to perform that work.

Comment [lg4]: NTEU claim: reinstate link between rates of pay and classification standards

16. Salary movement within a classification level

16.1 At the conclusion of each 12 month period, following the date of effect of this award or entry into a HEW level, full-time and part-time general employees will be eligible for movement to the next highest pay point within the HEW level, following a staff development/performance review.

16.2 Movement to the next pay point within a HEW level will only occur when an employee has, over the preceding twelve months:

- (a) acquired and utilised additional skills, experience and competencies within the ambit of the classification and in accord with the priorities of the organisational unit and or employer. For this purpose the employee will be assessed against relevant criteria used in a staff development/performance review; and
- (b) demonstrated satisfactory performance against the position classification standards within this award.

16.3 If the requirements above are not met at the conclusion of the period referred to in clause 16.2, then the employee will not progress until such time as the requirements are met.

16.4 Movement to the next highest pay point will be effective from the anniversary date of employment. In cases where a staff development/performance review is delayed, the anniversary date must not be changed and any increase in salary will be paid retrospectively to the anniversary date, unless the delay is related to the acquisition of new skills and greater responsibilities and/or competencies, in which case the date of acquisition will be the effective date.

16.5 An employee who has been absent in excess of three months, in aggregate, will have the review delayed by the period of absence. Any resultant increase will also be delayed by the period of absence.

16.6 An annual staff development/performance review must be conducted for all full-time and part-time employees, except those on the highest salary point within their classification. Such review will be confidential.

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The aims of this review will at least include:

- (a) assessment of performance and use of skills against the position classification standards; and
- (b) identification of the development and training needs of the employee in order to:
 - (i) enable the acquisition and use of new skills, experience and knowledge in accordance with the short and long term priorities of the organisational unit and/or the employer;
 - (ii) identify performance objectives; and
 - (iii) ensure continued satisfactory performance within the ambit of the classification.

17. Junior employees

Juniors are to be paid at the following percentages of the appropriate adult rate for the position performed. This clause does not apply to employees who are required to hold a trade qualification or to employees employed in a position classified higher than HEW 3.

Age	% of adult rate
Under 16 years	36.8
At 16 years	47.3
At 17 years	57.8
At 18 years	68.3
At 19 years	82.5
At 20 years	97.7

18. Allowances

To view the current monetary amounts of work-related allowances refer to the [Allowances Sheet](#).

[Varied by [PR988381](#), [PR994510](#), [PR503609](#), [PR522990](#), [PR561478](#)]

- 18.1** The allowances in the table in Schedule C—Allowances are payable to an employee in addition to their ordinary rate of pay, in accordance with the terms set out in the table. These allowances have been fixed using HEW 3.1 as the [standard rate](#).

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18.2 Adjustment of expense related allowances

[18.2 substituted by [PR994510](#) from 01Jan10]

- (a) At the time of any adjustment to the [standard rate](#), each expense related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.

[18.2(b) varied by [PR522990](#) ppc 01Jul12]

- (b) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

Allowance	Applicable Consumer Price Index figure
Meal allowance	Take away and fast foods sub-group
Compensation for damage to clothing and personal effects	Clothing and footwear group
Compensation for tools	Tools and equipment for house and garden component of the household appliances, utensils and tools sub-group

18.3 Accident pay

[18.3 varied by [PR994510](#); substituted by [PR503609](#); deleted by [PR561478](#) ppc 05Mar15]

19. Payment of wages

An employee's salary, including applicable allowances and overtime payments will be paid fortnightly by cheque or electronic funds transfer. Notwithstanding this, if an employer and the majority of employees agree, all employees must be paid by electronic funds transfer.

20. Superannuation

[Varied by [PR994510](#), [PR545962](#)]

20.1 Superannuation legislation

- (a) Superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deals with the superannuation rights and obligations of employers and employees. Under superannuation legislation individual employees generally have the opportunity to choose their own superannuation fund. If an employee does not choose a superannuation fund, any superannuation fund nominated in the award covering the employee applies.

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- (b) The rights and obligations in these clauses supplement those in superannuation legislation.

20.2 Employer contributions

- (a) An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee.
- (b) Employers who, before 12 September 2008 made contributions of 3% to the Tertiary Education Superannuation Scheme for the benefit of employees for whom they were not required to pay the superannuation guarantee charge, must continue to make such contributions as if the *Tertiary Education Superannuation Scheme – Superannuation Award 1988* continued to apply.

20.3 Voluntary employee contributions

- (a) Subject to the governing rules of the relevant superannuation fund, an employee may, in writing, authorise their employer to pay on behalf of the employee a specified amount from the post-taxation wages of the employee into the same superannuation fund as the employer makes the superannuation contributions provided for in clause 20.2.
- (b) An employee may adjust the amount the employee has authorised their employer to pay from the wages of the employee from the first of the month following the giving of three months' written notice to their employer.
- (c) The employer must pay the amount authorised under clauses 20.3(a) or (b) no later than 28 days after the end of the month in which the deduction authorised under clauses 20.3(a) or (b) was made.

20.4 Superannuation fund

[20.4 varied by [PR994510](#) from 01Jan10]

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 20.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 20.2 and pay the amount authorised under clauses 20.3(a) or (b) to one of the following superannuation funds or its successor:

- (a) Unisuper; or

[20.4(b) varied by [PR545962](#) from 01Jan14]

- (b) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund and is a fund that offers a MySuper product or is an exempt public sector scheme.

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[20.4(c) inserted by [PR545962](#) from 01Jan14]

- (c) a superannuation fund or scheme which the employee is a defined benefit member of.

20.5 Absence from work

Subject to the governing rules of the relevant superannuation fund, the employer must also make the superannuation contributions provided for in clause 20.2 and pay the amount authorised under clauses 20.3(a) or (b):

- (a) **Paid leave**—while the employee is on any paid leave;
- (b) **Work-related injury or illness**—for the period of absence from work (subject to a maximum of 52 weeks) of the employee due to work-related injury or work-related illness provided that:
 - (i) the employee is receiving workers compensation payments or is receiving regular payments directly from the employer in accordance with the statutory requirements; and
 - (ii) the employee remains employed by the employer.

Comment [lg5]: All changes proposed in this Part are to give effect to the NTEU claim re working hours and overtime.

Part 5—Hours of Work and Related Matters

21. Ordinary hours and spread of ordinary hours

[Varied by [PR988381](#)]

The maximum ordinary hours of work, and the spread of hours during which (other than for shift workers) ordinary hours can be worked, shall be as set out in the following table, provided that ordinary hours may be worked in a manner agreed over a four week cycle.

Category of staff employees	Ordinary hours	Spread of hours (non shiftworkers)
Building services staff	38	6.00 am – 6.00 pm Monday – Friday
Catering and retail staff	38	6.00 am – 7.30 pm Monday – Sunday
Security staff	38	6.00 am – 6.00 pm Monday – Sunday
Children’s services staff	38	6.30 am – 6.30 pm Monday – Friday
Storage services staff	38	7.00 am – 5.30 pm Monday – Friday
Building and maintenance staff	38	6.00 am – 6.00 pm

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Category of staff employees	Ordinary hours	Spread of hours (non shiftworkers) Monday – Friday
Trades staff, including plumbers	38	6.00 am – 6.00 pm Monday – Friday
PACCT staff	36.75	8.00 am – 6.00 pm Monday – Friday

The classifications set out in the above table must be read in conjunction with Schedule B—Classification Definitions.

22. Breaks

22.1 Meal break

An employee will not be required to work more than five consecutive hours without a meal break of at least half an hour. Time taken as meal breaks will not be paid for and will not be counted as time worked.

22.2 Rest break

Employees, other than PACCT staff, are entitled to two 10 minute paid breaks per day.

23. Overtime

23.1 An employee will be paid overtime for all authorised work performed outside of, or in excess of, the ordinary or rostered hours as follows:

Time worked	Overtime rate
Monday—Saturday	150% of the ordinary rate of pay for the first two hours (first three hours for PACCT staff); and 200% of the ordinary rate of pay thereafter
Sunday	200% of the ordinary rate of pay
Public holidays	250% of the ordinary rate of pay

23.2 The employer must take reasonable steps to ensure that employees are not performing work in excess of the ordinary hours of work or outside the ordinary spread of hours as specified in clauses 21 and 27, except where such work has been authorised and compensated in accordance with clauses 23, 24 or 26.

23.3 An employee at Level 6 or above who responds to or uses email or phone messaging beyond or outside the ordinary hours of work for brief periods, and only

occasionally, to meet the needs of the employer, will not be deemed to be performing work beyond or outside the ordinary hours of work, provided that the sending or responding to such email messages at that time is not part of their assigned duties, contract or conditions of employment, has not been directed and is in all other senses voluntary.

24. Employee recalled to duty

An employee recalled to work overtime which is not continuous with their ordinary hours of duty must be paid a minimum of two hours at the appropriate overtime rate.

25. Minimum break following overtime

An employee who has worked overtime will be given a minimum break of ten hours between the end of one period of duty and the beginning of the next. A staff member required by an employer to resume or continue to work without having a ten hour break off duty is entitled to be absent from duty without loss of pay until a ten hour break has been taken, or be paid at 200% of the ordinary rate until released from duty.

26. Time off instead of overtime payment

26.1 An employee will be paid overtime or provided with time off instead of overtime payment for all authorised work performed outside of, or in excess of, the ordinary or rostered hours as follows:

- (a) An HEW 6 or below will be eligible to receive paid overtime or, where requested by the employee and approved by the employer, may take time off instead of overtime payment calculated in accordance with the relevant overtime rate.
- (b) An HEW 7 or HEW 8 will not be eligible for paid overtime but may take time off instead of overtime payment, at a mutually agreed time, calculated in accordance with the relevant overtime rate.
- (c) An HEW 9 or above will not, except as provided in this subclause, be entitled to paid overtime or time off instead of overtime payment. By agreement with the employer, the employee will be provided with time off instead of overtime payment at the rate of one hour for each hour of overtime worked when the employee is specifically required to work additional hours and it would be unreasonable for time off instead of overtime payment not to be provided.

27. Ordinary hours for shiftwork

27.1 The ordinary hours for shiftwork will:

- (a) be worked continuously each shift (except for meal breaks);
- (b) not exceed 10 hours, inclusive of a meal break in any single shift; and

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(c) be rostered in accordance with clause 28—Rostering.

28. Rostering

28.1 The following shift definitions apply:

- (a) **Day shift** commences at or after 6.00 am and finishes at or before 6.00 pm.
- (b) **Afternoon shift** finishes after 6.00 pm and at or before midnight.
- (c) **Night shift** finishes after midnight and at or before 8.00 am.

28.2 Afternoon shift and night shift will attract a shift loading in accordance with clause 29—Penalty rates.

28.3 Shiftworkers' ordinary hours will be worked in accordance with a roster provided by the employer at least seven days in advance.

28.4 A shift or roster may be changed at any time to enable the functions of the employer to be carried out where an employee is absent due to illness or on account of a contingency which the employer could not have reasonably foreseen. The employee must be notified of the changed shift as soon as possible.

28.5 Where changes are made by the employer to the employee's shift or roster, or the employee is transferred between rosters the employee must be notified at least 72 hours prior to the change becoming operative. If 72 hours notice is not provided, the employee will be entitled to an additional allowance of 50% instead of any other shift penalty that may apply.

28.6 Ordinary hours for shiftwork may be rostered on a Saturday, Sunday or public holiday and will attract a penalty rate in accordance with clause 29.1.

29. Penalty rates

Afternoon and night shift will attract a penalty rate of 15%, except a non-rotating night shift, which attracts 30%.

29.1 An employee required to work ordinary time on a Saturday or Sunday will be paid the ordinary time rate of pay plus a penalty of:

- (a) on a Saturday 50% of the ordinary time rate; or
- (b) on a Sunday 100% of the ordinary time rate.

29.2 The penalty rates within this clause and in the overtime clause are not cumulative. Where an employee is entitled to more than one penalty rate, the employee will be entitled to the highest single penalty rate.

Part 6—Leave and Public Holidays

30. Annual leave

[Varied by [PR507375](#)]

Annual leave is provided for in the NES, subject to the provisions of this clause.

For the purposes of the NES an employee entitled to five weeks' annual leave means a seven day shiftworker.

30.1 Management of annual leave

An employee whose accrued annual leave entitlement equals or exceeds 30 days may be directed in writing to take up to 20 days of their accrued annual leave entitlement.

The time of taking leave will be determined by the employer, having regard to operational requirements and any matters raised by the individual employee.

Written direction to take annual leave:

- (a) must be given at least two months prior to the date on which the employee is to take the leave; and
- (b) can be given whether the employee's accrued annual leave equals or exceeds 30 days when the direction is given or when it takes effect.

Where an employee is directed to take annual leave, the employer will be entitled to deduct the amount of annual leave directed to be taken at the conclusion of the period of leave.

30.2 Payment of annual leave on termination

[30.2 renamed by [PR507375](#) ppc 25Mar11]

Payment of the base salary instead of annual leave will be made for any entitlement to annual leave accrued but not taken on termination. Where termination of employment is due to the employee's death, such payment will be made to the employee's estate.

30.3 Annual leave loading

Annual leave loading will be paid at a rate of 17.5% of the ordinary rate of pay paid during the leave period, up to the limit of payment equal to the Australian Statistician's average weekly earnings for all males (Australia) for the preceding August quarter.

Shiftworkers on annual leave will be paid the greater of:

- (a) shift penalties an employee would have received had they not been on annual leave; or
- (b) the 17.5% annual leave loading as prescribed.

30.4 Close down

(a) Christmas/New Year close down

Employees may be required to take annual leave during a period of Christmas/New Year close down, for days other than public holidays (including any substituted days) falling during that period. Employees with insufficient accrued annual leave will take leave without pay.

(b) Seasonal stand down of residential colleges staff

Employees engaged in domestic work in, or in connection with, residential colleges may be stood down without pay during official term breaks, semester breaks and the Christmas/Summer vacation, provided that:

- (i) an employee will be given as much notice as practicable of the start and finish of any stand down period; notice must be at least one week and be in writing. Once notice is given, the stand down period must not be varied unless by mutual consent between the employer and the employee;
- (ii) an employee may take accrued annual leave or long service leave during term breaks, semester breaks and the Christmas/Summer vacation;
- (iii) all periods of stand down must count for the purpose of accrual of sick leave, annual leave and long service leave;
- (iv) if appropriate work is available for an employee during any period of stand down, the existing employee will be offered such employment (whether on a full-time or casual basis) before any additional employee is employed; the employee who has been stood down may refuse an offer of employment without prejudice to their normal employment relationship;
- (v) for the purpose of this clause appropriate work will mean such work as is available that is capable of being performed by the employee. Remuneration for such work will be at the rate of pay applicable to the work being performed; and
- (vi) no employee will have their employment terminated on the grounds of work not being available due to a term break, semester break or Christmas/Summer vacation.

- (c) This clause does not confer any right to stand down any employee employed before 1 January 2010 who was not subject to a stand down provision in an award before 1 January 2010.

31. Community service leave

Community service leave is provided for in the NES.

32. Parental leave

[Varied by [PR994510](#)]

[32.1 substituted by [PR994510](#) from 01Jan10]

32.1 The entitlement to parental leave is set out in the NES.

[32.2 inserted by [PR994510](#) from 01Jan10]

32.2 The NES is supplemented by maintaining an entitlement to payment, in relation to maternity leave, adoption leave or paternity leave for employees in the classifications under this award of employers who were entitled to payment for maternity leave, paternity leave or adoption leave in accordance with the terms of an award made under the *Workplace Relations Act 1996* (Cth):

- (a) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and
- (b) that would have entitled the employee to paid maternity leave, paternity leave or adoption leave.

33. Public holidays

[Varied by [PR994510](#)]

[Preamble renumbered as 33.1 by [PR994510](#) from 01Jan10]

33.1 The entitlement to public holidays is set out in the NES, subject to the provisions of this clause.

33.2 Substitution of public holidays where employer holidays provided

[33.1 renumbered as 33.2 by [PR994510](#) from 01Jan10]

An employer may substitute a public holiday or part holiday for another working day or part-day to be taken during a period of institutional close-down. Where substitution occurs the substituted day or part-day will be the public holiday for the purposes of this award.

33.3 Effect on payment for holidays

[33.2 renumbered as 33.3 by [PR994510](#) from 01Jan10]

Where an employee is absent from their employment on the working day before or the working day after a public holiday without reasonable excuse or without the consent of the employer, they will not be entitled to payment for the holiday.

34. Personal/carer's leave and compassionate leave

Personal/carer's leave and compassionate leave are provided for in the NES, save that the entitlement will be three days of compassionate leave for each permissible occasion.

Schedule A—Transitional Provisions

[Sched A varied by [PR988381](#), [PR994510](#); substituted by [PR996673](#) from 30Apr10; varied by [PR503609](#)]

A.1 General

A.1.1 The provisions of this schedule deal with minimum obligations only.

A.1.2 The provisions of this schedule are to be applied:

- (a) when there is a difference, in money or percentage terms, between a provision in a relevant transitional minimum wage instrument (including the transitional default casual loading) or award-based transitional instrument on the one hand and an equivalent provision in this award on the other;
- (b) when a loading or penalty in a relevant transitional minimum wage instrument or award-based transitional instrument has no equivalent provision in this award;
- (c) when a loading or penalty in this award has no equivalent provision in a relevant transitional minimum wage instrument or award-based transitional instrument; or
- (d) when there is a loading or penalty in this award but there is no relevant transitional minimum wage instrument or award-based transitional instrument.

A.2 Minimum wages – existing minimum wage lower

A.2.1 The following transitional arrangements apply to a university union or student union employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage lower than that in this award for any classification of employee.

A.2.2 In this clause minimum wage includes;

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
- (b) a piecework rate; and
- (c) any applicable industry allowance.

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A.2.3 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

A.2.4 The difference between the minimum wage for the classification in this award and the minimum wage in clause A.2.3 is referred to as the transitional amount.

A.2.5 From the following dates the employer must pay no less than the minimum wage for the classification in this award minus the specified proportion of the transitional amount:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.2.6 The employer must apply any increase in minimum wages in this award resulting from an annual wage review.

A.2.7 These provision cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.3 Minimum wages – existing minimum wage higher

A.3.1 The following transitional arrangements apply to a university union or student union employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage higher than that in this award for any classification of employee.

A.3.2 In this clause minimum wage includes;

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
- (b) a piecework rate; and
- (c) any applicable industry allowance.

A.3.3 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

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A.3.4 The difference between the minimum wage for the classification in this award and the minimum wage in clause A.3.3 is referred to as the transitional amount.

A.3.5 From the following dates the employer must pay no less than the minimum wage for the classification in this award plus the specified proportion of the transitional amount:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.3.6 The employer must apply any increase in minimum wages in this award resulting from an annual wage review. If the transitional amount is equal to or less than any increase in minimum wages resulting from the 2010 annual wage review the transitional amount is to be set off against the increase and the other provisions of this clause will not apply.

A.3.7 These provision cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.4 Loadings and penalty rates

For the purposes of this schedule loading or penalty means a:

- casual or part-time loading;
- Saturday, Sunday, public holiday, evening or other penalty;
- shift allowance/penalty.

A.5 Loadings and penalty rates – existing loading or penalty rate lower

A.5.1 The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a lower rate than the equivalent loading or penalty in this award for any classification of employee.

A.5.2 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument for the classification concerned.

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A.5.3 The difference between the loading or penalty in this award and the rate in clause A.5.2 is referred to as the transitional percentage.

A.5.4 From the following dates the employer must pay no less than the loading or penalty in this award minus the specified proportion of the transitional percentage:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.5.5 These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.6 Loadings and penalty rates – existing loading or penalty rate higher

A.6.1 The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a higher rate than the equivalent loading or penalty in this award, or to pay a particular loading or penalty and there is no equivalent loading or penalty in this award, for any classification of employee.

A.6.2 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument.

A.6.3 The difference between the loading or penalty in this award and the rate in clause A.6.2 is referred to as the transitional percentage. Where there is no equivalent loading or penalty in this award, the transitional percentage is the rate in A.6.2.

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A.6.4 From the following dates the employer must pay no less than the loading or penalty in this award plus the specified proportion of the transitional percentage:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.6.5 These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.7 Loadings and penalty rates – no existing loading or penalty rate

A.7.1 The following transitional arrangements apply to an employer not covered by clause A.5 or A.6 in relation to a particular loading or penalty in this award.

A.7.2 Prior to the first full pay period on or after 1 July 2010 the employer need not pay the loading or penalty in this award.

A.7.3 From the following dates the employer must pay no less than the following percentage of the loading or penalty in this award:

First full pay period on or after

1 July 2010	20%
1 July 2011	40%
1 July 2012	60%
1 July 2013	80%

A.7.4 These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.8 Former Division 2B employers

[A.8 inserted by [PR503609](#) ppc 01Jan11]

A.8.1 This clause applies to an employer which, immediately prior to 1 January 2011, was covered by a Division 2B State award.

A.8.2 All of the terms of a Division 2B State award applying to a Division 2B employer are continued in effect until the end of the full pay period commencing before 1 February 2011.

A.8.3 Subject to this clause, from the first full pay period commencing on or after 1 February 2011 a Division 2B employer must pay no less than the minimum wages, loadings and penalty rates which it would be required to pay under this Schedule if it had been a national system employer immediately prior to 1 January 2010.

A.8.4 Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was lower than the

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corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay more than the minimum wage, loading or penalty rate in this award.

- A.8.5** Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was higher than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay less than the minimum wage, loading or penalty rate in this award.
- A.8.6** In relation to a Division 2B employer this Schedule commences to operate from the beginning of the first full pay period on or after 1 January 2011 and ceases to operate from the beginning of the first full pay period on or after 1 July 2014.

Schedule B—Classification Definitions

[Varied by [PR988381](#)]

Comment [lg6]: All changes in this clause are to give effect to the NTEU proposal to update the classification descriptions.

DEFINITIONS

Definition 1: Supervision

Close supervision

Clear and detailed instructions are provided. Tasks are covered by standard procedures. Deviation from procedures or unfamiliar situations are referred to higher levels. Work is regularly checked.

Routine supervision

Direction is provided on the tasks to be undertaken with some latitude to rearrange sequences and discriminate between established methods. Guidance on the approach to standard circumstances is provided in procedures, guidance on the approach to non-standard circumstances is provided by a supervisor.

Checking is selective rather than constant.

General direction

Direction is provided on the assignments to be undertaken, with the occupant determining the appropriate use of established methods, tasks and sequences.

There is some scope to determine an approach in the absence of established procedures or detailed instructions, but guidance is readily available.

Performance is checked by assignment completion.

Broad direction

Direction is provided in terms of objectives which may require the planning of staff, time and material resources for their completion. Limited detailed guidance will be available and the development or modification of procedures by the employee may be required. Performance will be measured against objectives.

Definition 2: Qualifications

Within the Australian Qualifications Framework:

Year 12

Completion of a senior secondary certificate of education, usually in Year 12 of secondary school.

Trade certificate

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Completion of an apprenticeship, normally of four years' duration, or equivalent recognition, e.g. Certificate III.

Post-trade certificate

A course of study over and above a trade certificate and less than a Certificate IV.

Certificates I and II

Courses that recognise basic vocational skills and knowledge, without a Year 12 prerequisite.

Certificate III

A course that provides a range of well-developed skills and is comparable to a trade certificate.

Certificate IV

A course that provides greater breadth and depth of skill and knowledge and is comparable to a two year part-time post-Year 12 or post-trade certificate course.

Diploma

A course at a higher education or vocational educational and training institution, typically equivalent to two years full-time post-Year 12 study.

Advanced diploma

A course at a higher education or vocational educational and training institution, typically equivalent to three years full-time post-Year 12 study.

Degree

A recognised degree from a higher education institution, often completed in three or four years, and sometimes combined with a one year diploma.

Postgraduate degree

A recognised postgraduate degree, over and above a degree as defined above.

Note: Previously recognised qualifications obtained prior to the implementation of the Australian Qualifications Framework continue to be recognised. The above definitions also include equivalent recognised overseas qualifications.

Definition 3: Classification dimensions

Training level

The type and duration of training which the duties of the classification level typically require for effective performance. Training is the process of acquiring skills and knowledge through formal education, on the job instruction or exposure to procedures.

Occupational equivalent

Examples of occupations typically falling within each classification level.

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Level of supervision

This dimension covers both the way in which employees are supervised or managed and the role of employees in supervising or managing others.

Task level

The type, complexity and responsibility of tasks typically performed by employees within each classification level.

Organisational knowledge

The level of knowledge and awareness of the organisation, its structure and functions that would be expected of employees at each proposed classification level, and the purposes to which that organisational knowledge may be put.

Judgment, independence and problem solving

Judgment is the ability to make sound decisions, recognising the consequences of decisions taken or actions performed. Independence is the extent to which an employee is able (or allowed) to work effectively without supervision or direction. Problem solving is the process of defining or selecting the appropriate course of action where alternative courses of actions are available.

This dimension looks at how much of each of these three qualities applies at each classification level.

Typical activities

Examples of activities typically undertaken by employees in different occupations at each of the classification levels.

HIGHER EDUCATION WORKER LEVEL 1

Training level or qualifications

Employees at the base of this level would not be required to have formal qualifications or work experience upon engagement.

Employees engaged at the base of this level will be provided with structured on the job training in addition to up to 38 hours of induction to the which must provide information on the higher education institution, conditions of employment, training to be made available and consequent career path opportunities, physical layout of the institution/work areas, introduction to fellow workers and supervisors, work and documentation procedures, occupational health and safety, equal opportunity practices and extended basic literacy and numeracy skills training where required/necessary to enable career path progression.

Occupational equivalent

Cleaner, labourer, trainee for Level 2 duties.

Level of supervision

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Close supervision or, in the case of more experienced employees working alone, routine supervision.

Task level

Straightforward manual duties, or elements of Level 2 duties under close supervision and structured on the job training. Some knowledge of materials, e.g. cleaning chemicals and hand tools, may be required. Established procedures exist.

Organisational knowledge

Will provide straightforward information to others on building or service locations.

Judgment, independence and problem solving

Resolve problems where alternatives for the employee are limited and the required action is clear or can be readily referred to higher levels.

Typical activities

Perform a range of industrial cleaning tasks, move furniture, assist trades personnel with manual duties.

HIGHER EDUCATION WORKER LEVEL 2

Training level or qualifications

Level 2 duties typically require a skill level which assumes and requires knowledge, training or experience relevant to the duties to be performed; or Completion of Year 12 without work experience; or Completion of Certificates I or II with work related experience; or an equivalent combination of experience and training.

Occupational equivalent

Mailroom attendant/assistant, loans & shelving assistant, print services assistant, grounds assistant (unqualified), groundsperson (unqualified), gardener (unqualified), cleaner, storeroom assistant/attendant, ~~Administrative assistant~~, security patrol officer.

Level of supervision

Routine supervision of straightforward tasks; close supervision of more complex tasks (see task level below).

Task level

Perform a range of straightforward tasks where procedures are clearly established. May on occasion perform more complex tasks.

Organisational knowledge

Following training, may provide general information/advice and assistance to members of the public, students and other employees which is based on a broad knowledge of the employees' work area/responsibility, including knowledge of the functions carried out and the location and availability of particular personnel and services.

Comment [lg7]: NTEU claim: minor drafting error.

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Judgment, independence and problem solving

Solve relatively simple problems with reference to established techniques and practices. Will sometimes choose between a range of straightforward alternatives.

An employee at this level will be expected to perform a combination of various routine tasks where the daily work routine will allow the latitude to rearrange some work sequences, provided the prearranged work priorities are achieved.

Typical activities

Administrative positions at this level may include duties involving the inward and outward movement of mail, keeping, copying, maintaining and retrieving records, straightforward data entry and retrieval.

Security officers may be involved in a range of patrol duties, including responding to alarms, following emergency procedures and preparing incident reports.

HIGHER EDUCATION WORKER LEVEL 3

Training level or qualifications

Level 3 duties typically require a skill level which assumes and requires knowledge or training in clerical/administrative, trades or technical functions equivalent to:

- completion of a trades certificate or Certificate III;
- completion of Year 12 or a Certificate II, with relevant work experience; or
- an equivalent combination of relevant experience and/or education/training.

Persons advancing through this level may typically perform duties which require further on the job training or knowledge and training equivalent to progress toward completion of a Certificate IV or Diploma.

Occupational equivalent

Tradesperson, technical assistant/technical trainee, administrative assistant, **finance services assistant, library assistant, student services assistant, mailroom clerk.**

Level of supervision

In technical positions, routine supervision, moving to general direction with experience. In other positions, general direction. This is the first level where **the provision of guidance and direction to the supervision** of other employees may be required.

Task level

Some complexity. Apply body of knowledge equivalent to trade certificate or Certificate III, including diagnostic skills and assessment of the best approach to a given task.

Organisational knowledge

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Perform tasks/assignments which require knowledge of the work area processes and an understanding of how they interact with other related areas and processes.

Judgment, independence and problem solving

Exercise judgment on work methods and task sequence within specified timelines and standard practices and procedures.

Typical activities

In trades positions, apply the skills taught in a trades certificate or Certificate III, including performance of a range of construction, maintenance and repair tasks, using precision hand and power tools and equipment. In some cases this will involve familiarity with the work of other trades or require further training.

In technical assistant positions:

- assist a technical officer in operating a laboratory, including ordering supplies;
- assist in setting up routine experiments;
- monitor experiments for report to a technical officer;
- assist with the preparation of specimens; and
- assist with the feeding and care of animals.

Employees would be expected to perform a greater range and complexity of tasks as they progressed through the level and obtained further training. In administrative positions perform a range of administrative support tasks including:

- standard use of a range of desktop based programs, e.g. word processing, established spreadsheet or database applications, and management information systems (e.g. financial, student or human resource systems). This may include store and retrieve documents, key and lay out correspondence and reports, merge, move and copy, use of columns, tables and basic graphics;
- provide general administrative support to other employees including setting up meetings, answering straightforward inquiries and directing others to the appropriate personnel; and
- process accounts for payment.

HIGHER EDUCATION WORKER LEVEL 4

Training level or qualifications

Level 4 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- completion of a diploma level qualification with relevant work related experience;
or
- completion of a Certificate IV with relevant work experience; or

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- completion of a post-trades certificate and extensive relevant experience and;
- on the job training; or
- completion of a Certificate III with extensive relevant work experience; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Newly qualified trades-based technical/Technical officer or technician, administrative role above Level 3 (eg. in student inquiries, admissions or records), advanced tradespersons.

Level of supervision

In technical positions, routine supervision to general direction depending upon experience and the complexity of the tasks. In other positions, general direction. May supervise or co-ordinate others to achieve objectives, including liaison with employees at higher levels. May undertake stand-alone work.

Task level

May undertake limited creative, planning or design functions; apply skills to a varied range of different tasks.

Organisational knowledge

Perform tasks/assignments which require proficiency in the work area's rules, regulations, processes and techniques; and how they interact with other related functions.

Judgment, independence and problem solving

In trades positions, extensive diagnostic skills.

In technical positions, apply theoretical knowledge and techniques to a range of procedures and tasks.

In administrative positions, provide factual advice which requires proficiency in the work area's rules and regulations, procedures requiring expertise in a specialist area or broad knowledge of a range of personnel and functions.

Typical activities

In trades positions:

- work on complex engineering or interconnected electrical circuits; and/or
- exercise high precision trades skills using various materials and/or specialised techniques.

In technical positions:

- develop new equipment to criteria developed and specified by others;

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- under routine direction, assist in the conduct of major experiments and research programs and/or in setting up complex or unusual equipment for a range of experiments and demonstrations; and/or
- demonstrate the use of equipment and prepare reports of a technical nature as directed.

In library technician positions:

- undertake copy cataloguing;
- use a range of bibliographic databases & library management systems;
- undertake acquisitions; and/or
- respond to straight forward reference inquiries.

In administrative positions:

- may use a full range of desktop based programs, including word processing packages, mathematical formulae and symbols, manipulation of text and layout in desktop publishing and/or web software, and management information systems;
- plan and set up spreadsheets or database applications;
- be responsible for preparing high quality correspondence for senior staff providing a full range of secretarial services, e.g. in a school, centre or faculty;
- provide advice to students on enrolment procedures and requirements; and/or
- administer enrolment and course progression records.

HIGHER EDUCATION WORKER LEVEL 5

Training level or qualifications

Level 5 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- completion of a degree without subsequent relevant work experience; or
- completion of an advanced diploma qualification and at least one year's subsequent relevant work experience; or
- completion of a diploma qualification and at least two years' subsequent relevant work experience; or
- completion of a Certificate IV and extensive relevant work experience; or
- completion of a post-trades certificate and extensive (typically more than two years') relevant experience as a technician; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

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Graduate (i.e. degree) or professional, without subsequent work experience on entry (including inexperienced computer systems officer, **graduate technical officer & graduate research assistant**), **graduate or experienced administrative officer or coordinator administrator** with responsibility for advice and determinations, experienced **trades-based** technical officer.

Level of supervision

In professional positions, routine supervision to general direction, depending on tasks involved and experience. In other positions, general direction and may supervise other staff.

Task level

Apply body of broad technical knowledge and experience at a more advanced level than Level 4, including the development of areas of specialist expertise. In professional positions, apply theoretical knowledge, at degree level, in a straightforward way. In administrative positions, provide interpretation, advice and decisions on rules and entitlements.

Organisational knowledge

Perform tasks/assignments which require proficiency in the work area's rules, regulations, policies, procedures, systems, processes and techniques, and how they interact with other related functions, in order to assist in their adaptation to achieve objectives, and advise, assist and influence others.

Judgment, independence and problem solving

In professional positions, solve problems through the standard application of theoretical principles and techniques at degree level. In technical positions, apply standard technical training and experience to solve problems. In administrative positions, may apply expertise in a particular set of rules or regulations to make decisions, or be responsible for co-ordinating a team to provide an administrative service.

Typical activities

In technical positions:

- develop new equipment to general specifications;
- under general direction, assist in the conduct of major experiments and research programs and/or in setting up complex or unusual equipment for a range of experiments and demonstrations;
- under broad direction, set up, monitor and demonstrate standard experiments and equipment use; and/or
- prepare reports of a technical nature.

In library technician positions:

- perform at a higher level than Level 4, including:
- assist with reader education programs and more complex bibliographic, **library management systems** and acquisition services; and/or

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- operate a discrete unit within a library which may involve significant supervision or be the senior employee in an out-posted service.

In administrative positions:

- responsible for the explanation and **administration coordination** of an administrative function, e.g. HECS advice, records, determinations and payments, a centralised enrolment function, the organisation and administration of exams at a small campus.

In professional positions and under professional supervision:

- **In research positions, undertake research support, such as data analysis and compilation, applying skill obtained from relevant under-graduate degree and work** as part of a research team in a support role;
- provide a range of library services including bibliographic assistance, original cataloguing and reader education in library and reference services; and/or
- provide counselling services.

HIGHER EDUCATION WORKER LEVEL 6

Training level or qualifications

Level 6 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- a degree with subsequent relevant experience; or
- extensive experience and specialist expertise or broad knowledge in technical or administrative fields; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Graduate or professional with subsequent relevant work experience (including a computer systems officer with some experience), **research assistant with relevant work experience**, line manager, **experienced administrative officer/coordinator**, experienced technical specialist and/or technical supervisor.

Level of supervision

In professional positions, general direction; in other positions, broad direction. May have extensive supervisory and line management responsibility for technical, administrative and other non-professional employees.

Task level

Perform work assignments guided by policy, precedent, professional standards and managerial or technical expertise. Employees would have the latitude to develop or redefine procedure and interpret policy so long as other work areas are not affected. In technical and

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administrative areas, have a depth or breadth of expertise developed through extensive relevant experience and application.

Organisational knowledge

Perform tasks/assignments which require proficiency in the work area's existing rules, regulations, policies, procedures, systems, processes and techniques and how they interact with other related functions, and to adapt those procedures and techniques as required to achieve objectives without impacting on other areas.

Judgment, independence and problem solving

Discretion to innovate within own function and take responsibility for outcomes; design, develop and test complex equipment, systems and procedures; undertake planning involving resources use and develop proposals for resource allocation; exercise high level diagnostic skills on sophisticated equipment or systems; analyse and report on data and experiments.

Typical activities

In technical positions:

- manage a teaching or research laboratory or a field station;
- provide highly specialised technical services;
- set up complex experiments;
- design and construct complex or unusual equipment to general specifications;
- assist honours and postgraduate students with their laboratory requirements; and/or
- install, repair, provide and demonstrate computer services in laboratories.

In administrative positions:

- provide financial, policy and planning information, referral and advice in accordance with relevant policy and guidance;
- service a range of administrative and academic committees, including preparation of agendas, papers, minutes and correspondence; and/or
- monitor income and expenditure against budget in a school or small faculty.

In professional positions:

- ~~work as part of a research team~~ undertake a range of research functions, such as literature reviews, statistical analysis, database maintenance and preparation of reports as part of a research team;
- provide a range of library services, including bibliographic assistance, original cataloguing and reader education in library and reference services;
- provide counselling services;
- undertake a range of computer programming tasks;

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- provide documentation and assistance to computer users; and/or
- analyse less complex user and system requirements.

HIGHER EDUCATION WORKER LEVEL 7

Training level or qualifications

Level 7 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- a degree with at least four years' subsequent relevant experience; or
- extensive experience and management expertise in technical or administrative fields; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Senior librarian, technical manager, senior research assistant/officer, professional or scientific officer, **learning and teaching advisor, international recruitment advisor**, senior administrator in a small less complex faculty.

Level of supervision

Broad direction. May manage other employees including administrative, technical and/or professional employees.

Task level

Independently relate existing policy to work assignments or rethink the way a specific body of knowledge is applied in order to solve problems. In professional or technical positions, may be a recognised authority in a specialised area. **In administrative positions, apply extensive experience and relevant expertise in a specialised area. In research and learning and teaching positions, apply expertise and relevant experience in a specialised area, derived from the completion of a higher degree.**

Organisational knowledge

Detailed knowledge of academic and administrative policies and the inter-relationships between a range of policies and activities.

Judgment, independence and problem solving

Independently relate existing policy to work assignments, rethink the way a specific body of knowledge is applied in order to solve problems, adapt procedures to fit policy prescriptions or use theoretical principles in modifying and adapting techniques. This may involve stand-alone work or the supervision of employees in order to achieve objectives. It may also involve the interpretation of policy which has an impact beyond the immediate work area.

Typical activities

In a library, combine specialist expertise and responsibilities for managing a library function.

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In student services, the training and supervision of other professional employees combined with policy development responsibilities which may include research and publication.

In technical manager positions, the management of teaching and research facilities for a department or school.

In research positions, **provide** acknowledged expertise in a specialised area or a combination of technical management and specialised research.

In learning and teaching support positions, collaborate with staff to provide learning and teaching development, services and programs.

In administrative positions, provide less senior administrative support to relatively small and less complex faculties or equivalent.

HIGHER EDUCATION WORKER LEVEL 8

Training level or qualifications

Level 8 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- postgraduate qualifications or progress towards postgraduate qualifications and extensive relevant experience; or
- extensive experience and management expertise; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Manager (including administrative, research, professional or scientific), senior school or faculty administrator, **senior researcher, senior advisor, e-learning & educational designer.**

Level of supervision

Broad direction, working with a degree of autonomy. May have management responsibility for a functional area and/or manage other employees including administrative, technical and/or professional employees.

Task level

Work at this level is likely to require the development of new ways of using a specific body of knowledge which applies to work assignments, or may involve the integration of other specific bodies of knowledge.

Organisational knowledge

The employees will be expected to make policy recommendations to others and to implement programs involving major change which may impact on other areas of the institution's operations.

Judgment, independence and problem solving

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Responsible for program development and implementation. Provide strategic support and advice (e.g. to schools or faculties) requiring integration of a range of university policies and external requirements, and an ability to achieve objectives operating within complex organisational structures.

Typical activities

Assist in the management of a large functional unit with a diverse or complex set of functions and significant resources.

Manage a function or development and implementation of a policy requiring a high degree of knowledge and sensitivity.

Manage a small or specialised unit where significant innovation, initiative and/or judgment are required.

Provide senior administrative support to schools and faculties of medium complexity, taking into account the size, budget, course structure, external activities and management practices within the faculty or equivalent unit.

HIGHER EDUCATION WORKER LEVEL 9

Training level or qualifications

Level 9 duties typically require a skill level which assumes and requires knowledge or training equivalent to:

- postgraduate qualifications and extensive relevant experience; or
- extensive management experience and proven management expertise; or
- an equivalent combination of relevant experience and/or education/training.

Occupational equivalent

Manager (including administrative, research, professional or scientific), senior school or faculty administrator, senior researcher.

Level of supervision

Broad direction, working with a considerable degree of autonomy. Will have management responsibility for a major functional area and/or manage other employees including administrative, technical and/or professional employees.

Task level

Demonstrated capacity to conceptualise, develop and review major professional, management or administrative policies at the corporate level. Significant high level creative, planning and management functions. Responsibility for significant resources.

Organisational knowledge

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Conceptualise, develop and review major policies, objectives and strategies involving high level liaison with internal and external client areas. Responsible for programs involving major change which may impact on other areas of the institution's operations.

Judgment, independence and problem solving

Responsible for significant program development and implementation. Provide strategic support and advice (e.g. to schools or faculties or at the corporate level) requiring integration of a range of internal and external policies and demands, and an ability to achieve broad objectives while operating within complex organisational structures.

Typical activities

Assist in the management of a large functional unit with a diverse or complex set of functions and significant resources.

Manage a function or development and implementation of a policy requiring a high degree of knowledge and sensitivity and the integration of internal and external requirements.

Manage a small and specialised unit where significant innovation, initiative and/or judgment are required.

Provide senior administrative support to the more complex schools and faculties, taking into account the size, budget, course structure, external activities and management practices within the faculty or equivalent unit.

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Training level or qualifications

Duties at or above this level typically require a skill level which assumes and requires knowledge or training equivalent to:

- proven expertise in the management of significant human and material resources; and
- in some areas postgraduate qualifications and extensive relevant experience.

Occupational equivalent

Senior program, research or administrative manager.

Level of supervision

Broad direction, operating with a high overall degree of autonomy. Will have substantial management responsibility for diverse activities and/or employees (including administrative, technical and/or professional employees).

Task level

Complex, significant and high level creative planning, program and managerial functions with clear accountability for program performance. Comprehensive knowledge of related programs. Generate and use a high level of theoretical and applied knowledge.

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Organisational knowledge

Bring a multi-perspective understanding to the development, carriage, marketing and implementation of new policies; devise new ways of adapting the organisation's strategies to new, including externally generated, demands.

Judgment, independence and problem solving

Be fully responsible for the achievement of significant organisational objectives and programs.

Typical activities

Manage a large functional unit with a diverse or complex set of functions and significant resources.

Manage a more complex function or unit where significant innovation, initiative and/or judgment are required.

Provide senior administrative support to the most complex schools and faculties in large institutions, involving complex course structures, significant staff and financial resources, outside activities and extensive devolution of administrative, policy and financial management responsibilities to this position.

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Schedule C—Allowances

[Varied by [PR988381](#), [PR994510](#), [PR998163](#), [PR509160](#), [PR522990](#), [PR536793](#), [PR551716](#), [PR566815](#)]

Allowance	Rate	Application
[Overtime meal allowance varied by PR998163 , PR509160 , PR522990 , PR536793 , PR551716 , PR566815 ppc 01Jul15]		
Overtime meal allowance	\$15.26 per occurrence	<ul style="list-style-type: none"> • Weekdays: when the employee has worked approved overtime beyond the ordinary hours of work for more than two hours • Saturday and Sunday: when the employee has worked approved overtime for more than five hours • Will not be paid if the employee can reasonably return home for a meal and then resume duty or a meal is provided by the employer
Accommodation, meals and incidental expenditure when travelling	Reimbursement of reasonable expenses or a reasonable allowance to cover the cost of meals, accommodation, and incidental expenditure	Where the employee is absent overnight on employer business. Employer business includes attending a course or conference on a residential live-in basis in respect of which the employer has agreed to meet the accommodation living expenses
Reimbursement of fares	Reimbursed for the reasonable cost of travel upon production of receipts	Where required to travel on employer business unless otherwise authorised, must travel on public transport or employer supplied vehicle

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Allowance	Rate	Application
Overtime	Reimbursed difference between the normal cost of travel and the cost actually incurred through the use of a reasonable alternative means of transport. Not eligible for overtime reimbursed for all reasonable travel expenses necessarily incurred	<p>Overtime</p> <ul style="list-style-type: none"> • Where required to work overtime at a time when usual means of transport are not available <p>Not eligible for overtime</p> <ul style="list-style-type: none"> • If directed to work other than his/her reasonable hours of duty and is not eligible to receive payment for overtime
Vehicle	Allowance in accordance with the Australian Taxation Office guidelines as at 1 July each year	Where an employee is authorised to use his/her own motor vehicle in the performance of his/her duties
Uniform/protective clothing	Allowance equivalent to the purchase price of any uniforms, overalls or protective clothing	<ul style="list-style-type: none"> • Where such items are required by the employer in the performance of the employee's duties • Allowance does not apply if such items are provided by the employer
Higher duties	Allowance equal to the difference between the employee's ordinary rate and the ordinary rate of the position temporarily filled, on a proportionate basis (i.e. proportion will equate with the proportion of duties of the higher position performed)	<ul style="list-style-type: none"> • Where maximum salary of the employee does not exceed HEW7 and higher duty is performed for more than two consecutive weeks • Where maximum salary of the employee exceeds HEW7 and higher duty is performed for more than four consecutive weeks • Junior employees will be paid an allowance equal to the difference between the salary rate for the employee's age in their own position and salary rate for the employee's age in the higher position (if an age classification does not exist, will be calculated in the normal manner for adult employees)

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Allowance	Rate	Application
Sleep-over	5.31% of SR per occurrence	<ul style="list-style-type: none"> • Where an employee (permanently residing on campus) is required to sleep-over at the employer's premises for a period outside the employee's ordinary hours of duty • Sleep-over period will not commence prior to 10.00 pm • The employee will be paid as follows: <ul style="list-style-type: none"> • For work less than one hour—nil • For work more than one hour—in accordance with overtime provisions

Information Technology
 Reimbursement of the actual costs incurred, up to the value of the monthly subscription cost of the cheapest service package (sufficient to provide the level data connection required for the performance of the work) that is readily available in the location (whether that is a bundled package or not), payable for each month of employment.

Where an employee is required by the nature of their work, including by custom and practice, to use any of the following services for work purposes other than at the workplace:

- (a) A telephone connection;
- (b) Email access;
- (c) An internet connection;
- (d) Any like data connection or account;

and the employer has not provided that service at no cost to the employee.

Comment [lg8]: NTEU claim: ICT Allowance

The following additional allowances apply to certain trades and services staff only as specified in the following table, subject to the terms in the table:

Allowance	Staff Category	Rate	Application
Travel/ reimbursement of fares	Catering and retail staff; children's services staff; storage services and trades staff	Ordinary rate of pay for travel time and any fares reasonably incurred in excess of those normally	<ul style="list-style-type: none"> • Where required to work away from their usual place of work; or • Where required to work overtime at a time when

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Allowance	Staff Category	Rate incurred	Application
Broken shift	Catering and retail staff; and security staff	0.28% of SR per day to a maximum of 1.38% of SR per week	reasonable means of transport are not available When an employee is required to work shift in two periods of duty
Compensation for damage to clothing and personal effects	Storage staff and trades staff	Compensation up to a maximum of \$350	Will be compensated if damage to clothing, spectacles, hearing aids and tools (other than where supplied by the employer) sustained in the course of work (not payable if covered by workers compensation or if damage/loss is due to the employee's own negligence)
First aid	Building services staff; security staff; storage services; and trades staff	1.45% of SR per week	Where an employee is the current holder of appropriate first aid qualifications (St John Ambulance) and the employer has formally appointed the employee to act as the first aid attendant
Mixed functions	Catering and retail staff; children's services staff; storage services; grounds/gardeners/farm staff; maintenance staff	Payment of higher rate	<ul style="list-style-type: none"> • Where engaged for more than two hours on duties carrying a higher rate than his/her ordinary classification must be paid the higher rate for each day • Where engaged for less than two hours on duties carrying a higher rate than their ordinary classification must be paid the higher rate for the time so worked
Cold work	Building services staff; maintenance staff (inclusive only of carpenters, joiners and painters); and trades staff	0.06% of SR per hour 20 min rest period (every two hours)	<ul style="list-style-type: none"> • Where employees are required to work one or more hours in places where the temperature is reduced by artificial means below 0°C

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Allowance	Staff Category	Rate	Application
			<ul style="list-style-type: none"> Where the work continues for two or more hours employees will be entitled to a rest period of 20 minutes every two hours (without loss of pay)
[Hot work allowance varied by PR994510 from 01Jan10]			
Hot work	Building services staff; maintenance staff (inclusive only of carpenters, joiners and painters); and trades staff (excluding plumbers)	0.05% of SR per hour (46°C–54°C)	<ul style="list-style-type: none"> Where employees are required to work for one or more hours in places where the temperature is raised by artificial means to between 46°C and 54°C
		0.06% of SR per hour (where temperature exceeds 54°C) 20 min rest period (every two hours)	<ul style="list-style-type: none"> In places where the temperature exceeds 54°C Where the work continues for two or more hours in temperatures exceeding 54°C employees will be entitled to a rest period of 20 minutes every two hours (without loss of pay)
Wet work	Maintenance staff (inclusive only of carpenters or joiners); and trades staff (excluding plumbers)	0.06% of SR per hour	<ul style="list-style-type: none"> Where employees are working in any place where their clothing becomes saturated by water, oil or another substance they must be paid the allowance for every hour so engaged unless supplied with protective clothing and/or footwear

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Allowance	Staff Category	Rate	Application
Height	Maintenance staff (inclusive only of carpenters, joiners and painters); and trades staff (excluding linespersons, riggers and splicers)	0.06% of SR per hour	<ul style="list-style-type: none"> • Where an employee is working in any structure at a height exceeding 9 m where an adequate fixed support (not less than 0.75 m wide) is not provided • Allowance does not apply if the employee is working in a bosun's swing stage
Confined spaces	Trades staff (excluding plumbers)	0.07% of SR per hour	<ul style="list-style-type: none"> • Where working in a confined space (dimensions necessitate working in stooped/cramped position, without proper ventilation) • Confined spaces include boilers steam drums, mud drums, fire boxes of vertical or road vehicle boilers, furnaces, flues combustion chambers, receivers, buoys, tanks, superheaters or economizers
Boiler repairs	Trades staff (excluding plumbers and electricians)	0.04% of SR per hour (base) 0.15% of SR per hour (if inside)	<ul style="list-style-type: none"> • Where working on repairs to smoke-boxes, fire-boxes, furnaces or flues of boilers • Where engaged on repairs to oil fired boilers (including castings, uptakes and funnels or flues and smoke stacks)
Insulation materials	Maintenance staff (inclusive only of carpenters or joiners); and trades staff	0.08% of SR per hour or part thereof	<ul style="list-style-type: none"> • Where employees are handling charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool, or other recognized insulating material of a like nature, associated with similar disabilities in its use

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Allowance	Staff Category	Rate	Application
[Toxic substances allowance varied by PR994510 from 01Jan10]			
Toxic substances	Maintenance staff (inclusive only of carpenters, joiners and painters)	0.06% of SR per hour	<ul style="list-style-type: none"> • Employees engaged in preparation and/or application of epoxy based materials, materials of a like nature or toxic materials • Employees in close proximity to other employees so engaged
Dirty work	Maintenance staff (inclusive only of carpenters, joiners and painters); and trades staff (excluding plumbers)	0.06% of SR per hour	<ul style="list-style-type: none"> • Where an employee and supervisor agree that work is of an unusually dirty or offensive nature
Asbestos	Maintenance staff (inclusive only of carpenters or joiners)	0.08% of SR per hour	<ul style="list-style-type: none"> • Where required to wear protective equipment as required by the appropriate occupational health authority for the handling of materials containing asbestos or working in close proximity to employees handling such materials
Bitumen work	Maintenance staff (inclusive only of carpenters or joiners)	0.08% of SR per hour	<ul style="list-style-type: none"> • Where handling hot bitumen or asphalt or dipping materials in creosote
Coloured mortar	Maintenance staff (inclusive only of carpenters or joiners)	0.07% of SR per hour	<ul style="list-style-type: none"> • Where engaged in the use of coloured additives in mortar
Second-hand timber	Maintenance staff (inclusive only of carpenters or joiners)	0.24% of SR per day	<ul style="list-style-type: none"> • Where working with second-hand timber and the employee's tools are damaged by nail, dumps or other foreign matter on the timber • Damage must be immediately reported to their supervisor

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Allowance	Staff Category	Rate	Application
Lifting	Maintenance staff (inclusive only of builders labourers)	0.06% of SR per hour (5.5kg-9kg blocks) 0.11% of SR per hour (9kg-18kg blocks) 0.16% of SR per hour (18 or more kg blocks)	<ul style="list-style-type: none"> • Where required to lift blocks (other than cindrete blocks for plugging purposes) • Employees will not be required to lift blocks in excess of 20kg unless they are provided with a mechanical aid or with an assisting employee
Roofing repairs	Maintenance staff (inclusive only of carpenters or joiners)	0.08% of SR per hour	<ul style="list-style-type: none"> • Where engaged in repairs to roofs
Computing quantities	Maintenance staff (inclusive only of carpenters, joiners and painters)	0.45% of SR per day or part thereof	<ul style="list-style-type: none"> • Where regularly required to compute or estimate quantities of materials in respect of the work performed by other employees
Certificate	Maintenance staff (inclusive only of painters)	0.06% of SR per hour	<ul style="list-style-type: none"> • Where the employee holds a scaffolding certificate or rigging certificate and is required to act on that certificate whilst engaged in work requiring a certified person
Leading hand	Trades staff	3.04% of SR per week (3–10 employees) 4.8% of SR per week (11–20 employees) 6.1% of SR per week (20 or more employees)	<ul style="list-style-type: none"> • Where the leading hand is in charge of multiple employees (more than three)
Tools	Storage services; grounds/gardeners/farm staff; maintenance staff; and trades staff.	Reimbursed full cost of purchasing/ supplying tools	<ul style="list-style-type: none"> • Will be fully reimbursed for the cost of purchasing or supplying tools required by the employer in the course of work • Allowance does not apply if such tools are provided

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Allowance	Staff Category	Rate	Application by the employer
[Compensation for tools allowance varied by PR998163 ppc 01Jul10]			
Compensation for tools	Maintenance staff (inclusive only of carpenters, joiners and painters)	Reimbursed to a maximum of \$1017.00	<ul style="list-style-type: none"> • Where tools are lost through fire or stolen whilst securely stored by employer • Carpenters and joiners are entitled to reimbursement where tools are lost during transport (if directed by employer), accidentally lost over water or are stolen whilst the employee is absent due to illness or injury
Explosive power tools	Maintenance staff (inclusive only of carpenters or joiners); and trades staff	0.15% of SR per day	<ul style="list-style-type: none"> • Where required to operate explosive power tools
Grindstone	Maintenance staff (inclusive only of carpenters or joiners)	0.64% of SR per week	<ul style="list-style-type: none"> • Where grindstone or wheel is not made available by the employer
Relieving officer	Security staff	2.94% of SR per week	<ul style="list-style-type: none"> • Where appointed as a relieving officer (relieves at short notice another security officer, a display roster is not required and 24 hours notice of shift will be given where possible)

Schedule D—Supported Wage System

[Sched D inserted by [PR505242](#) ppc 17Dec10; varied by [PR510670](#), [PR525068](#), [PR537893](#), [PR542127](#), [PR551831](#), [PR568050](#)]

D.1 This schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award.

[D.2 varied by [PR568050](#) ppc 01Jul15]

D.2 In this schedule:

approved assessor means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

assessment instrument means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

disability support pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991* (Cth), as amended from time to time, or any successor to that scheme

relevant minimum wage means the minimum wage prescribed in this award for the class of work for which an employee is engaged

supported wage system (SWS) means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: www.jobaccess.gov.au

SWS wage assessment agreement means the document in the form required by the Department of Social Services that records the employee's productive capacity and agreed wage rate

D.3 Eligibility criteria

D.3.1 Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.

D.3.2 This schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their employment.

D.4 Supported wage rates

D.4.1 Employees to whom this schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following schedule:

Assessed capacity (clause D.5)	Relevant minimum wage
%	%
10	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

[D.4.2 varied by [PR510670](#), [PR525068](#), [PR537893](#), [PR551831](#), [PR568050](#) ppc 01Jul15]

D.4.2 Provided that the minimum amount payable must be not less than \$81 per week.

D.4.3 Where an employee's assessed capacity is 10%, they must receive a high degree of assistance and support.

D.5 Assessment of capacity

D.5.1 For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.

D.5.2 All assessments made under this schedule must be documented in an SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

D.6 Lodgement of SWS wage assessment agreement

[D.6.1 varied by [PR542127](#) from 04Dec13]

D.6.1 All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with the Fair Work Commission.

[D.6.2 varied by [PR542127](#) from 04Dec13]

D.6.2 All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the

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award is not a party to the assessment, the assessment will be referred by the Fair Work Commission to the union by certified mail and the agreement will take effect unless an objection is notified to the Fair Work Commission within 10 working days.

D.7 Review of assessment

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

D.8 Other terms and conditions of employment

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this schedule will be entitled to the same terms and conditions of employment as other workers covered by this award on a pro rata basis.

D.9 Workplace adjustment

An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

D.10 Trial period

D.10.1 In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.

D.10.2 During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.

[D.10.3 varied by [PR510670](#), [PR525068](#), [PR537893](#), [PR551831](#), [PR568050](#) ppc 01Jul15]

D.10.3 The minimum amount payable to the employee during the trial period must be no less than \$81 per week.

D.10.4 Work trials should include induction or training as appropriate to the job being trialled.

D.10.5 Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under D.5—Assessment of capacity.

Schedule E—National Training Wage

[Sched E inserted by [PR505242](#) ppc 17Dec10; varied by [PR509038](#), [PR522869](#), [PR536672](#), [PR545787](#), [PR551595](#), [PR566673](#)]

E.1 Title

This is the National Training Wage Schedule.

E.2 Definitions

In this schedule:

adult trainee is a trainee who would qualify for the highest minimum wage in Wage Level A, B or C if covered by that wage level

approved training means the training specified in the training contract

Australian Qualifications Framework (AQF) is a national framework for qualifications in post-compulsory education and training

out of school refers only to periods out of school beyond Year 10 as at the first of January in each year and is deemed to:

- (a) include any period of schooling beyond Year 10 which was not part of or did not contribute to a completed year of schooling;
- (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 in which a year of schooling is completed

relevant State or Territory training authority means the bodies in the relevant State or Territory which exercise approval powers in relation to traineeships and 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:

Australian Capital Territory: *Training and Tertiary Education Act 2003*;

New South Wales: *Apprenticeship and Traineeship Act 2001*;

Northern Territory: *Northern Territory Employment and Training Act 1991*;

Queensland: *Vocational Education, Training and Employment Act 2000*;

South Australia: *Training and Skills Development Act 2008*;

Tasmania: *Vocational Education and Training Act 1994*;

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Victoria: Education and Training Reform Act 2006; or

Western Australia: Vocational Education and Training Act 1996

trainee is an employee undertaking a traineeship under a training contract

traineeship means a system of training which has been approved by the relevant State or Territory training authority, which meets the requirements of a training package developed by the relevant Industry Skills Council and endorsed by the National Quality Council, and which leads to an AQF certificate level qualification

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

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification which have been endorsed for an industry or enterprise by the National Quality Council and placed on the National Training Information Service with the approval of the Commonwealth, State and Territory Ministers responsible for vocational education and training, and includes any relevant replacement training package

year 10 includes any year before Year 10

E.3 Coverage

- E.3.1** Subject to clauses E.3.2 to E.3.6 of this schedule, this schedule applies in respect of an employee covered by this award who is undertaking a traineeship whose training package and AQF certificate level is allocated to a wage level by Appendix E1 to this schedule or by clause E.5.4 of this schedule.
- E.3.2** This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in Appendix E1 to this schedule.
- E.3.3** This schedule does not apply to the apprenticeship system or to any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an award as at 25 June 1997.
- E.3.4** This schedule does not apply to qualifications not identified in training packages or to qualifications in training packages which are not identified as appropriate for a traineeship.
- E.3.5** Where the terms and conditions of this schedule conflict with other terms and conditions of this award dealing with traineeships, the other terms and conditions of this award prevail.
- E.3.6** At the conclusion of the traineeship, this schedule ceases to apply to the employee.

E.4 Types of traineeship

The following types of traineeship are available under this schedule:

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- E.4.1** a full-time traineeship based on 38 ordinary hours per week, with 20% of ordinary hours being approved training; and
- E.4.2** a part-time traineeship based on less than 38 ordinary hours per week, with 20% of ordinary hours being approved training solely on-the-job or partly on-the-job and partly off-the-job, or where training is fully off-the-job.

E.5 Minimum wages

[E.5 substituted by [PR509038](#), [PR522869](#), [PR536672](#), [PR551595](#), [PR566673](#) ppc 01Jul15]

E.5.1 Minimum wages for full-time traineeships

(a) Wage Level A

Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix E1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	295.10	325.00	387.20
Plus 1 year out of school	325.00	387.20	450.60
Plus 2 years out of school	387.20	450.60	524.40
Plus 3 years out of school	450.60	524.40	600.40
Plus 4 years out of school	524.40	600.40	
Plus 5 or more years out of school	600.40		

(b) Wage Level B

Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix E1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	Per week	per week
	\$	\$	\$
School leaver	295.10	325.00	376.80
Plus 1 year out of school	325.00	376.80	433.40
Plus 2 years out of school	376.80	433.40	508.20
Plus 3 years out of school	433.40	508.20	579.70

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	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	Per week	per week
	\$	\$	\$
Plus 4 years out of school	508.20	579.70	
Plus 5 or more years out of school	579.70		

(c) Wage Level C

Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix E1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	295.10	325.00	376.80
Plus 1 year out of school	325.00	376.80	424.10
Plus 2 years out of school	376.80	424.10	473.80
Plus 3 years out of school	424.10	473.80	527.90
Plus 4 years out of school	473.80	527.90	
Plus 5 or more years out of school	527.90		

(d) AQF Certificate Level IV traineeships

- (i) Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level IV traineeship are the minimum wages for the relevant full-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.
- (ii) Subject to clause E.5.3 of this schedule, the minimum wages for an adult trainee undertaking a full-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of traineeship	Second and subsequent years of traineeship
	per week	per week
	\$	\$
Wage Level A	623.50	647.70
Wage Level B	601.60	624.70

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Wage level	First year of traineeship	Second and subsequent years of traineeship
	per week	per week
	\$	\$
Wage Level C	547.50	568.20

E.5.2 Minimum wages for part-time traineeships

(a) Wage Level A

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix E1 are:

	Highest year of schooling completed		
	Year 10 per hour	Year 11 per hour	Year 12 per hour
	\$	\$	\$
School leaver	9.71	10.70	12.74
Plus 1 year out of school	10.70	12.74	14.83
Plus 2 years out of school	12.74	14.83	17.25
Plus 3 years out of school	14.83	17.25	19.74
Plus 4 years out of school	17.25	19.74	
Plus 5 or more years out of school	19.74		

(b) Wage Level B

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix E1 are:

	Highest year of schooling completed		
	Year 10 per hour	Year 11 per hour	Year 12 per hour
	\$	\$	\$
School leaver	9.71	10.70	12.40
Plus 1 year out of school	10.70	12.40	14.26
Plus 2 years out of school	12.40	14.26	16.73
Plus 3 years out of school	14.26	16.73	19.08
Plus 4 years out of school	16.73	19.08	

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	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
Plus 5 or more years out of school	19.08		

(c) Wage Level C

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix E1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	9.71	10.70	12.40
Plus 1 year out of school	10.70	12.40	13.95
Plus 2 years out of school	12.40	13.95	15.58
Plus 3 years out of school	13.95	15.58	17.36
Plus 4 years out of school	15.58	17.36	
Plus 5 or more years out of school	17.36		

(d) School-based traineeships

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee 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 Appendix E1 are as follows when the trainee works ordinary hours:

Year of schooling	
Year 11 or lower	Year 12
per hour	per hour
\$	\$
9.71	10.70

(e) AQF Certificate Level IV traineeships

(i) Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level IV traineeship are the minimum wages for the relevant part-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.

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- (ii) Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for an adult trainee undertaking a part-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of traineeship per hour \$	Second and subsequent years of traineeship per hour \$
Wage Level A	20.51	21.31
Wage Level B	19.77	20.54
Wage Level C	18.01	18.70

(f) Calculating the actual minimum wage

- (i) Where the full-time ordinary hours of work are not 38 or an average of 38 per week, the appropriate hourly minimum wage is obtained by multiplying the relevant minimum wage in clauses E.5.2(a)–(e) of this schedule by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
- (ii) Where the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum wage in clauses E.5.2(a)–(e) of this schedule applies to each ordinary hour worked by the trainee.
- (iii) Where 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 wage in clauses E.5.2(a)–(e) of this schedule minus 20% applies to each ordinary hour worked by the trainee.

E.5.3 Other minimum wage provisions

- (a) An employee who was employed by an employer immediately prior to becoming a trainee with that employer must not suffer a reduction in their minimum wage per week or per hour by virtue of becoming a trainee. Casual loadings will be disregarded when determining whether the employee has suffered a reduction in their minimum wage.
- (b) 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, where a higher minimum wage is provided for the new AQF certificate level.

E.5.4 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

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wage level by Appendix E1 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.6 Employment conditions

- E.6.1** A trainee undertaking a school-based traineeship may, with the agreement of the trainee, be paid an additional loading of 25% on all ordinary hours worked instead of paid annual leave, paid personal/carer’s leave and paid absence on public holidays, provided that where the trainee works on a public holiday then the public holiday provisions of this award apply.
- E.6.2** A trainee is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.
- E.6.3** 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.

[Note inserted by [PR545787](#) ppc 01Jan14]

Note: The time to be included for the purpose of calculating the wages for part-time trainees whose approved training is fully off-the-job is determined by clause E.5.2(f)(ii) and not by this clause.

- E.6.4** Subject to clause E.3.5 of this schedule, all other terms and conditions of this award apply to a trainee unless specifically varied by this schedule.

Appendix E1: Allocation of Traineeships to Wage Levels

[Appx E1 inserted by [PR505242](#) ppc 17Dec10]

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

E1.1 Wage Level A

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 (in Western Australia only)
Electricity Supply Industry—Transmission, Distribution and Rail Sector	II
Electrotechnology	I II III (in Western Australia only)
Financial Services	I

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Training package	AQF certificate level
	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

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Training package	AQF certificate level
Training and Assessment	III
Transport and Distribution	III
Water Industry (Utilities)	III

E1.2 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

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Training package	AQF certificate level
Furnishing	I
	II
	III
Gas Industry	I
	II
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

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Training package	AQF certificate level
Transport and Logistics	I II
Visual Arts, Craft and Design	I II III
Water Industry	I II

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E1.3 Wage Level C

Training package	AQF certificate level
Agri-Food	I
Amenity Horticulture	I II III
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

Schedule F—School-based Apprenticeship

[Sched F inserted by [PR505242](#) ppc 17Dec10; varied by [PR544712](#)]

- F.1** This schedule applies to school-based apprentices. A school-based apprentice is a person who is undertaking an apprenticeship in accordance with this schedule while also undertaking a course of secondary education.
- F.2** A school-based apprenticeship may be undertaken in the trades covered by this award under a training agreement or contract of training for an apprentice declared or recognised by the relevant State or Territory authority.
- F.3** The relevant minimum wages for full-time junior and adult apprentices provided for in this award, calculated hourly, will apply to school-based apprentices for total hours worked including time deemed to be spent in off-the-job training.
- F.4** For the purposes of clause F.3, where an apprentice is a full-time school student, the time spent in off-the-job training for which the apprentice must be paid is 25% of the actual hours worked each week on-the-job. The wages paid for training time may be averaged over the semester or year.
- F.5** A school-based apprentice must be allowed, over the duration of the apprenticeship, the same amount of time to attend off-the-job training as an equivalent full-time apprentice.
- F.6** For the purposes of this schedule, off-the-job training is structured training delivered by a Registered Training Organisation separate from normal work duties or general supervised practice undertaken on the job.
- F.7** The duration of the apprenticeship must be as specified in the training agreement or contract for each apprentice but must not exceed six years.

[F.8 substituted by [PR544712](#) ppc 01Jan14]

- F.8** School-based apprentices progress through the relevant wage scale at the rate of 12 months progression for each two years of employment as an apprentice or at the rate of competency-based progression, if provided for in this award.

[F.9 substituted by [PR544712](#) ppc 01Jan14]

- F.9** The apprentice wage scales are based on a standard full-time apprenticeship of four years (unless the apprenticeship is of three years duration) or stages of competency based progression, if provided for in this award. The rate of progression reflects the average rate of skill acquisition expected from the typical combination of work and training for a school-based apprentice undertaking the applicable apprenticeship.

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[F.9 substituted by [PR544712](#) ppc 01Jan14]

- F.10** If an apprentice converts from school-based to full-time, the successful completion of competencies (if provided for in this award) and all time spent as a full-time apprentice will count for the purposes of progression through the relevant wage scale in addition to the progression achieved as a school-based apprentice.
- F.11** School-based apprentices are entitled pro rata to all of the other conditions in this award.

Schedule G—Apprentices

[Sched G inserted by [PR505242](#) ppc 17Dec10; corrected by [PR505960](#), [PR507524](#); varied by [PR544712](#), [PR559283](#), [PR566673](#)]

G.1 Definitions

adult apprentice is an employee who is 21 years of age or over at the time of signing the contract of training.

apprentice is an employee who is bound by a contract of training registered with the appropriate State or Territory training authority.

apprenticeship is a system of structured on-the-job training with an employer and off-the-job training with an approved training provider accessed through a contract of training

approved training provider is a Technical and Further Education College or other training provider accredited by the appropriate State or Territory training authority.

contract of training means an approved agreement for training registered with the appropriate State or Territory training authority or under the provisions of the appropriate State or Territory training legislation.

school-based apprentice is an employee who is undertaking an apprenticeship in accordance with [Schedule F](#) while also undertaking a course of secondary education.

standard rate (SR) means the weekly rate derived from the annual rate for a HEW 3.1 in clause 15—Rates of pay.

For the purposes of this award, a **building trades apprenticeship, electrical trades apprenticeship, metal and engineering trades apprenticeship, plumbing trades apprenticeship** and **hospitality trades apprenticeship** is a contract of training for the acquisition of tradesperson qualifications.

G.2 Building trades apprentices

G.2.1 Minimum wage rates for building trades apprentices that commenced prior 1 January 2014

[G.2.1 varied by [PR544712](#) ppc 01Jan14]

The minimum ordinary rate of pay to be paid to junior building trades apprentices, who commenced their apprenticeship prior to 1 January 2014, shall be in accordance with the percentages set out below applied to the [standard rate](#).

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Four year apprenticeship % of the standard rate

First year	45
Second year	55
Third year	75
Fourth year	90

Three year apprenticeship % of the standard rate

First year	55
Second year	75
Third year	90

[G.2.2 substituted by [PR544712](#) ppc 01Jan14]

G.2.2 The rate of pay of a building trades adult apprentice, who commenced their apprenticeship prior to 1 January 2014, will be the rate prescribed for Higher Education Worker Level 1.1 or the percentages in G.2.1, whichever is higher.

[G.2.3 inserted by [PR544712](#); substituted by [PR566673](#) ppc 01Jan15]

G.2.3 Minimum wage rates for building trades apprentices that commenced on or after 1 January 2014

The minimum ordinary rate of pay to be paid to junior building trades apprentices, who commenced their apprenticeship on or after 1 January 2014, shall be in accordance with the percentages set out below applied to the HEW Level 3.1 rate.

Four year apprenticeship	Has not completed	Has completed
	year 12	year 12
	% of HEW Level 3.1 rate	
Stage 1	50	55
Stage 2	60	65
Stage 3	75	75
Stage 4	90	90

Three year apprenticeship % of HEW Level 3.1 rate

Stage 1	55
Stage 2	75
Stage 3	90

[G.2.4 inserted by [PR544712](#) ppc 01Jan14]

G.2.4 The rate of pay of a building trades adult apprentice, who commenced their apprenticeship on or after 1 January 2014, will be the rate prescribed for Higher Education Worker Level 1.1 or the percentages in G.2.3, whichever is higher.

G.3 Electrical trades apprentices

G.3.1 Minimum wage rates for electrical trades apprentices that commenced prior to 1 January 2014

[G.3.1 varied by [PR544712](#) ppc 01Jan14]

The minimum ordinary rate of pay to be paid to electrical trades apprentices, who commenced their apprenticeship prior to 1 January 2014, shall be in accordance with the percentages set out below applied to the [standard rate](#).

Year	Junior apprentice	Adult apprentice
	% of standard rate	% of standard rate
1	42	70
2	55	80
3	75	85
4	85	90

[G.3.2 inserted by [PR544712](#); substituted by [PR566673](#) ppc 01Jan15]

G.3.2 Minimum wage rates for electrical trades apprentices that commenced on or after 1 January 2014

The minimum ordinary rate of pay to be paid to electrical trades apprentices, who commenced their apprenticeship on or after 1 January 2014, shall be in accordance with the percentages set out below applied to the HEW Level 3.1 rate.

Stage of apprenticeship	Junior apprentice		Adult apprentice
	Has not completed year 12	Has completed year 12	
	% of HEW Level 3.1 rate		
Stage 1	50	55	80
Stage 2	60	65	HEW Level 1.1
Stage 3	75	75	HEW Level 1.1
Stage 4	85	85	HEW Level 1.1

G.4 Metal and engineering trades apprentices

[G.4 varied by [PR544712](#) ppc 01Jan14]

G.4.1 Minimum Wage Rates for metal and engineering trades apprentices that commenced prior to 1 January 2014

The minimum ordinary rate of pay to be paid to metal and engineering trades apprentices, who commenced their apprenticeship prior to 1 January 2014, shall be in accordance with the percentages set out below applied to the [standard rate](#).

[Column 4 Stage 4 corrected by [PR505960](#) ppc 17Dec10; Column 2 Stage 1 corrected by [PR507524](#) ppc 11Mar11]

Stage of apprenticeship	Column 1	Column 2	Column 3	Column 4
	Completed Year 10 or less	Completed Year 11	Completed Year 12	Adult (i.e. 21 years of age or over)
Stage 1	42% of the Higher Education Worker Level 3.1 rate	80% of the Higher Education Worker Level 1.2	The relevant rate applicable to a trainee commencing after year 12 under National Training Wage Skill Level A.	National Training Wage Traineeship Skill Level B exit rate.
Stage 2	55% of the Higher Education Worker Level 3.1 rate	55% of the Higher Education Worker Level 3.1 rate	The relevant rate applicable to a trainee commencing at year 12 plus one year under National Training Wage Skill Level A.	Higher Education Worker Level 1.1 rate
Stage 3	75% of the Higher Education Worker Level 3.1 rate	75% of the Higher Education Worker Level 3.1 rate	75% of the Higher Education Worker Level 3.1 rate	Higher Education Worker Level 1.2 rate
Stage 4	88% of the Higher Education Worker Level 3.1 rate	88% of the Higher Education Worker Level 3.1 rate	Higher Education Worker Level 1.3 rate	Higher Education Worker Level 1.3 rate

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G.4.2 Minimum Wage Rates for metal and engineering trades apprentices that commenced on or after 1 January 2014

[G.4.2 substituted by [PR566673](#) ppc 01Jul15]

The minimum ordinary rates of pay to be paid to metal and engineering trades apprentices, who commenced their apprenticeship on or after 1 January 2014 are set out below applied to the HEW Level 3.1 rate.

Stage of apprenticeship	Junior apprentice		Adult apprentice
	Has not completed year 12	Has completed year 12	
	% of HEW Level 3.1 rate		
Stage 1	50	55	80
Stage 2	60	65	HEW Level 1.1
Stage 3	75	75	HEW Level 1.2
Stage 4	88	HEW Level 1.3	HEW Level 1.3

G.5 Plumbing trades apprentices

G.5.1 Minimum Wage Rates for plumbing trades apprentices that commenced prior to 1 January 2014

[G.5.1 varied by [PR544712](#) ppc 01Jan14]

The minimum ordinary rate of pay to be paid to plumbing trades apprentices, who commenced their apprenticeship prior to 1 January 2014, shall be in accordance with the percentages set out below applied to the [standard rate](#):

Year	% of standard rate
First	41
Second	60
Third	76
Fourth	98

G.5.2 Minimum Wage Rates for plumbing trades apprentices that commenced on or after 1 January 2014

[G.5.2 inserted by [PR544712](#), substituted by [PR566673](#) ppc 01Jan15]

The minimum ordinary rate of pay to be paid to plumbing trades apprentices, who commenced their apprenticeship on or after 1 January 2014, shall be in accordance with the percentages set out below applied to the HEW Level 3.1 rate.

Stage of apprenticeship	Has not completed Year 12	Has completed Year 12
	% of HEW Level 3.1 rate	
Stage 1	50	55
Stage 2	60	65
Stage 3	76	76
Stage 4	98	98

G.6 Hospitality trades apprentices

G.6.1 Cooking apprenticeship

- (a) A person who has completed a full apprenticeship for cooking must be paid not less than the standard weekly rate.
- (b) An employee apprenticed in the cooking trade will be paid the percentage of the [standard rate](#), as follows:

Year	% of standard rate
First	55
Second	65
Third	80
Fourth	95

G.6.2 Waiting apprenticeship

- (a) A person who has completed a full apprenticeship for waiting must be paid not less than the standard weekly rate.
- (b) An employee apprenticed in the waiting trade will be paid the percentage of the standard weekly rate, or the wage as otherwise prescribed, as follows:

First six months	70%
Second six months	85%
Third six months	Midway between the total rate prescribed for a Higher Education Worker Level 1.1 in clause 15.1 and the standard weekly rate; and

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Fourth six months Midway between the total rate prescribed for third six months, above, and the standard weekly rate.

G.6.3 Proficiency payments—cooking trade

(a) Application

Proficiency pay as set out in clause G.6.3(b) will apply to apprentices who have successfully completed their schooling in a given year.

(b) Payments

Apprentices must receive the standard weekly rate during the latter half of the fourth year of the apprenticeship where the standard of proficiency has been attained on one, two or three occasions on the following basis:

(i) one occasion only:

- for the first nine months of the fourth year of apprenticeship, the normal fourth year rate of pay;
- thereafter, the standard weekly rate.

(ii) on two occasions:

- for the first six months of the fourth year of apprenticeship, the normal fourth year rate of pay;
- thereafter, the standard weekly rate.

(iii) on all three occasions:

- for the entire fourth year, the standard weekly rate.

G.6.4 Proficiency payments—waiting trade

(a) Application

Proficiency pay as set out in clause G.6.4(b) will apply to level 2 apprentices who have successfully completed their schooling in the first year.

(b) Payments

Apprentices who have attained the standard of proficiency in their first year must receive the standard weekly rate during the latter half of the second year of apprenticeship.

G.7 Apprentice conditions of employment

[G.7 renamed and substituted by [PR559283](#) ppc 01Jan15]

G.7.1 Except as provided in this clause or where otherwise stated, all conditions of employment specified in this award apply to apprentices.

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- G.7.2** Where an apprentice is required to attend block release training for training identified in or associated with their training contract, and such training requires an overnight stay, the employer must pay for the excess reasonable travel costs incurred by the apprentice in the course of travelling to and from such training. Provided that this clause will not apply where the apprentice could attend an alternative Registered Training Organisation (RTO) and the use of the more distant RTO is not agreed between the employer and the apprentice.
- G.7.3** For the purposes of clause G.7.2, excess reasonable travel costs include the total costs of reasonable transportation (including transportation of tools where required), accommodation costs incurred while travelling (where necessary) and reasonable expenses incurred while travelling, including meals, which exceed those incurred in travelling to and from work. For the purposes of this subclause, excess travel costs do not include payment for travelling time or expenses incurred while not travelling to and from block release training.
- G.7.4** The amount payable by an employer under clause G.7.2 may be reduced by an amount the apprentice is eligible to receive for travel costs to attend block release training under a Government apprentice assistance scheme. This will only apply if an apprentice has either received such assistance or their employer has advised them in writing of the availability of such assistance.
- G.7.5** All training fees charged by an RTO for prescribed courses and the cost of all prescribed textbooks (excluding those textbooks which are available in the employer's technical library) for the apprenticeship, which are paid by an apprentice, shall be reimbursed by the employer within six months of the commencement of the apprenticeship or the relevant stage of the apprenticeship, or within three months of the commencement of the training provided by the RTO, whichever is the later, unless there is unsatisfactory progress.
- G.7.6** An employer may meet its obligations under clause G.7.5 by paying any fees and/or cost of textbooks directly to the RTO.
- G.7.7** An apprentice is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.
- G.7.8** Time spent by an apprentice in attending any training and/or 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 apprentice's wages and determining the apprentice's employment conditions. This subclause operates subject to the provisions of Schedule F—School-based Apprenticeship.
- G.7.9** No apprentice will, except in an emergency, work or be required to work overtime or shiftwork at times which would prevent their attendance at training consistent with their training contract.

Schedule H—2014 Part-day Public Holidays

[Sched H inserted by [PR532630](#) ppc 23Nov12; renamed and varied by [PR544519](#) ppc 21Nov13; renamed and varied by [PR557581](#) ppc 12Nov14]

This schedule operates where this award otherwise contains provisions dealing with public holidays that supplement the NES.

- H.1** Where a part-day public holiday is declared or prescribed between 7.00pm and midnight on Christmas Eve (24 December 2014) or New Year's Eve (31 December 2014) the following will apply on Christmas Eve and New Year's Eve and will override any provision in this award relating to public holidays to the extent of the inconsistency:
- (a) All employees will have the right to refuse to work on the part-day public holiday if the request to work is not reasonable or the refusal is reasonable as provided for in the NES.
 - (b) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00pm and midnight but as a result of exercising their right under the NES does not work, they will be paid their ordinary rate of pay for such hours not worked.
 - (c) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00pm and midnight but as a result of being on annual leave does not work, they will be taken not to be on annual leave between those hours of 7.00pm and midnight that they would have usually been rostered to work and will be paid their ordinary rate of pay for such hours.
 - (d) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00pm and midnight, but as a result of having a rostered day off (RDO) provided under this award, does not work, the employee will be taken to be on a public holiday for such hours and paid their ordinary rate of pay for those hours.
 - (e) Excluding annualised salaried employees to whom clause H.1(f) applies, where an employee works any hours between 7.00pm and midnight they will be entitled to the appropriate public holiday penalty rate (if any) in this award for those hours worked.
 - (f) Where an employee is paid an annualised salary under the provisions of this award and is entitled under this award to time off in lieu or additional annual leave for work on a public holiday, they will be entitled to time off in lieu or pro-rata annual leave equivalent to the time worked between 7.00pm and midnight.
 - (g) An employee not rostered to work between 7.00pm and midnight, other than an employee who has exercised their right in accordance with clause H.1(a), will not be entitled to another day off, another day's pay or another day of annual leave as a result of the part-day public holiday.

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This schedule is not intended to detract from or supplement the NES.

This schedule is an interim provision and subject to further review.