

CFMEU

CONSTRUCTION

IN THE FAIR WORK COMMISSION

Matter Number: AM2016/15, AM2016/17

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

**4 yearly review of modern awards – National Training Wage Schedule
(AM2016/15, AM2016/17)**

SUBMISSION OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION (CONSTRUCTION & GENERAL DIVISION) ON TAILORING SCHEDULES

24th March 2017

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Introduction

1. The Fair Work Commission (the Commission) is currently undertaking a 4 yearly review of modern awards (the Review) as required by s.156 of the *Fair Work Act 2009* (the FW Act). On the 6th July 2016 the President, Justice Ross, issued a Statement¹ regarding the National Training Wage Schedule (NTW Schedule) currently included in 103 of the modern awards. In the Statement the President advised that the Commission is assessing the NTW Schedule to determine whether it meets the modern awards objective in s.134 of the FW Act.
2. In the Statement the President also advised that the Commission was proposing to standardise the NTW Schedule, and to remove the NTW Schedule from all modern awards, save for the *Miscellaneous Award 2010*, and incorporate the NTW Schedule by reference into the other modern awards that currently contain the Schedule in full.² The Statement then set out how the proposed changes would be made, and invited interested persons to make written submissions on the proposals outlined in the Statement. Any submissions were required to be filed by 4pm on 28th July 2016.
3. On 28th July 2016 the CFMEU (Construction & General Division) (the CFMEU C&G) filed a submission in which it indicated to the Commission that it did not support the proposal and set out the reasons for adopting this position.
4. On 9th December 2016 the CFMEU C&G sent correspondence³ to the Commission, in response to a request for further information, in which it advised that the CFMEU C&G was only seeking a tailored schedule to be inserted in to the *Building and Construction General On-site Award 2010*, *Joinery and Building Trades Award 2010* and the *Mobile Crane Hiring Award 2010*; and identified the training packages and wage levels to be included in the schedules in those awards.
5. On 23rd February 2017 a Full Bench issued a Statement⁴ in which they advised of their provisional view that where parties had requested that the NTW schedule be tailored to a particular modern award, then that should occur.⁵ The Full Bench requested parties with an interest in those awards to file submissions setting out how the draft schedules should be

¹ [2016] FWC 4495

² Ibid at paragraph [5]

³ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am201617-subs-cfmeu-091216.pdf>

⁴ [2017] FWCFB 1095

⁵ Ibid at [8]

tailored by 4pm on 17th March 2017, and requested submissions on the plain language re-draft of the NTW schedule to be filed on the same date.⁶

6. On 17th March 2017 the CFMEU C&G sought and was granted an extension of time for the filing of its submission until 24th March 2017⁷. This submission is made in accordance with that extension of time.
7. The tailored schedules proposed by the CFMEU C&G for the three awards mentioned in paragraph 4 above are attached at Appendices 1 to 3. The tailored schedules are based on the plain language re-draft published by the Full Bench. It should be noted that some of the changes to the definitions in the tailored schedules would also have application to the schedule proposed to be included in the *Miscellaneous Award*.

Tailored Schedule for the *Building and Construction General On-site Award 2010*

8. Appendix 1 sets out the CFMEU C&G's proposed tailored schedule for the *Building and Construction General On-site Award 2010*. To assist the parties in comparing schedules the numbering of clauses is based on the plain language re-draft released by the Full Bench.
9. In A.1 Definitions we propose that the definition of **adult trainee** be deleted as it is not necessary for this award. Clause 28 of the *Building and Construction General On-site Award 2010* contains the wage rates to apply to all trainees, other than school-based trainees and AQF Certificate Level IV traineeships.
10. The definition of **relevant Ministers** has been deleted as the body with the task of endorsing training packages is now the COAG Industry and Skills Council (CISC).⁸
11. In the **traineeship** definition "Industry Skills Council" and "National Quality Council" have been replaced with "Skills Service Organisation" and "Australian Industry and Skills Committee" to reflect the new names of the appropriate organisations.
12. In the definition of **training package**, the names of the relevant bodies have been updated to reflect the new arrangements.
13. The definition of **wage level A, B or C** has been changed to refer to clause 28 of the award.

⁶ Ibid at [12]

⁷ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am201615-17-corr-fwcreply-cfmeu-170317.pdf>

⁸

https://docs.education.gov.au/system/files/doc/other/training_package_development_and_endorsement_process_policy.pdf

14. The definition of **Year 10** has been deleted as none of the wage rates make any reference to Year 10.
15. Clause A.1.2 has been deleted as there is no need for the definition.
16. In clause A.2.1 the reference to clause A.4.4 has been deleted as it is proposed that clause A.4.4 be deleted.
17. In clause A.4.1, subclauses (a) to (c) have been deleted as the wage rates are contained in clause 28.
18. In clause A.4.1.1(d) subclause (ii) and table 4 have been deleted and subclause (i) varied to refer to the wage rates in clause 28.
19. In clause A.4.2 subclauses (a) and (b) have been varied to refer to the weekly rates in clause 28 and a divisor of 30.4 for the calculation of the hourly rate⁹; the tables have been deleted; and subclause (c) has been deleted.
20. In clause A.4.2(d) the references to wage level C and clause.4.4 have been deleted.
21. In clause A.4.2(e) paragraph (ii) and table 9 have been deleted.
22. Clause A.4.4 has been deleted as there are no relevant traineeships that would fall into this category.
23. In clause A.6 only the relevant training packages have been included.

Tailored Schedule for the *Mobile Crane Hiring Award 2010*

24. Appendix 2 sets out the CFMEU C&G's proposed tailored schedule for the *Mobile Crane Hiring Award 2010*.
25. The definition of **adult trainee** has been varied to delete the reference to wage levels B and C for the reasons set out in the CFMEU C&G submission of 26th July 2016.¹⁰
26. The definition of **relevant Ministers** has been deleted as the body with the task of endorsing training packages is now the COAG Industry and Skills Council (CISC).

⁹ The weekly rates already contain a discount for the 20% of time spent in training. The part-time hourly rates in tables 5 and 6 are calculated by dividing the weekly rates in tables 1 and 2 by 30.4

¹⁰ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am201617-subs-cfmeu-280716.pdf> at paragraphs 6 and 7

27. In the **traineeship** definition “Industry Skills Council” and “National Quality Council” have been replaced with “Skills Service Organisation” and “Australian Industry and Skills Committee” to reflect the new names of the appropriate organisations.
28. In the definition of **training package**, the names of the relevant bodies have been updated to reflect the new arrangements.
29. In the definition of **wage level A, B or C** the reference to B and C has been deleted for the reasons identified in paragraph 25 above.
30. In clause A.2.1 the reference to clause A.4.4 has been deleted as it is proposed that clause A.4.4 be deleted.
31. In Clause A.4.1(a), table 1 has been modified to remove the wage rates that are not applicable due to the licensing requirements identified in paragraph 8 of the 28th July 2016 submission.
32. In clause A.4.1 subclauses (b) and (c) have been deleted as all of the traineeships would be covered by wage level A.
33. In table 4 the wage rates for wage levels B and C have been deleted as they would have no application.
34. In clause A.4.2, subclauses (b) and (c) have been deleted. Also (d) has been deleted as due to the age requirements for licenses the qualifications would not be undertaken by school based trainees.
35. In table 9 the rates for wage levels B and C have been deleted.
36. Clause A.4.4 has been deleted as it is not necessary.
37. Clause A.6 has been modified to only include the relevant training packages and AQF level qualifications.

Tailored Schedule for the *Joinery and Building Trades Award 2010*

38. Appendix 3 sets out the CFMEU C&G’s proposed tailored schedule for the *Joinery and Building Trades Award 2010*.
39. The definition of **adult** trainee has been varied to delete the reference to wage level C as none of the relevant training packages would be covered by this wage level.

40. The definition of **relevant Ministers** has been deleted as the body with the task of endorsing training packages is now the COAG Industry and Skills Council (CISC).
41. In the **traineeship** definition “Industry Skills Council” and “National Quality Council” have been replaced with “Skills Service Organisation” and “Australian Industry and Skills Committee” to reflect the new names of the appropriate organisations.
42. In the definition of **training package**, the names of the relevant bodies have been updated to reflect the new arrangements.
43. In the definition of **wage level A, B or C** the reference to C has been deleted for the reasons identified in paragraph 39 above.
44. In clause A.2.1 the reference to clause A.4.4 has been deleted as it is proposed that clause A.4.4 be deleted.
45. In clause A.4.1 subclause (c) has been deleted as all of the traineeships would be covered by wage levels A and B.
46. In table 4 the wage rates for wage level C have been deleted as they would have no application.
47. In clause A.4.2, subclause (c) has been deleted.
48. In table 9 the rates for wage level C have been deleted.
49. Clause A.4.4 has been deleted as it is not necessary.
50. Clause A.6 has been modified to only include the relevant training packages and AQF level qualifications.

Other Awards

51. There is one final point that the CFMEU C&G wishes to raise which appears not to have been identified by any other party. There are a number of provisions in the plain language re-draft which refer to “this award” (e.g. A.2.1, A.2.4, A.5.1 and A.5.4). If the National Training Wage Schedule from the Miscellaneous Award is to be incorporated by reference into other awards, then an additional provision would need to be inserted into the other awards that provides as follows (or something similar):

“X.3 Provided that any reference to “this award” in Schedule E to the *Miscellaneous Award* is to be read as referring to the *(insert name of Award)* and not the *Miscellaneous Award*.”

Appendix 1 – Tailored Schedule – Building and Construction General On-site Award 2010

Schedule A—National Training Wage

A.1 Definitions

A.1.1 In this schedule:

(**adult trainee** - deleted)

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

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

(**relevant Ministers** - deleted)

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

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

Apprenticeship and Traineeship Act 2001 (NSW);

Education and Training Reform Act 2006 (Vic);

Training and Skills Development Act 2008 (SA);

Training and Skills Development Act 2016 (NT);

Training and Tertiary Education Act 2003 (ACT);

Training and Workforce Development Act 2013 (Tas);

Vocational Education and Training Act 1996 (WA);

Vocational Education, Training and Employment Act 2000 (Qld).

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

traineeship means a system of training that:

(a) has been approved by the relevant State or Territory training authority;

and

(b) meets the requirements of a training package developed by the relevant Skills Service Organisation ~~Industry Skills Council~~ and endorsed by the Australian Industry and Skills Committee ~~National Quality Council~~;

and

(c) leads to an AQF certificate level qualification.

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

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification that have been endorsed for an industry or enterprise by the Australian Industry and Skills Committee ~~National Quality Council~~ and placed on the National Register of Vocational Education and Training (VET) (www.training.gov.au) ~~Training Information Service~~ with the approval of the COAG Industry and Skills Council (CISC) ~~relevant Ministers~~, and includes any relevant replacement training package.

wage level A or B see clause 28.

(Year 10 – deleted).

A.1.2 Deleted

A.2 Coverage

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

A.2.2 This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in clause A6.

A.2.3 This schedule does not apply to:

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

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

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

A.3 Types of traineeship

The following types of traineeship are available:

- (a) a full-time traineeship based on 38 ordinary hours per week, with 20% of those hours being approved training;
- (b) a part-time traineeship based on fewer than 38 ordinary hours per week, with 20% of those hours being approved training.

A.4 Minimum Wages

A.4.1 Minimum wages for full-time traineeships – see clause 28 of the award.

((a) to (c) – deleted)

(d) AQF Certificate Level IV traineeships

(i) 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 (set out in clause 28) increased by 3.8%.

(ii) Deleted

Table 4— Deleted

A.4.2 Minimum wages for part-time traineeships

(a) Wage level A

The minimum hourly rate 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 clause A.6.1 is the relevant weekly rate from clause 28 divided by 30.4.

Table 5— Deleted

(b) Wage level B

The minimum hourly rate for a part-time trainee undertaking a AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause A.6.1 or by clause A.4.4 is the relevant weekly rate from clause 28 divided by 30.4.

Table 6—Deleted.

(c) Wage level C – deleted.

(d) School-based traineeships

Subject to clauses A.4.2(f) and A.4.1, the minimum hourly rate for a part-time trainee who works ordinary hours and is undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage levels A or B or C by clause A.6 or by clause A.4.4 is the hourly rate in column 1 or 2 of Table 8—Minimum hourly rate for part-time trainees (school- based AQF Certificate Level I–III traineeship) according to the year of schooling of the trainee.

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

Column 1		Column 2
Year 11 or lower		Year 12
	per hour	per hour
	\$9.94	\$10.96

(e) AQF Certificate Level IV traineeships

- (i) Subject to clauses A.4.2(f) and A.4.1, the minimum hourly rate for a trainee undertaking a part-time AQF Certificate Level IV traineeship is the minimum hourly rate for the relevant part-time AQF Certificate Level III traineeship increased by 3.8%.
- (ii) Deleted

Table 9 - Deleted.

(f) Calculating the actual minimum wage

- (i) If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate hourly minimum rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses A.4.2(a) to (e) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
- (ii) If the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses A.4.2(a) to (e) applies to each ordinary hour worked by the trainee.
- (iii) If the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum hourly rate in clauses A.4.2(a) to (e) minus 20% applies to each ordinary hour worked by the trainee.

A.4.3 Other minimum wage provisions

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

A.4.4 Default wage rate – deleted.

A.5 Employment conditions

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

A.5.2 A trainee is entitled to be released from work without loss of pay and without loss of continuity of employment to attend any training and assessment specified in, or associated with, the training contract. A.5.3 Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee's wages and determining the trainee's employment conditions.

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 A.4.2(f)(ii) and not by this clause.

A.5.4 Subject to clause A.2.4, this award applies to a trainee in the same way that it applies to an employee who is not a trainee except as otherwise expressly provided by this schedule.

A.6 Allocation of Traineeships to Wage Levels

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

A.6.1 Wage level A

Training package	AQF certificate level
Construction, Plumbing and Services Training Package	I, II, III
Resources and Infrastructure Industry Training Package	III
Electrotechnology Training Package	I, II, III
MSL Laboratory Operations	II, III

A.6.2 Wage level B2

Training package	AQF certificate level
Resources and Infrastructure Industry Training Package	I

Appendix 2 -Tailored Schedule – Mobile Crane Hiring Award 2010

Schedule A—National Training Wage

A.1 Definitions

A.1.1 In this schedule:

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

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

(**relevant Ministers** deleted)

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

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

Apprenticeship and Traineeship Act 2001 (NSW);

Education and Training Reform Act 2006 (Vic);

Training and Skills Development Act 2008 (SA);

Training and Skills Development Act 2016 (NT);

Training and Tertiary Education Act 2003 (ACT);

Training and Workforce Development Act 2013 (Tas);

Vocational Education and Training Act 1996 (WA);

Vocational Education, Training and Employment Act 2000 (Qld).

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

traineeship means a system of training that:

(d) has been approved by the relevant State or Territory training authority;

and

(e) meets the requirements of a training package developed by the relevant Skills Services Organisation ~~Industry Skills Council~~ and endorsed by the Australian Industry and Skills Committee ~~National Quality Council~~;

and

(f) leads to an AQF certificate level qualification.

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

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification that have been endorsed for an industry or enterprise by the Australian Industry and Skills Committee ~~National Quality Council~~ and placed on the National Register of Vocational Education and Training (VET) (www.training.gov.au) ~~Training Information Service~~ with the approval of the COAG Industry and Skills Council (CISC) ~~relevant Ministers~~, and includes any relevant replacement training package.

wage level A, B or C, see clause A.4.

Year 10 includes any year before Year 10.

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

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

A.2 Coverage

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

A.2.2 This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in clause A6.

A.2.3 This schedule does not apply to:

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

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

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

A.3 Types of traineeship

The following types of traineeship are available:

- (a) a full-time traineeship based on 38 ordinary hours per week, with 20% of those hours being approved training;
- (b) a part-time traineeship based on fewer than 38 ordinary hours per week, with 20% of those hours being approved training

A.4 Minimum Wages

A.4.1 Minimum wages for full-time traineeships

(a) Wage level A

The minimum wage for a full-time 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 clause A.6.1 is the weekly wage specified in column 2 of Table 1—Wage level A minimum weekly wage for full-time trainees (AQF Certificate Level I–III traineeship) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in column 1.

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

Column 1	Column 2		
	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	n/a	n/a	\$396.50
Plus 1 year out of school	n/a	\$396.50	\$461.40
Plus 2 years out of school	\$396.50	\$461.40	\$537.00
Plus 3 years out of school	\$461.40	\$537.00	\$614.80
Plus 4 years out of school	\$537.00	\$614.80	
Plus 5 or more years out of school	\$614.80		

(b) Deleted.

(c) Deleted.

(d) AQF Certificate Level IV traineeships

- (i) 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 increased by 3.8%.

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

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

Column 1 Wage level 1	Column 2 First year of traineeship	Column 3 Second and subsequent years of traineeship
	per week	per week
A	\$638.50	\$663.20
B	\$616.00	\$639.70
C	\$560.60	\$581.80

A.4.2 Minimum wages for part-time traineeships

(a) Wage level A

The minimum hourly rate 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 clause A.6.1 is the hourly rate specified in column 2 of Table 5—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in column 1.

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

Column 1	Column 2		
Experience level of trainee	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	n/a	n/a	\$13.05
Plus 1 year out of school	n/a	\$13.05	\$15.19
Plus 2 years out of school	\$13.05	\$15.19	\$17.66
Plus 3 years out of school	\$15.19	\$17.66	\$20.21
Plus 4 years out of school	\$17.66	\$20.21	

Plus 5 or more years out of school	\$20.21		
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- (b) Deleted
- (c) Deleted
- (d) **School-based traineeships** Deleted

(e) **AQF Certificate Level IV traineeships**

- (i) Subject to clauses A.4.2(f) and A.4.1, the minimum hourly rate for a trainee undertaking a part-time AQF Certificate Level IV traineeship is the minimum hourly rate for the relevant part-time AQF Certificate Level III traineeship increased by 3.8%.
- (ii) Subject to clauses A.4.2(f) and A.4.1, the minimum hourly rate for an adult trainee undertaking a part-time AQF Certificate Level IV traineeship is the hourly rate in column 2 or 3 of Table 9—Minimum hourly rate for adult part-time trainees (AQF Certificate Level IV traineeship), according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in column 1:

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

Column 1 Wage level	Column 2 First year of traineeship	Column 3 Second and subsequent years of traineeship
	per hour	per hour
A	\$21.00	\$21.82
B	\$20.24	\$21.03
C	\$18.44	\$19.15

(f) **Calculating the actual minimum wage**

- (i) If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate hourly minimum rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses A.4.2(a) to (e) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
- (ii) If the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant

minimum hourly rate in clauses A.4.2(a) to (e) applies to each ordinary hour worked by the trainee.

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

A.4.3 Other minimum wage provisions

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

A.4.4 Default wage rate – deleted.

A.5 Employment conditions

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

A.5.2 A trainee is entitled to be released from work without loss of pay and without loss of continuity of employment to attend any training and assessment specified in, or associated with, the training contract. A.5.3 Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee's wages and determining the trainee's employment conditions.

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 A.4.2(f)(ii) and not by this clause.

A.5.4 Subject to clause A.2.4, this award applies to a trainee in the same way that it applies to an employee who is not a trainee except as otherwise expressly provided by this schedule.

A.6 Allocation of Traineeships to Wage Levels

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

A.6.1 Wage level A

Training package	AQF certificate level
Construction and Plumbing Services Training Package	III
Transport and Logistics Training Package	III

Appendix 3 – Tailored Schedule – Joinery and Building Trades Award 2010

Schedule A—National Training Wage

A.1 Definitions

A.1.1 In this schedule:

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

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

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

(relevant Ministers – deleted)

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

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

Apprenticeship and Traineeship Act 2001 (NSW);

Education and Training Reform Act 2006 (Vic);

Training and Skills Development Act 2008 (SA);

Training and Skills Development Act 2016 (NT);

Training and Tertiary Education Act 2003 (ACT);

Training and Workforce Development Act 2013 (Tas);

Vocational Education and Training Act 1996 (WA);

Vocational Education, Training and Employment Act 2000 (Qld).

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

traineeship means a system of training that:

(a) has been approved by the relevant State or Territory training authority;

and

(b) meets the requirements of a training package developed by the relevant Skills Service Organisation ~~Industry Skills Council~~ and endorsed by the Australian Industry and Skills Committee ~~National Quality Council~~;

and

(c) leads to an AQF certificate level qualification.

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

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification that have been endorsed for an industry or enterprise by the Australian Industry and Skills Committee ~~National Quality Council~~ and placed on the National Register of Vocational Education and Training (VET) (www.training.gov.au) ~~Training Information Service~~ with the approval of the COAG Industry and Skills Council (CISC) ~~relevant Ministers~~, and includes any relevant replacement training package.

wage level A or B or C, see clause A.4.

Year 10 includes any year before Year 10.

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

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

A.2 Coverage

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

A.2.2 This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in clause A6.

A.2.3 This schedule does not apply to:

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

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

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

A.3 Types of traineeship

The following types of traineeship are available:

- (a) a full-time traineeship based on 38 ordinary hours per week, with 20% of those hours being approved training;
- (b) a part-time traineeship based on fewer than 38 ordinary hours per week, with 20% of those hours being approved training.

A.4 Minimum Wages

A.4.1 Minimum wages for full-time traineeships

(a) Wage level A

The minimum wage for a full-time 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 clause A.6.1 is the weekly wage specified in column 2 of Table 1—Wage level A minimum weekly wage for full-time trainees (AQF Certificate Level I–III traineeship) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in column 1.

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

Column 1	Column 2		
Experience level of trainee	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$302.20	\$332.80	\$396.50
Plus 1 year out of school	\$332.80	\$396.50	\$461.40
Plus 2 years out of school	\$396.50	\$461.40	\$537.00
Plus 3 years out of school	\$461.40	\$537.00	\$614.80
Plus 4 years out of school	\$537.00	\$614.80	
Plus 5 or more years out of school	\$614.80		

(b) Wage level B

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

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

Column 1	Column 2		
Experience level of Trainee	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$302.20	\$332.80	\$385.80
Plus 1 year out of school	\$332.80	\$385.80	\$443.80
Plus 2 years out of school	\$385.80	\$443.80	\$520.40
Plus 3 years out of school	\$443.80	\$520.40	\$593.60
Plus 4 years out of school	\$520.40	\$593.60	
Plus 5 or more years out of school	\$593.60		

(c) Deleted

(d) AQF Certificate Level IV traineeships

- (i) 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 increased by 3.8%.
- (ii) The minimum weekly wage for an adult trainee undertaking a full-time AQF Certificate Level IV traineeship is the weekly wage specified in column 2 or 3 of Table 4—Minimum weekly wage for full-time adult trainees (AQF Certificate Level IV traineeship according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in column 1:

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

Column 1	Column 2	Column 3
Wage level	First year of traineeship	Second and subsequent years of traineeship
1	per week	per week
A	\$638.50	\$663.20
B	\$616.00	\$639.70
C	\$560.60	\$581.80

A.4.2 Minimum wages for part-time traineeships

(a) Wage level A

The minimum hourly rate 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 clause A.6.1 is the hourly rate specified in column 2 of Table 5—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in column 1.

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

Column 1	Column 2		
Experience level of trainee	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$9.94	\$10.96	\$13.05
Plus 1 year out of school	\$10.96	\$13.05	\$15.19
Plus 2 years out of school	\$13.05	\$15.19	\$17.66
Plus 3 years out of school	\$15.19	\$17.66	\$20.21
Plus 4 years out of school	\$17.66	\$20.21	
Plus 5 or more years out of school	\$20.21		

(b) Wage level B

The minimum hourly rate for a part-time trainee undertaking a AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause A.6.1 or by clause A.4.4 is the hourly rate specified in column 2 of Table 6— Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in column 1.

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

Column 1	Column 2
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Experience level of trainee	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$9.94	\$10.96	\$12.70
Plus 1 year out of school	\$10.96	\$12.70	\$14.60
Plus 2 years out of school	\$12.70	\$14.60	\$17.13
Plus 3 years out of school	\$14.60	\$17.13	\$19.54
Plus 4 years out of school	\$17.13	\$19.54	
Plus 5 or more years out of school	\$19.54		

(c) Deleted

(d) School-based traineeships

Subject to clauses A.4.2(f) and A.4.1, the minimum hourly rate for a part-time trainee who works ordinary hours and is undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage levels A, B or C by clause A.6 or by clause A.4.4 is the hourly rate in column 1 or 2 of Table 8—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship) according to the year of schooling of the trainee.

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

Column 1 Year 11 or lower		Column 2 Year 12
	per hour	per hour
	\$9.94	\$10.96

(e) AQF Certificate Level IV traineeships

- (i) Subject to clauses A.4.2(f) and A.4.1, the minimum hourly rate for a trainee undertaking a part-time AQF Certificate Level IV traineeship is the minimum hourly rate for the relevant part-time AQF Certificate Level III traineeship increased by 3.8%.
- (ii) Subject to clauses A.4.2(f) and A.4.1, the minimum hourly rate for an adult trainee undertaking a part-time AQF Certificate Level IV traineeship is the hourly rate in column 2 or 3 of Table 9—Minimum hourly rate for adult part-time trainees (AQF Certificate Level IV traineeship), according to the year of the traineeship specified in

those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in column 1:

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

Column 1 Wage level	Column 2 First year of traineeship	Column 3 Second and subsequent years of traineeship
	per hour	per hour
A	\$21.00	\$21.82
B	\$20.24	\$21.03
C	\$18.44	\$19.15

(f) Calculating the actual minimum wage

- (i) If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate hourly minimum rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses A.4.2(a) to (e) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
- (ii) If the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses A.4.2(a) to (e) applies to each ordinary hour worked by the trainee.
- (iii) If the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum hourly rate in clauses A.4.2(a) to (e) minus 20% applies to each ordinary hour worked by the trainee.

A.4.3 Other minimum wage provisions

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

A.4.4 Default wage rate – deleted.

A.5 Employment conditions

- A.5.1 A trainee undertaking a school-based traineeship may agree to be paid an additional loading of 25% on all ordinary hours worked instead of being paid annual leave, paid personal/carer's leave, paid compassionate leave and paid absence on public holidays. However, if the trainee works on a public holiday, the public holiday provisions of this award apply
- A.5.2 A trainee is entitled to be released from work without loss of pay and without loss of continuity of employment to attend any training and assessment specified in, or associated with, the training contract. A.5.3 Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee's wages and determining the trainee's employment conditions.

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 A.4.2(f)(ii) and not by this clause.

- A.5.4 Subject to clause A.2.4, this award applies to a trainee in the same way that it applies to an employee who is not a trainee except as otherwise expressly provided by this schedule.

A.6 Allocation of Traineeships to Wage Levels

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

A.6.1 Wage level A

Training package	AQF certificate level
Construction, Plumbing and Services Training Package	I, II, III

A.6.2 Wage level B

Training package	AQF certificate level
MSF - Furnishing Training Package	I, II, III