

**Submissions of the "Automotive, Food, Metals, Engineering,
Printing and Kindred Industries Union" known as the Australian
Manufacturing Workers' Union (AMWU)**

AM2016/15

COVER SHEET

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Background

1. The Fair Work Commission (Commission) issued a decision on 28 February 2019 (February Statement)¹ in the plain language re-drafting project before the Plain Language Full Bench. The February statement invited submissions from interested parties on a range of outstanding issues before the Plain Language Full Bench.
2. These submissions will address:
 - a) The provisional view of the Commission regarding awards identified for plain language redrafting;
 - b) The retention of award specific national training wage (NTW) schedules;
 - c) The Commission's proposal to re-draft the annual leave loading clause;
 - d) The proposed plain language shut down model term, any award specific variations that may need to be made and whether unpaid leave taken during a shutdown period counts as service.

Awards identified for plain language re-draft

3. The February Statement invites submissions on the view of the Commission that the Vehicle Manufacturing, Repair, services and Retail Award (Vehicle RSR Award) , the Manufacturing and Associated Industries and Occupations Award (Manufacturing Award) and the Building and Construction General On-Site Award not be redrafted in plain language at this time.²
4. The AMWU supports the position of the Commission that the respective awards not be redrafted at this time. With respect, the AMWU remains of the view that 2020 is an inappropriate timeframe for the Commission to revisit a plain language redrafting of the awards noted above.
5. This was the joint position of the AMWU, Ai Group and other union parties made in submissions (2017 submissions) to the Commission in response to the *27 March*

¹ [\[2019\] FWCFB 1255](#)

² Ibid [13]As

2017 [2017] FWCFB 1638 statement regarding the plain language redraft.³ The issues raised in the 2017 submissions remain the case at this time.

National Training Wage Schedules

6. The AMWU and Ai Group have come to agreement on the NTW schedules to be included in the awards specified at paragraph [56] of the February statement.
7. The AMWU attaches to these submissions draft schedules as agreed between the parties in the following awards:
 - a) Airport Employees Award 2010
 - b) Food, Beverage and Tobacco Manufacturing Award 2010
 - c) Manufacturing and Associated industries and Occupations Award 2010
 - d) Sugar Industry Award 2010

Annual Leave loading clauses

8. The AMWU has an interest in several of the awards listed in Attachment B of the February Statement. These include:
 - Building and Construction Onsite Award
 - Food, Beverage and Tobacco Manufacturing Award
 - Graphic Arts, Printing and Publishing Award
 - Joinery and Building Trades Award
 - Manufacturing and Associated Industries Award
 - Vehicle Manufacturing Repair, Service and Retail Award
9. There are a range of variances amongst the Awards as to how the annual leave loadings operate. The wholesale inclusion of the model annual leave loading clause proposed by the Commission at paragraph [67] of the February Statement should not be done without proper consideration of how the clause will operate in the context of each relevant award. This will ensure that there is no diminishing of existing award

³ [AMWU and Ai Group submissions 7 April 2017](#); [AMWU and MTO Submissions 12 April 2017](#); [AMWU, Ai Group, CFMEU, AWU, CEPU Submissions 6 April 2017](#)

entitlements, particularly when the expression “minimum hourly rate” may exclude all-purpose allowances or other additional allowances currently included in annual leave calculations.

10. As noted in the February Statement the expression in clause (c)(ii) and (d)(ii) is inelegant and requires an exercise by the award user that is potentially confusing.
11. Additionally, the forthcoming light touch plain English redrafting process and the publishing of exposure drafts for each award may provide a better opportunity to review the proposed approach set out in the February Statement.

Shutdown provisions

12. These submissions of the AMWU follow on from submissions made to the Commission in April 2017 in the matter of the annual leave – Common Issue – AM2014/47.⁴ The AMWU also supports the submissions of the Construction Forestry, Maritime, Mining and Energy Union (CFMMEU) dated 22 March 2019 about the continuity of service for all periods of leave taken during a shutdown.
13. The AMWU presses its submissions made in the annual leave common matter in respect of the Black Coal Mining Industry Award (BCMI Award), namely that that unpaid leave taken during a shutdown, as directed by an employer, is a benefit for the employer and a detriment to the employee. This is recognized by s22 of the Fair work Act which does not allow for a pause in the accrual of service-related entitlement during a period of leave that is authorized by an employer.
14. The AMWU has an interest in several of the modern awards set out in Attachment C of the February Statement. The AMWU supports the inclusion of the model clause at Attachment D of the February Statement into awards that it has an interest in, provided that existing safeguards in awards as are maintained.
15. The following awards have provisions for notice period of alternative lengths than those in the model clause. There are also awards that provide for any leave taken during a during a shut down by an employee be counted as service, provisions that must be maintained when the model clause at attachment D is inserted.

⁴ [AMWU Submissions 11 April 2017](#) [AMWU Submissions 3 Oct 2017](#)

Award clause	Current conditions	Award specific entitlement
Airline Operations Ground Staff – clause 34.9	Any annual close-down with respect to all or the bulk of employees in a plant, or section of a plant.	Notice of three months
Building and Construction general Onsite – clause 38.3	<p>During all or part of a period in conjunction with the Christmas/New Year holidays, where the employer shuts down the business, part of the business, or a site where the employee works.</p> <p>If an employee does not have sufficient accrued annual leave for the period of the shutdown, then the employee may be required to take leave without pay for the balance of the shutdown period for which leave is not accrued.</p>	Notice of two months
Food and Beverage Tobacco Manufacturing Award	<p>During a close-down of the employer's enterprise or part of it for the purpose of allowing annual leave to all or the majority of the employees in the enterprise or part concerned.</p> <p>The employer may only close-down the enterprise or part of it in two separate periods in a year. If a close-down occurs over two separate periods, one of the periods must be for at least 14 consecutive days including non-working days.</p> <p>The employer and the majority of employees concerned may agree to the enterprise or part of it being closed down for three separate periods in a year provided that one of the periods is a period of at least 14 days including non-working days.</p> <p>The employer may close-down the enterprise or part of it for a period of at least 14 days including non-working days and allow the balance of any annual leave to be taken in one continuous period in accordance with a roster.</p>	<p>Limitations on the number of shut downs per year.</p> <p>Limitation on duration of shutdowns.</p> <p>Notice of at least 4 weeks</p> <p>Leave taken counts as service.</p>
Graphic Art, Printing and Publishing	During a close-down of the employer's an enterprise or part of it for the purpose of allowing annual leave to all or the majority of the employees in the enterprise or part concerned.	<p>Notice of at least 4 weeks</p> <p>Limitations on the</p>

<p>Award</p>	<p>The employer may only close-down the enterprise or part of it for one or two separate periods in a year. If a close-down occurs over two separate periods, one of the periods must be for at least 14 consecutive days including non-working days.</p> <p>The employer and the majority of employees concerned may agree to the enterprise or part of it being closed down for three separate periods in a year provided that one of the periods is a period of at least 14 days including non-working days.</p> <p>The employer may close down the enterprise or part of it for a period of at least 14 days including non-working days and allow the balance of any annual leave to be taken in one continuous period in accordance with a roster.</p>	<p>number of shut downs per year.</p> <p>Limitation on duration of shut downs.</p> <p>Majority agreement for shut downs exceeding the limitation of 2 shut downs per year.</p> <p>Leave taken counts as service</p>
<p>Manufacturing and Associated Industries and Occupations Award</p>	<p>During a close-down of the employer's enterprise or part of it for the purpose of allowing annual leave to all or the majority of the employees in the enterprise or part concerned.</p> <p>The employer may only close down the enterprise or part of it for one or two separate periods in a year.</p> <p>If the employer closes down the enterprise or part of it in two separate periods, one of the periods must be for a period of at least 14 consecutive days including non-working days.</p> <p>The employer and the majority of employees concerned may agree to the enterprise or part of it being closed down for three separate periods in a year provided that one of the periods is a period of at least 14 days including non-working days.</p> <p>The employer may close down the enterprise or part of it for a period of at least 14 days including non-working days and allow the balance of any annual leave to be taken in one continuous period in accordance with a roster.</p>	<p>Notice of four weeks</p> <p>Limitations on the number of shut downs per year.</p> <p>Limitation on duration of shut downs.</p> <p>Majority agreement for shut downs exceeding the limitation of 2 shut downs per year.</p> <p>Leave taken counts as service</p>
<p>Oil refining award</p>	<p>During all or part of a period where the employer shuts down the business or part of the business where the employee works.</p>	
<p>Seafood</p>	<p>Where an employer intends to temporarily close (or reduce to</p>	<p>One months' notice</p>

<p>Processing Award</p>	<p>nucleus) the place of employment or a section of it for the purpose, among others, of allowing annual leave to the employees concerned or a majority of them.</p> <p>Public holidays that fall within the period of close-down will be paid as provided for in the award and will not count as a day of annual leave or leave without pay.</p> <p>Notice:</p> <p>For existing affected employees, one month's notice in writing.</p> <p>For new employees engaged after the notice is given, notice must be given on the date of their engagement.</p> <p>Accrued sufficient annual leave to cover the full period of closing, the employee must take paid annual leave for the full period of closing.</p> <p>Insufficient accrued annual leave to cover the full period of closing, the employee must take paid annual leave to the full amount accrued and leave without pay for the remaining period of the closing.</p> <p>No accrued annual leave, the employee must take leave without pay for the full period of closing.</p>	
<p>Sugar Industry Award</p>	<p>as part of any close-down of the employer's operations</p>	<p>Four weeks' notice</p>
<p>Vehicle Manufacturing, Repair, Services and Retail Award</p>	<p>Where an employer closes down a plant, or a section or sections thereof, for the purpose of allowing annual leave to all or the bulk of the employees in the workplace or section or sections concerned.</p> <p>A close-down may occur during one or two separate periods.</p> <p>If the employer closes down in two separate periods one of those periods must be for a period of at least 21 consecutive</p>	<p>Not less than four weeks' notice</p> <p>Limitation on the number of shut downs per year.</p> <p>Limitation on the duration of the shutdown.</p>

	<p>days, unless the employer and the majority of employees concerned agree to a shorter period or three close-down periods.</p> <p>In such cases the employer must advise the employees concerned of the proposed dates of each close-down before asking them for their agreement.</p> <p>Employees who do not qualify for the full entitlement to annual leave for the total close-down period are to be paid leave up to the total amount of leave accrued as at the commencement of the close-down.</p> <p>The balance of the close-down for which the employee does not have sufficient accrued leave to cover such period will be leave without pay.</p>	<p>Majority of employee agreement for changes to the number of shut downs or duration of shut downs.</p>
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END

27 March 2019

Attachment C—Airport Employees Award 2010—modified AMWU draft NTW schedule

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

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

Apprenticeship and Traineeship Act 2001 (NSW);

Education and Training Reform Act 2006 (Vic);

Training and Skills Development Act 2008 (SA);

Training and Skills Development Act 2016 (NT);

Training and Tertiary Education Act 2003 (ACT);

Training and Workforce Development Act 2013 (Tas);

Vocational Education and Training Act 1996 (WA);

Further Education and Training Act 2014 (Qld).

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

traineeship means a system of training that:

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

(b) meets the requirements of a training package developed by the relevant Industry Reference Committee of the applicable Skills Service Organisation and endorsed by the Australian Industry and Skills Committee; and

(c) leads to an AQF certificate level qualification.

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

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification that have been endorsed for an industry or enterprise by the Australian Industry and Skills Committee.

wage level A or B 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 A.6.

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

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

(a) wholly on the job; or

(b) partly on the job and partly off the job; or

(c) wholly off the job.

A.4 Minimum rates

A.4.1 Minimum weekly rates for full-time traineeships

(a) Wage level A

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10 per week	Year 11 per week	Year 12 per week
School leaver	\$323.10	\$355.80	\$423.90
Plus 1 year out of school	\$355.80a	\$423.90	\$493.30
Plus 2 years out of school	\$423.90	\$493.30	\$574.10
Plus 3 years out of school	\$493.30	\$574.10	\$657.30
Plus 4 years out of school	\$574.10	\$657.30	
Plus 5 or more years out of school	\$657.30		

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

(b) Wage Level B

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10 per week	Year 11 per week	Year 12 per week
School leaver	\$323.10	\$355.80	\$412.40
Plus 1 year out of school	\$355.80	\$412.40	\$474.40
Plus 2 years out of school	\$412.40	\$474.40	\$556.40
Plus 3 years out of school	\$474.40	\$556.40	\$634.70
Plus 4 years out of school	\$556.40	\$634.70	
Plus 5 or more years out of school	\$634.70		

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

(c) AQF Certificate Level IV traineeships

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

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

Table 3—Minimum weekly rate 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
	per week	per week
A	\$682.70	\$709.10
B	\$658.60	\$683.90

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

A.4.2 Minimum hourly rates for part-time traineeships

(a) Wage level A

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause A.6.1 is the hourly rate specified in column 2 of **Table 3—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 4—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.63	\$11.72	\$13.95
Plus 1 year out of school	\$11.72	\$13.95	\$16.24
Plus 2 years out of school	\$13.95	\$16.24	\$18.88
Plus 3 years out of school	\$16.24	\$18.88	\$21.61
Plus 4 years out of school	\$18.88	\$21.61	
Plus 5 or more years out of school	\$21.61		

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

(b) Wage Level B

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause A.6.2 is the hourly rate specified in Column 2 of **Table 5—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–II 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 B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2		
	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.63	\$11.72	\$13.58
Plus 1 year out of school	\$11.72	\$13.58	\$15.61
Plus 2 years out of school	\$13.58	\$15.61	\$18.32
Plus 3 years out of school	\$15.61	\$18.32	\$20.89
Plus 4 years out of school	\$18.32	\$20.89	
Plus 5 or more years out of school	\$20.89		

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

(c) School-based traineeships

The minimum hourly rate for a part-time trainee who works ordinary hours and is undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause A.6 is the hourly rate in column 1 or 2 of **Table 6—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 6—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)

Column 1 Year 11 or lower	Column 2 Year 12
per hour	per hour
\$10.63	\$11.72

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

(d) AQF Certificate Level IV traineeships

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

(ii) The minimum hourly rate for a part-time adult trainee undertaking an AQF Certificate Level IV traineeship is the hourly rate in column 2 or 3 of **Table 7—Minimum hourly rate for part-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 7—Minimum hourly rate for part-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
	per hour	per hour
A	\$22.45	\$23.33
B	\$21.64	\$22.48

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

(e) Calculating the actual minimum wage

(i) If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate minimum hourly rate for a part-time trainee is obtained by multiplying the relevant minimum

hourly rate in clauses A.4.2(a) to (c) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.

(ii) If the approved training for a part-time traineeship is provided wholly off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses A.4.2(a) to (c) 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 (c) minus 20% applies to each ordinary hour worked by the trainee.

A.4.3 Other minimum wage provisions

(a) Clause A.4.3 applies despite anything to the contrary in clause A.4.2.

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

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

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

A.4.4 Default wage rate

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

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.

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

A.5.5 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
Business Services	I, II, III
Information and Communications Technology	I, II, III
Metal and Engineering (Technical)	III
Training and Assessment	III
Transport and Logistics	III

A.6.2 Wage level B

Training package	AQF certificate level
Transport and Logistics	I, II

**Attachment E— Food, Beverage and Tobacco Manufacturing Award 2010—modified
AMWU draft NTW schedule**

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

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

Apprenticeship and Traineeship Act 2001 (NSW);

Education and Training Reform Act 2006 (Vic);

Training and Skills Development Act 2008 (SA);

Training and Skills Development Act 2016 (NT);

Training and Tertiary Education Act 2003 (ACT);

Training and Workforce Development Act 2013 (Tas);

Vocational Education and Training Act 1996 (WA);

Further Education and Training Act 2014 (Qld).

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

traineeship means a system of training that:

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

(b) meets the requirements of a training package developed by the relevant Industry Reference Committee of the applicable Skills Service Organisation and endorsed by the Australian Industry and Skills Committee; and

(c) leads to an AQF certificate level qualification.

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

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification that have been endorsed for an industry or enterprise by the Australian Industry and Skills Committee.

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 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 A.6.

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

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

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

A.4 Minimum rates

A.4.1 Minimum weekly rates for full-time traineeships

(a) Wage level A

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$323.10	\$355.80	\$423.90
Plus 1 year out of school	\$355.80a	\$423.90	\$493.30
Plus 2 years out of school	\$423.90	\$493.30	\$574.10
Plus 3 years out of school	\$493.30	\$574.10	\$657.30
Plus 4 years out of school	\$574.10	\$657.30	
Plus 5 or more years out of school	\$657.30		

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

(b) Wage level B

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10 per week	Year 11 per week	Year 12 per week
School leaver	\$323.10	\$355.80	\$412.40
Plus 1 year out of school	\$355.80	\$412.40	\$474.40
Plus 2 years out of school	\$412.40	\$474.40	\$556.40
Plus 3 years out of school	\$474.40	\$556.40	\$634.70
Plus 4 years out of school	\$556.40	\$634.70	
Plus 5 or more years out of school	\$634.70		

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

(c) Wage level C

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause A.6.3 is the weekly rate specified in Column 2 of **Table 3—Wage level C minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$323.10	\$355.80	\$412.40
Plus 1 year out of school	\$355.80	\$412.40	\$464.30
Plus 2 years out of school	\$412.40	\$464.30	\$518.70
Plus 3 years out of school	\$464.30	\$518.70	\$577.90
Plus 4 years out of school	\$518.70	\$577.90	
Plus 5 or more years out of school	\$577.90		

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

(d) AQF Certificate Level IV traineeships

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

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

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

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

	per week	per week
A	\$682.70	\$709.10
B	\$658.60	\$683.90
C	\$599.40	\$622.00

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

A.4.2 Minimum hourly rates for part-time traineeships

(a) Wage level A

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause A.6.1 is the hourly rate specified in column 2 of **Table 4—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in column 1.

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.63	\$11.72	\$13.95
Plus 1 year out of school	\$11.72	\$13.95	\$16.24
Plus 2 years out of school	\$13.95	\$16.24	\$18.88
Plus 3 years out of school	\$16.24	\$18.88	\$21.61
Plus 4 years out of school	\$18.88	\$21.61	
Plus 5 or more years out of school	\$21.61		

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

(b) Wage level B

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–II traineeship whose training package and AQF certificate levels are allocated to wage level B by clause A.6.2 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–II 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–II traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.63	\$11.72	\$13.58
Plus 1 year out of school	\$11.72	\$13.58	\$15.61
Plus 2 years out of school	\$13.58	\$15.61	\$18.32
Plus 3 years out of school	\$15.61	\$18.32	\$20.89
Plus 4 years out of school	\$18.32	\$20.89	
Plus 5 or more years out of school	\$20.89		

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

(c) Wage level C

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.27	\$11.32	\$13.12
Plus 1 year out of school	\$11.32	\$13.12	\$14.75
Plus 2 years out of school	\$13.12	\$14.75	\$16.48
Plus 3 years out of school	\$14.75	\$16.48	\$18.37
Plus 4 years out of school	\$16.48	\$18.37	
Plus 5 or more years out of school	\$18.37		

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

(d) School-based traineeships

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

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

Column 1 Year 11 or lower	Column 2 Year 12
per hour	per hour
\$10.63	\$11.72

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

(e) AQF Certificate Level IV traineeships

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

(ii) The minimum hourly rate for a part-time adult trainee undertaking a part-time AQF Certificate Level IV traineeship is the hourly rate in column 2 or 3 of **Table 7—**

Minimum hourly rate for part-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 8—Minimum hourly rate for part-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
	per hour	per hour
A	\$22.45	\$23.33
B	\$21.64	\$22.48

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

(f) Calculating the actual minimum wage

(i) If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate minimum hourly rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses 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 wholly 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) Clause A.4.3 applies despite anything to the contrary in clause A.4.2.

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

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

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

A.4.4 Default wage rate

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

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.

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

A.5.5 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

Business Services

Food Processing Industry

AQF certificate level

I, II, III

III

Information and Communications Technology	II, III
Laboratory Operations	II, III
Manufacturing	II, III
Metal and Engineering (Technical)	III
Plastics, Rubber and Cablemaking	III
Retail Services	III
Training and Assessment	III
Transport and Logistics	III

A.6.2 Wage level B

Training package	AQF certificate level
Food Processing Industry	I, II
Retail Services	I, II

A.6.3 Wage level C

Training package	AQF certificate level
Agriculture, Horticulture and Conservation and Land Management	I, II and III

Attachment G—Manufacturing and Associated Industries and Occupations Award 2010— modified AMWU draft NTW schedule

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

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

Apprenticeship and Traineeship Act 2001 (NSW);

Education and Training Reform Act 2006 (Vic);

Training and Skills Development Act 2008 (SA);

Training and Skills Development Act 2016 (NT);

Training and Tertiary Education Act 2003 (ACT);

Training and Workforce Development Act 2013 (Tas);

Vocational Education and Training Act 1996 (WA);

Further Education and Training Act 2014 (Qld).

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

traineeship means a system of training that:

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

(b) meets the requirements of a training package developed by the relevant Industry Reference Committee of the applicable Skills Service Organisation and endorsed by the Australian Industry and Skills Committee; and

(c) leads to an AQF certificate level qualification.

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

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification that have been endorsed for an industry or enterprise by the Australian Industry and Skills Committee.

wage level A or B 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 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 A.6.

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

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

(a) wholly on the job; or

(b) partly on the job and partly off the job; or

(c) wholly off the job.

A.4 Minimum rates

A.4.1 Minimum weekly rates for full-time traineeships

(a) Wage level A

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$323.10	\$355.80	\$423.90
Plus 1 year out of school	\$355.80a	\$423.90	\$493.30
Plus 2 years out of school	\$423.90	\$493.30	\$574.10
Plus 3 years out of school	\$493.30	\$574.10	\$657.30
Plus 4 years out of school	\$574.10	\$657.30	
Plus 5 or more years out of school	\$657.30		

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

(b) Wage level B

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$323.10	\$355.80	\$412.40
Plus 1 year out of school	\$355.80	\$412.40	\$474.40
Plus 2 years out of school	\$412.40	\$474.40	\$556.40
Plus 3 years out of school	\$474.40	\$556.40	\$634.70
Plus 4 years out of school	\$556.40	\$634.70	
Plus 5 or more years out of school	\$634.70		

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

(c) AQF Certificate Level IV traineeships

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

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

Table 3—Minimum weekly rate 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
	per week	per week
A	\$682.70	\$709.10
B	\$658.60	\$683.90

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

A.4.2 Minimum hourly rates for part-time traineeships

(a) Wage level A

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause A.6.1 is the hourly rate specified in column 2 of **Table 4—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 4—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.63	\$11.72	\$13.95
Plus 1 year out of school	\$11.72	\$13.95	\$16.24
Plus 2 years out of school	\$13.95	\$16.24	\$18.88
Plus 3 years out of school	\$16.24	\$18.88	\$21.61
Plus 4 years out of school	\$18.88	\$21.61	
Plus 5 or more years out of school	\$21.61		

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

(b) Wage level B

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause A.6.2 is the hourly rate specified in column 2 of **Table 5—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 5—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.63	\$11.72	\$13.58
Plus 1 year out of school	\$11.72	\$13.58	\$15.61
Plus 2 years out of school	\$13.58	\$15.61	\$18.32
Plus 3 years out of school	\$15.61	\$18.32	\$20.89
Plus 4 years out of school	\$18.32	\$20.89	
Plus 5 or more years out of school	\$20.89		

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

(c) School-based traineeships

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

Column 1 Year 11 or lower	Column 2 Year 12
per hour	per hour
\$10.63	\$11.72

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

(d) AQF Certificate Level IV traineeships

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

(ii) The minimum hourly rate for a full-time adult trainee undertaking a part-time AQF Certificate Level IV traineeship is the hourly rate in column 2 or 3 of **Table 7—Minimum hourly rate for part-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 7—Minimum hourly rate for part-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
	per hour	per hour
A	\$22.45	\$23.33
B	\$21.64	\$22.48

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

(e) Calculating the actual minimum wage

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

(ii) If the approved training for a part-time traineeship is provided wholly off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses A.4.2(a) to (d) 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 (d) minus 20% applies to each ordinary hour worked by the trainee.

A.4.3 Other minimum wage provisions

(a) Clause A.4.3 applies despite anything to the contrary in clause A.4.2.

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

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

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

A.4.4 Default wage rate

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

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.

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

A.5.5 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
Aeroskills	II
Aviation	I, II, III
Business Services	I, II, III
Chemical, Hydrocarbons & Refining	I, II, III
Electrotechnology	I, II, III
Information and Communications Technology	I, II, III
Laboratory Operations	II, III
Manufactured Mineral Products	III
Manufacturing	I, II, III
Metal and Engineering (Technical)	III
Plastics, Rubber and Cablemaking	III
Telecommunications	II, III
Training and Assessment	III
Transport and Logistics	III

A.6.2 Wage level B

Training package	AQF certificate level
Automotive Industry Manufacturing	II, III

Automotive Industry Retail, Service and Repair	I, II, III
Caravan Industry	II, III
Furnishing	I, II, III
Manufactured Mineral Products	II
Metal and Engineering (Production)	II, III
Plastics, Rubber and Cablemaking	II
Transport and Logistics	I, II

Attachment I—Sugar Industry Award 2010—modified AMWU draft NTW schedule

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

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

Apprenticeship and Traineeship Act 2001 (NSW);

Education and Training Reform Act 2006 (Vic);

Training and Skills Development Act 2008 (SA);

Training and Skills Development Act 2016 (NT);

Training and Tertiary Education Act 2003 (ACT);

Training and Workforce Development Act 2013 (Tas);

Vocational Education and Training Act 1996 (WA);

Further Education and Training Act 2014 (Qld).

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

traineeship means a system of training that:

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

(b) meets the requirements of a training package developed by the relevant Industry Reference Committee of the applicable Skills Service Organisation and endorsed by the Australian Industry and Skills Committee; and

(c) leads to an AQF certificate level qualification.

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

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification that have been endorsed for an industry or enterprise by the Australian Industry and Skills Committee.

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 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 A.6.

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

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

(a) wholly on the job; or

(b) partly on the job and partly off the job; or

(c) wholly off the job.

A.4 Minimum rates

A.4.1 Minimum weekly rates for full-time traineeships

(a) Wage level A

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

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

Column 1	Column 2		
	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$323.10	\$355.80	\$423.90
Plus 1 year out of school	\$355.80	\$423.90	\$493.30
Plus 2 years out of school	\$423.90	\$493.30	\$574.10
Plus 3 years out of school	\$493.30	\$574.10	\$657.30
Plus 4 years out of school	\$574.10	\$657.30	
Plus 5 or more years out of school	\$657.30		

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

(b) Wage level B

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$323.10	\$355.80	\$412.40
Plus 1 year out of school	\$355.80	\$412.40	\$474.40
Plus 2 years out of school	\$412.40	\$474.40	\$556.40
Plus 3 years out of school	\$474.40	\$556.40	\$634.70
Plus 4 years out of school	\$556.40	\$634.70	
Plus 5 or more years out of school	\$634.70		

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

(c) Wage level C

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
School leaver	\$323.10	\$355.80	\$412.40
Plus 1 year out of school	\$355.80	\$412.40	\$464.30
Plus 2 years out of school	\$412.40	\$464.30	\$518.70
Plus 3 years out of school	\$464.30	\$518.70	\$577.90
Plus 4 years out of school	\$518.70	\$577.90	
Plus 5 or more years out of school	\$577.90		

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

(c) AQF Certificate Level IV traineeships

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

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

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

Column 1	Column 2	Column 3
Wage level	First year of traineeship	Second and subsequent years of traineeship
	per week	per week
A	\$682.70	\$709.10
B	\$658.60	\$683.90
C	\$599.40	\$622.00

NOTE: See clause A.4.3 for other minimum wage provisions that affect this paragraph.

A.4.2 Minimum hourly rates for part-time traineeships

(a) Wage level A

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause A.6.1 is the hourly rate specified in column 2 of **Table 4—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in column 1.

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.63	\$11.72	\$13.95
Plus 1 year out of school	\$11.72	\$13.95	\$16.24
Plus 2 years out of school	\$13.95	\$16.24	\$18.88
Plus 3 years out of school	\$16.24	\$18.88	\$21.61
Plus 4 years out of school	\$18.88	\$21.61	
Plus 5 or more years out of school			

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

(b) Wage level B

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.63	\$11.72	\$13.58
Plus 1 year out of school	\$11.72	\$13.58	\$15.61
Plus 2 years out of school	\$13.58	\$15.61	\$18.32
Plus 3 years out of school	\$15.61	\$18.32	\$20.89
Plus 4 years out of school	\$18.32	\$20.89	
Plus 5 or more years out of school	\$20.89		

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

(c) Wage level C

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
School leaver	\$10.63	\$11.72	\$13.58
Plus 1 year out of school	\$11.72	\$13.58	\$15.27

Plus 2 years out of school	\$13.58	\$15.27	\$17.06
Plus 3 years out of school	\$15.27	\$17.06	\$19.01
Plus 4 years out of school	\$17.06	\$19.01	
Plus 5 or more years out of school	\$19.01		

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

(d) School-based traineeships

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

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

Column 1	Column 2
Year 11 or lower	Year 12
per hour	per hour
\$10.63	\$11.72

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

(e) AQF Certificate Level IV traineeships

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

(ii) The minimum hourly rate for a part-time adult trainee undertaking an AQF Certificate Level IV traineeship is the hourly rate in column 2 or 3 of **Table 9—Minimum hourly rate for part-time adult trainees (AQF Certificate Level IV traineeship)**, according to the year of the traineeship specified in those columns and

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

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

Column 1 Wage level	Column 2 First year of traineeship	Column 3 Second and subsequent years of traineeship
	per hour	per hour
A	\$22.45	\$23.33
B	\$21.64	\$22.48
C	\$19.72	\$20.47

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

(f) Calculating the actual minimum wage

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

(ii) If the approved training for a part-time traineeship is provided wholly off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses A.4.2(a) to (d) 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 (d) minus 20% applies to each ordinary hour worked by the trainee.

A.4.3 Other minimum wage provisions

(a) Clause A.4.3 applies despite anything to the contrary in clause A.4.2.

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

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

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

A.4.4 Default wage rate

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

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.

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

A.5.5 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
Business Services	I, II, III
Electrotechnology	I, II, III
Food Processing Industry	III

Information and Communications Technology	II, III
Laboratory Operations	II, III
Manufacturing	I, II, III
Metal and Engineering (Technical)	III
Training and Assessment	III
Transport and Logistics	III

A.6.2 Wage level B

Training package	AQF certificate level
Food Processing Industry	I, II
Sugar Milling	I, II, III
Transport and Logistics	I, II

A.6.3 Wage level C

Training package	AQF certificate level
Agriculture, Horticulture and Conservation and Land Management	I, II, III