

EXPOSURE DRAFT

Dredging Industry Award 2016

This exposure draft has been prepared by staff of the Fair Work Commission based on the ***Dredging Industry Award 2010*** (the Dredging award) as at 15 January 2016. This exposure draft does not seek to amend any entitlements under the Dredging award but has been prepared to address some of the structural issues identified in modern awards.

The review of this award in accordance with s.156 of the *Fair Work Act 2009* is being dealt with in matter [AM2014/223](#). Additionally a number of common issues are being dealt with by the Commission which may affect this award. Transitional provisions have not been included in this exposure draft pending the outcome of the review.

This draft does not represent the concluded view of the Commission in this matter.

No examples have been included in this exposure draft. Parties are asked to submit [examples](#) that clarify the operation of particular provisions.

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Part 1—Application and Operation

1. Title and commencement

- 1.1 This award is the *Dredging Industry Award 2016*.
- 1.2 This modern award, as varied, commenced operation on 1 January 2010.
- 1.3 A variation to this award does not affect any right, privilege, obligation or liability that a person acquired, accrued or incurred under the award as it existed prior to that variation.
- 1.4 Schedule E—Definitions sets out definitions that apply in this award.
- 1.5 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, the Fair Work Commission may make any order it considers appropriate to remedy the situation.

2. The National Employment Standards and this award

- 2.1 The [National Employment Standards](#) (NES) and this award contain the minimum conditions of employment for employees covered by this award.
- 2.2 Where this award refers to a condition of employment provided for in the NES, the NES definition applies.
- 2.3 The employer must ensure that copies of the award and the NES are available to all employees to whom they apply, either on a notice board which is conveniently located at or near the workplace or through accessible electronic means.

3. Coverage

- 3.1 This industry award covers employers throughout Australia in the dredging industry and their employees in the classifications listed in clause 10—Minimum wages to the exclusion of any other modern award.
- 3.2 **Dredging industry** means:
 - (a) the operation of vessels in dredging or sluicing work generally and including such work in relation to land reclamation, metalliferous and other mining, and oil and gas projects; and
 - (b) the operation of vessels, barges, self-propelled dredges, tugs or other self-propelled vessels, used in the dredging of ports, harbours, bays, estuaries,

rivers and channels requiring travelling to or from a dumping area, or whilst moving from port to port.

3.3 The award does not cover:

- (a) employers and their employees who are covered by the covered by the following awards:
 - (i) *the Coal Export Terminals Award 2016*;
 - (ii) *the Marine Towage Award 2016*;
 - (iii) *the Maritime Offshore Oil and Gas Award 2016*;
 - (iv) *the Port Authorities Award 2016*;
 - (v) *the Ports, Harbours and Enclosed Water Vessels Award 2016*;
 - (vi) *the Seagoing Industry Award 2016*;
 - (vii) *the Stevedoring Industry Award 2016*; and
- (b) maintenance contractors covered by the *Manufacturing and Associated Industries and Occupations Award 2016*.

3.4 This award covers any employer which supplies labour on an on-hire basis in the industry set out in clauses 3.1 and 3.2 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

3.5 This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at clauses 3.1 and 3.2 and those trainees engaged by a group training service hosted by a company to perform work at a location where the activities described in clauses 3.1 and 3.2 are being performed. This subclause operates subject to the exclusions from coverage in this award.

3.6 This award does not cover:

- (a) employees excluded from award coverage by the *Fair Work Act 2009* (Cth) (the Act);
- (b) employees who are covered by a modern enterprise award or an enterprise instrument (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees; or
- (c) employees who are covered by a State reference public sector modern award or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

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

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

4. Award flexibility

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

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

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

- 4.3** The agreement between the employer and the individual employee must:

- (a) be confined to a variation in the application of one or more of the terms listed in clause 4.1; and
- (b) result in the employee being better off overall at the time the agreement is made than the employee would have been if no individual flexibility agreement had been agreed to.

- 4.4** The agreement between the employer and the individual employee must also:

- (a) be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;
- (b) state each term of this award that the employer and the individual employee have agreed to vary;
- (c) detail how the application of each term has been varied by agreement between the employer and the individual employee;

(d) detail how the agreement results in the individual employee being better off overall in relation to the individual employee's terms and conditions of employment; and

(e) state the date the agreement commences to operate.

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

4.6 Except as provided in clause 4.4(a) the agreement must not require the approval or consent of a person other than the employer and the individual employee.

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

4.8 The agreement may be terminated:

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

(b) at any time, by written agreement between the employer and the individual employee.

NOTE: If any of the requirements of [s.144\(4\)](#), which are reflected in the requirements of this clause, are not met then the agreement may be terminated by either the employee or the employer, giving written notice of not more than 28 days (see [s.145](#) of the Act).

4.9 The notice provisions in clause 4.8(a) only apply to an agreement entered into from the first full pay period commencing on or after 4 December 2013. An agreement entered into before that date may be terminated in accordance with clause 4.8(a), subject to four weeks' notice of termination.

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

5. Facilitative provisions

5.1 A facilitative provision provides that the standard approach in an award provision may be departed from by agreement between an employer and an individual employee, or an employer and the majority of employees in the enterprise or part of the enterprise concerned.

5.2 Facilitative provisions in this award are contained in the following clauses:

Clause 9.2(a) has been identified as facilitative provisions. However, this provision does not identify which parties may agree. Parties are asked to make submissions on this issue.

Clause	Provision	Agreement between an employer and:
6.5(c)	Casual employment—payment of wages	An individual
8.2(a)(ii)	Span of hours—vessels fully operational	An individual
9.2(a)	Breaks—employees on dredging operations	

Part 2—Types of Employment and Classifications

6. Types of employment

6.1 Employees under this award will be employed in one of the following categories:

- (a) full-time;
- (b) part-time; or
- (c) casual.

6.2 At the time of engagement, an employer will inform each employee of the terms of their engagement and, in particular, whether they are to be full-time, part-time or casual employees.

6.3 Full-time employment

A full-time employee is engaged to work 38 ordinary hours per week, averaged over a period of one year.

The definition of a full-time employee has been amended (removal of the words ‘at least’) in order to avoid a possible inconsistency with the NES. Parties are invited to make submissions on the issue.

6.4 Part-time employment

Part-time employment provisions may be affected by [AM2014/196](#)

- (a) A part-time employee:
 - (i) is engaged to work ordinary hours which are less than the average number of ordinary hours of a full-time employee; and
 - (ii) receives, on a pro rata basis, equivalent pay and conditions to those of full-time employees who do the same kind of work.
- (b) A part-time employee must be paid the ordinary hourly rate for the relevant classification in clause 10—Minimum wages.
- (c) At the time of commencement, the employer must inform the part-time employee in writing of the:

- (i) ordinary hours of work and starting and finishing times; or
- (ii) rostered periods of duty to be worked by the employee.

6.5 Casual employment

Casual employment provisions may be affected by [AM2014/197](#)

- (a) **Casual employee** means an employee who is
 - (i) engaged for a period of less than four weeks and is notified on the first day of their employment; or
 - (ii) a full-time or part-time employee who has been dismissed through no fault of their own within four weeks of commencing employment.

Parties are asked to clarify whether clauses 6.5(a)(i) and (ii) should refer to a 'former full-time or part-time employee'.

- (b) **Casual loading**
 - (i) For each ordinary hour worked, a casual employee must be paid:
 - the ordinary hourly rate; and
 - a loading of **25%** of the ordinary hourly rate,for the classification in which they are employed.
 - (ii) The casual loading is paid instead of annual leave, annual leave loading and any other rates and allowances contained in this award except overtime and shift allowances.
- (c) Casual employees must be paid at the termination of each engagement, but may agree to be paid weekly or fortnightly.
- (d) On each occasion a casual employee is required to attend work, the employee is entitled to a minimum payment for two hours' work.

7. Classifications

- 7.1 All employees covered by this award may be engaged in the classifications set out in clause 10—Minimum wages.
- 7.2 Employers must advise their employees in writing of their classification and any changes to their classification.
- 7.3 The employer must determine the employee's classification based on the skill level or levels that the employee requires to carry out the principal functions of their employment. The principal functions of employment will be determined by the employer.

Part 3—Hours of Work

8. Ordinary hours of work and rostering

8.1 This clause supplements the NES.

8.2 Span of hours—vessels fully operational

(a) Day workers

Hours of duty for day workers will consist of:

- (i)** 12 hours per day on each of seven days per week between 6.00 am and 6.00 pm; or
- (ii)** other starting and finishing times as may be mutually agreed.

(b) Shiftworkers

- (i)** Hours of duty for shiftworkers will consist of one week of day shifts alternating with one week of night shifts.
- (ii)** The day shift cycle will comprise 12 hour shifts on each of seven days per week between 6.00 am and 6.00 pm.
- (iii)** The night shift cycle will comprise 12 hour shifts on each of six days per week between 6.00 pm and 6.00 am.

(c) Marine cooks

Hours of duty for marine cooks will consist of 12 hours per day on each of seven days per week.

8.3 Span of hours—vessels not fully operational

Ordinary hours may be worked between 8.00 am and 4.30 pm for up to eight hours per day, Monday to Friday inclusive, or between 7.00 am and 5.00 pm when not engaged in dredging duties.

9. Breaks

9.1 Employees on other than dredging operations

- (a)** Employees on other than dredging operations must be allowed a meal break of at least 45 minutes between the hours of 11.30 am and 1.30 pm.
- (b)** If the master/engineer or their representative decides, in an emergency, that the meal break cannot be taken, a meal time of 30 minutes will be allowed later and will be counted as time worked, and payment for a 45 minute meal break will be made at overtime rates.

9.2 Employees on dredging operations

- (a) Employees on dredging operations must be allowed a meal break of 30 minutes, which is to be taken within five hours from the start of the shift or at a time otherwise agreed.
- (b) The meal breaks prescribed in clause 9.2 are to be counted as time worked.
- (c) If the master/engineer or their representative decides, in an emergency, that the meal break cannot be taken, payment for the 30 minutes will be made at overtime rates.
- (d) The incidence of meal time will not interrupt the working of the dredge and attendant craft.
- (e) Where a dredge and attendant craft are in continuous operation and it is impracticable on any shift to allow the meal break, employees must be paid one hour at ordinary time rates.

9.3 An employee must not be compelled to work for more than five hours without a break for a meal.

Parties are asked to clarify how clause 9.2(c) interacts with clauses 9.2(e) and 9.3.

9.4 Maximum hours

Employees must not work for more than 18 hours continuously. If an employee works a period of 18 continuous hours they must have 10 hours off (inclusive of two meal hours), subject to employees being available to ensure the continuous operation of the vessel. Less than four hours off will not constitute a break in the work period of 18 continuous hours.

9.5 Recall

- (a) An employee recalled to work overtime otherwise than in a consecutive extension before or after ordinary duty for the day, will be paid a minimum of four hours' work at the appropriate rates.
- (b) If an employee is called back to work on more than one occasion between ceasing time on one day and starting time the next day, the employee will be paid **200%** of the ordinary hourly rate for all time from the commencement of the first call-out to the conclusion of the last call-out.

Part 4—Wages and Allowances

10. Minimum wages

10.1 Employees on a non-propelled dredge

An employer must pay an employee engaged on a non-propelled dredge the following minimum rate:

Classification	Minimum weekly rate \$	Minimum hourly rate \$
Chief engineer	871.10	22.92
Chief operator	871.10	22.92
First engineer	853.60	22.46
First operator	853.60	22.46
Drilling technician	830.30	21.85
Engineer	813.90	21.42
Mechanical attendant	813.90	21.42
Crane operator/mechanical	806.40	21.22
Electrician	803.90	21.16
Leading driller	798.30	21.01
Second engineer	780.80	20.55
Second operator	780.80	20.55
Leading hand (reclamation)	780.80	20.55
Driller	759.80	19.99
Third engineer	746.10	19.63
Dredgehand	733.80	19.31
Greaser	733.80	19.31
Assistant driller	733.80	19.31
Crew attendant	733.80	19.31

See Schedule A for a summary of hourly rates of pay including overtime and penalties.

10.2 Dredge other than a non-propelled dredge—not fully operational

An employer must pay an employee engaged on a dredge other than a non-propelled dredge that is not fully operational the following minimum rate:

Classification	Minimum weekly rate \$	Minimum hourly rate \$
Trailer master	925.90	24.37
Chief engineer	925.90	24.37
Trailer shift master	900.20	23.69
Tug master <i>W.H. Reliance</i> or equivalent	900.20	23.69
First engineer	900.20	23.69
Electrical engineer <i>Humber River</i> or equivalent	900.20	23.69
Trailer mate	827.70	21.78
Tug master, tug engineer	827.70	21.78
Second engineer, electrical engineer	827.70	21.78
Pump operator, welder, deckhand/welder, dredgehand/welder	827.70	21.78
Bosun/driller	827.70	21.78
Launch driver	802.10	21.11
Assistant pump operator	786.10	20.69
Driller, deckhand/driller	786.10	20.69
Bosun	786.10	20.69
Chief cook	786.10	20.69
Deckhand, assistant driller	767.00	20.18
Able seaman, deckhand, dredgehand, greaser, firefighter, motorman	767.00	20.18
Crew attendant	767.00	20.18
Second cook	767.00	20.18

See Schedule A for a summary of hourly rates of pay including overtime and penalties.

10.3 Dredge other than a non-propelled dredge—fully operational

An employer must pay an employee engaged on a dredge other than a non-propelled dredge that is fully operational the following aggregated rate:

Parties are asked whether a definition for ‘aggregated rate’ should be inserted to clarify how the ‘aggregated wage’ is calculated and what components have been incorporated in this rate. This will improve transparency when adjusting rates following the Annual Wage Review.

Classification	Day workers		Shiftworkers	
	Weekly aggregated wage \$	Hourly aggregated wage \$	Weekly aggregated wage \$	Hourly aggregated wage \$
Trailer master	2,311.40	27.52		
Chief engineer	2,311.40	27.52		
Trailer shift master	2,231.90	26.57	2,206.70	28.29
Tug master <i>W.H. Reliance</i> or equivalent	2,231.90	26.57	2,206.70	28.29
First engineer	2,231.90	26.57	2,206.70	28.29
Electrical engineer <i>Humber River</i> or equivalent	2,231.90	26.57	2,206.70	28.29
Trailer mate	1,976.40	23.53	1,954.20	25.05
Tug master, tug engineer	1,976.40	23.53	1,954.20	25.05
Second engineer, electrical engineer	1,976.40	23.53	1,954.20	25.05
Pump operator, welder, deckhand/welder, dredgehand/welder	1,976.40	23.53	1,954.20	25.05
Bosun/driller	1,976.40	23.53	1,954.20	25.05
Launch driver	1,889.50	22.49	1,868.20	23.95
Assistant pump operator	1,840.30	21.91	1,819.70	23.33
Driller, deckhand/driller	1,840.30	21.91	1,819.70	23.33
Bosun	1,840.30	21.91	1,819.70	23.33
Chief cook	1,840.30	21.91	1,819.70	23.33
Deckhand, assistant driller	1,780.90	21.20	1,759.50	22.56
Able seaman, deckhand, dredgehand, greaser,	1,780.90	21.20	1,759.50	22.56

Classification	Day workers		Shiftworkers	
	Weekly aggregated wage \$	Hourly aggregated wage \$	Weekly aggregated wage \$	Hourly aggregated wage \$
firefighter, motorman				
Crew attendant	1,780.90	21.20	1,759.50	22.56
Second cook	1,780.90	21.20	1,759.50	22.56

See Schedule A for a summary of hourly rates of pay including overtime and penalties.

10.4 Higher duties

- (a) An employee engaged to perform the duties of a position at a higher classification level for more than two hours during any one day will be paid the rate applicable to that higher level for all work done on that day.
- (b) An employee engaged to perform the duties of a position at a higher classification level for two hours or less during one day will be paid the higher rate for the actual time worked at that higher level.

10.5 Payment of wages

Wages are to be paid weekly or fortnightly. Wages may be paid by cash or electronic funds transfer (EFT).

NOTE: Regulations 3.33(3) and 3.46(1)(g) of *Fair Work Regulations 2009* set out the requirements for pay records and the content of payslips including the requirement to separately identify any allowance paid.

10.6 National training wage

For employees undertaking a traineeship, see Schedule C—National Training Wage.

11. Allowances

11.1 Employers must pay to an employee the allowances the employee is entitled to under this clause. See Schedule B for a summary of monetary allowances and method of adjustment.

11.2 Wage related allowances

(a) All purpose allowances

Allowances paid for **all purposes** are included in the rate of pay of an employee who is entitled to the allowance, when calculating any penalties or loadings or payment while they are on annual leave. The following allowance is paid for all purposes under this award:

- (i) dual certificate allowance (clause 11.2(b)).

(b) Dual certificate allowance

- (i) A payment of **\$27.84** per week will be made to an employee working on a vessel laid up who acts in a dual capacity of master and engineer. The rate is payable for all purposes of this award.
- (ii) A payment of **\$59.21** per week will be made to an employee working on a fully operational vessel who acts in a dual capacity of master and engineer. The rate is payable for all purposes of this award.

(c) Special rates—confined areas

An employee will be paid **\$1.23** per hour in addition to any other ordinary or overtime rate payable under this award for time occupied working:

- (i) inside boilers or furnaces;
- (ii) inside the casing of internal combustion engines;
- (iii) inside oil tanks in motor vessels;
- (iv) in bilges (including rose boxes) and coffer dams;
- (v) inside impeller pump casings and dredging pipes; or
- (vi) under engine room or pump room deck plates.

(d) Hard-lying allowance

A hard-lying allowance of **\$23.62** per week will be paid to employees required to live aboard a vessel and share a cabin with another employee. The allowance is not subject to any penalties or premium prescribed by this award.

(e) Shipkeeping

- (i) A master, mate or engineer shipkeeping in any port for all or part of the hours between 5.00 pm and 7.00 am will be entitled to an extra 12 hours' pay at ordinary rates.
- (ii) When the vessel is laid up the employee is to be paid a special allowance per week of:

	\$ per week
Remote areas	225.19
Less remote areas	149.80
Major ports	99.25

- (iii) When the vessel is fully operational the employee is to be paid a special allowance per week of:

	\$ per week
Remote areas	125.94
Less remote areas	50.39

- (iv) The allowances in clauses 11.2(e)(ii) and (iii) will not be taken into account in calculating the wage rate for shiftwork, overtime, annual leave or redundancy pay.

- (v) In clauses 11.2(e)(ii) and (iii) the areas and ports are defined as follows:

- **less remote** means a place that does not have ready access to goods and services of a major city or town but is not a major port and includes: Mourilyan Harbour, Bowen, Mackay, Bundaberg, Urangan, Maryborough, Ballina, Clarence River, Port Stephens, Jervis Bay, Moruya, Eden, Lakes Entrance, Welshpool, Portland, Gulf Ports, South Australia, Thevenard, Esperance, Albany, Geraldton, Busselton, Bunbury and Darwin (East Arm).
- **major port** means a major city or town and includes: Brisbane, Newcastle, Sydney, Botany, Port Kembla, Melbourne, Geelong, Westernport, Adelaide, Fremantle, Cairns, Townsville and Gladstone.
- **remote** means a place that does not have ready access to goods and services of a major city or town and includes: Weipa, Archer Point, Cooktown, Port Alma, Carnarvon, Cape Cuvier, Dampier, Port Headland, Broome, Yampi, Wyndham and Hay Point.

(f) Radar observer’s allowance

- (i) An allowance of **\$27.84** per week will be paid to masters and mates who are holders of a valid Radar Observer’s Certificate when working on a vessel equipped with radar.
- (ii) This allowance will not be taken into account in calculating the wage rate for shiftwork, overtime, annual leave or redundancy pay.

(g) Firefighting allowance

- (i) An allowance of **\$27.84** per week is to be paid to engineers who hold a valid firefighting certificate or provide proof of their attendance at an authorised firefighting course for marine personnel.
- (ii) This allowance will not be taken into account in calculating the wage rate for shiftwork, overtime, annual leave or redundancy pay.

(h) Additional allowances—cooks

- (i) An additional payment of **\$55.15** per week is to be payable to a chief cook whose duties include the ordering of stores and the issue of linen.

Parties are asked to clarify whether the allowance in clause 11.2(h)(ii) is paid daily or weekly?

- (ii) If a second cook is required to perform cleaning duties outside of the galley and storerooms, that employee will be paid an allowance of **\$39.35** in addition to the rates fixed for ordinary work.
- (iii) These rates will not be taken into account in calculating the wage rate for shiftwork, overtime, annual leave or redundancy pay.
- (i) **Protective clothing**
 - (i) Marine cooks will be reimbursed by the employer for the reasonable cost of providing gloves and freezer suit for working in freezers.
 - (ii) This provision will not apply where the employer supplies the protective clothing.
- (j) **Vessels proceeding from port to port**
 - (i) Employees on vessels proceeding from one port (or its equivalent) to another port (or its equivalent) are to be paid:
 - the wage prescribed in clause 10—Minimum wages;
 - the remote areas allowance prescribed in clause 11.2(e)(iii); and
 - an allowance of **\$108.68** per day or part of a day.

Parties are asked to consider whether the references to the *Navigations Act 1912* in clauses 11.2(j)(ii) and (v) should be updated to the relevant clauses of the *Navigations Act 2012*?

- (ii) The provisions of sections 127 and 132 of the *Navigation Act 1912* (Cth) apply in respect of all employees whether in fact or in law the Act of its own force applies to them.
- (iii) Except where it is provided, the employer will reimburse an employee for a personal accident policy for death risk, loss of limbs and corresponding benefits to the value of **\$155,360.00**. This amount is payable in addition to the amounts payable under the *Seamen's Compensation Act 1974* (Cth).
- (iv) Employees who are not offered employment immediately after the vessel's arrival at its destination will be repatriated to their home port.
- (v) Articles of Agreement as required by the *Navigation Act 1912* (Cth) will be opened for the voyage.

11.3 Expense related allowances

(a) Meals—overtime

- (i) An employee required to work overtime for more than one and a half hours after their ordinary finishing time will be supplied with a meal by the employer or be paid **\$46.41**.
- (ii) If, owing to the amount of overtime worked, a second or subsequent meal is required, the employee will be supplied with such meal by the employer or be paid **\$46.41** for each meal required.

(b) Protective and industrial clothing

- (i) Employees will be paid an allowance of **\$24.50** per week and will provide themselves with adequate industrial clothing including footwear, shirts, singlets, overalls and shorts.
- (ii) Where conditions require, employees will also provide necessary protective clothing and equipment including oilskins, sea boots, goggles, gloves and waterproof coat.
- (iii) The reasonable cost of protective clothing and equipment in clause 11.3(b)(ii) will be reimbursed by the employer.
- (iv) Clause 11.3(b)(ii) does not apply where the employer supplies the protective clothing and equipment.

Parties are asked to clarify whether clause 11.3(b)(iv) should refer to clause 11.3(b)(ii) as per clause [12.4](#) of the *Dredging (AWU) Award 1998* ([AP778702](#))

- (v) The protective clothing described in clause 11.3(b)(iv) will at all times remain the property of the employer and will be returned by the employee to the employer at the completion of the employee's service.
- (vi) The allowance prescribed by clause 11.3(b) is not payable during leave periods.

(c) Victualling and accommodation allowances

- (i) If required by the employer, an employee must live aboard a vessel and the employer will accommodate and keep the employee without cost to the employee.
- (ii) Where the employer provides victualling and accommodation the allowances prescribed in this clause will not be paid.

(d) Accommodation allowance

- (i) At the time of engagement of the employee, agreement is to be reached between the employer and the employee as to the employee's home port.

- (ii) An employee will be will be paid **\$420.30** per week instead of accommodation if required by the employer to live away from the agreed home port.
- (iii) Where it is not practicable for the weekly rate prescribed in this clause to be paid, the employee will be paid at the rate of **\$157.92** per night instead of accommodation. This rate will continue to be paid until the employer notifies the employee that thereafter the employee will be paid at the weekly rate of **\$420.32** per week.
- (iv) Where, following a request by any employee, the employer arranges to provide comfortable accommodation at the employer’s expense, and the employee(s) use the accommodation for the duration of the contract, the employee(s) will not be entitled to the accommodation allowance in clauses 11.3(d)(ii) and (iii).

(e) Victualling allowance

- (i) Where victualling is not provided by an employer, an employee is to be paid an amount of **\$420.30** per week instead of victualling.
- (ii) Where it is not practicable for the weekly rate prescribed in clause 11.3(e)(i) to be paid, the employee is to be paid the following amounts per day:

	\$ per meal
Breakfast	23.94
Lunch	29.92
Dinner	46.41

- (iii) These rates will continue to be paid until the employer notifies the employee that thereafter the employee will be paid at the weekly rate of **\$420.30** per week instead of victualling.
- (iv) The allowances prescribed by clause 11.3(e) are not payable during leave periods.

(f) Travelling—local

- (i) When a vessel is so remote from shore that some means of conveyance is necessary to enable an employee to pass between the vessel and shore before starting or after finishing work, the employee will be paid for the time occupied in travelling and waiting. This time includes all time spent travelling between the vessel and shore, and time spent waiting for work to start and spent after finishing time waiting for conveyance back to shore. Payment will be at ordinary rates with a minimum payment for 30 minutes and will not count as part of the daily working time.
- (ii) When an employee, who in the ordinary course of their employment begins work for the day at a particular place but, is required to finish work at a place other than that particular place, the employee will be paid

any reasonable travelling expense incurred in returning home in excess of their ordinary travelling expenses. The employee will also be paid at ordinary rates of pay for any travelling time beyond their ordinary travelling time.

- (iii) An employee will be paid **\$14.11** per day for excess fares incurred on any day upon which the employee is directed to work.
- (iv) The provisions of clause 11.3(f) will not apply to employees who are required by the employer to live aboard a vessel.

(g) Travelling—other than local

- (i) An employee proceeding from the place of engagement to and from a port at which the dredge is working must be provided by the employer with a free passage, provided that:
 - if the employee terminates their employment, or employment is terminated by the employer for misconduct within six weeks from the start of the employment or the period of the work cycle whichever occurs first, the cost of the free passage will be deducted from any payments due to the employee; and
 - the employer will not be obligated to provide return passage for the employee in such circumstances.
- (ii) The provisions of clause 11.3(g)(i) will likewise apply to an employee who returns to their place of employment following an absence on account of accumulated and/or annual leave.
- (iii) The time spent in travelling between the place of engagement and the place at which the dredge is working and the agreed home port of the employee is to be paid for at the ordinary rate for the time so occupied, with a maximum payment of eight hours in any 24 hours.
- (iv) The employee is entitled to reimbursement of taxi fares reasonably incurred up to a maximum of **\$137.74**, subject to the production of receipts, for travel between the transport terminal at the employee's home port and their home on each of the forward and return journeys. Where an employee's residence is in other than their home port, the payment will be limited to the journey between the home port transport terminal and any other public transport terminal necessary for further travel to their place of residence.

See Schedule B for a summary of monetary allowances

12. Superannuation

12.1 Superannuation contributions for defined benefit members

An employer is permitted to make superannuation contributions to a superannuation fund or scheme in relation to a default fund employee who is a defined benefit member of the fund or scheme.

Part 5—Penalties and Overtime

13. Overtime and penalty rates

This provision may be affected by [AM2014/300](#) – see [draft determination](#)

13.1 Overtime

Employees will be entitled to be paid **200%** of the ordinary hourly rate of pay for any time worked outside of ordinary hours on a Monday to Sunday, except for public holidays.

13.2 Public holidays

An employee will be paid **250%** of the ordinary hourly rate of pay for any hours, ordinary and overtime, worked on a public holiday with a minimum payment for four hours' work.

13.3 Shiftwork penalties

The shiftwork 'penalties' in the *Dredging Industry Award 2010* were based on pre-reform shift allowances and expressed as a % of the ordinary rates. The rates in clause 13.3 are currently being treated as wage-related allowances and adjusted accordingly – see Schedule B—Summary of Monetary Allowances.

The current modern award defines the standard rate as the minimum weekly rate for the classification of able seaman. The exposure draft has used the term 'hourly standard rate' for the allowances in 13.3 to reflect the current entitlement.

The parties should consider whether it is more appropriate to convert these rates to penalties based on an employee's ordinary hourly rate consistent with the pre-reform award.

- (a) A shiftwork loading of **\$6.05** per hour (**30%** of the hourly [standard rate](#)) is payable to an employee working shiftwork and which shift commences at or after 6.00 pm on any Monday to Friday inclusive.
- (b) If a three shift per day system is worked, an additional shiftwork loading of **\$3.03** per hour (**15%** of the hourly [standard rate](#)) is payable in respect of the afternoon and night shifts.

Part 6—Leave, Public Holidays and Other NES Entitlements

14. Annual leave

This annual leave provision may be affected by [AM2014/47](#) – [see draft determination](#)

Annual leave is provided for in the NES.

Parties are asked if the definition of shiftworker in Schedule E applies for the purpose of the NES

15. Personal/carer's leave and compassionate leave

Personal/carer's leave and compassionate leave are provided for in the NES.

16. Parental leave and related entitlements

Parental leave and related entitlements are provided for in the NES.

17. Community service leave

Community service leave is provided for in the NES.

18. Public holidays

Public holidays provision may be affected by [AM2014/301](#)

18.1 Public holiday entitlements are provided for in the NES.

18.2 Payment for work on a public holiday

- (a) An employee will be paid at the rate of **250%** of their ordinary hourly rate, with a minimum payment of four hours when required to work on a public holiday.
- (b) Where a 12 hour shift or period of duty is commenced on a public holiday the payment of **250%** will be discharged by the actual payment of the first eight hours at ordinary time and the remaining hours at **200%** of the ordinary hourly rate plus the accumulation of 0.35 of a week's leave.

18.3 Part-day public holidays

For provisions in relation to part-day public holidays, see Schedule D—2015 Part-day Public Holidays.

19. Termination of employment

19.1 Notice of termination is provided for in the NES.

19.2 Notice of termination by an employee

The notice of termination required to be given by an employee is the same as that required of an employer except that there is no requirement on the employee to give additional notice based on the age of the employee concerned. If an employee fails to give the required notice the employer may withhold from any monies due to the employee on termination under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by this clause less any period of notice actually given by the employee.

19.3 Job search entitlement

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

19.4 Return to place of engagement

If the employment of any employee is terminated by the employer elsewhere than at the place of engagement, for any reason other than misconduct, the employer will be responsible for conveying the employee to the place of engagement.

20. Redundancy

20.1 The redundancy arrangements in this award are an industry-specific redundancy scheme and, as such, Subdivision B of Division 11 of the NES does not apply.

20.2 This clause applies to employees other than casual employees who remain in employment until the completion of a dredging contract unless transferred by the employer.

20.3 At the completion of each contract an employee becomes entitled to a period of redundancy pay. Such payment is to be calculated on the employee's service during the period of dredging work on a contract.

20.4 Payment is to be made only on the termination of employment.

20.5 The payment is to be at the rate of three weeks' pay for each year of continuous service or pro rata calculated on completed months of service. Such payment is to be paid at the relevant rate prescribed in clause 10—Minimum wages.

Part 7—Consultation and Dispute Resolution

21. Consultation

21.1 Consultation regarding major workplace change

(a) Employers to notify

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

(b) Employers to discuss change

- (i) The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in clause 21.1(a), the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.
- (ii) The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in clause 21.1(a).
- (iii) For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees provided that no employer is required to disclose confidential information the disclosure of which would be contrary to the employer's interests.

21.2 Consultation about changes to rosters or hours of work

- (a) Where an employer proposes to change an employee's regular roster or ordinary hours of work, the employer must consult with the employee or employees affected and their representatives, if any, about the proposed change.

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

22. Dispute resolution

- 22.1** In the event of a dispute about a matter under this award, or a dispute in relation to the NES, in the first instance the parties must attempt to resolve the matter at the workplace by discussions between the employee or employees concerned and the relevant supervisor. If such discussions do not resolve the dispute, the parties will endeavour to resolve the dispute in a timely manner by discussions between the employee or employees concerned and more senior levels of management as appropriate.
- 22.2** If a dispute about a matter arising under this award or a dispute in relation to the NES is unable to be resolved at the workplace, and all appropriate steps under clause 22.1 have been taken, a party to the dispute may refer the dispute to the Fair Work Commission.
- 22.3** The parties may agree on the process to be utilised by the Fair Work Commission including mediation, conciliation and consent arbitration.
- 22.4** Where the matter in dispute remains unresolved, the Fair Work Commission may exercise any method of dispute resolution permitted by the Act that it considers appropriate to ensure the settlement of the dispute.
- 22.5** An employer or employee may appoint another person, organisation or association to accompany and/or represent them for the purposes of this clause.
- 22.6** While the dispute resolution procedure is being conducted, work must continue in accordance with this award and the Act. Subject to applicable occupational health and safety legislation, an employee must not unreasonably fail to comply with a

direction by the employer to perform work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.

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Schedule A—Summary of Hourly Rates of Pay

NOTE: Employers who meet their obligations under this schedule are meeting their obligations under the award.

A.1.1 Ordinary hourly rate is the minimum hourly rate of pay for an employee plus any allowance payable for all purposes to which the employee is entitled. Where an allowance is payable for all purposes in accordance with clause 11.2(a), this forms part of the employee’s ordinary hourly rate and must be added to the minimum hourly rate prior to calculating penalties and overtime.

A.1.2 The rates in the tables below are based on the **minimum hourly rates** in accordance with clause 10.

A.2 Full-time and part-time employees

A.2.1 Full-time and part-time employees engaged on a non-propelled dredge—ordinary and penalty rates

	Ordinary hours	Night shift ¹	Afternoon or night shift ²	Public holidays
		Ordinary hourly rate + 30% of the standard rate	Ordinary hourly rate + 15% of the standard rate	250% ordinary hourly rate
	\$	\$	\$	\$
Chief engineer	22.92	28.98	25.95	57.30
Chief operator	22.92	28.98	25.95	57.30
First engineer	22.46	28.52	25.49	56.15
First operator	22.46	28.52	25.49	56.15
Drilling technician	21.85	27.91	24.88	54.63
Engineer	21.42	27.48	24.45	53.55
Mechanical attendant	21.42	27.48	24.45	53.55
Crane operator/mechanical	21.22	27.28	24.25	53.05
Electrician	21.16	27.22	24.19	52.90
Leading driller	21.01	27.07	24.04	52.53
Second engineer	20.55	26.61	23.58	51.38
Second operator	20.55	26.61	23.58	51.38
Leading hand	20.55	26.61	23.58	51.38

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	Ordinary hours	Night shift ¹	Afternoon or night shift ²	Public holidays
		Ordinary hourly rate + 30% of the standard rate	Ordinary hourly rate + 15% of the standard rate	250% ordinary hourly rate
	\$	\$	\$	\$
(reclamation)				
Driller	19.99	26.05	23.02	49.98
Third engineer	19.63	25.69	22.66	49.08
Dredgehand	19.31	25.37	22.34	48.28
Greaser	19.31	25.37	22.34	48.28
Assistant driller	19.31	25.37	22.34	48.28
Crew attendant	19.31	25.37	22.34	48.28
¹ Night shift is a shift that commences at or after 6.00 pm Monday to Friday inclusive				
² Afternoon or night shift rate applies if a three shift per day system is worked.				

A.2.2 Full-time and part-time employees engaged on a non-propelled dredge—overtime rates

	Monday to Sunday	Public holidays
	% ordinary hourly rate	
	200%	250%
	\$	\$
Chief engineer	45.84	57.30
Chief operator	45.84	57.30
First engineer	44.92	56.15
First operator	44.92	56.15
Drilling technician	43.70	54.63
Engineer	42.84	53.55
Mechanical attendant	42.84	53.55
Crane operator/mechanical	42.44	53.05

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	Monday to Sunday	Public holidays
	% ordinary hourly rate	
	200%	250%
	\$	\$
Electrician	42.32	52.90
Leading driller	42.02	52.53
Second engineer	41.10	51.38
Second operator	41.10	51.38
Leading hand (reclamation)	41.10	51.38
Driller	39.98	49.98
Third engineer	39.26	49.08
Dredgehand	38.62	48.28
Greaser	38.62	48.28
Assistant driller	38.62	48.28
Crew attendant	38.62	48.28

A.2.3 Full-time and part-time employees engaged on a dredge other than a non-propelled dredge that is not fully operational—ordinary and penalty rates

	Ordinary hours	Night shift¹	Afternoon or night shift²	Public holidays
		Ordinary hourly rate + 30% of the standard rate	Ordinary hourly rate + 15% of the standard rate	250% ordinary hourly rate
	\$	\$	\$	\$
Trailer Master	24.37	30.43	27.40	60.93
Chief Engineer	24.37	30.43	27.40	60.93
Trailer Shift Master	23.69	29.75	26.72	59.23
Tug Master W.H. Reliance or equivalent	23.69	29.75	26.72	59.23
First Engineer	23.69	29.75	26.72	59.23

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	Ordinary hours	Night shift ¹	Afternoon or night shift ²	Public holidays
		Ordinary hourly rate + 30% of the standard rate	Ordinary hourly rate + 15% of the standard rate	250% ordinary hourly rate
	\$	\$	\$	\$
Electrical Engineer Humber River or equivalent	23.69	29.75	26.72	59.23
Trailer Mate	21.78	27.84	24.81	54.45
Tug Master, Tug Engineer	21.78	27.84	24.81	54.45
Second Engineer, Electrical Engineer	21.78	27.84	24.81	54.45
Pump Operator, Welder, Deckhand/Welder, Dredgehand/Welder	21.78	27.84	24.81	54.45
Bosun/Driller	21.78	27.84	24.81	54.45
Launch Driver	21.11	27.17	24.14	52.78
Assistant Pump Operator	20.69	26.75	23.72	51.73
Driller, Deckhand/Driller	20.69	26.75	23.72	51.73
Bosun	20.69	26.75	23.72	51.73
Chief Cook	20.69	26.75	23.72	51.73
Deckhand, Assistant Driller	20.18	26.24	23.21	50.45
Able Seaman, Deckhand, Dredgehand, Greaser, Firefighter, Motorman	20.18	26.24	23.21	50.45
Crew Attendant	20.18	26.24	23.21	50.45
Second Cook	20.18	26.24	23.21	50.45

¹Night shift is a shift that commences at or after 6.00 pm Monday to Friday inclusive

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	Ordinary hours	Night shift ¹	Afternoon or night shift ²	Public holidays
		Ordinary hourly rate + 30% of the standard rate	Ordinary hourly rate + 15% of the standard rate	250% ordinary hourly rate
	\$	\$	\$	\$

²Afternoon or night shift rate applies if a three shift per day system is worked.

A.2.4 Full-time and part-time employees engaged on a dredge other than a non-propelled dredge that is not fully operational—overtime rates

	Monday to Sunday	Public holidays
	% ordinary hourly rate	
	200%	250%
	\$	\$
Trailer Master	48.74	60.93
Chief Engineer	48.74	60.93
Trailer Shift Master	47.38	59.23
Tug Master W.H. Reliance or equivalent	47.38	59.23
First Engineer	47.38	59.23
Electrical Engineer Humber River or equivalent	47.38	59.23
Trailer Mate	43.56	54.45
Tug Master, Tug Engineer	43.56	54.45
Second Engineer, Electrical Engineer	43.56	54.45
Pump Operator, Welder, Deckhand/Welder, Dredgehand/Welder	43.56	54.45
Bosun/Driller	43.56	54.45
Launch Driver	42.22	52.78
Assistant Pump Operator	41.38	51.73
Driller, Deckhand/Driller	41.38	51.73

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	Monday to Sunday	Public holidays
	% ordinary hourly rate	
	200%	250%
	\$	\$
Bosun	41.38	51.73
Chief Cook	41.38	51.73
Deckhand, Assistant Driller	40.36	50.45
Able Seaman, Deckhand, Dredgehand, Greaser, Firefighter, Motorman	40.36	50.45
Crew Attendant	40.36	50.45
Second Cook	40.36	50.45

A.2.5 Full-time & part-time dayworkers engaged on a dredge other than a non-propelled dredge that is fully operational—ordinary, penalty rates and overtime

	Aggregated hourly rate	Public holidays	Overtime—Monday to Sunday
		250% aggregated hourly rate	200% aggregated hourly rate
	\$	\$	\$
Trailer Master	27.52	68.80	55.04
Chief Engineer	27.52	68.80	55.04
Trailer Shift Master	26.57	66.43	53.14
Tug Master W.H. Reliance or equivalent	26.57	66.43	53.14
First Engineer	26.57	66.43	53.14
Electrical Engineer Humber River or equivalent	26.57	66.43	53.14
Trailer Mate	23.53	58.83	47.06
Tug Master, Tug Engineer	23.53	58.83	47.06
Second Engineer, Electrical Engineer	23.53	58.83	47.06

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	Aggregated hourly rate	Public holidays	Overtime—Monday to Sunday
		250% aggregated hourly rate	200% aggregated hourly rate
	\$	\$	\$
Pump Operator, Welder, Deckhand/Welder, Dredgehand/Welder	23.53	58.83	47.06
Bosun/Driller	23.53	58.83	47.06
Launch Driver	22.49	56.23	44.98
Assistant Pump Operator	21.91	54.78	43.82
Driller, Deckhand/Driller	21.91	54.78	43.82
Bosun	21.91	54.78	43.82
Chief Cook	21.91	54.78	43.82
Deckhand, Assistant Driller	21.20	53.00	42.40
Able Seaman, Deckhand, Dredgehand, Greaser, Firefighter, Motorman	21.20	53.00	42.40
Crew Attendant	21.20	53.00	42.40
Second Cook	21.20	53.00	42.40

A.2.6 Full-time & part-time shiftworkers engaged on a dredge other than a non-propelled dredge that is fully operational—ordinary and penalty rates

	Aggregated hourly rate	Night shift ¹	Afternoon or night shift ²	Public holidays
		Aggregated hourly rate + 30% of the standard rate	Aggregated hourly rate + 15% of the standard rate	250% aggregated hourly rate
	\$	\$	\$	\$
Trailer Shift Master	28.29	34.35	31.32	70.73
Tug Master W.H. Reliance or	28.29	34.35	31.32	70.73

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	Aggregated hourly rate	Night shift ¹	Afternoon or night shift ²	Public holidays
		Aggregated hourly rate + 30% of the standard rate	Aggregated hourly rate + 15% of the standard rate	250% aggregated hourly rate
	\$	\$	\$	\$
equivalent				
First Engineer	28.29	34.35	31.32	70.73
Electrical Engineer Humber River or equivalent	28.29	34.35	31.32	70.73
Trailer Mate	25.05	31.11	28.08	62.63
Tug Master, Tug Engineer	25.05	31.11	28.08	62.63
Second Engineer, Electrical Engineer	25.05	31.11	28.08	62.63
Pump Operator, Welder, Deckhand/Welder, Dredgehand/Welder	25.05	31.11	28.08	62.63
Bosun/Driller	25.05	31.11	28.08	62.63
Launch Driver	23.95	30.01	26.98	59.88
Assistant Pump Operator	23.33	29.39	26.36	58.33
Driller, Deckhand/Driller	23.33	29.39	26.36	58.33
Bosun	23.33	29.39	26.36	58.33
Chief Cook	23.33	29.39	26.36	58.33
Deckhand, Assistant Driller	22.56	28.62	25.59	56.40
Able Seaman, Deckhand, Dredgehand, Greaser, Firefighter, Motorman	22.56	28.62	25.59	56.40

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	Aggregated hourly rate	Night shift ¹	Afternoon or night shift ²	Public holidays
		Aggregated hourly rate + 30% of the standard rate	Aggregated hourly rate + 15% of the standard rate	250% aggregated hourly rate
	\$	\$	\$	\$
Crew Attendant	22.56	28.62	25.59	56.40
Second Cook	22.56	28.62	25.59	56.40
¹ Night shift is a shift that commences at or after 6.00 pm Monday to Friday inclusive				
² Afternoon or night shift rate applies if a three shift per day system is worked.				

A.2.7 Full-time & part-time shiftworkers engaged on a dredge other than a non-propelled dredge that is fully operational—overtime rates

	Monday to Sunday	Public holidays
	% ordinary hourly rate	
	200%	250%
	\$	\$
Trailer Shift Master	56.58	70.73
Tug Master W.H. Reliance or equivalent	56.58	70.73
First Engineer	56.58	70.73
Electrical Engineer Humber River or equivalent	56.58	70.73
Trailer Mate	50.10	62.63
Tug Master, Tug Engineer	50.10	62.63
Second Engineer, Electrical Engineer	50.10	62.63
Pump Operator, Welder, Deckhand/Welder, Dredgehand/Welder	50.10	62.63
Bosun/Driller	50.10	62.63
Launch Driver	47.90	59.88

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	Monday to Sunday	Public holidays
	% ordinary hourly rate	
	200%	250%
	\$	\$
Assistant Pump Operator	46.66	58.33
Driller, Deckhand/Driller	46.66	58.33
Bosun	46.66	58.33
Chief Cook	46.66	58.33
Deckhand, Assistant Driller	45.12	56.40
Able Seaman, Deckhand, Dredgehand, Greaser, Firefighter, Motorman	45.12	56.40
Crew Attendant	45.12	56.40
Second Cook	45.12	56.40

A.4 Casual employees

A.4.1 Casual employees on a non-propelled dredge—ordinary and penalty rates

	Ordinary hours	Night shift ¹	Afternoon or night shift ²
	125% ordinary hourly rate	125% ordinary hourly rate + 30% of the standard rate	125% ordinary hourly rate + 15% of the standard rate
	\$	\$	\$
Chief engineer	28.65	34.71	31.68
Chief operator	28.65	34.71	31.68
First engineer	28.08	34.14	31.11
First operator	28.08	34.14	31.11
Drilling technician	27.31	33.37	30.34
Engineer	26.78	32.84	29.81
Mechanical attendant	26.78	32.84	29.81
Crane operator/mechanical	26.53	32.59	29.56
Electrician	26.45	32.51	29.48
Leading driller	26.26	32.32	29.29
Second engineer	25.69	31.75	28.72
Second operator	25.69	31.75	28.72
Leading hand (reclamation)	25.69	31.75	28.72
Driller	24.99	31.05	28.02
Third engineer	24.54	30.60	27.57
Dredgehand	24.14	30.20	27.17
Greaser	24.14	30.20	27.17
Assistant driller	24.14	30.20	27.17
Crew attendant	24.14	30.20	27.17

A.4.2 Casual employees engaged on a dredge other than a non-propelled dredge that is not fully operational—ordinary and penalty rates

	Ordinary hours	Night shift ¹	Afternoon or night shift ²
	125% ordinary hourly rate	125% ordinary hourly rate + 30% of the standard rate	125% ordinary hourly rate + 15% of the standard rate
	\$	\$	\$
Trailer Master	30.46	36.52	33.49
Chief Engineer	30.46	36.52	33.49
Trailer Shift Master	29.61	35.67	32.64
Tug Master W.H. Reliance or equivalent	29.61	35.67	32.64
First Engineer	29.61	35.67	32.64
Electrical Engineer Humber River or equivalent	29.61	35.67	32.64
Trailer Mate	27.23	33.29	30.26
Tug Master, Tug Engineer	27.23	33.29	30.26
Second Engineer, Electrical Engineer	27.23	33.29	30.26
Pump Operator, Welder, Deckhand/Welder, Dredgehand/Welder	27.23	33.29	30.26
Bosun/Driller	27.23	33.29	30.26
Launch Driver	26.39	32.45	29.42
Assistant Pump Operator	25.86	31.92	28.89
Driller, Deckhand/Driller	25.86	31.92	28.89
Bosun	25.86	31.92	28.89
Chief Cook	25.86	31.92	28.89
Deckhand, Assistant Driller	25.23	31.29	28.26
Able Seaman, Deckhand, Dredgehand, Greaser,	25.23	31.29	28.26

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	Ordinary hours	Night shift ¹	Afternoon or night shift ²
	125% ordinary hourly rate	125% ordinary hourly rate + 30% of the standard rate	125% ordinary hourly rate + 15% of the standard rate
	\$	\$	\$
Firefighter, Motorman			
Crew Attendant	25.23	31.29	28.26
Second Cook	25.23	31.29	28.26

A.4.3 Casual dayworkers engaged on a dredge other than a non-propelled dredge that is fully operational—ordinary and penalty rate

	Ordinary hours
	125% ordinary hourly rate
	\$
Trailer Master	34.40
Chief Engineer	34.40
Trailer Shift Master	33.21
Tug Master W.H. Reliance or equivalent	33.21
First Engineer	33.21
Electrical Engineer Humber River or equivalent	33.21
Trailer Mate	29.41
Tug Master, Tug Engineer	29.41
Second Engineer, Electrical Engineer	29.41
Pump Operator, Welder, Deckhand/Welder, Dredgehand/Welder	29.41
Bosun/Driller	29.41
Launch Driver	28.11
Assistant Pump Operator	27.39
Driller, Deckhand/Driller	27.39

	Ordinary hours
	125% ordinary hourly rate
	\$
Bosun	27.39
Chief Cook	27.39
Deckhand, Assistant Driller	26.50
Able Seaman, Deckhand, Dredgehand, Greaser, Firefighter, Motorman	26.50
Crew Attendant	26.50
Second Cook	26.50

A.4.4 Casual shiftworkers engaged on a dredge other than a non-propelled dredge that is fully operational—ordinary and penalty rates

	Ordinary hours	Night shift ¹	Afternoon or night shift ²
	125% ordinary hourly rate	125% ordinary hourly rate + 30% of the standard rate	125% ordinary hourly rate + 15% of the standard rate
	\$	\$	\$
Trailer Shift Master	35.36	41.42	38.39
Tug Master W.H. Reliance or equivalent	35.36	41.42	38.39
First Engineer	35.36	41.42	38.39
Electrical Engineer Humber River or equivalent	35.36	41.42	38.39
Trailer Mate	31.31	37.37	34.34
Tug Master, Tug Engineer	31.31	37.37	34.34
Second Engineer, Electrical Engineer	31.31	37.37	34.34
Pump Operator, Welder, Deckhand/Welder, Dredgehand/Welder	31.31	37.37	34.34

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	Ordinary hours	Night shift ¹	Afternoon or night shift ²
	125% ordinary hourly rate	125% ordinary hourly rate + 30% of the standard rate	125% ordinary hourly rate + 15% of the standard rate
	\$	\$	\$
Bosun/Driller	31.31	37.37	34.34
Launch Driver	29.94	36.00	32.97
Assistant Pump Operator	29.16	35.22	32.19
Driller, Deckhand/Driller	29.16	35.22	32.19
Bosun	29.16	35.22	32.19
Chief Cook	29.16	35.22	32.19
Deckhand, Assistant Driller	28.20	34.26	31.23
Able Seaman, Deckhand, Dredgehand, Greaser, Firefighter, Motorman	28.20	34.26	31.23
Crew Attendant	28.20	34.26	31.23
Second Cook	28.20	34.26	31.23

Schedule B—Summary of Monetary Allowances

See clause 10.4 for full details of allowances payable under this award.

B.1 Wage related allowances

B.1.1 The wage-related allowances in this award are based on the **standard rate** as defined in clause Schedule E as the minimum weekly rate for the classification of Able Seaman in clause 10= \$767.00

Allowance	Clause	% of weekly standard rate \$767.00	\$ per week unless stated otherwise
Dual certificate allowance ¹ :	11.2(b)		
Vessel laid up	11.2(b)(i)	3.63	27.84
Fully operational vessel	11.2(b)(ii)	7.72	59.21
Confined areas allowance	11.2(c)	0.16	1.23 per hour
Hard-lying allowance	11.2(d)	3.08	23.62
Shipkeeping allowance—when vessel is laid up:	11.2(e)(ii)		
Remote areas	11.2(e)(ii)	29.36	225.19
Less remote areas	11.2(e)(ii)	19.53	149.80
Major ports	11.2(e)(ii)	12.94	99.25
Shipkeeping allowance—when vessel is fully operational:	11.2(e)(iii)		
Remote areas	11.2(e)(iii)	16.42	125.94
Less remote areas	11.2(e)(iii)	6.57	50.39
Radar observer's allowance	11.2(f)	3.63	27.84
Firefighting certificate allowance	11.2(g)	3.63	27.84
Additional allowance—Chief cook who orders stores and issues linen	11.2(h)(i)	7.19	55.15
Additional allowance—Second cook performing cleaning duties outside galley and storerooms	11.2(h)(ii)	5.13	39.35
Vessels proceeding from port to port allowance	11.2(j)	14.17	108.68 per day or part thereof
¹ This allowance applies for all purposes			

B.1.2 Shiftwork penalties

	Clause	% of hourly standard rate \$19.69¹	\$ per hour
Shift commencing at or after 6.00 pm on any Monday to Friday, inclusive	13.3(a)	30	6.05
Shiftwork loading for afternoon and night shifts if a three shift per day system is worked	13.3(b)	15	3.03
¹ See note at clause 13.3.			

B.1.3 Adjustment of wage related allowances

Wage related allowances are adjusted in accordance with increases to wages and are based on a percentage of the standard rate as specified.

B.2 Expense related allowances

The following expense related allowances will be payable to employees in accordance with clause 11.3:

Allowance	Clause	\$
Accommodation allowance—living away from agreed home port:	11.3(d)	
Per week OR	11.3(d)(ii)	420.30 per week
Per night	11.3(d)(iii)	157.92 per night
Victualling allowance:	11.3(d)11.3(d)	
Per week OR	11.3(e)(i)	420.30 per week
Breakfast	11.3(e)(ii)	23.94 per day
Lunch	11.3(e)(ii)	29.92 per day
Dinner	11.3(e)(ii)	46.41 per day
Protective and industrial clothing allowance	11.3(b)	24.50 per week
Travelling—local—excess fares	11.3(f)	14.11 per day
Travelling—other than local—reimbursement of taxi fares—maximum	11.3(g)	Up to 137.74 each way per journey

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Meal allowance—more than 1.5 hours’ overtime:	11.3(a)(i)	46.41 per occasion
Second/subsequent meal	11.3(a)(ii)	46.41 per occasion
Vessels proceeding from port to port—personal accident policy	11.2(j)(iii)	To the value of 155,360.00

B.2.1 Adjustment of expense related allowances

- (a) At the time of any adjustment to the [standard rate](#), each expense related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
- (b) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0) as follows:

Allowance	Applicable Consumer Price Index figure
Protective and industrial clothing	Clothing and footwear group
Meal allowance	Take away and fast foods sub-group
Victualling and accommodation allowance	Domestic holiday travel and accommodation sub-group
Personal accident policy	All groups
Fares	Urban transport fares sub-group

Schedule C—National Training Wage

C.1 Title

This is the *National Training Wage Schedule*.

C.2 Definitions

In this schedule:

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

approved training means the training specified in the training contract

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

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

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

relevant State or Territory training authority means the bodies in the relevant State or Territory which exercise approval powers in relation to traineeships and register training contracts under the relevant State or Territory vocational education and training legislation

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

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

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

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

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

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

Tasmania: *Vocational Education and Training Act 1994*;

Victoria: *Education and Training Reform Act 2006*; or

Western Australia: *Vocational Education and Training Act 1996*

trainee is an employee undertaking a traineeship under a training contract

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

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

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

Year 10 includes any year before Year 10

C.3 Coverage

C.3.1 Subject to clauses C.3.2 to C.3.6 of this schedule, this schedule applies in respect of an employee covered by this award who is undertaking a traineeship whose training package and AQF certificate level is allocated to a wage level by clause C.7 to this schedule or by clause C.5.4 of this schedule.

C.3.2 This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in clause C.7 to this schedule.

C.3.3 This schedule does not apply to:

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

Parties are asked to identify “any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an award as at 25 June 1997” that they consider should not be covered by this Schedule.

C.3.4 This schedule does not apply to qualifications not identified in training packages or to qualifications in training packages which are not identified as appropriate for a traineeship.

C.3.5 Where the terms and conditions of this schedule conflict with other terms and conditions of this award dealing with traineeships, the other terms and conditions of this award prevail.

C.3.6 At the conclusion of the traineeship, this schedule ceases to apply to the employee.

C.4 Types of Traineeship

The following types of traineeship are available under this schedule:

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

C.5 Minimum Wages

C.5.1 Minimum wages for full-time traineeships

(a) Wage Level A

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by clause C.7.1 are:

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

(b) Wage Level B

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by clause C.7.2 are:

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

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	Per week	per week
	\$	\$	\$
Plus 2 years out of school	376.80	433.40	508.20
Plus 3 years out of school	433.40	508.20	579.70
Plus 4 years out of school	508.20	579.70	
Plus 5 or more years out of school	579.70		

(c) Wage Level C

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by clause C.7.3 are:

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

(d) AQF Certificate Level IV traineeships

- (i) Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level IV traineeship are the minimum wages for the relevant full-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.
- (ii) Subject to clause C.5.3 of this schedule, the minimum wages for an adult trainee undertaking a full-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of traineeship	Second and subsequent years of traineeship

	per week	per week
	\$	\$
Wage Level A	623.50	647.70
Wage Level B	601.60	624.70
Wage Level C	547.50	568.20

C.5.2 Minimum wages for part-time traineeships

(a) Wage Level A

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by clause C.7.1 are:

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

(b) Wage Level B

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by clause C.7.2 are:

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

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

(c) Wage Level C

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by clause C.7.3 are:

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

(d) School-based traineeships

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Levels A, B or C by clause C.7 are as follows when the trainee works ordinary hours:

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

(e) AQF Certificate Level IV traineeships

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

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

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

(f) Calculating the actual minimum wage

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

C.5.3 Other minimum wage provisions

- (a) An employee who was employed by an employer immediately prior to becoming a trainee with that employer must not suffer a reduction in their minimum wage per week or per hour by virtue of becoming a trainee. Casual loadings will be disregarded when determining whether the employee has suffered a reduction in their minimum wage.
- (b) If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum wage provided in this schedule, where a higher minimum wage is provided for the new AQF certificate level.

C.5.4 Default wage rate

The minimum wage for a trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate level are not allocated to a

wage level by clause C.7 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.

C.6 Employment conditions

C.6.1 A trainee undertaking a school-based traineeship may, with the agreement of the trainee, be paid an additional loading of 25% on all ordinary hours worked instead of paid annual leave, paid personal/carer’s leave and paid absence on public holidays, provided that where the trainee works on a public holiday then the public holiday provisions of this award apply.

C.6.2 A trainee is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.

C.6.3 Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee’s wages and determining the trainee’s employment conditions.

Note: 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 C.5.2(f)(ii) and not by this clause.

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

C.7 Allocation of Traineeships to Wage Levels

Parties are asked to review the packages listed to ensure the lists are complete and up-to-date.

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

C.7.1 Wage Level A

Training package	AQF certificate level
Aeroskills	II
Aviation	I, II, III
Beauty	III
Business Services	I, II, III
Chemical, Hydrocarbons and Refining	I, II, III
Civil Construction	III
Coal Training Package	II, III
Community Services	II, III
Construction, Plumbing and Services Integrated Framework	I, II, III

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Training package	AQF certificate level
Correctional Services	II, III
Drilling	II, III
Electricity Supply Industry—Generation Sector	II, III (III in Western Australia only)
Electricity Supply Industry—Transmission, Distribution and Rail Sector	II
Electrotechnology	I, II, III (III in Western Australia only)
Financial Services	I, II, III
Floristry	III
Food Processing Industry	III
Gas Industry	III
Information and Communications Technology	I, II, III
Laboratory Operations	II, III
Local Government (other than Operational Works Cert I and II)	I, II, III
Manufactured Mineral Products	III
Manufacturing	I, II, III
Maritime	I, II, III
Metal and Engineering (Technical)	II, III
Metalliferous Mining	II, III
Museum, Library and Library/Information Services	II, III
Plastics, Rubber and Cablemaking	III
Public Safety	III
Public Sector	II, III
Pulp and Paper Manufacturing Industries	III
Retail Services (including wholesale and Community pharmacy)	III
Telecommunications	II, III
Textiles, Clothing and Footwear	III
Tourism, Hospitality and Events	I, II, III
Training and Assessment	III
Transport and Logistics	III

Training package	AQF certificate level
Water Industry (Utilities)	III

C.7.2 Wage Level B

Training package	AQF certificate level
Animal Care and Management	I, II, III
Asset Maintenance	I, II, III
Australian Meat Industry	I, II, III
Automotive Industry Manufacturing	II, III
Automotive Industry Retail, Service and Repair	I, II, III
Beauty	II
Caravan Industry	II, III
Civil Construction	I
Community Recreation Industry	III
Entertainment	I, II, III
Extractive Industries	II, III
Fitness Industry	III
Floristry	II
Food Processing Industry	I, II
Forest and Forest Products Industry	I, II, III
Furnishing	I, II, III
Gas Industry	I, II
Health	II, III
Local Government (Operational Works)	I, II
Manufactured Mineral Products	I, II
Metal and Engineering (Production)	II, III
Outdoor Recreation Industry	I, II, III
Plastics, Rubber and Cablemaking	II
Printing and Graphic Arts	II, III
Property Services	I, II, III
Public Safety	I, II
Pulp and Paper Manufacturing Industries	I, II
Retail Services	I, II

Training package	AQF certificate level
Screen and Media	I, II, III
Sport Industry	II, III
Sugar Milling	I, II, III
Textiles, Clothing and Footwear	I, II
Transport and Logistics	II
Visual Arts, Craft and Design	I, II, III
Water Industry	I, II

C.7.3 Wage Level C

Training package	AQF certificate level
Agri-Food	I
Amenity Horticulture	I, II, III
Conservation and Land Management	I, II, III
Funeral Services	I, II, III
Music	I, II, III
Racing Industry	I, II, III
Rural Production	I, II, III
Seafood Industry	I, II, III

Schedule D—2015 Part-day Public Holidays

The part-day public holidays schedule may be affected by [AM2014/301](#)

This schedule operates in conjunction with award provisions dealing with public holidays.

D.1 Where a part-day public holiday is declared or prescribed between 7.00 pm and midnight on Christmas Eve (24 December 2015) or New Year's Eve (31 December 2015) the following will apply on Christmas Eve and New Year's Eve and will override any provision in this award relating to public holidays to the extent of the inconsistency:

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

- (h)** Nothing in this schedule affects the right of an employee and employer to agree to substitute public holidays.

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

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

DRAFT

Schedule E—Definitions

In this award, unless the contrary intention appears:

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

all purposes means the payment will be included in the rate of pay of an employee who is entitled to the allowance, when calculating any penalties or loadings or payment while they are on annual leave (see clause 11.2(a))

barge means either a propelled or non-propelled barge engaged in the carriage of dredge spoil, marine stores including fuel and/or dredging equipment

continuous operation means 24 hours per day operation

day means the 24 hours midnight to midnight

day worker means an employee who works day work in accordance with this award and does not include a shiftworker on day shift

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

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

dredge means a self-propelled vessel or a non-propelled vessel as defined which is engaged in or in association with dredging or dredging work. Under this definition:

- (a) **self-propelled vessel** means a dredging vessel used specifically for dredging or dredging work which is powered under its own steam; and
- (b) **non-propelled vessel** means a dredging vessel used specifically for dredging or dredging work which is not powered under its own steam and is required to be pushed or pulled into its position of operation.

dredging industry means:

- (a) the operation of vessels in dredging or sluicing work generally and including such work in relation to land reclamation, metalliferous and other mining, and oil and gas projects; and
- (b) the operation of vessels, barges, self-propelled dredges, tugs or other self-propelled vessels, used in the dredging of ports, harbours, bays, estuaries, rivers and channels requiring travelling to or from a dumping area, or whilst moving from port to port.

employee means national system employee within the meaning of the Act

employer means national system employer within the meaning of the Act

free passage means: for travel by rail—first class including sleeper berth when so provided; for travel by air—commercial aircraft, economy class

fully operational means the period between the time employees go on to 12 hour shifts for the mobilisation of a vessel until the completion of the demobilisation period. Such period includes the preparation on site for operations, dredging operations, running repairs and maintenance carried out during the course of the contract but does not include scheduled breaks in the contract program where the vessel is not required.

home port means the port at which the employee is originally engaged or the port mutually agreed upon between the employer and the employee concerned

laid up means all times when a vessel is not fully operational as defined and includes periods when a vessel is laid up out of commission, or laid up under repair and maintenance between dredging contracts, or during scheduled breaks in the contract program where the vessel is not required, but does not include essential repairs and maintenance if required at the conclusion of a project

launch means a self-propelled vessel engaged in hydro-graphic survey and/or the carriage of passengers or stores between other vessels and shore facilities

less remote means a place that does have ready access to goods and services of a major city or town but is not a major port and includes: Albany, Ballina, Bowen, Bunbury, Bundaberg, Busselton, Clarence River, Darwin (East Arm), Eden, Esperance, Geraldton, Gulf Ports, Jervis Bay, Lakes Entrance, Mackay, Maryborough, Mourilyan Harbour, Moruya, Port Stephens, Portland, South Australia, Thevenard, Uranga and Welshpool

major port means a major city or town and includes: Adelaide, Brisbane, Botany, Cairns, Fremantle, Geelong, Gladstone, Melbourne, Newcastle, Port Kembla, Sydney, Townsville and Westernport

month means a calendar month

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

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

ordinary hourly rate means the minimum hourly rate for an employee's classification specified in clause 10 plus any all purpose allowance to which an employee is entitled

port includes a bay, river and/or area prescribed as being within harbour limits

remote means a place that does not have ready access to goods and services of a major city or town and includes: Archer Point, Broome, Cape Cuvier, Carnarvon, Cooktown, Dampier, Hay Point, Port Alma, Port Headland, Weipa, Wyndham and Yampi

shiftworker means an employee who works shiftwork in accordance with this award as part of a two or three shift system

shipkeeping means being on board and available for the performance of any duty

standard rate means the minimum weekly rate for the classification of Able seaman in clause 10.2

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