



DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards – *Miscellaneous Award 2010* (AM2014/237)

MISCELLANEOUS AWARD 2010 [MA000104]

VICE PRESIDENT HATCHER
DEPUTY PRESIDENT ASBURY
COMMISSIONER LEE

SYDNEY, 25 MARCH 2020

4 yearly review of modern awards – Miscellaneous Award 2010 – coverage clause.

A. Further to the Full Bench decisions issued by the Fair Work Commission on 12 February 2020 [[\[2020\] FWCFB 754](#)] and 25 March 2020 [[\[2020\] FWCFB 1589](#)], the above award is varied as follows:

1. By deleting clause 4 and inserting a new clause 4 as follows:

4. Coverage

- 4.1** Subject to clauses 4.2, 4.3, 4.4, and 4.5 this award covers employers throughout Australia and their employees in the classifications listed in clause 14— Minimum wages who are not covered by any other modern award.
- 4.2** The award does not cover managerial employees and professional employees such as accountants and finance, marketing, legal, human resources, public relations and information technology specialists.
- 4.3** The award does not cover employees excluded from award coverage by the Act.
- 4.4** The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.
- 4.5** The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and*

Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

4.6 This award covers any employer which supplies on-hire employees in classifications set out in Schedule B and those on-hire employees, if the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee. This subclause operates subject to the exclusions from coverage in this award.

4.7 This award covers employers which provide group training services for apprentices and trainees under this award and those apprentices and trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.

2. By updating the cross-references accordingly.

B. This determination comes into operation from 1 July 2020. In accordance with s 165(3) of the *Fair Work Act 2009* this determination does not take effect until the start of the first full pay period that starts on or after 1 July 2020.



VICE PRESIDENT

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