

MA000020 PR745634

The attached document replaces the document previously issued with the above code on 8 September 2022.

The Determination has been refiled to correct the information at item A by deleting '9 September 2022' and inserting '8 September 2022'.

The amendments are administrative in nature and do not affect the content of the decision originally issued.

Modern Awards, Economics and Research Section

On behalf of the Associate to Vice President Hatcher

Dated 27 October 2022



DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards—National Training Wage— Award-Specific Schedules

(AM2016/15; AM2016/17)

BUILDING AND CONSTRUCTION GENERAL ON-SITE AWARD 2020

[MA000020]

Building, metal and civil construction industries

VICE PRESIDENT HATCHER

SYDNEY, 8 SEPTEMBER 2022

4 yearly review of modern awards – National Training Wage Schedule.

A. Further to the decision [[2022] FWC 2394], issued by the Fair Work Commission on 8 September 2022, the above award is varied as follows:

1. By deleting clause 19.10.
2. By renumbering clause 19.11 as clause 19.10.
3. By deleting Schedule D—National Training Wage and inserting the following:

Schedule D—National Training Wage

D.1 Definitions

D.1.1 In this schedule:

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

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

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

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

Apprenticeship and Traineeship Act 2001 (NSW);

Education and Training Reform Act 2006 (Vic);

Training and Skills Development Act 2008 (SA);

Training and Skills Development Act 2016 (NT);

Training and Tertiary Education Act 2003 (ACT);

Training and Workforce Development Act 2013 (Tas);

Vocational Education and Training Act 1996 (WA);

Further Education and Training Act 2014 (Qld).

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

traineeship means a system of training that:

- (a) has been approved by the relevant State or Territory training authority; and
- (b) meets the requirements of a training package developed by the relevant Skills Service Organisation and endorsed by the Australian Industry and Skills Committee; and
- (c) leads to an AQF certificate level qualification.

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

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

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

D.2 Coverage

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

D.2.2 This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in clause D.6.

D.2.3 This schedule does not apply to:

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

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

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

D.3 Types of traineeship

The following types of traineeship are available:

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

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

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

D.4 Minimum rates

D.4.1 Minimum weekly rates for full-time traineeships

(a) Civil construction traineeships

The minimum weekly rate payable to civil construction trainees, including trainees undertaking a civil construction traineeship from the *Resources and Infrastructure Industry Training Package*, will be as follows:

Item	Stage 1	Stage 2	Stage 3
	\$	\$	\$
Base rate	732.34	774.14	824.24
Industry allowance— civil construction industry	56.45	56.45	56.45
Total weekly rate	788.79	830.59	880.69

(b) Other traineeships

- (i) Rates of pay for trainees in the general building and construction industry and the metal and engineering construction industry will be as follows:

Item	Wage level B	Wage level A
	\$	\$
Base rate	645.64	663.64
Industry allowance	56.45	56.45
Weekly rate	702.09	720.09

- (ii) Rates of pay for trainees in the residential building and construction industry will be as follows:

Item	Wage level B	Wage level A
	\$	\$
Base rate	645.64	663.64
Industry allowance	45.16	45.16
Weekly rate	690.80	708.80

- (iii) All other disability and expense-related allowances provided for in this award will be payable to trainees from time to time, if applicable, but no other allowances will apply.

(c) AQF Certificate Level IV traineeships

The minimum rate for a full-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum rate for the relevant AQF Certificate Level III traineeship (as set out in clause D.4.1) increased by 3.8%.

D.4.2 Minimum hourly rates for part-time traineeships**(a) Wage level A**

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I-III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause D.6.1 is the relevant weekly rate from clause D.4.1 divided by 30.4.

NOTE: See clause D.4.2(e) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(a).

(b) Wage level B

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause D.6.2 is the relevant weekly rate from clause D.4.1 divided by 30.4.

NOTE: See clause D.4.2(e) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(b).

(c) School-based traineeships

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

Table 1—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)

Column 1 Year 11 or lower per hour	Column 2 Year 12 per hour
\$11.95	\$13.16

NOTE: See clause D.4.2(e) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(c).

(d) AQF Certificate Level IV traineeships

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum hourly rate for the relevant AQF Certificate Level III traineeship (as calculated by clause D.4.2(a), D.4.2(b) or D.4.2(c)) increased by 3.8%.

NOTE: See clause D.4.2(e) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(d).

(e) Calculating the actual minimum wage

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

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

D.4.3 Other minimum wage provisions

- (a) Clause D.4.3 applies despite anything to the contrary in clause D.4.2.
- (b) An employee who was employed by an employer immediately before becoming a trainee with that employer must not suffer a reduction in their minimum rate of pay because of becoming a trainee.
- (c) For the purpose of determining whether a trainee has suffered a reduction as mentioned in clause D.4.3(b), casual loadings are to be disregarded.
- (d) If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum rate provided in this schedule, if a higher minimum rate is provided for the new AQF certificate level.

D.4.4 Default wage rate

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

D.5 Employment conditions

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

contract is to be regarded as time worked for the employer for the purposes of calculating the trainee's wages and determining the trainee's employment conditions.

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

D.5.5 Subject to clause D.2.4, this award applies to a trainee in the same way that it applies to an employee who is not a trainee, except as otherwise expressly provided by this schedule.

D.6 Allocation of traineeships to wage levels

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

D.6.1 Wage level A

Training package	AQF certificate level
Construction, Plumbing and Services Integrated Framework	I, II, III
Electrotechnology	I, II, III (III in Western Australia only)
Manufacturing	III
Manufacturing and Engineering	III
Metal and Engineering (Technical)	III
MSL Laboratory Operations	II, III
National Water	III
Resources and Infrastructure Industry Training Package	II, III
Transmission, Distribution and Rail Sector	II, III
Transport and Logistics	III

D.6.2 Wage level B

Training package	AQF certificate level
Agriculture, Horticulture, Conservation and Land Management	II, III
Furnishing	II, III
National Water	II
Resources and Infrastructure Industry Training Package	I
Transport and Logistics	I, II

4. By updating the cross-references accordingly.

B. This determination comes into operation on 1 November 2022. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect in relation to a

particular employee until the start of the employee's first full pay period that starts on or after 1 November 2022.



VICE PRESIDENT

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