



# BACKGROUND PAPER

*Fair Work Act 2009*  
s.285—Annual wage review

## Annual Wage Review 2022–23—Adjustment of adult apprentice and trainee wages (C2023/1)

MELBOURNE, 10 MARCH 2023

*Note: Pursuant to Statement [2022] FWCFB 113, this document has been prepared by Commission Staff to inform submissions to the Annual Wage Review 2022–23.*

*This is a background document only and does not purport to be a comprehensive discussion of the issues involved. It has been prepared by staff of the Fair Work Commission and does not represent the views of the Expert Panel for annual wage reviews on any issue.*

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## Introduction

[1] Under s.285 of the *Fair Work Act 2009* (Cth) (the Act), the Expert Panel for annual wage reviews (the Panel) must undertake a review of modern award minimum wages and must make a national minimum wage order (NMWO) each financial year. In undertaking the review, the Panel must have regard to the modern awards objective and the minimum wages objective under sections 134 and 284 of the Act, respectively. This requires the Panel to take into account a number of different factors including, relevantly, ‘providing a comprehensive range of fair minimum wages to junior employees, employees to whom training arrangements apply and employees with a disability’.<sup>1</sup>

[2] Section 294 of the Act provides that the NMWO must set special national minimum wages for several classes of award/agreement free employees, including ‘employees to whom training arrangements apply’.<sup>2</sup> The term ‘training arrangement’ is defined by the Act as ‘a combination of work and training that is subject to a training agreement, or a training contract, that takes effect under a law of a State or Territory relating to the training of employees.’<sup>3</sup> The term ‘employees to whom training arrangements apply’ has come to refer to both apprentices and trainees; however, their wages are adjusted using separate mechanisms.<sup>4</sup>

[3] In accordance with the statutory requirements in s.285 of the Act, the Panel issued the Annual Wage Review 2021–22 decision (2021–22 decision) on 15 June 2022.<sup>5</sup> The decision provided a two-tiered increase to modern award minimum wages:

‘We propose to increase modern award minimum wages by 4.6 per cent subject to a minimum increase to adult award classifications of \$40 per week. In effect, modern award minimum wage rates above \$869.60 per week will receive a 4.6 per cent increase. Wage rates in adult award classifications that are below \$869.60 per week will be increased by \$40 per week.’<sup>6</sup>

[4] The decision departed from the uniform percentage increases that had been applied since the Annual Wage Review 2010–11 (2010–11 Review). The Panel noted that in the decade prior to the 2010–11 Review, most adjustments to award wages were by ‘flat dollar’ amounts, rather than percentages. While such increases provide greater relative benefit to low-paid employees, the Panel noted that flat dollar adjustments compress wage relativities and reduce the incentive for skill acquisitions. These considerations led the Panel to move away from flat dollar adjustments.<sup>7</sup>

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<sup>1</sup> *Fair Work Act 2009* (Cth), s. 284(1)(e).

<sup>2</sup> *Fair Work Act 2009* (Cth), s. 294(1)(b)(ii).

<sup>3</sup> *Fair Work Act 2009* (Cth), s. 12.

<sup>4</sup> Dunn A, Rozenbes D, Maltman K, Leung E, Pung A, Waugh B, Dixon C, Cagorski T, Linehan A & Tisseverasinghe R (2011), [Australian apprentice minimum wages in the national system](#), Research Report 6/2011, Fair Work Australia, at pp. 21, 26.

<sup>5</sup> [2022] FWCFB 3500.

<sup>6</sup> [2022] FWCFB 3500 at [192].

<sup>7</sup> [2022] FWCFB 3500 at [184]. In 2009 the AFPC decided to keep minimum wages at their current levels.

[5] The Panel stated that modern award minimum wages that were to be increased by \$40 per week (on the basis of a 38-hour week), would be adjusted using the same approach as that used in the Annual Wage Review decision 2009–10 (2009–10 decision).<sup>8</sup>

[6] In the 2021–22 Review decision, the Panel accepted that:

‘...the approach we have adopted will result in some, albeit minor, compression in relativities, but that consideration is to be balanced against the need to provide greater relief to low-paid workers in the context of rising cost of living pressures. Given the current strength of the labour market the adjustment we propose to make will not have a significant adverse effect on ‘the performance and competitiveness of the national economy’ (ss.134(1)(h) and 284(1)(a)).’<sup>9</sup>

[7] The draft NMWO and draft variation determinations giving effect to the decision were published on 17 and 20 June 2022, respectively. Interested parties were required to submit any corrections or amendments to the determinations by 24 June 2022.

[8] On 24 June 2022, the Commission received submissions from:

- the Australian Council of Trade Unions (ACTU);
- the Electrical Trades Union of Australia (ETU); and
- the Mining and Energy Union a division of the Construction, Forestry, Maritime, Mining and Energy Union (MEU).

[9] The ACTU submission raised an issue with the application of the 2021–22 Review decision to adult apprentices and national training wages applicable to adults. It submitted that the ‘draft determinations, as they presently are, do not ensure that a minimum increase of \$40 per week is afforded to all adult rates’ and that ‘they should be amended as necessary to ensure that all adult rates in modern awards (including those applicable to apprentices and to trainees) increase by \$40 per week.’<sup>10</sup>

[10] In particular, the ACTU highlighted that adult apprentice rates, which are fixed by reference to a percentage of another classification in the award (or underlying rate), would increase by the same percentage as applied to the underlying rate, but by a lower nominal amount—which in some circumstances resulted in an increase below \$40 per week.<sup>11</sup>

[11] The ACTU also submitted that the national training wage (NTW) rates applicable to adults (these being the highest rates in each level) increased by \$32 per week.<sup>12</sup>

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<sup>8</sup> [2022] FWCFB 3500 at [452]. The 2010 decision increased modern award minimum wages by \$26 per week or 69 cents per hour (on the basis of a 38-hour week).

<sup>9</sup> [2022] FWCFB 3500 at [194]

<sup>10</sup> ACTU response to draft determinations, Annual Wage Review 2021–22, 24 June 2022, at paras 3 and 8.

<sup>11</sup> ACTU response to draft determinations, Annual Wage Review 2021–22, 24 June 2022, at para. 15.

<sup>12</sup> ACTU response to draft determinations, Annual Wage Review 2021–22, 24 June 2022, at para. 23.

[12] The ACTU contended that these outcomes were ‘counterintuitive, and inconsistent with the Panel’s decision’ on the basis that the wages of adult apprentices and trainees ‘...are paid wages which would see them counted amongst the low paid workers’ to whom the relatively greater benefit of a fixed \$40 increase was intended.<sup>13</sup>

[13] Interested parties were invited to respond to the issues raised by the ACTU by 27 June 2022. The Commission received submissions from:

- the Australian Industry Group (Ai Group); and
- the Australian Manufacturing Workers’ Union (AMWU).

[14] The MEU, ETU and AMWU submissions supported, or were aligned, with the ACTU’s position.<sup>14</sup> The MEU and AMWU cited several modern awards applicable to their members in which adult apprentices would receive an increase of less than \$40 per week.<sup>15</sup> The ETU noted additional concerns regarding financial pressures faced by their adult apprentice members as reasons for the increase of \$40 per week to apply.<sup>16</sup>

[15] The MEU focused on the *Black Coal Mining Industry Award 2020* and submitted that the increase of \$40 per week should be extended to all award classifications, including non-adult apprentices.<sup>17</sup> It submitted that the decision to limit the increase to adult award classifications unjustly excluded young persons and was inconsistent with the Panel’s reasoning to provide a greater level of support to low-paid workers, who tend to be younger.<sup>18</sup>

[16] Ai Group opposed the ACTU’s submission and argued that its proposal should be rejected as it would disturb the Commission’s long-standing approach to adjusting apprentice and trainee wage rates and the relativities between adult rates and other wage rates.<sup>19</sup> Moreover, Ai Group submitted that the proposed approach had not been adopted by the Commission nor its predecessors in past reviews where a flat dollar increase has been awarded, and nor did the 2021–22 Review decision suggest that the Panel intended to disturb the historical approach to flowing on the increase to apprentice and trainee wages.<sup>20</sup>

[17] The Panel issued a Statement on 28 June 2022 noting that it did not propose to amend the draft determinations in the manner proposed by the ACTU. It stated that:

‘The draft determinations reflect the historical approach to adjusting apprentice and trainee rates and preserve the relativities between those rates and the other award rates

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<sup>13</sup> ACTU response to draft determinations, Annual Wage Review 2021–22, 24 June 2022, at paras 16–17.

<sup>14</sup> MEU response to draft determinations, Annual Wage Review 2021–22, 24 June 2022

<sup>15</sup> MEU response to draft determinations, Annual Wage Review 2021–22, 24 June 2022, at paras 1–4; AMWU response to draft determinations, Annual Wage Review 2021–22, 27 June 2022, at paras 3–5.

<sup>16</sup> ETU response to draft determinations, Annual Wage Review 2021–22, 24 June 2022, at paras 6–7.

<sup>17</sup> MEU response to draft determinations, Annual Wage Review 2021–22, 24 June 2022, at para. 8.

<sup>18</sup> MEU response to draft determinations, Annual Wage Review 2021–22, 24 June 2022, at para. 7.

<sup>19</sup> Ai Group response to draft determinations, Annual Wage Review 2021–22, 27 June 2022, at p. 2.

<sup>20</sup> Ai Group response to draft determinations, Annual Wage Review 2021–22, 27 June 2022, at p. 2.

and on the material presently before us we are not persuaded to depart from that approach at this time.’<sup>21</sup>

[18] The Panel noted that the issue was raised late in the 2021–22 Review process and close to the statutory deadline for publishing final determinations.<sup>22</sup> The Panel also noted, as raised by Ai Group, that the proposed change would affect many employers and employees who would not have had the opportunity to comment on the issue.<sup>23</sup>

[19] Following from the Panel’s Statement, the draft variation determinations for wages and allowances coming into effect on 1 July 2022 were signed and published by the Commission in accordance with s.292 of the Act, along with the NMWO, on 28 June 2022.

[20] As noted in the 2021–22 Review decision, the rates which were to receive the increase of \$40 per week were to be adjusted by the same approach applied as in the 2009–10 Review.<sup>24</sup> This was the last occasion where the Commission had awarded a flat dollar increase in an annual wage review. Although aware of its effect on compressing wage relativities,<sup>25</sup> the Panel at the time found that circumstances weighed in favour of providing a greater benefit for the lowest paid, particularly as no increase had been granted since 2008.<sup>26</sup>

[21] In relation to applying the flat dollar increase to apprentice and trainee rates, the Panel in the 2009–10 Review decision stated that:

‘We have decided that junior employees and employees to whom training arrangements apply should receive the benefit of the increase in minimum wages generally. Because of the manner in which those wages are derived, no special action is necessary. If any of the relevant minimum wages are expressed in dollar terms, a proportionate adjustment should be made.’<sup>27</sup>

[22] The Panel explained further that:

‘The increase applies to minimum wages for junior employees, employees to whom training arrangements apply...through the operation of the methods applying to the calculation of those wages.’<sup>28</sup>

[23] This background paper expands on the issues raised in the ACTU submission. It provides a brief summary of adult apprentices and adult trainees in modern awards and details

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<sup>21</sup> [2022] FWCFB 113 at [19].

<sup>22</sup> [2022] FWCFB 113 at [20].

<sup>23</sup> [2022] FWCFB 113 at [20].

<sup>24</sup> [2022] FWCFB 3500 at [452]. The 2010 decision increased modern award minimum wages by \$26 per week or 69 cents per hour (on the basis of a 38-hour week).

<sup>25</sup> [2010] FWAFB 4000 at [335].

<sup>26</sup> [2010] FWAFB 4000 at [337].

<sup>27</sup> [2010] FWAFB 4000 at [355].

<sup>28</sup> [2010] FWAFB 4000 at [424].

the method used to adjust adult apprentice and adult trainee wage rates from the 2021–22 Review.<sup>29</sup>

- Attachment A sets out the applicable adult apprentice wages across all modern awards and their change as a result of the 2021–22 Review decision. Minimum wages for apprentices are contained in 49 of the 121 industry and occupational modern awards.
- Attachment B sets out the modern awards incorporating the NTW Schedule, by way of reference to the *Miscellaneous Award 2020* or otherwise, in which the increase to adult trainee wage rates is less than \$40 per week. The NTW is included in 102 of the industry and occupational modern awards, with 9 of those containing an award-specific NTW Schedule.

## Apprentices

### Wage-setting for apprentices in modern awards

[24] Wage-setting for apprentices in the federal workplace relations system has undergone a number of changes in response to the characteristics of those undertaking apprenticeships shifting over time.

[25] The method of fixing apprentice wage rates in federal awards was, at first, derived from a percentage of the basic wage rate. However, when the basic wage was abandoned in 1967, most federal awards were subsequently varied to set apprentice wage rates as a percentage of the applicable tradespersons rate, which had been gradually introduced into federal awards during the 1950s and 1960s. This system was also largely reflected in awards at the state level.<sup>30</sup>

[26] When the Australian Industrial Relations Commission (AIRC) began the process of award modernisation in 2008, one of the stated aims was to provide a comprehensive range of fair minimum wages for all employees, including employees to whom training arrangements applied.<sup>31</sup> In the making of modern awards, the AIRC based the wage structure of apprentices on those appearing in the associated pre-reform award and/or notional agreement preserving a state award (NAPSA).<sup>32</sup>

[27] As apprenticeships were developed on an industry-by-industry basis, substantial variation existed in the percentage rate applied across awards and other wage structures (for example, some awards offered higher percentage rates for older apprentices or those with higher levels of education).<sup>33</sup> The award modernisation Full Bench recognised this to be the case when it stated:

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<sup>29</sup> [2022] FWCFB 113 at [21].

<sup>30</sup> Dunn et al (2011), [Australian apprentice minimum wages in the national system](#), Research Report 6/2011, Fair Work Australia, at pp. iii, 5–6.

<sup>31</sup> See Request under section 576C(1)–Award Modernisation Amended Consolidated Version 16 June 2008.

<sup>32</sup> Dunn et al. (2011), [Australian apprentice minimum wages in the national system](#), Research Report 6/2011, Fair Work Australia, at p. 7.

<sup>33</sup> AFPC, *Wage-Setting Decision and Reasons for Decision*, October 2006, at p. 105.

‘The federal awards and NAPSAs with which we are dealing contain a very wide range of rates for junior employees and apprentices. The relevant instruments fix percentages of the adult wage for juniors and apprentices based on a host of historical and industrial considerations, most of which can only be guessed at. It is not possible to standardise these provisions on an economy-wide basis, at least not at this stage. We have adopted the limited objective of developing new rates which constitute a fair safety net for each of the modern awards based on the terms of the relevant predecessor awards and NAPSAs. We have attempted to strike a balance as between, in some cases, wildly varying provisions. ... In the case of apprentices the rates will generally be expressed as a percentage of the relevant trade rate.’<sup>34</sup>

[28] Despite these differences, there are some commonalities across apprentice wage structures which currently exist in modern awards. For instance, apprentice wage rates in the vast majority of modern awards are based on the tradespersons level. Of the 49 industry and occupational modern awards which contain apprentice provisions, 42 are based on the equivalent rate in the *Manufacturing and Associated Industries and Occupations Award 2020*,<sup>35</sup> known as the C10 rate.

[29] The C10 rate (which is the classification for an employee with a recognised trade certificate) under the *Manufacturing and Associated Industries and Occupations Award 2020*, and the equivalent rate across awards, is generally referred to as the tradespersons rate.

[30] Apprentice wages are structured such that that they provide an incremental increase throughout the progression of the apprenticeship in recognition of increased skill level and productive value. This is generally based on each additional year spent in the apprenticeship, or for some modern awards, on obtaining the minimum training requirements or competency of a particular stage.

[31] The AIRC acknowledged submissions calling for a greater review of apprentice wages, however, it decided that the award modernisation process did not present the best mechanism to achieve this and suggested that this could be dealt with later by its successor, the Fair Work Commission (formerly named Fair Work Australia (FWA)).<sup>36</sup> As discussed in the next section, a review of apprentice wage rates occurred in 2013 as part of the Transitional Review of modern awards. This review is significant in that it varied the wage structure for apprentices that still applies in modern awards.

### **Adult apprentices in modern awards**

[32] An adult apprentice in the NMWO and in modern awards refers to an apprentice of 21 years of age or over at the time of commencement of their apprenticeship.<sup>37</sup>

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<sup>34</sup> [2008] AIRCFB 1000 at [71].

<sup>35</sup> MA000010.

<sup>36</sup> AIRC, Award Modernisation Decision, AM2008/2–12, AM2008/13–24. AIRCFB 800, 2 September 2009, at [51].

<sup>37</sup> [2013] FWCFB 5411 at [267].

[33] Adult apprenticeships are a relatively new form of apprenticeship. For most of their history, apprentice wages were set on the premise that apprentices were mainly junior employees (under 21 years of age).<sup>38</sup> Indeed, adult apprenticeships were not able to be undertaken in most traditional trade sectors until the 1980s.<sup>39</sup>

[34] During the award modernisation process, the AIRC indicated that modern awards were likely to require further updates before they came into operation, such as the inclusion of provisions for adult apprentices.<sup>40</sup> However, of the 46 modern awards containing apprentice rates at commencement on 1 January 2010, only 22 contained provisions specifically for adults.<sup>41</sup> These modern awards generally fixed the adult apprentice rate at a higher proportion of the tradespersons rate than for other apprentices, although the percentage varied by modern award.<sup>42</sup> In some cases, the adult apprentice rate was set at a particular classification in the modern award.<sup>43</sup> Where provisions for adult apprentices were silent, the ‘adult’ apprentice would receive the general apprentice wage rate.

[35] Part 2 of Schedule 5 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* required the Commission to conduct a review of all modern awards after two years (the Transitional Review).<sup>44</sup> In 2013, the Commission undertook a review of apprentices, trainees and juniors as part of this Transitional Review, which led to a number of developments for adult apprentices. The Commission found that the characteristics of those undertaking apprenticeships had changed significantly over time, observing that the average age of apprentices had increased and that they were more likely to have completed Year 12 or a vocational qualification prior to commencement.<sup>45</sup> It was also noted that the wage rates of a first year apprentice had fallen to such an extent that they could be regarded as amongst the ‘low-paid’ in the workforce.<sup>46</sup> As such, the Commission concluded that modern awards did not provide a fair and relevant safety net for apprentices and that the safety net should be changed to ‘better reflect the reality of current day apprenticeship intake’.<sup>47</sup>

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<sup>38</sup> Ray, J (2001), *Apprenticeship in Australia: An historical snapshot*, NCVER, p. 8.

<sup>39</sup> [2013] FWCFB 5411 at [201].

<sup>40</sup> [2009] AIRCFB 345 at [26].

<sup>41</sup> Dunn et al. (2011), *Australian apprentice minimum wages in the national system*, Research Report 6/2011, Fair Work Australia, at pp, 72, 80.

<sup>42</sup> McDowell, J, et al. (2011), *A shared responsibility: Apprenticeships for the 21st Century*, Commonwealth of Australia, 31 January 2011, at p. 91.

<sup>43</sup> This included adult apprentice rates in the *Food, Beverage and Tobacco Manufacturing Award 2010; Manufacturing and Associated Industries and Occupations Award 2010, Sugar Industry Award 2010* and the *Vehicle Manufacturing, Repair, Services and Retail Award 2010*. These rates continue to be fixed as such in the consolidated 2020 award instruments.

<sup>44</sup> The Transitional Review was to include all modern awards other than modern enterprise awards and State reference public sector modern awards.

<sup>45</sup> [2013] FWCFB 5411 at [172] and [203].

<sup>46</sup> [2013] FWCFB 5411 at [172]. The Full Bench referred to the Henderson poverty line to make this assessment; however, it noted the issues in the utility of using this measure from the Minimum Wage Panel in the Annual Wage Review 2010–11.

<sup>47</sup> [2013] FWCFB 5411 at [184].

[36] In addition to increasing the percentage of the C10 rate for first and second year non-adult apprentices to a minimum figure,<sup>48</sup> the Commission determined that provisions for adult apprentices should be included in modern awards where no such provisions previously existed.<sup>49</sup> The Commission stated that ‘[i]t cannot be said that the minimum safety net provided by a modern award is fair and relevant in the absence of such provisions.’<sup>50</sup>

[37] Further, the Commission decided that the minimum rate for an adult apprentice in their first year, who is not an existing employee at an enterprise, should be increased to a minimum of 80 per cent of the C10 rate (or tradespersons rate).<sup>51</sup> The Commission found 80 per cent to be appropriate on the basis that an apprentice in their first year will spend approximately 20 per cent of their working time in off-the-job training and not in productive work.<sup>52</sup> This is the same assumption used in the calculation of trainee rates, as will be discussed later.

[38] It was determined that adults in the second or subsequent year of their apprenticeship would, effectively, receive either the lowest classification rate in the award or the corresponding non-adult apprentice rate (or adult apprentice rate if it existed at the time), whichever was greater.<sup>53</sup>

[39] In its consideration, the Commission accepted that the apprentice wage should continue to be regarded as a ‘training wage’ and that it was appropriate that apprentice rates be discounted to account for the fact that apprentices are engaged in both training and productive work over the course of their apprenticeship.<sup>54</sup>

[40] The wage structure determined as part of the Transitional Review remains the current structure in modern awards. Clause 15.2 of the *Miscellaneous Award 2020* (Miscellaneous Award 2020), below, represents a typical example of how non-adult and adult apprentice rates are provided for in modern awards following the Transitional Review.

**‘15.2 Apprentice minimum rates**

- (a) An apprentice (other than an adult apprentice) must be paid a minimum of the following percentage of the standard rate (Level 3):

<b>Year of apprenticeship</b>	<b>% of Level 3</b>
1 <sup>st</sup>	55

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<sup>48</sup> For a first year non-adult apprentice, the percentage of the C10 rate was increased to a minimum of 50 per cent, or 55 per cent if the apprentice had completed Year 12. For a second year non-adult apprentice, the percentage was increased to a minimum of 60 per cent, or 65 per cent if they had completed Year 12.

<sup>49</sup> [2013] FWCFB 5411 at [225].

<sup>50</sup> [2013] FWCFB 5411 at [225].

<sup>51</sup> [2013] FWCFB 5411 at [259].

<sup>52</sup> [2013] FWCFB 5411 at [253].

<sup>53</sup> [2013] FWCFB 5411 at [189], [260]–[261].

<sup>54</sup> [2013] FWCFB 5411 at [176].

2 <sup>nd</sup>	65
3 <sup>rd</sup>	80
4 <sup>th</sup>	95

- (b) An adult apprentice who commenced on or after 1 January 2014 and is in the first year of their apprenticeship must be paid:
- (i) 80% of the minimum weekly rate for Level 3 in clause 15.1; or
  - (ii) The rate prescribed by clause 15.2(a) for the relevant year of the apprenticeship,
- whichever is the greater.
- (c) An adult apprentice who commenced on or after 1 January 2014 and is in the second and subsequent years of their apprenticeship must be paid:
- (i) the rate for the lowest adult classification in clause 15.1; or
  - (ii) the rate prescribed by clause 15.2(a) for the relevant year of the apprenticeship,
- whichever is the greater.
- (d) A person employed by an employer under this award immediately prior to entering into a training agreement as an adult apprentice with that employer must not suffer a reduction in their minimum wage by virtue of entering into the training agreement, provided that:
- (i) the person has been an employee in that enterprise for at least 6 months as a full-time employee; or
  - (ii) 12 months as a part-time or regular casual employee immediately prior to commencing the apprenticeship.
- (e) For the purpose only of fixing a minimum wage, the adult apprentice must continue to receive the minimum rate that applies to the classification specified in clause 15.1 in which the adult apprentice was engaged immediately prior to entering into the training agreement.’

[41] The apprentice wage structure in the Miscellaneous Award 2020 for an adult apprentice who commenced their apprenticeship on or after 1 January 2014 is set out in Table 1 below. The effective rate of a first year adult apprentice under clause 15.2(b) is 80 per cent of the Level 3 rate<sup>55</sup> (which is greater than the rate for non-adult apprentices, set at 55 per cent of the Level 3 rate). Under clause 15.2(c), adult apprentices in their second and third year of the apprenticeship are paid the lowest classification rate in the modern award (Level 1).

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<sup>55</sup> This is equivalent to the C10 (or tradespersons rate).

However, for an adult apprentice in their fourth year, clause 15.2(c) provides that they are paid at the non-adult apprentice rate of 95 per cent of Level 3, as it is a higher rate than the lowest classification in the modern award (Level 1).

**Table 1: Applicable adult apprentice rates in the *Miscellaneous Award 2020***

<b>Year of apprenticeship</b>	<b>Applicable adult apprentice rate</b>	<b>Applicable adult apprentice rate</b>
	<b>Method</b>	<b>\$</b>
1 <sup>st</sup>	80% of Level 3	752.72
2 <sup>nd</sup>	Level 1	812.60
3 <sup>rd</sup>	Level 1	812.60
4 <sup>th</sup>	95% of Level 3	893.86

[42] Attachment A shows the applicable adult apprentice rates of pay across all modern awards and is subject to analysis later in the paper. The next section details how a minimum wage adjustment is applied to adult apprentices.

**Adjustment of adult apprentice wages**

[43] Adjustments to adult apprentice wages from annual wage reviews automatically flow-on from the increase to the adult classification wages in a modern award. There are two ways in which this occurs—either because the adult apprentice rate is expressed as a percentage of the tradespersons rate<sup>56</sup> (or some other classification), or because the adult apprentice rate is fixed to a particular classification rate<sup>57</sup> (this will generally be the lowest classification rate in the award).

[44] In either case, the minimum wages for apprentices are adjusted such that they maintain relativity to a selected classification—which can be referred to as the apprentice wage’s ‘parent wage’. This means that the minimum wage for apprentices will increase by the same percentage as the parent wage. However, unless the apprentice wage is fixed at 100 per cent of that parent wage, its nominal increase will be lower.

[45] This system of adjusting apprentice wages was used for the 2009–10 Review decision. The effect of the 2009–10 Review decision was that the nominal wage increase across modern awards containing non-adult and adult apprentice rates was not uniform. The nominal wage increase for apprentices differed according to the relevant percentage applied to the parent rate. Only apprentices whose rate was fixed at 100 per cent of the underlying rate received the full amount of the flat dollar increase awarded in that Review that applied to adult classifications generally.<sup>58</sup>

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<sup>56</sup> The ‘tradespersons rate’ is aligned with the ‘C10 classification’ of the *Manufacturing and Associated Industries and Occupations Award 2020*. Following the 2021–22 Review, this rate is \$940.90 per week.

<sup>57</sup> In other words, the apprentice rate is set at 100 per cent of a particular classification rate in the award.

<sup>58</sup> This does not include some of the adult apprentice rates in the *Manufacturing and Associated Industries and Occupations Award 2010* and the *Vehicle Manufacturing, Repair, Services and Retail Award 2010* where the first year/stage adult apprentice was tied to the wage level B exit rate in the NTW Schedule.

[46] For instance, the rate for an adult apprentice under the *Food, Beverage and Tobacco Manufacturing Award 2010* in the first stage of their apprenticeship was set at 76 per cent of the Level 5 wage. In the 2009–10 Review, the Level 5 wage increased by \$26.00 per week, from \$637.60 to \$663.60, or 4.1 per cent. To retain its relativity with the Level 5 rate at 76 per cent, the rate for an adult apprentice in the first stage of their apprenticeship also increased by 4.1 per cent, from \$484.58 to \$504.34. However, this resulted in a nominal increase of \$19.76 per week (effectively, 76 per cent of the \$26.00 flat dollar adjustment).

[47] To further illustrate how the adjustments were applied, the wage for a second stage adult apprentice under the same modern award was set as equal to the Level 1 wage. This rate increased from \$543.90 to \$569.90 after applying the increase of \$26.00 per week. In this case, in order to retain equivalency with the Level 1 rate, the wage for a second stage adult apprentice also increased by the same amount, both in percentage and nominal terms (or equal to 100 per cent of the \$26.00 flat dollar adjustment).

[48] The following provides further examples of how adult apprentice wages were adjusted prior to the 2009–10 Review, based on a tiered flat dollar increase.

*Example: Historical adjustment of adult apprentices by the AIRC in 2003*

[49] The AIRC, in the 2003 Safety Net Review, awarded a two-tiered wage increase comprising:

- a \$17 per week increase to award wages *up to and including* \$731.80 per week; and
- a \$15 per week increase in awards above that level.<sup>59</sup>

[50] The AIRC explained the decision as follows:

‘In the current circumstances a tiered increase, which will provide a slightly higher increase for employees at the lower levels, is appropriate... The form of the increase gives appropriate emphasis to the needs of the low paid whilst moderating the overall economic impact by providing a lower amount at the higher classification levels.’<sup>60</sup>

[51] Table 2 shows the adult apprentice rates from the *Textile Industry Award 2000*, as adjusted by the AIRC 2003 decision. All of the apprentice rates are expressed as a percentage (‘tied to’) of the tradespersons rate (Skill Level 4), with the rate for a fourth-year apprentice effectively fixed to the tradespersons rate at 100 per cent. The tradespersons rate received the tier one weekly increase of \$17.00, resulting in an increase of 3.2 per cent. In order to maintain relativities between levels, the adult apprentice rates also increased by 3.2 per cent, with the nominal increase ranging from \$13.95 for a first year apprentice to \$17.00 for a fourth year apprentice (the fourth year apprentice being the only rate to receive the full ‘tier one’ flat dollar increase due to it being fixed at 100 per cent of Skill Level 4).

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<sup>59</sup> Safety Net Review – Wages May 2003 [PR002003], 6 May 2003 at [249].

<sup>60</sup> Safety Net Review – Wages May 2003 [PR002003], 6 May 2003 at [249].

**Table 2: Adult apprentice rates in the *Textile Industry Award 2000*, change over year to 2003**

Year of apprenticeship	% of Skill Level 4	Minimum weekly award rate		Change over year	
		Jun-02	Jun-03		
		\$	\$	\$	%
First year	82	430.65	444.60	13.95	3.2
Second year	87	456.90	471.70	14.80	3.2
Third year	92	483.20	498.80	15.60	3.2
Fourth year	100	525.20	542.20	17.00	3.2

Source: *Textile Industry Award 2000* [AP799036CRV], at clause 28.4.3; PR918195, PR932232.

[52] From 2006 to 2009, reviews conducted under the *Workplace Relations Act 1996* (Cth) were undertaken by the Australian Fair Pay Commission (AFPC). In its inaugural decision in 2006, which also awarded a tiered increase to preserved pay scales, the AFPC detailed its adjustment of apprentice rates as follows:

‘The general pay increase will be pro-rated on the basis of formulas applying in the relevant pre-reform wage instruments so as to maintain the relativity of the basic periodic rates of pay for apprentices with the relevant tradesperson rate... Where apprentice rates are derived from a specific rate in another Pay Scale, they will be adjusted to reflect the parent rate on which they are based, where the parent rates have been adjusted to give effect to the general decision.’<sup>61</sup>

[53] The example illustrated above from the AIRC in the 2003 Safety Net Review and the method of adjustment described by the AFPC above are consistent with the approach taken in the 2021–22 Review.

*Analysis of adult apprentice wages in the 2021–22 Review: Attachment A*

[54] Attachment A refers to a table showing the applicable adult apprentice rates for each modern award, as well as the change as a result of the 2021–22 Review decision, highlighting the pay points that increased by less than \$40.00 per week.

[55] As noted by the ACTU, apprentice rates were increased by the same percentage as the parent rate to which they are tied.<sup>62</sup> Whether an adult apprentice rate increased by less than \$40.00 per week depended on the percentage used, as well as the absolute value of the parent rate.

[56] The tier threshold (\$869.60) used for the 2021–22 Review was set at just below the then tradespersons level (\$899.50).<sup>63</sup> If an apprentice rate is expressed as a percentage of the

<sup>61</sup> AFPC (2006), Wage-Setting Decision and Reasons for Decision, October 2006, at p. 111.

<sup>62</sup> ACTU response to draft determinations, Annual Wage Review 2021–22, 24 June 2022, at para. 15.

<sup>63</sup> [2022] FWCFB 3500 at [193].

tradespersons rate, it would need to be 96.7 per cent<sup>64</sup> of that rate in order for the apprentice to have received a nominal increase of \$40.00 per week. The only adult apprentice rate where the percentage was higher than this proportion was a fourth year adult apprentice in the Wood and timber furniture stream of the *Timber Industry Award 2020* (at 98.5 per cent, resulting in a nominal wage increase of \$40.78 per week).<sup>65</sup>

## National Training Wages

### The National Training Wage Schedule in modern awards

[57] In accordance with the Panel's Statement of 14 October 2022, this background paper also outlines the methodology used for adjusting rates in the NTW Schedule,<sup>66</sup> beginning with background on the establishment of the NTW rates.

[58] The NTW Schedule was created during the award modernisation process conducted by the AIRC, replacing the former *National Training Wage Award 2000* and a number of other federal and state awards relating to trainees. It was contained in 103 of the 122 industry and occupational modern awards<sup>67</sup> and provided a standard set of minimum wages for trainees irrespective of industry or occupation. Trainees were otherwise entitled to the minimum terms and conditions of employment stipulated under the specific modern award.

[59] The NTW Schedule has undergone further standardisation as part of the 4 yearly review of modern awards.<sup>68</sup> In addition to undergoing a plain language re-draft, the NTW Schedule was removed from most modern awards and replaced with a term referring to a standard NTW Schedule contained in the then *Miscellaneous Award 2010* (now *Miscellaneous Award 2020*).<sup>69</sup> Currently, 94 industrial and occupational modern awards include a term referring to the standard NTW Schedule in the *Miscellaneous Award 2020*, with another 9 modern awards retaining an award-specific NTW Schedule.<sup>70</sup> A further 25 enterprise and state-reference public sector modern awards also contain a NTW Schedule. A list of these awards is shown at Attachment B.

[60] The rates in the NTW Schedule of the *Miscellaneous Award 2020* are also used in setting special national minimum wages for award/agreement free employees who are undertaking a traineeship. The Minimum Wage Panel (of FWA) adopted this approach in the 2010–11 Review.<sup>71</sup>

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<sup>64</sup> Calculated as the tier threshold as a proportion of the C10 rate (\$869.60/\$899.50).

<sup>65</sup> *Timber Industry Award 2020*, at clause 20.5(a)(i).

<sup>66</sup> [2022] FWC 2756 at [4].

<sup>67</sup> [2016] FWC 4495 at [1].

<sup>68</sup> See AM2016/17.

<sup>69</sup> [2017] FWCFB 3176.

<sup>70</sup> Including the *Miscellaneous Award 2020*.

<sup>71</sup> [2011] FWA FB 3400 at [408]. Although s.294(1)(ii) of the *Fair Work Act 2009* provides that the Commission must set a special national minimum wage for award/agreement free employees to whom training arrangements apply in each annual wage review [emphasis added], the Minimum Wage Panel was able to defer this in the Annual Wage Review 2009–10 under item 4 of Schedule 9 of the *Fair Work (Transitional Provisions and Consequential Amendments) Act*

[61] The minimum wages in the NTW Schedule appearing in the Miscellaneous Award 2020 is structured as follows for trainees undertaking:

- an AQF Certificate Level I–III traineeship allocated to wage level A (clause E.4.1(a) and E.4.2(a))
- an AQF Certificate Level I–III traineeship allocated to wage level B (clause E.4.1(b) and E.4.2(b))
- an AQF Certificate Level I–III traineeship allocated to wage level C (clause E.4.1(c) and E.4.2(c))
- a School-based AQF Certificate Level I–III part-time traineeship (clause E.4.2(d))
- an AQF Certificate IV traineeship for adult trainees (clause E.4.1(d) and E.4.2(e))

[62] The rates for trainees undertaking an AQF (Australian Qualifications Framework) Certificate Level I–III for each wage level vary according to the highest year of schooling completed and the experience level of the trainee.

[63] Trainees are allocated to one of three wage levels according to their training package and its associated AQF certificate level in clause E.6. Wage levels A, B and C represent skilled (verging on the equivalent of a ‘trades’ level), semi-skilled and base skill categories of training, respectively, with the rates of pay highest under wage level A and lowest under wage level C.<sup>72</sup>

[64] School-based traineeships are a specific class of part-time traineeships and are paid at two pay points according to the year of schooling of the trainee (Year 11 or lower and Year 12).

### **Adult trainees**

[65] An adult trainee is defined under clause E.1.1 as a ‘trainee who would qualify for the highest minimum wage in wage level A, B or C if covered by that wage level.’ Although the NTW rates are not explicitly based on age, under the terms of the Miscellaneous Award 2020 an adult aged 21 years or older would fall under the highest NTW experience level<sup>73</sup> for their wage level (for example the Year 12, plus three years out of school rate).

[66] The NTW Schedule in the Miscellaneous Award 2020 also provides separate rates of pay for adult trainees who are undertaking an AQF Certificate Level IV traineeship according to the wage level and year of the traineeship. The first year of the traineeship is based on the highest NTW rate for the selected wage level under an AQF Certificate Level I–III, with an additional 3.8 per cent. The second and subsequent years of the traineeship are based on a

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2009. This enabled the Panel to conduct a review of apprentices and trainees and allow the Australian Government to complete its review of vocational training.

<sup>72</sup> Australian Chamber of Commerce and Industry submission, AFPC Wage-Setting Review 2006, at para. 19.94; ACTU submission, Annual Wage Review 2010–11, at para. 13.33.

<sup>73</sup> This is also referred to as the ‘exit rate’.

further 3.8 per cent of the first year. These are the highest rates of pay contained in the NTW Schedule.<sup>74</sup>

[67] Table 3 presents the applicable adult trainee rates in the NTW Schedule from July 2022 as a proportion of the national minimum wage (NMW). The full-time weekly adult trainee rates are less than the NMW at each point, ranging from 80.3 per cent to 97.8 per cent of the NMW. As per clause E.3.1 of the Miscellaneous Award 2020, a full-time traineeship is based on 38 ordinary hours per week, with 20 per cent of those hours being approved training. Because of this, the full-time weekly trainee rates are lower than they otherwise would be to compensate for the time spent outside of productive work. In comparison, the part-time hourly adult trainee rates presented in the NTW Schedule range from 100.4 per cent to 122.3 per cent of the NMW.<sup>75</sup>

**Table 3: Full-time/part-time adult trainee rates in the NTW Schedule, minimum rates and proportion to National Minimum Wage, 1 July 2022**

	Minimum full-time weekly rate	Proportion to NMW	Minimum part-time hourly rate	Proportion to NMW
	\$	%	\$	%
<b>AQF Certificate Level I–III traineeship</b>				
Wage Level A	738.00	90.8	24.28	113.6
Wage Level B	713.70	87.8	23.48	109.8
Wage Level C	652.70	80.3	21.47	100.4
<b>AQF Certificate Level IV traineeship</b>				
Wage Level A—First year of traineeship	766.00	94.3	25.20	117.9
Wage Level B—First year of traineeship	740.80	91.2	24.37	114.0
Wage Level C—First year of traineeship	677.50	83.4	22.29	104.3
Wage Level A—Second and subsequent years of traineeship	795.10	97.8	26.15	122.3
Wage Level B—Second and subsequent years of traineeship	769.00	94.6	25.30	118.3
Wage Level C—Second and subsequent years of traineeship	703.20	86.5	23.13	108.2

Note: The NMW as at 1 July 2022 is \$812.60 per week or \$21.38 per hour.

Source: *Miscellaneous Award 2020* [MA000104], at clauses E.4.1(a)–E.4.2(e); National Minimum Wage Order 2022.

<sup>74</sup> A non-adult trainee undertaking a AQF Certificate Level IV traineeship would be eligible to receive the corresponding rate of pay if they had been undertaking a AQF Certificate Level III traineeship plus 3.8 per cent under clause E.4.1(d)(i) and E.4.2(e)(i). Unlike their adult counterparts, these rates are not presented in the NTW Schedule.

<sup>75</sup> Clause E.4.2(f)(iii) provides that if the approved training for a part-time traineeship is undertaken *wholly on the job* or a combination of *partly on the job and partly off the job*, then 20 per cent must be deducted from the hourly rates in clause E.4.2 for each ordinary hour worked by the trainee.

## Establishment of the national trainee wages

[68] The rates for full-time trainees undertaking a AQF Certificate I–III traineeship for each wage level were first established under the *National Training Wage Award 1994*,<sup>76</sup> created by the AIRC which set the standard for trainee rates in the federal system.<sup>77</sup> The award was varied over time to include rates for part-time traineeships and school-based trainees in 1997<sup>78</sup> and was eventually consolidated into the *National Training Wage Award 2000* as part of the Award Simplification process.<sup>79</sup> Further amendments in 2001 introduced minimum rates for adults and juniors undertaking a Certificate IV traineeship.<sup>80</sup>

[69] The 1994 and 2000 award instruments provided different rates of pay for ‘school leavers’ depending on the average proportion of time spent in approved training. For all other rates, the average proportion of time spent in structured training that was taken into account in setting the rates was 20 per cent.<sup>81</sup> At the creation of the NTW Schedule, all minimum rates, including for ‘school leavers’, were based on this average figure.

[70] During the award modernisation proceedings, the ACTU noted the following in regards to the adult trainee wages set for each wage level in the *National Training Wage Award 1994*:

‘The 1994 agreement put in place training rates for adult trainees based on 80 per cent of the key award base rates determined in the 1989 national wage case... and they were set for the three wage levels at 80 per cent of the trades, the semi skilled and the base skill levels. With the rates for young people being further altered to take into account... the year at which they left school, and their experience post school.’<sup>82</sup>

[71] In a submission made during the 2010–11 Review, the ACTU also noted that:

‘This structure is intended to provide a close relativity between trainee rates and the adult rates payable in the relevant industry for classifications that cover similar work to the work performed by trainees.’<sup>83</sup>

[72] The ‘key award base rates’ on which the adult NTW rates were based included rates found in common awards,<sup>84</sup> including the *Metal Industry Award 1971*.<sup>85</sup> The adult trainee

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<sup>76</sup> This was first made as an interim award (the *National Training Wage Interim Award 1994*) in September 1994.

<sup>77</sup> Dunn et al. (2011), *Australian apprentice minimum wages in the national system*, Research Report 6/2011, Fair Work Australia, at pp. vi, 227.

<sup>78</sup> AIRC, Traineeship Wages—Safety Net Review, Consent Order, Print P2738, N0277CR V018 P, 8 July 1997.

<sup>79</sup> AIRC, Award Simplification, Print T0813, 21 September 2000.

<sup>80</sup> AIRC, National Training Wage Order re Consent variation, PR904174, 10 May 2001.

<sup>81</sup> For instance, see the end of clause 11 in the *National Training Wage Award 2000*.

<sup>82</sup> AIRC, Award Modernisation—Stage 4, Transcript of Proceedings, AM2008/13 and others, 23 February 2009, at para. 187.

<sup>83</sup> ACTU submission, Annual Wage Review 2010–11, at para. 13.38.

<sup>84</sup> Dunn et al. (2011), *Australian apprentice minimum wages in the national system*, Research Report 6/2011, Fair Work Australia, at p. 227.

<sup>85</sup> This award was the precursor to the *Metal, Engineering and Associated Industries Award 1998*, followed by the *Manufacturing and Associated Industries and Occupations Award 2010*.

rates under wage levels A, B and C approximate around 80 per cent of the C10, C11 and C14 levels, respectively. However, as noted by Australian Business Industrial during the 2010–11 Review, it is not well understood nor transparent as to which particular award classifications the adult trainee rates were linked to.<sup>86</sup>

### **Adjustment of the national training wage rates**

[73] From the commencement of the *National Training Wage Award 1994* through to 2010, trainee wages had been subject to flat dollar increases. For much of the period between 1998 and 2007, these increases were awarded in tiered form, in that a flat dollar increase was granted up to a certain wage level, and then another increase, generally of a lower amount, was awarded above that wage level.<sup>87</sup>

[74] For the purposes of determining the application of a tiered increase to the NTW rates, the method outlined in the Safety Net Review 1999 indicated that the trainee rates themselves are compared to the tiered thresholds and are adjusted accordingly.<sup>88</sup> This approach was adopted for the 2021–22 Review, and since all of the weekly NTW rates were below the \$869.90 per week threshold, the rates were adjusted by the flat \$40.00 per week increase based on the methodology outlined in the next section.

#### *Flat dollar adjustment method*

[75] The application of a flat dollar increase to the NTW rates is based on an agreed method which has been used since the creation of the *National Training Wage Award 1994*.<sup>89</sup> The method has been applied by the AIRC, AFPC<sup>90</sup> and by FWA in the 2009–10 Review.<sup>91</sup>

[76] The rules for the adjustment method for **full-time trainees** can be summarised as follows:

1. The top weekly rates (these being the adult rates) for full-time trainees undertaking an AQF Certificate Level I–III traineeship in each wage level are increased by 80 per cent of the full flat dollar minimum wage increase. These rates are highlighted grey in Table 4.
2. The other weekly rates for trainees undertaking an AQF Certificate Level I–III traineeship are increased by an amount which maintains their relativity to the adult rate under their respective wage level. These rates are highlighted green in Table 4.
3. As an exception to the rule above (2), wage level A and C rates that are equal to the corresponding wage level B rate are instead increased by an amount which maintains

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<sup>86</sup> Australian Business Industrial submission, Annual Wage Review 2010–11, at para. 34.

<sup>87</sup> The AIRC have also awarded a 3-tiered increase in the Safety Net Review of 1998 and 2001. In contrast to other decisions, the 2001 increase awarded an incrementally higher flat dollar amount at each subsequent tier.

<sup>88</sup> AIRC, National Training Wage Award 1994, Transcript of Proceedings, C Nos 36451 and others, 13 August 1999, pp. 3–4.

<sup>89</sup> AIRC, National Training Wage Award 1994, Transcript of Proceedings, C Nos 36451 and others, 13 August 1999, pp. 3–4.

<sup>90</sup> AFPC, Wage-Setting Decision and Reasons for Decision, October 2006, 26 October 2006, at p. 111.

<sup>91</sup> [2011] FWAFB 3400 at [365].

their parity with that rate. In effect, these rates are adjusted according to their relativity with the adult rate in wage level B. These rates are highlighted blue in Table 4.

4. The adult trainee rates for an AQF Certificate Level IV traineeship in the first year of the traineeship for each wage level are then calculated equal to the corresponding adult trainee rate in (1), plus 3.8 per cent. After rounding, a further 3.8 per cent is added to calculate the rates for those in their second and subsequent years of traineeship.

[77] With regards to the rules for the adjustment method for **part-time trainees**, this can be summarised as follows:

1. The hourly rates for part-time trainees undertaking an AQF Certificate Level I–III or IV traineeship are calculated from the corresponding full-time weekly trainee rate, multiplied by 1.25 in order to convert them from 4-day to 5-day rates,<sup>92</sup> and then divided by 38.
2. The hourly rate for a school-based trainee undertaking an AQF Certificate Level I–III traineeship in Year 11 or lower is set equal to the hourly rate for a school leaver with Year 10 as the highest year of schooling. The rate for a Year 12 school-based trainee is the rate one level higher, equivalent to one year out of school having completed Year 10 (or alternatively, a school leaver with Year 11 as the highest year of schooling).<sup>93</sup>

[78] At each step of the calculation above, the weekly NTW rates are rounded to the nearest 10 cents, as per the general rounding rule applied to weekly wages in modern awards.<sup>94</sup> This has been applied to the weekly trainee rates from the 2010–11 Review.<sup>95</sup> The hourly NTW rates, like most, if not all, modern award minimum hourly wages are rounded to the nearest cent.<sup>96</sup>

[79] Presuming that a single flat dollar increase applies, this adjustment mechanism ensures that the weekly adult rates under each wage level are adjusted by the same dollar amount (albeit, 20 per cent lower than the full flat dollar increase), which flows through to all other rates in the NTW Schedule. The ‘middle rates’ in each wage level increase by varying nominal monetary amounts in order to maintain their relativity to the adult rate, while the ‘bottom rates’ increase by the same amount as the corresponding rates in wage level B to maintain parity. The resulting rates for trainees undertaking a AQF Certificate Level I–III are then used to calculate the weekly rates for a full-time adult trainee undertaking a Certificate Level IV traineeship and all part-time trainee rates.

[80] The rationale for multiplying the flat dollar increase by 80 per cent before applying it to the adult trainee rates is based on the principle that trainee’s wages should be discounted to

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<sup>92</sup> This is based on a full-time traineeship at 38 ordinary hours per week, with 20 per cent of those hours being in approved training as per clause E.3.1 of the Miscellaneous Award 2020.

<sup>93</sup> This method is derived from the method used for full-time school-based traineeships from the pre-modern Award. The full-time rates for school-based traineeships were not consolidated into the NTW Schedule.

<sup>94</sup> [2011] FWAFB 3400 at [334].

<sup>95</sup> See item 2 of PR509135.

<sup>96</sup> [2019] FWCFB 3501 at [19]

reflect the time spent in formal training rather than productive work.<sup>97</sup> This was one of the core concepts in the design of the NTW system.<sup>98</sup> As per clause E.3.1 of the *Miscellaneous Award 2020*, a full-time traineeship is based on 20 per cent of a trainee’s ordinary hours allocated to approved training, therefore, 80 per cent of the flat dollar increase is applied to the adult rate at each wage level.<sup>99</sup>

[81] Table 4 shows the increase in the full-time trainee rates for those undertaking an AQF Certificate Level I–III traineeship awarded in the 2021–22 Review. In accordance with the adjustment method above, the weekly adult trainee rates (highlighted grey) were increased by \$32.00 (calculated as 80 per cent of \$40.00). In relative terms, this provided a higher increase to the adult trainee rates in wage level C (5.2 per cent) compared to the other wage levels (4.7 per cent and 4.5 per cent in wage levels B and A, respectively). This was also the case for the ‘middle rates’ (highlighted green), while the ‘bottom rates’ (highlighted blue) in wages levels A and C increased by the same proportion as the corresponding rates in wage level B (which was 4.7 per cent).

**Table 4: Minimum weekly rates for full-time trainees (AQF Certificate Level I–III traineeship), by wage level, change over year to 1 July 2022**

	AWR	AWR	Change over year	
	2020–21	2021–22		
	Minimum	Minimum		
	weekly rate	weekly rate		
	\$	\$	\$	%
<b>Wage level A</b>				
School leaver	347.10	363.40	16.30	4.7
Plus 1 year out of school	382.20	400.10	17.90	4.7
Plus 2 years out of school	455.30	475.90	20.60	4.5
Plus 3 years out of school	529.90	553.90	24.00	4.5
Plus 4 years out of school	616.60	644.50	27.90	4.5
Plus 5 or more years out of school	706.00	738.00	32.00	4.5
<b>Wage level B</b>				
School leaver	347.10	363.40	16.30	4.7
Plus 1 year out of school	382.20	400.10	17.90	4.7
Plus 2 years out of school*	443.00	463.80	20.80	4.7
Plus 3 years out of school	509.60	533.50	23.90	4.7
Plus 4 years out of school*	597.70	625.80	28.10	4.7
Plus 5 or more years out of school	681.70	713.70	32.00	4.7
<b>Wage level C</b>				
School leaver	347.10	363.40	16.30	4.7
Plus 1 year out of school	382.20	400.10	17.90	4.7
Plus 2 years out of school	443.00	463.80	20.80	4.7

<sup>97</sup> Australian Chamber of Commerce and Industry submission, AFPC Wage-Setting Review 2006, at paras. 19.68–19.69, 19.80; Australian Government submission, AFPC Wage-Setting Review 2006, at paras 10.52, 10.77, 10.83; AIRC, Award modernisation, Transcript of proceedings, (AM2008/13) and others, 23 February 2009, para. 184.

<sup>98</sup> Dunn et al. (2011), *Australian apprentice minimum wages in the national system*, Research Report 6/2011, Fair Work Australia, at p. 169; Kirby P (1985), ‘Report on the Committee on Inquiry into Labour Market Programs, AGPS, Canberra, p. 117.

<sup>99</sup> ACTU submission, AFPC Wage-Setting Review 2006, at pp. 137–138.

	<b>AWR 2020–21 Minimum weekly rate \$</b>	<b>AWR 2021–22 Minimum weekly rate \$</b>	<b>Change over year</b>	
			<b>\$</b>	<b>%</b>
Plus 3 years out of school*	498.80	524.50	25.70	5.2
Plus 4 years out of school*	557.30	586.00	28.70	5.1 <sup>1</sup>
Plus 5 or more years out of school	620.70	652.70	32.00	5.2

Note: <sup>1</sup> A 5.2 percentage increase would have been calculated for this bracket if not for the effects of rounding after adjustment on the weekly rate. \* Indicates a rate that is capable of ‘leapfrogging’ the corresponding rate in the next wage level up under successive flat dollar minimum wage increases (depending on the outcome of an annual wage review).

For brevity, rates are only presented for those whose highest year of schooling is Year 10.

Source: *Miscellaneous Award 2020* [MA000104] (PR740790, PR729365).

[82] A flat dollar increase therefore has the following effects on wage relativities *within* each wage level:

- *Compresses* the trainee rates within wage level A with the bottom rates increasing by a higher proportion than the other rates.
- neither compresses nor expands the trainee rates within wage level B. All rates should increase by the same proportion.
- *Expands* the trainee rates within wage level C, with the bottom rates increasing by a lower proportion than the other rates.

[83] Regarding wage relativities *across* wage levels, a flat dollar increase has the overall effect of *compressing* the trainee rates of pay, as highlighted in [81]. However, the effects of this compression are such that it is possible that certain rates in wage level C can overtake the corresponding rates in wage level B, and similarly, wage level B rates can overtake wage level A rates. This can be referred to as ‘leapfrogging’.<sup>100</sup>

[84] This issue affects the middle range of trainee rates across the wage levels, marked with an asterisk in Table 4. These rates are adjusted in accordance with their relativity to the top (adult) rate in the wage level, where trainee rates are higher relative to the respective adult rate at the lower wage levels (with one exception).<sup>101</sup>

[85] Following successive flat dollar increases, the rate for a trainee who had been out of school for 2 years under wage level C had caught up to, and reached the same value as, the corresponding trainee rate in wage level B in the 2009–10 Review (both at \$327.00, after rounding). Had these rates been adjusted using the approach in the 2021–22 Review, the wage level C rate may have overtaken the wage level B rate (at \$465.80 and \$463.80, respectively).

[86] This was avoided by applying the ‘exception’ rule noted under rule 3 in [76], so that the wage level C rate is adjusted by the same relativity as the wage level B rate. As such,

<sup>100</sup> Dunn et al. (2011), [Australian apprentice minimum wages in the national system](#), Research Report 6/2011, Fair Work Australia, at p. 232.

<sup>101</sup> The exception is a trainee who is 3 years out of school which has a higher relativity to the corresponding adult rate in wage level A than wage level B. This means the wage level B rate will never overtake the wage level A rate.

these rates will remain equal under any future flat dollar increases awarded. This method is adopted from research which informed the 2010–11 Review and is consistent with the approach used to adjust trainee rates which, historically, have been equal to one another (for example, the ‘bottom’ rates in wage level A and C).<sup>102</sup>

[87] In submissions to the 2010–11 Review, a number of parties raised the issue of compressing wage relativities in the NTW Schedule that had occurred over time. Nonetheless, several parties agreed that the historical approach to adjusting the trainee rates should not be departed from.<sup>103</sup>

#### *Percentage increase adjustment methodology*

[88] A percentage increase to minimum wages had previously not been awarded over the course of the operation of the *National Training Wage Award 1994* and its 2000 consolidated instrument. It was not until the 2010–11 Review that a percentage increase (of 3.4 per cent)<sup>104</sup> was awarded and the application of an increase of this kind to the NTW Schedule was considered.

[89] According to research informing the 2010–11 Review, in the event of a percentage increase, it was suggested that the NTW rates could be adjusted by applying the percentage increase to the full-time adult trainee rates for those undertaking a AQF Certificate Level I–III traineeship and then applying the rest of the flat dollar methodology outlined in the previous section to adjust all other trainee rates.<sup>105</sup>

[90] However, in accordance with the Minimum Wage Panel’s decision, the percentage increase was applied to each rate in the NTW Schedule, for both full-time and part-time trainees.<sup>106</sup> The Panel acknowledged the compression of wage relativities that had occurred under successive flat dollar adjustments to the NTW Schedule from past decisions (and more broadly to award classifications) and noted that the percentage increase would maintain existing relativities.<sup>107</sup>

[91] Applying the percentage increase across all NTW rates should result in the same outcome as applying the percentage increase to the relevant adult trainee rates before applying the flat dollar methodology described in [76] and [77]. One reason for a difference is due to rounding, however, this effect is lessened with the change to rounding applying to the nearest 10 cents for weekly rates rather than the nearest \$1 as had applied prior to the 2010–11 Review.

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<sup>102</sup> Dunn et al. (2011), *Australian apprentice minimum wages in the national system*, Research Report 6/2011, Fair Work Australia, at pp. 231–232.

<sup>103</sup> [2011] FWCAFB 3400 at [365], [367].

<sup>104</sup> [2011] FWAFB 3400 at [334], [410].

<sup>105</sup> Dunn et al. (2011), *Australian apprentice minimum wages in the national system*, Research Report 6/2011, Fair Work Australia, at pp. 231–232.

<sup>106</sup> [2011] FWCAFB 3400 at [368], [410].

<sup>107</sup> [2011] FWCAFB 3400 at [368], [410]

[92] The method of applying the same percentage increase directly to all NTW rates has been used continuously for each Review since the 2010–11 Review, which has been supported by the ACTU and Australian Business Industrial when applying a percentage increase to the NTW Schedule.<sup>108</sup>

### **Adjustment of the national training wage rates in the *Building and Construction General On-Site Award 2020***

[93] The *Building and Construction General On-Site Award 2020* has an award-specific NTW Schedule containing different rates compared to all other NTW Schedules. Table 5 below presents an extract of the minimum weekly rates for a full-time trainee undertaking a civil construction traineeships from clause D.4.1(a) of the award.

**Table 5: Minimum weekly rates for full-time civil construction traineeships**

	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
	\$	\$	\$
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

Source: *Building and Construction General On-Site Award 2020*, at clause D.4.1(a).

[94] As part of the plain language review of modern awards, parties agreed that the trainee rates should be moved from the body of the award in clause 19.10 and replace the pre-existing rates in the NTW Schedule (except for school-based trainees). These changes came into effect from 8 September 2022.<sup>109</sup>

[95] The adjustment methodology of these rates is based on the same method that applies to other trainee rates. The method was confirmed in the AIRC Wages and Allowances Review 2006 of the *National Building and Construction Industry Award 2000*, which provides that the base rates for trainees are adjusted by an amount equal to 80 per cent of the adjustment in the tradespersons rate.<sup>110</sup> The adjusted base rates have been rounded to the nearest cent, rather than the nearest 10 cents, since 2013. The relevant industry allowance is then added to determine the total weekly rate for the traineeship.

[96] The approach described above is consistent with the broader NTW Schedule adjustment methodology in that it is designed to maintain relativity with the underlying rate on which the trainee rate is based, regardless of whether the form of the adjustment is a percentage or flat dollar increase.

## **Conclusion**

[97] This background paper has sought to provide the methodology for adjusting adult apprentice and trainee rates after an adjustment to modern award minimum wages, with

<sup>108</sup> ACTU submission, Annual Wage Review 2011–12, at para. 456; Australian Business Industrial submission, Annual Wage Review 2011–12, at p. 37.

<sup>109</sup> PR745634.

<sup>110</sup> [2007] AIRCFB 615 at [14].

particular focus on the application of a flat dollar increase. Rather than applying the full flat dollar increase directly to these rates, adult apprentice and trainee rates are increased consequent to increases applied to other adult award classifications on which they are based.

[98] In the case of adult apprentices, the wages are usually adjusted in accordance with a specified relativity to the tradespersons or other classification rate as provided for in the modern award.

[99] In the case of adult trainees, these rates have been adjusted in accordance with the method that has applied since they came into operation under the *National Training Wage Award 1994*. Under a flat dollar increase, the adult trainee rates are adjusted by 80 per cent of the amount awarded. This is in recognition that, under the award, 20 per cent of a trainee's ordinary hours are spent in approved training rather than productive work. This method is also designed to maintain their relativity to the underlying award classification rates on which they were based at their inception. The adult trainee rates subsequently affect all other non-adult trainee wages, with the latter adjusted to maintain relativity with the former. Where an adjustment comes in the form of a percentage increase, this is applied uniformly to all trainee wages as relativities will not be affected.

[100] As per the Panel's Statement of 14 October 2022, the issues raised by the ACTU in their submission of 24 June 2022 can be raised in submissions to the Annual Wage Review 2022–23.<sup>111</sup>

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<sup>111</sup> [2022] FWCFB 113 at [21].

## **Attachment A: Applicable adult apprentice rates in modern awards and adjustment in the 2021–22 Review**

Attachment A is available to download from the FWC website:

<https://www.fwc.gov.au/documents/wage-reviews/2022-23/attachment-a-adult-apprentice-rates.pdf>

## Attachment B: Modern awards with the National Training Wage Schedule

Award Code	Award Title	Provides for the NTWS?	Incorporates NTWS from the <i>Misc. Award 2020</i> ?	Contains award-specific NTWS?	Award contains other trainee classifications outside of the NTWS?
MA000001	<a href="#">Black Coal Mining Industry Award 2020</a>	Yes	Yes, clause 17.4	No	Schedule B.1 defines and provides for 'Trainees' under the Group B rate for Staff employees at \$1010.40.
MA000002	<a href="#">Clerks—Private Sector Award 2020</a>	Yes	Yes, clause 16.6	No	Clause A.2.3 provides a description for a 'Call centre customer contact trainee' under Level 1 (\$861.40 for Year 1 up to \$929.90 for Year 3).
MA000003	<a href="#">Fast Food Industry Award 2020</a>	Yes	Yes, clause 15.4	No	
MA000004	<a href="#">General Retail Industry Award 2020</a>	Yes	Yes, clause 17.7	No	
MA000005	<a href="#">Hair and Beauty Industry Award 2020</a>	Yes	Yes, clause 17.4	No	Clause 18.6 provides minimum rates for full-time trainees in Hairdressing: <ul style="list-style-type: none"> <li>• Less than 1000 hours of fulltime accredited training - \$517.50 (55% of hair and beauty employee level 3)</li> <li>• At least 1000 hours but less than 2000 hours of full-time accredited training - \$705.68 (75% of hair and beauty employee level 3)</li> </ul>
MA000006	<a href="#">Higher Education Industry—Academic Staff—Award 2020</a>	No	No	No	No
MA000007	<a href="#">Higher Education Industry—General Staff—Award 2020</a>	Yes	Yes, 17.7	No	No
MA000008	<a href="#">Horse and Greyhound Training Award 2020</a>	Yes	Yes, clause 13.9	No	No
MA000009	<a href="#">Hospitality Industry (General) Award 2020</a>	Yes	Yes, clause 21.2	No	No
MA000010	<a href="#">Manufacturing and Associated Industries and Occupations Award 2020</a>	Yes	No	Yes, Schedule G. (Wage levels A and B only)	Clauses 24.2 provides minimum rates for trainees in the technical field: <ul style="list-style-type: none"> <li>• At 17 years and under - \$509.46 (52.5% of C9/V6)</li> <li>• At 18 years - \$607.47 (62.6% of C9/V6)</li> <li>• At 19 years - \$734.59 (75.7% of C9/V6)</li> </ul>

Award Code	Award Title	Provides for the NTWS?	Incorporates NTWS from the <i>Misc. Award 2020</i> ?	Contains award-specific NTWS?	Award contains other trainee classifications outside of the NTWS?
					<ul style="list-style-type: none"> <li>• At 20 years - \$861.72 (88.8% of C9/V6)</li> </ul> <p>Clause 24.3 provides minimum rates for trainee engineer and scientist:</p> <ul style="list-style-type: none"> <li>• At 17 years and under - \$560.92 (52% of C6/V9)</li> <li>• At 18 years - \$668.79 (62% of C6/V9)</li> <li>• At 19 years - \$809.03 (75% of C6/V9)</li> <li>• At 20 years - \$949.26 (88% of C6/V9)</li> <li>• At 21 years - \$897.01 (91.5% of C6/V9)</li> <li>• At 22 years - \$1046.34 (97% of C6/V9)</li> </ul> <p>Award also provides exit rates for an employee who has completed a NTW traineeship (clause 24.1(b)).</p>
MA000011	<a href="#">Mining Industry Award 2020</a>	Yes	Yes, clause 15.4	No	No
MA000012	<a href="#">Pharmacy Industry Award 2020</a>	Yes	Yes, clause 16.5	No	No
MA000013	<a href="#">Racing Clubs Events Award 2020</a>	Yes	Yes, clause 17.5	No	No
MA000014	<a href="#">Racing Industry Ground Maintenance Award 2020</a>	Yes	Yes, clause 15.7	No	No
MA000015	<a href="#">Rail Industry Award 2020</a>	Yes	Yes, clause 15.7	No	No
MA000016	<a href="#">Security Services Industry Award 2020</a>	Yes	Yes, clause 15.3	No	No
MA000017	<a href="#">Textile, Clothing, Footwear and Associated Industries Award 2020</a>	Yes	Yes, clause 19.11	No	Clause 19.1 provides for a minimum weekly rate of \$812.60 for full-time trainees who are defined in Schedule A.
MA000018	<a href="#">Aged Care Award 2010</a>	Yes	Yes, clause 20	No	No
MA000019	<a href="#">Banking, Finance and Insurance Award 2020</a>	Yes	Yes, clause 15.4	No	No
MA000020	<a href="#">Building and Construction General On-site Award 2020</a>	Yes	No	Yes, Schedule D	The NTWS contains unique rates for trainees depending on the specific industry. It otherwise has the standard NTWS rates for school-based trainees.
MA000021	<a href="#">Business Equipment Award 2020</a>	Yes	Yes, clause 14.6	No	No. Trainee Salespersons are defined under Schedule A.3.1 and are referred to the NTWS.

<b>Award Code</b>	<b>Award Title</b>	<b>Provides for the NTWS?</b>	<b>Incorporates NTWS from the <i>Misc. Award 2020</i>?</b>	<b>Contains award-specific NTWS?</b>	<b>Award contains other trainee classifications outside of the NTWS?</b>
MA000022	<a href="#">Cleaning Services Award 2020</a>	Yes	Yes, clause 15.5	No	No
MA000023	<a href="#">Contract Call Centres Award 2020</a>	Yes	Yes, clause 15.6	No	Clause 15 provides that Customer Contact Trainees receive a minimum weekly rate of \$865.20.
MA000024	<a href="#">Cotton Ginning Award 2020</a>	Yes	Yes, clause 17.4(b)	No	Cotton ginning employee level 3 (CG3) includes assistant/trainee ginners and provides a minimum weekly rate of \$876.70.
MA000025	<a href="#">Electrical, Electronic and Communications Contracting Award 2020</a>	Yes	Yes, clause 16.7	No	No
MA000026	<a href="#">Graphic Arts, Printing and Publishing Award 2020</a>	Yes	Yes, clause 22	No	No
MA000027	<a href="#">Health Professionals and Support Services Award 2020</a>	Yes	Yes, clause 20	No	No
MA000028	<a href="#">Horticulture Award 2020</a>	Yes	Yes, clause 15.6	No	No
MA000029	<a href="#">Joinery and Building Trades Award 2020</a>	Yes	No	Yes, Schedule E.	No
MA000030	<a href="#">Market and Social Research Award 2020</a>	No	No	No	Clause 14.1 provides a minimum weekly rate for a 'Market research trainee' at \$849.40.
MA000031	<a href="#">Medical Practitioners Award 2020</a>	No	No	No	No
MA000032	<a href="#">Mobile Crane Hiring Award 2020</a>	Yes	No	Yes, Schedule E provides for wage levels A and B only.	No
MA000033	<a href="#">Nursery Award 2020</a>	Yes	Yes, clause 15.6	No	No
MA000034	<a href="#">Nurses Award 2020</a>	No	No	No	No
MA000035	<a href="#">Pastoral Award 2020</a>	Yes	Yes, clause 15	No	No
MA000036	<a href="#">Plumbing and Fire Sprinklers Award 2020</a>	Yes	Yes, clause 18.6	No	Clauses 18.2(b)(iv)–(v) and 18.2(c)(iv)–(v) provides the minimum rates for trainee apprentices. Under 18.2(c), the minimum weekly rate for trainee apprentices who has completed year 12 is:

Award Code	Award Title	Provides for the NTWS?	Incorporates NTWS from the <i>Misc. Award 2020</i> ?	Contains award-specific NTWS?	Award contains other trainee classifications outside of the NTWS?
					<ul style="list-style-type: none"> <li>• 1st year – \$555.13 (59% of Tradespersons Level 1)</li> <li>• 2nd year – \$649.22 (69% of Tradespersons Level 1)</li> <li>• 3rd year – \$724.49 (77% Tradespersons Level 1)</li> <li>• 4th year – \$898.56 (95.5% Tradespersons Level 1)</li> </ul>
MA000038	<a href="#">Road Transport and Distribution Award 2020</a>	Yes	Yes, clause 17.6	No	No
MA000039	<a href="#">Road Transport (Long Distance Operations) Award 2020</a>	Yes	Yes, clause 16.8	No	No
MA000040	<a href="#">Silviculture Award 2020</a>	Yes	Yes, clause 15.5	No	No
MA000041	<a href="#">Telecommunications Services Award 2020</a>	Yes	Yes, clause 15.6	No	Clause 15.1 provides a minimum weekly rate for the following classifications: <ul style="list-style-type: none"> <li>• Customer Contact Trainee – \$865.20</li> <li>• Telecommunications Trainee – \$865.20</li> </ul>
MA000042	<a href="#">Transport (Cash in Transit) Award 2020</a>	Yes	Yes, clause 16.4	No	No
MA000043	<a href="#">Waste Management Award 2020</a>	Yes	Yes, clause 15.5	No	Clause 12.3(b) refers to trainee driver of vehicle up to and including 14 tonnes GVM (Level 3 – \$889.10 pw). Clause 12.4 refers to trainee driver of vehicle exceeding 14 tonnes (Level 4 - \$904.80 pw)
MA000044	<a href="#">Wool Storage, Sampling and Testing Award 2020</a>	Yes	Yes, clause 16.5		Clause A.3.13 refers to a trainee shipping officer, trainee classer and wool classer trainee under the skills/duties of a Wool Industry Worker Level 2 (Skin and Hide Stores) (\$873.70 pw).
MA000045	<a href="#">Coal Export Terminals Award 2020</a>	No	No	No	No
MA000046	<a href="#">Air Pilots Award 2020</a>	No	No	No	No
MA000047	<a href="#">Aircraft Cabin Crew Award 2020</a>	No	No	No	No
MA000048	<a href="#">Airline Operations—Ground Staff Award 2020</a>	Yes	No	Yes, Schedule F. Provides for wage levels A and B only.	Clause A.1.1 defines a Level 1—Trainee Airlines Services Operator (\$874.80 pw).

<b>Award Code</b>	<b>Award Title</b>	<b>Provides for the NTWS?</b>	<b>Incorporates NTWS from the <i>Misc. Award 2020</i>?</b>	<b>Contains award-specific NTWS?</b>	<b>Award contains other trainee classifications outside of the NTWS?</b>
MA000049	<a href="#">Airport Employees Award 2020</a>	Yes	No	Yes, Schedule F. Provides for wage levels A and B only.	No
MA000050	<a href="#">Marine Towage Award 2020</a>	No	No	No	No
MA000051	<a href="#">Port Authorities Award 2020</a>	Yes	Yes, clause 15.8	No	No
MA000052	<a href="#">Ports, Harbours and Enclosed Water Vessels Award 2020</a>	No	No	No	No
MA000053	<a href="#">Stevedoring Industry Award 2020</a>	Yes	Yes, clause 16.6	No	No
MA000054	<a href="#">Asphalt Industry Award 2020</a>	Yes	Yes, clause 15.4	No	No
MA000055	<a href="#">Cement, Lime and Quarrying Award 2020</a>	Yes	Yes, clause 16.5	No	No
MA000056	<a href="#">Concrete Products Award 2020</a>	Yes	Yes, clause 16.5	No	No
MA000057	<a href="#">Premixed Concrete Award 2020</a>	Yes	Yes, clause 16.4	No	No
MA000058	<a href="#">Registered and Licensed Clubs Award 2020</a>	Yes	Yes, clause 18.8	No	Clause 18.10 provides minimum weekly rates for Management trainees: <ul style="list-style-type: none"> <li>• 1st year – \$987.30 (90% of Level 8)</li> <li>• 2nd year – \$1042.15 (95% of Level 8)</li> <li>• 3rd year – \$1069.58 (97.5% of Level 8)</li> <li>• 4th year – \$1097.00 (100% of Level 8)</li> </ul>
MA000059	<a href="#">Meat Industry Award 2020</a>	Yes	Yes, clause 16.11	No	No
MA000060	<a href="#">Aluminium Industry Award 2020</a>	Yes	Yes, clause 16.6	No	No
MA000061	<a href="#">Gas Industry Award 2020</a>	Yes	Yes, clause 15.8	No	No
MA000062	<a href="#">Hydrocarbons Industry (Upstream) Award 2020</a>	Yes	Yes, clause 16.7	No	No
MA000063	<a href="#">Passenger Vehicle Transportation Award 2020</a>	Yes	Yes, clause 15.5	No	No
MA000064	<a href="#">Hydrocarbons Field Geologists Award 2020*</a>	Yes	Yes, clause 12.4	No	Clause 12.2 provides an annual retainer of \$45,518 (\$872.55 pw) and estimated annual earnings (even time) of \$59,957 (\$1149.33 pw) to a trainee mudlogger (without a bachelor of

Award Code	Award Title	Provides for the NTWS?	Incorporates NTWS from the <i>Misc. Award 2020</i> ?	Contains award-specific NTWS?	Award contains other trainee classifications outside of the NTWS?
					science in geology).
MA000065	<a href="#">Professional Employees Award 2020</a>	No	No	No	No
MA000066	<a href="#">Surveying Award 2020</a>	No	No	No	No
MA000067	<a href="#">Journalists Published Media Award 2020</a>	No	No	No	No
MA000068	<a href="#">Seafood Processing Award 2020</a>	Yes	Yes, clause 15.6	No	No
MA000069	<a href="#">Pharmaceutical Industry Award 2020</a>	Yes	Yes, clause 15.4	No	No
MA000070	<a href="#">Cemetery Industry Award 2020</a>	Yes	Yes, clause 14.7	No	No
MA000071	<a href="#">Timber Industry Award 2020</a>	Yes	Yes, clause 20.11	No	No
MA000072	<a href="#">Oil Refining and Manufacturing Award 2020</a>	Yes	Yes, clause 16.7	No	Clause 16.1 provides a minimum weekly rate of \$830.10 to a Trainee operator (level 1) in Refinery operations and \$812.60 to a Trainee (level 1) in Lubricants/bitumen plants and terminals.
MA000073	<a href="#">Food, Beverage and Tobacco Manufacturing Award 2020</a>	Yes	No	Yes, Schedule E.	No
MA000074	<a href="#">Poultry Processing Award 2020</a>	Yes	Yes, clause 15.3	No	No
MA000075	<a href="#">Educational Services (Post-Secondary Education) Award 2020</a>	Yes	Yes, clause 16.6	No	Clause C.1.4 refers to a trainee for Level 2 duties (General Staff Level 1.1–1.3 (\$861.40–\$929.90 pw). Clause C.1.5 refers to a Technical assistant/technical trainee (General Staff Level 2.1–2.2 (\$941.50–\$958.30 pw).
MA000076	<a href="#">Educational Services (Schools) General Staff Award 2020</a>	Yes	Yes, clause 17.7	No	No
MA000077	<a href="#">Educational Services (Teachers) Award 2020</a>	No	No	No	No
MA000078	<a href="#">Book Industry Award 2020</a>	No	No	No	Schedule A defines Trainee book editor with a minimum weekly rate of 982.10 (Level 1—upon commencement) and \$1043.90 (Level 1—after 6 months).
MA000079	<a href="#">Architects Award 2020</a>	No	No	No	No
MA000080	<a href="#">Amusement, Events and Recreation Award 2020</a>	Yes	Yes, clause 16.6	No	No

<b>Award Code</b>	<b>Award Title</b>	<b>Provides for the NTWS?</b>	<b>Incorporates NTWS from the <i>Misc. Award 2020</i>?</b>	<b>Contains award-specific NTWS?</b>	<b>Award contains other trainee classifications outside of the NTWS?</b>
MA000081	<a href="#">Live Performance Award 2020</a>	Yes	Yes, clause 11.6	No	Clause 31.8 provides a minimum weekly rate for company dancers at a training level of between \$795.30 and \$926.80. Production and Support Staff Level 1 includes a trainee employee as defined under schedule A.1.1 at \$812.60 pw.
MA000082	<a href="#">Sporting Organisations Award 2020</a>	Yes	Yes, clause 15.4	No	No
MA000083	<a href="#">Commercial Sales Award 2020</a>	Yes	Yes, clause 15.2	No	No
MA000084	<a href="#">Storage Services and Wholesale Award 2020</a>	Yes	Yes, clause 15.5	No	No
MA000085	<a href="#">Dredging Industry Award 2020</a>	Yes	Yes, clause 15.5	No	No
MA000086	<a href="#">Maritime Offshore Oil and Gas Award 2020</a>	Yes	Yes, clause 13.3	No	No
MA000087	<a href="#">Sugar Industry Award 2020</a>	Yes	No	Yes, Schedule H.	Clause 13 refers to trainee engineer and scientist. Clause 17 provides minimum weekly rates for the following trainees: <ul style="list-style-type: none"> <li>• Cultivation/Cane Production (Inductee/Trainee) – \$820.00</li> <li>• Cane Haulage (Inductee/Trainee) – \$858.70</li> <li>• Cane Harvester (Inductee/Trainee) – \$878.50</li> </ul>
MA000088	<a href="#">Electrical Power Industry Award 2020</a>	Yes	Yes, clause 15.7	No	No
MA000089	<a href="#">Vehicle Repair, Services and Retail Award 2020</a>	Yes	Yes, clause 16.13	No	No
MA000090	<a href="#">Wine Industry Award 2020</a>	Yes	Yes, clause 15.9	No	Schedule A refers to trainees under Grade 1 at 823.80 pw).
MA000091	<a href="#">Broadcasting, Recorded Entertainment and Cinemas Award 2020</a>	Yes	Yes, clause 13.15	No	Clause 13.3 provides for trainees under the following classifications: <ul style="list-style-type: none"> <li>• Grade 4 – \$893.50 pw</li> <li>• Grade 5 – \$940.90 pw</li> <li>• Grade 8 – \$1026.60 pw</li> </ul>
MA000092	<a href="#">Alpine Resorts Award 2020</a>	Yes	Yes, clause 18.8	No	Schedule A.3 refers to trainee plant operators under Resort Worker Level 2 at \$865.26 pw.
MA000093	<a href="#">Marine Tourism and Charter Vessels Award 2020</a>	Yes	Yes, clause 15.6	No	No
MA000094	<a href="#">Fitness Industry Award 2020</a>	Yes	Yes, clause 15.5	No	No

<b>Award Code</b>	<b>Award Title</b>	<b>Provides for the NTWS?</b>	<b>Incorporates NTWS from the <i>Misc. Award 2020</i>?</b>	<b>Contains award-specific NTWS?</b>	<b>Award contains other trainee classifications outside of the NTWS?</b>
MA000095	<a href="#">Car Parking Award 2020</a>	Yes	Yes, clause 17.3	No	No
MA000096	<a href="#">Dry Cleaning and Laundry Industry Award 2020</a>	Yes	Yes, clause 18.9	No	No
MA000097	<a href="#">Pest Control Industry Award 2020</a>	Yes	Yes, clause 16.3	No	No
MA000098	<a href="#">Ambulance and Patient Transport Industry Award 2020</a>	No	No	No	Clause 16.1 provides a minimum weekly rate for a Trainee Clinic Transport Officer: <ul style="list-style-type: none"> <li>• Year 1 – \$973.50</li> <li>• Year 2 – \$981.40</li> <li>• Year 3 – \$988.30</li> </ul>
MA000099	<a href="#">Labour Market Assistance Industry Award 2020</a>	Yes	Yes, clause 16.4	No	No
MA000100	<a href="#">Social, Community, Home Care and Disability Services Industry Award 2010</a>	Yes	Yes, clause 19	No	No
MA000101	<a href="#">Gardening and Landscaping Services Award 2020</a>	Yes	Yes, clause 15.9	No	No
MA000102	<a href="#">Travelling Shows Award 2020</a>	Yes	Yes, clause 16.5	No	No
MA000103	<a href="#">Supported Employment Services Award 2020</a>	Yes	Yes, clause 15.3	No	No
MA000104	<a href="#">Miscellaneous Award 2020</a>	Yes	n/a	Yes, Schedule E. Provides the standard NTWS.	No
MA000105	<a href="#">Funeral Industry Award 2020</a>	Yes	Yes, clause 15.4	No	No
MA000106	<a href="#">Real Estate Industry Award 2020</a>	Yes	Yes, clause 14.6	No	No
MA000107	<a href="#">Salt Industry Award 2020</a>	Yes	Yes, clause 16.7	No	No
MA000108	<a href="#">Professional Diving Industry (Industrial) Award 2020</a>	No	No	No	No
MA000109	<a href="#">Professional Diving Industry (Recreational) Award 2020</a>	Yes	Yes, clause 15.4	No	No
MA000110	<a href="#">Corrections and Detention (Private</a>	Yes	Yes, clause 15.3	No	Clause 15.1 provides minimum weekly rates for trainees who

<b>Award Code</b>	<b>Award Title</b>	<b>Provides for the NTWS?</b>	<b>Incorporates NTWS from the Misc. Award 2020?</b>	<b>Contains award-specific NTWS?</b>	<b>Award contains other trainee classifications outside of the NTWS?</b>
	<a href="#">Sector) Award 2020</a>				are Correctional employees (\$841.70 pw) and Detention employees (\$871.70 pw).
MA000111	<a href="#">Fire Fighting Industry Award 2020</a>	No	No	No	No
MA000112	<a href="#">Local Government Industry Award 2020</a>	Yes	Yes, clause 16.7	No	No
MA000113	<a href="#">Water Industry Award 2020</a>	Yes	Yes, clause 15.7	No	No
MA000114	<a href="#">Aquaculture Industry Award 2020</a>	Yes	Yes, clause 16.6	No	No
MA000115	<a href="#">Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020</a>	Yes	Yes, clause 16.5	No	Clause 16.1 provides minimum weekly rates for the following classification which refer to trainees: <ul style="list-style-type: none"> <li>• Grade 1—Level 1 – \$898.00</li> <li>• Grade 2—Level 1 – \$961.70</li> <li>• Grade 2—Level 2 – \$994.60</li> </ul>
MA000116	<a href="#">Legal Services Award 2020</a>	Yes	Yes, clause 15.5	No	No
MA000117	<a href="#">Mannequins and Models Award 2020</a>	No	No	No	No
MA000118	<a href="#">Animal Care and Veterinary Services Award 2020</a>	Yes	Yes, clause 15.6	No	No
MA000119	<a href="#">Restaurant Industry Award 2020</a>	Yes	Yes, clause 18.7	No	No
MA000120	<a href="#">Children’s Services Award 2010</a>	Yes	Yes, clause 14.8	No	No
MA000121	<a href="#">State Government Agencies Award 2020</a>	Yes	Yes, clause 15.5	No	No
MA000122	<a href="#">Seagoing Industry Award 2020</a>	Yes	Yes, clause 14.4	No	No
MA000123	<a href="#">Telstra Award 2015</a>	No	No	No	Clause 13.1 provides a minimum weekly rate for a Telecommunications Trainee at \$865.20.
MA000124	<a href="#">Australian Public Service Enterprise Award 2015</a>	Yes	No	Yes, Schedule D	Clauses 10.3 and 10.4 provides minimum hourly pay rate for the following trainee classifications: <ul style="list-style-type: none"> <li>• Cadet APS (practical training) – \$23.18 per hour (\$880.84 pw)</li> <li>• Trainee APS (Technical) – \$24.31 per hour (\$923.78 pw)</li> <li>• Graduate APS – \$24.71 per hour (\$938.98 pw)</li> <li>• Customs Trainee – \$23.18 per hour (\$880.84 pw)</li> </ul>

Award Code	Award Title	Provides for the NTWS?	Incorporates NTWS from the <i>Misc. Award 2020</i> ?	Contains award-specific NTWS?	Award contains other trainee classifications outside of the NTWS?
					• Customs Trainee Graduate – \$24.71 (\$938.98 pw)
MA000125	<a href="#">Nurses and Midwives (Victoria) State Reference Public Sector Award 2015</a>	No	No	No	Schedule A.2 provides a minimum weekly rate for a Trainee Enrolled Nurse: • Year 1 – \$820.70 • Year 2 – \$861.40
MA000126	<a href="#">Printing Industry—Herald &amp; Weekly Times—Production Award 2015</a>	Yes	No	Yes, Schedule C	No
MA000127	<a href="#">Chullora Printing Award 2015</a>	Yes	No	Yes, Schedule C	No
MA000128	<a href="#">Queensland Newspapers Pty Ltd Printing (Murarrie) Award 2015</a>	Yes	No	Yes, Schedule C	No
MA000129	<a href="#">Northern Territory News Award 2015</a>	Yes	No	Yes, Schedule D	Schedule A.1 defines and provides for a ‘Trainee employee’ under the Level 1 rate at \$812.60 pw.
MA000130	<a href="#">Metropolitan Newspapers (South Australia and Tasmania) Printing Award 2015</a>	Yes	No	Yes, Schedule E	No
MA000131	<a href="#">Nurses (ANMF—Victorian Local Government) Award 2015</a>	No	No	No	No
MA000132	<a href="#">Victorian Local Government Award 2015</a>	Yes	No	Yes, Schedule D	No
MA000133	<a href="#">Optus Award 2015*</a>	No	No	No	Schedule C refers to trainees provided at the following minimum rates in Schedule D: • Engineering and Technical Services—Graduate (Trainee) Engineer – \$820.70 pw • Engineering and Technical Services—Cadet Trainee – \$812.65 pw • Customer Service and General Support—Graduate Trainee – \$820.70 pw • Customer Service and General Support—Cadet Trainee – \$812.65 pw
MA000134	<a href="#">Victorian State Government Agencies</a>	Yes	No	Yes, Schedule E	Clause 33.2 provides for a Trainee officer at \$812.44 pw

<b>Award Code</b>	<b>Award Title</b>	<b>Provides for the NTWS?</b>	<b>Incorporates NTWS from the Misc. Award 2020?</b>	<b>Contains award-specific NTWS?</b>	<b>Award contains other trainee classifications outside of the NTWS?</b>
	<a href="#">Award 2015*</a>				
MA000135	<a href="#">Victorian Public Service Award 2016*</a>	Yes	No	Yes, Schedule P	Clause 8 provides minimum rates for the following classifications: <ul style="list-style-type: none"> <li>• COG 1 Trainee – \$963.98 pw</li> <li>• HSO 1 (Schedule I) – \$976.55 pw</li> <li>• Sheriff’s Officer Trainee –\$976.55 pw</li> <li>• Trainee Community Corrections Officer – \$976.55 pw</li> <li>• Fisheries Officer Level 1 (Trainee) – \$976.55 pw</li> </ul>
MA000136	<a href="#">Viterrra Bulk Handling and Storage of Grains, Pulses and Minerals Award 2015</a>	No	No	No	No
MA000137	<a href="#">Australia Post Enterprise Award 2015*</a>	Yes	No	Yes, Schedule B	Clause 23 provides minimum rates for the following classifications: <ul style="list-style-type: none"> <li>• Level 1 Customer Service Trainee – \$830.49 pw</li> <li>• Trainee Mail Officer Level 1 – \$793.97 pw</li> <li>• Trainee Mail Processing Co-ordinator – \$898.93 pw</li> <li>• Trainee Postal Delivery Officer – \$793.97 pw</li> <li>• Trainee Parcel Post Officer Level 1 – \$793.97 pw</li> <li>• Trainee Postal Services Officer – \$803.10 pw</li> </ul>
MA000138	<a href="#">GrainCorp Country Operations Award 2015</a>	No	No	No	No
MA000139	<a href="#">Aboriginal Legal Rights Movement Award 2016</a>	Yes	No	Yes, Schedule C	No
MA000140	<a href="#">Reserve Bank of Australia Award 2016</a>	Yes	No	Yes, Schedule C	No
MA000141	<a href="#">Airservices Australia Enterprise Award 2016*</a>	Yes	No	Yes, Schedule F	Clause 11 provides minimum rates for the following classifications: <ul style="list-style-type: none"> <li>• Air Traffic Controller—Academy Trainee – \$940.37 pw</li> <li>• Air Traffic Controller—Field Trainee – \$1148.90 pw</li> <li>• Airways Data Team—Trainee – \$845.23 pw</li> <li>• Simulator Support Specialist—Trainee – \$845.23 pw</li> </ul>

Award Code	Award Title	Provides for the NTWS?	Incorporates NTWS from the <i>Misc. Award 2020</i> ?	Contains award-specific NTWS?	Award contains other trainee classifications outside of the NTWS?
					<ul style="list-style-type: none"> <li>• Flight Data Coordinator—Trainee – \$845.23 pw</li> <li>• Aviation Communications Specialist—Trainee – \$875.75 pw</li> <li>• Traffic Management Officer—Trainee – \$875.75 pw</li> <li>• Trainee Fire Fighter—Level 1 – \$905.08 pw</li> <li>• Trainee Fire Fighter—Level 2 – \$949.23 pw</li> </ul>
MA000142	<a href="#">Australian Federal Police Enterprise Award 2016</a>	Yes	No	Yes, Schedule E	No
MA000143	<a href="#">Australian Bureau of Statistics (Interviewers) Enterprise Award 2016</a>	No	No	No	No
MA000144	<a href="#">Australian Nuclear Science and Technology Organisation (ANSTO) Enterprise Award 2016</a>	No	No	Yes, Schedule E	No
MA000145	<a href="#">Parliamentary Departments Staff Enterprise Award 2016</a>	Yes	No	Yes, Schedule D	No
MA000146	<a href="#">Australian Capital Territory Public Sector Enterprise Award 2016*</a>	Yes	No	Yes, Schedule D	<p>Schedule A provides minimum rates for the following classifications:</p> <ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander Trainee – \$911.24 pw</li> <li>• Clinical Coder Trainee – \$1071.20 pw</li> <li>• Information Communication Technology Trainee – \$911.24 pw</li> <li>• Information Technology Officer Trainee – \$911.24 pw</li> <li>• Trainee Technical Officer – \$955.70 pw</li> <li>• Housing Manager Trainee – \$1138.10 pw</li> <li>• Correctional Officer Trainee – \$698.06 pw</li> </ul>
MA000147	<a href="#">Australian Broadcasting Corporation Enterprise Award 2016*</a>	No	No	No	<p>Clause 20 provides minimum rates for the following classifications:</p> <ul style="list-style-type: none"> <li>• Broadcast Engineer Officer Trainee (21 years and over – 100%) – \$968.24 pw</li> <li>• Broadcast Engineer Officer Trainee (at 20 years – 91%) –</li> </ul>

Award Code	Award Title	Provides for the NTWS?	Incorporates NTWS from the <i>Misc. Award 2020</i> ?	Contains award-specific NTWS?	Award contains other trainee classifications outside of the NTWS?
					\$881.10 pw <ul style="list-style-type: none"> <li>• Broadcast Engineer Officer Trainee (at 19 years – 81%) – \$784.28 pw</li> <li>• Broadcast Engineer Officer Trainee (at 18 years – 70%) – \$677.77 pw</li> <li>• Broadcast Engineer Officer Trainee (under 18 years – 60%) – \$580.95 pw</li> <li>• Make Up Artist Trainee – \$940.70 pw</li> </ul> Clause 30 provides minimum rate for a Band 1 Cadet Journalist or Trainee Reporter at \$908.70 pw.
MA000148	<a href="#">CSIRO Enterprise Award 2016</a>	Yes	No	Yes, Schedule E	Clause 10.3 provides minimum rates for trainees based on a percentage of the appropriate adult classification level.
MA000149	<a href="#">Christmas Island Administration Enterprise Award 2016</a>	Yes	No	Yes, Schedule E	No
MA000150	<a href="#">Victorian Local Government (Early Childhood Education Employees) Award 2016</a>	No	No	No	No
MA000151	<a href="#">Northern Territory Public Sector Enterprise Award 2016*</a>	Yes	No	Yes, Schedule C	Schedule G refers to a ‘Public health medicine trainee’ and that they will progress through the following classifications in clause 10.4: <ul style="list-style-type: none"> <li>• Medical Officer Level 12 – \$1903.84 pw</li> <li>• Medical Officer Level 13 – \$1964.34 pw</li> <li>• Medical Officer Level 14 – \$1988.04 pw</li> <li>• Medical Officer Level 15 – \$2047.88 pw</li> </ul>
MA000152	<a href="#">Victorian Government Schools – Early Childhood – Award 2016</a>	Yes	No	Yes, Schedule C	No
MA000153	<a href="#">Australian Government Industry Award 2016*</a>	Yes	No	Yes, Schedule S	Clause 12.3 provides minimum rates for trainees under the following classifications: <ul style="list-style-type: none"> <li>• Cadet (practical training) – \$891.18 pw</li> </ul>

Award Code	Award Title	Provides for the NTWS?	Incorporates NTWS from the <i>Misc. Award 2020</i> ?	Contains award-specific NTWS?	Award contains other trainee classifications outside of the NTWS?
					<ul style="list-style-type: none"> <li>• Trainee (Technical) – \$934.54 pw</li> </ul> <p>Clause J.5 provides a minimum rate for a ‘Graduate trainee (Band 1) at \$825.14 pw.</p>
MA000155	<a href="#">Victorian Government Schools Award 2016</a>	Yes	No	Yes, Schedule D	No
MA000156	<a href="#">Note Printing Australia Award 2016</a>	Yes	No	Yes, Schedule C	No
MA000157	<a href="#">Health Professionals, Medical Scientists and Support Services (Victoria) State Reference Public Sector Modern Award 2018</a>	Yes	No	Yes, Schedule E	<p>Clause B.1.18 defines a ‘Trainee Sonographer Grade 2’ provided at the following minimum weekly rate in clause 12.3:</p> <ul style="list-style-type: none"> <li>• 1st year of experience at this level – \$1210.20</li> <li>• 2nd year of experience at this level – \$1261.90</li> <li>• 3rd year of experience at this level – \$1311.80</li> <li>• 4th year of experience at this level – \$1366.20</li> </ul> <p>Clause B.2.1 defines a ‘Medical Laboratory Technician Trainee’ within the UG3 classification.</p> <p>Clause C.4.1 defines ‘Trainee Scientists’ and are provided at the applicable rates in clause 12.4(e).</p> <p>Clause C.5.2 refers to trainees under the definition for ‘Pharmacist Intern’, provided at the minimum weekly rate at \$799.00 (80% of Pharmacist grade 1—1st year of experience after registration).</p>

**Note:** NTWS = National Training Wage Schedule, pw = per week

Awards marked with an asterisk “\*” means that the minimum annual or hourly rates presented in the award have been converted into a weekly amount based on 38 ordinary hours.