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Background Paper— Review of certain C14 rates in modern awards

History of relevant modern award provisions

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Background Paper—Review of certain C14 rates in modern awards

This Background Paper sets out the history of the modern award provisions relevant to the Commission's review of certain C14 rates in modern awards.

Introduction

In the 2018-19 Annual Wage Review the Expert Panel considered a claim that the C14 rate should be set at a level which lifted certain hypothetical single earner household types above the 60 percent relative poverty line. The Expert Panel rejected that proposal, but after analysing the nature of the C14 rates in modern awards, suggested that a review be conducted into why some awards prescribed a C14 rate for a work-level classification that was not transitional.

45 modern awards presently contain a rate of pay at the C14 (or National Minimum Wage rate). These awards may be divided into 5 categories:

- (i) 8 modern awards in which the transition to a higher classification level occurs after 38 hours induction training;
- (ii) 18 modern awards in which the transition occurs after 3 months;
- (iii) 5 modern awards in which the C14 classification is transitional but a period other than 3 months is specified;
- (iv) 8 modern awards in which the C14 classification appears to be transitional but no particular transition period is specified; and
- (v) 6 modern awards in which the C14 classification level is not a transitional level.

In 2019 the Commission commenced a review of modern awards in categories (iv) and (v). Following a conference before Commissioner Hampton and submissions from interested parties, the Commission has decided to proceed with a review of the following awards:



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- Broadcasting, Recorded Entertainment and Cinemas Award 2020
- Concrete Products Award 2020
- Meat Industry Award 2020
- Rail Industry Award 2020
- Dry Cleaning and Laundry Industry Award 2020
- Funeral Industry Award 2020
- Sugar Industry Award 2020
- Travelling Shows Award 2020

The Broadcasting Award is included for the limited purpose of clarifying the application of the Grade 1 rate in that award. For the remaining awards, the purpose of the review is to consider whether the C14 classifications in each of these awards provides a fair and relevant safety net of terms and conditions.¹

This Background Paper sets out the history of the modern award provisions relevant to this review.

¹ [2019] FWC 5863, [6].



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Part 1 - History of C14 provisions

This section sets out information regarding:

- (i) The pre-modern awards which informed the making of the current modern award
- (ii) A comparison between the classification structure in the modern award and the relevant pre-modern awards
- (iii) Information about wage relativities in respect of the relevant pre-modern awards

1. Broadcasting, Recorded Entertainment and Cinemas Award 2020

The classifications applicable under the Broadcasting Award are set out in the following Schedules to the Award: Schedule A—Television Broadcasting; Schedule B—Radio Broadcasting; Schedule C—Journalists; Schedule D—Cinema; Schedule E—Artists; Schedule F—Musicians; and Schedule G—Motion Picture Production.

Separate pay scales are prescribed for journalists, employees in cinemas, artists, and musicians.² The minimum rates for these groups are set above the NMW.

The classifications for Television Broadcasting, Radio Broadcasting, and Motion Picture Production have been organised into a common salary structure, located at clause 13.2 of the Broadcasting Award, ranging from 'Grade 1 entertainment employee' to 'Grade 18 entertainment employee'.

Clause 13.3 of the Broadcasting Award sets the minimum rate for adult Grade 1 entertainment employees at the NMW. In relation to Grade 1 entertainment employees, the common salary structure states:

13.2 Common salary structure

...

(a) Grade 1 entertainment employee includes the following classifications:

² See clauses 13.4, 13.6, 13.8, 13.11 and 13.12 of the Broadcasting Award



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No classifications.

Pre-modern awards relevant to the making of the modern award

The common salary structure in the Broadcasting Award is based on a proposal by the Media, Entertainment and Arts Alliance (MEAA).³ When publishing the first exposure draft for the Broadcasting Award, the Australian Industrial Relations Commission (AIRC) stated:

[81] The draft of the Broadcasting and Recorded Entertainment Award 2010 attempts to bring together a wide range of occupations covered by many pre-reform awards and NAPSAs. The draft covers the television, commercial radio, motion picture production, film and television distribution and cinema industries. It contains some separate conditions for journalists, actors and musicians involved in those industries.

[82] There is a common salary structure, based on an MEAA proposal but with actors included, which covers all employees except journalists and musicians. The separate classification structure for journalists is based on the one currently applying to radio journalists. Parties are urged to give attention to those structures and identify improvements that can be made. In relation to actors we have not included the separate hourly, daily and weekly rates proposed from the *Actors Feature Film Award 2002* and the *Actors Television Programs Award 2001* as we are unsure of the basis for them. They have apparently not been adjusted for some years. Similar issues arise in relation to musicians' rates. We shall require the parties' assistance to establish the appropriate rates.

[83] We have attempted to arrive at safety net wages and provisions and have avoided references to negotiated fees and personal margins. We have not included standard contracts for reasons expressed above in relation to the live performance exposure draft. Equally we have not sought to regulate other matters which are peripheral such as repeat fees and residuals and we have not replicated some award provisions related to Australian content.

[84] There are a range of other matters which will need to be considered before the award can be finalised. We note in particular that many of the provisions around engagement, allowances

³ [2009] AIRCFB 450 at [82]



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and pay are very detailed and not really appropriate for a modern award. The classification definitions also require rationalisation. A great deal more needs to be done to update and simplify the language and expression of the draft generally.⁴

At the time the Broadcasting Award was created, 'Grade 1 entertainment employee' included the classifications 'Film and Television Distribution Employee Level 1' and 'Trainee Cinema Manager'.⁵

Schedule D—Cinema of the Broadcasting Award at the time of creation stated:

D.1.4 Trainee Manager means a person, under the supervision of a manager or assistant manager for a period of not more than six months, engaged in training for the duties of an assistant manager or manager. A trainee manager will not be left in charge of a theatre, except in the case of an emergency. A part-time and/or casual trainee manager will complete the equivalent of six months full-time training before being eligible to be appointed as assistant manager and/or manager.

It appears that the reference to 'Film and Television Distribution Employee Level 1' may have been included in the Broadcasting Award by mistake because in its decision making the Award the AIRC stated:

[96] We have deleted from the exposure draft provisions dealing with film and television distribution. It was put that this area could more adequately be dealt with through the clerical and administrative and warehousing and storage industries. If there is a case to be made for retention of specialised film and television distribution provisions a variation application could be made.⁶

The MEAA's draft award had included 'Schedule G—Film and Television Distribution' which defined a 'Film and Television Distribution Employee Level 1' as:

G.1.1 A Film and Television Distribution Employee Level 1 is an employee who has completed necessary induction and training and has less than 12 months experience as a film and

⁴ [2009] AIRCFB 450

⁵ See clause 14.2 of the Broadcasting and Recorded Entertainment Award 2010

⁶ [2009] AIRCFB 826



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television distribution employee or is undertaking such induction and training or who possesses equivalent experience or expertise required to perform within the scope of this level as set out in G.1.1(a).

(a) Consistent with the employee's training, an employee at this level:

- (i)** works under direct supervision either individually or in a team environment;
- (ii)** understands and undertakes basic procedures including the ability to recognise basic deviations/faults;
- (iii)** is responsible for work allocated to the employee, subject to direct supervision;
- (iv)** solves straightforward problems using readily available information;
- (v)** understands and utilises basic literacy (English) and numeracy skills; and
- (vi)** communicates and interacts effectively with staff.

(b) Indicative of the tasks which an employee at this level may perform are the following:

- (i)** basic film and television product handling and dispatch procedures;
- (ii)** basic physical film and television product examination including the ability to recognize basic quality deviations/faults;
- (iii)** lifting and handling film and television product;
- (iv)** using selected hand tools, hand trolleys and pallet trucks;
- (v)** basic packing and storing techniques;
- (vi)** repetition work on automatic, semi-automatic or single purpose machines or equipment;
- (vii)** maintaining simple records;
- (viii)** applying basic film and television distribution terminology and etiquette;
- (ix)** general labouring and cleaning duties; and
- (x)** effective customer/client service.



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Clause 13.2(a) has been in its current form, with no classifications grouped under 'Grade 1 entertainment employee', since 2 November 2012.⁷ It was varied with the parties' agreement by Fair Work Australia during the Transitional Review:

[5] There are currently five awards in the cinema industry. The Modern Award and four enterprise awards covering Hoyts, Village Roadshow, Greater Union, and Birch Carroll & Coyle. No application has been made to modernise these four enterprise awards and they are expected to cease to apply from 1 January 2014 by virtue of Schedule 6 of the Transitional Act. The Modern Award only covers small employers and a small minority of employees in the cinema industry. The applicants and MEAA agree that it does not currently provide a sound basis for an industry award which will, in a short time, apply to the operations of all cinema industry employers including large employers and a large number of employees in the industry. The variations agreed by the parties are designed to address this deficiency (though there are still some unresolved issues concerning junior wage rates.) I am satisfied that the proposed variations are consistent with the legislative provisions governing the modern award review process. I am satisfied that the following agreed variations should be made to the Modern Award:

...

[28] The current clause E.1.4 concerning the classification of Trainee Manager is deleted. Instead in clause E.1.5 a Cinema Worker Level 5 is defined as a person appointed as an assistant manager or technical manager who assists a manager of a theatre in carrying out the duties of a manager as provided in the Modern Award and who is called upon to carry out the duties and responsibilities of a manager during the absence of a manager from the theatre. A Cinema Worker Level 6 is defined as a person who was appointed as a manager.

[29] Complementary changes are made to the Common Salary Structure in Clause 14.2. The reference to Trainee Cinema Manager at Grade 1 is deleted. A Cinema Worker Level 1 is included at Grade 2, and a Cinema Worker Level 2 is set at Grade 3. Cinema Worker Level 3 is set at Grade 5, with the reference to Assistant Cinema Manager at this level being deleted.

⁷ PR530428 and PR531132



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Cinema Worker Level 4 is set at Grade 7, Cinema Worker Level 5 at Grade 8 and Cinema Worker Level 6 at Grade 9.⁸

Variations were also made to the classification definitions for employees in cinemas.⁹

The provision related to minimum rates for cadets appears based on that in the *Journalists (Television) Award 1998*, AP785611:

14.6 Minimum rates of payment (Cadets)

The minimum weekly rates of payment to cadets shall be the following percentage of the rates prescribed for a grade 1 member, provided that an adult cadet shall not be paid less than the Federal Minimum Wage as set from time to time:

Year of cadetship	Percentage
First year	60 per cent
Second year	75 per cent
Third year	90 per cent

The minimum rates in the *Journalists (Television) Award 1998*, AP785611 were set with regard to the C10 classification in the *Metal Industries Award 1984*:

14.4 Rates of pay for the above grades (Column 1 rates) have been set at the percentages listed below of the classification C10 in the *Metal Industries Award 1984* (\$525.20 per week) for the column 1 rate of pay:

⁸ [2012] FWA 8761

⁹ [2012] FWA 8761 at [23]-[27]



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Grade	Percentage
1	110
2	124.3
3	146.4
4	157.9
5	168.4
6	182
7	196.8
8	204.1

Table 1 to this Background Paper compares the classification structure and minimum rates in the modern award (as made) to the Entertainment and [Broadcasting Industry - Theatre Managers - Cinema - Award 1998, AP780630](#).

2. Concrete Products Award 2020

The Concrete Products Award classifies employees into levels 1 to 5. The minimum rates for level 1 employees are set at the NMW.¹⁰

¹⁰ Clause 16.2 of the Concrete Products Award 2020.



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Schedule A—Classification Definitions of the Concrete Products Award describes a level 1 employee as:

A.1 Level 1

A.1.1 Undertaking the employer's induction programme which may include information on the enterprise, conditions of employment, introduction to supervisors and fellow employees, training and career path opportunities, plant layout, work and documentation procedures, work health and safety and quality assurance.

A.1.2 Employees at this level perform routine duties essentially of a manual nature and to the level of their training;

- (a) perform general labouring and cleaning duties;
- (b) exercise minimal judgment;
- (c) work under direct supervision;
- (d) may undertake structured training so as to enable them to work at level 2; and
- (e) within the limitations of the skill levels as defined employees will be expected to be responsible for the quality of their own work.

A.1.3 Classification descriptors

- Operator of concrete mixing machine with a rated capacity in excess of 0.4 cubic metres (1/2 cubic yard approximately)
- Automatic tile/ridge machine operator
- Maker by hand of tiles, ridges, apexes and starters
- Pipe machine operator
- Employee making pipe specials, i.e. concreting junctions, splays or other articles including the use of cortex and who may be required to work from plans and/or specifications
- Moulder special, employed working from plans and specifications
- Pre-stressed concrete—steel stressing operator
- Automatic block/brick machine operator



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- Off-bearer operator
- Operator bending, cutting and/or fixing bars, rods or reinforcement working from plans
- Exposed aggregate maker-finisher (includes control of washing off of wet concrete surfaces)
- Coating machine operator

Pre-modern awards relevant to the making of the modern award

The Concrete Products Award was based largely on a draft award submitted by Boral.¹¹ On 6 March 2009 Boral made a written submission that the terms of the award should largely reflect the standards in the *Cement and Concrete Products Award 2000, AP772057*.

The AIRC did not provide any commentary on the classifications and wages included in the Concrete Products Award.

Table 2 compares the classification structure in the Concrete Products Award 2010 (as made) to that in the [*Cement and Concrete Products Award 2000, AP772057*](#).

3. Dry Cleaning and Laundry Industry Award 2020

The Dry Cleaning and Laundry Industry Award 2020 includes 2 classification streams: firstly, for dry cleaning employees, which includes levels 1 to 5; and secondly laundry employees, which includes levels 1 to 4. The minimum rate for a Dry cleaning employee Level 1 is set at the NMW.

Schedule A—Dry Cleaning Classifications of the Dry Cleaning Award defines a Dry cleaning employee Level 1 as:

A.1 Dry cleaning employee Level 1

An employee who is below the level of a tradesperson dry cleaner and is not within Levels 2 to 4.

Pre-modern awards relevant to the making of the modern award

¹¹ [2009] AIRCFB 450 at [41]



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When publishing the exposure draft for the award, the AIRC noted that the wages for dry cleaning employees were drawn from the *Dry Cleaning Industry Award 2000, AP779906* and the classifications from 'existing awards':

[54] We have decided to create separate dry cleaning and laundry streams for wages, hours of work and classifications within the award. The wage rates in the dry cleaning stream are reflective of the present federal dry cleaning award and indeed of most of the other awards in the sector. The wage rates in the laundry stream are based upon the Victorian award in that sector.

...

[56] The classification descriptions are drawn from the existing awards. There may need to be some rationalisation of duplication between levels 3 and 4 laundry employees. We invite the parties to consider this issue...¹²

[footnotes omitted]

When publishing the *Dry Cleaning and Laundry Industry Award 2010*, the AIRC stated that maintaining the laundry and dry cleaning classification streams was the least disruptive approach to creating the new award, but the provisions could possibly be rationalised later:

[34] While we have decided to retain the separate dry cleaning and laundry streams for wages, hours of work and classification structures which appeared in the exposure draft we do not rule out the possibility that these provisions could be rationalised at some time in the future. On the material available to us maintenance of separate structures seems the least disruptive course.¹³

Table 3 compares the classifications and wages in the modern award (as made) with those in [the *Dry Cleaning Industry Award 2000, AP779906*](#).

¹² [2009] AIRCFB 865

¹³ [2009] AIRCFB 945



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4. Funeral Industry Award 2020

The Funeral Industry Award classifies employees from grades 1 to 6. The minimum rate for Grade 1 employees is set at the NMW.¹⁴

Clause 12 of the Funeral Industry Award describes a Grade 1 employee as:

12.1 Grade 1

- (a) Funeral director's assistant;
- (b) coffin draper; or
- (c) adult employee not mentioned elsewhere in any of Grades 2 to 6.

Pre-modern awards relevant to the making of the modern award

The Funeral Industry Award 2010 was based on the *Funeral Industry Award 2003*. In publishing the exposure draft for the award, the AIRC stated the following in relation to the minimum classification rates:

[75] ... The AWU draft is based on the *Funeral Industry Award 2003* which has application in Victoria. It is this award which forms the basis of the exposure draft.

[76] None of the existing awards or NAPSAs contain properly fixed minimum classification rates for funeral directing and coffin manufacturing. We have included a five level classification structure to apply to funeral directing and the manufacturing/assembling of coffins. At this stage we see no basis for the application of incremental payments. We note the submissions by InvoCare regarding funeral directing classification definitions and invite further comment from the parties.¹⁵

In publishing the modern award, the AIRC stated it had amended the classifications in the exposure draft in response to submissions:

¹⁴ Clause 15.1 of the Funeral Industry Award.

¹⁵ [2009] AIRCFB 865



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[57] The *Funeral Industry Award 2010* contains a number of changes resulting from submissions following the release of the exposure draft. In relation to classifications, we have included some additional descriptors in the definitions clause and made other changes to provide clarity in the application of the grading structure. Clauses 12.3 and 15.8 have been redrafted. We have also included an additional grade to cover the qualified embalmer.¹⁶

Table 4 compares the classifications and wages in the modern award (as made) with those in the [*Funeral Industry Award 2003, AP825425*](#).

5. Meat Industry Award 2020

The Meat Industry Award classifies employees from meat industry level 1 to meat industry level 8.¹⁷ The minimum rate for meat industry level 1 employee is set at the NMW.

Schedule A—Classification Definitions of the Meat Industry Award describes a meat industry level 1 employee as:

A.3.1 Meat Industry Level 1

An employee at this level will be a person with no experience in the industry undergoing on-the-job training for an initial period of at least 3 months.

Pre-modern awards relevant to the making of the modern award

The Meat Industry Award is based on the 3 federal awards that existed prior to award modernisation:

[132] This industry has been the subject of a number of inquires and Full Bench decisions. Significant reform has already taken place and, as such, the three underpinning pre-reform awards covering different sections of the industry are mostly up-to-date.

[133] There is a high level of agreement on the terms of a modern award. With the exception of one matter, the draft combines the three pre-reform awards and follows the decision of the Full Bench and proceedings under its supervision. Where there has been a difference between

¹⁶ [2009] AIRCFB 945

¹⁷ Clause 16.1 of the Meat Industry Award



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those most involved in the industry we have preferred to follow the Full Bench decisions and the terms of the existing pre-reform awards. The exception to this is in relation to the salesperson in a retail butchers shop. In light of the rates fixed in the *General Retail Industry Award 2010*, we have raised the minimum rate for a salesperson to a level closer to the entry rate for a retail employee but maintained internal relativities.¹⁸

[footnotes omitted]

Table 5 compares the classifications and wages in the modern award (as made) to those in the [*Federal Meat Industry \(Smallgoods\) Award 2000, AP805128*](#), [*Federal Meat Industry \(Retail and Wholesale\) Award 2000, AP805114*](#) and [*Federal Meat Industry \(Processing\) Award 2000, AP781451*](#).

The wages in the *Federal Meat Industry (Processing) Award 2000* were set according to the following relativities and principles:

14.2 The six wage levels have been agreed and set as a result of the minimum rates adjustment process. The levels have been set on the following basis:

14.2.1 Level 6 - 100%

...

14.2.2 Level 5 - 95%

...

14.2.3 Level 4 - 92.3%

...

14.2.4 Level 3 - 90%

...

14.2.5 Level 2 - 87%

...

¹⁸ [2009] AIRCFB 450



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14.2.6 Level 1 - 81%

...

14.3 Choosing the appropriate level for each employee

The wage levels in this award have been structured so as to comply with the Minimum Rates Adjustment (MRA) Principles of the Commission. The procedure in classifying employees by employers, as a result of the MRA process, is set out in Appendix A. That Appendix contains Table A - Previous timework classifications and Table B - Previous tally classifications. The implementation is occurring over two stages. For Table A employers it is 1/10/2000 and 1/2/2001. For Table B employers it is the date the award is made in clause 4 - Commencement date of award, and 1/2/2001.

The wages in the *Federal Meat Industry (Retail and Wholesale) Award 2000* were set according to the following relativities and principles:

15.2 The seven wage levels have been agreed and set as a result of the minimum rates adjustment on the following basis:

15.2.1 Level 7 105%

...

15.2.2 Level 6 100%

...

15.2.3 Level 5 92.3%

...

15.2.4 Level 4 90%

...

15.2.5 Level 3 87%

...

15.2.6 Level 2 85.5%



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...

15.2.7 Level 1 81%

...

15.3 Note: The rates in 15.1 represent the levels following the minimum rates adjustment process. Employers should refer to Appendix A - Minimum rates adjustment, to ascertain the appropriate classification for each employee. Columns 2, 3 and 4 in 15.1 represent the rates for each level as at 1/12/2000, 1/3/2001 and 1/6/2001.

The wages in the *Federal Meat Industry (Smallgoods) Award 2000, AP805128* were set according to the following relativities and principles:

13.2 The six wage levels have been agreed and set as a result of the minimum rates adjustment on the following basis:

13.2.1 Level 6 100%

...

13.2.2 Level 5 92.3%

...

13.2.3 Level 4 90%

...

13.2.4 Level 3 87%

...

13.2.5 Level 2 85.5%

...

13.2.6 Level 1 81%

...



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13.3 Note: The rates in 13.1 represent the levels following the minimum rates adjustment process. Employers should refer to Appendix “A” to ascertain the appropriate classification for each employee. The columns in 13.1 represent the rates for each level as at 1/12/2000, 1/3/2001 and 1/6/2001.

6. Rail Industry Award 2020

The Rail Industry Award 2020 includes 3 classification streams: Clerical, Administration and Professional (CAP), which includes rail worker levels 1 to 9; Operations (Op), which includes rail worker levels 1 to 6; and Technical and Civil Infrastructure (TCI), which includes rail worker levels 1 to 7. The minimum rates for a Level 1 Rail Worker in the Operations stream are set at the NMW.¹⁹

Schedule A—Classification Definitions to the Rail Award sets out the following tasks and functions for Level 1 Rail Workers in the Operations stream:

Employees at this level undertake and successfully complete standard induction training and will be required to:

- Be responsible for personal safety and use the protective equipment provided to perform work safely.
- Undertake a range of functions with a basic knowledge of policies, procedures and guidelines using a sound level of skill to perform the functions.
- Perform routine customer service, presentation and operations duties requiring minimal judgment.
- Undertake tasks with direct supervision and guidance.

Pre-modern awards relevant to the making of the modern award

The classification structure in the Rail Award is based on a proposal by the Rail Skills and Careers Council (RSCC). When publishing the exposure draft for the award, the AIRC commented on the proposed classifications:

¹⁹ See clause 15.1(b) of the Rail Industry Award 2020



[74] The exposure draft reflects what, in our opinion, may be the appropriate classifications and wage rates for a modern rail award. It identifies three classification streams consistent with the streams proposed by the RSCC. The draft contains an entry-level and, in the clerical/administrative/professional stream, an additional three levels. The parties should give consideration to developing classification definitions by reference to these streams. Generic classifications of employees should be identified. Those employees can then be placed within the appropriate stream and level. In this respect the proposal of the RSCC, contained in its draft award filed on 25 August 2008, provides a basis upon which the parties should confer. As the first level is now proposed to be an entry-level only, the indicative classifications in the RSCC levels should be adjusted upwards accordingly.

...

[76] In Schedule A of the draft there is a link to a list of existing classifications or positions within a range of pre-reform awards. Some only have a classification definition in those awards. The list is not exhaustive. There are many other positions and classifications in the awards and NAPSAs. It does however reflect the wide scope of classifications in this industry and provides a basis for the parties to discuss how they may be rationalised into generic classifications and then placed within the relevant streams and levels therein.

[77] The parties should, as a matter of urgency, discuss and develop these generic classifications and classification definitions and make submissions about these matters to the Full Bench.²⁰

When publishing the Rail Award 2010, the AIRC stated in relation to the operations classifications:

[274] The exposure draft contained three classification streams. These streams largely reflected the major classification groups in existing awards. The wage rates we assigned to each level within the three streams was our assessment of what would have been the current rates had the awards been adjusted to reflect wage increases of general application such as safety net reviews.

²⁰ [2008] AIRCFB 717



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...

[278] ... As for the operations stream we have adopted the latest version of the structure as contained in the RSCC correspondence dated 14 November 2008. It is preferable to the structure proposed by the rail unions on 7 November 2008. No case was made for the introduction of three new levels over those contained in the exposure draft. The RSCC proposal, with its generic descriptors of functions, skills and qualifications, is consistent with the structure of the other two streams and capable of being applied across all the sectors of this industry. Given the vast range of occupations in this industry we have decided, as a general rule, to not identify occupations or positions. Each of the occupations referred to by the rail unions will, however, need to be considered by the parties when translating employees into this new structure.²¹

The RSCC submissions from the award modernisation process were reviewed, but no particular awards were stated as forming the basis of their proposal. Pre-modern awards considered relevant to the rail industry were reviewed and sample selected for inclusion in this paper on the basis they appeared to provide for a form of transitional classification.

Table 6 compares the classifications and wages in the modern award (as made) with those in the [*Locomotive Enginemen's - New South Wales Award 2002, AP815558*](#), and [*Coachmakers, &c., Rail \(State\) Award, AN120139*](#) and [*Locomotive Drivers \(Victoria\) Award 2001, AP811428*](#).

The *Locomotive Drivers (Victoria) Award 2001, AP811428* stated in relation to wage relativities:

14.1.2 The L5 Locomotive Driver (V/Line) is the key classification for this award. The relativity to the *Railways Metal Trades Grades Award [AW817167]* C10 classification is 125.2%.

Wages under the *Coachmakers, &c., Rail (State) Award, AN120139* were set according to the following relativities:

3. WAGE RATES - ADULTS

²¹ [2008] AIRCFB 1000



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(i) An adult employee of a classification specified hereunder shall be paid for the appropriate period the weekly wage as specified in Table 1 Wages and Table 2 Other Rates and Allowances, of Part B, Monetary Rates.

(a) Schedule of Classifications and Wage Groups and Percentage of Trade Rate:

V10	Rail Vehicle Tradesperson Level III.	110
V9	Rail Vehicle Tradesperson Level II.	105
V8	Rail Vehicle Tradesperson Level I.	100
V7	Rail Vehicle Tradesperson Level I.	100
V6	Rail Vehicle Tradesperson Level I.	100
V5	Rail Vehicle Tradesperson Level I.	100
V4	Rail Vehicle Production Employee Level IV.	92.4
V3	Rail Vehicle Production Employee Level III.	87.4
V2	Rail Vehicle Production Employee Level II.	82
V1	Rail Vehicle Production Employee Level I.	78

7. Sugar Industry Award 2020

The classifications applicable under the Sugar Industry Award are set out in the following Schedules to the Award: Schedule A—Classification Definitions—Field Sector; Schedule B—Classification Definitions—Milling, Distillery, Refinery and Maintenance; and Schedule C—Classification Definitions—Bulk Terminal Operations.



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Each set of classifications has its own pay scale. The minimum rates for employees in the field sector are set above the NMW.²²

Milling, distillery, refinery and maintenance employees may be classified at grades C14/L2, C13/L3, C12/L4, C11/L5, C10/L6, C9/L7, C8/L8, C7/L9 and C6. Minimum rates for employees at the C14/L2 grade are set at the NMW.²³

Schedule B to the Award describes level 2/C14 employees as:

B.1.1 Milling general operator—level 2 (C14)

(a) An employee at this level is required to:

- (i)** work under supervision;
- (ii)** exercise decision making/responsibility within their level of skill and training;
- (iii)** demonstrate awareness of general quality control standards in particular responsibility for their own work and advise of quality control problems where identified;
- (iv)** assist with on-the-job training;
- (v)** service and adjust equipment according to their level of skill and training and advise of any additional maintenance required;
- (vi)** demonstrate general housekeeping skills; and
- (vii)** demonstrate ability to use common language skills to engage in communication and to read and understand written and oral instructions plus prepare records that convey information accurately and concisely.

(b) Indicative classifications would include, for example:

- (i)** General mill worker

²² See clauses 17.1 of the Sugar Industry Award 2020

²³ Clause 19.1 of the Sugar Industry Award 2020



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- (ii) Bagasse loftperson
- (iii) Bagasse reclaimer operator
- (iv) Carrier hand
- (v) Greaser
- (vi) Locomotive driver's assistant
- (vii) Tram construction and maintenance worker
- (viii) Watchperson
- (ix) Bulk sugar loader
- (x) Malcolm Moore driver's assistant
- (xi) Form setter's assistant

...

B.2.1 Distilling and services operator—level 2 (C14)

An employee at this level is required to:

- (a) work under supervision;
- (b) exercise decision making/responsibility within their level of skill and training;
- (c) demonstrate awareness of general quality control standards in particular responsibility for their own work and advise of quality control problems where identified;
- (d) assist with on-the-job training;
- (e) service and adjust equipment according to their level of skill and training and advise of any additional maintenance required;
- (f) demonstrate general housekeeping skills; and



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(g) demonstrate ability to use common language skills to engage in communication and to read and understand written and oral instructions plus prepare records that convey information accurately and concisely.

...

B.3.1 Refinery operator—level 2 (C14)

An employee at this level is required to:

- (a) work under supervision;
- (b) exercise decision making/responsibility within their level of skill and training;
- (c) demonstrate awareness of general quality control standards with particular responsibility for their own work and advise of quality control problems where identified;
- (d) assist with on-the-job training;
- (e) service and adjust equipment according to their level of skill and training and advise of any additional maintenance required;
- (f) demonstrate general housekeeping skills; and
- (g) demonstrate ability to use common language skills to engage in communication and to read and understand written and oral instructions plus prepare records that convey information accurately and concisely.

...

B.4.2 Wage Group: C14

(a) Engineering/production employee level I

(i) An engineering/production employee level I is an employee who is undertaking up to 38 hours induction training which may include information on the enterprise, conditions of employment, introduction to supervisors and fellow workers, training and career path



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opportunities, plant layout, work and documentation procedures, work health and safety, equal employment opportunity and quality control/assurance.

(ii) An employee at this level performs routine duties essentially of a manual nature and to the level of their training including:

- performs general labouring and cleaning duties;
- exercises minimal judgment;
- works under direct supervision; and
- is undertaking structured training so as to enable them to work at the C13 level.

Bulk terminal operations employees may be classified as from grade BT1 to BT7. The minimum rate for employees within the BT1 classification is set at the NMW.

Schedule C to the Award defines a C.1 Bulk terminals employee level 1 (BT1) as:

C.1 Bulk terminals employee level 1 (BT1)

New starter—basic labouring duties. This is the level for a new terminal technician who undertakes a 3 month probation period whilst training and performing basic labouring duties.

Pre-modern awards relevant to the making of the modern award

In publishing the exposure draft for the Sugar Award, the AIRC made the following comments in relation to wage structures:

[203] The development of this draft has required consideration of a diverse range of provisions in awards covering employees in the industry. This has resulted in three separate wage structures. One for the field sector – cultivation, cane production, haulage and harvesting, one for factory operations – milling, distilling, refining and maintenance, and one for bulk sugar terminal operations. Predominantly the wage rates submitted were not reflective of minimum wage rate structures, accordingly it has been necessary to substantially review these.



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Submissions are sought from the parties in relation to the wage rates and classification structures.²⁴

In making the award, the AIRC made the following comments in relation to wage rates:

[240] This award covers the field, factory and bulk sugar terminal operations in the industry. For the most part it is in the same terms as the exposure draft, although there are a number of changes which should be mentioned.

[241] The parties have had a common goal of achieving one modern award to cover all of the sectors of the sugar industry, in field, milling, refinery, distillery, sugar research, bulk sugar handling and terminal operations. The task of producing the sugar industry award has required the accommodation of 12 NAPSAs and pre-reform awards.

[242] Section 576J of the WR Act and the consolidated request require that a modern award deal with a minimum safety net of wages. A number of the underlying NAPSAs did not contain appropriately adjusted minimum wages. An examination of the history of wage setting in the industry indicates that in the predominant NAPSAs wages have been fixed by reference to industrial disputation and economic conditions prevailing from time to time in the industry with little reference to accepted principles of minimum wage fixation.

[243] In making the modern award the Commission is required to establish a fair minimum safety net. That requires some consistency between award rates for similar classifications covered by the various modern awards. In implementing the approach in this award it has been necessary to reduce the rates proposed by the parties because those rates reflect, to a large extent, the rates drawn from the relevant NAPSAs. We have adopted three sets of rates which have been fixed having regard to comparisons with relevant minimum rates applying in other modern awards.²⁵

²⁴ [2009] AIRCFB 450

²⁵ [2009] AIRCFB 826



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The C14/L2 and BT1 classifications were initially assigned different rates in the Sugar Industry Award 2010. On 22 July 2011 Fair Work Australia varied the BT1 minimum rate under s.160 to match the C14/L2 minimum rate.²⁶

The AIRC did not identify any particular pre-modern award or party's proposal as forming the basis of the modern award. In correspondence dated 9 April 2009 on behalf of the Australian Manufacturing Workers' Union (AMWU), Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) and Australian Sugar Milling Council (ASMC) it was stated that the parties had agreed that the *Sugar Milling Industry Award - State 2005* was the most appropriate foundation for the modern award, with some minor additions from, for example, from the sugar field and bulk terminals awards. For this reason, this document has compared the *Sugar Milling Industry Award - State 2005* to the modern award.

Table 7 compares the classifications and wages in the modern award (as made) with those in the [*Sugar Milling Industry Award - State 2005*](#).

The wage relativities in the *Sugar Milling Industry Award - State 2005*, AN140283 were set as follows:

5.2 DEFINITIONS AND WAGES

5.2.1 Definitions

All work shall be covered by the classification structure described in Schedule 1, namely:

	%
General Operator Level 1	80
General Operator Level 2	83
Production, Transport and Services Operator - Level 3	88

²⁶ PR512417



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Production, Transport and Services Operator - Level 4	93
Production, Transport and Services Operator - Level 5	97
Production, Transport and Services Operator - Level 6	100
Production, Transport and Services Operator - Level 7	105
Production, Transport and Services Operator - Level 8	110
Production, Transport and Services Operator - Level 9	115

...

SCHEDULE 2 - ENGINEERING CLASSIFICATION/DEFINITIONS/WAGES

2.1 Engineering classification structure and wage rates

2.1.1 *Engineering Tradesperson - Level I (100%)*

2.1.2 *Engineering Tradesperson Level 2 - Engineering Technical Level I (105%)*

2.1.3 *Engineering Tradesperson Special Class - Engineering Technician Level II (110%)*

2.1.4 *Engineering Tradesperson - Special Class - Level II Engineering Technician - Level II (115%)*

2.1.5 *Advanced engineering tradesperson - Level I engineering technician IV (125%)*

...

SCHEDULE 3 - BUILDING TRADESPERSONS CLASSIFICATION STRUCTURE AND WAGE RATES

3.1 Classifications

3.1.1 *Building tradesperson - Level I (100%)*



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8. Travelling Shows Award 2020

Classifications for the Travelling Shows Award are set out in clause 12. It includes grades 1 to 4. The minimum rate for a grade 1 employee is set at the NMW.

A grade 1 employee is defined as:

12.2 Grade 1

An employee at this level is employed as a ride attendant and includes employees not otherwise classified. An employee at this level:

- (a) is responsible for the quality of their own work, subject to routine supervision;
- (b) works under routine supervision either individually or in a team environment;
- (c) performs tasks under general supervision, exercising limited discretion within defined procedures;
- (d) performs work which is subject to final checking and, as required, progress checking;
- (e) is trained in, and applies, basic quality/service requirements relating to their own work and may be required to give general inquiry assistance to the customer;
- (f) has a good working knowledge of health and safety procedures;
- (g) may require basic technical skills to perform the work;
- (h) is engaged in the operation of rides, amusements, games, stalls or general labouring duties as directed; and
- (i) may carry out all work incidental, peripheral or necessary for the proper conduct of the business including driving a motor vehicle, painting and digging.

Pre-modern awards relevant to the making of the modern award

In publishing the exposure draft for the award, the AIRC stated that the award is based on the *Theatrical Employees (Showmen's Guild) Award 2002* and the draft submitted on behalf of the Showmen's Guild:



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[64] When publishing the Stage 3 modern awards we noted that we intended to make, in Stage 4, a Travelling Shows Award 2010. The exposure draft of this award is based on both the *Theatrical Employees (Showmen's Guild) Award 2002* and the draft submitted on behalf of the Showmen's Guild. This proposed award, which has some unique provisions, is limited to those itinerant employers who operate amusements, rides and other related stands at the various shows and similar events that occur around Australia.²⁷

[footnotes omitted]

In creating the award, the AIRC stated the following about the classifications:

[42] Other changes sought to the exposure draft have generally not been adopted. We are satisfied that the positions are classified at appropriate levels and that the correct standard rate for the calculation of allowances is the Grade 2 level. While we are not convinced that the salary averaging provision contained in the current award is appropriate for inclusion in a modern award, we have included a provision for the averaging of hours over a four week period which should assist in dealing with uneven workload demands. Finally, although it is not a feature of the current award, we are satisfied that the modern award should provide for the payment of overtime penalties for full-time and part-time employees.²⁸

Table 8 compares the classifications and wages in the modern award (as made) and to those in the [*Theatrical Employees \(Showmen's Guild\) Award 2002, AP816117*](#).

The wages under the *Theatrical Employees (Showmen's Guild) Award 2002, AP816117* were set according to the following relativities as per clause 12.2:

Construction technician and/or erector (including persons engaged in maintenance and utility duty) – 92%

Assistant to classification (i) – 87.4%

All others – 78%

²⁷ [2009] AIRCFB 865

²⁸ [2009] AIRCFB 945



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Part 2 - Comparison tables

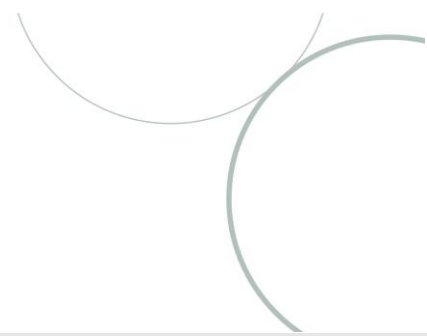
1. Broadcasting, Recorded Entertainment and Cinemas Award 2020

Table 1 – Classification structure in modern award compared to relevant pre-modern awards

Modern Award (as made)	AP780630CRV - Entertainment and Broadcasting Industry - Theatre Managers - Cinema - Award 1998
Classification	
<p>14.2 Common salary structure</p> <p>For the purposes of this clause only, a common salary structure is adopted for the purposes of establishing minimum rates of pay. This structure is as follows:</p> <p>(a) Grade 1 entertainment employee includes the following classifications:</p>	<p>3.11 Trainee manager means a person who will be under the supervision of a manager or assistant manager for a period of not more than six months engaged in training for the duties of an assistant manager or manager. A trainee manager will not be left in charge of a theatre, except in the case of an emergency. A part-time and/or casual trainee managers shall complete the</p>



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Film and Television Distribution Employee Level 1; Trainee
Cinema Manager.

Schedule D—Cinema

D.1 Classifications

...

D.1.4 Trainee Manager means a person, under the supervision of a manager or assistant manager for a period of not more than six months, engaged in training for the duties of an assistant manager or manager. A trainee manager will not be left in charge of a theatre, except in the case of an emergency. A part-time and/or casual trainee manager will complete the equivalent of six months full-time training before being eligible to be appointed as assistant manager and/or manager.

equivalent of 6 months full time training before being eligible to be appointed as assistant manager and/or manager.

Minimum rates

Minimum weekly wage: \$543.90
(see clause 14.3)

Minimum rate of pay per week: \$328.20
Safety net adjustment rate: \$159
Total minimum rate per week: \$487.20



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15.6.1 Federal Minimum Wage

No employee shall be paid less than the federal minimum wage.

15.6.2 Amount of Federal Adult Minimum Wage

15.6.2(a) The federal minimum wage for full-time adult employees not covered by special categories is \$484.40.

(see clauses 15.2.2 and 15.3.1)



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2. Concrete Products Award 2020

Table 2 – Classification structure in modern award compared to relevant pre-modern awards

Modern Award (as made)	AP772057CRV - Cement and Concrete Products Award 2000
	Classification
<p>Schedule A—Classifications</p> <p>A.1 Level 1</p> <p>A.1.1 Undertaking the employer’s induction programme which may include information on the enterprise, conditions of employment, introduction to supervisors and fellow employees, training and career path opportunities, plant layout, work and documentation procedures, occupational health and safety and quality assurance.</p> <p>A.1.2 Employees at this level perform routine duties essentially of a manual nature and to the level of their training;</p> <p>(a) perform general labouring and cleaning duties;</p> <p>(b) exercise minimal judgment;</p> <p>(c) work under direct supervision;</p> <p>(d) may undertake structured training so as to enable them to work at level 2; and</p>	<p>16.1.1 Level 1</p> <p>16.1.1(a) Undertaking the employer’s induction programme which may include information on the enterprise, conditions of employment, introduction to supervisors and fellow employees, training and career path opportunities, plant layout, work and documentation procedures, occupational health and safety and quality assurance.</p> <p>16.1.1(b) Employees at this level perform routine duties essentially of a manual nature and to the level of their training;</p> <ul style="list-style-type: none">• perform general labouring and cleaning duties;• exercise minimal judgement;• work under direct supervision;• may undertake structured training so as to enable them to work at level 2;• within the limitations of the skill levels as defined employees will be expected to be responsible for the quality of their own work.



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(e) within the limitations of the skill levels as defined employees will be expected to be responsible for the quality of their own work.

A.1.3 Classification descriptors

- Operator of concrete mixing machine with a rated capacity in excess of 0.4 cubic metres (1/2 cubic yard approximately)
- Automatic tile/ridge machine operator
- Maker by hand of tiles, ridges, apexes and starters
- Pipe machine operator
- Employee making pipe specials, i.e. concreting junctions, splays or other articles including the use of cortex and who may be required to work from plans and/or specifications
- Moulder special, employed working from plans and specifications
- Pre-stressed concrete—steel stressing operator
- Automatic block/brick machine operator
- Off-bearer operator
- Operator bending, cutting and/or fixing bars, rods or reinforcement working from plans
- Exposed aggregate maker-finisher (includes control of washing off of wet concrete surfaces)
- Coating machine operator

APPENDIX I

Classification translation

The translation of the classification structure prior to 11 September 1991 to the new structure and the application of the minimum rate adjustment is as follows:

<u>Old classification</u>		<u>New classification</u>
Group 1	becomes	Level 3
Group 2	becomes	Level 2
Group 3	becomes	Level 1
Group 4	becomes	Level 3
...		
<u>Classification</u>		
<u>Group 1</u>		



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Operator concrete mixing machine with a rated capacity in excess of 0.4 cubic metres (1/2 cubic yard approximately)

Automatic tile/ridge machine operator

Maker by hand of tiles, ridges, apexes and starters

Pipe machine operator

Employee making pipe specials, i.e. concreting junctions, splays or other articles including the use of cortex and who may be required to work from plans and/or specifications

Moulder special, employed working from plans and specifications

Pre-stressed concrete - steel stressing operator

Automatic block/brick machine operator

Off-bearer operator

Operator bending, cutting and/or fixing bars, rods or reinforcement working from plans

Exposed aggregate maker-finisher (includes control of washing off of wet concrete surfaces)

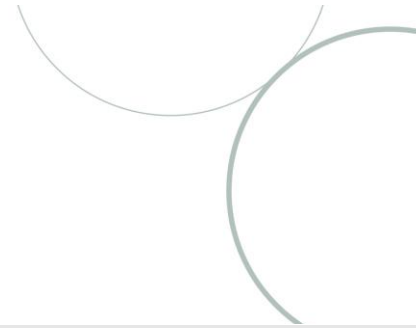
Coating machine operator

....

Group 3



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	<p>Operator of concrete mixing machine with rated capacity less than 0.12 cubic metres, or mixing by hand</p> <p>Pipe tester</p> <p>Stacker by hand of articles including bricks, blocks, tiles and pipes</p> <p>All other employees not elsewhere classified</p>
	<p>Minimum rates</p>
<p>Clause 15.1</p> <p>Rate per week: \$543.80</p>	<p>Clause 16.2.1</p> <p>Rate per week : \$484.40</p>



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3. Dry Cleaning and Laundry Industry Award 2020

Table 3 – Classification structure in modern award compared to relevant pre-modern awards

Modern Award (as made)	AP779906CAV - Dry Cleaning Industry Award 2000												
	Classifications												
<p>B.1 Dry cleaning employee Level 1 An employee who is below the level of a tradesperson dry cleaner and is not within Levels 2 to 4.</p>	<p>16.2.1 Subject to Clause 12 of the Dry Cleaning Industry Award 2000, an employee having reached the age of 21 years, other than an apprentice shall be paid a rate of not less than that assigned in the following table to the relevant classification.</p> <table border="1"><thead><tr><th data-bbox="1055 914 1189 954">Group</th><th data-bbox="1189 914 1794 954">Classification</th><th data-bbox="1794 914 2078 1026">Total Minimum Award Rate per week</th></tr></thead><tbody><tr><td data-bbox="1055 1050 1189 1090">A</td><td data-bbox="1189 1050 1794 1090">Tradesperson dry cleaner (Victoria only)</td><td data-bbox="1794 1050 2078 1090">\$578.20</td></tr><tr><td data-bbox="1055 1114 1189 1153">B</td><td data-bbox="1189 1114 1794 1153">Invisible mender, tailor or tailoress</td><td data-bbox="1794 1114 2078 1153">\$544.50</td></tr><tr><td data-bbox="1055 1177 1189 1217">C</td><td data-bbox="1189 1177 1794 1361">Presser, receiver and dispatcher in charge (namely a person in charge of a depot and responsible for the keeping of records and responsible for cash) Cleaner (operating dry cleaning machine)</td><td data-bbox="1794 1177 2078 1217">\$509.40</td></tr></tbody></table>	Group	Classification	Total Minimum Award Rate per week	A	Tradesperson dry cleaner (Victoria only)	\$578.20	B	Invisible mender, tailor or tailoress	\$544.50	C	Presser, receiver and dispatcher in charge (namely a person in charge of a depot and responsible for the keeping of records and responsible for cash) Cleaner (operating dry cleaning machine)	\$509.40
Group	Classification	Total Minimum Award Rate per week											
A	Tradesperson dry cleaner (Victoria only)	\$578.20											
B	Invisible mender, tailor or tailoress	\$544.50											
C	Presser, receiver and dispatcher in charge (namely a person in charge of a depot and responsible for the keeping of records and responsible for cash) Cleaner (operating dry cleaning machine)	\$509.40											



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	D	Repairer (other than tailor or tailoress) Spotter presser (off-set press) Hand ironer receiver and/or dispatcher	\$509.40
	E	Wet Cleaner, Steam air finisher, Examiner of garments, Assembler of garments, Sorter of garments	\$501.10
	F	All others	\$484.40
Minimum rates			
Minimum weekly rate: \$543.90 (see clause 14.1(a))	Total Minimum Award Rate per week: \$484.40 (see clause 16.2.1)		



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4. Funeral Industry Award 2020

Table 4 – Classification structure in modern award compared to relevant pre-modern awards

Modern Award (as made)	AP825425CRV - Funeral Industry Award 2003												
	Classifications												
<p>B.1 Grade 1—Funeral director’s assistant and coffin draper and/or an adult employee not mentioned elsewhere in any of Grades 2 to 6.</p>	<p>SCHEDULE A - FUNERAL DIRECTORS</p> <p>...</p> <p>1.1.1 Subject to 1.2, 1.3, 1.4 and 1.5 of this Schedule, full-time adult employees engaged in the business of a funeral director will be paid the following wages per week:</p> <table border="1" data-bbox="1064 997 2072 1388"> <thead> <tr> <th style="text-align: left;">Classification</th> <th style="text-align: right;">Minimum Weekly Rate \$</th> </tr> </thead> <tbody> <tr> <td>Funeral director’s assistant:</td> <td></td> </tr> <tr> <td>1st three months review</td> <td style="text-align: right;">506.70</td> </tr> <tr> <td>After three months review</td> <td style="text-align: right;">557.50</td> </tr> <tr> <td>After one years review</td> <td style="text-align: right;">561.30</td> </tr> <tr> <td>After two years review</td> <td style="text-align: right;">565.00</td> </tr> </tbody> </table>	Classification	Minimum Weekly Rate \$	Funeral director’s assistant:		1st three months review	506.70	After three months review	557.50	After one years review	561.30	After two years review	565.00
Classification	Minimum Weekly Rate \$												
Funeral director’s assistant:													
1st three months review	506.70												
After three months review	557.50												
After one years review	561.30												
After two years review	565.00												



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...

1.1.2 The skill increments contained in this award are not automatic. Only where an employee has utilised their skills and, where practicable, developed new skills over the relevant period will he or she move to the next increment level.

SCHEDULE B - COFFIN MAKERS

...

2.1.1 Full-time employees will be paid the following rates of pay:

Classification	Minimum Weekly Rate \$
...	
Grade 5	
Coffin draper and/or an adult employee not elsewhere in any of Grades 1 and 4:	501.80
After six months review	520.30
After one year review	526.70
After two years review	532.80



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	<p>2.1.2 The skill increments contained in this award are not automatic. Only where an employee has utilised their skills, and where practicable, developed new skills over the relevant period will he or she move to the next increment level.</p>
<p>Minimum rates</p>	
<p>Minimum weekly wage: \$543.90 (see clause 14.1)</p>	<p>Minimum Weekly Rate</p> <p>Coffin draper and/or an adult employee not elsewhere in any of Grades 1 and 4: \$501.80</p> <p>Funeral director's assistant (first 3 months review): \$506.70 (see clauses 1.1.1 and 2.1.1)</p>



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5. Meat Industry Award 2020

Table 5 – Classification structure in modern award compared to relevant pre-modern awards

Modern Award (as made)	AP805128CRV - Federal Meat Industry (Smallgoods) Award 2000	AP805114CRV - Federal Meat Industry (Retail and Wholesale) Award 2000	AP781451CRV - Federal Meat Industry (Processing) Award 2000
Classifications			
A.3.1 Meat Industry Level 1 An employee at this level will be a person with no experience in the industry undergoing on-the-job training for an initial period of at least three months.	13.2.6 Level 1 81% This rate will apply to an employee who is new to the industry and who is under on the job training for an initial trial period of at least three months.	15.2.7 Level 1 81% This rate will apply to an employee who is new to the industry and who is under on the job training for an initial trial period of at least three months.	14.2.6 Level 1 - 81% This rate will apply to an employee who is new to the industry and who is undergoing on the job training for an initial trial period of at least three months.
Minimum rates			
Minimum weekly wage: \$543.90 (see clause 19.1)	Award rate per week: \$484.40 (see clause 13.1)	Award rate per week: \$484.40 (see clause 15.1)	Award rate per week : \$484.40 (see clause 14.1)



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6. Rail Industry Award 2020

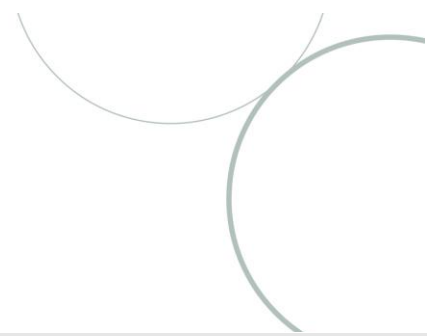
Table 6 – Classification structure in modern award compared to relevant pre-modern awards

Modern Award (as made)	AP815558 - Locomotive Enginemen's - New South Wales Award 2002	AN120139 – Coachmakers, &c., Rail (State) Award	AP811428 - Locomotive Drivers (Victoria) Award 2001				
Classifications							
<p>Schedule A—Classification Definitions ...</p> <p>Operations Classifications ...</p> <table border="1"> <thead> <tr> <th>Level</th> <th>Tasks and Functions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Employees at this level undertake and successfully complete standard induction</td> </tr> </tbody> </table>	Level	Tasks and Functions	1	Employees at this level undertake and successfully complete standard induction	<p>8.11.1 Trainee Assistant;²⁹ means an employee whose appointment to train/work in the Driver's career path structure is subject to satisfactorily completing the examinations in Stage I safeworking rules and regulations and specified Engine Persons duties to the required standard in a reasonable period of time.</p>	<p>42. OUTLINE OF CLASSIFICATION STRUCTURE</p> <p>Rail Vehicle Production Employee Level V1 (78%) - A Rail Vehicle Production Employee Level 1 is an employee who is undertaking induction training which may include information on the enterprise, conditions of employment, introduction to supervisors and fellow workers, training and career path opportunities, plant layout, work and documentation procedures, occupational health and safety, equal</p>	<p>14.2.1 Locomotive driver 1 (Trainee new start) is a New Start Trainee Locomotive Driver.</p> <p>14.2.2 Locomotive driver 2 (Trainee qualified stage 2) means a Trainee Driver who has successfully completed all necessary training and evaluation and is authorised as proficient</p>
Level	Tasks and Functions						
1	Employees at this level undertake and successfully complete standard induction						

²⁹ Note: this is not the lowest paid classification in the award. The lowest paid classification is locomotive cleaner.



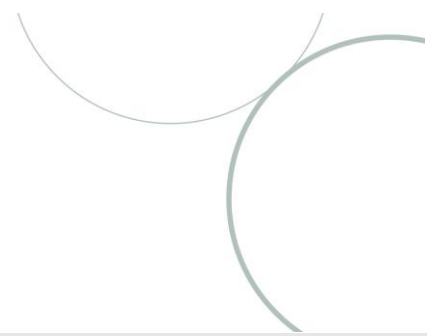
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	<p>training and will be required to:</p>			
	<ul style="list-style-type: none"> -Be responsible for personal safety and use the protective equipment provided to perform work safely. -Undertake a range of functions with a basic knowledge of policies, procedures and guidelines using a sound level of skill to perform the functions. -Perform routine customer service, presentation and operations duties requiring minimal judgment. -Undertake tasks with direct supervision and guidance. 	<p>8.11.2 Assistant Driver, in Training (Stage II); means an employee who has been promoted from Trainee Assistant following a satisfactory assessment of that person's suitability and conduct, to undergo further training/work in the Driver's career path structure and who is required to qualify in Stage II safeworking rules/regulations, locomotive and train operation duties, to the required standard (Higher Position Certificate) with a reasonable period of time.</p> <p>8.11.3 Assistant Driver, in training (Stage III); means an employee in possession of the Higher Position Certificate, with a minimum of 10 months satisfactory service in Stage II, qualified, suitable and undergoing the</p>	<p>employment opportunity and quality control assurance.</p> <p>An employee at this level performs routine duties essentially of a manual nature and to the level of his/her training:</p> <ol style="list-style-type: none"> (1) performs general labouring and cleaning duties; (2) exercises minimal judgement; (3) works under direct supervision; or (4) is undertaking training so as to enable him/her to work at Rail Vehicle Production Level II; (5) understands and implements basic occupational health and safety procedures. <p>Rail Vehicle Production Employee Level V2 (82%) - A Rail Vehicle Production Employee Level II is an employee who has satisfactorily completed up to three months structured training and is required by the employer to perform work within the scope of this level.</p> <p>An employee at this level performs work above and beyond the skills of a Rail</p>	<p>to perform the required locomotive duties.</p> <p>14.2.3 Locomotive driver 3 (Trainee 12 months) means a Trainee Driver who has completed 12 months successful training with the Driver Training Scheme.</p>



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<p>[minimum weekly rate column deleted]</p>	<p>intensive Driver Training Programme.</p>	<p>Vehicle Production Employee Level I and to the level of his/her training:</p> <ol style="list-style-type: none">(1) work under direct supervision either individually or in a team environment;(2) understand and undertakes basic quality control assurance procedures, including the ability to recognise basic quality deviations/faults;(3) completes in-house induction training;(4) understands and implements basic occupational health and safety procedures. <p>Indicative of the tasks which an employee at this level may perform are the following</p> <p>-</p> <ul style="list-style-type: none">repetition work on automatic, semi-automatic or single purpose machines or equipment;manufacture/assembly of basic components using written, spoken and/or diagrammatic instruction;basic soldering or butt and spot welding skills with or without the aid of jigs or cut scrap with any oxy blowpipe;use of hand tools to carry out any of the above listed duties or for special tasks such as metal finishing;	
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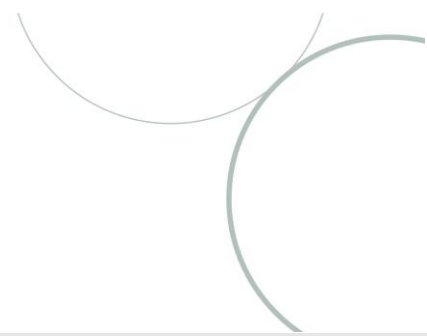
		<p>routine maintenance of equipment to which the employee is assigned; maintain simple records; use hand trolleys and pallet trucks; assist in the provision of on-the-job training in conjunction with tradespersons and supervisor/trainers.</p>	
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Minimum rates

<p>Minimum Weekly Rate: \$543.90 Annual Salary Equivalent: \$28,380 (See clause 15.1(b))</p>	<p>Rate per week</p>		<p>Total Award Wage V1 \$502.50 V2 \$520.90 (see Table 1)</p>	<p>Minimum Award Rate per week</p>	
	<p>Trainee Assistant - Stage I</p>	<p>\$487.25</p>		<p>L1 Locomotive Driver (Trainee New Start)</p>	<p>\$371.80</p>
	<p>Assistant Driver, in training - Stage II</p>	<p>\$515.60</p>		<p>L2 Locomotive Driver (Trainee qualified stage 2)</p>	<p>\$410.00</p>
	<p>Assistant Driver, in training - Stage III</p>	<p>\$528.15</p>		<p>L3 Locomotive</p>	<p>\$470.50</p>



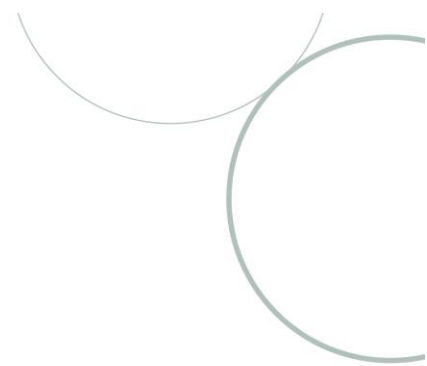
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	<table border="1"><tr><td>Assistant Driver</td><td>\$542.20</td></tr></table>	Assistant Driver	\$542.20		Driver (Trainee 12 Months)
Assistant Driver	\$542.20				
	(See clause 13.1)		(See clause 14.1.1)		



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7. Sugar Industry Award 2020

Table 7 – Classification structure in modern award compared to relevant pre-modern awards

Modern Award (as made)	AN140283 – Sugar Milling Industry Award - State 2005
Classifications	
<p>39.1 Milling employees</p> <p>(a) Milling general operator—level 2 (C14)</p> <p>(i) An employee at this level is required to:</p> <ul style="list-style-type: none"> • work under supervision; • exercise decision making/responsibility within their level of skill and training; • demonstrate awareness of general quality control standards in particular responsibility for their own work and advise of quality control problems where identified; • assist with on-the-job training; • service and adjust equipment according to their level of skill and training and advise of any additional maintenance required; • demonstrate general housekeeping skills; and • demonstrate ability to use common language skills to engage in communication and to read and understand written and oral instructions plus 	<p>SCHEDULE 1 - PRODUCTION DEFINITIONS/WAGES</p> <p>1.1 General Operator Level 2</p> <p>Upon appointment to this level an employee will have successfully completed structured training and demonstrate competency in 5 typical tasks as specified for the nominated function defined in 1.1.2, or has equivalent experience to perform work within the scope of this level.</p> <p>1.1.1 <i>An employee at this level is required to</i></p> <p>(a) Work under supervision.</p> <p>(b) Exercise decision making/responsibility within their level of skill and training.</p> <p>(c) Demonstrate awareness of general quality control standards in particular responsibility for their own work and advise of quality control problems where identified.</p> <p>(d) Assist with on-the-job training.</p> <p>(e) Service and adjust equipment according to their level of skill and training and advise of any additional maintenance required.</p>



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prepare records that convey information accurately and concisely.

(ii) Indicative classifications would include, for example:

- General mill worker
- Bagasse loftperson
- Bagasse reclaimer operator
- Carrier hand
- Greaser
- Locomotive driver's assistant
- Tram construction and maintenance worker
- Watchperson
- Bulk sugar loader
- Malcolm Moore driver's assistant
- Form setter's assistant

...

39.2 Distillery employees

(a) Distilling and services operator—level 2 (C14)

An employee at this level is required to:

- work under supervision;
- exercise decision making/responsibility within their level of skill and training;
- demonstrate awareness of general quality control standards in particular responsibility for their own work and advise of quality control problems where identified;
- assist with on-the-job training;

(f) Demonstrate general housekeeping skills.

(g) Demonstrate ability to use common language skills to engage in communication and to read and understand written and oral instructions plus prepare records that convey information accurately and concisely.

1.1.2 Typical tasks include

- General cleaning
 - Oiling and lubricating
 - Labouring
 - Assisting other graded employees
 - Minor clerical duties
 - Assisting laboratory staff
 - Security duties
 - Coupling/uncoupling bins
 - Assisting loco driver
 - Gardening duties
 - General plant painting
 - Operating/attending power operated equipment/machinery not requiring a licence
 - Loading/unloading/Vehicles/bins
 - Operating electronic communications equipment not requiring a licence
 - Operating Vehicles
 - Know and apply disinfectants/cleaning materials
 - Basic metal cutting
- #### 1.1.3 Qualifications
- (a) Category "A" Drivers Licence
(b) Hand held tools - in-house training



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- service and adjust equipment according to their level of skill and training and advise of any additional maintenance required;
- demonstrate general housekeeping skills; and
- demonstrate ability to use common language skills to engage in communication and to read and understand written and oral instructions plus prepare records that convey information accurately and concisely.

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39.3 Refinery employees

(a) Refinery operator—level 2 (C14)

An employee at this level is required to:

- work under supervision;
- exercise decision making/responsibility within their level of skill and training;
- demonstrate awareness of general quality control standards with particular responsibility for their own work and advise of quality control problems where identified;
- assist with on-the-job training;
- service and adjust equipment according to their level of skill and training and advise of any additional maintenance required;
- demonstrate general housekeeping skills; and
- demonstrate ability to use common language skills to engage in communication and to read and understand

1.1.4 Indicative existing classifications

- General mill worker
- Bagasse loftperson
- Bagasse reclaimer operator
- Carrier hand
- Greaser
- Locomotive drivers assistant
- Tram construction and maintenance worker
- Watchperson
- Bulk sugar loader
- Malcolm Moore driver's assistant
- Form setter's assistant

SCHEDULE 2 - ENGINEERING CLASSIFICATION/DEFINITIONS/WAGES

2.1 Engineering classification structure and wage rates

2.1.1 Engineering Tradesperson - Level I (100%)

(Classification Level - 1)

(a) An engineering tradesperson Level I is an employee who holds a Trade Certificate or Tradespersons Rights Certificate as a:

- (i) Engineering tradesperson (electrical/electronic) Level I; or
- (ii) Engineering tradesperson (mechanical) Level I; or
- (iii) Engineering tradesperson (fabrication) Level I;

and is able to exercise the skills and knowledge of the trade.

(b) As a guide, such an employee:



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written and oral instructions plus prepare records that convey information accurately and concisely.

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39.4 Maintenance classification structure and definitions

The classification structure and definitions set out in clauses 0 to **Error! Reference source not found.** apply to employees covered by this award, undertaking maintenance functions.

39.5 Supervisor/trainer/coordinator

39.6 Wage Group: C14

(a) Engineering/production employee level I

(i) An engineering/production employee level I is an employee who is undertaking up to 38 hours induction training which may include information on the enterprise, conditions of employment, introduction to supervisors and fellow workers, training and career path opportunities, plant layout, work and documentation procedures, occupational health and safety, equal employment opportunity and quality control/assurance.

(ii) An employee at this level performs routine duties essentially of a manual nature and to the level of their training including:

- performs general labouring and cleaning duties;
- exercises minimal judgment;
- works under direct supervision; and
- is undertaking structured training so as to enable them to work at the C13 level.

- (i) understands and applies quality control techniques;
- (ii) exercises interpersonal and communication skills;
- (iii) exercises discretion within the scope of this level;
- (iv) performs work under limited supervision either individually or in a team environment;
- (v) operates all lifting equipment incidental to their work;
- (vi) assists in the provision of on the job training;
- (vii) performs work which, while primarily involving the core skills of the employee, is incidental or peripheral to the primary task and facilitates the completion of the whole task. Such incidental or peripheral work would not require additional formal technical training;
- (viii) is able to inspect products and/or materials for conformity with established operational standards;
- (ix) perform non-trade tasks incidental to their work; and
- (x) exercise keyboard skills appropriate for this level.

SCHEDULE 3 - BUILDING TRADESPERSONS CLASSIFICATION STRUCTURE AND WAGE RATES

3.1 Classifications

3.1.1 Building tradesperson - Level I (100%)

A building tradesperson - Level I is an employee who holds a recognised trade certificate or tradesperson rights certificate or has completed the agreed modules of structured training and has been assessed as competent to enable the employee to perform work within the scope of this level.



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41.1 Bulk terminals employee level 1 (BT1)

New starter—basic labouring duties. This is the level for a new terminal technician who undertakes a three month probation period whilst training and performing basic labouring duties.

Minimum rates

C14//L2 minimum weekly wage: \$543.90

(see clause 40.1)

BT1 minimum weekly wage: \$528.87

(see clause 42.1)

Classification level 1

Base rate: \$292.20

Supplementary payment: \$200.60

Excess payment: \$70.10

Total amount: \$562.90

Classification level 2

Base rate: \$303.10

Supplementary payment: \$202.20

Excess payment: \$66.80



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Total amount: \$572.10

(see clause 5.4)

SCHEDULE 2 - ENGINEERING CLASSIFICATION/DEFINITIONS/WAGES

Base rate level per week: \$365.20

Supplementary payment per week: \$187.00

Excess payment: \$78

(see clause 2.2)

**SCHEDULE 3 - BUILDING TRADESPERSONS CLASSIFICATION
STRUCTURE AND WAGE RATES**

Base rate level per week: \$365.20

Supplementary payment per week: \$187.00

Excess payment: \$78

(see clause 3.2.1)



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8. Travelling Shows Award 2020

Table 8 – Classification structure in modern award compared to relevant pre-modern awards

Modern Award (as made)	AP816117 - Employees (Showmen's Guild) Award 2002
Classifications	
<p>13.2 Grade 1</p> <p>An employee at this level is employed as a ride attendant and includes employees not otherwise classified.</p> <p>Such an employee:</p> <ul style="list-style-type: none">(a) is responsible for the quality of their own work, subject to routine supervision;(b) works under routine supervision either individually or in a team environment;(c) performs tasks under general supervision, exercising limited discretion within defined procedures;(d) performs work which is subject to final checking and, as required, progress checking;(e) is trained in, and applies, basic quality/service requirements relating to their own work and may be required to give general inquiry assistance to the customer;	<p>12.1 Definitions</p> <p>12.1.1 Construction technician and/or erector shall mean and include any person appointed to rig steel or timber components and/or erect or dismantle same on any site or location either as a temporary or permanent structure and including the preparation, painting and greasing or otherwise lubricating any structural part either fixed or moving either in the employer's workshops or on the site where the stand or fixture or structure is to be erected, dismantled and/or operated.</p> <p>12.1.2 Assistant to construction technician and/or erector shall mean any person engaged as such and for the purpose of assisting in any of the matters as set out in the definition Construction technician and/or erector.</p>



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- (f) has a good working knowledge of health and safety procedures;
- (g) may require basic technical skills to perform the work;
- (h) is engaged in the operation of rides, amusements, games, stalls or general labouring duties as directed; and
- (i) may carry out all work incidental, peripheral or necessary for the proper conduct of the business including driving a motor vehicle, painting and digging.

Minimum rates

Total minimum wage per week: \$543.90
(see clause 14.1)

Adults	Basic rate per week	Safety net adjustment	Total minimum rate per week
(i) Construction technician and/or erector (including persons engaged in maintenance and utility duty)	\$385.50	\$88.00	\$473.50
(ii) Assistant to classification (i)	\$364.60	\$88.00	\$452.60
(iii) All others (see clause 12.2)	\$325.40	\$88.00	\$413.40