



# DRAFT DETERMINATION

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

**Annual Wage Review 2019–20**  
(C2020/1)

**GARDENING AND LANDSCAPING SERVICES AWARD 2020**  
[MA000101]

Gardening services

JUSTICE ROSS, PRESIDENT  
VICE PRESIDENT CATANZARITI  
DEPUTY PRESIDENT ASBURY  
COMMISSIONER HAMPTON  
MR FERGUSON  
PROFESSOR WOODEN  
MS LABINE-ROMAIN

MELBOURNE, XX JUNE 2020

*Annual Wage Review 2019–20.*

A. Further to the decision issued by the majority of the Expert Panel in the Annual Wage Review 2019–20 on 19 June 2020 [[2020] FWCFB 3500], the above award is varied as follows:

1. By deleting the table appearing in clause 15.1 and inserting the following:

<b>Classification</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate</b>
<b>Gardener/Landscaper</b>	<b>\$</b>	<b>\$</b>
Introductory Level	753.80	19.84
Level 1	775.40	20.41
Level 2	805.10	21.19
Level 3	842.40	22.17
Level 4	877.60	23.09
Level 5	905.10	23.82

2. By deleting the year “2019” in clause 15.9(b) and inserting “2020”.

3. By deleting the table appearing in clause 17.3(a)(i) and inserting the following:

<b>In charge of:</b>	<b>\$ per week</b>
1–2 employees	17.55
3–6 employees	35.10
7–9 employees	43.88
10 or more employees	61.43

4. By deleting the amount “\$5.18” appearing in clause 17.3(b) and inserting “\$5.27”.
5. By deleting the amount “\$17.25” appearing in clause 17.3(c) and inserting “\$17.55”.
6. By deleting the table appearing in clause B.2.1 and inserting the following:

	Ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>150%</b>	<b>150%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Introductory Level	19.84	29.76	29.76	49.60
Level 1	20.41	30.62	30.62	51.03
Level 2	21.19	31.79	31.79	52.98
Level 3	22.17	33.26	33.26	55.43
Level 4	23.09	34.64	34.64	57.73
Level 5	23.82	35.73	35.73	59.55

7. By deleting the table appearing in clause B.2.2 and inserting the following:

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of ordinary hourly rate<sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Introductory Level	29.76	39.68	49.60
Level 1	30.62	40.82	51.03

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of ordinary hourly rate<sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 2	31.79	42.38	52.98
Level 3	33.26	44.34	55.43
Level 4	34.64	46.18	57.73
Level 5	35.73	47.64	59.55

8. By deleting the table appearing in clause B.3.1 and inserting the following:

	Ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>125%</b>	<b>175%</b>	<b>175%</b>	<b>275%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Introductory Level	24.80	34.72	34.72	54.56
Level 1	25.51	35.72	35.72	56.13
Level 2	26.49	37.08	37.08	58.27
Level 3	27.71	38.80	38.80	60.97
Level 4	28.86	40.41	40.41	63.50
Level 5	29.78	41.69	41.69	65.51

9. By deleting the table appearing in clause B.4.1 and inserting the following:

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays	
			Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am		
			<b>% of junior hourly rate<sup>1</sup></b>			
			<b>100%</b>	<b>150%</b>	<b>150%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	
<b>Introductory level</b>						

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays	
			Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am		
			% of junior hourly rate <sup>1</sup>			
			100%	150%		150%
	\$	\$	\$	\$	\$	
17 years and under	527.70	13.89	20.84	20.84	34.73	
18 years	603.00	15.87	23.81	23.81	39.68	
19 years	678.40	17.85	26.78	26.78	44.63	
<b>Level 1</b>						
17 years and under	542.80	14.28	21.42	21.42	35.70	
18 years	620.30	16.32	24.48	24.48	40.80	
19 years	697.90	18.37	27.56	27.56	45.93	
<b>Level 2</b>						
17 years and under	563.60	14.83	22.25	22.25	37.08	
18 years	644.10	16.95	25.43	25.43	42.38	
19 years	724.60	19.07	28.61	28.61	47.68	
<b>Level 3</b>						
17 years and under	589.70	15.52	23.28	23.28	38.80	
18 years	673.90	17.73	26.60	26.60	44.33	
19 years	758.20	19.95	29.93	29.93	49.88	
<b>Level 4</b>						
17 years and under	614.30	16.17	24.26	24.26	40.43	
18 years	702.10	18.48	27.72	27.72	46.20	
19 years	789.80	20.78	31.17	31.17	51.95	
<b>Level 5</b>						
17 years and under	633.60	16.67	25.01	25.01	41.68	
18 years	724.10	19.06	28.59	28.59	47.65	
19 years	814.60	21.44	32.16	32.16	53.60	

10. By deleting the table appearing in clause B.4.2 and inserting the following:

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	% of junior hourly rate <sup>1</sup>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Introductory level</b>			
17 years and under	20.84	27.78	34.73
18 years	23.81	31.74	39.68
19 years	26.78	35.70	44.63
<b>Level 1</b>			
17 years and under	21.42	28.56	35.70
18 years	24.48	32.64	40.80
19 years	27.56	36.74	45.93
<b>Level 2</b>			
17 years and under	22.25	29.66	37.08
18 years	25.43	33.90	42.38
19 years	28.61	38.14	47.68
<b>Level 3</b>			
17 years and under	23.28	31.04	38.80
18 years	26.60	35.46	44.33
19 years	29.93	39.90	49.88
<b>Level 4</b>			
17 years and under	24.26	32.34	40.43
18 years	27.72	36.96	46.20
19 years	31.17	41.56	51.95
<b>Level 5</b>			
17 years and under	25.01	33.34	41.68
18 years	28.59	38.12	47.65
19 years	32.16	42.88	53.60

11. By deleting the table appearing in clause B.4.3 and inserting the following:

Age	Casual junior hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	% of junior hourly rate <sup>1</sup>			
	125%	175%	175%	275%
	\$	\$	\$	\$
<b>Introductory level</b>				
17 years and under	17.36	24.31	24.31	38.20
18 years	19.84	27.77	27.77	43.64
19 years	22.31	31.24	31.24	49.09
<b>Level 1</b>				
17 years and under	17.85	24.99	24.99	39.27
18 years	20.40	28.56	28.56	44.88
19 years	22.96	32.15	32.15	50.52
<b>Level 2</b>				
17 years and under	18.54	25.95	25.95	40.78
18 years	21.19	29.66	29.66	46.61
19 years	23.84	33.37	33.37	52.44
<b>Level 3</b>				
17 years and under	19.40	27.16	27.16	42.68
18 years	22.16	31.03	31.03	48.76
19 years	24.94	34.91	34.91	54.86
<b>Level 4</b>				
17 years and under	20.21	28.30	28.30	44.47
18 years	23.10	32.34	32.34	50.82
19 years	25.98	36.37	36.37	57.15
<b>Level 5</b>				
17 years and under	20.84	29.17	29.17	45.84
18 years	23.83	33.36	33.36	52.42
19 years	26.80	37.52	37.52	58.96

12. By deleting the table appearing in clause B.5.1 and inserting the following:

	Apprentice hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	<b>% of apprentice hourly rate <sup>1</sup></b>			
	<b>100%</b>	<b>150%</b>	<b>150%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Have not completed year 12</b>				
1st year	11.55	17.33	17.33	28.88
2nd year	13.85	20.78	20.78	34.63
3rd year	17.32	25.98	25.98	43.30
4th year	21.94	32.91	32.91	54.85
<b>Have completed year 12</b>				
1st year	12.70	19.05	19.05	31.75
2nd year	15.01	22.52	22.52	37.53
3rd year	17.32	25.98	25.98	43.30
4th year	21.94	32.91	32.91	54.85

13. By deleting the table appearing in clause B.5.2 and inserting the following:

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of apprentice hourly rate <sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Have not completed year 12</b>			
1st year	17.33	23.10	28.88
2nd year	20.78	27.70	34.63
3rd year	25.98	34.64	43.30
4th year	32.91	43.88	54.85
<b>Have completed year 12</b>			
1st year	19.05	25.40	31.75
2nd year	22.52	30.02	37.53

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	% of apprentice hourly rate <sup>1</sup>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
3rd year	25.98	34.64	43.30
4th year	32.91	43.88	54.85

14. By deleting the table appearing in clause B.6.1 and inserting the following:

		Minimum weekly rate	Minimum hourly rate
Minimum wage rate <sup>1</sup>		\$	\$
1st year	80% of adult Level 4 rate	702.08	18.47
2nd and 3rd year	Introductory Level rate	753.80	19.84
4th year	95% of adult Level 4 rate	833.72	21.94

15. By deleting the table appearing in clause B.6.2 and inserting the following:

	Penalty rates – Where an employer is subject to water restrictions		Overtime – Monday to Sunday		Public holidays – All hours (including overtime)
	Monday to Friday— outside 6 am to 6 pm	Saturday— before 6 am	First 2 hours	After first 2 hours	
	% of apprentice hourly rate <sup>1</sup>				
	<b>150%</b>	<b>150%</b>	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
1st year	27.71	27.71	27.71	36.94	46.18
2nd and 3rd year	29.76	29.76	29.76	39.68	49.60
4th year	32.91	32.91	32.91	43.88	54.85

16. By deleting the amount “\$862.50” appearing in clause C.1.1 and inserting “\$877.60”.



17. By deleting the table appearing in clause C.1.1 and inserting the following:

<b>Allowance</b>	<b>Clause</b>	<b>% of standard rate</b>	<b>\$</b>	<b>Payable</b>
Leading hand in charge of— 1–2 employees <sup>1</sup>	17.3(a)(i)	2.0	17.55	per week
Leading hand in charge of— 3–6 employees <sup>1</sup>	17.3(a)(i)	4.0	35.10	per week
Leading hand in charge of— 7–9 employees <sup>1</sup>	17.3(a)(i)	5.0	43.88	per week
Leading hand in charge of— 10 or more employees <sup>1</sup>	17.3(a)(i)	7.0	61.43	per week
Vehicles and/or plant allowance	17.3(b)	0.6	5.27	per day
First aid allowance	17.3(c)	2.0	17.55	per week

B. This determination comes into operation on 1 November 2020. In accordance with s.286(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 November 2020.

PRESIDENT