



DRAFT DETERMINATION

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2020–21
(C2021/1)

MISCELLANEOUS AWARD 2020
[MA000104]

Miscellaneous

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

MELBOURNE, XX JUNE 2021

Annual Wage Review 2020–21.

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2020–21 on 16 June 2021 [[2021] FWCFB 3500], the above award is varied as follows:

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

Employee classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Level 1	772.60	20.33
Level 2	825.20	21.72
Level 3	899.50	23.67
Level 4	981.50	25.83

- By deleting the amount “\$17.55” appearing in clause 17.2(a) and inserting “\$17.99”.

3. By deleting the table appearing in clause 17.2(b) and inserting the following:

In charge of	\$ per week
3–10 employees	39.58
11–20 employees	58.47
More than 20 employees	74.66

4. By deleting the table appearing in clause A.1.1 and inserting the following:

	Ordinary hours	Monday to Friday¹	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of minimum hourly rate				
	100%	120%	120%	150%	250%
	\$	\$	\$	\$	\$
Level 1	20.33	24.40	24.40	30.50	50.83
Level 2	21.72	26.06	26.06	32.58	54.30
Level 3	23.67	28.40	28.40	35.51	59.18
Level 4	25.83	31.00	31.00	38.75	64.58

5. By deleting the table appearing in clause A.1.2 and inserting the following:

	First 3 hours	After 3 hours	Public holiday
	% of minimum hourly rate		
	150%	200%	250%
	\$	\$	\$
Level 1	30.50	40.66	50.83
Level 2	32.58	43.44	54.30
Level 3	35.51	47.34	59.18
Level 4	38.75	51.66	64.58

6. By deleting the table appearing in clause A.2.1 and inserting the following:

	Ordinary hours	Monday to Friday¹	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of minimum hourly rate				
	125%	145%	145%	175%	250%
	\$	\$	\$	\$	\$
Level 1	25.41	29.48	29.48	35.58	50.83

	Ordinary hours	Monday to Friday¹	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of minimum hourly rate				
	125%	145%	145%	175%	250%
	\$	\$	\$	\$	\$
Level 2	27.15	31.49	31.49	38.01	54.30
Level 3	29.59	34.32	34.32	41.42	59.18
Level 4	32.29	37.45	37.45	45.20	64.58

7. By deleting the table appearing in clause A.3.1 and inserting the following:

Age	Junior hourly rate – ordinary hours	Monday to Friday¹	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of junior hourly rate				
	100%	120%	120%	150%	250%
	\$	\$	\$	\$	\$
Level 1					
16 years or under	7.48	8.98	8.98	11.22	18.70
16 years	9.62	11.54	11.54	14.43	24.05
17 years	11.75	14.10	14.10	17.63	29.38
18 years	13.89	16.67	16.67	20.84	34.73
19 years	16.77	20.12	20.12	25.16	41.93
20 years	19.86	23.83	23.83	29.79	49.65
Level 2					
16 years or under	7.99	9.59	9.59	11.99	19.98
16 years	10.27	12.32	12.32	15.41	25.68
17 years	12.55	15.06	15.06	18.83	31.38
18 years	14.83	17.80	17.80	22.25	37.08
19 years	17.92	21.50	21.50	26.88	44.80
20 years	21.22	25.46	25.46	31.83	53.05
Level 3					
16 years or under	8.71	10.45	10.45	13.07	21.78
16 years	11.20	13.44	13.44	16.80	28.00
17 years	13.68	16.42	16.42	20.52	34.20
18 years	16.17	19.40	19.40	24.26	40.43

Age	Junior hourly rate – ordinary hours	Monday to Friday ¹	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of junior hourly rate				
	100%	120%	120%	150%	250%
	\$	\$	\$	\$	\$
19 years	19.53	23.44	23.44	29.30	48.83
20 years	23.13	27.76	27.76	34.70	57.83
Level 4					
16 years or under	9.51	11.41	11.41	14.27	23.78
16 years	12.22	14.66	14.66	18.33	30.55
17 years	14.93	17.92	17.92	22.40	37.33
18 years	17.64	21.17	21.17	26.46	44.10
19 years	21.31	25.57	25.57	31.97	53.28
20 years	25.24	30.29	30.29	37.86	63.10

8. By deleting the table appearing in clause A.3.2 and inserting the following:

Age	First 3 hours	After 3 hours	Public holiday
	% of junior hourly rate		
	150%	200%	250%
	\$	\$	\$
Level 1			
16 years or under	11.22	14.96	18.70
16 years	14.43	19.24	24.05
17 years	17.63	23.50	29.38
18 years	20.84	27.78	34.73
19 years	25.16	33.54	41.93
20 years	29.79	39.72	49.65
Level 2			
16 years or under	11.99	15.98	19.98
16 years	15.41	20.54	25.68
17 years	18.83	25.10	31.38
18 years	22.25	29.66	37.08
19 years	26.88	35.84	44.80

Age	First 3 hours	After 3 hours	Public holiday
	% of junior hourly rate		
	150%	200%	250%
	\$	\$	\$
20 years	31.83	42.44	53.05
Level 3			
16 years or under	13.07	17.42	21.78
16 years	16.80	22.40	28.00
17 years	20.52	27.36	34.20
18 years	24.26	32.34	40.43
19 years	29.30	39.06	48.83
20 years	34.70	46.26	57.83
Level 4			
16 years or under	14.27	19.02	23.78
16 years	18.33	24.44	30.55
17 years	22.40	29.86	37.33
18 years	26.46	35.28	44.10
19 years	31.97	42.62	53.28
20 years	37.86	50.48	63.10

9. By deleting the table appearing in clause A.3.3 and inserting the following:

Age	Junior hourly rate – ordinary hours	Monday to Friday ¹	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of junior hourly rate				
	125%	145%	145%	175%	250%
	\$	\$	\$	\$	\$
Level 1					
16 years or under	9.35	10.85	10.85	13.09	18.70
16 years	12.03	13.95	13.95	16.84	24.05
17 years	14.69	17.04	17.04	20.56	29.38
18 years	17.36	20.14	20.14	24.31	34.73
19 years	20.96	24.32	24.32	29.35	41.93
20 years	24.83	28.80	28.80	34.76	49.65
Level 2					

Age	Junior hourly rate – ordinary hours	Monday to Friday ¹	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of junior hourly rate				
	125%	145%	145%	175%	250%
	\$	\$	\$	\$	\$
16 years or under	9.99	11.59	11.59	13.98	19.98
16 years	12.84	14.89	14.89	17.97	25.68
17 years	15.69	18.20	18.20	21.96	31.38
18 years	18.54	21.50	21.50	25.95	37.08
19 years	22.40	25.98	25.98	31.36	44.80
20 years	26.53	30.77	30.77	37.14	53.05
Level 3					
16 years or under	10.89	12.63	12.63	15.24	21.78
16 years	14.00	16.24	16.24	19.60	28.00
17 years	17.10	19.84	19.84	23.94	34.20
18 years	20.21	23.45	23.45	28.30	40.43
19 years	24.41	28.32	28.32	34.18	48.83
20 years	28.91	33.54	33.54	40.48	57.83
Level 4					
16 years or under	11.89	13.79	13.79	16.64	23.78
16 years	15.28	17.72	17.72	21.39	30.55
17 years	18.66	21.65	21.65	26.13	37.33
18 years	22.05	25.58	25.58	30.87	44.10
19 years	26.64	30.90	30.90	37.29	53.28
20 years	31.55	36.60	36.60	44.17	63.10

10. By deleting the table appearing in clause A.4.3 and inserting the following:

Year	Junior apprentice hourly rate – ordinary hours	Monday to Friday ¹	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of junior apprentice hourly rate				
	100%	120%	120%	150%	250%
	\$	\$	\$	\$	\$
1st year	13.02	15.62	15.62	19.53	32.55
2nd year	15.39	18.47	18.47	23.09	38.48

Year	Junior apprentice hourly rate – ordinary hours	Monday to Friday¹	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of junior apprentice hourly rate				
	100%	120%	120%	150%	250%
	\$	\$	\$	\$	\$
3rd year	18.94	22.73	22.73	28.41	47.35
4th year	22.49	26.99	26.99	33.74	56.23

11. By deleting the table appearing in clause A.4.4 and inserting the following:

Year	First 3 hours	After 3 hours	Public holiday
	% of junior apprentice hourly rate		
	150%	200%	250%
	\$	\$	\$
1st year	19.53	26.04	32.55
2nd year	23.09	30.78	38.48
3rd year	28.41	37.88	47.35
4th year	33.74	44.98	56.23

12. By deleting the table appearing in clause A.4.5 and inserting the following:

Year	Adult apprentice hourly rate – ordinary hours	Monday to Friday¹	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of adult apprentice hourly rate				
	100%	120%	120%	150%	250%
	\$	\$	\$	\$	\$
1st year	18.94	22.73	22.73	28.41	47.35
2nd year	20.33	24.40	24.40	30.50	50.83
3rd year	20.33	24.40	24.40	30.50	50.83
4th year	22.49	26.99	26.99	33.74	56.23

13. By deleting the table appearing in clause A.4.6 and inserting the following:

Year	First 3 hours	After 3 hours	Public holiday
	% of adult apprentice hourly rate		
	150%	200%	250%
	\$	\$	\$
1st year	28.41	37.88	47.35
2nd year	30.50	40.66	50.83
3rd year	30.50	40.66	50.83
4th year	33.74	44.98	56.23

14. By deleting the amount “\$877.60” appearing in clause B.1.1 and inserting “\$899.50”.

15. By deleting the table appearing in clause B.1.1 and inserting the following:

Allowance	Clause	% of standard rate	\$	Payable
First aid allowance	17.2(a)	2.0	17.99	per week
Leading hand/in charge allowance—in charge of— 3–10 employees	17.2(b)	4.4	39.58	per week
Leading hand/in charge allowance—in charge of— 11–20 employees	17.2(b)	6.5	58.47	per week
Leading hand/in charge allowance—in charge of— more than 20 employees	17.2(b)	8.3	74.66	per week

16. By deleting clause E.4 and inserting the following:

E.4 Minimum rates

E.4.1 Minimum weekly rates for full-time traineeships

(a) Wage level A

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause E.6.1 is the weekly rate specified in Column 2 of **Table 1—Wage level A minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 1—Wage level A minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	347.10	382.20	455.30
Plus 1 year out of school	382.20	455.30	529.90
Plus 2 years out of school	455.30	529.90	616.60
Plus 3 years out of school	529.90	616.60	706.00
Plus 4 years out of school	616.60	706.00	
Plus 5 or more years out of school	706.00		

NOTE: See clause E.4.3 for other minimum wage provisions that affect clause E.4.1(a).

(b) Wage level B

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause E.6.2 or by clause E.4.4 is the weekly rate specified in Column 2 of **Table 2—Wage level B minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 2—Wage level B minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	347.10	382.20	443.00
Plus 1 year out of school	382.20	443.00	509.60
Plus 2 years out of school	443.00	509.60	597.70
Plus 3 years out of school	509.60	597.70	681.70
Plus 4 years out of school	597.70	681.70	

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
Plus 5 or more years out of school	681.70		

NOTE: See clause E.4.3 for other minimum wage provisions that affect clause E.4.1(b).

(c) Wage level C

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause E.6.3 is the weekly rate specified in Column 2 of **Table 3—Wage level C minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 3—Wage level C minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	347.10	382.20	443.00
Plus 1 year out of school	382.20	443.00	498.80
Plus 2 years out of school	443.00	498.80	557.30
Plus 3 years out of school	498.80	557.30	620.70
Plus 4 years out of school	557.30	620.70	
Plus 5 or more years out of school	620.70		

NOTE: See clause E.4.3 for other minimum wage provisions that affect clause E.4.1(c).

(d) AQF Certificate Level IV traineeships

- (i)** The minimum rate for a full-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum rate for the relevant full-time AQF Certificate Level III traineeship increased by **3.8%**.

- (ii) The minimum rate for a full-time adult trainee undertaking an AQF Certificate Level IV traineeship is the weekly rate specified in Column 2 or 3 of **Table 4—Minimum weekly rate for full-time adult trainees (AQF Certificate Level IV traineeship)** according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in Column 1.

Table 4—Minimum weekly rate for full-time adult trainees (AQF Certificate Level IV traineeship)

Column 1	Column 2	Column 3
Wage level	First year of traineeship	Second and subsequent years of traineeship
	per week	per week
	\$	\$
A	733.40	761.80
B	707.60	734.60
C	643.90	668.20

NOTE: See clause E.4.3 for other minimum wage provisions that affect clause E.4.1(d).

E.4.2 Minimum hourly rates for part-time traineeships

(a) Wage level A

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause E.6.1 is the hourly rate specified in Column 2 of **Table 5—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 5—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1	Column 2		
Experience level of trainee	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	11.42	12.59	14.99

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
Plus 1 year out of school	12.59	14.99	17.45
Plus 2 years out of school	14.99	17.45	20.28
Plus 3 years out of school	17.45	20.28	23.22
Plus 4 years out of school	20.28	23.22	
Plus 5 or more years out of school	23.22		

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

(b) Wage level B

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause E.6.2 or by clause E.4.4 is the hourly rate specified in Column 2 of **Table 6—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 6—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	11.42	12.59	14.59
Plus 1 year out of school	12.59	14.59	16.77
Plus 2 years out of school	14.59	16.77	19.68
Plus 3 years out of school	16.77	19.68	22.45
Plus 4 years out of school	19.68	22.45	
Plus 5 or more years out of school	22.45		

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

(c) Wage level C

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause E.6.3 is the hourly rate specified in Column 2 of **Table 7—Wage level C minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

Table 7—Wage level C minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	11.42	12.59	14.59
Plus 1 year out of school	12.59	14.59	16.41
Plus 2 years out of school	14.59	16.41	18.33
Plus 3 years out of school	16.41	18.33	20.42
Plus 4 years out of school	18.33	20.42	
Plus 5 or more years out of school	20.42		

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

(d) School-based traineeships

The minimum hourly rate for a part-time trainee who works ordinary hours and is undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage levels A, B or C by clause E.6 or by clause E.4.4 is the hourly rate in Column 1 or 2 of **Table 8—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)** according to the year of schooling of the trainee.

Table 8—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)

Column 1	Column 2
Year 11 or lower	Year 12
per hour	per hour
\$	\$
11.42	12.59

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

(e) AQF Certificate Level IV traineeships

- (i)** The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum hourly rate for the relevant part-time AQF Certificate Level III traineeship increased by **3.8%**.
- (ii)** The minimum hourly rate for a part-time adult trainee undertaking an AQF Certificate Level IV traineeship is the hourly rate in Column 2 or 3 of **Table 9—Minimum hourly rate for part-time adult trainees (AQF Certificate Level IV traineeship)**, according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in Column 1.

Table 9—Minimum hourly rate for part-time adult trainees (AQF Certificate Level IV traineeship)

Column 1	Column 2	Column 3
Wage level	First year of traineeship	Second and subsequent years of traineeship
	per hour	per hour
	\$	\$
A	24.11	25.06
B	23.25	24.15
C	21.19	21.99

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

(f) Calculating the actual minimum wage

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

and then dividing the figure obtained by the full-time ordinary hours of work per week.

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

E.4.3 Other minimum wage provisions

- (a) Clause E.4.3 applies despite anything to the contrary in clause E.4.4 or E.3.2.
- (b) An employee who was employed by an employer immediately before becoming a trainee with that employer must not suffer a reduction in their minimum rate of pay because of becoming a trainee.
- (c) For the purpose of determining whether a trainee has suffered a reduction as mentioned in clause E.4.3(b), casual loadings are to be disregarded.
- (d) If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum wage provided in this schedule, if a higher minimum wage is provided for the new AQF certificate level.

E.4.4 Default wage rate

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

B. This determination comes into operation on 1 July 2021. 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 July 2021.

PRESIDENT