



# DRAFT DETERMINATION

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

**Annual Wage Review 2020–21**  
(C2021/1)

**LEGAL SERVICES AWARD 2020**  
[MA000116]

Clerical industry

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:

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

<b>Employee classification</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate</b>
	<b>\$</b>	<b>\$</b>
Level 1—Legal clerical and administrative employee	862.10	22.69
Level 2—Legal clerical and administrative employee	899.50	23.67
Level 3—Legal clerical and administrative employee	950.10	25.00
Level 4—Legal clerical and administrative employee	997.70	26.26
Level 5—Legal clerical and administrative employee	1038.20	27.32
Level 5—Law graduate	1038.20	27.32
Level 6—Law clerk	1100.50	28.96

2. By deleting the words “1 November 2020” in clause 15.5(b) and inserting “1 July 2021”.

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

	Ordinary hours	Early morning	Afternoon & night	Non-continuous afternoon or night <sup>1</sup>		Permanent night
				First 3 hours	After 3 hours	
% of minimum hourly rate						
	100%	110%	115%	150%	200%	130%
	\$	\$	\$	\$	\$	\$
Level 1—Legal clerical and administrative employee	22.69	24.96	26.09	34.04	45.38	29.50
Level 2—Legal clerical and administrative employee	23.67	26.04	27.22	35.51	47.34	30.77
Level 3—Legal clerical and administrative employee	25.00	27.50	28.75	37.50	50.00	32.50
Level 4—Legal clerical and administrative employee	26.26	28.89	30.20	39.39	52.52	34.14
Level 5—Legal clerical and administrative employee	27.32	30.05	31.42	40.98	54.64	35.52
Level 5—Law graduate	27.32	30.05	31.42	40.98	54.64	35.52
Level 6—Law clerk	28.96	31.86	33.30	43.44	57.92	37.65

4. By deleting the table appearing in clause B.1.2 and inserting the following:

	All shiftworkers	Shiftworkers other than continuous shiftworkers		Continuous shiftworkers only
	Saturday	Sunday	Public holidays	Sunday & public holidays
% of minimum hourly rate				
	150%	200%	250%	200%
	\$	\$	\$	\$
Level 1—Legal clerical and administrative employee	34.04	45.38	56.73	45.38

	<b>All shiftworkers</b>	<b>Shiftworkers other than continuous shiftworkers</b>		<b>Continuous shiftworkers only</b>
	<b>Saturday</b>	<b>Sunday</b>	<b>Public holidays</b>	<b>Sunday &amp; public holidays</b>
	<b>% of minimum hourly rate</b>			
	<b>150%</b>	<b>200%</b>	<b>250%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 2—Legal clerical and administrative employee	35.51	47.34	59.18	47.34
Level 3—Legal clerical and administrative employee	37.50	50.00	62.50	50.00
Level 4—Legal clerical and administrative employee	39.39	52.52	65.65	52.52
Level 5—Legal clerical and administrative employee	40.98	54.64	68.30	54.64
Level 5—Law graduate	40.98	54.64	68.30	54.64
Level 6—Law clerk	43.44	57.92	72.40	57.92

5. By deleting the table appearing in clause B.1.3 and inserting the following:

	<b>Shiftworkers other than continuous shiftworkers</b>				<b>Continuous shiftworkers only</b>
	<b>Monday to Friday &amp; Saturday until 12.00 pm</b>		<b>Saturday after 12.00 pm &amp; Sunday</b>	<b>Public holiday</b>	<b>Monday to Sunday &amp; Public holidays</b>
	<b>First 3 hours</b>	<b>After 3 hours</b>			
	<b>% of minimum hourly rate</b>				
	<b>150%</b>	<b>200%</b>	<b>200%</b>	<b>250%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1—Legal clerical and administrative employee	34.04	45.38	45.38	56.73	45.38
Level 2—Legal clerical and administrative employee	35.51	47.34	47.34	59.18	47.34
Level 3—Legal clerical	37.50	50.00	50.00	62.50	50.00

	Shiftworkers other than continuous shiftworkers			Continuous shiftworkers only	
	Monday to Friday & Saturday until 12.00 pm	Saturday after 12.00 pm & Sunday	Public holiday	Monday to Sunday & Public holidays	
	First 3 hours	After 3 hours			
	% of minimum hourly rate				
	150%	200%	200%	250%	200%
	\$	\$	\$	\$	\$
and administrative employee					
Level 4—Legal clerical and administrative employee	39.39	52.52	52.52	65.65	52.52
Level 5—Legal clerical and administrative employee	40.98	54.64	54.64	68.30	54.64
Level 5—Law graduate	40.98	54.64	54.64	68.30	54.64
Level 6—Law clerk	43.44	57.92	57.92	72.40	57.92

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

	Ordinary hours	Early morning	Afternoon & night	Non-continuous afternoon or night <sup>1</sup>		Permanent night
				First 3 hours	After 3 hours	
	% of minimum hourly rate					
	125%	135%	140%	175%	225%	155%
	\$	\$	\$	\$	\$	\$
Level 1—Legal clerical and administrative employee	28.36	30.63	31.77	39.71	51.05	35.17
Level 2—Legal clerical and administrative employee	29.59	31.95	33.14	41.42	53.26	36.69
Level 3—Legal clerical and administrative employee	31.25	33.75	35.00	43.75	56.25	38.75
Level 4—Legal clerical and administrative employee	32.83	35.45	36.76	45.96	59.09	40.70
Level 5—Legal clerical	34.15	36.88	38.25	47.81	61.47	42.35

	<b>Ordinary hours</b>	<b>Early morning</b>	<b>Afternoon &amp; night</b>	<b>Non-continuous afternoon or night<sup>1</sup></b>		<b>Permanent night</b>
				<b>First 3 hours</b>	<b>After 3 hours</b>	
	<b>% of minimum hourly rate</b>					
	<b>125%</b>	<b>135%</b>	<b>140%</b>	<b>175%</b>	<b>225%</b>	<b>155%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
and administrative employee						
Level 5—Law graduate	34.15	36.88	38.25	47.81	61.47	42.35
Level 6—Law clerk	36.20	39.10	40.54	50.68	65.16	44.89

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

	<b>All shiftworkers</b>	<b>Shiftworkers other than continuous shiftworkers</b>		<b>Continuous shiftworkers only</b>
	<b>Saturday</b>	<b>Sunday</b>	<b>Public holiday</b>	<b>Sunday &amp; public holiday</b>
	<b>% of minimum hourly rate</b>			
	<b>175%</b>	<b>225%</b>	<b>275%</b>	<b>225%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1—Legal clerical and administrative employee	39.71	51.05	62.40	51.05
Level 2—Legal clerical and administrative employee	41.42	53.26	65.09	53.26
Level 3—Legal clerical and administrative employee	43.75	56.25	68.75	56.25
Level 4—Legal clerical and administrative employee	45.96	59.09	72.22	59.09
Level 5—Legal clerical and administrative employee	47.81	61.47	75.13	61.47
Level 5—Law graduate	47.81	61.47	75.13	61.47
Level 6—Law clerk	50.68	65.16	79.64	65.16

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

<b>Age</b>	<b>Ordinary hours</b>	<b>Early morning</b>	<b>Afternoon &amp; night</b>	<b>Non-continuous afternoon or night<sup>1</sup></b>		<b>Permanent night</b>
				<b>First 3 hours</b>	<b>After 3 hours</b>	
<b>Legal, clerical and</b>	<b>% of junior hourly rate</b>					
	<b>100%</b>	<b>110%</b>	<b>115%</b>	<b>150%</b>	<b>200%</b>	<b>130%</b>

<b>administrative employee</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>						
Under 16 years	10.21	11.23	11.74	15.32	20.42	13.27
16 years	11.35	12.49	13.05	17.03	22.70	14.76
17 years	13.61	14.97	15.65	20.42	27.22	17.69
18 years	15.88	17.47	18.26	23.82	31.76	20.64
19 years	18.15	19.97	20.87	27.23	36.30	23.60
20 years	20.42	22.46	23.48	30.63	40.84	26.55
<b>Level 2</b>						
Under 16 years	10.65	11.72	12.25	15.98	21.30	13.85
16 years	11.84	13.02	13.62	17.76	23.68	15.39
17 years	14.20	15.62	16.33	21.30	28.40	18.46
18 years	16.57	18.23	19.06	24.86	33.14	21.54
19 years	18.94	20.83	21.78	28.41	37.88	24.62
20 years	21.30	23.43	24.50	31.95	42.60	27.69
<b>Level 3</b>						
Under 16 years	11.25	12.38	12.94	16.88	22.50	14.63
16 years	12.50	13.75	14.38	18.75	25.00	16.25
17 years	15.00	16.50	17.25	22.50	30.00	19.50
18 years	17.50	19.25	20.13	26.25	35.00	22.75
19 years	20.00	22.00	23.00	30.00	40.00	26.00
20 years	22.50	24.75	25.88	33.75	45.00	29.25
<b>Level 4</b>						
Under 16 years	11.82	13.00	13.59	17.73	23.64	15.37
16 years	13.13	14.44	15.10	19.70	26.26	17.07
17 years	15.76	17.34	18.12	23.64	31.52	20.49
18 years	18.38	20.22	21.14	27.57	36.76	23.89
19 years	21.01	23.11	24.16	31.52	42.02	27.31
20 years	23.63	25.99	27.17	35.45	47.26	30.72

9. By deleting the table appearing in clause B.3.2 and inserting the following:

<b>Age</b>	<b>All shiftworkers</b>	<b>Shiftworkers other than continuous shiftworkers</b>		<b>Continuous shiftworkers only</b>
	<b>Saturday</b>	<b>Sunday</b>	<b>Public holidays</b>	<b>Sunday &amp; public holidays</b>
<b>Legal, clerical and administrative employee</b>	<b>% of junior hourly rate</b>			
	<b>150%</b>	<b>200%</b>	<b>250%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>				

Age	All shiftworkers	Shiftworkers other than continuous shiftworkers		Continuous shiftworkers only
	Saturday	Sunday	Public holidays	Sunday & public holidays
<b>Legal, clerical and administrative employee</b>	<b>% of junior hourly rate</b>			
	<b>150%</b>	<b>200%</b>	<b>250%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Under 16 years	15.32	20.42	25.53	20.42
16 years	17.03	22.70	28.38	22.70
17 years	20.42	27.22	34.03	27.22
18 years	23.82	31.76	39.70	31.76
19 years	27.23	36.30	45.38	36.30
20 years	30.63	40.84	51.05	40.84
<b>Level 2</b>				
Under 16 years	15.98	21.30	26.63	21.30
16 years	17.76	23.68	29.60	23.68
17 years	21.30	28.40	35.50	28.40
18 years	24.86	33.14	41.43	33.14
19 years	28.41	37.88	47.35	37.88
20 years	31.95	42.60	53.25	42.60
<b>Level 3</b>				
Under 16 years	16.88	22.50	28.13	22.50
16 years	18.75	25.00	31.25	25.00
17 years	22.50	30.00	37.50	30.00
18 years	26.25	35.00	43.75	35.00
19 years	30.00	40.00	50.00	40.00
20 years	33.75	45.00	56.25	45.00
<b>Level 4</b>				
Under 16 years	17.73	23.64	29.55	23.64
16 years	19.70	26.26	32.83	26.26
17 years	23.64	31.52	39.40	31.52
18 years	27.57	36.76	45.95	36.76
19 years	31.52	42.02	52.53	42.02
20 years	35.45	47.26	59.08	47.26

10. By deleting the table appearing in clause B.3.3 and inserting the following:

Age	Shiftworkers other than continuous shiftworkers				Continuous shiftworkers only
	Monday to Friday & Saturday until 12.00 pm		Saturday after 12.00 pm & Sunday	Public holiday	Monday to Sunday & Public holidays
	First 3 hours	After 3 hours			
<b>Legal, clerical and administrative employee</b>	<b>% of junior hourly rate</b>				
	<b>150%</b>	<b>200%</b>	<b>200%</b>	<b>250%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>					
Under 16 years	15.32	20.42	20.42	25.53	20.42
16 years	17.03	22.70	22.70	28.38	22.70
17 years	20.42	27.22	27.22	34.03	27.22
18 years	23.82	31.76	31.76	39.70	31.76
19 years	27.23	36.30	36.30	45.38	36.30
20 years	30.63	40.84	40.84	51.05	40.84
<b>Level 2</b>					
Under 16 years	15.98	21.30	21.30	26.63	21.30
16 years	17.76	23.68	23.68	29.60	23.68
17 years	21.30	28.40	28.40	35.50	28.40
18 years	24.86	33.14	33.14	41.43	33.14
19 years	28.41	37.88	37.88	47.35	37.88
20 years	31.95	42.60	42.60	53.25	42.60
<b>Level 3</b>					
Under 16 years	16.88	22.50	22.50	28.13	22.50
16 years	18.75	25.00	25.00	31.25	25.00
17 years	22.50	30.00	30.00	37.50	30.00
18 years	26.25	35.00	35.00	43.75	35.00
19 years	30.00	40.00	40.00	50.00	40.00
20 years	33.75	45.00	45.00	56.25	45.00
<b>Level 4</b>					
Under 16 years	17.73	23.64	23.64	29.55	23.64
16 years	19.70	26.26	26.26	32.83	26.26



Age	Shiftworkers other than continuous shiftworkers				Continuous shiftworkers only
	Monday to Friday & Saturday until 12.00 pm		Saturday after 12.00 pm & Sunday	Public holiday	Monday to Sunday & Public holidays
	First 3 hours	After 3 hours			
Legal, clerical and administrative employee	% of junior hourly rate				
	150%	200%	200%	250%	200%
	\$	\$	\$	\$	\$
17 years	23.64	31.52	31.52	39.40	31.52
18 years	27.57	36.76	36.76	45.95	36.76
19 years	31.52	42.02	42.02	52.53	42.02
20 years	35.45	47.26	47.26	59.08	47.26

11. By deleting the table appearing in clause B.3.4 and inserting the following:

Age	Ordinary hours	Early morning	Afternoon & night	Non-continuous afternoon or night <sup>1</sup>		Permanent night
				First 3 hours	After 3 hours	
	Legal, clerical and administrative employee	% of junior hourly rate				
125%		135%	140%	175%	225%	155%
\$		\$	\$	\$	\$	\$
<b>Level 1</b>						
Under 16 years	12.76	13.78	14.29	17.87	22.97	15.83
16 years	14.19	15.32	15.89	19.86	25.54	17.59
17 years	17.01	18.37	19.05	23.82	30.62	21.10
18 years	19.85	21.44	22.23	27.79	35.73	24.61
19 years	22.69	24.50	25.41	31.76	40.84	28.13
20 years	25.53	27.57	28.59	35.74	45.95	31.65
<b>Level 2</b>						
Under 16 years	13.31	14.38	14.91	18.64	23.96	16.51
16 years	14.80	15.98	16.58	20.72	26.64	18.35
17 years	17.75	19.17	19.88	24.85	31.95	22.01
18 years	20.71	22.37	23.20	29.00	37.28	25.68
19 years	23.68	25.57	26.52	33.15	42.62	29.36
20 years	26.63	28.76	29.82	37.28	47.93	33.02

Age	Ordinary hours	Early morning	Afternoon & night	Non-continuous afternoon or night <sup>1</sup>		Permanent night
				First 3 hours	After 3 hours	
<b>Legal, clerical and administrative employee</b>	<b>% of junior hourly rate</b>					
	<b>125%</b>	<b>135%</b>	<b>140%</b>	<b>175%</b>	<b>225%</b>	<b>155%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 3</b>						
Under 16 years	14.06	15.19	15.75	19.69	25.31	17.44
16 years	15.63	16.88	17.50	21.88	28.13	19.38
17 years	18.75	20.25	21.00	26.25	33.75	23.25
18 years	21.88	23.63	24.50	30.63	39.38	27.13
19 years	25.00	27.00	28.00	35.00	45.00	31.00
20 years	28.13	30.38	31.50	39.38	50.63	34.88
<b>Level 4</b>						
Under 16 years	14.78	15.96	16.55	20.69	26.60	18.32
16 years	16.41	17.73	18.38	22.98	29.54	20.35
17 years	19.70	21.28	22.06	27.58	35.46	24.43
18 years	22.98	24.81	25.73	32.17	41.36	28.49
19 years	26.26	28.36	29.41	36.77	47.27	32.57
20 years	29.54	31.90	33.08	41.35	53.17	36.63

12. By deleting the table appearing in clause B.3.5 and inserting the following:

Age	All shiftworkers	Shiftworkers other than continuous shiftworkers		Continuous shiftworkers only
	Saturday	Sunday	Public holidays	Sunday & public holidays
<b>Legal, clerical and administrative employee</b>	<b>% of junior hourly rate</b>			
	<b>175%</b>	<b>225%</b>	<b>275%</b>	<b>225%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>				
Under 16 years	17.87	22.97	28.08	22.97
16 years	19.86	25.54	31.21	25.54
17 years	23.82	30.62	37.43	30.62
18 years	27.79	35.73	43.67	35.73
19 years	31.76	40.84	49.91	40.84
20 years	35.74	45.95	56.16	45.95
<b>Level 2</b>				

Age	All shiftworkers	Shiftworkers other than continuous shiftworkers		Continuous shiftworkers only
	Saturday	Sunday	Public holidays	Sunday & public holidays
<b>Legal, clerical and administrative employee</b>	<b>% of junior hourly rate</b>			
	<b>175%</b>	<b>225%</b>	<b>275%</b>	<b>225%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Under 16 years	18.64	23.96	29.29	23.96
16 years	20.72	26.64	32.56	26.64
17 years	24.85	31.95	39.05	31.95
18 years	29.00	37.28	45.57	37.28
19 years	33.15	42.62	52.09	42.62
20 years	37.28	47.93	58.58	47.93
<b>Level 3</b>				
Under 16 years	19.69	25.31	30.94	25.31
16 years	21.88	28.13	34.38	28.13
17 years	26.25	33.75	41.25	33.75
18 years	30.63	39.38	48.13	39.38
19 years	35.00	45.00	55.00	45.00
20 years	39.38	50.63	61.88	50.63
<b>Level 4</b>				
Under 16 years	20.69	26.60	32.51	26.60
16 years	22.98	29.54	36.11	29.54
17 years	27.58	35.46	43.34	35.46
18 years	32.17	41.36	50.55	41.36
19 years	36.77	47.27	57.78	47.27
20 years	41.35	53.17	64.98	53.17

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