



# DRAFT DETERMINATION

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

**Annual Wage Review 2022–23**  
(C2023/1)

**HORTICULTURE AWARD 2020**  
[MA000028]

Agricultural industry

JUSTICE HATCHER, PRESIDENT  
VICE PRESIDENT CATANZARITI  
VICE PRESIDENT ASBURY  
DEPUTY PRESIDENT HAMPTON  
MS LABINE-ROMAIN  
PROFESSOR BAIRD  
MR CULLY

SYDNEY, XX JUNE 2023

*Annual Wage Review 2022–23.*

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2022–23 on 2 June 2023 [[2023] FWCFB 3500], the above award is varied as follows:

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

<b>Classification</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate<sup>1</sup></b>
	<b>\$</b>	<b>\$</b>
Level 1	859.30	22.61
Level 2	882.80	23.23
Level 3	906.90	23.87
Level 4	939.70	24.73
Level 5	995.00	26.18

- By deleting the year “2022” in clause 15.6(b) and inserting “2023”.

3. By deleting the table appearing in clause 18.2(b) and inserting the following:

<b>In charge of:</b>	<b>\$ per week</b>
2 to 6 employees	26.71
7 to 10 employees	31.13
11 to 20 employees	44.37
More than 20 employees	55.75

4. By deleting the amount “\$2.20” appearing in clause 18.2(c)(i) and inserting “\$2.32”.

5. By deleting the amount “\$11.20” appearing in clause 18.2(d) and inserting “\$11.85”.

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

	<b>Ordinary hours</b>	<b>Public holidays</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>	
	<b>100%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>
Level 1	22.61	45.22
Level 2	23.23	46.46
Level 3	23.87	47.74
Level 4	24.73	49.46
Level 5	26.18	52.36

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

	<b>Ordinary hours</b>	<b>Afternoon shift</b>	<b>Night shift</b>	<b>Public holidays</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>115%</b>	<b>115%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1	22.61	26.00	26.00	45.22
Level 2	23.23	26.71	26.71	46.46
Level 3	23.87	27.45	27.45	47.74
Level 4	24.73	28.44	28.44	49.46
Level 5	26.18	30.11	30.11	52.36

8. By deleting the table appearing in clause B.2.3 and inserting the following:

	Monday to Saturday	Sunday outside of harvest season	Sunday during harvest season		Public holidays
			5 hours within the first 8 hours of overtime	Overtime in excess of 8 hours in the week or 5 hours on Sunday	
% of ordinary hourly rate <sup>1</sup>					
	150%	200%	150%	200%	200%
	\$	\$	\$	\$	\$
Level 1	33.92	45.22	33.92	45.22	45.22
Level 2	34.85	46.46	34.85	46.46	46.46
Level 3	35.81	47.74	35.81	47.74	47.74
Level 4	37.10	49.46	37.10	49.46	49.46
Level 5	39.27	52.36	39.27	52.36	52.36

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

	Ordinary hours	Public holidays
	% of ordinary hourly rate <sup>1</sup>	
	125%	225%
	\$	\$
Level 1	28.26	50.87
Level 2	29.04	52.27
Level 3	29.84	53.71
Level 4	30.91	55.64
Level 5	32.73	58.91

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

	In excess of 12 hours per engagement or 12 hours in a single day	In excess of 304 ordinary hours in an 8 week period	Public holidays
	% of ordinary hourly rate <sup>1</sup>		
	175%	175%	225%
	\$	\$	\$
Level 1	39.57	39.57	50.87
Level 2	40.65	40.65	52.27

	<b>In excess of 12 hours per engagement or 12 hours in a single day</b>	<b>In excess of 304 ordinary hours in an 8 week period</b>	<b>Public holidays</b>
Level 3	41.77	41.77	53.71
Level 4	43.28	43.28	55.64
Level 5	45.82	45.82	58.91

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

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Shiftworkers		All employees	
			Afternoon shift	Night shift	Public holidays	
			% of junior hourly rate <sup>1</sup>			
			100%	115%	115%	200%
	\$	\$	\$	\$	\$	
<b>Level 1</b>						
Under 16 years	429.70	11.31	13.01	13.01	22.62	
16 years	515.60	13.57	15.61	15.61	27.14	
17 years	601.50	15.83	18.20	18.20	31.66	
18 years	687.40	18.09	20.80	20.80	36.18	
19 years	773.40	20.35	23.40	23.40	40.70	
<b>Level 2</b>						
Under 16 years	441.40	11.62	13.36	13.36	23.24	
16 years	529.70	13.94	16.03	16.03	27.88	
17 years	618.00	16.26	18.70	18.70	32.52	
18 years	706.20	18.58	21.37	21.37	37.16	
19 years	794.50	20.91	24.05	24.05	41.82	
<b>Level 3</b>						
Under 16 years	453.50	11.93	13.72	13.72	23.86	
16 years	544.10	14.32	16.47	16.47	28.64	
17 years	634.80	16.71	19.22	19.22	33.42	
18 years	725.50	19.09	21.95	21.95	38.18	
19 years	816.20	21.48	24.70	24.70	42.96	
<b>Level 4</b>						
Under 16 years	469.90	12.37	14.23	14.23	24.74	

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Shiftworkers		All employees	
			Afternoon shift	Night shift	Public holidays	
			% of junior hourly rate <sup>1</sup>			
			100%	115%	115%	200%
	\$	\$	\$	\$	\$	
16 years	563.80	14.84	17.07	17.07	29.68	
17 years	657.80	17.31	19.91	19.91	34.62	
18 years	751.80	19.78	22.75	22.75	39.56	
19 years	845.70	22.26	25.60	25.60	44.52	
<b>Level 5</b>						
Under 16 years	497.50	13.09	15.05	15.05	26.18	
16 years	597.00	15.71	18.07	18.07	31.42	
17 years	696.50	18.33	21.08	21.08	36.66	
18 years	796.00	20.95	24.09	24.09	41.90	
19 years	895.50	23.57	27.11	27.11	47.14	

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

Age	Monday to Saturday	Sunday outside of harvest season	Sunday during harvest season		Public holidays
			First 5 hours within the first 8 hours of overtime	Overtime in excess of 8 hours in the week or 5 hours on Sunday	
			% of junior hourly rate <sup>1</sup>		
	150%	200%	150%	200%	200%
	\$	\$	\$	\$	\$
<b>Level 1</b>					
Under 16 years	16.97	22.62	16.97	22.62	22.62
16 years	20.36	27.14	20.36	27.14	27.14
17 years	23.75	31.66	23.75	31.66	31.66
18 years	27.14	36.18	27.14	36.18	36.18
19 years	30.53	40.70	30.53	40.70	40.70

Age	Monday to Saturday	Sunday outside of harvest season	Sunday during harvest season		Public holidays
			First 5 hours within the first 8 hours of overtime	Overtime in excess of 8 hours in the week or 5 hours on Sunday	
% of junior hourly rate <sup>1</sup>					
	150%	200%	150%	200%	200%
	\$	\$	\$	\$	\$
<b>Level 2</b>					
Under 16 years	17.43	23.24	17.43	23.24	23.24
16 years	20.91	27.88	20.91	27.88	27.88
17 years	24.39	32.52	24.39	32.52	32.52
18 years	27.87	37.16	27.87	37.16	37.16
19 years	31.37	41.82	31.37	41.82	41.82
<b>Level 3</b>					
Under 16 years	17.90	23.86	17.90	23.86	23.86
16 years	21.48	28.64	21.48	28.64	28.64
17 years	25.07	33.42	25.07	33.42	33.42
18 years	28.64	38.18	28.64	38.18	38.18
19 years	32.22	42.96	32.22	42.96	42.96
<b>Level 4</b>					
Under 16 years	18.56	24.74	18.56	24.74	24.74
16 years	22.26	29.68	22.26	29.68	29.68
17 years	25.97	34.62	25.97	34.62	34.62
18 years	29.67	39.56	29.67	39.56	39.56
19 years	33.39	44.52	33.39	44.52	44.52
<b>Level 5</b>					
Under 16 years	19.64	26.18	19.64	26.18	26.18
16 years	23.57	31.42	23.57	31.42	31.42
17 years	27.50	36.66	27.50	36.66	36.66
18 years	31.43	41.90	31.43	41.90	41.90
19 years	35.36	47.14	35.36	47.14	47.14

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

<b>Age</b>	<b>Casual hourly rate</b>	<b>Public holidays</b>
	<b>% of junior hourly rate<sup>1</sup></b>	
	<b>125%</b>	<b>225%</b>
	<b>\$</b>	<b>\$</b>
<b>Level 1</b>		
Under 16 years	14.14	25.45
16 years	16.96	30.53
17 years	19.79	35.62
18 years	22.61	40.70
19 years	25.44	45.79
<b>Level 2</b>		
Under 16 years	14.53	26.15
16 years	17.43	31.37
17 years	20.33	36.59
18 years	23.23	41.81
19 years	26.14	47.05
<b>Level 3</b>		
Under 16 years	14.91	26.84
16 years	17.90	32.22
17 years	20.89	37.60
18 years	23.86	42.95
19 years	26.85	48.33
<b>Level 4</b>		
Under 16 years	15.46	27.83
16 years	18.55	33.39
17 years	21.64	38.95
18 years	24.73	44.51
19 years	27.83	50.09
<b>Level 5</b>		
Under 16 years	16.36	29.45
16 years	19.64	35.35
17 years	22.91	41.24
18 years	26.19	47.14

Age	Casual hourly rate	Public holidays
	% of junior hourly rate <sup>1</sup>	
	125%	225%
	\$	\$
19 years	29.46	53.03

14. By deleting the table appearing in clause B.4.4 and inserting the following:

	In excess of 12 hours per engagement or 12 hours in a single day	In excess of 304 ordinary hours in an 8 week period	Public holidays
	% of junior hourly rate <sup>1</sup>		
	175%	175%	225%
	\$	\$	\$
<b>Level 1</b>			
Under 16 years	19.79	19.79	25.45
16 years	23.75	23.75	30.53
17 years	27.70	27.70	35.62
18 years	31.66	31.66	40.70
19 years	35.61	35.61	45.79
<b>Level 2</b>			
Under 16 years	20.34	20.34	26.15
16 years	24.40	24.40	31.37
17 years	28.46	28.46	36.59
18 years	32.52	32.52	41.81
19 years	36.59	36.59	47.05
<b>Level 3</b>			
Under 16 years	20.88	20.88	26.84
16 years	25.06	25.06	32.22
17 years	29.24	29.24	37.60
18 years	33.41	33.41	42.95
19 years	37.59	37.59	48.33
<b>Level 4</b>			
Under 16 years	21.65	21.65	27.83
16 years	25.97	25.97	33.39
17 years	30.29	30.29	38.95



	<b>In excess of 12 hours per engagement or 12 hours in a single day</b>	<b>In excess of 304 ordinary hours in an 8 week period</b>	<b>Public holidays</b>
18 years	34.62	34.62	44.51
19 years	38.96	38.96	50.09
<b>Level 5</b>			
Under 16 years	22.91	22.91	29.45
16 years	27.49	27.49	35.35
17 years	32.08	32.08	41.24
18 years	36.66	36.66	47.14
19 years	41.25	41.25	53.03

15. By deleting the amount “\$21.97” appearing in clause C.1.1 and inserting “\$23.23”.
16. 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 allowance—2 to 6 employees <sup>1</sup>	18.2(b)	115.0	26.71	per week
Leading hand allowance—7 to 10 employees <sup>1</sup>	18.2(b)	134.0	31.13	per week
Leading hand allowance—11 to 20 employees <sup>1</sup>	18.2(b)	191.0	44.37	per week
Leading hand allowance—more than 20 employees <sup>1</sup>	18.2(b)	240.0	55.75	per week
Wet work allowance—unless provided with adequate protection <sup>1</sup>	18.2(c)(i)	10.0	2.32	per hour
First aid allowance <sup>1</sup>	18.2(d)	51.0	11.85	per week

B. This determination comes into operation on 1 July 2023. 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 2023.

PRESIDENT