

CURRENT AWARD as at 29 July 2016

Professional Employees Award 2010

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EXPOSURE DRAFT

Professional Employees Award 2016

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Part 1—Application and Operation

1. Title

This award is the *Professional Employees Award 2010*.

2. Commencement and transitional

2.1 This award commences on 1 January 2010.

2.2 The monetary obligations imposed on employers by this award may be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase any overaward payment.

2.3 This award contains transitional arrangements which specify when particular parts of the award come into effect. Some of the transitional arrangements are in clauses in the main part of the award. There are also transitional arrangements in Schedule A. The arrangements in Schedule A deal with:

- minimum wages and piecework rates
- casual or part-time loadings
- Saturday, Sunday, public holiday, evening or other penalties
- shift allowances/penalties.

2.4 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, the Fair Work Commission may make any order it considers appropriate to remedy the situation.

2.5 The Fair Work Commission may review the transitional arrangements in this award and make a determination varying the award.

Part 1—Application and Operation of this Award

1. Title and commencement

1.1 This award is the *Professional Employees Award 2016*.

1.2 This modern award, as varied, commenced operation on 1 January 2010.

1.3 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, the Fair Work Commission may make any order it considers appropriate to remedy the situation.

References to transitional arrangements removed - obsolete

<p>2.6 The Fair Work Commission may review the transitional arrangements:</p> <ul style="list-style-type: none"> (a) on its own initiative; or (b) on application by an employer, employee, organisation or outworker entity covered by the modern award; or (c) on application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award; or (d) in relation to outworker arrangements, on application by an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the arrangements relate. 	
<p>3. Definitions and interpretation</p> <p>3.1 In this award, unless the contrary intention appears:</p> <p>Act means the <i>Fair Work Act 2009</i> (Cth)</p> <p>agreement-based transitional instrument has the meaning in the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p> <p>award-based transitional instrument has the meaning in the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p> <p>carry includes transmit, switch or receive</p> <p>communications includes any communication whether between persons and persons, things and things or persons and things, and whether in the form of:</p> <ul style="list-style-type: none"> (a) speech, music, or other sounds; (b) data; (c) text; (d) visual images, whether or not animated; or 	<p>2. Definitions</p> <p>2.1 In this award, unless the contrary intention appears:</p> <p>Act means the <i>Fair Work Act 2009</i> (Cth)</p> <p>communications includes any communication whether between persons and persons, things and things or persons and things, and whether in the form of:</p> <ul style="list-style-type: none"> (a) speech, music, or other sounds; (b) data; (c) text; (d) visual images, whether or not animated; (e) signals; or (f) in any other form or other combination of forms. <p>core competency standards means the competency standards developed for a graduate's relevant professional discipline. Progress by a graduate towards attaining core competency standards will be assessed by</p>

<p>(e) signals, in any other form or other combination of forms</p> <p>core competency standards means the competency standards developed for a graduate's relevant professional discipline. Progress by a graduate towards attaining core competency standards will be assessed by comparison with the specified performance criteria.</p> <p>default fund employee means an employee who has no chosen fund within the meaning of the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth)</p> <p>defined benefit member has the meaning given by the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth)</p> <p>diplomate means a Qualified scientist who has completed the requirements for the award of an institute of technology diploma qualifying a person in accordance with the Academic Schedule</p> <p>Division 2B State award has the meaning in Schedule 3A of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p> <p>Division 2B State employment agreement has the meaning in Schedule 3A of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p> <p>employee means national system employee within the meaning of the Act</p> <p>employer means national system employer within the meaning of the Act</p> <p>enterprise award-based instrument has the meaning in the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p> <p>exempt public sector superannuation scheme has the meaning given by the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)</p> <p>in-service training means the formal and/or informal work-related learning activities undertaken by a technology based graduate through</p>	<p>comparison with the specified performance criteria.</p> <p>defined benefit member has the meaning given by the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth)</p> <p>employee means national system employee within the meaning of the Act</p> <p>employer means national system employer within the meaning of the Act</p> <p>exempt public sector superannuation scheme has the meaning given by the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)</p> <p>in-service training means the formal and informal work-related learning activities undertaken by a technology based graduate through opportunities provided by the employer, which contribute to professional development and efficiency. This includes supervised and unsupervised work experience to increase the breadth and depth of knowledge and the skills acquired by the graduate in specific areas of professional practice.</p> <p>MySuper product has the meaning given by the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)</p> <p>NES means the National Employment Standards as contained in sections 59 to 131 of the <i>Fair Work Act 2009</i> (Cth)</p> <p>on-hire means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client</p> <p>supervision means the oversight, direction, instruction, guidance and/or support provided to a graduate by the experienced professional responsible for ensuring the graduate is not placed in situations where required to function beyond their competence</p> <p><i>Definitions relating to transitional instruments removed - obsolete</i></p>
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<p>opportunities provided by the employer, which contribute to professional development and efficiency. This includes supervised and unsupervised work experience to increase the breadth and/or depth of knowledge and the skills acquired by the graduate in specific areas of professional practice.</p> <p>MySuper product has the meaning given by the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)</p> <p>NES means the National Employment Standards as contained in sections 59 to 131 of the <i>Fair Work Act 2009</i> (Cth)</p> <p>on-hire means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client</p> <p>supervision means the oversight, direction, instruction, guidance and/or support provided to a graduate by the experienced professional responsible for ensuring the graduate is not placed in situations where required to function beyond their competence</p> <p>transitional minimum wage instrument has the meaning in the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p>	
<p>3.2 Engineering stream</p> <p>Experienced engineer means a Professional engineer with the undermentioned qualifications engaged in any particular employment where the adequate discharge of any portion of the duties requires qualifications of the employee as (or at least equal to those of) a member of Engineers Australia. The qualifications are as follows:</p> <ul style="list-style-type: none"> (a) membership of Engineers Australia; or (b) having graduated in a four or five year course at a university recognised by Engineers Australia, four years' experience on professional engineering duties since becoming a Qualified engineer; or 	<p>2.2 Engineering stream</p> <p>Experienced engineer means a professional engineer engaged in employment where the adequate discharge of any of the duties requires that the employee has the following:</p> <ul style="list-style-type: none"> (a) membership of Engineers Australia; or (b) having graduated in a four or five year course at a university recognised by Engineers Australia, four years' experience on professional engineering duties since becoming a Qualified engineer; or (c) not having so graduated, five years of such experience.

<p>(c) not having so graduated, five years of such experience.</p> <p>Graduate engineer means a person who is the holder of a university degree (four or five year course) recognised by Engineers Australia or is the holder of a degree, diploma or other testamur which:</p> <p>(d) has been issued by a technical university, an institute of technology, a European technical high school (technische hochschule) or polytechnic or other similar educational establishment; and</p> <p>(e) is recognised by Engineers Australia as attaining a standard similar to a university degree; and has been issued following:</p> <p>(i) a course of not less than four years duration for a full-time course after a standard of secondary education not less than the standard of examination for matriculation to an Australian university; or</p> <p>(ii) a part-time course of sufficient duration to obtain a similar standard as a four year full-time course after a similar standard of secondary education.</p> <p>Professional engineer means a person qualified to carry out professional engineering duties as defined. The term Professional engineer will embrace and include Graduate engineer and Experienced engineer as defined in this clause.</p> <p>professional engineering duties means duties carried out by a person in any particular employment, the adequate discharge of any portion of which duties requires qualifications of the employee as (or at least equal to those of) a graduate member of Engineers Australia</p>	<p>Graduate engineer means a person who is the holder of a university degree (four or five year course) recognised by Engineers Australia or is the holder of a degree, diploma or other certificate which:</p> <p>(a) has been issued by a technical university, an institute of technology, a European technical high school (technische hochschule) or polytechnic or other similar educational establishment; and</p> <p>(b) is recognised by Engineers Australia as attaining a standard similar to a university degree; and has been issued following:</p> <p>(i) a course of not less than four years' duration for a full-time course after a standard of secondary education not less than the standard of examination for matriculation to an Australian university; or</p> <p>(ii) a part-time course of sufficient duration to obtain a similar standard as a four year full-time course after a similar standard of secondary education.</p> <p>Professional engineer means a person qualified to carry out professional engineering duties as defined. The term professional engineer includes graduate engineer and experienced engineer as defined in this clause.</p> <p>Professional engineering duties means duties carried out by a person in employment where the adequate discharge of any of the duties requires that a person has at least the qualifications of a graduate member of Engineers Australia</p>
<p>3.3 Information technology and telecommunications services stream</p> <p>information technology industry means:</p> <p>(a) the design and manufacture of computers and computer peripherals;</p>	<p>2.3 Information technology and telecommunications services stream</p> <p>Information technology industry means:</p> <p>(a) the design and manufacture of computers and computer peripherals;</p>

- (b) the design and manufacture of telecommunications equipment;
- (c) the design and manufacture of computer software;
- (d) computer system installation, repair and maintenance;
- (e) computer consultancy services;
- (f) computer programming;
- (g) system analysis services;
- (h) the design, development and maintenance of online internet architecture and the facilitation of online content management; or
- (i) activities which are incidental, ancillary or complementary to the activities set out in this definition.

Experienced information technology employee means a professional information technology employee with the undermentioned qualifications in any particular employment the adequate discharge of any portion of the duties of which employment requires:

- (a) that they have graduated with a university degree, with a science or information technology major (three, four or five year course) and had four years' experience on professional information technology duties since graduating; or
- (b) that they, not having so graduated, have sufficient qualifications and experience to be eligible for admission as a member of the Australian Computer Society plus a further four years' experience on professional information technology duties.

Graduate information technology employee means a person who:

- (a) holds a university degree with a science or information technology major (three, four or five year course) accredited by the Australian Computer Society at professional level; or
- (b) has sufficient qualifications and experience to be eligible for

- (b) the design and manufacture of telecommunications equipment;
- (c) the design and manufacture of computer software;
- (d) computer system installation, repair and maintenance;
- (e) computer consultancy services;
- (f) computer programming;
- (g) system analysis services;
- (h) the design, development and maintenance of online internet architecture and the facilitation of online content management; or
- (i) activities which are incidental, ancillary or complementary to the activities set out in this definition.

Experienced information technology employee means a professional information technology employee in employment where the adequate discharge of any of the duties requires:

- (a) that they have graduated with a university degree, with a science or information technology major (three, four or five year course) and had four years' experience on professional information technology duties since graduating; or
- (b) that they, not having so graduated, have sufficient qualifications and experience to be eligible for admission as a member of the Australian Computer Society plus a further four years' experience on professional information technology duties.

Graduate information technology employee means a person who:

- (a) holds a university degree with a science or information technology major (three, four or five year course) accredited by the Australian Computer Society at professional level; or
- (b) has sufficient qualifications and experience to be eligible for admission as a member of the Australian Computer Society.

<p>admission as a member of the Australian Computer Society.</p> <p>professional information technology duties means duties carried out by a person in any particular employment the adequate discharge of any portion of which duties requires a person to:</p> <ul style="list-style-type: none"> (a) hold a university degree with a science or information technology major (three, four or five year course) accredited by the Australian Computer Society at professional level; or (b) have sufficient qualifications and experience to be eligible for admission as a member of the Australian Computer Society. <p>Professional information technology employee means an adult person qualified to carry out professional information technology duties as defined. The term Professional information technology employee will embrace and include Graduate information technology employee and Experienced information technology employee as defined.</p> <p>telecommunications service means a service for carrying communications by means of guided or unguided electromagnetic energy or both</p> <p>telecommunications services industry means:</p> <ul style="list-style-type: none"> (a) the supply and/or installation and/or maintenance of telecommunications services; or (b) the supply and/or installation and/or maintenance of value added telecommunications services; or (c) incidental, ancillary or complementary to the supply and/or installation and/or maintenance of telecommunications services; or (d) the installation and/or maintenance of telecommunications equipment and line. 	<p>Professional information technology duties means duties carried out by a person in employment where the adequate discharge of any of the duties requires a person to:</p> <ul style="list-style-type: none"> (a) hold a university degree with a science or information technology major (three, four or five year course) accredited by the Australian Computer Society at professional level; or (b) have sufficient qualifications and experience to be eligible for admission as a member of the Australian Computer Society. <p>Professional information technology employee means an adult person qualified to carry out professional information technology duties as defined. The term professional information technology employee includes graduate information technology employee and experienced information technology employee as defined.</p> <p>Telecommunications service means a service for carrying communications by means of guided or unguided electromagnetic energy or both. Carry may include to transmit, switch or receive.</p> <p>Telecommunications services industry means:</p> <ul style="list-style-type: none"> (a) the supply and/or installation and/or maintenance of telecommunications services; or (b) the supply and/or installation and/or maintenance of value added telecommunications services; or (c) incidental, ancillary or complementary to the supply and/or installation and/or maintenance of telecommunications services; or (d) the installation and/or maintenance of telecommunications equipment and line.
<p>3.4 Scientist Stream</p> <p>Experienced scientist means a Professional scientist possessing the</p>	<p>2.4 Scientist stream</p> <p>Academic schedule</p>

following qualifications and engaged in any particular employment, the adequate discharge of any portion of the duties of which, requires the possession of such qualifications.

The qualifications are:

- (a) that they will have had further experience on professional scientific duties, after obtaining their degree or diploma, as follows:
 - (i) when a graduate (four or five year course) – four years' experience;
 - (ii) when a graduate (three year course) – five years' experience, or
- (b) that they possess qualifications acceptable to:
 - (i) the Royal Australian Chemical Institute for admission to the grade of Associate member; or
 - (ii) the Australian Institute of Physics for admission to the grade of member; or
 - (iii) the Australasian Institute of Mining and Metallurgy for admission to the grade of Associate member; or
 - (iv) the Australian Institute of Food Science and Technology for admission to the grade of Associate member.

Professional scientist means a person qualified to carry out professional scientific duties as defined. The term Professional scientist will embrace and include Qualified scientist and Experienced scientist as defined.

professional scientific duties means duties carried out by a person in any particular employment, the adequate discharge of any portion of which duties requires academic qualifications of the employee as specified in the academic schedule below:

Academic schedule

- (a) A degree in science from an Australian, New Zealand or United

- (a) A degree in science from an Australian, New Zealand or United Kingdom university or from an Australian tertiary educational institution.
- (b) Academic qualifications acceptable to the Royal Australian Chemical Institute for admission to the grade of corporate membership.
- (c) Academic qualifications acceptable to the Australian Institute of Physics for admission to the grades of graduate membership or corporate membership.
- (d) Academic qualifications in metallurgy, metallurgical engineering or technology acceptable to either the Australasian Institute of Mining and Metallurgy for admission to the grade of junior or corporate membership, or the Institution of Metallurgists (London) for admission to the grades of graduate or associate membership.
- (e) Academic qualifications acceptable to the Australian Institute of Agricultural Science and Technology for admission to the grade of corporate membership.
- (f) Academic qualifications acceptable to the Australian Institute of Food Science and Technology for admission to the grades of graduate or corporate membership.
- (g) Academic qualifications acceptable to a pharmacy board or council within the Commonwealth of Australia provided that the award will not apply to pharmacists employed in a retail pharmacy shop.

Experienced scientist means a professional scientist engaged in employment where the adequate discharge of any of the duties requires the possession of the following qualifications:

- (a) a degree or diploma and the following experience in professional scientific duties:
 - (i) when a graduate (four or five year course) – four years' experience;

<p>Kingdom university or from an Australian tertiary educational institution.</p> <p>(b) Academic qualifications acceptable to the Royal Australian Chemical Institute for admission to the grade of corporate membership.</p> <p>(c) Academic qualifications acceptable to The Australian Institute of Physics for admission to the grades of graduate membership or corporate membership.</p> <p>(d) Academic qualifications in metallurgy, metallurgical engineering or technology acceptable to either the Australasian Institute of Mining and Metallurgy for admission to the grade of junior or corporate membership, or the Institution of Metallurgists (London) for admission to the grades of graduate or associate membership.</p> <p>(e) Academic qualifications acceptable to the Australian Institute of Agricultural Science for admission to the grade of corporate membership.</p> <p>(f) Academic qualifications acceptable to the Australian Institute of Food Science and Technology for admission to the grades of graduate or corporate membership.</p> <p>(g) Academic qualifications acceptable to a pharmacy board or council within the Commonwealth of Australia provided that the award will not apply to pharmacists employed in a retail pharmacy shop.</p>	<p>(ii) when a graduate (three year course) – five years' experience, or</p> <p>(b) that they possess qualifications acceptable to:</p> <p>(i) the Royal Australian Chemical Institute for admission to the grade of Associate member; or</p> <p>(ii) the Australian Institute of Physics for admission to the grade of member; or</p> <p>(iii) the Australasian Institute of Mining and Metallurgy for admission to the grade of Associate member; or</p> <p>(iv) the Australian Institute of Food Science and Technology for admission to the grade of Associate member.</p> <p>Professional scientist means a person qualified to carry out professional scientific duties as defined and includes qualified scientist and experienced scientist as defined.</p> <p>Professional scientific duties means duties carried out by a person in employment where the adequate discharge of any of the duties requires the employee to have the academic qualifications set out in the academic schedule as defined.</p> <p>Qualified scientist means a professional scientist other than an experienced scientist as defined, that is, a person possessing academic qualifications as specified in the academic schedule.</p>
<p>3.5 Qualified scientist means a Professional scientist other than an Experienced scientist as defined, that is, a person possessing academic qualifications as specified in the academic schedule</p>	<p><i>Moved to 2.4</i></p>
<p>3.6 Quality auditing stream</p> <p>quality auditing industry means that industry the participants in which provide advisory, auditing and assessment services to companies which are pursuing quality improvement programs (in compliance with the</p>	<p>2.5 Quality auditing stream</p> <p>Quality auditing industry means that industry in which the participants provide advisory, auditing and assessment services to companies which are pursuing quality improvement programs (in compliance with the</p>

<p>International Standards Organisations quality standards)</p> <p>quality auditor/senior (lead) quality auditor means for the purposes of this award the classifications as outlined in Schedule B—Classification Structure and Definitions</p> <p>Quality auditing means the duties carried out by a person in any particular employment within the quality auditing industry, the adequate discharge of any portion of which duties requires qualifications.</p> <p>The educational qualifications and experiences are as follows:</p> <p>Educational requirements</p> <p>(a) Auditors will have successfully completed a course of study, after completing secondary education, involving a minimum of 600 hours direct contact and leading to an award from a recognised body, college or university. Equivalent distance learning courses or corporate/professional membership of a recognised professional institution will also be recognised.</p> <p>(b) In all cases, documentary evidence of the educational standard claimed will be required. Copies of degrees or certificates will be required as objective evidence to satisfy the educational requirement. Verification of the awards will be as follows:</p> <p>(i) originals (which are to be returned after sighting by an officer of the auditor certification body);</p> <p>(ii) photocopies which have been signed as verified by one of the applicant’s sponsors; or</p> <p>(iii) a letter from the qualifying authority, e.g. university or college, confirming the award made.</p> <p>(c) As an alternative, auditors may be considered for certification if they can demonstrate eight years full-time work experience and satisfy the auditor certification body they have achieved a satisfactory educational standard including communication oral and written skills necessary to conduct and/or manage audits.</p>	<p>International Standards Organisations quality standards).</p> <p>Quality auditor/senior (lead) quality auditor means for the purposes of this award the classifications as outlined in Schedule A—Classification Structure and Definitions.</p> <p>Quality auditing means duties carried out by a person in employment within the quality auditing industry where the adequate discharge of any of the duties requires the following qualifications and experiences:</p> <p>(a) Educational requirements</p> <p>(i) Auditors will have successfully completed a course of study, after completing secondary education, involving a minimum of 600 hours direct contact and leading to an award from a recognised body, college or university. Equivalent distance learning courses or corporate/professional membership of a recognised professional institution will also be recognised.</p> <p>(ii) In all cases, documentary evidence of the educational standard claimed will be required to satisfy the educational requirement. Documentary evidence must be as follows:</p> <ul style="list-style-type: none"> • originals (which are to be returned after sighting by an officer of the auditor certification body); • photocopies which have been signed as verified by one of the applicant’s sponsors; or • a letter from the qualifying authority, e.g. university or college, confirming the award made. <p>(iii) As an alternative, auditors may be considered for certification if they can demonstrate eight years’ full-time work experience and satisfy the auditor certification body they have achieved a satisfactory educational standard including oral and written communication skills necessary to conduct and/or manage audits.</p>
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<p>Experience requirement</p> <p>Auditors will have a minimum of two years' relevant experience in the implementation and/or application of quality management systems which provides the practical knowledge necessary to effectively audit such systems. The quality management system experience required may be concurrent with work experience, but must have been achieved in the six years prior to initial certification.</p> <p>Auditing experience requirement</p> <p>(a) All levels of auditor will maintain an audit log in order to demonstrate that their auditing experience was gained under the prescribed conditions and within the required time frame.</p> <p>(b) For all levels of auditor, only independent audits satisfy the auditing experience requirements. The auditor and the auditor's organisation will have independent management and operating structure from the audited organisation. Examples of acceptable relationships are:</p> <ul style="list-style-type: none"> (i) a head office audit of a plant or division; (ii) one division of plant auditing another division or plant; (iii) a customer organisation auditing a supplier; (iv) a third party certification audit; or (v) a consultant contracted to provide an independent audit. 	<p>(b) Experience requirement</p> <ul style="list-style-type: none"> (i) Auditors will have a minimum of two years' relevant experience in the implementation or application of quality management systems which provides the practical knowledge necessary to effectively audit such systems. (ii) The quality management system experience required may be concurrent with work experience, but must have been achieved in the six years prior to initial certification. <p>Auditing experience requirement</p> <p>(a) All levels of auditor will maintain an audit log in order to demonstrate that their auditing experience was gained under the prescribed conditions and within the required time frame.</p> <p>(b) For all levels of auditor, only independent audits satisfy the auditing experience requirements. The auditor and the auditor's organisation will have independent management and operating structure from the audited organisation. Examples of acceptable relationships are:</p> <ul style="list-style-type: none"> (i) a head office audit of a plant or division; (ii) one division of plant auditing another division or plant; (iii) a customer organisation auditing a supplier; (iv) a third party certification audit; or (v) a consultant contracted to provide an independent audit.
<p>3.7 Where this award refers to a condition of employment provided for in the NES, the NES definition applies.</p>	<p><i>Moved to clause 3.2</i></p>
<p>4. Coverage</p> <p>4.1 This award covers employers throughout Australia with respect to their employees performing professional engineering and professional</p>	<p>4. Coverage</p> <p>4.1 This industry and occupational award covers employers throughout Australia with respect to their employees performing professional</p>

Current award

Professional Employees Award 2016

<p>scientific duties who are covered by the classifications in Schedule B— Classification Structure and Definitions of the award and those employees.</p>	<p>engineering and professional scientific duties who are covered by the classifications in Schedule A of the award and those employees.</p>
<p>4.2 This award covers employers throughout Australia principally engaged in the information technology industry, the quality auditing industry or the telecommunications services industry and their employees who are covered by the classifications in Schedule B.</p>	<p>4.2 This award covers employers throughout Australia principally engaged in the information technology industry, the quality auditing industry or the telecommunications services industry and their employees who are covered by the classifications in Schedule A.</p>
<p>4.3 The award does not cover employees who are covered by the following awards:</p> <ul style="list-style-type: none">(a) <i>Airport Employees Award 2010</i>;(b) <i>Black Coal Mining Industry Award 2010</i>;(c) <i>Electrical Power Industry Award 2010</i>;(d) <i>Port Authorities Award 2010</i>;(e) <i>Rail Industry Award 2010</i>;(f) <i>State Government Agencies Administration Award 2010</i>; and(g) <i>Water Industry Award 2010</i>.	<p>4.3 The award does not cover employees who are covered by the following awards:</p> <ul style="list-style-type: none">(a) <i>Airport Employees Award 2016</i>;(b) <i>Black Coal Mining Industry Award 2016</i>;(c) <i>Electrical Power Industry Award 2016</i>;(d) <i>Port Authorities Award 2016</i>;(e) <i>Rail Industry Award 2016</i>;(f) <i>State Government Agencies Award 2016</i>; and(g) <i>Water Industry Award 2016</i>.
<p>4.4 The award does not cover employees of a local government covered by another award.</p>	<p>4.4 The award does not cover employees of a local government covered by another award.</p>
<p>4.5 The award does not cover an employee excluded from award coverage by the Act.</p>	<p>4.5 This award covers any employer which supplies labour on an on-hire basis in the industries set out in clauses 4.1 and 4.2 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in those industries. This subclause operates subject to the exclusions from coverage in this award.</p>
<p>4.6 The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)), or employers in relation to those employees.</p>	<p>4.6 This award covers any employer which supplies on-hire employees in classifications set out in Schedule A and those on-hire employees, if the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee. This subclause operates subject to the exclusions from coverage</p>
<p>4.7 The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)), or</p>	

<p>employers in relation to those employees.</p> <p>4.8 This award covers any employer which supplies labour on an on-hire basis in the industries set out in clauses 4.1 and 4.2 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in those industries. This subclause operates subject to the exclusions from coverage in this award.</p> <p>4.9 This award covers any employer which supplies on-hire employees in classifications set out in Schedule B and those on-hire employees, if the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee. This subclause operates subject to the exclusions from coverage in this award.</p> <p>4.10 Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.</p> <p>NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.</p>	<p>in this award.</p> <p>4.7 This industry and occupational award does not cover:</p> <ul style="list-style-type: none"> (a) an employee excluded from award coverage by the Act; (b) employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)), or employers in relation to those employees; or (c) employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)), or employers in relation to those employees. <p>4.8 Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.</p> <p>NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.</p>
<p><i>Clause inserted – proposed new provision</i></p>	<p>5. Effects of variations made by the Fair Work Commission</p> <p>A variation to this award does not affect any right, privilege, obligation or liability that a person acquired, accrued or incurred under the award as it existed prior to that variation.</p>

5. Access to the award and the National Employment Standards
 The employer must ensure that copies of this award and the NES are available to all employees to whom they apply either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible.

6. The National Employment Standards and this award
 The NES and this award contain the minimum conditions of employment for employees covered by this award.

3. The National Employment Standards and this award
3.1 The National Employment Standards (NES) and this award contain the minimum conditions of employment for employees covered by this award.
3.3 The employer must ensure that copies of the award and the NES are available to all employees to whom they apply, either on a notice board which is conveniently located at or near the workplace or through accessible electronic means.

7. Award flexibility
Provision not reproduced - standard clause - change made to heading title only

6. Award flexibility for individual arrangements
Provision not reproduced - standard clause - change made to heading title only

8. Facilitative provision

8.1 This award contains facilitative provisions which allow agreement between an employer and/or majority of employees on how the award provisions are to apply at the workplace or enterprise level.

8.2 The following lists the facilitative provisions and the level of agreement required:

Clause	Subject matter
18.1	Ordinary hours of duty work rostered, by individual agreement
22.2(a)	Public holidays, by majority agreement
22.2(b)	Public holidays, by individual agreement

8.3 Agreements made pursuant to clause 8.2 must be recorded in writing and be available to every affected employee on request.

8.4 Facilitative provisions are not to be used as a device to avoid award obligations nor should they result in unfairness to an employee or employees covered by this award.

7. Facilitative provisions for flexible working practices

7.1 A facilitative provision provides that the standard approach in an award provision may be departed from by agreement between an employer and an individual employee, or an employer and the majority of employees in the enterprise or part of the enterprise concerned.

7.2 Facilitative provisions in this award are contained in the following clauses:

Clause	Provision	Agreement between an employer and:
13.7	Transfers – period of notice	An individual
17.5	Annual leave in advance	An individual
17.6	Cashing out of annual leave	An individual
20.2	Substitution of public holidays	An individual or the majority of employees

7.3 Agreements made pursuant to clause 7.2 must be recorded in writing and be available to every affected employee on request.

<p>9. Consultation</p> <p>9.1 Consultation regarding major workplace change</p> <p><i>Provision not reproduced – standard clause - no change</i></p>	<p>Part 6—Consultation and Dispute Resolution</p> <p>22. Consultation regarding major workplace change</p> <p><i>Provision not reproduced – standard clause - no change</i></p>
<p>10. Dispute resolution</p> <p><i>Provision not reproduced - standard clause - no change</i></p>	<p>24. Dispute resolution</p> <p><i>Provision not reproduced - standard clause - no change</i></p>
<p>Part 2—Types of Employment and Termination of Employment</p> <p>11. Types of employment</p> <p>11.1 Contract of employment</p> <p>Employment may be full-time, part-time or casual.</p>	<p>Part 2—Types of Employment and Classifications</p> <p>8. Types of employment</p> <p>8.1 Contract of employment</p> <p>Employment may be full-time, part-time or casual.</p>
<p>11.2 Full-time employment</p> <p>Any person not specifically engaged as being a part-time or casual employee is for all purposes of this award a full-time employee unless otherwise specified.</p>	<p>9. Full-time employment</p> <p>Any person not specifically engaged as a part-time or casual employee is for all purposes of this award a full-time employee.</p>
<p>11.3 Part-time employment</p> <p>(a) An employee may be engaged for a specified number of ordinary hours each week being less than those hours prescribed in clause 18—Ordinary hours of work and rostering.</p> <p>(b) Such an employee will be paid pro rata the appropriate annual rate for the classification prescribed in clause 15—Minimum wages and will receive other conditions under this award at the same pro rata rate.</p> <p>(c) Any employee engaged on a full-time basis will not be converted to a part-time basis as set out in this clause without the employee’s written agreement.</p>	<p>10. Part-time employment</p> <p>(a) An employee may be engaged for a specified number of ordinary hours each week being less than an average of 38 hours per week.</p> <p>(b) A part-time employee must be paid the appropriate minimum hourly rate for the classification prescribed in clause 14—Minimum wages and must receive other conditions under this award on a pro rata basis.</p> <p>(c) Any employee engaged on a full-time basis must not be converted to a part-time basis as set out in this clause without the employee’s written agreement.</p>

<p>11.4 Casual employment</p> <p>(a) An employee may be engaged as a casual and must be paid an hourly rate calculated by converting the appropriate annual rate for the classification prescribed in clause 15 to an hourly rate and adding a loading of 25%.</p> <p>(b) Such loading is paid to compensate such casual employees for lack of continuity in employment, paid leave, termination and other employment benefits of a full-time or part-time employee.</p>	<p>11. Casual employment</p> <p>11.1 A casual employee must be paid per hour worked:</p> <p>(a) the minimum hourly rate appropriate to the employee's classification; and</p> <p>(b) a loading of 25% of that rate.</p> <p>11.2 The casual loading is paid to compensate casual employees for a lack of continuity in employment, paid leave, termination and other employment benefits of a full-time or part-time employee.</p>
<p>11.5 Notification of conditions of employment</p> <p><i>Provision not reproduced - no change</i></p>	<p>8.2 Notification of conditions of employment</p> <p><i>Provision not reproduced - no change</i></p>
<p>11.6 Notification of responsibility level</p> <p><i>Provision not reproduced - no change</i></p>	<p>12.2 Notification of responsibility level</p> <p><i>Provision not reproduced - no change</i></p>
<p>11.7 Evidence of qualifications</p> <p>(a) An employee who is employed under this award or who is an applicant for employment covered by this award, must if and when required to do so by the employer, produce to the employer written evidence that they possess or have acquired the qualifications of a Qualified engineer, Experienced engineer, Qualified scientist, Experienced scientist, Graduate information technology employee or Experienced information technology employee.</p> <p>(b) Where an employee has failed to produce to the employer written evidence that they possess or have acquired the relevant qualifications and the employee subsequently claims to be entitled to payment at a rate prescribed by this award, it will be a defence to the employer if the employer establishes that during the said period the employer did not know and had no reason to believe that the employee had acquired the qualifications of a Qualified engineer, Experienced engineer, Qualified scientist, Experienced scientist,</p>	<p>12.3 Evidence of qualifications</p> <p>(a) An employee who is employed under this award or who is an applicant for employment covered by this award, must if required to do so by the employer, produce written evidence that they have the qualifications of a qualified engineer, experienced engineer, qualified scientist, experienced scientist, graduate information technology employee or experienced information technology employee.</p> <p>(b) Where an employee has failed to produce written evidence that they have the relevant qualifications but later claims to be entitled to a rate of pay under this award, it will be the employer's defence if they can establish that they did not know and had no reason to believe that the employee had the relevant qualifications.</p>

Graduate information technology employee or Experienced information technology employee.	
<p>11.8 Professional development</p> <p>(a) It is understood and accepted that it is the responsibility of the employees to keep themselves informed of developments in their profession and to develop their professional knowledge and ability, and that it is appropriate for employees to be encouraged to undertake self-development programs.</p> <p>(b) Where the employee and the employer agree that an activity be undertaken by the employee as a component of a structured training program, the employer will meet all costs associated with the training.</p>	<p>12.4 Professional development</p> <p>(a) Employees are responsible for keeping themselves informed of developments in their profession and developing their professional knowledge and ability. It is appropriate for employees to be encouraged to undertake self-development programs.</p> <p>(b) Where the employee and the employer agree that an activity be undertaken by the employee as a component of a structured training program, the employer will meet all costs associated with the training.</p>
<p>12. Termination of employment</p> <p><i>Provision not reproduced - no change.</i></p>	<p>Part 7—Termination of Employment and Redundancy</p> <p>25. Termination of employment</p> <p><i>Provision not reproduced - no change</i></p>
<p>12.4 Job search entitlement</p> <p><i>Clause 12.4 now clause 29 – combined with clause 13.4 (Redundancy)</i></p>	<p><i>Clause 12.4 now clause 29 – combined with clause 13.4 (Redundancy)</i></p>
<p>13. Redundancy</p> <p><i>Provision not reproduced - no change other than renumbering of clause and clause titles</i></p> <p>13.2 Transfer to lower paid duties</p> <p>13.3 Employee leaving during notice period</p> <p>13.4 Job search entitlement</p> <p><i>Clause 13.4 now clause 29 – combined with clause 12.4</i></p>	<p>26. Redundancy</p> <p><i>Provisions not reproduced - no change other than renumbering of clause and clause titles</i></p> <p>27. Transfer to lower paid job on redundancy</p> <p>28. Employee leaving during redundancy notice period</p> <p>29. Job search entitlement</p>

<p>13.5 Transitional provisions – NAPSA employees</p> <p>13.6 Transitional provisions – Division 2B State employees</p>	<p><i>Transitional provisions removed - obsolete</i></p>																																																											
<p>Part 3—Minimum Wages and Related Matters</p> <p>14. Classifications</p> <p>The classification definitions in Schedule B—Classification Structure and Definitions will apply.</p>	<p>12. Classifications</p> <p>12.1 Descriptions of the classifications under this award are set out in Schedule A—Classification Structure and Definitions.</p>																																																											
<p>15. Minimum wages</p> <p>The minimum annual wages payable to full-time employees in the classifications defined in Schedule B—Classification Structure and Definitions are:</p> <table border="1" data-bbox="91 643 1039 1414"> <thead> <tr> <th>Classification</th> <th>Annual wages</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td>Level 1 Graduate professional</td> <td></td> </tr> <tr> <td> Pay point 1.1 (3 year degree)</td> <td style="text-align: right;">46,764</td> </tr> <tr> <td> Pay point 1.1 (4 or 5 year degree)</td> <td style="text-align: right;">47,962</td> </tr> <tr> <td> Pay point 1.2</td> <td style="text-align: right;">48,768</td> </tr> <tr> <td> Pay point 1.3</td> <td style="text-align: right;">50,798</td> </tr> <tr> <td> Pay point 1.4</td> <td style="text-align: right;">53,370</td> </tr> <tr> <td>Level 2 Experienced professional/quality auditor</td> <td style="text-align: right;">55,168</td> </tr> <tr> <td>Level 3 Professional/senior (lead) quality auditor</td> <td style="text-align: right;">60,292</td> </tr> </tbody> </table>	Classification	Annual wages		\$	Level 1 Graduate professional		Pay point 1.1 (3 year degree)	46,764	Pay point 1.1 (4 or 5 year degree)	47,962	Pay point 1.2	48,768	Pay point 1.3	50,798	Pay point 1.4	53,370	Level 2 Experienced professional/quality auditor	55,168	Level 3 Professional/senior (lead) quality auditor	60,292	<p>Part 4—Wages and Allowances</p> <p>14. Minimum wages</p> <p>14.1 An employer must pay employees the following minimum wages for ordinary hours worked by the employee:</p> <table border="1" data-bbox="1111 707 2112 1414"> <thead> <tr> <th>Employee classification</th> <th>Annual wages</th> <th>Minimum hourly rate</th> <th>Casual minimum hourly rate</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> </tr> <tr> <td>Level 1 Graduate professional</td> <td></td> <td></td> <td></td> </tr> <tr> <td> Pay point 1.1 (3 year degree)</td> <td style="text-align: right;">46,764</td> <td style="text-align: right;">23.59</td> <td style="text-align: right;">29.49</td> </tr> <tr> <td> Pay point 1.1 (4 or 5 year degree)</td> <td style="text-align: right;">47,962</td> <td style="text-align: right;">24.19</td> <td style="text-align: right;">30.24</td> </tr> <tr> <td> Pay point 1.2</td> <td style="text-align: right;">48,768</td> <td style="text-align: right;">24.60</td> <td style="text-align: right;">30.75</td> </tr> <tr> <td> Pay point 1.3</td> <td style="text-align: right;">50,798</td> <td style="text-align: right;">25.63</td> <td style="text-align: right;">32.04</td> </tr> <tr> <td> Pay point 1.4</td> <td style="text-align: right;">53,370</td> <td style="text-align: right;">26.92</td> <td style="text-align: right;">33.65</td> </tr> <tr> <td>Level 2 Experienced</td> <td style="text-align: right;">55,168</td> <td style="text-align: right;">27.83</td> <td style="text-align: right;">34.79</td> </tr> </tbody> </table>				Employee classification	Annual wages	Minimum hourly rate	Casual minimum hourly rate		\$	\$	\$	Level 1 Graduate professional				Pay point 1.1 (3 year degree)	46,764	23.59	29.49	Pay point 1.1 (4 or 5 year degree)	47,962	24.19	30.24	Pay point 1.2	48,768	24.60	30.75	Pay point 1.3	50,798	25.63	32.04	Pay point 1.4	53,370	26.92	33.65	Level 2 Experienced	55,168	27.83	34.79
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Current award

Level 4 Professional	68,001
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Professional Employees Award 2016

professional/quality auditor			
Level 3 Professional/senior (lead) quality auditor	60,292	30.41	38.01
Level 4 Professional	68,001	34.30	42.88

14.2 Minimum hourly rates are calculated as follows:

(a) Hourly rate = (Annual wage x 6/313) /38

16. Allowances

16.1 Travelling expenses and travelling time

An employee will be reimbursed all reasonable expenses (including accommodation, meals and out-of-pocket expenses directly related to their employment) incurred while travelling on their employer’s business. Reasonable compensation for excess travel time will be agreed upon.

15. Allowances

15.1 Employers must pay to an employee the expense-rated allowances the employee is entitled to under this clause.

15.2 Travelling expenses and travelling time

An employee must be reimbursed all reasonable expenses (including accommodation, meals and out-of-pocket expenses directly related to their employment) incurred while travelling on their employer’s business. Reasonable compensation for excess travel time will be agreed upon.

16.2 Vehicle allowance

In cases where it is mutually agreed that an employee will be required to use their private vehicle on the employer’s business, the employee will be paid reasonable compensation, but in no case will the employee receive payment at a rate less than \$0.78 per kilometre travelled.

15.3 Vehicle allowance

The employer must pay an employee required to use their private vehicle on the employer’s business at least **\$0.78** per kilometre travelled.

16.3 Equipment and special clothing

Except where an employee elects to provide equipment and special clothing, the employer will provide free of cost, all such equipment and special clothing reasonably required for the adequate discharge of duties. Such equipment or clothing will remain the property of the employer.

15.4 Equipment and special clothing

Except where an employee elects to provide equipment and special clothing, the employer must provide free of cost, all such equipment and special clothing reasonably required for the adequate discharge of duties. The equipment or clothing will remain the property of the employer.

16.4 Adjustment of expense related allowances

Provision not reproduced - no change

15.5 Adjustment of expense related allowances

Provision not reproduced - no change

<p>17. Superannuation</p> <p><i>Provision not reproduced - no change</i></p>	<p>16. Superannuation</p> <p><i>Provision not reproduced - no change</i></p>
<p>Part 4—Hours of Work and Related Matters</p> <p>18. Ordinary hours of work and rostering</p> <p>18.1 For the purpose of the NES, ordinary hours of work under this award are 38 per week. An employee who by agreement with their employer is working a regular cycle (including shorter or longer hours) must not have ordinary hours of duty which exceed an average of 38 hours per week over the cycle.</p>	<p>Part 3—Hours of Work</p> <p>13. Ordinary hours of work</p> <p>13.1 For the purpose of the NES, ordinary hours of work under this award are 38 per week.</p> <p>13.2 An employee who by agreement with their employer is working a regular cycle (including shorter or longer hours) must not have ordinary hours of duty which exceed an average of 38 hours per week over the cycle.</p>
<p>18.2 Employers will compensate for:</p> <ul style="list-style-type: none"> (a) time worked regularly in excess of ordinary hours of duty; (b) time worked on call-backs; (c) time spent standing by in readiness for a call-back; (d) time spent carrying out professional engineering duties or professional scientific/information technology duties outside of the ordinary hours of duty over the telephone or via remote access arrangements; or (e) time worked on afternoon, night or weekend shifts. <p>18.3 Compensation may include:</p> <ul style="list-style-type: none"> (a) granting special additional leave; (b) granting special additional remuneration; (c) taking this factor into account in the fixation of annual remuneration; or (d) granting a special allowance or loading. <p>Provided that, where relevant, such compensation or remuneration will</p>	<p>13.3 Employers must compensate for:</p> <ul style="list-style-type: none"> (a) time worked regularly in excess of ordinary hours of duty; (b) time worked on call-backs; (c) time spent standing by in readiness for a call-back; (d) time spent carrying out professional engineering duties or professional scientific/information technology duties outside of the ordinary hours over the telephone or via remote access arrangements; or (e) time worked on afternoon, night or weekend shifts. <p>13.4 Compensation may include:</p> <ul style="list-style-type: none"> (a) granting special additional leave; (b) granting special additional remuneration; (c) taking the factors in clause 13.3 into account in the fixation of annual remuneration; or (d) granting a special allowance or loading. <p>13.5 Where relevant, compensation in clause 13.4 must include consideration of</p>

<p>include consideration of the penalty rate or equivalent and the conditions as applicable from time to time to the majority of employees employed in a particular establishment in which the employee is employed.</p> <p>18.4 The compensation and/or remuneration will be reviewed annually to ensure that it is set at an appropriate level having regard to the factors listed in this clause.</p>	<p>the penalty rate or equivalent and conditions applicable from to the majority of employees employed in a particular establishment in which the employee is employed.</p> <p>13.6 The compensation in clause 13.4 must be reviewed annually to ensure that it is set at an appropriate level having regard to the factors listed in this clause.</p>
<p>18.5 Transfers</p> <p>Where an employee is transferred permanently from day work to shiftwork or from shiftwork to day work, such employee should receive at least one month’s notice. However, the employer and the employee may agree on a lesser period of notice.</p>	<p>13.7 Transfers</p> <p>(a) An employee who is transferred permanently from day work to shiftwork or from shiftwork to day work must receive at least one month’s notice unless the employer and the employee agree on a lesser period of notice.</p> <p>(b) Clause 13.7(a) is subject to the requirements of clause 23— Consultation about changes to rosters or hours of work.</p>
<p>Part 5—Leave and Public Holidays</p> <p>19. Annual leave</p> <p>19.1 Annual leave is provided for in the NES.</p> <p>19.2 An employee must be paid a loading calculated at the rate of 17.5% of their base rate of pay, provided that:</p> <p>(a) In no case will there be an entitlement to an amount in excess of the ABS average weekly earnings for all males (Australia) for the preceding September quarter of the year preceding the year in which the date of the accrual of the annual leave falls.</p> <p>(b) Where an employee is in receipt of remuneration from their employer which is related to their annual leave loading and which is established as being of equivalent value to or greater value than the loading provided by this clause, no further entitlement will accrue. Where the benefit is of a lesser value than equivalent value then the employer must make up the benefit to that value.</p>	<p>Part 5—Leave and Public Holidays</p> <p>17. Annual leave</p> <p>17.1 Annual leave is provided for in the NES.</p> <p>17.2 An employee must be paid a loading calculated at the rate of 17.5% of their base rate of pay, provided that:</p> <p>(a) The entitlement must not exceed the ABS average weekly earnings for all males (Australia) for the September quarter of the year preceding in which the date of the accrual of the annual leave falls; and</p> <p>(b) Where an employee receives remuneration from their employer which is related to their annual leave loading and which is established as being of equivalent value to or greater value than the loading provided by this clause, no further entitlement will accrue. Where the benefit is of a lesser value than equivalent value then the employer must make up the benefit to that value.</p>

<p>19.3 Definition of shiftworker</p> <p><i>Provision not reproduced – no change</i></p>	<p>17.3 Definition of shiftworker</p> <p><i>Provision not reproduced – no change</i></p>
<p>19.4 Annual close-down</p> <p>Where an employer closes down the enterprise, or a section or sections thereof, for the purposes of allowing annual leave to all or the majority of employees in the enterprise, section, or sections concerned, the same conditions which apply to the other employees of the enterprise, section or sections may also apply to employees covered by this award.</p>	<p>17.4 Annual close-down</p> <p>(a) An employer may close down a section or more of the enterprise for the purpose of allowing annual leave to all or the majority of employees.</p> <p>(b) The same conditions which apply to the other employees of the enterprise (or sections) also apply to employees covered by this award.</p>
<p>19.5 Annual leave in advance</p> <p><i>Provision not reproduced- standard clause - no change</i></p>	<p>17.5 Annual leave in advance</p> <p><i>Provision not reproduced- standard clause - no change</i></p>
<p>19.6 Cashing out of annual leave</p> <p><i>Provision not reproduced- standard clause - no change</i></p>	<p>17.6 Cashing out of annual leave</p> <p><i>Provision not reproduced- standard clause - no change</i></p>
<p>19.7 Excessive leave accruals: general provision</p> <p><i>Provision not reproduced- standard clause - no change</i></p>	<p>17.7 Excessive leave accruals: general provision</p> <p><i>Provision not reproduced- standard clause - no change</i></p>
<p>19.8 Excessive leave accruals: direction by employer that leave be taken</p> <p><i>Provision not reproduced- standard clause - no change</i></p>	<p>17.8 Excessive leave accruals: direction by employer that leave be taken</p> <p><i>Provision not reproduced- standard clause - no change</i></p>
<p>19.9 Excessive leave accruals: request by employee for leave</p> <p><i>Provision not reproduced- standard clause - no change</i></p>	<p>17.9 Excessive leave accruals: request by employee for leave</p> <p><i>Provision not reproduced- standard clause - no change</i></p>
<p>20. Personal/carer's leave and compassionate leave</p> <p>Personal/carer's leave and compassionate leave are provided for in the NES.</p>	<p>18. Personal/carer's leave and compassionate leave</p> <p>Personal/carer's leave and compassionate leave are provided for in the NES.</p>
<p>21. Community service leave</p> <p>Community service leave is provided for in the NES.</p>	<p>21. Community service leave</p> <p>Community service leave is provided for in the NES.</p>

<i>Clause inserted – proposed new provision</i>	19. Parental leave and related entitlements Parental leave and related entitlements are provided for in the NES.
<p>22. Public holidays</p> <p>22.1 Public holidays are provided for in the NES.</p> <p>22.2 Substitution of public holidays by agreement at the enterprise</p> <p>(a) Substitution of public holidays by majority agreement</p> <p>An employer and its employees may agree to substitute another day for any of the prescribed days in this clause. For this purpose, the consent of the majority of the affected employees will constitute agreement.</p> <p>(b) Substitution of public holidays by individual agreement</p> <p>An employer and individual employee may agree to the employee taking another day as the public holiday instead of the day which is being observed as the public holiday in the enterprise or relevant section or sections of it.</p>	<p>20. Public holidays</p> <p>20.1 Public holiday entitlements are provided for in the NES.</p> <p>20.2 Substitution of public holidays by agreement at the enterprise</p> <p>(a) An employer and a majority of affected employees may agree to substitute another day for any of the prescribed days in this clause.</p> <p>(b) An employer and individual employee may agree to the employee taking another day as the public holiday instead of the day which is being observed as the public holiday in the enterprise or relevant section or sections of it.</p>
<p>Schedule A —Transitional Provisions</p> <p><i>Transitional provision – clause removed - obsolete</i></p>	<i>Transitional provision – clause removed – obsolete</i>
<p>Schedule B —Classification Structure and Definitions</p> <p><i>Provision not reproduced – no change</i></p>	<p>Schedule A— Classification Structure and Definitions</p> <p><i>Provision not reproduced – no change</i></p>
<p>Schedule C —Agreement to Take Annual Leave in Advance</p> <p><i>Provision not reproduced- standard clause - no change</i></p>	<p>Schedule B— Agreement to Take Annual Leave in Advance</p> <p><i>Provision not reproduced- standard clause - no change</i></p>
<p>Schedule D —Agreement to Cash Out Annual Leave</p> <p><i>Provision not reproduced- standard clause - no change</i></p>	<p>Schedule C— Agreement to Cash Out Annual Leave</p> <p><i>Provision not reproduced- standard clause - no change</i></p>