



DRAFT DETERMINATION

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2018–19 (C2019/1)

MISCELLANEOUS AWARD 2010 [MA000104]

Miscellaneous

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT HATCHER
DEPUTY PRESIDENT ASBURY
COMMISSIONER HAMPTON
PROFESSOR RICHARDSON
MR GIBBS
MR APTED

MELBOURNE, XX JUNE 2019

Annual Wage Review 2018–19.

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2018–19 on 30 May 2019 [[\[2019\] FWCFB 3500](#)], the above award is varied as follows:

1. By deleting the table appearing in clause 14.1 and inserting the following:

| Classification | Minimum wage per week \$ | Minimum wage per hour \$ |
|-----------------------|---|---|
| Level 1 | 740.80 | 19.49 |
| Level 2 | 791.30 | 20.82 |
| Level 3 | 862.50 | 22.70 |
| Level 4 | 941.10 | 24.77 |

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

E.4 Minimum rates

E.4.1 Minimum weekly rates for full-time traineeships

(a) Wage level A

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

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

| Column 1 Experience level of trainee | Column 2 Highest year of schooling completed | | |
|--|--|----------------------------|----------------------------|
| | Year 10 per week | Year 11 per week | Year 12 per week |
| School leaver | \$332.80 | \$366.50 | \$436.60 |
| Plus 1 year out of school | \$366.50 | \$436.60 | \$508.10 |
| Plus 2 years out of school | \$436.60 | \$508.10 | \$591.30 |
| Plus 3 years out of school | \$508.10 | \$591.30 | \$677.00 |
| Plus 4 years out of school | \$591.30 | \$677.00 | |
| Plus 5 or more years out of school | \$677.00 | | |

NOTE: See clause E.4.3 for other minimum wage provisions that affect this paragraph.

(b) Wage level B

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

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

| Column 1 Experience level of trainee | Column 2 Highest year of schooling completed | | |
|--|--|----------------------------|----------------------------|
| | Year 10 per week | Year 11 per week | Year 12 per week |
| School leaver | \$332.80 | \$366.50 | \$424.80 |
| Plus 1 year out of school | \$366.50 | \$424.80 | \$488.60 |
| Plus 2 years out of school | \$424.80 | \$488.60 | \$573.10 |
| Plus 3 years out of school | \$488.60 | \$573.10 | \$653.70 |
| Plus 4 years out of school | \$573.10 | \$653.70 | |
| Plus 5 or more years out of school | \$653.70 | | |

NOTE: See clause E.4.3 for other minimum wage provisions that affect this paragraph.

(c) **Wage level C**

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause E.6.1 is the weekly rate specified in Column 2 of **Table 3—Wage level C minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

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

| Column 1 Experience level of trainee | Column 2 Highest year of schooling completed | | |
|--|--|----------------------------|----------------------------|
| | Year 10 per week | Year 11 per week | Year 12 per week |
| School leaver | \$332.80 | \$366.50 | \$424.80 |
| Plus 1 year out of school | \$366.50 | \$424.80 | \$478.20 |
| Plus 2 years out of school | \$424.80 | \$478.20 | \$534.30 |
| Plus 3 years out of school | \$478.20 | \$534.30 | \$595.20 |
| Plus 4 years out of school | \$534.30 | \$595.20 | |
| Plus 5 or more years out of school | \$595.20 | | |

NOTE: See clause E.4.3 for other minimum wage provisions that affect this paragraph.

(d) AQF Certificate Level IV traineeships

- (i) The minimum rate for a full-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum rate for the relevant full-time AQF Certificate Level III traineeship increased by 3.8%.
- (ii) The minimum rate for a full-time adult trainee undertaking an AQF Certificate Level IV traineeship is the weekly rate specified in Column 2 or 3 of **Table 4—Minimum weekly rate for full-time adult trainees (AQF Certificate Level IV traineeship)** according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in Column 1.

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

| Column 1 Wage level | Column 2 First year of traineeship per week | Column 3 Second and subsequent years of traineeship per week |
|--------------------------------------|--|---|
| A | \$703.20 | \$730.40 |
| B | \$678.40 | \$704.40 |
| C | \$617.40 | \$640.70 |

NOTE: See clause E.4.3 for other minimum wage provisions that affect this paragraph.

E.4.2 Minimum hourly rates for part-time traineeships

(a) Wage level A

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

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

| Column 1 Experience level of trainee | Column 2 Highest year of schooling completed | | |
|--|--|-----------------|-----------------|
| | Year 10 | Year 11 | Year 12 |
| | per hour | per hour | per hour |
| School leaver | \$10.95 | \$12.07 | \$14.37 |
| Plus 1 year out of school | \$12.07 | \$14.37 | \$16.73 |
| Plus 2 years out of school | \$14.37 | \$16.73 | \$19.45 |
| Plus 3 years out of school | \$16.73 | \$19.45 | \$22.26 |
| Plus 4 years out of school | \$19.45 | \$22.26 | |
| Plus 5 or more years out of school | \$22.26 | | |

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

(b) Wage level B

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

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

| Column 1 Experience level of trainee | Column 2 Highest year of schooling completed | | |
|--|--|-----------------|-----------------|
| | Year 10 | Year 11 | Year 12 |
| | per hour | per hour | per hour |
| School leaver | \$10.95 | \$12.07 | \$13.99 |
| Plus 1 year out of school | \$12.07 | \$13.99 | \$16.08 |
| Plus 2 years out of school | \$13.99 | \$16.08 | \$18.87 |
| Plus 3 years out of school | \$16.08 | \$18.87 | \$21.52 |
| Plus 4 years out of school | \$18.87 | \$21.52 | |
| Plus 5 or more years out of school | \$21.52 | | |

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

(c) Wage level C

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

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

| Column 1 Experience level of trainee | Column 2 Highest year of schooling completed | | |
|---|---|---------------------|---------------------|
| | Year 10 per hour | Year 11 per hour | Year 12 per hour |
| School leaver | \$10.95 | \$12.07 | \$13.99 |
| Plus 1 year out of school | \$12.07 | \$13.99 | \$15.73 |
| Plus 2 years out of school | \$13.99 | \$15.73 | \$17.57 |
| Plus 3 years out of school | \$15.73 | \$17.57 | \$19.58 |
| Plus 4 years out of school | \$17.57 | \$19.58 | |
| Plus 5 or more years out of school | \$19.58 | | |

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

(d) School-based traineeships

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

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

| Column 1 Year 11 or lower per hour | Column 2 Year 12 per hour |
|--|---------------------------------|
| \$10.95 | \$12.07 |

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

(e) AQF Certificate Level IV traineeships

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

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

| Column 1 Wage level | Column 2 First year of traineeship per hour | Column 3 Second and subsequent years of traineeship per hour |
|--------------------------------------|--|---|
| A | \$23.12 | \$24.03 |
| B | \$22.29 | \$23.15 |
| C | \$20.31 | \$21.08 |

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

(f) Calculating the actual minimum wage

- (i) If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate minimum hourly rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses E.4.2(a) to (e) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
- (ii) If the approved training for a part-time traineeship is provided wholly off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses E.4.2(a) to (e) applies to each ordinary hour worked by the trainee.
- (iii) If the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum hourly rate in clauses E.4.2(a) to (e) minus 20% applies to each ordinary hour worked by the trainee.

E.4.3 Other minimum wage provisions

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

E.4.4 Default wage rate

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

B. This determination comes into operation from 1 July 2019. In accordance with s.166(5) of the *Fair Work Act 2009* this determination does not take effect until the start of the first full pay period that starts on or after 1 July 2019.

PRESIDENT