



DRAFT DETERMINATION

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2019–20 (C2020/1)

FOOD, BEVERAGE AND TOBACCO MANUFACTURING AWARD 2010 [MA000073]

Food, beverages and tobacco manufacturing industry

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

MELBOURNE, XX JUNE 2020

Annual Wage Review 2019–20.

A. Further to the decision issued by the majority of the Expert Panel in the Annual Wage Review 2019–20 on 19 June 2020 [[2020] FWCFB 3500], the above award is varied as follows:

1. By deleting the table appearing in clause 20.1 and inserting the following:

Classification level	Minimum weekly wage	Minimum hourly wage
	\$	\$
Level 1	753.80	19.84
Level 2	775.40	20.41
Level 3	805.10	21.19
Level 4	832.80	21.92
Level 5	877.60	23.09
Level 6	905.10	23.82

2. By deleting the table appearing in clause 21.1 and inserting the following:

Relevant attribute of the person at the time of entering into a training agreement as an apprentice

Stage of apprenticeship	Column 1		Column 2		Column 3		Column 4	
	Completed Year 10 or less		Completed Year 11		Completed Year 12		Adult (21 years or over)	
	Minimum weekly rate	Minimum hourly rate	Minimum weekly rate	Minimum hourly rate	Minimum weekly rate	Minimum hourly rate	Minimum weekly rate	Minimum hourly rate
	\$	\$	\$	\$	\$	\$	\$	\$
Stage 1	368.59	9.70	421.25	11.09	444.20	11.69	666.98	17.55
Stage 2	482.68	12.70	482.68	12.70	517.00	13.61	753.80	19.84
Stage 3	658.20	17.32	658.20	17.32	658.20	17.32	775.40	20.41
Stage 4	772.29	20.32	772.29	20.32	805.10	21.19	805.10	21.19

3. By deleting the table appearing in clause 21.3 and inserting the following:

Relevant attribute of the person at the time of entering into a training agreement as an apprentice

Stage of apprenticeship	Has not completed Year 12			Has completed Year 12			Adult apprentice aged 21+		
	% of Level 5	Min weekly rate	Min hourly rate	% of Level 5	Min weekly rate	Min hourly rate	Wage rate	Min weekly rate	Min hourly rate
		\$	\$		\$	\$		\$	\$
Stage 1	50%	438.80	11.55	55%	482.68	12.70	80% of Level 5	702.08	18.48
Stage 2	60%	526.56	13.86	65%	570.44	15.01	Level 1 rate	753.80	19.84
Stage 3	75%	658.20	17.32	75%	658.20	17.32	Level 2 rate	775.40	20.41
Stage 4	88%	772.29	20.32	88%	772.29	20.32	Level 3 rate	805.10	21.19

4. By deleting clause D.4 and inserting the following:

D.4 Minimum rates

D.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 D.6.1 is the weekly rate specified in

column 2 of **Table 1—Wage level A minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in column 1.

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	338.60	372.90	444.20
Plus 1 year out of school	372.90	444.20	517.00
Plus 2 years out of school	444.20	517.00	601.60
Plus 3 years out of school	517.00	601.60	688.80
Plus 4 years out of school	601.60	688.80	
Plus 5 or more years out of school	688.80		

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

(b) Wage Level B

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	338.60	372.90	432.20
Plus 1 year out of school	372.90	432.20	497.20

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
Plus 2 years out of school	432.20	497.20	583.10
Plus 3 years out of school	497.20	583.10	665.10
Plus 4 years out of school	583.10	665.10	
Plus 5 or more years out of school	665.10		

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

(c) **Wage Level C**

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	338.60	372.90	432.20
Plus 1 year out of school	372.90	432.20	486.60
Plus 2 years out of school	432.20	486.60	543.70
Plus 3 years out of school	486.60	543.70	605.60
Plus 4 years out of school	543.70	605.60	
Plus 5 or more years out of school	605.60		

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

(d) AQF Certificate Level IV traineeships

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

Table 4—Wage level B minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)

Column 1	Column 2	Column 3
Wage level	First year of traineeship	Second and subsequent years of traineeship
	per week	per week
	\$	\$
A	715.50	743.20
B	690.30	716.70
C	628.20	651.90

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

D.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 D.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	11.14	12.28	14.62
Plus 1 year out of school	12.28	14.62	17.02
Plus 2 years out of school	14.62	17.02	19.79
Plus 3 years out of school	17.02	19.79	22.65
Plus 4 years out of school	19.79	22.65	
Plus 5 or more years out of school	22.65		

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

(b) Wage Level B

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

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

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	11.14	12.28	14.23
Plus 1 year out of school	12.28	14.23	16.36
Plus 2 years out of school	14.23	16.36	19.20
Plus 3 years out of school	16.36	19.20	21.90
Plus 4 years out of school	19.20	21.90	
Plus 5 or more years out of school	21.90		

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

(c) Wage Level C

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause D.6.2 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	11.14	12.28	14.23
Plus 1 year out of school	12.28	14.23	16.01
Plus 2 years out of school	14.23	16.01	17.88
Plus 3 years out of school	16.01	17.88	19.92
Plus 4 years out of school	17.88	19.92	
Plus 5 or more years out of school	19.92		

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

(d) School-based traineeships

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

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

Column 1	Column 2
Year 11 or lower	Year 12
per hour	per hour
\$	\$
11.14	12.28

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

(e) AQF Certificate Level IV traineeships

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

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

Column 1	Column 2	Column 3
Wage level	First year of traineeship	Second and subsequent years of traineeship
	per hour	per hour
	\$	\$
A	23.52	24.45
B	22.68	23.56
C	20.67	21.45

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

(f) Calculating the actual minimum wage

- (i)** If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate

minimum hourly rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses D.4.2(a) to D.4.2(e) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.

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

D.4.3 Other minimum wage provisions

- (a) Clause D.4.3 applies despite anything to the contrary in clause D.4.2.
- (b) An employee who was employed by an employer immediately before becoming a trainee with that employer must not suffer a reduction in their minimum rate of pay because of becoming a trainee.
- (c) For the purpose of determining whether a trainee has suffered a reduction as mentioned in clause D.4.3(b), casual loadings are to be disregarded.
- (d) If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum wage provided in this schedule, if a higher minimum wage is provided for the new AQF certificate level.

D.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 D.6 is the relevant minimum wage under this schedule for a trainee undertaking an AQF Certificate to Level I–III traineeship whose training package and AQF certificate level are allocated to wage level B.

B. This determination comes into operation on 1 November 2020. 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 November 2020.

PRESIDENT