



# DRAFT DETERMINATION

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

**Annual Wage Review 2021–22**  
(C2022/1)

**BUILDING AND CONSTRUCTION GENERAL ON-SITE AWARD 2020**  
[MA000020]

Building, metal and civil construction industries

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

MELBOURNE, XX JUNE 2022

*Annual Wage Review 2021–22.*

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2021–22 on 15 June 2022 [[2022] FWCFB 3500], the above award is varied as follows:

- By deleting the table appearing in clause 19.1(a) and inserting the following:

<b>Level</b>	<b>Minimum weekly rate</b>	<b>Minimum hourly rate</b>
	<b>\$</b>	<b>\$</b>
Level 9 (ECW 9)	1100.80	28.97
Level 8 (CW/ECW 8)	1081.80	28.47
Level 7 (CW/ECW 7)	1056.10	27.79
Level 6 (CW/ECW 6)	1026.80	27.02
Level 5 (CW/ECW 5)	1000.10	26.32

Draft determination amended 23 June 2022 to correct rates in item A.28 on pages 6-10.

Draft determination amended 24 June 2022 to correct rates in item 19.10(c)(ii) on p. 2–3.

<b>Level</b>	<b>Minimum weekly rate</b>	<b>Minimum hourly rate</b>
	<b>\$</b>	<b>\$</b>
Level 4 (CW/ECW 4)	970.50	25.54
Level 3 (CW/ECW 3)	940.90	24.76
Level 2 (CW/ECW 2)	914.20	24.06
Level 1 (CW/ECW 1)— CW/ECW 1 (level d)	896.30	23.59
Level 1 (CW/ECW 1)— CW/ECW 1 (level c)	880.50	23.17
Level 1 (CW/ECW 1)— CW/ECW 1 (level b)	868.70	22.86
Level 1 (CW/ECW 1)— CW/ECW1 (level a)	852.00	22.42

2. By deleting the amount “\$21.59” appearing in clause 19.5 and inserting “\$22.58”.
3. By deleting the table appearing in clause 19.10(b) and inserting the following:

<b>Item</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Base rate	732.34	774.14	824.24
Industry allowance— civil construction industry	56.45	56.45	56.45
Total weekly rate	788.79	830.59	880.69

4. By deleting the table appearing in clause 19.10(c)(i) and inserting the following:

<b>Item</b>	<b>Wage level B</b>	<b>Wage level A</b>
	<b>\$</b>	<b>\$</b>
Base rate	645.64	663.64
Industry allowance	56.45	56.45
Weekly rate	702.09	720.09

5. By deleting the table appearing in clause 19.10(c)(ii) and inserting the following:

<b>Item</b>	<b>Wage level B</b>	<b>Wage level A</b>
	<b>\$</b>	<b>\$</b>
Base rate	645.64	663.64

<b>Item</b>	<b>Wage level B</b>	<b>Wage level A</b>
	<b>\$</b>	<b>\$</b>
Industry allowance	45.16	45.16
Weekly rate	690.80	708.80

6. By deleting the amount “\$53.97” appearing in clause 22.1(a) and inserting “\$56.45”.
7. By deleting the amount “\$43.18” appearing in clause 22.1(b) and inserting “\$45.16”.
8. By deleting the amount “\$16.19” appearing in clause 23.2(a) and inserting “\$16.94”.
9. By deleting the amount “\$3.60” appearing in clause 23.2(b) and inserting “\$3.76”.
10. By deleting the amounts “\$0.76” and “\$1.52” wherever they appear in clause 23.3(d) and inserting “\$0.79” and “\$1.58” respectively.
11. By deleting the table appearing in clause 23.3(e)(i) and inserting the following

<b>Storeys</b>	<b>\$ per hour</b>
From the commencement of building to 15th floor level	0.64
From the 16th to 30th floor level	0.77
From the 31st to 45th floor level	1.19
From the 46th to 60th floor level	1.54
From the 61st floor level onward	1.88

12. By deleting the amount “\$0.76” wherever it appears in clause 23.3(f)(i) and inserting “\$0.79”.
13. By deleting the amount “\$3.17” appearing in clause 23.4(c) and inserting “\$3.32”.
14. By deleting the amount “\$1.07” appearing in clause 23.5 and inserting “\$1.11”.
15. By deleting the amount “\$3.24” appearing in clause 23.6(b)(i) and inserting “\$3.39”.
16. By deleting the amount “\$5.13” appearing in clause 23.6(b)(ii) and inserting “\$5.36”.
17. By deleting the amount “\$71.06” appearing in clause 23.7 and inserting “\$74.33”.
18. By deleting the amount “\$28.78” appearing in clause 23.8(a) and inserting “\$30.11”.
19. By deleting the amount “\$42.28” appearing in clause 23.9(b) and inserting “\$44.22”.
20. By deleting the amount “\$5.52” appearing in clause 23.10(b)(i) and inserting “\$5.77”.

- 21. By deleting the amount “\$0.76” appearing in clause 23.10(c) and inserting “\$0.79”.
- 22. By deleting the amount “\$133.13” appearing in clause 42.2(a) and inserting “\$139.25”.
- 23. By deleting the table appearing in clause 43.2 and inserting the following:

<b>Classification</b>	<b>Supervision of 3 or more tradespersons, excluding leading hands</b>	<b>Supervision of other than 3 or more tradespersons, excluding leading hands</b>
	\$	\$
Foreperson/supervisor	1010.50	1095.40
General foreperson/supervisor	983.20	1072.30

- 24. By deleting the amount “\$899.50” appearing in clause B.1.1 and inserting “\$940.90”.
- 25. By deleting the table appearing in clause B.1.1 and inserting the following:

<b>Allowance</b>	<b>Clause</b>	<b>% of weekly standard rate</b>	<b>\$</b>	<b>Payable</b>
<b>Industry allowances</b>				
General building and construction industry allowance*	22.1(a)	6.0	56.45	per week
Civil construction industry allowance*	22.1(a)	6.0	56.45	per week
Metal and engineering construction industry allowance*	22.1(a)	6.0	56.45	per week
Residential building and construction industry*	22.1(b)	4.8	45.16	per week
<b>All sectors</b>				
Mobile cranes capacity adjustment formula (Level 5 (CW/EW5) and above)	19.5	2.4	22.58	per week for each additional 40 tonnes over max limit
Underground allowance (other than Operator classification)*	23.2(a)	1.8	16.94	per week
Underground allowance—no more than 4 days/shifts in ordinary week	23.2(b)	0.4	3.76	per day or shift
First aid allowance—minimum qualifications	23.6(b)(i)	0.36	3.39	per day

<b>Allowance</b>	<b>Clause</b>	<b>% of weekly standard rate</b>	<b>\$</b>	<b>Payable</b>
First aid allowance—higher first aid certificate	23.6(b)(ii)	0.57	5.36	per day
Air-conditioning industry and refrigeration industry allowances	23.7	7.9	74.33	per week
Electrician’s licence allowance*	23.8(a)	3.2	30.11	per week
In charge of plant allowance	23.9(b)	4.7	44.22	per week
<b>Lift industry</b>				
Lift industry allowance*	42.2(a)	14.8	139.25	per week

26. By deleting the amount “\$23.67” appearing in clause B.1.2 and inserting “\$24.76”.

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

<b>Allowance</b>	<b>Clause</b>	<b>% of hourly standard rate</b>	<b>\$</b>	<b>Payable</b>
<b>All sectors</b>				
Multistorey allowance—structure without regular storey levels—work above 15 metres	23.3(d)	3.2	0.79	per hour
Multistorey allowance—structure without regular storey levels—work above each additional 15 metres	23.3(d)	3.2	0.79	per hour for each additional 15 metres
Multistorey allowance—commencement of building to 15th floor level	23.3(e)(i)	2.6	0.64	per hour
Multistorey allowance—16th to 30th floor level—where structural or reinforcing steel, boxing or walls rise above 16th floor	23.3(e)(i)	3.1	0.77	per hour
Multistorey allowance—31st to 45th floor level—where structural or reinforcing steel, boxing or walls rise above 31st floor	23.3(e)(i)	4.8	1.19	per hour
Multistorey allowance—46th to 60th floor level—where structural or reinforcing steel, boxing or walls rise above 46th floor	23.3(e)(i)	6.2	1.54	per hour

<b>Allowance</b>	<b>Clause</b>	<b>% of hourly standard rate</b>	<b>\$</b>	<b>Payable</b>
Multistorey allowance—61st floor level onward—where structural or reinforcing steel, boxing or walls rise above 61st floor	23.3(e)(i)	7.6	1.88	per hour
Multistorey allowance—service core—work more than 15 metres above main structure	23.3(f)(i)	3.2	0.79	per hour
Multistorey allowance—service core—work above each additional 15 metres	23.3(f)(i)	3.2	0.79	per hour for each additional 15 metres
Laser safety officer allowance	23.4(c)	13.4	3.32	per day or part thereof
Carpenter-diver allowance <sup>1</sup>	23.5	4.5	1.11	per hour
<b>General building and construction sector</b>				
Computing quantities allowance	23.10(b)(i)	23.3	5.77	per day or part thereof
Scaffolding or rigging certificate allowance	23.10(c)	3.2	0.79	per hour

28. By deleting clause D.5 and inserting the following:

## **D.5 Minimum Wages**

### **D.5.1 Minimum wages for full-time traineeships**

#### **(a) Wage Level A**

Subject to clause D.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by clause D.7.1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	363.40	400.10	475.90
Plus 1 year out of school	400.10	475.90	553.90
Plus 2 years out of school	475.90	553.90	644.50

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Plus 3 years out of school	553.90	644.50	738.00
Plus 4 years out of school	644.50	738.00	
Plus 5 or more years out of school	738.00		

**(b) Wage Level B**

Subject to clause D.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by clause D.7.2 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	363.40	400.10	463.80
Plus 1 year out of school	400.10	463.80	533.50
Plus 2 years out of school	463.80	533.50	625.80
Plus 3 years out of school	533.50	625.80	713.70
Plus 4 years out of school	625.80	713.70	
Plus 5 or more years out of school	713.70		

**(c) Wage Level C**

Subject to clause D.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by clause D.7.3 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	363.40	400.10	463.80
Plus 1 year out of school	400.10	463.80	524.50

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Plus 2 years out of school	463.80	524.50	586.00
Plus 3 years out of school	524.50	586.00	652.70
Plus 4 years out of school	586.00	652.70	
Plus 5 or more years out of school	652.70		

**(d) AQF Certificate Level IV traineeships**

- (i) Subject to clause D.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level IV traineeship are the minimum wages for the relevant full-time AQF Certificate Level III traineeship with the addition of **3.8%** to those minimum wages.
- (ii) Subject to clause D.5.3 of this schedule, the minimum wages for an adult trainee undertaking a full-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

<b>Wage level</b>	<b>First year of traineeship</b>	<b>Second and subsequent years of traineeship</b>
	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>
Wage Level A	766.00	795.10
Wage Level B	740.80	769.00
Wage Level C	677.50	703.20

**D.5.2 Minimum wages for part-time traineeships**

**(a) Wage Level A**

Subject to clauses D.5.2(f) and D.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose



training package and AQF certificate levels are allocated to Wage Level A by clause D.7.1 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	11.95	13.16	15.65
Plus 1 year out of school	13.16	15.65	18.22
Plus 2 years out of school	15.65	18.22	21.20
Plus 3 years out of school	18.22	21.20	24.28
Plus 4 years out of school	21.20	24.28	
Plus 5 or more years out of school	24.28		

**(b) Wage Level B**

Subject to clauses D.5.2(f) and D.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by clause D.7.2 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	11.95	13.16	15.26
Plus 1 year out of school	13.16	15.26	17.55
Plus 2 years out of school	15.26	17.55	20.59
Plus 3 years out of school	17.55	20.59	23.48
Plus 4 years out of school	20.59	23.48	
Plus 5 or more years out of school	23.48		

**(c) Wage Level C**

Subject to clauses D.5.2(f) and D.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose

training package and AQF certificate levels are allocated to Wage Level C by clause D.7.3 are:

	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	11.95	13.16	15.26
Plus 1 year out of school	13.16	15.26	17.25
Plus 2 years out of school	15.26	17.25	19.28
Plus 3 years out of school	17.25	19.28	21.47
Plus 4 years out of school	19.28	21.47	
Plus 5 or more years out of school	21.47		

**(d) School-based traineeships**

Subject to clauses D.5.2(f) and D.5.3 of this schedule, the minimum wages for a trainee 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.7 are as follows when the trainee works ordinary hours:

<b>Year of schooling</b>	
<b>Year 11 or lower</b>	<b>Year 12</b>
<b>per hour</b>	<b>per hour</b>
<b>\$</b>	<b>\$</b>
11.95	13.16

**(e) AQF Certificate Level IV traineeships**

- (i)** Subject to clauses D.5.2(f) and D.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level IV traineeship are the minimum wages for the relevant part-time AQF Certificate Level III traineeship with the addition of **3.8%** to those minimum wages.
- (ii)** Subject to clauses D.5.2(f) and D.5.3 of this schedule, the minimum wages for an adult trainee undertaking a part-time AQF Certificate Level IV

traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

<b>Wage level</b>	<b>First year of traineeship</b>	<b>Second and subsequent years of traineeship</b>
	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>
Wage Level A	25.20	26.15
Wage Level B	24.37	25.30
Wage Level C	22.29	23.13

**(f) Calculating the actual minimum wage**

- (i) Where the full-time ordinary hours of work are not 38 or an average of 38 per week, the appropriate hourly minimum wage is obtained by multiplying the relevant minimum wage in clauses D.5.2(a)–(e) of this schedule by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
- (ii) Where the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum wage in clauses D.5.2(a)–(e) of this schedule applies to each ordinary hour worked by the trainee.
- (iii) Where 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 wage in clauses D.5.2(a)–(e) of this schedule minus **20%** applies to each ordinary hour worked by the trainee.

**D.5.3 Other minimum wage provisions**

- (a) An employee who was employed by an employer immediately prior to becoming a trainee with that employer must not suffer a reduction in their minimum wage per week or per hour by virtue of becoming a trainee. Casual loadings will be disregarded when determining whether the employee has suffered a reduction in their minimum wage.
- (b) 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, where a higher minimum wage is provided for the new AQF certificate level.

**D.5.4 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.7 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 July 2022. In accordance with s.286(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 1 July 2022.

PRESIDENT