



# DRAFT DETERMINATION

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

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

### MARINE TOURISM AND CHARTER VESSELS AWARD 2020 [MA000093]

Marine tourism and charter vessels

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] FWC FB 3500], the above award is varied as follows:

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

Employee classification	Minimum daily rate	Minimum hourly rate
	\$	\$
Crew Level 1	174.27	22.93
Crew Level 2	184.59	24.29
Crew Level 3	192.80	25.37
Divemaster/Dive instructor	192.80	25.37
Coxswain	208.26	27.40
Master V	264.77	34.84
Master IV	296.95	39.07

**Commented [GE1]:** The Commission is seeking feedback in relation to the application of the AWR 2021–22 modern awards minimum wage increase to these rates.

The rates presented here are proposed to be adjusted by first comparing the current ‘Minimum hourly rates’ to the hourly rate of the weekly tier threshold ( $\$869.60 / 38 = \$22.88$ ).

The Crew Level 1 is found below the tier. Therefore, we propose to apply the increase as such:

Current minimum hourly rate ( $\$21.88$ ) + Hourly increase ( $\$40 / 38 = 1.05$ ) OR  $\$21.88 + \$1.05 = \$22.93$ . This represents a percentage increase of 4.8%.

The “Minimum daily rate” is then calculated as the updated hourly amount multiplied by 7.6 ( $\$22.93 * 7.6 = \$174.27$ ).

All other classifications are found above the hourly threshold. Therefore, the 4.6% increase is proposed to apply to the relevant “Minimum daily rate” (which ordinary receives the AWR increase directly). These figures are then rounded to 2, before dividing by 7.6 to calculate the “Minimum hourly rate”.

2. By deleting the table appearing in clause 15.2 and inserting the following:

<b>Employee classification</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate</b>	<b>Casual hourly rate</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Crew Level 1	814.00	21.42	26.78
Crew Level 2	891.40	23.46	29.33
Coxswain	969.90	25.52	31.90
Engineer MED III	974.20	25.64	32.05
Master V	974.20	25.64	32.05
Engineer MED II	992.00	26.11	32.64
Master IV	992.00	26.11	32.64
Engineer MED I	1090.60	28.70	35.88

3. By deleting the words “November 2021” in clause 15.6(b) and inserting “October 2022”.

4. By deleting the table appearing in clause 17.2(a) and inserting the following:

<b>Certificate</b>	<b>\$ per day</b>
MED II	32.78
MED III	16.39

5. By deleting the amount "\$15.67" appearing in clause 17.2(b) and inserting "\$16.39".

6. By deleting the table appearing in clause A.1.1 and inserting the following:

	<b>Ordinary hours<sup>1</sup></b>	<b>Overtime</b>	
		<b>First 2 hours</b>	<b>After 2 hours</b>
	<b>% of minimum hourly rate</b>		
	<b>100%</b>	<b>150%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Crew Level 1	22.93	34.40	45.86
Crew Level 2	24.29	36.44	48.58
Crew Level 3	25.37	38.06	50.74
Divemaster/Dive instructor	25.37	38.06	50.74
Coxswain	27.40	41.10	54.80

	Ordinary hours <sup>1</sup>	Overtime	
		First 2 hours	After 2 hours
% of minimum hourly rate			
	100%	150%	200%
	\$	\$	\$
Master V	34.84	52.26	69.68
Master IV	39.07	58.61	78.14

7. By deleting the table appearing in clause A.1.2 and inserting the following:

	Ordinary hours	Public holidays		Overtime	
		Other than Christmas Day	Christmas Day	First 2 hours	After 2 hours
% of minimum hourly rate					
	100%	200%	300%	150%	200%
	\$	\$	\$	\$	\$
Crew Level 1	21.42	42.84	64.26	32.13	42.84
Crew Level 2	23.46	46.92	70.38	35.19	46.92
Coxswain	25.52	51.04	76.56	38.28	51.04
Engineer MED III	25.64	51.28	76.92	38.46	51.28
Master V	25.64	51.28	76.92	38.46	51.28
Engineer MED II	26.11	52.22	78.33	39.17	52.22
Master IV	26.11	52.22	78.33	39.17	52.22
Engineer MED I	28.70	57.40	86.10	43.05	57.40

8. By deleting the table appearing in clause A.2.1 and inserting the following:

	Ordinary hours <sup>1</sup>
% of minimum hourly rate	
	125%
	\$
Crew Level 1	28.66
Crew Level 2	30.36
Crew Level 3	31.71

	<b>Ordinary hours<sup>1</sup></b>
	<b>% of minimum hourly rate</b>
	<b>125%</b>
	<b>\$</b>
Divemaster/Dive instructor	31.71
Coxswain	34.25
Master V	43.55
Master IV	48.84

9. By deleting the table appearing in clause A.2.2 and inserting the following:

	<b>Public holidays</b>		
	<b>Ordinary hours</b>	<b>Other than Christmas Day</b>	<b>Christmas Day</b>
	<b>% of minimum hourly rate</b>		
	<b>125%</b>	<b>200%</b>	<b>300%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Crew Level 1	26.78	42.84	64.26
Crew Level 2	29.33	46.92	70.38
Coxswain	31.90	51.04	76.56
Engineer MED III	32.05	51.28	76.92
Master V	32.05	51.28	76.92
Engineer MED II	32.64	52.22	78.33
Master IV	32.64	52.22	78.33
Engineer MED I	35.88	57.40	86.10

10. By deleting the amount "\$199.10" appearing in clause B.1.1 and inserting "\$208.26".

11. By deleting the table appearing in clause B.1.1 and inserting the following:

<b>Allowance</b>	<b>Clause</b>	<b>% of standard rate</b>	<b>\$</b>	<b>Payable</b>
Holder of MED II certificate	17.2(a)	15.74	32.78	per day
Holder of MED III certificate	17.2(a)	7.87	16.39	per day
Outer reef work—master's allowance	17.2(b)	7.87	16.39	per day

B. This determination comes into operation on 1 October 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 October 2022.

PRESIDENT