



DETERMINATION

Fair Work Act 2009
s 285—Annual wage review

Annual Wage Review 2022–23 (C2023/1)

AUSTRALIAN FEDERAL POLICE ENTERPRISE AWARD 2016 [MA000142]

Federal police operations

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT CATANZARITI
VICE PRESIDENT ASBURY
DEPUTY PRESIDENT HAMPTON
MS LABINE-ROMAIN
PROFESSOR BAIRD
MR CULLY

SYDNEY, 20 JUNE 2023

Annual Wage Review 2022–23.

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2022–23 on 2 June 2023 [[\[2023\] FWCFB 3500](#)], the above award is varied as follows:

1. By deleting the table appearing in clause 9.2 and inserting the following:

| Classifications | Minimum rate \$ | Hourly rate \$ |
|------------------------|---------------------------|--------------------------|
| Level 1 | 48,336 | 23.16 |
| Level 2 | 50,638 | 24.27 |
| Level 3 | 56,373 | 27.02 |
| Level 4 | 64,753 | 31.03 |
| Level 5 | 72,892 | 34.93 |
| Level 6 | 89,221 | 42.76 |
| Level 7 | 98,768 | 47.33 |
| Level 8 | 108,314 | 51.91 |
| Executive Level | 126,263 | 60.51 |

2. By deleting the amount “\$24.29” appearing in clause 10.3 and inserting “\$25.69”.
3. By deleting the amount “\$24.29” appearing in clause 10.4 and inserting “\$25.69”.
4. By deleting the amount “\$2.90” appearing in clause 10.5 and inserting “\$3.07”.
5. By deleting the amount “\$1603.36” appearing in clause 10.6(a) and inserting “\$1695.58”.
6. By deleting the amount “\$28.51” appearing in clause 14.7(b) and inserting “\$30.15”.
7. By deleting the table appearing in clause B.1 and inserting the following:

| | Day Ordinary rate \$ |
|-----------------|-------------------------------------|
| Level 1 | 23.16 |
| Level 2 | 24.27 |
| Level 3 | 27.02 |
| Level 4 | 31.03 |
| Level 5 | 34.93 |
| Level 6 | 42.76 |
| Level 7 | 47.33 |
| Level 8 | 51.91 |
| Executive Level | 60.51 |

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

| | Monday - Friday (other than night shift) | Monday to Friday on a full night shift | Monday to Friday (overtime on night shift for employee on night shift for seven shifts in any period of 28 days) | Saturday and Sunday | Public holiday |
|-----------------|---|---|---|------------------------------------|---------------------------|
| | 150% \$ | 175% \$ | 200% \$ | 200% \$ | 250% \$ |
| Level 1 | 34.74 | 40.53 | 46.32 | 46.32 | 57.90 |
| Level 2 | 36.41 | 42.47 | 48.54 | 48.54 | 60.68 |
| Level 3 | 40.53 | 47.29 | 54.04 | 54.04 | 67.55 |
| Level 4 | 46.55 | 54.30 | 62.06 | 62.06 | 77.58 |
| Level 5 | 52.40 | 61.13 | 69.86 | 69.86 | 87.33 |
| Level 6 | 64.14 | 74.83 | 85.52 | 85.52 | 106.90 |
| Level 7 | 71.00 | 82.83 | 94.66 | 94.66 | 118.33 |
| Level 8 | 77.87 | 90.84 | 103.82 | 103.82 | 129.78 |
| Executive Level | 90.77 | 105.89 | 121.02 | 121.02 | 151.28 |

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

| | Day | Morning and afternoon shift | Afternoon shift | Night | Night shift-additional provision night | Saturday | Sunday | Public holiday |
|-----------------|-------------|------------------------------------|------------------------|---------------|---|-----------------|---------------|-----------------------|
| | 100% | 115% | 115% | 122.5% | 150% | 150% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 | 23.16 | 26.63 | 26.63 | 28.37 | 34.74 | 34.74 | 46.32 | 57.90 |
| Level 2 | 24.27 | 27.91 | 27.91 | 29.73 | 36.41 | 36.41 | 48.54 | 60.68 |
| Level 3 | 27.02 | 31.07 | 31.07 | 33.10 | 40.53 | 40.53 | 54.04 | 67.55 |
| Level 4 | 31.03 | 35.68 | 35.68 | 38.01 | 46.55 | 46.55 | 62.06 | 77.58 |
| Level 5 | 34.93 | 40.17 | 40.17 | 42.79 | 52.40 | 52.40 | 69.86 | 87.33 |
| Level 6 | 42.76 | 49.17 | 49.17 | 52.38 | 64.14 | 64.14 | 85.52 | 106.90 |
| Level 7 | 47.33 | 54.43 | 54.43 | 57.98 | 71.00 | 71.00 | 94.66 | 118.33 |
| Level 8 | 51.91 | 59.70 | 59.70 | 63.59 | 77.87 | 77.87 | 103.82 | 129.78 |
| Executive Level | 60.51 | 69.59 | 69.59 | 74.12 | 90.77 | 90.77 | 121.02 | 151.28 |

10. By deleting the table appearing in clause B.4 and inserting the following:

| | Day | Morning and afternoon shift | Afternoon shift | Night | Night shift-additional provision night | Saturday | Sunday | Public holiday |
|-----------------|-------------|------------------------------------|------------------------|---------------|---|-----------------|---------------|-----------------------|
| | 125% | 140% | 140% | 147.5% | 175% | 175% | 225% | 275% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 | 28.95 | 32.42 | 32.42 | 34.16 | 40.53 | 40.53 | 52.11 | 63.69 |
| Level 2 | 30.34 | 33.98 | 33.98 | 35.80 | 42.47 | 42.47 | 54.61 | 66.74 |
| Level 3 | 33.78 | 37.83 | 37.83 | 39.85 | 47.29 | 47.29 | 60.80 | 74.31 |
| Level 4 | 38.79 | 43.44 | 43.44 | 45.77 | 54.30 | 54.30 | 69.82 | 85.33 |
| Level 5 | 43.66 | 48.90 | 48.90 | 51.52 | 61.13 | 61.13 | 78.59 | 96.06 |
| Level 6 | 53.45 | 59.86 | 59.86 | 63.07 | 74.83 | 74.83 | 96.21 | 117.59 |
| Level 7 | 59.16 | 66.26 | 66.26 | 69.81 | 82.83 | 82.83 | 106.49 | 130.16 |
| Level 8 | 64.89 | 72.67 | 72.67 | 76.57 | 90.84 | 90.84 | 116.80 | 142.75 |
| Executive Level | 75.64 | 84.71 | 84.71 | 89.25 | 105.89 | 105.89 | 136.15 | 166.40 |

11. By deleting the table appearing in clause B.5 and inserting the following:

| | Monday - Friday | Saturday - first 3 hours | Saturday - after 3 hours | Sunday - all day | Public holiday - all day |
|---------|------------------------|---------------------------------|---------------------------------|-------------------------|---------------------------------|
| | \$ | \$ | \$ | \$ | \$ |
| | 150% | 150% | 200% | 200% | 200% |
| Level 1 | 34.74 | 34.74 | 46.32 | 46.32 | 46.32 |
| Level 2 | 36.41 | 36.41 | 48.54 | 48.54 | 48.54 |

| | Monday - Friday | Saturday - first 3 hours | Saturday - after 3 hours | Sunday - all day | Public holiday - all day |
|--------------------|----------------------------|-------------------------------------|-------------------------------------|-----------------------------|-------------------------------------|
| | \$ | \$ | \$ | \$ | \$ |
| | 150% | 150% | 200% | 200% | 200% |
| Level 3 | 40.53 | 40.53 | 54.04 | 54.04 | 54.04 |
| Level 4 | 46.55 | 46.55 | 62.06 | 62.06 | 62.06 |
| Level 5 | 52.40 | 52.40 | 69.86 | 69.86 | 69.86 |
| Level 6 | 64.14 | 64.14 | 85.52 | 85.52 | 85.52 |
| Level 7 | 71.00 | 71.00 | 94.66 | 94.66 | 94.66 |
| Level 8 | 77.87 | 77.87 | 103.82 | 103.82 | 103.82 |
| Executive Level | 90.77 | 90.77 | 121.02 | 121.02 | 121.02 |

12. By deleting clause C.1 and inserting the following:

C.1 Wage-related allowances

The wage related allowances in this award are based on the standard rate as defined in Schedule F as the AFP Band 2 = **\$24.27**.

| Allowance | Clause | Payable | % of standard rate | \$ |
|----------------------------------|---------------|-----------------------------|-------------------------------|-----------|
| Diving allowance | 10.3 | per day | 105.84 | 25.69 |
| Explosives harmless allowance | 10.4 | per occasion | 105.84 | 25.69 |
| Static duty allowance | 10.5 | per hour or part thereof | 12.65 | 3.07 |
| Coroner’s officer allowance | 10.6(a) | per annum | 6986.3 | 1695.58 |
| On-call allowance | 14.7(b) | per occasion | 124.24 | 30.15 |

13. By deleting clause E.5 and inserting the following:

E.5 Minimum Wages

E.5.1 Minimum wages for full-time traineeships

(a) Wage Level A

Subject to clause E.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 Appendix E1 are:

| | Highest year of schooling completed | | |
|------------------------------------|--|-----------------|-----------------|
| | Year 10 | Year 11 | Year 12 |
| | per week | per week | per week |
| | \$ | \$ | \$ |
| School leaver | 384.30 | 423.10 | 503.30 |
| Plus 1 year out of school | 423.10 | 503.30 | 585.70 |
| Plus 2 years out of school | 503.30 | 585.70 | 681.60 |
| Plus 3 years out of school | 585.70 | 681.60 | 780.40 |
| Plus 4 years out of school | 681.60 | 780.40 | |
| Plus 5 or more years out of school | 780.40 | | |

(b) Wage Level B

Subject to clause E.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 Appendix E1 are:

| | Highest year of schooling completed | | |
|------------------------------------|--|-----------------|-----------------|
| | Year 10 | Year 11 | Year 12 |
| | per week | per week | per week |
| | \$ | \$ | \$ |
| School leaver | 384.30 | 423.10 | 490.50 |
| Plus 1 year out of school | 423.10 | 490.50 | 564.20 |
| Plus 2 years out of school | 490.50 | 564.20 | 661.80 |
| Plus 3 years out of school | 564.20 | 661.80 | 754.70 |
| Plus 4 years out of school | 661.80 | 754.70 | |
| Plus 5 or more years out of school | 754.70 | | |

(c) Wage Level C

Subject to clause E.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 Appendix E1 are:

| | Highest year of schooling completed | | |
|------------------------------------|--|-----------------|-----------------|
| | Year 10 | Year 11 | Year 12 |
| | per week | per week | per week |
| | \$ | \$ | \$ |
| School leaver | 384.30 | 423.10 | 490.50 |
| Plus 1 year out of school | 423.10 | 490.50 | 554.70 |
| Plus 2 years out of school | 490.50 | 554.70 | 619.70 |
| Plus 3 years out of school | 554.70 | 619.70 | 690.20 |
| Plus 4 years out of school | 619.70 | 690.20 | |
| Plus 5 or more years out of school | 690.20 | | |

(d) AQF Certificate Level IV traineeships

- (i) Subject to clause E.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 E.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:

| Wage level | First year of | Second and |
|-------------------|----------------------|----------------------------|
| | traineeship | subsequent years of |
| | per week | per week |
| | \$ | \$ |
| Wage level A | 810.00 | 840.80 |
| Wage level B | 783.40 | 813.20 |
| Wage level C | 716.50 | 743.60 |

E.5.2 Minimum wages for part-time traineeships

(a) Wage Level A

Subject to clauses E.5.2(f) and E.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 Appendix E1 are:

| | Highest year of schooling completed | | |
|------------------------------------|--|-----------------|-----------------|
| | Year 10 | Year 11 | Year 12 |
| | per hour | per hour | per hour |
| | \$ | \$ | \$ |
| School leaver | 12.64 | 13.92 | 16.55 |
| Plus 1 year out of school | 13.92 | 16.55 | 19.27 |
| Plus 2 years out of school | 16.55 | 19.27 | 22.42 |
| Plus 3 years out of school | 19.27 | 22.42 | 25.68 |
| Plus 4 years out of school | 22.42 | 25.68 | |
| Plus 5 or more years out of school | 25.68 | | |

(b) Wage Level B

Subject to clauses E.5.2(f) and E.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 Appendix E1 are:

| | Highest year of schooling completed | | |
|------------------------------------|--|-----------------|-----------------|
| | Year 10 | Year 11 | Year 12 |
| | per hour | per hour | per hour |
| | \$ | \$ | \$ |
| School leaver | 12.64 | 13.92 | 16.14 |
| Plus 1 year out of school | 13.92 | 16.14 | 18.56 |
| Plus 2 years out of school | 16.14 | 18.56 | 21.77 |
| Plus 3 years out of school | 18.56 | 21.77 | 24.83 |
| Plus 4 years out of school | 21.77 | 24.83 | |
| Plus 5 or more years out of school | 24.83 | | |

(c) Wage Level C

Subject to clauses E.5.2(f) and E.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 Appendix E1 are:

| | Highest year of schooling completed | | |
|------------------------------------|--|-----------------|-----------------|
| | Year 10 | Year 11 | Year 12 |
| | per hour | per hour | per hour |
| | \$ | \$ | \$ |
| School leaver | 12.64 | 13.92 | 16.14 |
| Plus 1 year out of school | 13.92 | 16.14 | 18.24 |
| Plus 2 years out of school | 16.14 | 18.24 | 20.39 |
| Plus 3 years out of school | 18.24 | 20.39 | 22.70 |
| Plus 4 years out of school | 20.39 | 22.70 | |
| Plus 5 or more years out of school | 22.70 | | |

(d) School-based traineeships

Subject to clauses E.5.2(f) and E.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 Appendix E1 are as follows when the trainee works ordinary hours:

| Year of schooling | |
|--------------------------|-----------------|
| Year 11 or lower | Year 12 |
| per hour | per hour |
| \$ | \$ |
| 12.64 | 13.92 |

(e) AQF Certificate Level IV traineeships

- (i) Subject to clauses E.5.2(f) and E.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 E.5.2(f) and E.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:

| Wage level | First year of traineeship | Second and subsequent years of traineeship |
|--------------|------------------------------|--|
| | per hour | per hour |
| | \$ | \$ |
| Wage level A | 26.65 | 27.65 |
| Wage level B | 25.77 | 26.75 |
| Wage level C | 23.57 | 24.46 |

(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 E.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 E.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 E.5.2(a)–(e) of this schedule minus 20% applies to each ordinary hour worked by the trainee.

E.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.

E.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 Appendix E1 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 2023. 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 2023.



PRESIDENT

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