



DETERMINATION

Fair Work Act 2009

s.285—Annual wage reviews to be conducted

(C2010/1)

MANUFACTURING AND ASSOCIATED INDUSTRIES AND OCCUPATIONS AWARD 2010

[MA000010]

JUSTICE GIUDICE, PRESIDENT
SENIOR DEPUTY PRESIDENT WATSON
SENIOR DEPUTY PRESIDENT HARRISON
COMMISSIONER RAFFAELLI
MR VINES
PROFESSOR RICHARDSON
MR DWYER

MELBOURNE, 18 JUNE 2010

A. Further to the decision issued by the Minimum Wage Panel in the Annual Wage Review 2009–10 on 3 June 2010¹, the above award is varied as follows:

1. By deleting the table appearing in clause 24.1(a) and inserting the following:

Classification level	Minimum weekly wage	Minimum hourly wage
	\$	\$
C14	569.90	15.00
C13	586.50	15.43
C12	609.00	16.03
C11	629.90	16.58
C10	663.60	17.46
C9	684.50	18.01
C8	705.30	18.56
C7	724.20	19.06
C6	760.90	20.02
C5	776.40	20.43
C4	797.20	20.98
C3	838.90	22.08
C2(a)	859.80	22.63
C2(b)	897.50	23.62

2. By deleting the table appearing in clause 25.1 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 (i.e. 21 years of age or over)	
	Minimum weekly wage	Minimum hourly wage	Minimum weekly wage	Minimum hourly wage	Minimum weekly wage	Minimum hourly wage	Minimum weekly wage	Minimum hourly wage
	\$	\$	\$	\$	\$	\$	\$	\$
Stage 1	278.71	7.33	320.46	8.43	336.00	8.84	503.00	13.24
Stage 2	364.98	9.60	364.98	9.60	391.00	10.29	569.90	15.00
Stage 3	497.70	13.10	497.70	13.10	497.70	13.10	586.50	15.43
Stage 4	583.97	15.37	583.97	15.37	609.00	16.03	609.00	16.03

3. By deleting the table appearing in clause 28.1(b)(i) and inserting the following:

School leaver	% of C10 level	Completed Year 10 or less	% of C10 level	Completed Year 11	% of C10 level	Completed Year 12
		Minimum weekly wage		Minimum weekly wage		Minimum weekly wage
		\$		\$		\$
Plus 1 year	54.5	361.66	63.1	418.73	73.5	487.75
Plus 2 years	63.1	418.73	73.5	487.75	85.3	566.05
Plus 3 years	73.5	487.75	85.3	566.05	100	663.60
Plus 4 years	85.3	566.05	100	663.60		
Plus 5 years	100	663.60				

4. By deleting the table appearing in clause 28.1(b)(ii) and inserting the following:

School leaver	% of C11 level	Completed Year 10 or less	% of C11 level	Completed Year 11	% of C11 level	Completed Year 12
		Minimum weekly wage		Minimum weekly wage		Minimum weekly wage
		\$		\$		\$
Plus 1 year	57.9	364.71	64.8	408.18	74.5	469.28
Plus 2 years	64.8	408.18	74.5	469.28	87.2	549.27
Plus 3 years	74.5	469.28	87.2	549.27	100	629.90
Plus 4 years	87.2	549.27	100	629.90		
Plus 5 years	100	629.90				

5. By deleting the table appearing in clause 28.1(b)(iii) and inserting the following:

School leaver	% of C12 level	Completed Year 10 or less	% of C12 level	Completed Year 11	% of C12 level	Completed Year 12
		Minimum weekly wage \$		Minimum weekly wage \$		Minimum weekly wage \$
Plus 1 year	60.3	367.23	63.5	386.72	71.7	436.65
Plus 2 years	63.5	386.72	71.7	436.65	80.2	488.42
Plus 3 years	71.7	436.65	80.2	488.42	100	609.00
Plus 4 years	80.2	488.42	100	609.00		
Plus 5 years	100	609.00				

6. 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 Appendix D1 are:

	Highest year of schooling completed		
	Year 10 per week \$	Year 11 per week \$	Year 12 per week \$
School leaver	256.00	282.00	336.00
Plus 1 year out of school	282.00	336.00	391.00
Plus 2 years out of school	336.00	391.00	455.00
Plus 3 years out of school	391.00	455.00	521.00
Plus 4 years out of school	455.00	521.00	
Plus 5 or more years out of school	521.00		

(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 Appendix D1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	256.00	282.00	327.00
Plus 1 year out of school	282.00	327.00	376.00
Plus 2 years out of school	327.00	376.00	441.00
Plus 3 years out of school	376.00	441.00	503.00
Plus 4 years out of school	441.00	503.00	
Plus 5 or more years out of school	503.00		

(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 Appendix D1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	256.00	282.00	327.00
Plus 1 year out of school	282.00	327.00	368.00
Plus 2 years out of school	327.00	368.00	411.00
Plus 3 years out of school	368.00	411.00	458.00
Plus 4 years out of school	411.00	458.00	
Plus 5 or more years out of school	458.00		

(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:

Wage level	First year of traineeship	Second and subsequent years of traineeship
	per week \$	per week \$
Wage Level A	541.00	562.00
Wage Level B	522.00	542.00
Wage Level C	475.00	493.00

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 Appendix D1 are:

	Highest year of schooling completed		
	Year 10 per hour \$	Year 11 per hour \$	Year 12 per hour \$
School leaver	8.42	9.28	11.05
Plus 1 year out of school	9.28	11.05	12.86
Plus 2 years out of school	11.05	12.86	14.97
Plus 3 years out of school	12.86	14.97	17.14
Plus 4 years out of school	14.97	17.14	
Plus 5 or more years out of school	17.14		

(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 Appendix D1 are:

	Highest year of schooling completed		
	Year 10 per hour \$	Year 11 per hour \$	Year 12 per hour \$
School leaver	8.42	9.28	10.76
Plus 1 year out of school	9.28	10.76	12.37
Plus 2 years out of school	10.76	12.37	14.51
Plus 3 years out of school	12.37	14.51	16.55

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
Plus 4 years out of school	14.51	16.55	
Plus 5 or more years out of school	16.55		

(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 Appendix D1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	8.42	9.28	10.76
Plus 1 year out of school	9.28	10.76	12.11
Plus 2 years out of school	10.76	12.11	13.52
Plus 3 years out of school	12.11	13.52	15.07
Plus 4 years out of school	13.52	15.07	
Plus 5 or more years out of school	15.07		

(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 Appendix D1 are as follows when the trainee works ordinary hours:

Year of schooling	
Year 11 or lower	Year 12
per hour	per hour
\$	\$
8.42	9.28

(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:

Wage level	First year of traineeship	Second and subsequent years of traineeship
	per hour	per hour
	\$	\$
Wage Level A	17.80	18.49
Wage Level B	17.17	17.83
Wage Level C	15.63	16.22

(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 Appendix D1 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 will come into force on the first full pay period commencing on or after 1 July 2010.

PRESIDENT

¹ [\[2010\] FWAFB 4000](#)