



# DETERMINATION

*Fair Work Act 2009*

s.160—Application to vary a modern award to remove ambiguity or uncertainty or correct error

## Variation on the Commission’s Own Motion

(AM2023/3)

### AUSTRALIAN CAPITAL TERRITORY PUBLIC SECTOR

### ENTERPRISE AWARD 2016

[MA000146]

State and Territory government administration

JUSTICE HATCHER, PRESIDENT  
VICE PRESIDENT CATANZARITI  
COMMISSIONER SPENCER

SYDNEY, 10 MARCH 2023

*Section 160 of the Fair Work Act 2009 (Cth) – variation on the Commission’s own motion – adjustment of wage-related allowances – variations to schedules B and F.*

A. Further to the decision issued by the Fair Work Commission on 10 March 2023 [[2023] FWCFB 46] the above award is varied as follows:

1. By renumbering clause B.1.3 as B.1.4 and inserting a new clause B.1.3 as follows:

#### **B.1.3 Table 3—Other Wage Related Allowances**

Allowance	Clause	Rate of allowance \$	% of standard rate	Frequency
First aid—basic level	12.17	13.47	53.2	Per week
First aid—advanced level	12.17	16.77	66.23	Per week
First aid—Occupational or Specialist Level	12.17	20.30	80.17	Per week
Community language— CLA Rate 1	12.18(a)	23.05	91.03	Per week
Community language— CLA Rate 2	12.18(a)	46.12	182.15	Per week
Pest inspection certificate	12.19	5.25	20.73	Per week

<b>Allowance</b>	<b>Clause</b>	<b>Rate of allowance \$</b>	<b>% of standard rate</b>	<b>Frequency</b>
Electrical trades employee – licence allowance	12.20	28.81	113.80	Per week
Plumber’s licence allowance	12.21	37.78	149.20	Per week
Construction Industry Allowance	12.24(a)	36.16	142.80	Per week
Plumbing tradespeople – disability allowance	12.25(a)	27.16	107.27	Per week
Compute quantities	12.27	5.93	23.42	Per day
Plant operator - sideling allowance	12.28	0.43	1.7	Per hour
Senior plant operator	12.29	19.37	76.5	Per week
Plant operator - Kerrick cleaner	12.30	3.23	12.76	Per day
Diamond driller	12.31	6.06	23.93	Per week
Pest Control Unit	12.32	13.32	52.6	Per week
Gardener in charge	12.33	8.71	34.4	Per week
On-call—per night	16.11.3	13.01	51.40	Per night
On-call—when on call for day and a night	16.11.3	32.70	129.15	Per occasion
Close call—per night	16.11.4	26.02	102.76	Per night
Close call— when on close call for day and a night	16.11.4	65.43	258.40	Per occasion

2. By deleting renumbered clause B.1.4 and inserting the following:

**B.1.4 Automatic adjustment of wage-related allowances**

The amount of each wage-related allowance is the percentage of the standard rate specified for the allowance and will automatically adjust to reflect the specified percentage when the standard rate is varied.

3. By deleting clause F.1.2 and inserting the following:

**F.1.2 Overtime allowance**

In place of the provision at subclause 16.7—Payment for overtime, a Correctional Officer grade 4 will be paid an allowance at the rate of **\$6756.15** per annum in lieu of payment for overtime duty. This allowance is **26683.04%** of the standard rate and will automatically adjust to reflect the specified percentage when the standard rate is varied.

4. By deleting clause F.4.2 and inserting the following:

**F.4.2 Special education allowance**

A School Assistant employed in a Special School, or employed to assist a teacher or teachers with an individual special education student or students, or in a designated special education class, will be paid an allowance of **\$1112.08** per annum. This allowance is **4392.10%** of the standard rate and will automatically adjust to reflect the specified percentage when the standard rate is varied.

B. This determination comes into operation on 15 March 2023. In accordance with s.165(3) 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 15 March 2023.



PRESIDENT

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