



# DRAFT DETERMINATION

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

**Annual Wage Review 2020–21**  
(C2021/1)

**HORTICULTURE AWARD 2020**  
[MA000028]

Agricultural industry

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

MELBOURNE, XX JUNE 2021

*Annual Wage Review 2020–21.*

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2020–21 on 16 June 2021 [[2021] FWCFB 3500], the above award is varied as follows:

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

<b>Classification</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate<sup>1</sup></b>
	<b>\$</b>	<b>\$</b>
Level 1	772.60	20.33
Level 2	794.80	20.92
Level 3	817.60	21.52
Level 4	848.60	22.33
Level 5	899.50	23.67

2. By deleting the year “1 November 2020” in clause 15.6(b) and inserting “1 July 2021”.

**Item A.2 was amended on 23 June 2021 to insert the correct date of reference to the National Training Wage in the *Miscellaneous Award 2020***

3. By deleting the table appearing in clause 18.2(b) and inserting the following:

<b>In charge of:</b>	<b>\$ per week</b>
2 to 6 employees	24.06
7 to 10 employees	28.03
11 to 20 employees	39.96
More than 20 employees	50.21

4. By deleting the amount “\$2.04” appearing in clause 18.2(c)(i) and inserting “\$2.09”.
5. By deleting the amount “\$10.41” appearing in clause 18.2(d) and inserting “\$10.67”.
6. By deleting the table appearing in clause B.2.1 and inserting the following:

	<b>Ordinary hours</b>	<b>Public holidays</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>	
	<b>100%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>
Level 1	20.33	40.66
Level 2	20.92	41.84
Level 3	21.52	43.04
Level 4	22.33	44.66
Level 5	23.67	47.34

7. By deleting the table appearing in clause B.2.2 and inserting the following:

	<b>Ordinary hours</b>	<b>Afternoon shift</b>	<b>Night shift</b>	<b>Public holidays</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>115%</b>	<b>115%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1	20.33	23.38	23.38	40.66
Level 2	20.92	24.06	24.06	41.84
Level 3	21.52	24.75	24.75	43.04
Level 4	22.33	25.68	25.68	44.66
Level 5	23.67	27.22	27.22	47.34

8. By deleting the table appearing in clause B.2.3 and inserting the following:

	Monday to Saturday	Sunday outside of harvest season	Sunday during harvest season		Public holidays
			5 hours within the first 8 hours of overtime	Overtime in excess of 8 hours in the week or 5 hours on Sunday	
% of ordinary hourly rate <sup>1</sup>					
	150%	200%	150%	200%	200%
	\$	\$	\$	\$	\$
Level 1	30.50	40.66	30.50	40.66	40.66
Level 2	31.38	41.84	31.38	41.84	41.84
Level 3	32.28	43.04	32.28	43.04	43.04
Level 4	33.50	44.66	33.50	44.66	44.66
Level 5	35.51	47.34	35.51	47.34	47.34

9. By deleting the table appearing in clause B.3.1 and inserting the following:

	Ordinary hours	Public holidays
	% of ordinary hourly rate <sup>1</sup>	
	125%	225%
	\$	\$
Level 1	25.41	45.74
Level 2	26.15	47.07
Level 3	26.90	48.42
Level 4	27.91	50.24
Level 5	29.59	53.26

10. By deleting the table appearing in clause B.3.2 and inserting the following:

	In excess of 12 hours per engagement or 12 hours in a single day	In excess of 304 ordinary hours in an 8 week period	Public holidays
	% of ordinary hourly rate <sup>1</sup>		
	175%	175%	225%
	\$	\$	\$
Level 1	35.58	35.58	45.74
Level 2	36.61	36.61	47.07

	<b>In excess of 12 hours per engagement or 12 hours in a single day</b>	<b>In excess of 304 ordinary hours in an 8 week period</b>	<b>Public holidays</b>
Level 3	37.66	37.66	48.42
Level 4	39.08	39.08	50.24
Level 5	41.42	41.42	53.26

11. By deleting the table appearing in clause B.4.1 and inserting the following:

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Shiftworkers		All employees	
			Afternoon shift	Night shift	Public holidays	
			% of junior hourly rate <sup>1</sup>			
			100%	115%	115%	200%
	\$	\$	\$	\$	\$	
<b>Level 1</b>						
Under 16 years	386.30	10.17	11.70	11.70	20.34	
16 years	463.60	12.20	14.03	14.03	24.40	
17 years	540.80	14.23	16.36	16.36	28.46	
18 years	618.10	16.27	18.71	18.71	32.54	
19 years	695.30	18.30	21.05	21.05	36.60	
<b>Level 2</b>						
Under 16 years	397.40	10.46	12.03	12.03	20.92	
16 years	476.90	12.55	14.43	14.43	25.10	
17 years	556.40	14.64	16.84	16.84	29.28	
18 years	635.80	16.73	19.24	19.24	33.46	
19 years	715.30	18.82	21.64	21.64	37.64	
<b>Level 3</b>						
Under 16 years	408.80	10.76	12.37	12.37	21.52	
16 years	490.60	12.91	14.85	14.85	25.82	
17 years	572.30	15.06	17.32	17.32	30.12	
18 years	654.10	17.21	19.79	19.79	34.42	
19 years	735.80	19.36	22.26	22.26	38.72	
<b>Level 4</b>						
Under 16 years	424.30	11.17	12.85	12.85	22.34	

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Shiftworkers		All employees	
			Afternoon shift	Night shift	Public holidays	
			% of junior hourly rate <sup>1</sup>			
			100%	115%	115%	200%
	\$	\$	\$	\$	\$	
16 years	509.20	13.40	15.41	15.41	26.80	
17 years	594.00	15.63	17.97	17.97	31.26	
18 years	678.90	17.87	20.55	20.55	35.74	
19 years	763.70	20.10	23.12	23.12	40.20	
<b>Level 5</b>						
Under 16 years	449.80	11.84	13.62	13.62	23.68	
16 years	539.70	14.20	16.33	16.33	28.40	
17 years	629.70	16.57	19.06	19.06	33.14	
18 years	719.60	18.94	21.78	21.78	37.88	
19 years	809.60	21.31	24.51	24.51	42.62	

12. By deleting the table appearing in clause B.4.2 and inserting the following:

Age	Monday to Saturday	Sunday outside of harvest season	Sunday during harvest season		Public holidays
			First 5 hours within the first 8 hours of overtime	Overtime in excess of 8 hours in the week or 5 hours on Sunday	
			% of junior hourly rate <sup>1</sup>		
	150%	200%	150%	200%	200%
	\$	\$	\$	\$	\$
<b>Level 1</b>					
Under 16 years	15.26	20.34	15.26	20.34	20.34
16 years	18.30	24.40	18.30	24.40	24.40
17 years	21.35	28.46	21.35	28.46	28.46
18 years	24.41	32.54	24.41	32.54	32.54
19 years	27.45	36.60	27.45	36.60	36.60

Age	Monday to Saturday	Sunday outside of harvest season	Sunday during harvest season		Public holidays
			First 5 hours within the first 8 hours of overtime	Overtime in excess of 8 hours in the week or 5 hours on Sunday	
% of junior hourly rate <sup>1</sup>					
	150%	200%	150%	200%	200%
	\$	\$	\$	\$	\$
<b>Level 2</b>					
Under 16 years	15.69	20.92	15.69	20.92	20.92
16 years	18.83	25.10	18.83	25.10	25.10
17 years	21.96	29.28	21.96	29.28	29.28
18 years	25.10	33.46	25.10	33.46	33.46
19 years	28.23	37.64	28.23	37.64	37.64
<b>Level 3</b>					
Under 16 years	16.14	21.52	16.14	21.52	21.52
16 years	19.37	25.82	19.37	25.82	25.82
17 years	22.59	30.12	22.59	30.12	30.12
18 years	25.82	34.42	25.82	34.42	34.42
19 years	29.04	38.72	29.04	38.72	38.72
<b>Level 4</b>					
Under 16 years	16.76	22.34	16.76	22.34	22.34
16 years	20.10	26.80	20.10	26.80	26.80
17 years	23.45	31.26	23.45	31.26	31.26
18 years	26.81	35.74	26.81	35.74	35.74
19 years	30.15	40.20	30.15	40.20	40.20
<b>Level 5</b>					
Under 16 years	17.76	23.68	17.76	23.68	23.68
16 years	21.30	28.40	21.30	28.40	28.40
17 years	24.86	33.14	24.86	33.14	33.14
18 years	28.41	37.88	28.41	37.88	37.88
19 years	31.97	42.62	31.97	42.62	42.62

13. By deleting the table appearing in clause B.4.3 and inserting the following:

<b>Age</b>	<b>Casual hourly rate</b>	<b>Public holidays</b>
	<b>% of junior hourly rate<sup>1</sup></b>	
	<b>125%</b>	<b>225%</b>
	<b>\$</b>	<b>\$</b>
<b>Level 1</b>		
Under 16 years	12.71	22.88
16 years	15.25	27.45
17 years	17.79	32.02
18 years	20.34	36.61
19 years	22.88	41.18
<b>Level 2</b>		
Under 16 years	13.08	23.54
16 years	15.69	28.24
17 years	18.30	32.94
18 years	20.91	37.64
19 years	23.53	42.35
<b>Level 3</b>		
Under 16 years	13.45	24.21
16 years	16.14	29.05
17 years	18.83	33.89
18 years	21.51	38.72
19 years	24.20	43.56
<b>Level 4</b>		
Under 16 years	13.96	25.13
16 years	16.75	30.15
17 years	19.54	35.17
18 years	22.34	40.21
19 years	25.13	45.23
<b>Level 5</b>		
Under 16 years	14.80	26.64
16 years	17.75	31.95
17 years	20.71	37.28
18 years	23.68	42.62

Age	Casual hourly rate	Public holidays
	% of junior hourly rate <sup>1</sup>	
	125%	225%
	\$	\$
19 years	26.64	47.95

14. By deleting the table appearing in clause B.4.4 and inserting the following:

	In excess of 12 hours per engagement or 12 hours in a single day	In excess of 304 ordinary hours in an 8 week period	Public holidays
	% of junior hourly rate <sup>1</sup>		
	175%	175%	225%
	\$	\$	\$
<b>Level 1</b>			
Under 16 years	17.80	17.80	22.88
16 years	21.35	21.35	27.45
17 years	24.90	24.90	32.02
18 years	28.47	28.47	36.61
19 years	32.03	32.03	41.18
<b>Level 2</b>			
Under 16 years	18.31	18.31	23.54
16 years	21.96	21.96	28.24
17 years	25.62	25.62	32.94
18 years	29.28	29.28	37.64
19 years	32.94	32.94	42.35
<b>Level 3</b>			
Under 16 years	18.83	18.83	24.21
16 years	22.59	22.59	29.05
17 years	26.36	26.36	33.89
18 years	30.12	30.12	38.72
19 years	33.88	33.88	43.56
<b>Level 4</b>			
Under 16 years	19.55	19.55	25.13
16 years	23.45	23.45	30.15
17 years	27.35	27.35	35.17



	<b>In excess of 12 hours per engagement or 12 hours in a single day</b>	<b>In excess of 304 ordinary hours in an 8 week period</b>	<b>Public holidays</b>
18 years	31.27	31.27	40.21
19 years	35.18	35.18	45.23
<b>Level 5</b>			
Under 16 years	20.72	20.72	26.64
16 years	24.85	24.85	31.95
17 years	29.00	29.00	37.28
18 years	33.15	33.15	42.62
19 years	37.29	37.29	47.95

15. By deleting the amount “\$20.41” appearing in clause C.1.1 and inserting “\$20.92”.
16. By deleting the table appearing in clause C.1.1 and inserting the following:

<b>Allowance</b>	<b>Clause</b>	<b>% of standard rate</b>	<b>\$</b>	<b>Payable</b>
Leading hand allowance—2 to 6 employees <sup>1</sup>	18.2(b)	115.0	24.06	per week
Leading hand allowance—7 to 10 employees <sup>1</sup>	18.2(b)	134.0	28.03	per week
Leading hand allowance—11 to 20 employees <sup>1</sup>	18.2(b)	191.0	39.96	per week
Leading hand allowance—more than 20 employees <sup>1</sup>	18.2(b)	240.0	50.21	per week
Wet work allowance—unless provided with adequate protection <sup>1</sup>	18.2(c)(i)	10.0	2.09	per hour
First aid allowance <sup>1</sup>	18.2(d)	51.0	10.67	per week

B. This determination comes into operation from 1 July 2021. In accordance with s.286(5) of the *Fair Work Act 2009* this determination does not take effect until the start of the first full pay period that starts on or after 1 July 2021.

PRESIDENT