



DRAFT DETERMINATION

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2021–22 (C2022/1)

ASPHALT INDUSTRY AWARD 2020 [MA000054]

Asphalt industry

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] FWCFB 3500], the above award is varied as follows:

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

| Employee classification | Minimum weekly rate (full-time employee) | Minimum hourly rate |
|--------------------------------|---|----------------------------|
| | \$ | \$ |
| Skill Level 1 | 812.60 | 21.38 |
| Skill Level 2 | 857.70 | 22.57 |
| Skill Level 3 | 891.80 | 23.47 |
| Skill Level 4 | 941.10 | 24.77 |
| Skill Level 5 | 949.20 | 24.98 |

2. By deleting the year “2021” in clause 15.4(b) and inserting “2022”.
3. By deleting the amount "\$34.07" appearing in clause 17.2(b) and inserting "\$35.67".
4. By deleting the amount "\$34.92" appearing in clause 17.2(c)(i) and inserting "\$36.56".
5. By deleting the amount "\$3.41" appearing in clause 17.2(d) and inserting "\$3.57".
6. By deleting the amount "\$29.81" appearing in clause 17.2(e) and inserting "\$31.21".
7. By deleting the table appearing in clause A.2.1 and inserting the following:

| | Day | Public holiday |
|---------------|--|-----------------------|
| | % of ordinary hourly rate¹ | |
| | 100% | 250% |
| | \$ | \$ |
| Skill Level 1 | 23.28 | 58.20 |
| Skill Level 2 | 24.47 | 61.18 |
| Skill Level 3 | 25.37 | 63.43 |
| Skill Level 4 | 26.67 | 66.68 |
| Skill Level 5 | 26.88 | 67.20 |

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

| | Monday to Saturday – first 2 hours | Monday to Saturday – after 2 hours | Sunday – all day |
|---------------|---|---|-------------------------|
| | % of ordinary hourly rate¹ | | |
| | 150% | 200% | 200% |
| | \$ | \$ | \$ |
| Skill Level 1 | 34.92 | 46.56 | 46.56 |
| Skill Level 2 | 36.71 | 48.94 | 48.94 |
| Skill Level 3 | 38.06 | 50.74 | 50.74 |
| Skill Level 4 | 40.01 | 53.34 | 53.34 |
| Skill Level 5 | 40.32 | 53.76 | 53.76 |

9. By deleting the table appearing in clause A.2.3 and inserting the following:

| | Day | Afternoon or night | Non-successive afternoon or night ¹ | | Permanent night ² | Saturday | Sunday | Public holiday |
|--|-------------|--------------------|--|-------------------|------------------------------|-------------|-------------|----------------|
| | | | 8 hours or less | More than 8 hours | | | | |
| % of ordinary hourly rate³ | | | | | | | | |
| | 100% | 115% | 150% | 200% | 130% | 150% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Skill Level 1 | 23.28 | 26.77 | 34.92 | 46.56 | 30.26 | 34.92 | 46.56 | 58.20 |
| Skill Level 2 | 24.47 | 28.14 | 36.71 | 48.94 | 31.81 | 36.71 | 48.94 | 61.18 |
| Skill Level 3 | 25.37 | 29.18 | 38.06 | 50.74 | 32.98 | 38.06 | 50.74 | 63.43 |
| Skill Level 4 | 26.67 | 30.67 | 40.01 | 53.34 | 34.67 | 40.01 | 53.34 | 66.68 |
| Skill Level 5 | 26.88 | 30.91 | 40.32 | 53.76 | 34.94 | 40.32 | 53.76 | 67.20 |

10. By deleting the table appearing in clause A.2.4 and inserting the following:

| | Overtime | Unrelieved overtime | |
|---------------------------------------|-------------|---------------------|---------------|
| | | First 8 hours | After 8 hours |
| % of ordinary rate¹ | | | |
| | 200% | 150% | 200% |
| | \$ | \$ | \$ |
| Skill Level 1 | 46.56 | 34.92 | 46.56 |
| Skill Level 2 | 48.94 | 36.71 | 48.94 |
| Skill Level 3 | 50.74 | 38.06 | 50.74 |
| Skill Level 4 | 53.34 | 40.01 | 53.34 |
| Skill Level 5 | 53.76 | 40.32 | 53.76 |

11. By deleting the table appearing in clause A.3.2 and inserting the following:

| | Day | Public holiday |
|---------------|---|-----------------------|
| | % of casual ordinary hourly rate¹ | |
| | 100% | 250% |
| | \$ | \$ |
| Skill Level 1 | 29.10 | 72.75 |
| Skill Level 2 | 30.59 | 76.48 |
| Skill Level 3 | 31.71 | 79.28 |
| Skill Level 4 | 33.34 | 83.35 |
| Skill Level 5 | 33.60 | 84.00 |

12. By deleting the table appearing in clause A.3.3 and inserting the following:

| | Day | Afternoon or night | Non-successive afternoon or night¹ | | Permanent night² | Saturday | Sunday | Public holiday |
|---------------|---|---------------------------|--|--------------------------|------------------------------------|-----------------|---------------|-----------------------|
| | | | 8 hours or less | More than 8 hours | | | | |
| | % of casual ordinary hourly rate³ | | | | | | | |
| | 100% | 115% | 150% | 200% | 130% | 150% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Skill Level 1 | 29.10 | 33.47 | 43.65 | 58.20 | 37.83 | 43.65 | 58.20 | 72.75 |
| Skill Level 2 | 30.59 | 35.18 | 45.89 | 61.18 | 39.77 | 45.89 | 61.18 | 76.48 |
| Skill Level 3 | 31.71 | 36.47 | 47.57 | 63.42 | 41.22 | 47.57 | 63.42 | 79.28 |
| Skill Level 4 | 33.34 | 38.34 | 50.01 | 66.68 | 43.34 | 50.01 | 66.68 | 83.35 |
| Skill Level 5 | 33.60 | 38.64 | 50.40 | 67.20 | 43.68 | 50.40 | 67.20 | 84.00 |

13. By deleting the amount “\$851.80” appearing in clause B.1.1 and inserting “\$891.80”.

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

| Allowance | Clause | % of standard rate | \$ | Payable |
|---------------------------------|---------------|---------------------------|-----------|----------------|
| Industry allowance ¹ | 17.2(b) | 4.0 | 35.67 | per week |
| Inclement weather | 17.2(c)(i) | 4.1 | 36.56 | per week |

| Allowance | Clause | % of standard rate | \$ | Payable |
|------------------------|---------------|-------------------------------|-----------|----------------|
| allowance ² | | | | |
| First aid allowance | 17.2(d) | 0.4 | 3.57 | per day |
| Leading hand allowance | 17.2(e) | 3.5 | 31.21 | per week |

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

PRESIDENT