



# DRAFT DETERMINATION

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

**Annual Wage Review 2021–22**  
(C2022/1)

**FOOD, BEVERAGE AND TOBACCO MANUFACTURING AWARD**  
**2020**  
[MA000073]

Food, beverages and tobacco manufacturing 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 14.1(a) and inserting the following:

<b>Classification level</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate</b>
	<b>\$</b>	<b>\$</b>
Level 1	812.60	21.38
Level 2	834.80	21.97
Level 3	865.20	22.77
Level 4	893.60	23.52
Level 5	940.90	24.76
Level 6	970.40	25.54

**Draft determination amended 23 June 2022 to correct rates in items A.2 and A.24 on pages 2, 9–15.**

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

<b>Relevant attribute of the person at the time of entering into a training agreement as an apprentice</b>								
<b>Stage of apprenticeship</b>	<b>Column 1</b>		<b>Column 2</b>		<b>Column 3</b>		<b>Column 4</b>	
	<b>Completed Year 10 or less</b>		<b>Completed Year 11</b>		<b>Completed Year 12</b>		<b>Adult (21 years or over)</b>	
	<b>Minimum weekly rate</b>	<b>Minimum hourly rate</b>	<b>Minimum weekly rate</b>	<b>Minimum hourly rate</b>	<b>Minimum weekly rate</b>	<b>Minimum hourly rate</b>	<b>Minimum weekly rate</b>	<b>Minimum hourly rate</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Stage 1	395.18	10.40	451.63	11.89	475.90	12.52	715.08	18.82
Stage 2	517.50	13.62	517.50	13.62	553.90	14.58	812.60	21.38
Stage 3	705.68	18.57	705.68	18.57	705.68	18.57	834.80	21.97
Stage 4	827.99	21.79	827.99	21.79	865.20	22.77	865.20	22.77

3. By deleting the table appearing in clause 15.3 and inserting the following:

<b>Relevant attribute of the person at the time of entering into a training agreement as an apprentice</b>									
<b>Stage of apprenticeship</b>	<b>Has not completed Year 12</b>			<b>Has completed Year 12</b>			<b>Adult apprentice aged 21+</b>		
	<b>% of Level 5</b>	<b>Min weekly rate</b>	<b>Min hourly rate</b>	<b>% of Level 5</b>	<b>Min weekly rate</b>	<b>Min hourly rate</b>	<b>Wage rate</b>	<b>Min weekly rate</b>	<b>Min hourly rate</b>
		<b>\$</b>	<b>\$</b>		<b>\$</b>	<b>\$</b>		<b>\$</b>	<b>\$</b>
Stage 1	50%	470.45	12.38	55%	517.50	13.62	80% of Level 5	752.72	19.81
Stage 2	60%	564.54	14.86	65%	611.59	16.09	Level 1 rate	812.60	21.38
Stage 3	75%	705.68	18.57	75%	705.68	18.57	Level 2 rate	834.80	21.97
Stage 4	88%	827.99	21.79	88%	827.99	21.79	Level 3 rate	865.20	22.77

4. By deleting the table appearing in clause 20.2(b) and inserting the following:

<b>In charge of</b>	<b>per week extra</b>
	<b>\$</b>
3–10 employees	41.18
11–20 employees	61.50

<b>In charge of</b>	<b>per week extra</b>
	\$
more than 20 employees	78.29

5. By deleting the table appearing in clause 20.2(c) and inserting the following:

<b>Vehicle size</b>	<b>per hour extra</b>
	\$
over 3 tonnes GVW and up to 4.5 tonnes GVW	0.15
over 4.5 tonnes GVW and up to 14.95 tonnes GVW	1.24
over 14.95 tonnes GVW	1.63
a semi-trailer	2.95

6. By deleting the amount "\$20.24" appearing in clause 20.2(d) and inserting "\$21.17".
7. By deleting the amount "\$17.89" appearing in clause 20.2(e) and inserting "\$18.72".
8. By deleting the amount "\$0.66" appearing in clause 20.2(f)(ii) and inserting "\$0.69".
9. By deleting the table appearing in clause 20.2(f)(iii) and inserting the following:

<b>Temperature</b>	<b>per hour extra</b>
	\$
Between 46°C and 54°C	0.72
Above 54°C	0.94

10. By deleting the amount "\$0.69" appearing in clause 20.2(f)(iv) and inserting "\$0.72".
11. By deleting the amount "\$0.90" appearing in clause 20.2(f)(v) and inserting "\$0.94".
12. By deleting the amount "\$0.69" appearing in clause 20.2(f)(vi) and inserting "\$0.72".
13. By deleting the amount "\$9.04" appearing in clause 20.2(f)(vii) and inserting "\$9.46".
14. By deleting the table appearing in clause B.1.3 and inserting the following:

	<b>Ordinary hours</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Public holiday</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>150%</b>	<b>200%</b>	<b>250%</b>
	\$	\$	\$	\$

	<b>Ordinary hours</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Public holiday</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1	21.38	32.07	42.76	53.45
Level 2	21.97	32.96	43.94	54.93
Level 3	22.77	34.16	45.54	56.93
Level 4	23.52	35.28	47.04	58.80
Level 5	24.76	37.14	49.52	61.90
Level 6	25.54	38.31	51.08	63.85

15. By deleting the table appearing in clause B.1.4 and inserting the following:

	<b>Monday to Saturday – first 3 hours</b>	<b>Monday to Saturday – after 3 hours</b>	<b>Sunday</b>	<b>Public holiday</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1	32.07	42.76	42.76	53.45
Level 2	32.96	43.94	43.94	54.93
Level 3	34.16	45.54	45.54	56.93
Level 4	35.28	47.04	47.04	58.80
Level 5	37.14	49.52	49.52	61.90
Level 6	38.31	51.08	51.08	63.85

16. By deleting the table appearing in clause B.1.5 and inserting the following:

	All shiftworkers						Other than continuous shiftworkers		Continuous shiftworkers
	Early morning shift	Afternoon shift or night shift	Afternoon or night shift not continuing <sup>1</sup>		Permanent night shift	Saturday	Sunday	Public holiday	Sunday & Public holiday
			First 3 hours	After 3 hours					
	<b>% of ordinary hourly rate<sup>2</sup></b>								
	112.5%	115%	150%	200%	130%	150%	200%	250%	200%
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Level 1	24.05	24.59	32.07	42.76	27.79	32.07	42.76	53.45	42.76
Level 2	24.72	25.27	32.96	43.94	28.56	32.96	43.94	54.93	43.94
Level 3	25.62	26.19	34.16	45.54	29.60	34.16	45.54	56.93	45.54
Level 4	26.46	27.05	35.28	47.04	30.58	35.28	47.04	58.80	47.04
Level 5	27.86	28.47	37.14	49.52	32.19	37.14	49.52	61.90	49.52
Level 6	28.73	29.37	38.31	51.08	33.20	38.31	51.08	63.85	51.08

17. By deleting the table appearing in clause B.1.6 and inserting the following:

	Other than continuous shiftworkers		Continuous shiftworkers	Sunday	Other than continuous shiftworkers		Continuous shiftworkers
	Monday to Saturday				Public holiday		
	First 3 hours	After 3 hours	All overtime worked	All overtime worked	All overtime worked	All overtime worked	
	<b>% of ordinary hourly rate<sup>1</sup></b>						
	150%	200%	200%	200%	250%	200%	
	\$	\$	\$	\$	\$	\$	
Level 1	32.07	42.76	42.76	42.76	53.45	42.76	
Level 2	32.96	43.94	43.94	43.94	54.93	43.94	
Level 3	34.16	45.54	45.54	45.54	56.93	45.54	

	Other than continuous shiftworkers		Continuous shiftworkers	Sunday	Other than continuous shiftworkers	Continuous shiftworkers
	Monday to Saturday				Public holiday	
	First 3 hours	After 3 hours	All overtime worked	All overtime worked	All overtime worked	All overtime worked
	% of ordinary hourly rate <sup>1</sup>					
	150%	200%	200%	200%	250%	200%
	\$	\$	\$	\$	\$	\$
Level 4	35.28	47.04	47.04	47.04	58.80	47.04
Level 5	37.14	49.52	49.52	49.52	61.90	49.52
Level 6	38.31	51.08	51.08	51.08	63.85	51.08

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

	Ordinary hours	Saturday	Sunday	Public holiday
	% of casual ordinary hourly rate <sup>1</sup>			
	100%	150%	200%	250%
	\$	\$	\$	\$
Level 1	26.73	40.10	53.46	66.83
Level 2	27.46	41.19	54.92	68.65
Level 3	28.46	42.69	56.92	71.15
Level 4	29.40	44.10	58.80	73.50
Level 5	30.95	46.43	61.90	77.38
Level 6	31.93	47.90	63.86	79.83

19. By deleting the table appearing in clause B.2.4 and inserting the following:

	All shiftworkers					Other than continuous shiftworkers		Continuous shiftworkers	
	Early morning shift	Afternoon shift or night shift	Afternoon or night shift not continuing <sup>1</sup>		Permanent night shift	Saturday	Sunday	Public holiday	Sunday & Public holiday
			First 3 hours	After 3 hours					
	<b>% of casual ordinary hourly rate<sup>2</sup></b>								
	<b>112.5%</b>	<b>115%</b>	<b>150%</b>	<b>200%</b>	<b>130%</b>	<b>150%</b>	<b>200%</b>	<b>250%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1	30.07	30.74	40.10	53.46	34.75	40.10	53.46	66.83	53.46
Level 2	30.89	31.58	41.19	54.92	35.70	41.19	54.92	68.65	54.92
Level 3	32.02	32.73	42.69	56.92	37.00	42.69	56.92	71.15	56.92
Level 4	33.08	33.81	44.10	58.80	38.22	44.10	58.80	73.50	58.80
Level 5	34.82	35.59	46.43	61.90	40.24	46.43	61.90	77.38	61.90
Level 6	35.92	36.72	47.90	63.86	41.51	47.90	63.86	79.83	63.86

20. By deleting the table appearing in clause B.2.5 and inserting the following:

	Monday to Saturday		Sunday	Public Holiday
	First 3 hours	After 3 hours		
	<b>150%</b>	<b>200%</b>	<b>200%</b>	<b>250%</b>
	<b>% of casual ordinary hourly rate<sup>1</sup></b>			
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1	40.10	53.46	53.46	66.83
Level 2	41.19	54.92	54.92	68.65
Level 3	42.69	56.92	56.92	71.15
Level 4	44.10	58.80	58.80	73.50
Level 5	46.43	61.90	61.90	77.38
Level 6	47.90	63.86	63.86	79.83

21. By deleting the table appearing in clause B.2.6 and inserting the following:

	<b>Monday to Sunday and Public Holidays</b>
	<b>% of casual ordinary hourly rate<sup>1</sup></b>
	<b>200%</b>
	<b>\$</b>
Level 1	53.46
Level 2	54.92
Level 3	56.92
Level 4	58.80
Level 5	61.90
Level 6	63.86

22. By deleting the amount “\$23.67” appearing in clause C.1.1 and inserting “\$24.76”.

23. 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 in charge of—3 to 10 employees <sup>1</sup>	20.2(b)	166.3	41.18	per week
Leading hand in charge of—11 to 20 employees <sup>1</sup>	20.2(b)	248.4	61.50	per week
Leading hand in charge of—more than 20 employees <sup>1</sup>	20.2(b)	316.2	78.29	per week
Heavy vehicle driving allowance—over 3 tonnes GVW and up to 4.5 tonnes GVW <sup>1</sup>	20.2(c)	0.6	0.15	per hour
Heavy vehicle driving allowance—over 4.5 tonnes GVW and up to 14.95 tonnes GVW <sup>1</sup>	20.2(c)	5.0	1.24	per hour
Heavy vehicle driving allowance—over 14.95 tonnes GVW <sup>1</sup>	20.2(c)	6.6	1.63	per hour
Heavy vehicle driving allowance—a semi-trailer <sup>1</sup>	20.2(c)	11.9	2.95	per hour



Allowance	Clause	% of standard rate	\$	Payable
Boiler attendants allowance <sup>1</sup>	20.2(d)	85.5	21.17	per week
First aid allowance	20.2(e)	75.6	18.72	per week
Cold places allowance	20.2(f)(ii)	2.8	0.69	per hour
Hot places allowance— artificially raised to between 46°C and 54°C	20.2(f)(iii)	2.9	0.72	per hour
Hot places allowance— artificially raised to above 54°C	20.2(f)(iii)	3.8	0.94	per hour
Wet places allowance	20.2(f)(iv)	2.9	0.72	per hour
Confined spaces allowance	20.2(f)(v)	3.8	0.94	per hour
Dirty, dusty or offensive work	20.2(f)(vi)	2.9	0.72	per hour
Using fumigation gas	20.2(f)(vii)	38.2	9.46	per day

24. By deleting clause E.4 and inserting the following:

#### **E.4 Minimum rates**

##### **E.4.1 Minimum weekly rates for full-time traineeships**

###### **(a) Wage level A**

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause E.6.1 is the weekly rate specified in column 2 of **Table 1—Wage level A minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in column 1.

**Table 1—Wage level A minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)**

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10 per week	Year 11 per week	Year 12 per week
	\$	\$	\$
School leaver	363.40	400.10	475.90
Plus 1 year out of school	400.10	475.90	553.90

<b>Column 1</b> <b>Experience level of trainee</b>	<b>Column 2</b> <b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Plus 2 years out of school	475.90	553.90	644.50
Plus 3 years out of school	553.90	644.50	738.00
Plus 4 years out of school	644.50	738.00	
Plus 5 or more years out of school	738.00		

NOTE: See clause E.4.3 for other minimum wage provisions that affect clause E.4.1(a).

**(b) Wage Level B**

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause E.6.2 is the weekly rate specified in Column 2 of **Table 2—Wage level B minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

**Table 2—Wage level B minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)**

<b>Column 1</b> <b>Experience level of trainee</b>	<b>Column 2</b> <b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per week</b>	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	363.40	400.10	463.80
Plus 1 year out of school	400.10	463.80	533.50
Plus 2 years out of school	463.80	533.50	625.80
Plus 3 years out of school	533.50	625.80	713.70
Plus 4 years out of school	625.80	713.70	
Plus 5 or more years out of school	713.70		

NOTE: See clause E.4.3 for other minimum wage provisions that affect clause E.4.1(b).

**(c) Wage Level C**

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause E.6.3 is the weekly rate specified in Column 2 of **Table 3—Wage level C minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

**Table 3—Wage level C minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)**

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10 per week	Year 11 per week	Year 12 per week
	\$	\$	\$
School leaver	363.40	400.10	463.80
Plus 1 year out of school	400.10	463.80	524.50
Plus 2 years out of school	463.80	524.50	586.00
Plus 3 years out of school	524.50	586.00	652.70
Plus 4 years out of school	586.00	652.70	
Plus 5 or more years out of school	652.70		

NOTE: See clause E.4.3 for other minimum wage provisions that affect clause E.4.1(c).

**(d) AQF Certificate Level IV traineeships**

- (i)** The minimum rate for a full-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum rate for the relevant full-time AQF Certificate Level III traineeship increased by **3.8%**.
- (ii)** The minimum rate for a full-time adult trainee undertaking an AQF Certificate Level IV traineeship is the weekly rate specified in column 2 or 3 of **Table 4—Minimum weekly rate for full-time adult trainees (AQF Certificate Level IV traineeship)** according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in column 1:

**Table 4—Wage level B minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Wage level</b>	<b>First year of traineeship</b>	<b>Second and subsequent years of traineeship</b>
	<b>per week</b>	<b>per week</b>
	<b>\$</b>	<b>\$</b>
A	766.00	795.10
B	740.80	769.00
C	677.50	703.20

NOTE: See clause E.4.3 for other minimum wage provisions that affect clause E.4.1(d).

**E.4.2 Minimum hourly rates for part-time traineeships**

**(a) Wage level A**

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause E.6.1 is the hourly rate specified in column 2 of **Table 5—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in column 1.

**Table 5—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)**

<b>Column 1</b>	<b>Column 2</b>		
	<b>Highest year of schooling completed</b>		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	11.95	13.16	15.65
Plus 1 year out of school	13.16	15.65	18.22
Plus 2 years out of school	15.65	18.22	21.20
Plus 3 years out of school	18.22	21.20	24.28
Plus 4 years out of school	21.20	24.28	
Plus 5 or more years out of school	24.28		

NOTE: See clause E.4.2(f) for calculating the actual minimum wage. See also clause E.4.3 for other minimum wage provisions that affect clause E.4.2(a).

**(b) Wage Level B**

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause E.6.2 is the hourly rate specified in Column 2 of **Table 6—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

**Table 6—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)**

Column 1 Experience level of trainee	Column 2 Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	11.95	13.16	15.26
Plus 1 year out of school	13.16	15.26	17.55
Plus 2 years out of school	15.26	17.55	20.59
Plus 3 years out of school	17.55	20.59	23.48
Plus 4 years out of school	20.59	23.48	
Plus 5 or more years out of school	23.48		

NOTE: See clause E.4.2(f) for calculating the actual minimum wage. See also clause E.4.3 for other minimum wage provisions that affect clause E.4.2(b).

**(c) Wage Level C**

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause E.6.2 is the hourly rate specified in Column 2 of **Table 7—Wage level C minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)** according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

**Table 7—Wage level C minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)**

<b>Column 1</b> Experience level of trainee	<b>Column 2</b> Highest year of schooling completed		
	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>
	<b>per hour</b>	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
School leaver	11.95	13.16	15.26
Plus 1 year out of school	13.16	15.26	17.25
Plus 2 years out of school	15.26	17.25	19.28
Plus 3 years out of school	17.25	19.28	21.47
Plus 4 years out of school	19.28	21.47	
Plus 5 or more years out of school	21.47		

NOTE: See clause E.4.2(f) for calculating the actual minimum wage. See also clause E.4.3 for other minimum wage provisions that affect clause E.4.2(c).

**(d) School-based traineeships**

The minimum hourly rate for a part-time trainee who works ordinary hours and is 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 clause E.6 is the hourly rate in column 1 or 2 of **Table 8—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)** according to the year of schooling of the trainee.

**Table 8—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)**

<b>Column 1</b> Year 11 or lower	<b>Column 2</b> Year 12
<b>per hour</b>	<b>per hour</b>
<b>\$</b>	<b>\$</b>
11.95	13.16

NOTE: See clause E.4.2(f) for calculating the actual minimum wage. See also clause E.4.3 for other minimum wage provisions that affect this clause E.4.2(d).

**(e) AQF Certificate Level IV traineeships**

- (i) The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum hourly rate for the

relevant part-time AQF Certificate Level III traineeship increased by **3.8%**.

- (ii) The minimum hourly rate for a part-time adult trainee undertaking an AQF Certificate Level IV traineeship is the hourly rate in column 2 or 3 of **Table 9—Minimum hourly rate for part-time adult trainees (AQF Certificate Level IV traineeship)**, according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in column 1:

**Table 9—Minimum hourly rate for part-time adult trainees (AQF Certificate Level IV traineeship)**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Wage level</b>	<b>First year of traineeship</b>	<b>Second and subsequent years of traineeship</b>
	<b>per hour</b>	<b>per hour</b>
	<b>\$</b>	<b>\$</b>
A	25.20	26.15
B	24.37	25.30
C	22.29	23.13

NOTE: See clause E.4.2(f) for calculating the actual minimum wage. See also clause E.4.3 for other minimum wage provisions that affect this clause E.4.2(e).

**(f) Calculating the actual minimum wage**

- (i) If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate minimum hourly rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses E.4.2(a) to E.4.2(e) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
- (ii) If the approved training for a part-time traineeship is provided wholly off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses E.4.2(a) to E.4.2(e) applies to each ordinary hour worked by the trainee.
- (iii) If 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 hourly rate in clauses E.4.2(a) to E.4.2(e) minus **20%** applies to each ordinary hour worked by the trainee.

#### **E.4.3 Other minimum wage provisions**

- (g) Clause E.4.3 applies despite anything to the contrary in clause E.4.2.
- (h) An employee who was employed by an employer immediately before becoming a trainee with that employer must not suffer a reduction in their minimum rate of pay because of becoming a trainee.
- (i) For the purpose of determining whether a trainee has suffered a reduction as mentioned in clause E.4.3(b), casual loadings are to be disregarded.
- (j) 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, if a higher minimum wage is provided for the new AQF certificate level.

#### **E.4.4 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 clause E.6 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 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