

# Aboriginal Community Controlled Health Services Award 2010

The above award was first made on 4 December 2009 [[PR991082](#)]

This consolidated version of the award includes variations made on 4 February 2010 [[PR993191](#)]; 4 June 2010 [[PR997772](#)]; 21 June 2010 [[PR998151](#)]; 21 June 2010 [[PR998015](#)]; 29 June 2010 [[PR998748](#)]; 6 December 2010 [[PR503658](#)]; 20 June 2011 [[PR509146](#)]; 21 June 2011 [[PR509267](#)]; 21 June 2011 [[PR510670](#)]

NOTE: **Transitional provisions** may apply to certain clauses – see [clause 2](#) and [Schedule A](#)

To determine the transitional amount or loading, go to the version of this modern award in operation [prior to 1 July 2010](#) which does **not** include:

(a) variations to minimum wages resulting from the Annual Wage Review 2009-10; or

(b) variations in expense related allowances operative from 1 July 2010.

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## Part 1—Application and Operation

### 1. Title

This award is the *Aboriginal Community Controlled Health Services Award 2010*.

### 2. Commencement and transitional

2.1 This award commences on 1 January 2010.

2.2 The monetary obligations imposed on employers by this award may be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase any overaward payment.

2.3 This award contains transitional arrangements which specify when particular parts of the award come into effect. Some of the transitional arrangements are in clauses in the main part of the award. There are also transitional arrangements in Schedule A. The arrangements in Schedule A deal with:

- minimum wages and piecework rates
- casual or part-time loadings
- Saturday, Sunday, public holiday, evening or other penalties
- shift allowances/penalties.

2.4 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, Fair Work Australia may make any order it considers appropriate to remedy the situation.

2.5 Fair Work Australia may review the transitional arrangements in this award and make a determination varying the award.

2.6 Fair Work Australia may review the transitional arrangements:

- (a) on its own initiative; or
- (b) on application by an employer, employee, organisation or outworker entity covered by the modern award; or
- (c) on application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award; or
- (d) in relation to outworker arrangements, on application by an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the arrangements relate.

### 3. Definitions and interpretation

[Varied by [PR997772](#), [PR503658](#)]

**3.1** In this award, unless the contrary intention appears:

**Aboriginal community controlled health services** are incorporated Aboriginal organisations, initiated and based in an Aboriginal community. They are governed by a representative Aboriginal Board of Management which is elected by the local Aboriginal community. They deliver holistic and culturally appropriate health and well-being services to the Aboriginal community which controls them.

**Aboriginal health worker** includes a person who is registered with a national, State or Territory registration body, where registration is required in the State or Territory where the person is employed

NOTE: Registration as an Aboriginal health worker is required in one or more States or Territories. Where registration is required, an employee employed in the relevant State or Territory will not be employed as an Aboriginal health worker unless they are registered with the relevant State or Territory registration body. It is intended that a national registration system will be implemented and variations to the definition of Aboriginal health worker will be sought once that registration system is established.

**Aboriginal knowledge and cultural skills—level 1** means:

- (a) an understanding, awareness and sensitivity to Aboriginal culture and lore, kinship and skin relationships, local cultural values, the ability to conduct oneself in a culturally appropriate manner and an understanding that Aboriginal culture is not homogenous throughout Australia;
- (b) where relevant, a knowledge of one or more relevant Australian Aboriginal language groups;
- (c) an ability to deliver or assist in the delivery of effective and appropriate services to an Aboriginal clientele through knowledge of the relevant Australian Aboriginal community, the ability to effectively communicate with Aboriginal people, and a knowledge of cultural conventions and appropriate behaviour;
- (d) an awareness of the history and role of Aboriginal organisations in the relevant region, an understanding of the organisations and their goals and the environment in which the organisations operate;
- (e) the ability to function effectively at work in an Aboriginal organisation; and
- (f) an understanding and/or awareness of the concepts of Aboriginal self-determination and Aboriginal identity

**Aboriginal knowledge and cultural skills—level 2** means Aboriginal knowledge and cultural skills—level 1 plus a thorough knowledge of the history and role of Aboriginal organisations in the region, including an understanding of the organisations and their goals and knowledge of the political and economic environment in which the organisations operate

**Aboriginal knowledge and cultural skills—level 3** means Aboriginal knowledge and cultural skills levels 1 and 2, plus an understanding, awareness and/or sensitivity

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to local, national and international cultural values and a clear understanding of Aboriginal organisations, their establishment and goals, and the political and economic environment in which the organisations operate at a local, national and international level

**Aboriginal person** will be taken to include a Torres Strait Islander person

**Act** means the *Fair Work Act 2009* (Cth)

**agreement-based transitional instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**appropriate certificate** for the purposes of Aboriginal Health Worker Grade 2 means successful completion of an accredited course deemed appropriate by an Aboriginal community controlled health service which may include but is not limited to Certificate II through to Advanced Diploma courses in Aboriginal and/or Torres Strait Islander Primary Health Care under the Health Training Package

**award-based transitional instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Division 2B State award** inserted by [PR503658](#) ppc 01Jan11]

**Division 2B State award** has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Division 2B State employment agreement** inserted by [PR503658](#) ppc 01Jan11]

**Division 2B State employment agreement** has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **employee** substituted by [PR997772](#) from 01Jan10]

**employee** means national system employee within the meaning of the Act

[Definition of **employer** substituted by [PR997772](#) from 01Jan10]

**employer** means national system employer within the meaning of the Act

**enterprise award-based instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**NES** means the National Employment Standards as contained in [sections 59 to 131](#) of the *Fair Work Act 2009* (Cth)

**on-hire** means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client

**standard rate** means the minimum wage for an Aboriginal Health Worker Grade 2 Level 1 in clause 14.1

**transitional minimum wage instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**3.2** Where this award refers to a condition of employment provided for in the NES, the NES definition applies.

## 4. Coverage

- 4.1** This industry award covers employers throughout Australia in the Aboriginal community controlled health services industry and their employees in the classifications listed in clause 14—Minimum wages to the exclusion of any other modern award.
- 4.2** The award does not cover an employee excluded from award coverage by the Act.
- 4.3** The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.
- 4.4** The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.
- 4.5** This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.
- 4.6** This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at clause 4.1 and those trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.
- 4.7** Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

## 5. Access to the award and the National Employment Standards

The employer must ensure that copies of this award and the NES are available to all employees to whom they apply either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible.

## 6. The National Employment Standards and this award

The [NES](#) and this award contain the minimum conditions of employment for employees covered by this award.

## **7. Award flexibility**

- 7.1** Notwithstanding any other provision of this award, an employer and an individual employee may agree to vary the application of certain terms of this award to meet the genuine individual needs of the employer and the individual employee. The terms the employer and the individual employee may agree to vary the application of are those concerning:
- (a) arrangements for when work is performed;
  - (b) overtime rates;
  - (c) penalty rates;
  - (d) allowances; and
  - (e) leave loading.
- 7.2** The employer and the individual employee must have genuinely made the agreement without coercion or duress.
- 7.3** The agreement between the employer and the individual employee must:
- (a) be confined to a variation in the application of one or more of the terms listed in clause 7.1; and
  - (b) result in the employee being better off overall than the employee would have been if no individual flexibility agreement had been agreed to.
- 7.4** The agreement between the employer and the individual employee must also:
- (a) be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;
  - (b) state each term of this award that the employer and the individual employee have agreed to vary;
  - (c) detail how the application of each term has been varied by agreement between the employer and the individual employee;
  - (d) detail how the agreement results in the individual employee being better off overall in relation to the individual employee's terms and conditions of employment; and
  - (e) state the date the agreement commences to operate.
- 7.5** The employer must give the individual employee a copy of the agreement and keep the agreement as a time and wages record.
- 7.6** Except as provided in clause 7.4(a) the agreement must not require the approval or consent of a person other than the employer and the individual employee.
- 7.7** An employer seeking to enter into an agreement must provide a written proposal to the employee. Where the employee's understanding of written English is limited the employer must take measures, including translation into an appropriate language, to ensure the employee understands the proposal.

- 7.8** The agreement may be terminated:
- (a) by the employer or the individual employee giving four weeks' notice of termination, in writing, to the other party and the agreement ceasing to operate at the end of the notice period; or
  - (b) at any time, by written agreement between the employer and the individual employee.
- 7.9** The right to make an agreement pursuant to this clause is in addition to, and is not intended to otherwise affect, any provision for an agreement between an employer and an individual employee contained in any other term of this award.

## **Part 2—Consultation and Dispute Resolution**

### **8. Consultation regarding major workplace change**

#### **8.1 Employer to notify**

- (a) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must notify the employees who may be affected by the proposed changes and their representatives, if any.
- (b) **Significant effects** include termination of employment; major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations; and the restructuring of jobs. Provided that where this award makes provision for alteration of any of these matters an alteration is deemed not to have significant effect.

#### **8.2 Employer to discuss change**

- (a) The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in clause 8.1, the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.
- (b) The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in clause 8.1.
- (c) For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees provided that no employer is required to disclose confidential information the disclosure of which would be contrary to the employer's interests.



## **9. Dispute resolution**

- 9.1** In the event of a dispute about a matter under this award, or a dispute in relation to the NES, in the first instance the parties must attempt to resolve the matter at the workplace by discussions between the employee or employees concerned and the relevant supervisor. If such discussions do not resolve the dispute, the parties will endeavour to resolve the dispute in a timely manner by discussions between the employee or employees concerned and more senior levels of management as appropriate, which may include the Board of Management.
- 9.2** If a dispute about a matter arising under this award or a dispute in relation to the NES is unable to be resolved at the workplace, and all appropriate steps under clause 9.1 have been taken, a party to the dispute may refer the dispute to Fair Work Australia.
- 9.3** The parties may agree on the process to be utilised by Fair Work Australia including mediation, conciliation and consent arbitration.
- 9.4** Where the matter in dispute remains unresolved, Fair Work Australia may exercise any method of dispute resolution permitted by the Act that it considers appropriate to ensure the settlement of the dispute.
- 9.5** An employer or employee may appoint another person, organisation or association to accompany and/or represent them for the purposes of this clause.
- 9.6** While the dispute resolution procedure is being conducted, work must continue in accordance with this award and the Act. Subject to applicable occupational health and safety legislation, an employee must not unreasonably fail to comply with a direction by the employer to perform work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.

## **Part 3—Types of Employment and Termination of Employment**

### **10. Types of employment**

#### **10.1 Employment categories**

- (a) Employees under this award will be employed in one of the following categories:
- (i) full-time;
  - (ii) part-time; or
  - (iii) casual.
- (b) At the time of engagement an employer will inform each employee in writing whether they are employed on a full-time, part-time or casual basis. An employer may direct an employee to carry out such duties that are within the limits of the employee's skill, competence and training, consistent with the respective classification of that employee.

## **10.2 Full-time employment**

A full-time employee is one who is engaged to work 38 hours per week or an average of 38 hours per week pursuant to clause 20—Ordinary hours of work and rostering of this award.

## **10.3 Part-time employment**

- (a) A part-time employee is an employee who:
  - (i) is engaged to work less than the full-time hours of an average of 38 hours per week;
  - (ii) has reasonably predictable hours of work; and
  - (iii) receives, on a pro rata basis, equivalent pay and conditions to those of full-time employees who do the same kind of work.
- (b) Before commencing employment, the employer and employee will agree in writing on a regular pattern of work including the number of hours to be worked each week, the days of the week the employee will work and the starting and finishing times each day.
- (c) The terms of the agreement may be varied by agreement and recorded in writing.
- (d) A part-time employee will be rostered for a minimum of four consecutive hours on any shift.
- (e) All time worked in excess of the hours as mutually arranged or varied will be overtime and paid for at the rates prescribed in clause 24—Overtime and penalty rates of this award.

## **10.4 Casual employment**

- (a) A casual employee is an employee engaged as such on an hourly basis.
- (b) A casual employee will be paid per hour an amount calculated at the rate of 1/38th of the weekly rate appropriate to the employee's classification, plus a casual loading of 25% instead of the paid leave entitlements of full-time and part-time employees.
- (c) The minimum period of engagement of a casual employee is three hours.
- (d) Casual employees who are required to work on public holidays will, instead of the casual loading, be paid an additional 50% for such work.

## **11. Termination of employment**

**11.1** Notice of termination is provided for in the NES.

### **11.2 Notice of termination by an employee**

The notice of termination required to be given by an employee is the same as that required of an employer except that there is no requirement on the employee to give additional notice based on the age of the employee concerned. If an employee fails to

give the required notice the employer may withhold from any monies due to the employee on termination under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by this clause less any period of notice actually given by the employee.

### **11.3 Job search entitlement**

Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.

## **12. Redundancy**

[Varied by [PR503658](#)]

**12.1** Redundancy pay is provided for in the NES.

### **12.2 Transfer to lower paid duties**

Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated and the employer may, at the employer's option, make payment instead of an amount equal to the difference between the former ordinary time rate of pay and the ordinary time rate of pay for the number of weeks of notice still owing.

### **12.3 Employee leaving during notice period**

An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received under this clause had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.

### **12.4 Job search entitlement**

- (a) An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.
- (b) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee must, at the request of the employer, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.
- (c) This entitlement applies instead of clause 11.3.

## 12.5 Transitional provisions – NAPSA employees

[12.5 renamed by [PR503658](#) ppc 01Jan11]

- (a) Subject to clause 12.5(b), an employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with the terms of a notional agreement preserving a State award:
  - (i) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and
  - (ii) that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.
- (b) The employee's entitlement to redundancy pay under the notional agreement preserving a State award is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.
- (c) This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument.
- (d) Clause 12.5 ceases to operate on 31 December 2014.

## 12.6 Transitional provisions – Division 2B State employees

[12.6 inserted by [PR503658](#) ppc 01Jan11]

- (a) Subject to clause 12.6(b), an employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with the terms of a Division 2B State award:
  - (i) that would have applied to the employee immediately prior to 1 January 2011, if the employee had at that time been in their current circumstances of employment and no Division 2B State employment agreement or enterprise agreement had applied to the employee; and
  - (ii) that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.
- (b) The employee's entitlement to redundancy pay under the Division 2B State award is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.
- (c) This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument.
- (d) Clause 12.6 ceases to operate on 31 December 2014.

## Part 4—Minimum Wages and Related Matters

### 13. Classifications

Classification definitions are set out in Schedule B—Classification Definitions. Employers must advise their employees in writing of their classification upon commencement and of any subsequent changes to their classification.

### 14. Minimum wages

[Varied by [PR998015](#), [PR509146](#)]

#### 14.1 Classifications

The following are the minimum weekly rates:

##### (a) Aboriginal Health Workers

[14.1(a) varied by [PR998015](#), [PR509146](#) ppc 01Jul11]

|                | \$     |
|----------------|--------|
| <b>Grade 1</b> |        |
| Level 1        | 654.50 |
| Level 2        | 701.40 |
| Level 3        | 725.40 |
| <b>Grade 2</b> |        |
| Level 1        | 763.30 |
| Level 2        | 803.20 |
| Level 3        | 842.30 |
| <b>Grade 3</b> |        |
| Level 1        | 865.70 |
| Level 2        | 888.90 |
| Level 3        | 909.50 |

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**Grade 4**

|         |        |
|---------|--------|
| Level 1 | 931.20 |
| Level 2 | 953.10 |
| Level 3 | 976.20 |

**(b) Administrative**

[14.1(b) varied by [PR998015](#), [PR509146](#) ppc 01Jul11]

\$

**Grade 1**

|         |        |
|---------|--------|
| Level 1 | 649.60 |
| Level 2 | 652.10 |
| Level 3 | 665.80 |
| Level 4 | 675.10 |
| Level 5 | 694.80 |

**Grade 2**

|         |        |
|---------|--------|
| Level 1 | 705.50 |
| Level 2 | 718.10 |
| Level 3 | 730.50 |
| Level 4 | 741.10 |
| Level 5 | 753.50 |

**Grade 3**

|         |        |
|---------|--------|
| Level 1 | 767.20 |
| Level 2 | 781.00 |
| Level 3 | 789.40 |
| Level 4 | 803.50 |

**Grade 4**

|         |        |
|---------|--------|
| Level 1 | 816.10 |
| Level 2 | 835.60 |
| Level 3 | 850.70 |
| Level 4 | 866.40 |

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|                | \$      |
|----------------|---------|
| <b>Grade 5</b> |         |
| Level 1        | 883.70  |
| Level 2        | 902.00  |
| Level 3        | 920.90  |
| <b>Grade 6</b> |         |
| Level 1        | 931.60  |
| Level 2        | 949.00  |
| Level 3        | 968.70  |
| Level 4        | 1005.90 |
| Level 5        | 1036.00 |
| <b>Grade 7</b> |         |
| Level 1        | 1060.50 |
| Level 2        | 1089.30 |
| <b>Grade 8</b> |         |
| Level 1        | 1100.40 |
| Level 2        | 1128.60 |
| Level 3        | 1166.60 |
| Level 4        | 1194.10 |

**(c) Dental**

[14.1(c) varied by [PR998015](#), [PR509146](#) ppc 01Jul11]

|                         | \$     |
|-------------------------|--------|
| <b>Dental Assistant</b> |        |
| Grade 1                 | 619.40 |
| Grade 2                 | 632.30 |
| Grade 3                 | 645.30 |
| Grade 4                 | 686.20 |
| Grade 5                 | 709.30 |

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**Dental Therapist Grade 1**

|         |        |
|---------|--------|
| Level 1 | 742.20 |
| Level 2 | 761.70 |
| Level 3 | 786.30 |
| Level 4 | 816.50 |
| Level 5 | 856.80 |
| Level 6 | 896.20 |
| Level 7 | 926.70 |

**Dental Therapist Grade 2**

|         |         |
|---------|---------|
| Level 1 | 939.80  |
| Level 2 | 961.10  |
| Level 3 | 981.40  |
| Level 4 | 999.20  |
| Level 5 | 1021.60 |

**(d) Ancillary**

[14.1(d) varied by [PR998015](#), [PR509146](#) ppc 01Jul11]

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|                |        |
|----------------|--------|
| Cleaner        | 644.80 |
| Driver—Grade 1 | 671.40 |
| Driver—Grade 2 | 689.30 |
| Caretaker      | 689.30 |

**14.2 Junior employees**

A junior employee will be paid the following percentage of the ordinary rate prescribed by this award for the appropriate adult classification:

| <b>Age</b>            | <b>%</b> |
|-----------------------|----------|
| At 16 years and under | 50       |
| At 17 years           | 60       |
| At 18 years           | 70       |
| At 19 years           | 80       |
| At 20 years           | 90       |



**14.3 Supported wage system**

See Schedule C

**14.4 National training wage**

See Schedule D

**15. Allowances**

[Varied by [PR998151](#), [PR509267](#)]

**15.1 Bilingual qualification allowance**

- (a) **Bilingual** means a recognised proficiency in English as well as any one of the languages normally used by the employer's customers/clients.
- (b) In recognition of the increased effectiveness and productivity of bilingual employees, an employee who is competently bilingual and who is regularly required in the course of their duties to use one or more of these languages will be paid an annual allowance of:

**% of standard rate**

|         |        |
|---------|--------|
| Level 1 | 206.93 |
| Level 2 | 414.18 |

- (c) **Level 1** is an elementary level. This level of accreditation is appropriate for employees who are capable of using a minimal knowledge of language for the purpose of simple communication.
- (d) **Level 2** represents a level of ability for the ordinary purposes of general business, conversation, reading and writing.
- (e) Proof of bilingual proficiency and accreditation will be obtained before an employee will be entitled to this allowance. Bilingual accreditation is obtained by the employee confirming their bilingual proficiency in writing from an interpreting and/or translating service agreed by the employer and the employee.

**15.2 Higher duties**

An employee engaged for one day or more during any pay period on duties carrying a higher rate than their ordinary classification will be paid an allowance equal to the amount of the difference between their own ordinary rate of pay and the minimum ordinary rate of pay at the higher designation.

**15.3 Clothing allowance**

- (a) Where the employer requires an employee to wear any special clothing such as a uniform, overalls or suitable industrial clothing, safety boots or shoes, the employer must reimburse the employee the cost of purchasing a reasonable number of such special clothing. The provisions of this clause do not apply where the special clothing is provided by the employer.

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- (b) All special clothing so provided will remain the property of the employer. Reasonable laundering and maintenance of such items will be reimbursed to the employee unless provided free of cost to the employee.
- (c) Instead of providing such special clothing the employer may, by agreement with the employee, pay such employee a uniform allowance at the rate of \$1.20 per day or part thereof on duty or \$5.92 per week whichever is the lesser amount.
- (d) Where employees' uniforms are not laundered by or at the expense of the employer, the employee will be paid a laundry allowance of \$0.26 per day or part thereof on duty or \$1.29 per week, whichever is the lesser amount.
- (e) The uniform allowance but not the laundry allowance will be paid during all absences on leave, except absences on long service leave and absences on personal/carer's leave beyond 21 days. Where, prior to the taking of leave, an employee was paid a uniform allowance other than at the weekly rate, the rate to be paid during absence on leave will be an average of the allowance paid during the four weeks immediately preceding the taking of leave.

### 15.4 On call and recall allowances

- (a) Where an employee is required, and rostered by the employer to remain on call and in readiness to be recalled to work after ordinary working hours, the employee will be paid an on call allowance of 1.97% of the [standard rate](#) in respect of any 24 hour period or part thereof during which the employee is on call during an off duty period.
- (b) The on call allowance will be 3.94% of the [standard rate](#) in respect of any 24 hour period or part thereof on any public holiday or part thereof.
- (c) In the event of an employee who is on call being recalled for duty for any period during an off duty period, the employee will be paid from the time of receiving recall until the time of finishing such recall duty, with a minimum of one hour's payment for such recall at the following rates:
  - (i) within a spread of 12 hours from the commencement of the last period of ordinary duty—time and a half;
  - (ii) outside a spread of 12 hours from the commencement of the last period of ordinary duty—double time; or
  - (iii) on days observed as public holidays—double time.
- (d) Provided that if the employee is recalled and does not have an uninterrupted break of six hours between midnight and the time of commencement of the next period of ordinary duty the employee will be entitled to time off of six hours from the time of finishing the last recall to the time of commencing the next period of duty without loss of pay.

### 15.5 Travelling, transport and fares

- (a) An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance of not less than \$0.74 per kilometre.

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- (b) When an employee is involved in travelling on duty, all reasonably incurred expenses with respect to fares, meals and accommodation will be met by the employer on production of receipted account(s) or other evidence acceptable to the employer. The employee and employer must agree prior to travel commencing as to the standard of travel, accommodation and meals to be paid before any allowance is paid.
- (c) The employee will not be entitled to reimbursement for expenses referred to in clause 15.5(b) which exceed the mode of transport, meals or the standard of accommodation agreed with the employer, for these purposes.
- (d) Where an employee is required to work at a place away from their normal place of work, all time reasonably spent travelling to and from the place of work will be credited at their ordinary rate of pay.

### 15.6 Meal allowance

[15.6(a) varied by [PR998151](#), [PR509267](#) ppc 01Jul11]

- (a) An employee will be supplied with an adequate meal where an employer has adequate cooking and dining facilities or be paid a meal allowance of \$11.06 in addition to any overtime payment as follows:
  - (i) when required to work after the usual finishing hour of work beyond one hour or, in the case of shiftworkers, when the overtime work on any shift exceeds one hour;

[15.6(a)(ii) varied by [PR998151](#), [PR509267](#) ppc 01Jul11]

- (ii) provided that where such overtime work exceeds four hours a further meal allowance of \$9.96 will be paid.
- (b) Clause 15.6(a) will not apply when an employee could reasonably return home for a meal within the meal break.
- (c) On request, the meal allowance will be paid on the same day as the overtime is worked.

### 15.7 Adjustment of expense related allowances

- (a) At the time of any adjustment to the [standard rate](#), each expense related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
- (b) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

| <b>Allowance</b>           | <b>Applicable Consumer Price Index figure</b> |
|----------------------------|---|
| Uniform/laundry allowances | Clothing and footwear group                   |
| Meal allowance             | Take-away and fast foods sub-group            |
| Vehicle allowance          | Private motoring sub-group                    |

## **16. District allowances**

### **16.1 Northern Territory**

An employee in the Northern Territory is entitled to payment of a district allowance in accordance with the terms of an award made under the *Workplace Relations Act 1996* (Cth):

- (a) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and
- (b) that would have entitled the employee to payment of a district allowance.

### **16.2 Western Australia**

An employee in Western Australia is entitled to payment of a district allowance in accordance with the terms of a notional agreement preserving a State award or an award made under the *Workplace Relations Act 1996* (Cth):

- (a) that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and
- (b) that would have entitled the employee to payment of a district allowance.

**16.3** This clause ceases to operate on 31 December 2014.

## **17. Accident pay**

[Varied by [PR503658](#)]

[17.1 substituted by [PR503658](#) ppc 01Jan11]

**17.1** Subject to clause 17.2, an employee is entitled to accident pay in accordance with the terms of an award made under the *Workplace Relations Act 1996* (Cth) that would have applied to the employee immediately prior to 27 March 2006, a notional agreement preserving a State award that would have applied to the employee immediately prior to 1 January 2010 or a Division 2B State award that would have applied to the employee immediately prior to 1 January 2011:

- (a) if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument, enterprise agreement or Division 2B State employment agreement had applied to the employee; and
- (b) that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.

[17.2 substituted by [PR503658](#) ppc 01Jan11]

**17.2** The employee's entitlement to accident pay under the award, the notional agreement preserving a State award or the Division 2B State award is limited to the amount of

accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.

**17.3** This clause does not operate to diminish an employee's entitlement to accident pay under any other instrument.

**17.4** This clause ceases to operate on 31 December 2014.

## **18. Payment of wages**

### **18.1 Frequency of payment**

Wages will be paid weekly or fortnightly.

### **18.2 Method of payment**

Wages will be paid by cash, cheque, or electronic funds transfer into the bank or financial institution account nominated by the employee, as determined by the employer.

## **19. Superannuation**

### **19.1 Superannuation legislation**

(a) Superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deals with the superannuation rights and obligations of employers and employees. Under superannuation legislation individual employees generally have the opportunity to choose their own superannuation fund. If an employee does not choose a superannuation fund, any superannuation fund nominated in the award covering the employee applies.

(b) The rights and obligations in these clauses supplement those in superannuation legislation.

### **19.2 Employer contributions**

An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee.

### **19.3 Voluntary employee contributions**

(a) Subject to the governing rules of the relevant superannuation fund, an employee may, in writing, authorise their employer to pay on behalf of the employee a specified amount from the post-taxation wages of the employee into the same superannuation fund as the employer makes the superannuation contributions provided for in clause 19.2.

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- (b) An employee may adjust the amount the employee has authorised their employer to pay from the wages of the employee from the first of the month following the giving of three months' written notice to their employer.
- (c) The employer must pay the amount authorised under clauses 19.3(a) or (b) no later than 28 days after the end of the month in which the deduction authorised under clauses 19.3(a) or (b) was made.

### **19.4 Superannuation fund**

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 19.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 19.2 and pay the amount authorised under clauses 19.3(a) or (b) to one of the following superannuation funds or its successor:

- (a) AustralianSuper; or
- (b) HESTA Super; or
- (c) Westscheme; or
- (d) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund.

## **Part 5—Hours of Work and Related Matters**

### **20. Ordinary hours of work and rostering**

- 20.1 The ordinary hours of work for a full-time employee will be an average of 38 hours per week over a fortnight.
- 20.2 Not more than 10 ordinary hours of work (exclusive of meal breaks) are to be worked in any one day.

### **21. Span of hours**

- 21.1 Unless otherwise stated, the ordinary hours of work for an employee will be worked between 7.00 am and 7.00 pm Monday to Friday.
- 21.2 Ordinary hours of work for shiftworkers will be worked on the days from Monday to Sunday inclusive.

### **22. Rosters**

- 22.1 The starting and ceasing time for each day will not be changed upon less than seven working days' notice unless necessary because of the absence from duty of other employees or a shortage of staff or with the consent of the employee.

**22.2** The period of notice for casual employees of a change in starting and ceasing time for each day will be not less than 24 hours.

### **23. Meal breaks**

**23.1** An employee who works in excess of five hours will be entitled to an unpaid meal break of not less than 30 minutes and not more than 60 minutes.

**23.2** The time of taking the meal break may be varied by agreement between the employer and employee.

### **24. Overtime and penalty rates**

#### **24.1 Overtime rates**

**24.2** The following overtime rates will be paid for all work done:

- (a) in excess of the number of hours fixed as a day's, a week's or a fortnight's work as the case may be—time and a half for the first two hours and double time thereafter;
- (b) outside the span of hours in clause 21.1—time and a half for the first two hours and double time thereafter;
- (c) outside a spread of nine hours from the time of commencing work by an employee rostered to work broken shifts—time and a half; and
- (d) outside a spread of 12 hours from the time of commencing work by an employee rostered to work broken shifts—double time.

**24.3** Any period of overtime involving a recall to duty during an off duty period and which is not continuous with the next succeeding rostered period of duty will be paid at a minimum of three hours at the appropriate overtime rate.

**24.4** An employee required to work overtime on a Saturday, Sunday or public holiday, will be afforded at least four hours' work or paid for four hours' work at the appropriate rate, except where such overtime is continuous with overtime commenced on the previous day.

**24.5** These extra rates will be in substitution for and not cumulative upon the shift loading prescribed in clause 25—Shiftwork.

#### **24.6 Rest period after overtime**

- (a) An employee who works so much overtime between the termination of their ordinary work on one day and the commencement of ordinary work on the next day that they have not had at least 10 consecutive hours off duty will be released after completion of such overtime until they have had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during this absence.
- (b) If, on the instructions of the employer, the employee resumes or continues work without having had 10 hours off duty, the employee will be paid at the rate of double time until they are released from duty for such a period. The

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employee is then entitled to be absent until they have had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

### 24.7 Time off instead of payment for overtime

- (a) An employee may elect, with the consent of the employer, to take time off instead of payment for overtime at a time agreed with the employer.
- (b) Overtime taken as time off during ordinary hours will be taken at the ordinary time rate, that is, an hour for each hour worked.

### 24.8 Recall to work overtime

- (a) An employee who is recalled to work overtime during an off duty period and which is not continuous with the next succeeding rostered period of duty will be paid for a minimum of three hours' work at the appropriate overtime rate.
- (b) Clause 24.8 will not apply:
  - (i) in cases where it is customary for an employee to return to the employer's premises for periods not exceeding 30 minutes each to perform a specific job outside their ordinary working hours in which case the employee will be paid for a minimum of one hour's work at the appropriate rate for each time the employee is so recalled; or
  - (ii) where the overtime is continuous (subject to a reasonable meal break) with the commencement of ordinary working time.

24.9 In the event of an employee finishing any period of overtime at a time when reasonable means of transport are not available for the employee to return to their place of residence, the employer will provide adequate transport free of cost to the employee.

## 25. Shiftwork

25.1 Where the ordinary rostered hours of work of an employee finish between 7.00 pm and 7.00 am or commence between 7.00 pm and 7.00 am, the employee will be paid an additional loading of 15% of their ordinary rate of pay.

25.2 Where a shiftworker is required to work ordinary hours continuously for a period exceeding four weeks on a shift wholly within the hours of 7.00 pm and 7.00 am the employee will be paid with respect to that shift an additional 30% of the employee's ordinary rate of pay for that shift.

25.3 A shiftworker will be paid the rate of 50% additional to the ordinary rate of pay for all rostered time of ordinary duty performed on a Saturday.

25.4 A shiftworker will be paid at the rate of 100% additional to the ordinary rate of pay for all rostered time of ordinary duty performed on a Sunday.

25.5 **Ordinary rate** will not include any percentage addition by reason of the fact that an employee is a casual employee. That is the shift penalty is calculated upon the ordinary rate, prior to the addition of the 25% casual loading.



- 25.6** The whole of a shift will be deemed to be worked on the day on which the shift commenced.

## **Part 6—Leave and Public Holidays**

### **26. Annual leave**

#### **26.1 Leave entitlement**

- (a) Annual leave is provided for in the NES. This clause contains additional provisions. It does not apply to casual employees.
- (b) For the purpose of the NES a **shiftworker** is defined as an employee who is regularly rostered to work ordinary shifts on Sundays and public holidays (that is, not less than 10 in any 12 month period).

#### **26.2 Annual leave loading**

- (a) In addition to their ordinary pay, an employee, other than a shiftworker, will be paid an annual leave loading of 17.5% of their ordinary rate of pay.
- (b) Shiftworkers, in addition to their ordinary pay, will be paid the higher of:
  - (i) an annual leave loading of 17.5% of their ordinary rate of pay; or
  - (ii) the weekend and shift penalties the employee would have received had they not been on leave during the relevant period.

#### **26.3 Time of taking leave**

An employer may require an employee to take annual leave by giving at least four weeks' notice in the following circumstances:

- (a) as part of a close-down of its operations; or
- (b) where more than eight weeks' leave is accrued.

#### **26.4 Public holidays falling during annual leave**

Annual leave will be exclusive of any public holidays prescribed in the NES or clause 29—Public holidays of this award.

### **27. Personal/carer's leave and compassionate leave**

Personal/carer's leave and compassionate leave are provided for in the NES.

### **28. Community service leave**

Community service leave is provided for in the NES.

**29. Public holidays**

**29.1** Public holidays are provided for in the NES.

**29.2 Substitution**

- (a) By agreement between the employer and the majority of employees in the enterprise or part of the enterprise concerned, an alternative day may be taken as the public holiday instead of any of the prescribed days.
- (b) An employer and an individual employee may agree to the employee taking another day as the public holiday instead of the day which is being observed as the public holiday in the enterprise or part of the enterprise concerned.

**29.3 Payment for working on a public holiday**

Any employee required to work on a public holiday will be compensated as follows:

- (a) payment at the rate of double time and a half for all time worked; or
- (b) payment at the rate of time and a half, plus one day off at the ordinary time rate, that is, an hour for each hour worked.

**30. Ceremonial leave**

An employee who is legitimately required by Aboriginal tradition to be absent from work for Aboriginal ceremonial purposes will be entitled to up to 10 working days unpaid leave in any one year, with the approval of the employer.

## Schedule A—Transitional Provisions

[Varied by [PR503658](#)]

### A.1 General

**A.1.1** The provisions of this schedule deal with minimum obligations only.

**A.1.2** The provisions of this schedule are to be applied:

- (a) when there is a difference, in money or percentage terms, between a provision in a relevant transitional minimum wage instrument (including the transitional default casual loading) or award-based transitional instrument on the one hand and an equivalent provision in this award on the other;
- (b) when a loading or penalty in a relevant transitional minimum wage instrument or award-based transitional instrument has no equivalent provision in this award;
- (c) when a loading or penalty in this award has no equivalent provision in a relevant transitional minimum wage instrument or award-based transitional instrument; or
- (d) when there is a loading or penalty in this award but there is no relevant transitional minimum wage instrument or award-based transitional instrument.

### A.2 Minimum wages – existing minimum wage lower

**A.2.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage lower than that in this award for any classification of employee.

**A.2.2** In this clause minimum wage includes:

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
- (b) a piecework rate; and
- (c) any applicable industry allowance.

**A.2.3** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

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**A.2.4** The difference between the minimum wage for the classification in this award and the minimum wage in clause A.2.3 is referred to as the transitional amount.

**A.2.5** From the following dates the employer must pay no less than the minimum wage for the classification in this award minus the specified proportion of the transitional amount:

### **First full pay period on or after**

|             |     |
|-------------|-----|
| 1 July 2010 | 80% |
| 1 July 2011 | 60% |
| 1 July 2012 | 40% |
| 1 July 2013 | 20% |

**A.2.6** The employer must apply any increase in minimum wages in this award resulting from an annual wage review.

**A.2.7** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

## **A.3 Minimum wages – existing minimum wage higher**

**A.3.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage higher than that in this award for any classification of employee.

**A.3.2** In this clause minimum wage includes:

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
- (b) a piecework rate; and
- (c) any applicable industry allowance.

**A.3.3** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

**A.3.4** The difference between the minimum wage for the classification in this award and the minimum wage in clause A.3.3 is referred to as the transitional amount.

**A.3.5** From the following dates the employer must pay no less than the minimum wage for the classification in this award plus the specified proportion of the transitional amount:

**First full pay period on or after**

|             |     |
|-------------|-----|
| 1 July 2010 | 80% |
| 1 July 2011 | 60% |
| 1 July 2012 | 40% |
| 1 July 2013 | 20% |

**A.3.6** The employer must apply any increase in minimum wages in this award resulting from an annual wage review. If the transitional amount is equal to or less than any increase in minimum wages resulting from the 2010 annual wage review the transitional amount is to be set off against the increase and the other provisions of this clause will not apply.

**A.3.7** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

**A.4 Loadings and penalty rates**

For the purposes of this schedule loading or penalty means a:

- casual or part-time loading;
- Saturday, Sunday, public holiday, evening or other penalty;
- shift allowance/penalty.

**A.5 Loadings and penalty rates – existing loading or penalty rate lower**

**A.5.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a lower rate than the equivalent loading or penalty in this award for any classification of employee.

**A.5.2** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument for the classification concerned.

**A.5.3** The difference between the loading or penalty in this award and the rate in clause A.5.2 is referred to as the transitional percentage.

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**A.5.4** From the following dates the employer must pay no less than the loading or penalty in this award minus the specified proportion of the transitional percentage:

**First full pay period on or after**

|             |     |
|-------------|-----|
| 1 July 2010 | 80% |
| 1 July 2011 | 60% |
| 1 July 2012 | 40% |
| 1 July 2013 | 20% |

**A.5.5** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

**A.6 Loadings and penalty rates – existing loading or penalty rate higher**

**A.6.1** The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a higher rate than the equivalent loading or penalty in this award, or to pay a particular loading or penalty and there is no equivalent loading or penalty in this award, for any classification of employee.

**A.6.2** Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument.

**A.6.3** The difference between the loading or penalty in this award and the rate in clause A.6.2 is referred to as the transitional percentage. Where there is no equivalent loading or penalty in this award, the transitional percentage is the rate in A.6.2.

**A.6.4** From the following dates the employer must pay no less than the loading or penalty in this award plus the specified proportion of the transitional percentage:

**First full pay period on or after**

|             |     |
|-------------|-----|
| 1 July 2010 | 80% |
| 1 July 2011 | 60% |
| 1 July 2012 | 40% |
| 1 July 2013 | 20% |

**A.6.5** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

**A.7 Loadings and penalty rates – no existing loading or penalty rate**

**A.7.1** The following transitional arrangements apply to an employer not covered by clause A.5 or A.6 in relation to a particular loading or penalty in this award.

**A.7.2** Prior to the first full pay period on or after 1 July 2010 the employer need not pay the loading or penalty in this award.

**A.7.3** From the following dates the employer must pay no less than the following percentage of the loading or penalty in this award:

**First full pay period on or after**

|             |     |
|-------------|-----|
| 1 July 2010 | 20% |
| 1 July 2011 | 40% |
| 1 July 2012 | 60% |
| 1 July 2013 | 80% |

**A.7.4** These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

**A.8 Former Division 2B employers**

[A.8 inserted by [PR503658](#) ppc 01Jan11]

**A.8.1** This clause applies to an employer which, immediately prior to 1 January 2011, was covered by a Division 2B State award.

**A.8.2** All of the terms of a Division 2B State award applying to a Division 2B employer are continued in effect until the end of the full pay period commencing before 1 February 2011.

**A.8.3** Subject to this clause, from the first full pay period commencing on or after 1 February 2011 a Division 2B employer must pay no less than the minimum wages, loadings and penalty rates which it would be required to pay under this Schedule if it had been a national system employer immediately prior to 1 January 2010.

**A.8.4** Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was lower than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay more than the minimum wage, loading or penalty rate in this award.

**A.8.5** Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was higher than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay less than the minimum wage, loading or penalty rate in this award.

**A.8.6** In relation to a Division 2B employer this Schedule commences to operate from the beginning of the first full pay period on or after 1 January 2011 and ceases to operate from the beginning of the first full pay period on or after 1 July 2014.

## Schedule B—Classification Definitions

[Varied by [PR993191](#)]

### B.1 Aboriginal Health Workers

**B.1.1 Aboriginal Health Worker Grade 1 / Aboriginal Community Health Worker Grade 1** means an employee in their first year of service who will generally have no direct experience in the provision of Aboriginal health services.

They will provide primary health services education and liaison duties under the direct supervision of an Aboriginal Health Worker Grade 2, 3 or 4.

**B.1.2 Aboriginal Health Worker Grade 2 / Aboriginal Community Health Worker Grade 2** means:

- (a) a person who has completed Certificate III in Aboriginal and/or Torres Strait Islander Primary Health Care or equivalent, or the required Aboriginal Community Health Worker qualification;
- (b) a person with other qualifications or experience deemed equivalent by an Aboriginal community controlled health service; or
- (c) an Aboriginal Health Worker Grade 1 who has been promoted to Aboriginal Health Worker Grade 2 after having been assessed by their employer as having the requisite competence. It would be expected that in all but exceptional circumstances such a person would have had a minimum of one year's experience at Grade 1.
- (d) An Aboriginal Health Worker Grade 2 is expected to provide a range of health functions of a clinical, preventative, rehabilitative or promotional nature under the general direction of other staff of the Aboriginal community controlled health service.
- (e) Duties include, under the direct supervision of an Aboriginal Health Worker Grade 3 or 4:
  - (i) assist in the provision of comprehensive primary health care and education of clients, in conjunction with other members of the health care team;
  - (ii) under instruction assist in the provision of standard medical treatments in accordance with established medical protocols;
  - (iii) collect and record data from clients which will assist in the diagnosis and management of common medical problems and medical emergencies;
  - (iv) in line with policies and programs established by the health team, participate in educating and informing the community about preventative health measures; and
  - (v) undertake orientation and training programs as available.



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- (f) An Aboriginal Health Worker or Aboriginal Community Health Worker required by State or Territory legislation to maintain registration as a condition of their employment who holds a Certificate III in Aboriginal and/or Torres Strait Islander Primary Health Care or equivalent or the required qualification for an Aboriginal Community Health Worker will be classified as no less than a Grade 2 Level 2 Aboriginal Health Worker/Aboriginal Community Health Worker.

It is desirable that staff at this grade should have Aboriginal knowledge and cultural skills—level 1.

[B.1.3 substituted by [PR993191](#) ppc 04Feb10]

### **B.1.3 An Aboriginal Health Worker Grade 3 is:**

- (a) A **Senior Aboriginal Health Worker**, a person who independently undertakes a full range of duties, including dealing with the most complex matters. A Senior AHW would hold either Certificate IV in Aboriginal and/or Torres Strait Islander Primary Health Care (Practice) or Certificate IV in Aboriginal and/or Torres Strait Islander Primary Health Care (Community) or equivalent. Workers will be expected to perform their duties with little supervision, and may be required to work as a sole practitioner remote from the health service; or
- (b) An **Aboriginal Health Worker—Team Leader**, a person who heads a small team of Aboriginal Health Workers. Workers at this level will be required to hold expert knowledge of Aboriginal health issues, as well as assisting with the planning and supervision of other workers' duties. An Aboriginal Health Worker—Team Leader would hold either Certificate IV in Aboriginal and/or Torres Strait Islander Primary Health Care (Practice) or Certificate IV in Aboriginal and/or Torres Strait Islander Primary Health Care (Community) or equivalent; or
- (c) An **Aboriginal Health Worker** who holds a Certificate IV in Aboriginal and/or Torres Strait Islander Primary Health Care (Practice) or Certificate IV in Aboriginal and/or Torres Strait Islander Primary Health Care (Community) or equivalent.

(Note: An Aboriginal Health Worker required by State or Territory legislation to maintain registration as a condition of their employment and who holds a Certificate IV in Aboriginal and/or Torres Strait Islander Primary Health Care (Practice) or Certificate IV in Aboriginal and/or Torres Strait Islander Primary Health Care (Community) or equivalent must be classified as no less than a Grade 3 Level 2 Aboriginal Health Worker).

It is desirable that employees at this grade have Aboriginal knowledge and cultural skills—level 1.

### **B.1.4 Aboriginal Health Worker Grade 4 means:**

- (a) A person who performs a senior co-ordinating role in respect of Aboriginal Health Workers within an Aboriginal community controlled health service. An Aboriginal Health Worker with either a Diploma of Aboriginal and/or Torres Strait Islander Primary Health Care (Practice) or Diploma of Aboriginal and/or Torres Strait Islander Primary Health Care (Community) or other qualifications

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or experience deemed equivalent by the Aboriginal community controlled health service will be classified at this grade.

- (b) An Aboriginal Health Worker required by State or Territory legislation to maintain registration as a condition of their employment who holds a either Diploma of Aboriginal and/or Torres Strait Islander Primary Health Care (Practice) or Diploma of Aboriginal and/or Torres Strait Islander Primary Health Care (Community) or equivalent will be classified as no less than a Grade 4 Level 2 Aboriginal Health Worker and their classification descriptor will be Aboriginal Health Worker Practitioner Grade 4 Level 2.

It is desirable that staff at this grade should have Aboriginal knowledge and cultural skills—level 2.

## **B.2 Administrative**

### **B.2.1 Grade 1**

- (a) This is the base of the administrative classification structure. There are no prescribed educational qualifications required.
- (b) Positions at this level work under close direction and initially require the application of basic skills and routines such as providing receptionist services, straight-forward operation of keyboard equipment, filing, photocopying, collating, collecting and distributing, carrying out routine checks by simple comparisons, simple coding, maintaining basic records, mail procedures, obtaining or providing information about straight-forward matters and routine user maintenance of office equipment.
- (c) The work may involve a combination of the activities outlined above including keyboard, clerical and other duties. Keyboard tasks usually involve the straight-forward operation of keyboard equipment but may include the keying of data containing specialised or unusual technical terms or complicated tables or diagrams which demand considerable judgment about layout, and the manipulation and interpretation of data before and during entry.
- (d) Initially work is performed under close direction using established routines, methods and procedures and there is little scope for deviating from these. Tasks should be mixed to provide a range of work experience; some may be of a routine operational nature. Problems can usually be solved by reference to straight-forward methods, procedures and instructions. Assistance is available if required when problems arise.
- (e) Staff undertaking work at this grade would normally become competent in individual tasks after a limited period of training or experience.
- (f) The work performed may be routine in nature but some knowledge and application of specific procedures, instructions, regulations or other requirements relating to general administration (e.g. personnel or finance operations) and to specific departmental programs or activities may be required.
- (g) Staff at this grade may assist senior members of staff in the task being undertaken by them. Work may include drafting basic material for inclusion in

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reports and submissions, including form or routine letters and checking applications for benefits or grants.

### B.2.2 Grade 2

- (a) This level encompasses a range of work which requires routine experience or the application of skills derived from work of a similar nature and a general knowledge of the work to be performed. This is the first level which may include a supervisory role. Staff may be required to follow and interpret rules, regulations, guidelines, instructions and procedures, and be capable of undertaking a range of duties requiring judgment, liaison and communication within the health service, with clients of the health service and with other interested parties.
- (b) Positions at this grade usually work under general direction and the work is subject to regular checks. Detailed instructions are not necessary and there is scope for staff to exercise initiative in applying established work practices and procedures.
- (c) The solution of problems may require the exercise of limited judgment, though guidance would be available in guidelines, procedures, regulations and instructions. The understanding of the information should allow decisions or policies relating to specific circumstances to be explained. Liaison within the health service, with clients of the health service, or with other interested parties may be necessary.
- (d) This is the first grade of which formal delegations may be found within the operations of the work area (e.g. approval of annual, personal and carer's leave and examination of accounts).
- (e) Secretarial/administrative support positions may be included in this grade where this is warranted, having regard to:
  - (i) the range of knowledge and skills required;
  - (ii) the degree of independence and responsibility assumed in undertaking tasks; and
  - (iii) the degree of direction given by the supervisor.
- (f) Positions where there is a frequently recurring need to take and transcribe verbatim the proceedings of conferences or deputations are included in this grade.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 1.

### B.2.3 Grade 3

- (a) Positions at this grade usually work under general direction and require relevant experience combined with a broad knowledge of the functions and activities of the health service and a sound knowledge of the major activity performed within the work area. Positions with supervisory responsibilities may undertake some complex operation work and may assist with, or review, work undertaken by subordinates or team members.

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- (b) Positions with supervisory responsibilities may include a degree of planning and coordination and tasks such as monitoring staff attendance and work flow.
- (c) Problems faced may be complex yet broadly similar to past problems. Solutions generally can be found in rules, regulations, guidelines, procedures and instructions though these may require some interpretation and application of judgment. There is scope for the exercise of initiative in application of established work practices and procedures.
- (d) Positions at this grade may exercise delegations. Decisions made may have an impact on the relevant health service (e.g. on financial resources), but are normally of a limited procedural or administrative importance.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 1.

### **B.2.4 Grade 4**

- (a) Positions at this grade usually work under general direction within clear guidelines and established work practices and priorities, in functions which require the application of knowledge, skills and techniques appropriate to the work area. Work at this grade requires a sound knowledge of program, activity, policy or service aspects of the work performed within a functional element, or a number of work areas. The Grade 4 position is the first grade where technical or professional qualifications may be required or desirable.
- (b) Work is usually performed under general direction and may cover a range of tasks associated with program activity or administrative support to senior officers. Tasks may include providing administrative support to staff within technical or professional structures. This may include the collection and analysis of data and information and the preparation of reports, publications, papers and submissions including findings and recommendations.
- (c) Positions at this level may have supervisory responsibilities over staff operating a wide range of equipment or undertaking a variety of tasks in the area of responsibility.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 1.

### **B.2.5 Grade 5**

- (a) Positions at this level work under general direction in relation to established priorities, task methodology and work practices to achieve results in line with the corporate goals of the health service.
- (b) Positions at this grade may, under general direction of work priorities, undertake the preparation of preliminary papers, draft complex correspondence for senior officers, undertake tasks of a specialist or detailed nature, assist in the preparation of procedural guidelines, provide information or interpretation to other interested parties, exercise specific process responsibilities and oversee and co-ordinate the work of subordinate staff.
- (c) Work may involve specialist subject matter of a professional or technical project, procedural or processing nature, or a combination of these functions.

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It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 1.

### **B.2.6 Grade 6**

- (a) Positions at this grade may manage the operations of an organisational element usually under limited direction. Positions at this grade undertake various functions, under a wide range of conditions to achieve a result in line with the goals of the health service. Immediate subordinate positions may include staff in a technical or professional structure, in which case supervision may involve the exercising of technical or professional skills or judgment.
- (b) Positions at this grade are found in a variety of operating environments and structural arrangements. The primary areas may be:
  - (i) Managing the operations of a discrete organisational element usually under limited direction;
  - (ii) Under limited direction in relation to priorities and work practices provide administrative support to a particular program or activity; or
  - (iii) Providing subject matter, expertise or policy advice, to senior employees, the Chief Executive Officer, or the Board of Management including technical or professional advice, across a range of programs or activities undertaken by the health service.
- (c) Positions at this grade would be expected to set and achieve priorities, monitor work flow and/or manage staffing resources to meet objectives.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 2.

### **B.2.7 Grade 7**

- (a) Positions at this grade, under limited direction, usually manage the operations of an organisational element, or undertake a management function, or provide administrative, technical, or professional support to a particular program or activity, across a range of administrative or operational tasks to achieve a result in line with the goals of the health service.
- (b) Positions at this grade may undertake a management function involved in the administration of a program or activity within an organisation. This includes the provision of advice or undertaking tasks related to the management or administration of a program or activity, service delivery or corporate support function, including project work, policy, technical, professional or program issues or administrative matters. Liaison with other elements of the organisation, government agencies, state and local authorities and community organisations can be a feature.
- (c) Positions at this grade may represent the health service at meetings, conferences and seminars. In some circumstances the supervisor or subordinates may be, or include staff in technical or professional structures, in which case supervision is for administrative purposes only. In all other circumstances, supervision may involve the exercise of technical or professional skill or judgment.

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It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 2.

### **B.2.8 Grade 8**

Positions at this grade will be the Chief Executive Officer of an Aboriginal community controlled health service other than those classified at Grade 7 who reports to and is responsible for the administration of the health service to the Board of Management and to whom heads of programs or activities within the health service report and are responsible.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 3.

## **B.3 Dental**

### **B.3.1 Dental Assistant Grade 1**

Employees at this grade will have no prior experience as a dental assistant. Appointment to this level will be for a period of three months after which the employee will progress to the appropriate level. While employed at this grade employees will:

- (a) work under direct supervision;
- (b) gain familiarisation with a range of basic dental and/or clerical tasks; and
- (c) gain familiarisation with the employer's policies including health and safety.

**B.3.2 Dental Assistant Grade 2** means an employee who has obtained the skills required of a Dental Assistant Grade 1 who performs solely dental assistant duties and has no formal qualifications.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 1.

**B.3.3 Dental Assistant Grade 3** means:

- (a) a person who has completed a dental assistant qualification performing solely dental assistant duties;
- (b) an unqualified Dental Assistant performing a combination of duties including routine clerical, reception duties and dental assistant duties; or
- (c) an unqualified Dental Assistant performing solely Dental Assistant duties who has 12 months' experience at Grade 2.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 1.

**B.3.4 Dental Assistant Grade 4** means:

- (a) An unqualified Dental Assistant performing solely dental assistant duties who has 12 months' experience at Grade 3 and has demonstrated competence in the following areas:
  - (i) knowledge of dental equipment;

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- (ii) sterilisation techniques with attention to infection control;
  - (iii) basic understanding of techniques and procedures;
  - (iv) understanding of the set-up prior to procedures; or
- (b) an unqualified Dental Assistant performing a combination of dental assistant, clerical and reception duties who has 12 months' experience at Grade 3;
  - (c) a qualified Dental Assistant performing solely dental assistant duties who has 12 months' experience at Grade 3; or
  - (d) a qualified Dental Assistant performing a combination of dental assistant, clerical and reception duties.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 1.

#### **B.3.5 Dental Assistant Grade 5** means:

- (a) an unqualified Dental Assistant performing a combination of dental assistant, clerical and reception duties who has 12 months' experience at Grade 4;
- (b) a qualified Dental Assistant performing solely dental assistant duties who has 12 months' experience at Grade 4; or
- (c) a qualified Dental Assistant performing a combination of dental assistant, clerical and reception duties who has 12 months' experience at Grade 4.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 1.

#### **B.3.6 Dental Therapist Grade 1** works under the professional supervision of a higher grade professional officer as to method of approach and requirements and is a professional practitioner who performs normal professional work and exercises individual knowledge, skills, professional judgment and initiative in the application of professional principles, techniques and methods.

- (a) This grade is the professional formation phase of a professional officer. It includes new graduates generally lacking practical experience in the application of their professional knowledge.
- (b) The work requires initiative and professional judgment. Since experience is limited, this level is normally expected to apply only established principles, techniques and methods in early postgraduate years. With professional development, it is expected that new techniques and methods will be learnt and applied to progressively more difficult problems.
- (c) Initially work is subject to professional supervision. As experience is gained, the contribution and the level of professional judgment increases and professional supervision decreases, until a wide range of professional tasks is capable of being performed with little technical direction.
- (d) When experienced, advice and guidance may be provided to less experienced professional staff. They are not required to provide general professional

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guidance but may be required to provide general supervision of and/or train technical and other non-professional staff.

- (e) Staff may be required to develop and apply advanced techniques learnt during the undergraduate course or later; however, decisions to incorporate such new techniques into normal procedures would be taken at a higher level.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 1.

**B.3.7 Dental Therapist Grade 2** works as a professional practitioner, performs normal professional work under general professional guidance, and may perform novel, complex or critical professional work under professional supervision.

- (a) Staff at this grade perform normal professional work of an organisational unit, or of a specialised professional field encompassed by the work of the unit, and accept technical responsibility for those tasks.
- (b) Staff may also be expected to perform difficult or novel, complex or critical professional work where they are isolated from immediate professional supervision, for example, because of remoteness of the functional work area. Staff at this grade are expected to exercise independent professional judgment when required, particularly in recognising and solving problems and managing cases where principles, procedures, techniques and methods require expansion, adaption or modification.
- (c) Staff may carry out research under professional supervision and may be expected to contribute to advances in the techniques used.
- (d) Work at this grade may include professional supervision of Dental Therapists Grade 1 together with general supervision over technical and other personnel. Dental Therapists at this level may also be required to guide Dental Therapists Grade 1 in the methods to be used, policies to be followed and standards to be observed with respect to the professional work performed by the organisational unit.
- (e) Staff may provide an advisory role up to the level of expertise.
- (f) Staff are required to understand industry problems if advice on interpretation of regulations or standards is required and to undertake associated liaison tasks.

It is desirable that staff at this grade have Aboriginal knowledge and cultural skills—level 1.

## **B.4 Ancillary**

It is desirable that all ancillary staff have Aboriginal knowledge and cultural skills—level 1.

**B.4.1 Cleaner** means a person who performs tasks customarily performed by cleaners utilising a range of materials and equipment to clean a range of surfaces in order to restore or maintain buildings in a clean and hygienic condition.

**B.4.2 Driver—Grade 1** means a person whose primary duties include undertaking a range of driving activities on behalf of the employer in a vehicle that has the capacity to carry between one and 15 passengers.



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- B.4.3 Driver—Grade 2** means a person whose primary duties include undertaking a range of driving activities on behalf of the employer in a vehicle that has the capacity to carry 16 or a greater number of passengers.
- B.4.4 Caretaker** means a person who is responsible for the supervision of an Aboriginal community controlled health service premises out of hours including opening and closing the premises before and after each day of business.

## Schedule C—Supported Wage System

[Varied by [PR998748](#), [PR510670](#)]

**C.1** This schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award.

**C.2** In this schedule:

**approved assessor** means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

**assessment instrument** means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

**disability support pension** means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991* (Cth), as amended from time to time, or any successor to that scheme

**relevant minimum wage** means the minimum wage prescribed in this award for the class of work for which an employee is engaged

**supported wage system** (SWS) means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: [www.jobaccess.gov.au](http://www.jobaccess.gov.au)

**SWS wage assessment agreement** means the document in the form required by the Department of Education, Employment and Workplace Relations that records the employee's productive capacity and agreed wage rate

### **C.3 Eligibility criteria**

**C.3.1** Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.

**C.3.2** This schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their employment.

## **C.4 Supported wage rates**

**C.4.1** Employees to whom this schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following schedule:

| <b>Assessed capacity (clause C.5)</b> | <b>Relevant minimum wage</b> |
|---------------------------------------|------------------------------|
| <b>%</b>                              | <b>%</b>                     |
| 10                                    | 10                           |
| 20                                    | 20                           |
| 30                                    | 30                           |
| 40                                    | 40                           |
| 50                                    | 50                           |
| 60                                    | 60                           |
| 70                                    | 70                           |
| 80                                    | 80                           |
| 90                                    | 90                           |

[C.4.2 varied by [PR998748](#), [PR510670](#) ppc 01Jul11]

**C.4.2** Provided that the minimum amount payable must be not less than \$75 per week.

**C.4.3** Where an employee's assessed capacity is 10%, they must receive a high degree of assistance and support.

## **C.5 Assessment of capacity**

**C.5.1** For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.

**C.5.2** All assessments made under this schedule must be documented in an SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

## **C.6 Lodgement of SWS wage assessment agreement**

**C.6.1** All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with Fair Work Australia.

**C.6.2** All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the award is not a party to the assessment, the assessment will be referred by Fair Work Australia to the union by certified mail and the agreement will take effect unless an objection is notified to Fair Work Australia within 10 working days.

## **C.7 Review of assessment**

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

## **C.8 Other terms and conditions of employment**

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this schedule will be entitled to the same terms and conditions of employment as other workers covered by this award on a pro rata basis.

## **C.9 Workplace adjustment**

An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

## **C.10 Trial period**

**C.10.1** In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.

**C.10.2** During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.

[C.10.3 varied by [PR998748](#), [PR510670](#) ppc 01Jul11]

**C.10.3** The minimum amount payable to the employee during the trial period must be no less than \$75 per week.

**C.10.4** Work trials should include induction or training as appropriate to the job being trialled.

**C.10.5** Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under clause C.5.

## Schedule D—National Training Wage

[Varied by [PR998015](#), [PR509146](#)]

### D.1 Title

This is the *National Training Wage Schedule*.

### D.2 Definitions

In this schedule:

**adult trainee** is a trainee who would qualify for the highest minimum wage in Wage Level A, B or C if covered by that wage level

**approved training** means the training specified in the training contract

**Australian Qualifications Framework (AQF)** is a national framework for qualifications in post-compulsory education and training

**out of school** refers only to periods out of school beyond Year 10 as at the first of January in each year and is deemed to:

- (a) include any period of schooling beyond Year 10 which was not part of or did not contribute to a completed year of schooling;
- (b) include any period during which a trainee repeats in whole or part a year of schooling beyond Year 10; and
- (c) not include any period during a calendar year in which a year of schooling is completed

**relevant State or Territory training authority** means the bodies in the relevant State or Territory which exercise approval powers in relation to traineeships and register training contracts under the relevant State or Territory vocational education and training legislation

**relevant State or Territory vocational education and training legislation** means the following or any successor legislation:

Australian Capital Territory: *Training and Tertiary Education Act 2003*;

New South Wales: *Apprenticeship and Traineeship Act 2001*;

Northern Territory: *Northern Territory Employment and Training Act 1991*;

Queensland: *Vocational Education, Training and Employment Act 2000*;

South Australia: *Training and Skills Development Act 2008*;

Tasmania: *Vocational Education and Training Act 1994*;

Victoria: *Education and Training Reform Act 2006*; or

Western Australia: *Vocational Education and Training Act 1996*

**trainee** is an employee undertaking a traineeship under a training contract

**traineeship** means a system of training which has been approved by the relevant State or Territory training authority, which meets the requirements of a training package developed by the relevant Industry Skills Council and endorsed by the National Quality Council, and which leads to an AQF certificate level qualification

**training contract** means an agreement for a traineeship made between an employer and an employee which is registered with the relevant State or Territory training authority

**training package** means the competency standards and associated assessment guidelines for an AQF certificate level qualification which have been endorsed for an industry or enterprise by the National Quality Council and placed on the National Training Information Service with the approval of the Commonwealth, State and Territory Ministers responsible for vocational education and training, and includes any relevant replacement training package

**year 10** includes any year before Year 10

### **D.3 Coverage**

**D.3.1** Subject to clauses D.3.2 to D.3.6 of this schedule, this schedule applies in respect of an employee covered by this award who is undertaking a traineeship whose training package and AQF certificate level is allocated to a wage level by Appendix D1 to this schedule or by clause D.5.1 of this schedule.

**D.3.2** This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in Appendix D1 to this schedule.

**D.3.3** This schedule does not apply to the apprenticeship system or to any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an award as at 25 June 1997.

**D.3.4** This schedule does not apply to qualifications not identified in training packages or to qualifications in training packages which are not identified as appropriate for a traineeship.

**D.3.5** Where the terms and conditions of this schedule conflict with other terms and conditions of this award dealing with traineeships, the other terms and conditions of this award prevail.

**D.3.6** At the conclusion of the traineeship, this schedule ceases to apply to the employee.

### **D.4 Types of Traineeship**

The following types of traineeship are available under this schedule:

**D.4.1** a full-time traineeship based on 38 ordinary hours per week, with 20% of ordinary hours being approved training; and

**D.4.2** a part-time traineeship based on less than 38 ordinary hours per week, with 20% of ordinary hours being approved training solely on-the-job or partly on-the-job and partly off-the-job, or where training is fully off-the-job.

## D.5 Minimum Wages

[D.5 substituted by [PR998015](#), [PR509146](#) ppc 01Jul11]

### 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<br>per week<br>\$           | Year 11<br>per week<br>\$ | Year 12<br>per week<br>\$ |
| School leaver                      | 264.70                              | 291.60                    | 347.40                    |
| Plus 1 year out of school          | 291.60                              | 347.40                    | 404.30                    |
| Plus 2 years out of school         | 347.40                              | 404.30                    | 470.50                    |
| Plus 3 years out of school         | 404.30                              | 470.50                    | 538.70                    |
| Plus 4 years out of school         | 470.50                              | 538.70                    |                           |
| Plus 5 or more years out of school | 538.70                              |                           |                           |

#### (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<br>per week<br>\$           | Year 11<br>Per week<br>\$ | Year 12<br>per week<br>\$ |
| School leaver                      | 264.70                              | 291.60                    | 338.10                    |
| Plus 1 year out of school          | 291.60                              | 338.10                    | 388.80                    |
| Plus 2 years out of school         | 338.10                              | 388.80                    | 456.00                    |
| Plus 3 years out of school         | 388.80                              | 456.00                    | 520.10                    |
| Plus 4 years out of school         | 456.00                              | 520.10                    |                           |
| Plus 5 or more years out of school | 520.10                              |                           |                           |

#### (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<br>per week<br>\$           | Year 11<br>per week<br>\$ | Year 12<br>per week<br>\$ |
| School leaver                      | 264.70                              | 291.60                    | 338.10                    |
| Plus 1 year out of school          | 291.60                              | 338.10                    | 380.50                    |
| Plus 2 years out of school         | 338.10                              | 380.50                    | 425.00                    |
| Plus 3 years out of school         | 380.50                              | 425.00                    | 473.60                    |
| Plus 4 years out of school         | 425.00                              | 473.60                    |                           |
| Plus 5 or more years out of school | 473.60                              |                           |                           |

**(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<br>traineeship | Second and<br>subsequent years<br>of traineeship |
|--------------|------------------------------|--|
|              | per week<br>\$               | per week<br>\$                                   |
| Wage Level A | 559.40                       | 581.10   |
| Wage Level B | 539.70                       | 560.40   |
| Wage Level C | 491.20                       | 509.80   |

**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:



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|                                    | <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                      | 8.71                                       | 9.60            | 11.43           |
| Plus 1 year out of school          | 9.60                                       | 11.43           | 13.30           |
| Plus 2 years out of school         | 11.43                                      | 13.30           | 15.48           |
| Plus 3 years out of school         | 13.30                                      | 15.48           | 17.72           |
| Plus 4 years out of school         | 15.48                                      | 17.72           |                 |
| Plus 5 or more years out of school | 17.72                                      |                 |                 |

**(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:

|                                    | <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                      | 8.71                                       | 9.60            | 11.13           |
| Plus 1 year out of school          | 9.60                                       | 11.13           | 12.79           |
| Plus 2 years out of school         | 11.13                                      | 12.79           | 15.00           |
| Plus 3 years out of school         | 12.79                                      | 15.00           | 17.11           |
| Plus 4 years out of school         | 15.00                                      | 17.11           |                 |
| Plus 5 or more years out of school | 17.11                                      |                 |                 |

**(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:

|                            | <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              | 8.71                                       | 9.60            | 11.13           |
| Plus 1 year out of school  | 9.60                                       | 11.13           | 12.52           |
| Plus 2 years out of school | 11.13                                      | 12.52           | 13.98           |
| Plus 3 years out of school | 12.52                                      | 13.98           | 15.58           |

|                                    | Highest year of schooling completed |                           |                           |
|------------------------------------|-------------------------------------|---------------------------|---------------------------|
|                                    | Year 10<br>per hour<br>\$           | Year 11<br>per hour<br>\$ | Year 12<br>per hour<br>\$ |
| Plus 4 years out of school         | 13.98                               | 15.58                     |                           |
| Plus 5 or more years out of school | 15.58                               |                           |                           |

**(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<br>per hour<br>\$ | Year 12<br>per hour<br>\$ |
| 8.71                               | 9.60                      |

**(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<br>traineeship<br>per hour<br>\$ | Second and<br>subsequent years of<br>traineeship<br>per hour<br>\$ |
|--------------|--|--|
| Wage Level A | 18.41  | 19.12  |
| Wage Level B | 17.75  | 18.44  |
| Wage Level C | 16.16  | 16.77  |

**(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.

## **D.6 Employment conditions**

- D.6.1** A trainee undertaking a school-based traineeship may, with the agreement of the trainee, be paid an additional loading of 25% on all ordinary hours worked instead of paid annual leave, paid personal/carer’s leave and paid absence on public holidays, provided that where the trainee works on a public holiday then the public holiday provisions of this award apply.
- D.6.2** A trainee is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.
- D.6.3** Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee’s wages and determining the trainee’s employment conditions.
- D.6.4** Subject to clause D.3.5 of this schedule, all other terms and conditions of this award apply to a trainee unless specifically varied by this schedule.

## Appendix D1: Allocation of Traineeships to Wage Levels

The wage levels applying to training packages and their AQF certificate levels are:

### D1.1 Wage Level A

| Training package  | AQF certificate level           |
|---|---------------------------------|
| Aeroskills  | II                              |
| Aviation  | I                               |
|   | II                              |
|   | III                             |
| Beauty  | III                             |
| Business Services   | I                               |
|   | II                              |
|   | III                             |
| Chemical, Hydrocarbons and Refining                                       | I                               |
|   | II                              |
|   | III                             |
| Civil Construction  | III                             |
| Coal Training Package   | II                              |
|   | III                             |
| Community Services  | II                              |
|   | III                             |
| Construction, Plumbing and Services<br>Integrated Framework               | I                               |
|   | II                              |
|   | III                             |
| Correctional Services   | II                              |
|   | III                             |
| Drilling  | II                              |
|   | III                             |
| Electricity Supply Industry—Generation<br>Sector                          | II                              |
|   | III (in Western Australia only) |
| Electricity Supply Industry—Transmission,<br>Distribution and Rail Sector | II                              |
| Electrotechnology   | I                               |
|   | II                              |
|   | III (in Western Australia only) |
| Financial Services  | I                               |
|   | II                              |
|   | III                             |
| Floristry   | III                             |
| Food Processing Industry  | III                             |

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| <b>Training package</b>                                       | <b>AQF certificate level</b> |
|---|------------------------------|
| Gas Industry  | III                          |
| Information and Communications Technology                     | I<br>II<br>III               |
| Laboratory Operations   | II<br>III                    |
| Local Government (other than Operational Works Cert I and II) | I<br>II<br>III               |
| Manufactured Mineral Products                                 | III                          |
| Manufacturing   | I<br>II<br>III               |
| Maritime  | I<br>II<br>III               |
| Metal and Engineering (Technical)                             | II<br>III                    |
| Metalliferous Mining  | II<br>III                    |
| Museum, Library and Library/Information Services              | II<br>III                    |
| Plastics, Rubber and Cablemaking                              | III                          |
| Public Safety   | III                          |
| Public Sector   | II<br>III                    |
| Pulp and Paper Manufacturing Industries                       | III                          |
| Retail Services (including wholesale and Community pharmacy)  | III                          |
| Telecommunications  | II<br>III                    |
| Textiles, Clothing and Footwear                               | III                          |
| Tourism, Hospitality and Events                               | I<br>II<br>III               |
| Training and Assessment                                       | III                          |
| Transport and Distribution                                    | III                          |
| Water Industry (Utilities)                                    | III                          |

**D1.2 Wage Level B**

| <b>Training package</b>                        | <b>AQF certificate level</b> |
|--|------------------------------|
| Animal Care and Management                     | I                            |
|  | II                           |
|  | III                          |
| Asset Maintenance                              | I                            |
|  | II                           |
|  | III                          |
| Australian Meat Industry                       | I                            |
|  | II                           |
|  | III                          |
| Automotive Industry Manufacturing              | II                           |
|  | III                          |
| Automotive Industry Retail, Service and Repair | I                            |
|  | II                           |
|  | III                          |
| Beauty   | II                           |
| Caravan Industry                               | II                           |
|  | III                          |
| Civil Construction                             | I                            |
| Community Recreation Industry                  | III                          |
| Entertainment                                  | I                            |
|  | II                           |
|  | III                          |
| Extractive Industries                          | II                           |
|  | III                          |
| Fitness Industry                               | III                          |
| Floristry                                      | II                           |
| Food Processing Industry                       | I                            |
|  | II                           |
| Forest and Forest Products Industry            | I                            |
|  | II                           |
|  | III                          |
| Furnishing                                     | I                            |
|  | II                           |
|  | III                          |
| Gas Industry                                   | I                            |
|  | II                           |
| Health   | II                           |
|  | III                          |
| Local Government (Operational Works)           | I                            |
|  | II                           |
| Manufactured Mineral Products                  | I                            |

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| <b>Training package</b>                 | <b>AQF certificate level</b> |
|---|------------------------------|
|   | II                           |
| Metal and Engineering (Production)      | II<br>III                    |
| Outdoor Recreation Industry             | I<br>II<br>III               |
| Plastics, Rubber and Cablemaking        | II                           |
| Printing and Graphic Arts               | II<br>III                    |
| Property Services                       | I<br>II<br>III               |
| Public Safety                           | I<br>II                      |
| Pulp and Paper Manufacturing Industries | I<br>II                      |
| Retail Services                         | I<br>II                      |
| Screen and Media                        | I<br>II<br>III               |
| Sport Industry                          | II<br>III                    |
| Sugar Milling                           | I<br>II<br>III               |
| Textiles, Clothing and Footwear         | I<br>II                      |
| Transport and Logistics                 | I<br>II                      |
| Visual Arts, Craft and Design           | I<br>II<br>III               |
| Water Industry                          | I<br>II                      |

### D1.3 Wage Level C

| Training package                 | AQF certificate level |
|----------------------------------|-----------------------|
| Agri-Food                        | I                     |
| Amenity Horticulture             | I<br>II<br>III        |
| Conservation and Land Management | I<br>II<br>III        |
| Funeral Services                 | I<br>II<br>III        |
| Music                            | I<br>II<br>III        |
| Racing Industry                  | I<br>II<br>III        |
| Rural Production                 | I<br>II<br>III        |
| Seafood Industry                 | I<br>II<br>III        |