



Rural Wage Guide 2018/2019

Pastoral Award | Broadacre Farming and Livestock Operations

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Rural Wage Guide 2018/2019

Pastoral Award - Broadacre Farming and Livestock Operations

Welcome to the **Rural Wage Guide 2018/2019**. The Rural Wage Guide is an annual publication released by NSW Farmers (Industrial) Association to inform its members of the current award based wages and pay related conditions. In addition, we have also included general information about the National Employment Standards (NES), agriculture related training wages and imminent changes to the *Pastoral Award 2010* following from Modern Award Review decisions.

The information set out in this wage guide is based on the “Broadacre Farming and Livestock Operations” section of the *Pastoral Award 2010*, reflecting the 3.5% increase handed down in the 2018 Annual Wage Review Decision.

The rates contained in this wage guide are effective from the first full pay period on or after **1 July 2018**.

Coverage

This publication covers employers and employees engaged in, or in connection with, the management, breeding, rearing or grazing of livestock and the sowing, raising or harvesting of broadacre field crops and other crops as part of a broadacre mixed farming enterprise.

Rates of pay for shearing, dairy, poultry and piggery operations are provided in a separate publication. Please contact the Workplace Relations Department should you require a copy.

How to determine the correct rate of pay for your employees?

1. Determine the underpinning Award.
There are several Awards relevant to primary production. Please refer to the coverage clause provided in each Award to determine whether you are covered by the particular Award. Please contact us for assistance if you are unsure of the underpinning Award for your employees.
2. Determine the relevant classification.
Awards provide different pay rates depending on the classification. Classification refers to the categorisation of roles based on level of responsibilities, experience, expertise and qualification.
3. Match the pay rate with the relevant classification.
4. Check whether there are any relevant loadings, penalties or allowances that may apply in addition to the hourly rate. For example, shift loading, overtime penalty, penalty for work performed on weekends, etc.

Kindly note that this wage guide only summarises parts of the Award that relate to the classifications and payment of wages and it is not an exhaustive document that represents all Award conditions. This guide needs to be read in conjunction with the relevant Award in order to understand all of your obligations as an employer.

Classifications

Classification	Modern Award Description
Level 1 (FLH1)	Station hand with less than 12 months experience in the industry. Station cook. Station cook's offsider. Cattle farm worker grade (a). Feedlot employee level 1 with less than 3 months experience in the industry.
Level 2 (FLH2)	Cattle farm worker grade (b). Feedlot employee grade (1) with more than 3 months experience in the industry.
Level 3 (FLH3)	Station hand with 12 months or more experience in the industry as a station hand but does not conform to the definition of a Senior station hand.
Level 4 (FLH4)	Feedlot employee level (2) who has 2 years experience in the feedlot industry and works under routine supervision.
Level 5 (FLH5)	Senior station hand is an employee who has at least two years experience in the industry and is capable of working efficiently without supervision. Indicative tasks include: drive, maintain and operate farm vehicles and machinery, animal husbandry, stock handling, irrigation work and use of chemicals.
Level 6 (FLH6)	Feedlot employee level (3) who has Certificate III qualifications, has worked in the feedlot industry for at least two years and works with limited supervision. Please see the full version of the Pastoral Award for a list of indicative tasks.
Level 7 (FLH7)	Feedlot employee level (4) who has Certificate III qualifications, has at least 2 years experience in the feedlot industry and works with limited supervision. Please see the full version of Pastoral Award for a list of indicative tasks.

Pay Rates

The following pay rates only apply to workers in broadacre farming and livestock operations (excluding dairy, piggery, poultry livestock and poultry eggs).

Employee Classification	Full time (38 hours)	Part time (hourly)	Casual (hourly)
	100%	100%	125%
FLH 1	\$719.20	\$18.93	\$23.66
FLH 2	\$739.90	\$19.47	\$24.34
FLH 3	\$750.60	\$19.75	\$24.69
FLH 4	\$768.30	\$20.22	\$25.28
FLH 5	\$782.00	\$20.58	\$25.73
FLH 6	\$794.70	\$20.91	\$26.14
FLH 7	\$837.40	\$22.04	\$27.55

Pay Related Conditions

Minimum Engagement for Part-time Employees – Clause 10.3(e)

An employer is required to roster a part-time employee for a minimum of three (3) consecutive hours on any shift.

Minimum engagement for Casual Employees – Clause 10.4(f)

On each occasion a casual employee is required to attend work, the employee is entitled to a minimum payment of three hours' work at the appropriate rate.

Higher Duties – Clause 14

An employee engaged for more than two hours during one day or shift on duties carrying a higher minimum wage than their ordinary classification must be paid the higher minimum wage for such day or shift. Alternatively, if the employee works the higher duties for two hours or less during one day or shift, they must be paid the higher minimum wage for only the time so worked.

Meal Break – Clause 15.1

A meal break of not less than 30 minutes and not more than one hour must be allowed each day. The break must be taken no later than five hours after commencing work. If there is an agreement between an employer and an individual employee, the meal break may be taken at a time agreed.

All work performed on the instruction of the employer during a recognised meal break will be paid for at double time rates. Such payment will continue until the employee is released for a meal break of not less than 30 minutes.

Rest Break – Clause 15.2

Employees are allowed a paid rest break of 10 minutes each morning. If the employee and the employer reach an agreement for an additional rest break, such a break will be unpaid and in addition to the employee's ordinary hours of work.

With Keep Rate – Clause 28.3

If keep is provided then the minimum wage will be the rates prescribed above less \$127.51 per week.

“Keep” is good and sufficient living accommodation and good and sufficient rations of sufficient quantity; sound, well-cooked and properly served by the cook or the cook's offside; but it will not include accommodation under a roof or cooking when circumstances render such accommodation or cooking impracticable.

Ordinary Hours – Clause 30.1

The ordinary hours of work for a Farm and Livestock Hand will not exceed an average of 38 hours per week over a four week period, or not more than 152 hours in any four week period.

To further clarify, there is no penalty for working ordinary hours on a Saturday or Sunday.

Overtime – Clause 31

All time worked by an employee in excess of their ordinary hours will be regarded as overtime. The overtime rates that apply are as follows:

- Time and one half (1.5x) for overtime worked on Monday to Saturday and for overtime worked on Sunday for the sole purpose of feeding and watering stock;
- Double time (2x) for other overtime worked on Sunday.

Employee Classification	Hourly rate for full time and part time employees		Hourly rate for casual employees	
	Hours > 38 hours per week (or >152 hours in a 4 week period)			
	Overtime on Monday to Saturday, and Sunday for feeding and watering stock	Overtime on Sunday	Overtime on Monday to Saturday, and Sunday for feeding and watering stock	Overtime on Sunday
	150%	200%	175%	225%
FLH 1	\$28.40	\$37.86	\$33.13	\$42.59
FLH 2	\$29.21	\$38.94	\$34.07	\$43.81
FLH 3	\$29.63	\$39.50	\$34.56	\$44.44
FLH 4	\$30.33	\$40.44	\$35.39	\$45.50
FLH 5	\$30.87	\$41.16	\$36.02	\$46.31
FLH 6	\$31.37	\$41.82	\$36.59	\$47.05
FLH 7	\$33.06	\$44.08	\$38.57	\$49.59

Time off instead of payment for overtime – Clause 31.5

To have a “time off instead of payment for overtime” or otherwise known as Time Off In Lieu (TOIL) arrangement, it must be agreed in writing. The written agreement must include information prescribed in the Award*. The accrual of time in lieu is an hour for each hour of overtime worked. Any accrued time off must be taken within 6 months of it being worked. If time off is not taken within 6 months, the employer must pay the employee for the overtime at the overtime rate applicable to when the overtime was worked, in the next pay period following those 6 months. It is imperative that employers keep a record of the number of overtime hours worked by an employee, when those hours were worked and updated records of a time in lieu balance. Overtime worked when no TOIL agreement is signed has to be paid with overtime penalty.

*A template TOIL agreement is available on the NSW Farmers website, alternatively please contact the Workplace Relations Department.

Public Holidays – Clause 32

Where an employee is required to perform work on a public holiday the rate of pay will be double time (2x).

Employee Classification	Public holiday hourly rate for full time and part time employees	Public holiday hourly rate for casual employees
	200%	225%
FLH 1	\$37.86	\$42.59
FLH 2	\$38.94	\$43.81
FLH 3	\$39.50	\$44.44
FLH 4	\$40.44	\$45.50
FLH 5	\$41.16	\$46.31
FLH 6	\$41.82	\$47.05
FLH 7	\$44.08	\$49.59

Payment for absence on a public holiday

A full-time or a part-time employee is only entitled to payment for being absent from work on a public holiday if the public holiday falls on the employee's normal day of work. An employee who is not normally required to work on a day on which a public holiday falls will not be entitled to payment for absence on the public holiday. For example, an employee who normally works from Tuesday to Saturday is not entitled to payment for absence on the Easter Monday public holiday.

Allowances

Item No.	Clause No.	Description	Amount
1	17.4(a)	Leading hands, in charge of:	
		2 to 6 employees (per week extra)	\$22.39
		7 to 10 employees (per week extra)	\$26.09
		11 to 20 employees (per week extra)	\$37.19
		More than 20 employees (per week extra)	\$46.73
2	17.4(b)	First aid allowance (per day the employee is designated to be the first aid officer)	\$2.73
3	17.2(b)	Use of private vehicle during work hours allowance (per km)	\$0.78

Allowances (continued)

Item No.	Clause No.	Description	Amount
4	17.2(c)	Meal allowance (per meal). This does not apply if a meal is supplied by the employer. An employee is entitled to be paid a meal allowance (or be given a meal) if: <ul style="list-style-type: none"> the employee is required to work overtime for more than one and a half hours after working ordinary hours, or after working two hours of overtime after the employee's ordinary ceasing time without having been notified before leaving work on the previous day. 	\$13.34
	29.1	Where a Station Hand is required by an employer to provide their own horse and/or saddle. Horse allowance (per week) Saddle allowance (per week)	\$7.40 \$5.91
	29.2	Where a Station Hand is required to use their own dog as a cattle/sheep dog for station purposes, the employer will pay to the employee an allowance mutually agreed upon for each dog so used, and the amount of any license or registration fee for the period the dog is used.	
	29.3	When an employee is engaged – a) In or in connection with jetting or spraying of sheep, who either mix the poison or handle the nozzle; or b) in swabbing sheep for more than three days in any week, the employee is entitled to an additional daily allowance.	\$3.31

Junior Rates of Pay – Clause 28.2

Age of Employee	% of adult rate
Under 16 years of age	50
16 years of age	60
17 years of age	70
18 years of age	80
19 years of age	90
20 years of age	100

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Trainee Wages - Wage Level C

Minimum pay rates for trainees are determined by the National Training Wage, which is contained within Appendix E of the *Miscellaneous Award 2010*. Most traineeships in the agricultural sector, such as the primary or rural production training packages are allocated to **Wage level C** under the scheme. This part summarises the National Training Wage provisions that are relevant for rural production.

Trainees may be full-time or part-time. A full-time traineeship is based on 38 ordinary hours per week with 20% of ordinary hours being approved training. A part-time traineeship is based on less than 38 ordinary hours with 20% of the hours being approved training on the job, off the job or a combination of both.

No reduction in wages for current employees

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.

Minimum wages for Full-Time Traineeships – Wage Level C

The minimum wages for a trainee undertaking a full-time AQF Certificate Level I-III traineeship:

Classification	Highest year of schooling completed		
	Year 10 Per week	Year 11 Per week	Year 12 Per week
School leaver	\$323.10	\$355.80	\$412.40
Plus 1 year out of school	\$355.80	\$412.40	\$464.30
Plus 2 years out of school	\$412.40	\$464.30	\$518.70
Plus 3 years out of school	\$464.30	\$518.70	\$577.90
Plus 4 years out of school	\$518.70	\$577.90	
Plus 5 or more years out of school	\$577.90		

The minimum wages for a trainee undertaking a full-time AQF Certificate Level IV traineeship:

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.

The minimum wages for an adult trainee undertaking a full-time AQF Certificate level IV traineeship:

First year of traineeship (per week)	- \$599.40
Second and subsequent years of traineeship (per week)	-\$622.00

Minimum Wages for Part-Time Traineeships – Wage Level C

The minimum wages for a trainee undertaking a part-time AQF Certificate Level I-III traineeship:

Classification	Highest year of schooling completed		
	Year 10 Per hour	Year 11 Per hour	Year 12 Per hour
School leaver	\$10.63	\$11.72	\$13.58
Plus 1 year out of school	\$11.72	\$13.58	\$15.27
Plus 2 years out of school	\$13.58	\$15.27	\$17.06
Plus 3 years out of school	\$15.27	\$17.06	\$19.01
Plus 4 years out of school	\$17.06	\$19.01	
Plus 5 or more years out of school	\$19.01		

The minimum wages for a trainee undertaking a part-time AQF Certificate Level IV traineeship:

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.

The minimum wages for an adult trainee undertaking a part-time AQF Certificate level IV traineeship:

First year of traineeship (per hour)	- \$19.72
Second and subsequent years of traineeship (per hour)	- \$20.47

School-based Traineeships

The minimum wage for a trainee undertaking a school-based AQF Certificate Level I-III traineeship whose training package is allocated to Wage Level C is:

Year 11 or lower (per hour)	- \$10.63
Year 12 (per hour)	- \$11.72

A trainee undertaking a school-based traineeship may agree to be paid an additional loading of 25% on all ordinary hours worked instead of being paid annual leave, paid personal/carer's leave, paid compassionate leave and paid absence on public holidays. However, if the trainee works on a public holiday, the public holiday provisions of the award apply.

Calculating the actual minimum wage for part-time trainees

If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate minimum hourly rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.

If the approved training for a part-time traineeship is provided wholly off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate specified in the table above applies to each ordinary hour worked by the trainee.

If the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum hourly rate specified in the table above minus 20% applies to each ordinary hour worked by the trainee.

Likely Changes to the Award in 2018/2019

Family and Domestic Violence Leave

In March 2018, the Fair Work Commission provisionally ruled that a model domestic violence leave clause should be inserted into 119 of the 122 modern awards in Australia, including agricultural related awards. The following elements of the proposed leave entitlement are likely to be introduced into the awards during 2018, subject to any changes in the interim:

- Definition of Family and Domestic Violence Leave - leave for violent, threatening or other abusive behaviour by a family member of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful. The definition of “family member” closely resembles the current term used to decide entitlements to compassionate leave.
- All employees, including casuals will receive 5 days of unpaid domestic violence leave upfront at the commencement of each 12 month period (as opposed to accruing progressively throughout the year).
- The entitlement will not accrue from year to year, meaning that it will extinguish at the end of the year if not used.
- Casual and part-time employees will also receive a full 5 days per 12 month period.
- There will be no requirement to take paid leave before accessing this unpaid entitlement.
- Evidence requested by an employer must be able to satisfy a reasonable person that the leave is taken for the correct purpose. This might be a document issued by the police service, a court or a family violence support service, or a statutory declaration
- Information concerning any notice given or evidence provided for the purposes of leave must be treated confidentially, as far as it is reasonably practicable to do so.

Family Friendly Working Arrangements

Also in March 2018, the Fair Work Commission determined that that a model family friendly working arrangements clause should be inserted in Modern Awards. The provision is intended to expand the currently available scope and process for flexible working arrangements set out in the National Employment Standards (NES). In brief, the provision is likely to include the following elements:

- Permanent and casual employees with at least 6 months’ service will become eligible to request a change in working arrangements relating to parental or caring responsibilities.
- An employer will be required to respond to a request within 21 days, meet with an employee and attempt to reach a genuine agreement to reasonably accommodate the employee’s circumstances before refusing a request.

Annualised Salaries

The Fair Work Commission is currently considering the introduction of an Annualised Salaries clause that would allow an employer and an employee to enter into a written agreement for the employee to be paid an annual salary in satisfaction of numerous otherwise applicable award conditions, such as allowances, overtime and loadings. Any agreement must not disadvantage the employee compared to the Award conditions. Specifics of the proposed clause are still being considered.

At present, employers can adopt annualised salary arrangements to remunerate their award covered employees through a properly drafted Individual Flexibility Agreement.

Casual Conversion

In order to give effect to a Fair Work Commission decision, the Commission has developed a draft model casual conversion provision for 85 modern awards which do not currently contain a provision of this nature. The agricultural awards do not currently contain such a provision. As a result, the agricultural awards will soon see provisions featuring the following elements included in them:

- the ability for casual employees to request they be engaged as part time or full time employees once they have completed a qualifying period of 12 calendar months;
- a qualifying criterion that the casual employee has over the qualifying period worked a pattern of hours on an ongoing basis which, without significant adjustment, could continue to be performed in accordance with the full-time or part-time employment provisions of the relevant award;
- the employer must provide all casual employees (whether they become eligible for conversion or not) with a copy of the casual conversion clause within the first 12 months after their initial engagement; and
- a conversion may be refused on the grounds that it would require a significant adjustment to the casual employee's hours of work to accommodate them in full-time or part-time employment in accordance with the terms of the applicable modern award, or it is known or reasonably foreseeable that the casual employee's position will cease to exist, or the employee's hours of work will significantly change or be reduced within the next 12 months, or on other reasonable grounds based on facts which are known or reasonably foreseeable.

The date for the commencement of these provisions is not yet known.

National Employment Standards (NES)

There are 10 minimum terms and conditions of employment prescribed as a safety net by the *Fair Work Act 2009*. They are briefly outlined below:

1. A maximum standard working week of 38 hours for full-time employees, plus 'reasonable' additional hours.
2. A right to request flexible working arrangements for eligible employees.
3. Parental and adoption leave of 12 months (unpaid), with a right to request an additional 12 months for eligible employees. There are distinct rules when both partners of the couple can take leave.
4. 20 days of paid annual leave that accrues progressively and accumulates from year to year. Part-time employees accrue annual leave on a pro-rata basis. Casual employees are not entitled to paid annual leave.

Employees covered by the *Pastoral Award* are entitled to 17.5% annual leave loading. The *Pastoral Award* also provides the ability for employers to direct employees to take annual leave when they have accrued an excessive amount.

5. 10 days of paid personal/carer's leave that accrues progressively and accumulates from year to year. Part-time employees accrue annual leave on a pro-rata basis. Casual employees are not entitled to paid personal/carer's leave. In addition, the NES also provide 2 days of paid compassionate leave for each permissible occasion and two days unpaid carer's leave for each permissible occasion.
6. Community service leave for jury service or activities dealing with certain emergencies or natural disasters. This leave is unpaid, except for jury service, where employers are obliged to make up the pay of employees on jury service (between what the employee receives as stipend for serving jury duty and the employee's ordinary rate of pay), up to a maximum of 10 days.
7. Long service leave. In NSW long service leave is governed by the *Long Service Leave Act 1955* and it provides for 2 months (8.667 weeks) for 10 years of service. There may be an obligation to pay pro-rata long service leave upon cessation of employment for employees who have worked for more than 5 years but less than 10 years.
8. The entitlement to be absent on public holidays without loss of ordinary pay.
9. Notice of termination (depending on period of service) and redundancy pay (not applicable for small business employers).
10. The right for new employees to receive the Fair Work Information Statement, which is a 2 page document produced by the Fair Work Ombudsman outlining the NES and other workplace rights.

Public holidays for 2018/2019

The NES prescribes for full-time and part-time employees to receive a day off work without loss of pay on any given public holiday gazetted in NSW. Employees that are not required to attend work on a public holiday are to receive payment for their ordinary hours at their base rate of pay. Employers that require employees to work on a public holiday must pay the employee a penalty rate in accordance with their relevant industrial instrument (i.e. modern Award) for the hours worked. Employers can require employees to attend work on a public holiday for operational reasons of the business. On the other hand, employees can refuse to work on a public holiday for personal reasons and circumstances.

Refer to the below table for the prescribed public holidays declared in NSW for 2018 and 2019. Additional public holidays declared in NSW may apply. Check with NSW Farmers (Industrial) Association for further information and pay rates:

Public holiday	2018	2019
New Year's Day	Monday, 1 January	Tuesday, 1 January
Australia Day*	Friday, 26 January	Monday, 28 January
Good Friday	Friday, 30 March	Friday, 19 April
Easter Saturday	Saturday, 31 March	Saturday, 20 April
Easter Sunday	Sunday, 1 April	Sunday, 21 April
Easter Monday	Monday, 2 April	Monday, 22 April
Anzac Day	Wednesday, 25 April	Thursday, 25 April
Queen's Birthday	Monday, 11 June	Monday, 10 June
Bank Holiday#	Monday, 6 August	Monday, 5 August
Labour Day	Monday, 1 October	Monday, 7 October
Christmas Day	Tuesday, 25 December	Wednesday, 25 December
Boxing Day	Wednesday, 26 December	Thursday, 26 December

* From 31/12/11 when Australia Day (26 January) falls on a Saturday or Sunday, there will be no public holiday on that day as the following Monday will be declared a public holiday.

Applies to banks and certain financial institutions see *Retail Trading Act 2008*.

Disclaimer

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