

Exemption provisions in award-based transitional instruments

Award-based transitional instrument	Provisions	Classifications exemptions apply to	Conditions employees are exempt from	Specified method of calculation	Requirement for employee consent	Additional provisions
Hospitality and licenced clubs industries						
Liquor and Accommodation Industry – Hotels, Resorts and Gaming – (Managerial Staff) – Award 2003 AP821899	14.5 Salaries absorption Table 14.2 (column 3)	8.7 Manager – means an employee (however designated) who: <ul style="list-style-type: none"> Under the direction of senior management is required to manage and co-ordinate the activities of a relevant area or areas of the hotel Directs staff to ensure they carry out their duties in the relevant area or areas of the hotel; and Implements policies, procedures and operating systems for the hotel Will have completed an appropriate level of training in business management or have relevant industry experience including the supervision of staff in one or more areas of a hotel. 	13 – Regular part time employees 15 – Mixed functions 16.2 – Vehicle allowance 18 – Hours of work (excluding 18.3.7) 19 – Meal breaks 20 – Overtime 21.3 – Annual leave loading 26 – Public holidays 27 – Accommodation 28 – Uniforms	25% in excess of the minimum annual salary rates for the appropriate classification	No express agreement required	14.5.2 An employee being paid according to 14.5.1 will be entitled to a minimum of eight days off per four week cycle. Further, where an employee is being paid according to 14.5.1 and works a public holiday the employee shall be entitled to a day off for each public holiday worked notwithstanding that the clause 26-Public holidays, does not otherwise apply to the employee.
Club Employees (State) Award (NSW) AN120136	11. Voluntary Exemption Agreements	11.1.1 Individual full-time employee who has been employed for not less than four weeks	11.1.3: Hours Overtime Saturday and Sunday Rates Rostered Days Off Public Holidays	11.1.4 (b) The employee must be paid a wage not less than 33% above the award total rate for the work being performed from time to time 11.1.4(c) No employee shall receive a wage less than 33% above the award total rate for a Level 4 employee Clause 19 – Written agreement form	11.1.5 The terms agreed to and wage agreed upon shall be set out in writing and signed the parties. Written agreement must also contain the terms of any undertakings made at the time of entering the agreement, and, if a roster is agreed upon, a copy of that roster 11.1.7 The agreement may be terminated by (a) the employee, by giving written notice within 28 days of entering the agreement, (b) either party, after 12 months, by giving 28 days’ notice in writing to the other party (or such lesser period as is agreed)	11.1.2 Prior to agreement employer must advise Union of its intention, if employee has advised that they are a member. Union may be involved in negotiations at request of employee 11.1.4 (a) – no agreement may permit an employee to work more than a maximum of 38 ordinary hours per week, average over 52 weeks 11.1.6 A copy of the agreement shall be sent to the Union and the RCA within 14 days of commencement of agreement 11.1.8 No employee shall suffer a reduction in earnings as a result of entering into an agreement 11.1.9 No employer shall offer employment to any person on the basis that the employee must enter into an agreement
Club Managers’ (State) Award 2006 AN120138	9.5 Salaries Exemption and Management Agreements	All Managers – Level A to Level G Level A classification level (i.e. the lowest) includes following skills and indicative duties: <ul style="list-style-type: none"> Directly supervises the work of other employees and is supervised by more senior management; Has completed the prescribed standard of training; and Supervision of staff in one or more sections of the Club, including allocation of duties, preparation of rosters, approval of overtime, employee counselling, discipline and performance appraisal. Plan and implement improved work procedures. 	18 – Higher duties allowance 19 – Hours of work 22 – Overtime 23 – Recall to duty	30% in excess of the minimum annual salary rates	No express agreement required	9.5.3 Nothing in this award is intended to preclude a Manager and a Club from agreeing to conditions of employment (‘Management Agreements’) which are more beneficial to those provided in this award 9.5.4 Where circumstances arise that require a Manager and a Club to agree to rates of pay and/or conditions that are less than those provided by this award, the Club and the Manager or their representatives must apply to the Industrial Relations Commission of NSW for an exemption from the whole or part of this award in accordance with the provisions of section 18 of the NSW <i>Industrial Relations Act 1996</i> .
			17 – Motor vehicle allowance 18 – Higher duties allowance 19 – Hours of work 20 – Meal break and allowance 21 – Rostered days off	50% in excess of the minimum annual salary rates	No express agreement required	

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		<ul style="list-style-type: none"> • Make recommendations to senior management or the management committee on staff including training requirements and staffing levels. • Decides in consultation with senior management or the management committee on the engagement, termination and promotion of non-managerial staff. • Trains non-managerial staff. • Supervises clerical work, maintains records including the use of computers. • Supervision of stock control and stocktaking. • Contributes ideas for long term planning, including the areas of new equipment, maintenance, human resources, and marketing. • Checks and supervises quality of services, hygiene and safety arrangements. • Checks equipment and facilities for maintenance, replacement and upgrading. • Checks, organises and implements security procedures. • Places supply orders and authorises payments within set procedures. 	<p>22 – Overtime 23 – Recall to duty 24 – Public holidays 27 – Sick leave (except as in accordance with state minimum) 35 – Uniforms</p>			
Clerical Award - Hotels, Resorts and Certain Other Licensed Premises - State (South East Queensland) 2002 AN140064	1.4.3 Partial Exemption	<p>A full time or part time employee engaged according to Levels 6 or 7 :</p> <p>5.2.1 (e) "Front office supervisor" (wage level 6) means an employee who has the Appropriate Level of Training including a supervisory course and who supervises, trains and co-ordinates the work of front office employees.</p> <p>5.2.2 (e) "Clerical grade 5" (wage level 6) means an employee who has had the Appropriate Level of Training who prepares cash payments summaries, banking report and bank statements, calculates and maintains wage and salary records, follows credit referral procedures, applies purchasing and inventory control requirements, posts journals to ledger etc. at a higher level than grade 4.</p> <ul style="list-style-type: none"> • Provides detailed advice and information on the establishment's products and services, responds to client/public/supplier problems within own functional area utilising a high degree of interpersonal skills. Provides guidance to other employees, may check and allocate work and may supervise staff. • Secretarial - performing a broad range of clerical functions at a higher level than grade 4. • Apply computer software packages utilising clerical skills at a higher level than grade 4. <p>(f) "Clerical supervisor" (wage level 7) means an employee who has the Appropriate Level of Training including a supervisory course and who is responsible for the supervision, training and co-ordination of clerical staff.</p>	<p>Hours of work Overtime Weekend penalty rates and late work allowances Public holidays</p>	Not less than 125% of the weekly rate for the relevant level (6 or 7)	<p>1.4.3 (a) Employee and employer must mutually agree in writing. 1.4.3 (b) Copy of the terms of agreement will be supplied to the employee</p>	<p>1.4.3 (d) The overall terms and conditions of employment must not be less favourable than the provisions of the Award as a whole</p> <p>1.4.3 (f) If an employee considers that they have been disadvantaged by the agreement, this must be addressed between the employer and employee in the manner prescribed in clause 3.1. No claim for unpaid wages resulting from clause 1.4.3 may be made under the Act until the grievance and dispute settling procedure under this Award has been concluded.</p>

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Clerical Award - Registered and Licensed Clubs - State 2003 AN140066	1.4.2 Partial Exemption from Award	<p>Employees of Level 5 or 6 (clause 5.2)</p> <p>Clerical Grade 5 - an employee who has the Appropriate Level of Training and is likely to be without supervision, and performs work requiring initiative, discretion and judgement, and who carries out the duties as follows:</p> <ul style="list-style-type: none"> Prepares cash payments summaries, banking report and bank statements Calculates and maintains wage and salary records Follows credit referral procedures Applies purchasing and inventory control requirements Posts journals to ledger etc. at a higher level than Grade 4 Provides detailed advice and information on the establishments products and services Responds to client/public/supplier problems within own functional area utilising a high degree of interpersonal skills Provides guidance to other employees May check and allocate work and may supervise staff Secretarial - performing a broad range of clerical functions at a higher level than Grade 4 Apply computer software packages utilising clerical skills at a higher level than Grade 4 <p>Clerical Supervisor Grade 6 - an employee who has the Appropriate Level of Training including supervisory course and who is responsible for the supervision, training and co-ordination of clerical staff. An employee who has the Appropriate Level of Training including a supervisory course and who supervises, trains and co-ordinates the work of reception employees.</p>	<p>The conditions of the award except:</p> <p>Annual leave</p> <p>Long service leave</p> <p>Sick leave</p> <p>Family leave</p> <p>Superannuation</p> <p>Union encouragement</p> <p>Disputes procedure</p> <p>Termination, Change and Redundancy</p>	1.4.2 (b) Not less than 125% of the weekly rate for the relevant classification	1.4.2 (b) Agreement in writing signed by both parties. A copy of the signed agreement will be given to the employee	<p>1.4.2 (c) If the employee is required to work on a public holiday, they are entitled to a day off in lieu or a day added to their annual leave entitlement</p> <p>1.4.2 (d) The overall terms and conditions of employment agreed under such an agreement must be not less favourable than the provisions of this Award as a whole and the employee shall not be disadvantaged</p>
Hotels, Resorts and Certain Other Licensed Premises Award – State (Excluding South-East Queensland) 2003 AN140148	1.8 Partial Exemption	<p>Wage level 6 and above as per clause 5.1:</p> <p>5.1.4 (h) Cook (tradesperson) Grade 5 (Wage Level 6) means a 'chef de partie' or equivalent who has completed an apprenticeship or has passed the appropriate trade test in cooking, butchering, baking or pastry cooking and has completed additional appropriate training who performs any of the following:</p> <ul style="list-style-type: none"> General and specialised duties including supervision or training of other kitchen staff; Ordering and stock control; or Sole responsibility for other cooks and other kitchen employees in a single kitchen establishment. <p>5.1.5 (j) Front Office Supervisor (Wage Level 6) means an employee who has the Appropriate Level of Training including a supervisory course and who supervises, trains and co-ordinates the work of front office employees.</p> <p>5.1.6 (e) Clerical Grade 5 (Wage Level 6) means an employee who has the Appropriate Level of Training who prepares cash payments</p>	<p>4.2 – Part-time employment</p> <p>5.5.2 – Late work allowances</p> <p>6.1 – Hours of work</p> <p>6.9 – Overtime</p> <p>6.11 – Weekend penalty rates</p> <p>7.6 – Public holidays</p>	At least 25% above wage level 6	Employer and an employee to agree in writing	

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		<p>summaries, banking report and bank statements, calculates and maintains wage and salary records, follows credit referral procedures, applies purchasing and inventory control requirements, posts journals to ledger etc at a higher level than Grade 4.</p> <ul style="list-style-type: none"> • Provides detailed advice and information on the establishment's products and services, responds to client/public/supplier problems within own functional area utilising a high degree of interpersonal skills, provides guidance to other employees, may check and allocate work and may supervise staff. • Secretarial - performing a broad range of clerical functions at a higher level than Grade 4. • (h) Cook (tradesperson) Grade 5 (Wage Level 6) means a 'chef de partie' or equivalent who has completed an apprenticeship or has passed the appropriate trade test in cooking, butchering, baking or pastry cooking and has completed additional appropriate training who performs any of the following: <ul style="list-style-type: none"> (i) general and specialised duties including supervision or training of other kitchen staff (ii) ordering and stock control; or (iii) sole responsibility for other cooks and other kitchen employees in a single kitchen establishment. • (j) Front Office Supervisor (Wage Level 6) means an employee who has the Appropriate Level of Training including a supervisory course and who supervises, trains and co-ordinates the work of front office employees. • (e) Clerical Grade 5 (Wage Level 6) means an employee who has the Appropriate Level of Training who prepares cash payments summaries, banking report and bank statements, calculates and maintains wage and salary records, follows credit referral procedures, applies purchasing and inventory control requirements, posts journals to ledger etc. at a higher level than Grade 4. <ul style="list-style-type: none"> ○ Provides detailed advice and information on the establishment's products and services, responds to client/public/supplier problems within own functional area utilising a high degree of interpersonal skills, provides guidance to other employees, may check and allocate work and may supervise staff. ○ Secretarial - performing a broad range of clerical functions at a higher level than Grade 4. ○ Apply computer software packages utilising clerical skills at a higher level than Grade 4. <p>(f) Clerical Supervisor (Wage Level 7) means an employee who has the Appropriate Level of Training including a supervisory course and who is responsible for the supervision, training and co-ordination of clerical staff.</p>				

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Queensland Accommodation Clerical Award 2005 AN140234	1.4.2 Partial exemption	<p>Level 5 employees – characteristics:</p> <ul style="list-style-type: none"> Employees subject to broad guidance or direction and would report to more senior staff as required. Typically have worked or studied in a relevant field and will have achieved a standard of relevant and/or specialist knowledge and experience sufficient to enable them to independently advise on a range of activities and features and contribute, as required, to the determination of objectives, within the relevant field(s) of their expertise. Employees responsible and accountable for their own work and may have delegated responsibility for the work under their control or supervision, in terms of, inter alia, scheduling workloads, resolving operations problems, monitoring the quality of work produced as well as counselling staff for performance as well as work related matters. Able to train and to supervise employees in lower levels by means of personal instruction and demonstration. They often exercise initiative, discretion and judgement in the performance of their duties. <p>Typical duties/skills:</p> <ul style="list-style-type: none"> Operates and is responsible for a complex and diverse payroll system. Apply detailed knowledge of organisation's objectives, performance, projected areas of growth, product trends and general industry conditions for the purposes of assisting in developing policy or new products and services to meet changing market needs or other circumstances. Application of computer software packages including evaluating and determining optimum software solutions or the integration of complex word processing/data/graphics text. Prepare internal reports for management in any or all of the following areas: Account/financial, Staffing, Legislative requirements, Other significant company activities/operations. Finalise quotations or costings by applying a detailed knowledge of variable inputs, margins, market conditions, supply and delivery arrangements. Executive secretary/executive assistant who performs a broad range of executive support functions with minimal direction or supervision. 	<p>The conditions of the award except:</p> <p>Annual leave</p> <p>Long service leave</p> <p>Sick leave</p> <p>Family leave</p> <p>Superannuation</p> <p>Union encouragement</p> <p>Grievance and disputes settling procedure</p> <p>Termination change and redundancy</p>	<p>'In excess of the highest Award level prescribed in this Award'</p> <p>(i.e. Level 5 – 2nd year of service)</p>	<p>1.4.2 (a) Mutually agree in writing.</p> <p>1.4.2 (b) A copy of the terms of the agreement will be supplied to the employee</p> <p>1.4.2 (e) There will be no requirement for the employer to keep particulars of the employees starting and finishing times each day</p>	<p>1.4.2 (d) The overall terms and conditions of employment agreed must be not less favourable than the provisions of this Award as a whole and the employee shall not be disadvantaged by the agreement</p> <p>(f) If an employer considers that the employee has been disadvantaged by the agreement, this must be addressed between the employer and employee in the manner prescribed in clause 3.1. No claim for unpaid wages may be made under the Act until the grievance and dispute settling procedure under this Award has been concluded.</p> <p>(g) If the employee is required to work on a public holiday, the employee is entitled to either time off in lieu of the time worked on the public holiday, to be taken at a mutually agreed time or extra time (equal to the time actually worked on the public holiday) added to the employee's annual leave entitlement at the employer's discretion.</p>
Bowling and Golf Clubs Employees (State) Award AN120079	9 – Exemption Rate	<p>Any adult employee however the minimum benchmark for wages is 33% above a Level 4 (Greenkeeper) employee</p> <p>Level 4 (Greenkeeper) shall mean an employee who has satisfactorily attained the appropriate level of training at the trade or an equivalent level, who works on a course having greens, and is primarily engaged in the following activities in addition to the work of Levels 1 to 3:</p> <ul style="list-style-type: none"> Training and supervision of employees of a lower grade, including apprentices; Construction of surfaces, gardens; 	<p>Hours of work</p> <p>Rostered days off</p> <p>Overtime</p> <p>Call back</p> <p>Public holidays</p> <p>Meal allowance</p> <p>Meal breaks</p>	<p>Not less than 33% in excess of the minimum weekly rate of pay for a Level 4 (Greenkeeper) (subject to a further minimum of \$25,000 per annum)</p>	<p>9(i) Agree in writing with the employer to be paid a salary of and in such case, in lieu of the following provisions of the award, conditions shall be as determined between the parties.</p> <p>9(ii) An agreement shall be determinable after 12 months by either party to the agreement giving 28 days written notice to this effect</p>	<p>9(iii) No employee to whom this clause refers shall be required to work in excess of a minimum of 38 ordinary hours per week, averaged over a 52 week period.</p> <p>9(iv) No existing employee shall suffer a reduction in earnings as a direct result of any agreement reached pursuant to this clause unless the agreement otherwise provides reasonable compensatory benefits.</p>

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		<ul style="list-style-type: none"> Installation and maintenance or irrigation and drainage systems; Control and maintenance of stores and facilities; Stock control, record keeping; Planning the work programme in consultation with management. 			or such lesser period as is mutually agreed upon. Provided that an employee may rescind in writing such agreement at any time within 14 days of entering into the agreement.	
Club Employees (State) Award, AN120136	11 – Voluntary Exemption Agreements Clause 19	Available for any full-time employees, however the minimum benchmark for wages is 33% above a Level 4 employee Level 4 includes following duties: Employees at this level may have satisfactorily completed the prescribed standard of training at an Advanced level so as to enable them to perform work within the scope of this level. <ul style="list-style-type: none"> general cooking duties, including a la carte cookery, baking, pastry cooking or butchery not requiring an appropriate trades certificate; full control of a cellar or store, general purchasing and stock control duties (including receipt, recording and inventory control of goods, ordering goods of a type directed by the employer from approved suppliers); general and specialised waiting and/or drink service in a fine dining room requiring the mixing of a range of sophisticated drinks and a wide knowledge of wines; basic direct supervision of a small group of employees in a section, department or area of a club; general secretarial, stenographic, bookkeeping and/or clerical duties of an advanced nature, including the preparation of the payroll under supervision and may be responsible for checking and allocating work of other clerical staff; planning, co-ordination and/or conduct of individual leisure games, promotional and/or entertainment activities; the work of a caretaker; planning and/or co-ordination of conferences and/or banquets; being in charge of supervising children in designated playing and similar areas, but not possessing the appropriate trade or professional qualifications; driving a bus requiring the holding of a New South Wales Class 1B or Class 4B licence. 	Hours Overtime Saturday and Sunday Rates Rostered Days Off Public Holidays	The agreement shall provide that the employee must be paid a wage not less than 33% above the award total rate for the work being performed from time to time. No employee shall receive a wage less than 33% above the total award rate for a Level 4 employee	11.1.5 The terms agreed to and the wage agreed upon shall be set out in writing and signed by the parties. The written agreement must also contain the terms of any undertakings made at the time of entering the agreement and, if a roster is agreed upon, a copy of that roster.	11.1.4 The terms then agreed to would operate in lieu of those set out in the Clauses nominated in the agreement, provided that the following minimum standards are observed: <ul style="list-style-type: none"> (a) No agreement may permit an employee to work more than a maximum of 38 ordinary hours per week, averaged over 52 weeks. (b) The agreement shall provide that the employee must be paid a wage not less than 33% above the award total rate for the work being performed from time to time. (c) No employee shall receive a wage less than 33% above the total award rate for a Level 4 employee. 11.1.6 A copy of the agreement shall be sent to the Union and the RCA within 14 days of the commencement of operation of the agreement. 11.1.7 The agreement may be terminated by: <ul style="list-style-type: none"> (a) the employee, by giving written notice within 28 days of entering the agreement; (b) either party, after 12 months, by giving 28 days notice in writing to the other party (or such lesser period as is agreed). 11.1.8 No employee shall suffer a reduction in earnings as a result of entering into an agreement. 11.1.9 No employer shall offer employment to any person on the basis that the employee must enter into an agreement.

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Liquor and Accommodation Industry - Licensed Clubs - Managers and Secretaries (A.C.T) Award 2003 AP824122	9.5 – Salaries exemption and management agreements Part B – Monetary Rates	All Managers – Level A to Level G Level A classification level (i.e. the lowest) includes following skills and indicative duties: <ul style="list-style-type: none"> • Directly supervises the work of other employees and is supervised by more senior management; • May have completed the prescribed standard of training; • Supervision of staff in one or more sections of the Club, including allocation of duties, preparation of rosters, approval of overtime, employee counselling, discipline and performance appraisal. • Plan and implement improved work procedures. • Make recommendations to senior management or the management committee on staff including training requirements and staffing levels. • Decides in consultation with senior management or the management committee on the engagement, termination and promotion of non-managerial staff. • Trains non-managerial staff. • Supervises clerical work, maintains records including the use of computers. • Supervision of stock control and stocktaking. • Contributes ideas for long term planning, including the areas of new equipment, maintenance, human resources, marketing. • Checks and supervises quality of services, hygiene and safety arrangements. • Checks equipment and facilities for maintenance, replacement and upgrading. • Checks, organises and implements security procedures. • Places supply orders and authorises payments within set procedures. 	15 - Higher duties allowance 17 - Hours of work 18 - Overtime 20 - Recall to duty	30% in excess of the minimum annual salary rates for the appropriate classification	No express agreement required	9.6 Management agreements 9.6.1 Nothing in this award shall prevent an employer and an employee from entering into agreements for the purposes of salary sacrifices arrangements, permitted by the Australian Taxation Office. Without limiting the generality of these agreements other matters may be incorporated such as criteria for performance appraisals/bonus payment and other conditions deemed appropriate by the parties. 9.6.2 A copy of an agreement reached pursuant to this clause must be signed by each party to the agreement and recorded in the time and wages records kept by the employer pursuant to Division 1 of Part 9A of the Workplace Relations Regulations. Notation: Assistance with developing Management Agreements is available from the ACT & Region Chamber of Commerce & Industry, and the Club Managers Association Australia.
			14.2 – Motor vehicle allowance 17 – Hours of work 16 – Meals and allowance 19 – Rostered days off 18 – Overtime 20 – Recall to duty 21 – Public holidays, and 28 – Uniforms	50% above the minimum annual salary rate for the appropriate classification	No express agreement required	

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Liquor and Accommodation Industry - Licensed Clubs - Managers and Secretaries – Award 2002 AP817963	13.5 Salaries Exemption and Management Agreements Schedule A	All Managers – Level A to Level G Level A classification level (i.e. the lowest) includes following duties: <ul style="list-style-type: none"> • Supervision of staff in one or more sections of the club, including allocation of duties, preparation of rosters, approval of overtime, employee counselling, discipline and performance appraisal. • Plan and implement improved work procedures. • Make recommendations to senior management or the management committee on staff including training requirements and staffing levels. • Decides in consultation with senior management or the management committee on the engagement, termination and promotion of non-managerial staff. • May assist the management committee in the preparation of agendas • Investigates financial irregularities • Interprets and applies specific management committee policy in running the club • Trains non-managerial staff. • Supervises clerical work, maintains records including the use of computers. • Supervision of stock control and stocktaking. • Contributes ideas for long term planning, including the areas of new equipment, maintenance, human resources, marketing. • Checks and supervises quality of services, hygiene and safety arrangements. • Checks equipment and facilities for maintenance, replacement and upgrading. • Checks, organises and implements security procedures. • Places supply orders and authorises payments within set procedures. 	14 – Mixed functions 18 – Hours of work 20 – Overtime	20% above annual base salary for the appropriate classification prescribed by clause 13 - Classifications and wage rates	No express agreement required	13.5.2 A Club and an individual Manager may gain an exemption from the provisions of clause 13.2, and such other clauses as is mutually agreed. Provided that the agreement would not result, on balance, in a reduction of the overall terms and conditions provided by this award. Without limiting the generality of sub clause 13.5.3, matters which can be incorporated in to an agreement made in accordance of sub clause 13.5.3, may include matters such as a criteria for performance/bonus appraisals and other conditions deemed appropriate by the parties. An agreement made in accordance with sub clause 13.5.3 shall be referred to as a ‘Management Agreements’ and shall be signed by each party to the agreement. An agreement made in accordance with sub clause 13.5.3 shall be referred to as a ‘Management Agreements’ and shall be signed by each party to the agreement. Assistance with developing Management Agreements is available from Clubs Victoria, Clubs Queensland and the Club Managers Association Australia.
			12 – Regular Part Time Employees 14 – Mixed Functions 16 – Allowances 18 – Hours of Work 19 – Meal Allowance 20 – Overtime 24 – Jury Service 26 – Professional Development Leave 27 – Public Holidays 28 – Accommodation 29 – Uniforms	50% above annual base salary	No express agreement required	
Other industries						
Social and Community Services Employees (State) Award AN120505	Clause 20.7 (b)(vi)	Community Services Worker Grade 6 (Year 2)- an employee who exercises a high level of responsibility for organisational management and decision making, exercises considerable independent judgement and a high degree of autonomy, and provides high level expert advice, including but not limited to, the following: Involvement in establishing operational procedures which impact on activities undertaken and outcomes achieved by the organisation and/or activities undertaken by sections of the community serviced by the organisation;	Part III, Hours of Work of this Award Clause 32 – On-Call Allowance of Part V Allowances Expenses Amenities	At least 5% in excess of the rates of pay set out for a Grade 6, Year 2 employee	No express agreement required	

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		<ul style="list-style-type: none"> • Undertaking the control and co-ordination of key aspects of the work of the organisation; • Developing and implementing the long-term goals of the organisation; • Undertaking a wide range of managerial or specialised functions to achieve results in line with organisational goals; • Developing and administering complex policy, organisational and program matters; • May supervise employees or teams of employees across a variety of programs classified at a lower grade; • May be involved in client centred activities which form a component of direct support coverage. <p>Where the prime responsibility lies in a specialised field, a senior specialist at this grade will be subject to broad direction from senior officers, and will undertake duties including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Undertaking work of substantial scope and complexity such that a major portion of such work requires initiative; • Undertaking duties of a professional nature at a senior level; • Undertaking functions across a range of administrative, specialist or operational areas which include specific programs or activities, management of service delivery and the provision of high level advice; • Manage extensive work programs or projects in accordance with the goals of the organisation; • Apply high level analytical skills in the attainment of the objectives of the organisation; • May supervise employees classified at a lower grade. 				
Market Research Industry - Consolidated Award 2003 AP827717	Clause 19 Payment on a total wage basis	All regular employees (i.e. full-time or part-time)	17 – Wage rates, 21 – Allowances, 25 – Out-of-hours penalty 26 – Overtime and 27.1 – Annual leave entitlement	Wage rates plus 25%	No express agreement required	

Methodology: The table above extracts a sample of exemption provisions from award-based transitional instruments. For this analysis, the department identified a sample of provisions in award-based transitional instruments that align with the concept of ‘exemption clauses’ as clauses that operate to exclude certain employees from some or all of the terms of an award.¹ The table omits provisions that have similar characteristics to annualised wage arrangements, such as those with an express requirement to keep records of hours worked and overarching requirements that the annual salary be no less than the amount the employee would have received if paid in accordance with the award. For example, under the *Hospitality Industry – Accommodation, Hotels, Resorts and Gaming Award 1998 (AP7834799)*, clause 22 – Option for Annualised Salary, which provides an overarching caveat that there is no requirement under clauses 19 - Penalty rates, and 28 - Overtime, to pay penalty rates and overtime in addition to the weekly award wage, provided that the salary paid over a year was sufficient to cover what the employee would have been entitled to if all award overtime and penalty rate payment obligations had been complied with (cl. 22.1.1) and contains an obligation to keep a daily record of the hours worked by an employee which shall show the date and start and finish times of the employee for the day, countersigned weekly by the employee and be kept at the place of employment for a period of at least six years (cl. 22.3). The department is not offering a view on the operation of such provisions but has refined the examples to those more relevant for exploration of exemption provisions.

¹ See FWC [Information Note](#) - Exemption rates (background information) and *Clerks (Breweries) Consolidated Award case*, Print S6443, 26 May 2000, at [3]