



# DRAFT DETERMINATION

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

**Annual Wage Review 2020–21**  
(C2021/1)

**GARDENING AND LANDSCAPING SERVICES AWARD 2020**  
[MA000101]

Gardening services

JUSTICE ROSS, PRESIDENT  
VICE PRESIDENT CATANZARITI  
DEPUTY PRESIDENT ASBURY  
COMMISSIONER HAMPTON  
MR FERGUSON  
PROFESSOR WOODEN  
MS LABINE-ROMAIN

MELBOURNE, XX JUNE 2021

*Annual Wage Review 2020–21.*

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2020–21 on 16 June 2021 [[2021] FWCFB 3500], the above award is varied as follows:

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

<b>Classification</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate</b>
<b>Gardener/Landscaper</b>	<b>\$</b>	<b>\$</b>
Introductory Level	772.60	20.33
Level 1	794.80	20.92
Level 2	825.20	21.72
Level 3	863.50	22.72
Level 4	899.50	23.67
Level 5	927.70	24.41

2. By deleting the words “1 November 2020” in clause 15.9(b) and inserting “1 July 2021”.

3. By deleting the table appearing in clause 17.3(a)(i) and inserting the following:

<b>In charge of:</b>	<b>\$ per week</b>
1–2 employees	17.99
3–6 employees	35.98
7–9 employees	44.98
10 or more employees	62.97

4. By deleting the amount “\$5.27” appearing in clause 17.3(b) and inserting “\$5.40”.
5. By deleting the amount “\$17.55” appearing in clause 17.3(c) and inserting “\$17.99”.
6. By deleting the table appearing in clause B.2.1 and inserting the following:

	Ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>150%</b>	<b>150%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Introductory Level	20.33	30.50	30.50	50.83
Level 1	20.92	31.38	31.38	52.30
Level 2	21.72	32.58	32.58	54.30
Level 3	22.72	34.08	34.08	56.80
Level 4	23.67	35.51	35.51	59.18
Level 5	24.41	36.62	36.62	61.03

7. By deleting the table appearing in clause B.2.2 and inserting the following:

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of ordinary hourly rate<sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Introductory Level	30.50	40.66	50.83
Level 1	31.38	41.84	52.30

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of ordinary hourly rate<sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 2	32.58	43.44	54.30
Level 3	34.08	45.44	56.80
Level 4	35.51	47.34	59.18
Level 5	36.62	48.82	61.03

8. By deleting the table appearing in clause B.3.1 and inserting the following:

	Ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>125%</b>	<b>175%</b>	<b>175%</b>	<b>275%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Introductory Level	25.41	35.58	35.58	55.91
Level 1	26.15	36.61	36.61	57.53
Level 2	27.15	38.01	38.01	59.73
Level 3	28.40	39.76	39.76	62.48
Level 4	29.59	41.42	41.42	65.09
Level 5	30.51	42.72	42.72	67.13

9. By deleting the table appearing in clause B.4.1 and inserting the following:

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays	
			Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am		
			<b>% of junior hourly rate<sup>1</sup></b>			
			<b>100%</b>	<b>150%</b>	<b>150%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	
<b>Introductory level</b>						

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays		
			Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am			
			% of junior hourly rate <sup>1</sup>				
			100%	150%		150%	250%
	\$	\$	\$	\$	\$		
17 years and under	540.80	14.23	21.35	21.35	35.58		
18 years	618.10	16.27	24.41	24.41	40.68		
19 years	695.30	18.30	27.45	27.45	45.75		
<b>Level 1</b>							
17 years and under	556.40	14.64	21.96	21.96	36.60		
18 years	635.80	16.73	25.10	25.10	41.83		
19 years	715.30	18.82	28.23	28.23	47.05		
<b>Level 2</b>							
17 years and under	577.60	15.20	22.80	22.80	38.00		
18 years	660.20	17.37	26.06	26.06	43.43		
19 years	742.70	19.54	29.31	29.31	48.85		
<b>Level 3</b>							
17 years and under	604.50	15.91	23.87	23.87	39.78		
18 years	690.80	18.18	27.27	27.27	45.45		
19 years	777.20	20.45	30.68	30.68	51.13		
<b>Level 4</b>							
17 years and under	629.70	16.57	24.86	24.86	41.43		
18 years	719.60	18.94	28.41	28.41	47.35		
19 years	809.60	21.31	31.97	31.97	53.28		
<b>Level 5</b>							
17 years and under	649.40	17.09	25.64	25.64	42.73		
18 years	742.20	19.53	29.30	29.30	48.83		
19 years	834.90	21.97	32.96	32.96	54.93		

10. By deleting the table appearing in clause B.4.2 and inserting the following:

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	% of junior hourly rate <sup>1</sup>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Introductory level</b>			
17 years and under	21.35	28.46	35.58
18 years	24.41	32.54	40.68
19 years	27.45	36.60	45.75
<b>Level 1</b>			
17 years and under	21.96	29.28	36.60
18 years	25.10	33.46	41.83
19 years	28.23	37.64	47.05
<b>Level 2</b>			
17 years and under	22.80	30.40	38.00
18 years	26.06	34.74	43.43
19 years	29.31	39.08	48.85
<b>Level 3</b>			
17 years and under	23.87	31.82	39.78
18 years	27.27	36.36	45.45
19 years	30.68	40.90	51.13
<b>Level 4</b>			
17 years and under	24.86	33.14	41.43
18 years	28.41	37.88	47.35
19 years	31.97	42.62	53.28
<b>Level 5</b>			
17 years and under	25.64	34.18	42.73
18 years	29.30	39.06	48.83
19 years	32.96	43.94	54.93

11. By deleting the table appearing in clause B.4.3 and inserting the following:

Age	Casual junior hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	% of junior hourly rate <sup>1</sup>			
	125%	175%	175%	275%
	\$	\$	\$	\$
<b>Introductory level</b>				
17 years and under	17.79	24.90	24.90	39.13
18 years	20.34	28.47	28.47	44.74
19 years	22.88	32.03	32.03	50.33
<b>Level 1</b>				
17 years and under	18.30	25.62	25.62	40.26
18 years	20.91	29.28	29.28	46.01
19 years	23.53	32.94	32.94	51.76
<b>Level 2</b>				
17 years and under	19.00	26.60	26.60	41.80
18 years	21.71	30.40	30.40	47.77
19 years	24.43	34.20	34.20	53.74
<b>Level 3</b>				
17 years and under	19.89	27.84	27.84	43.75
18 years	22.73	31.82	31.82	50.00
19 years	25.56	35.79	35.79	56.24
<b>Level 4</b>				
17 years and under	20.71	29.00	29.00	45.57
18 years	23.68	33.15	33.15	52.09
19 years	26.64	37.29	37.29	58.60
<b>Level 5</b>				
17 years and under	21.36	29.91	29.91	47.00
18 years	24.41	34.18	34.18	53.71
19 years	27.46	38.45	38.45	60.42

12. By deleting the table appearing in clause B.5.1 and inserting the following:

	Apprentice hourly rate—ordinary hours	Where an employer is subject to water restrictions		Public holidays
		Monday to Friday—outside 6 am to 6 pm	Saturday—before 6 am	
	<b>% of apprentice hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>150%</b>	<b>150%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Have not completed year 12</b>				
1st year	11.84	17.76	17.76	29.60
2nd year	14.20	21.30	21.30	35.50
3rd year	17.75	26.63	26.63	44.38
4th year	22.49	33.74	33.74	56.23
<b>Have completed year 12</b>				
1st year	13.02	19.53	19.53	32.55
2nd year	15.39	23.09	23.09	38.48
3rd year	17.75	26.63	26.63	44.38
4th year	22.49	33.74	33.74	56.23

13. By deleting the table appearing in clause B.5.2 and inserting the following:

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of apprentice hourly rate<sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Have not completed year 12</b>			
1st year	17.76	23.68	29.60
2nd year	21.30	28.40	35.50
3rd year	26.63	35.50	44.38
4th year	33.74	44.98	56.23
<b>Have completed year 12</b>			
1st year	19.53	26.04	32.55
2nd year	23.09	30.78	38.48

	Monday to Sunday		Public holidays
	First 2 hours	After 2 hours	
	<b>% of apprentice hourly rate<sup>1</sup></b>		
	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
3rd year	26.63	35.50	44.38
4th year	33.74	44.98	56.23

14. By deleting the table appearing in clause B.6.1 and inserting the following:

		Minimum weekly rate	Minimum hourly rate
Minimum wage rate <sup>1</sup>		\$	\$
1st year	80% of adult Level 4 rate	719.60	18.94
2nd and 3rd year	Introductory Level rate	772.60	20.33
4th year	95% of adult Level 4 rate	854.53	22.49

15. By deleting the table appearing in clause B.6.2 and inserting the following:

	Penalty rates – Where an employer is subject to water restrictions		Overtime – Monday to Sunday		Public holidays – All hours (including overtime)
	Monday to Friday— outside 6 am to 6 pm	Saturday— before 6 am	First 2 hours	After first 2 hours	
	<b>% of apprentice hourly rate<sup>1</sup></b>				
	<b>150%</b>	<b>150%</b>	<b>150%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
1st year	28.41	28.41	28.41	37.88	47.35
2nd and 3rd year	30.50	30.50	30.50	40.66	50.83
4th year	33.74	33.74	33.74	44.98	56.23

16. By deleting the amount “\$877.60” appearing in clause C.1.1 and inserting “\$899.50”.



17. By deleting the table appearing in clause C.1.1 and inserting the following:

<b>Allowance</b>	<b>Clause</b>	<b>% of standard rate</b>	<b>\$</b>	<b>Payable</b>
Leading hand in charge of— 1–2 employees <sup>1</sup>	17.3(a)(i)	2.0	17.99	per week
Leading hand in charge of— 3–6 employees <sup>1</sup>	17.3(a)(i)	4.0	35.98	per week
Leading hand in charge of— 7–9 employees <sup>1</sup>	17.3(a)(i)	5.0	44.98	per week
Leading hand in charge of— 10 or more employees <sup>1</sup>	17.3(a)(i)	7.0	62.97	per week
Vehicles and/or plant allowance	17.3(b)	0.6	5.40	per day
First aid allowance	17.3(c)	2.0	17.99	per week

B. This determination comes into operation on 1 July 2021. In accordance with s.286(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 July 2021.

PRESIDENT