



# DRAFT DETERMINATION

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

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

**HORTICULTURE AWARD 2020**  
[MA000028]

Agricultural industry

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

MELBOURNE, XX JUNE 2022

*Annual Wage Review 2021–22.*

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2021–22 on 15 June 2022 [[2022] FWCFB 3500], the above award is varied as follows:

- By deleting the table appearing in clause 15.1(a) and inserting the following:

<b>Classification</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate<sup>1</sup></b>
	<b>\$</b>	<b>\$</b>
Level 1	812.60	21.38
Level 2	834.80	21.97
Level 3	857.60	22.57
Level 4	888.60	23.38
Level 5	940.90	24.76

- By deleting the year “2021” in clause 15.6(b) and inserting “2022”.

Item A.16 updated 24 June 2022 to delete duplicate rows for leading hand allowance.

Items A.1 and A.6 to A.14 updated 21 June 2022 to delete duplicate rows for classification Levels 2 to 5

3. By deleting the table appearing in clause 18.2(b) and inserting the following:

<b>In charge of:</b>	<b>\$ per week</b>
2 to 6 employees	25.27
7 to 10 employees	29.44
11 to 20 employees	41.96
More than 20 employees	52.73
7 to 10 employees	29.44
11 to 20 employees	41.96
More than 20 employees	52.73

4. By deleting the amount “\$2.09” appearing in clause 18.2(c)(i) and inserting “\$2.20”.
5. By deleting the amount “\$10.67” appearing in clause 18.2(d) and inserting “\$11.20”.
6. By deleting the table appearing in clause B.2.1 and inserting the following:

	<b>Ordinary hours</b>	<b>Public holidays</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>	
	<b>100%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>
Level 1	21.38	42.76
Level 2	21.97	43.94
Level 3	22.57	45.14
Level 4	23.38	46.76
Level 5	24.76	49.52

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

	<b>Ordinary hours</b>	<b>Afternoon shift</b>	<b>Night shift</b>	<b>Public holidays</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>115%</b>	<b>115%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1	21.38	24.59	24.59	42.76
Level 2	21.97	25.27	25.27	43.94
Level 3	22.57	25.96	25.96	45.14
Level 4	23.38	26.89	26.89	46.76

	<b>Ordinary hours</b>	<b>Afternoon shift</b>	<b>Night shift</b>	<b>Public holidays</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>115%</b>	<b>115%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 5	24.76	28.47	28.47	49.52

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

	<b>Monday to Saturday</b>	<b>Sunday outside of harvest season</b>	<b>Sunday during harvest season</b>		<b>Public holidays</b>
			<b>5 hours within the first 8 hours of overtime</b>	<b>Overtime in excess of 8 hours in the week or 5 hours on Sunday</b>	
	<b>% of ordinary hourly rate<sup>1</sup></b>				
	<b>150%</b>	<b>200%</b>	<b>150%</b>	<b>200%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1	32.07	42.76	32.07	42.76	42.76
Level 2	32.96	43.94	32.96	43.94	43.94
Level 3	33.86	45.14	33.86	45.14	45.14
Level 4	35.07	46.76	35.07	46.76	46.76
Level 5	37.14	49.52	37.14	49.52	49.52

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

	<b>Ordinary hours</b>	<b>Public holidays</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>	
	<b>125%</b>	<b>225%</b>
	<b>\$</b>	<b>\$</b>
Level 1	26.73	48.11
Level 2	27.46	49.43
Level 3	28.21	50.78
Level 4	29.23	52.61
Level 5	30.95	55.71

10. By deleting the table appearing in clause B.3.2 and inserting the following:

	<b>In excess of 12 hours per engagement or 12 hours in a single day</b>	<b>In excess of 304 ordinary hours in an 8 week period</b>	<b>Public holidays</b>
	<b>% of ordinary hourly rate<sup>1</sup></b>		
	<b>175%</b>	<b>175%</b>	<b>225%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Level 1	37.42	37.42	48.11
Level 2	38.45	38.45	49.43
Level 3	39.50	39.50	50.78
Level 4	40.92	40.92	52.61
Level 5	43.33	43.33	55.71

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

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Shiftworkers		All employees
			Afternoon shift	Night shift	Public holidays
			<b>% of junior hourly rate<sup>1</sup></b>		
		<b>100%</b>	<b>115%</b>	<b>115%</b>	<b>200%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>					
Under 16 years	406.30	10.69	12.29	12.29	21.38
16 years	487.60	12.83	14.75	14.75	25.66
17 years	568.80	14.97	17.22	17.22	29.94
18 years	650.10	17.11	19.68	19.68	34.22
19 years	731.30	19.24	22.13	22.13	38.48
<b>Level 2</b>					
Under 16 years	417.40	10.98	12.63	12.63	21.96
16 years	500.90	13.18	15.16	15.16	26.36
17 years	584.40	15.38	17.69	17.69	30.76
18 years	667.80	17.57	20.21	20.21	35.14
19 years	751.30	19.77	22.74	22.74	39.54
<b>Level 3</b>					
Under 16 years	428.80	11.28	12.97	12.97	22.56
16 years	514.60	13.54	15.57	15.57	27.08

Age	Junior weekly rate	Junior hourly rate—ordinary hours	Shiftworkers		All employees
			Afternoon shift	Night shift	Public holidays
			% of junior hourly rate <sup>1</sup>		
		<b>100%</b>	<b>115%</b>	<b>115%</b>	<b>200%</b>
	\$	\$	\$	\$	\$
17 years	600.30	15.80	18.17	18.17	31.60
18 years	686.10	18.06	20.77	20.77	36.12
19 years	771.80	20.31	23.36	23.36	40.62
<b>Level 4</b>					
Under 16 years	444.30	11.69	13.44	13.44	23.38
16 years	533.20	14.03	16.13	16.13	28.06
17 years	622.00	16.37	18.83	18.83	32.74
18 years	710.90	18.71	21.52	21.52	37.42
19 years	799.70	21.04	24.20	24.20	42.08
<b>Level 5</b>					
Under 16 years	470.50	12.38	14.24	14.24	24.76
16 years	564.50	14.86	17.09	17.09	29.72
17 years	658.60	17.33	19.93	19.93	34.66
18 years	752.70	19.81	22.78	22.78	39.62
19 years	846.80	22.28	25.62	25.62	44.56

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

Age	Monday to Saturday	Sunday outside of harvest season	Sunday during harvest season		Public holidays
			First 5 hours within the first 8 hours of overtime	Overtime in excess of 8 hours in the week or 5 hours on Sunday	
			% of junior hourly rate <sup>1</sup>		
	<b>150%</b>	<b>200%</b>	<b>150%</b>	<b>200%</b>	<b>200%</b>
	\$	\$	\$	\$	\$
<b>Level 1</b>					
Under 16 years	16.04	21.38	16.04	21.38	21.38
16 years	19.25	25.66	19.25	25.66	25.66

Age	Monday to Saturday	Sunday outside of harvest season	Sunday during harvest season		Public holidays
			First 5 hours within the first 8 hours of overtime	Overtime in excess of 8 hours in the week or 5 hours on Sunday	
% of junior hourly rate <sup>1</sup>					
	150%	200%	150%	200%	200%
	\$	\$	\$	\$	\$
17 years	22.46	29.94	22.46	29.94	29.94
18 years	25.67	34.22	25.67	34.22	34.22
19 years	28.86	38.48	28.86	38.48	38.48
<b>Level 2</b>					
Under 16 years	16.47	21.96	16.47	21.96	21.96
16 years	19.77	26.36	19.77	26.36	26.36
17 years	23.07	30.76	23.07	30.76	30.76
18 years	26.36	35.14	26.36	35.14	35.14
19 years	29.66	39.54	29.66	39.54	39.54
<b>Level 3</b>					
Under 16 years	16.92	22.56	16.92	22.56	22.56
16 years	20.31	27.08	20.31	27.08	27.08
17 years	23.70	31.60	23.70	31.60	31.60
18 years	27.09	36.12	27.09	36.12	36.12
19 years	30.47	40.62	30.47	40.62	40.62
<b>Level 4</b>					
Under 16 years	17.54	23.38	17.54	23.38	23.38
16 years	21.05	28.06	21.05	28.06	28.06
17 years	24.56	32.74	24.56	32.74	32.74
18 years	28.07	37.42	28.07	37.42	37.42
19 years	31.56	42.08	31.56	42.08	42.08
<b>Level 5</b>					
Under 16 years	18.57	24.76	18.57	24.76	24.76
16 years	22.29	29.72	22.29	29.72	29.72
17 years	26.00	34.66	26.00	34.66	34.66
18 years	29.72	39.62	29.72	39.62	39.62

Age	Monday to Saturday	Sunday outside of harvest season	Sunday during harvest season		Public holidays
			First 5 hours within the first 8 hours of overtime	Overtime in excess of 8 hours in the week or 5 hours on Sunday	
% of junior hourly rate <sup>1</sup>					
	150%	200%	150%	200%	200%
	\$	\$	\$	\$	\$
19 years	33.42	44.56	33.42	44.56	44.56

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

Age	Casual hourly rate	Public holidays
% of junior hourly rate <sup>1</sup>		
	125%	225%
	\$	\$
<b>Level 1</b>		
Under 16 years	13.36	24.05
16 years	16.04	28.87
17 years	18.71	33.68
18 years	21.39	38.50
19 years	24.05	43.29
<b>Level 2</b>		
Under 16 years	13.73	24.71
16 years	16.48	29.66
17 years	19.23	34.61
18 years	21.96	39.53
19 years	24.71	44.48
<b>Level 3</b>		
Under 16 years	14.10	25.38
16 years	16.93	30.47
17 years	19.75	35.55
18 years	22.58	40.64
19 years	25.39	45.70
<b>Level 4</b>		

<b>Age</b>	<b>Casual hourly rate</b>	<b>Public holidays</b>
	<b>% of junior hourly rate<sup>1</sup></b>	
	<b>125%</b>	<b>225%</b>
	<b>\$</b>	<b>\$</b>
Under 16 years	14.61	26.30
16 years	17.54	31.57
17 years	20.46	36.83
18 years	23.39	42.10
19 years	26.30	47.34
<b>Level 5</b>		
Under 16 years	15.48	27.86
16 years	18.58	33.44
17 years	21.66	38.99
18 years	24.76	44.57
19 years	27.85	50.13

14. By deleting the table appearing in clause B.4.4 and inserting the following:

	<b>In excess of 12 hours per engagement or 12 hours in a single day</b>	<b>In excess of 304 ordinary hours in an 8 week period</b>	<b>Public holidays</b>
	<b>% of junior hourly rate<sup>1</sup></b>		
	<b>175%</b>	<b>175%</b>	<b>225%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>			
Under 16 years	18.71	18.71	24.05
16 years	22.45	22.45	28.87
17 years	26.20	26.20	33.68
18 years	29.94	29.94	38.50
19 years	33.67	33.67	43.29
<b>Level 2</b>			
Under 16 years	19.22	19.22	24.71
16 years	23.07	23.07	29.66
17 years	26.92	26.92	34.61
18 years	30.75	30.75	39.53
19 years	34.60	34.60	44.48



	<b>In excess of 12 hours per engagement or 12 hours in a single day</b>	<b>In excess of 304 ordinary hours in an 8 week period</b>	<b>Public holidays</b>
<b>Level 3</b>			
Under 16 years	19.74	19.74	25.38
16 years	23.70	23.70	30.47
17 years	27.65	27.65	35.55
18 years	31.61	31.61	40.64
19 years	35.54	35.54	45.70
<b>Level 4</b>			
Under 16 years	20.46	20.46	26.30
16 years	24.55	24.55	31.57
17 years	28.65	28.65	36.83
18 years	32.74	32.74	42.10
19 years	36.82	36.82	47.34
<b>Level 5</b>			
Under 16 years	21.67	21.67	27.86
16 years	26.01	26.01	33.44
17 years	30.33	30.33	38.99
18 years	34.67	34.67	44.57
19 years	38.99	38.99	50.13

15. By deleting the amount “\$20.92” appearing in clause C.1.1 and inserting “\$21.97”.
16. 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 allowance—2 to 6 employees <sup>1</sup>	18.2(b)	115.0	25.27	per week
Leading hand allowance—7 to 10 employees <sup>1</sup>	18.2(b)	134.0	29.44	per week
Leading hand allowance—11 to 20 employees <sup>1</sup>	18.2(b)	191.0	41.96	per week
Leading hand allowance—more than 20 employees <sup>1</sup>	18.2(b)	240.0	52.73	per week

<b>Allowance</b>	<b>Clause</b>	<b>% of standard rate</b>	<b>\$</b>	<b>Payable</b>
Wet work allowance—unless provided with adequate protection <sup>1</sup>	18.2(c)(i)	10.0	2.20	per hour
First aid allowance <sup>1</sup>	18.2(d)	51.0	11.20	per week

B. This determination comes into operation on 1 July 2022. In accordance with s.286(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 July 2022.

PRESIDENT