



# DRAFT DETERMINATION

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

**Annual Wage Review 2022–23**  
(C2023/1)

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

Gardening services

JUSTICE HATCHER, PRESIDENT  
VICE PRESIDENT CATANZARITI  
VICE PRESIDENT ASBURY  
DEPUTY PRESIDENT HAMPTON  
MS LABINE-ROMAIN  
PROFESSOR BAIRD  
MR CULLY

SYDNEY, XX JUNE 2023

*Annual Wage Review 2022–23.*

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2022–23 on 2 June 2023 [[2023] 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	859.30	22.61
Level 1	882.80	23.23
Level 2	914.90	24.08
Level 3	955.50	25.14
Level 4	995.00	26.18
Level 5	1026.20	27.01

2. By deleting the year “2022” in clause 15.9(b) and inserting “2023”.

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	19.90
3–6 employees	39.80
7–9 employees	49.75
10 or more employees	69.65

4. By deleting the amount “\$5.65” appearing in clause 17.3(b) and inserting “\$5.97”.
5. By deleting the amount “\$18.82” appearing in clause 17.3(c) and inserting “\$19.90”.
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	22.61	33.92	33.92	56.53
Level 1	23.23	34.85	34.85	58.08
Level 2	24.08	36.12	36.12	60.20
Level 3	25.14	37.71	37.71	62.85
Level 4	26.18	39.27	39.27	65.45
Level 5	27.01	40.52	40.52	67.53

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	33.92	45.22	56.53
Level 1	34.85	46.46	58.08
Level 2	36.12	48.16	60.20

	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 3	37.71	50.28	62.85
Level 4	39.27	52.36	65.45
Level 5	40.52	54.02	67.53

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	28.26	39.57	39.57	62.18
Level 1	29.04	40.65	40.65	63.88
Level 2	30.10	42.14	42.14	66.22
Level 3	31.43	44.00	44.00	69.14
Level 4	32.73	45.82	45.82	72.00
Level 5	33.76	47.27	47.27	74.28

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>					
17 years and under	601.50	15.83	23.75	23.75	39.58
18 years	687.40	18.09	27.14	27.14	45.23

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%
	\$	\$	\$	\$	\$	
19 years	773.40	20.35	30.53	30.53	50.88	
<b>Level 1</b>						
17 years and under	618.00	16.26	24.39	24.39	40.65	
18 years	706.20	18.58	27.87	27.87	46.45	
19 years	794.50	20.91	31.37	31.37	52.28	
<b>Level 2</b>						
17 years and under	640.40	16.85	25.28	25.28	42.13	
18 years	731.90	19.26	28.89	28.89	48.15	
19 years	823.40	21.67	32.51	32.51	54.18	
<b>Level 3</b>						
17 years and under	668.90	17.60	26.40	26.40	44.00	
18 years	764.40	20.12	30.18	30.18	50.30	
19 years	860.00	22.63	33.95	33.95	56.58	
<b>Level 4</b>						
17 years and under	696.50	18.33	27.50	27.50	45.83	
18 years	796.00	20.95	31.43	31.43	52.38	
19 years	895.50	23.57	35.36	35.36	58.93	
<b>Level 5</b>						
17 years and under	718.30	18.90	28.35	28.35	47.25	
18 years	821.00	21.61	32.42	32.42	54.03	
19 years	923.60	24.31	36.47	36.47	60.78	

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	23.75	31.66	39.58
18 years	27.14	36.18	45.23
19 years	30.53	40.70	50.88
<b>Level 1</b>			
17 years and under	24.39	32.52	40.65
18 years	27.87	37.16	46.45
19 years	31.37	41.82	52.28
<b>Level 2</b>			
17 years and under	25.28	33.70	42.13
18 years	28.89	38.52	48.15
19 years	32.51	43.34	54.18
<b>Level 3</b>			
17 years and under	26.40	35.20	44.00
18 years	30.18	40.24	50.30
19 years	33.95	45.26	56.58
<b>Level 4</b>			
17 years and under	27.50	36.66	45.83
18 years	31.43	41.90	52.38
19 years	35.36	47.14	58.93
<b>Level 5</b>			
17 years and under	28.35	37.80	47.25
18 years	32.42	43.22	54.03
19 years	36.47	48.62	60.78

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	19.79	27.70	27.70	43.53
18 years	22.61	31.66	31.66	49.75
19 years	25.44	35.61	35.61	55.96
<b>Level 1</b>				
17 years and under	20.33	28.46	28.46	44.72
18 years	23.23	32.52	32.52	51.10
19 years	26.14	36.59	36.59	57.50
<b>Level 2</b>				
17 years and under	21.06	29.49	29.49	46.34
18 years	24.08	33.71	33.71	52.97
19 years	27.09	37.92	37.92	59.59
<b>Level 3</b>				
17 years and under	22.00	30.80	30.80	48.40
18 years	25.15	35.21	35.21	55.33
19 years	28.29	39.60	39.60	62.23
<b>Level 4</b>				
17 years and under	22.91	32.08	32.08	50.41
18 years	26.19	36.66	36.66	57.61
19 years	29.46	41.25	41.25	64.82
<b>Level 5</b>				
17 years and under	23.63	33.08	33.08	51.98
18 years	27.01	37.82	37.82	59.43
19 years	30.39	42.54	42.54	66.85

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	13.09	19.64	19.64	32.73
2nd year	15.71	23.57	23.57	39.28
3rd year	19.64	29.46	29.46	49.10
4th year	24.87	37.31	37.31	62.18
<b>Have completed year 12</b>				
1st year	14.40	21.60	21.60	36.00
2nd year	17.02	25.53	25.53	42.55
3rd year	19.64	29.46	29.46	49.10
4th year	24.87	37.31	37.31	62.18

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	19.64	26.18	32.73
2nd year	23.57	31.42	39.28
3rd year	29.46	39.28	49.10
4th year	37.31	49.74	62.18
<b>Have completed year 12</b>			
1st year	21.60	28.80	36.00
2nd year	25.53	34.04	42.55

	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	29.46	39.28	49.10
4th year	37.31	49.74	62.18

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	796.00	20.94
2nd and 3rd year	Introductory Level rate	859.30	22.61
4th year	95% of adult Level 4 rate	945.25	24.87

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	31.41	31.41	31.41	41.88	52.35
2nd and 3rd year	33.92	33.92	33.92	45.22	56.53
4th year	37.31	37.31	37.31	49.74	62.18

16. By deleting the amount “\$940.90” appearing in clause C.1.1 and inserting “\$995.00”.



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	19.90	per week
Leading hand in charge of— 3–6 employees <sup>1</sup>	17.3(a)(i)	4.0	39.80	per week
Leading hand in charge of— 7–9 employees <sup>1</sup>	17.3(a)(i)	5.0	49.75	per week
Leading hand in charge of— 10 or more employees <sup>1</sup>	17.3(a)(i)	7.0	69.65	per week
Vehicles and/or plant allowance	17.3(b)	0.6	5.97	per day
First aid allowance	17.3(c)	2.0	19.90	per week

- B. This determination comes into operation on 1 July 2023. 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 2023.

PRESIDENT