


PAY AND CONDITIONS GUIDE

Real Estate Industry Award 2010 [MA000106] ('modern award')
replacing terms and conditions in or derived from

Property Sales Award Queensland - State 2005 [AN140229]
(‘pre-modern award’)

(QLD)

Effective from 01 July 2011.

Published 14 July 2011 

Background

This guide was developed by the Fair Work Ombudsman to assist employers and employees covered by this modern award, pre-modern award and pay scales derived from this pre-modern award to identify minimum wages, penalties, loadings and allowances.

Transitional arrangements

Modern awards commenced operation on 01 January 2010. However, minimum wage, loading and penalty entitlements commence from 01 July 2010. Almost all modern awards include provisions to ‘transition’ employers and employees from their pre-modern award to the modern award system.

This modern award includes transitional provisions that provide for the ‘phasing in’ of increases or decreases in minimum wages, penalties and loadings in the modern award in 5 increments over 4 years from 01 July 2010. All other terms and conditions in this modern award apply in full from 01 January 2010.

The rates in this guide are current from the first pay period on or after 01 July 2011. The rates set out in this guide will change from the first full period on or after 01 July each year to take account of Fair Work Australia’s annual wage review and transitional arrangements. The rates may also change as a result of a Fair Work Australia decision to vary the modern award or pay and condition entitlements of the modern award from time to time.

Transitional arrangements for Division 2B State awards

Division 2B State awards (other than Division 2B enterprise awards) terminate at the end of 31 December 2010 and, from 1 January 2011, employers and employees are covered by the relevant modern award. However, most modern awards provide that all the terms of Division 2B State awards continue to apply until the end of the full pay period which started before 1 February 2011.

The employers affected include sole traders, partnerships, other unincorporated entities and non-trading corporations in New South Wales, Queensland, South Australia and Tasmania who are covered by a Division 2B State award.

From the first full pay period starting on or after 1 February 2011, an employer who was covered by a Division 2B State award, must comply with all of the terms and conditions contained in their relevant modern award, and any transitional arrangements that apply. Transitional arrangements in most modern awards for Division 2B State award employers provide that from the first full pay period starting on or after 1 February 2011, they must pay at least the same minimum wage rates, penalties and loadings as national system employers who are transitioning from the equivalent NAPSA. There are some exceptions and special transitional arrangements that apply in certain situations. If you require help determining whether these exceptions or special transitional arrangements apply to you, please contact the Fair Work Infoline on 13 13 94.

Note: Modern awards are not intended to reduce an employee's take-home pay. An employee or his/her union can apply to Fair Work Australia for a take-home pay order to remedy any reduction in his/her overall take-home pay.

Who should use the guide?

Employees and employers who were entitled to terms and conditions in or derived from this pre-modern award and who are now covered by this modern award.

The guide contains information from this modern award about:

- who the modern award covers;
- wage rates, including rates for casual employees, junior employees, trainees and apprentices;
- penalty rates for working at particular times or under particular arrangements;
- allowances; and
- other conditions of employment.

What if an agreement applies to employees covered by the modern award?

Minimum wage entitlements in a modern award override lesser wage entitlements in an agreement or contract of employment at all times, including agreements and contracts that were made before the commencement of the *Fair Work Act 2009*. All employees covered by the modern award must not be paid less than the rate of pay in the modern award.

However, the penalty rates and allowances in the modern award do not apply to agreement-covered employees, unless the agreement is read in conjunction with the modern award (e.g. a pre-reform certified agreement (a type of collective agreement made before 27 March 2006)).

If you require assistance with any provisions of this guide please contact the **Fair Work Infoline** on **13 13 94**.

Coverage

This award covers employers in Australia engaged in the real estate industry in respect to their employees engaged in classifications outlined in this award, to the exclusion of any other modern award.

The award does not cover an employee excluded from award coverage by the Act.

The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

This award covers any employer which supplies labour on an on-hire basis in the industry set out in this award in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

This award covers employers which provide group training or related temporary employment services for trainees engaged in the industry and/or parts of industry set out in this award and those trainees engaged by a group training or related temporary employment service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.

Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

Wages

This modern award includes transitional arrangements that apply to minimum wage entitlements from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award wages commence in full).

The following wage tables set out base rates of pay for classifications under the modern award.

It also sets out how the modern award classification matches up with pre-modern award classification. If there is no classification match the employee may be covered by another pre-modern award, or another modern award, such as a modern award that covers the employee's occupation rather than the industry.

The base rates of pay in this guide include any applicable industry allowance. The base rates of pay also include any increase from Fair Work Australia's annual wage review. For more information about transitional arrangements for minimum wage entitlements, please visit www.fairwork.gov.au

Casual employees

The rates for casual employees set in the table below are minimum rates for **ordinary hours** only.

Please visit www.fairwork.gov.au for information about penalty entitlements for casual employees.

*Post 26 March 2006 employer

Wage rates for casual employees of employers that became part of the national system after 26 March 2006 do not include annual leave loading because those employees did not have a pre-modern award entitlement to annual leave loading.

Adult

The rates in this guide are current from the first pay period on or after 01 July 2011 until the final pay period before 01 July 2012 only.

Full & Part Time Property sales associate

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
First 6 months of employment at this classification	Property sales person	\$15.51
After first 6 months of employment at this classification	Property sales person	\$15.73

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Property sales representative	Property sales person	\$15.90
Property sales representative	Property sales person (advanced)	\$16.93
Property sales supervisor	Property sales person (advanced)	\$17.97

Casual Property sales associate

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
First 6 months of employment at this classification	Property sales person	\$19.20 (23.80%)
After first 6 months of employment at this classification	Property sales person	\$19.48 (23.80%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Property sales representative	Property sales person	\$19.68 (23.80%)
Property sales representative	Property sales person (advanced)	\$20.96 (23.80%)
Property sales supervisor	Property sales person (advanced)	\$22.24 (23.80%)

Junior

The rates in this guide are current from the first pay period on or after 01 July 2011 until the final pay period before 01 July 2012 only.

Full & Part Time Property sales associate

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
First 6 months of employment this classification, At 18 years	Property sales person	\$12.74
First 6 months of employment this classification, At 19 years	Property sales person	\$13.43
First 6 months of employment this classification, At 20 years	Property sales person	\$14.12
After first 6 months of employment this classification, At 18 years	Property sales person	\$12.88
After first 6 months of employment this classification, At 19 years	Property sales person	\$13.59
After first 6 months of employment this classification, At 20 years	Property sales person	\$14.31

Property sales representative

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 18 years	Property sales person	\$12.97
At 18 years	Property sales person (advanced)	\$14.00
At 19 years	Property sales person	\$13.70
At 19 years	Property sales person (advanced)	\$14.74
At 20 years	Property sales person	\$14.44
At 20 years	Property sales person (advanced)	\$15.47

Property sales supervisor

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 18 years	Property sales person (advanced)	\$14.63
At 19 years	Property sales person (advanced)	\$15.46
At 20 years	Property sales person (advanced)	\$16.30

**Casual
Property sales associate**

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
First 6 months of employment this classification, At 18 years	Property sales person	\$15.77 (23.80%)
First 6 months of employment this classification, At 19 years	Property sales person	\$16.63 (23.80%)
First 6 months of employment this classification, At 20 years	Property sales person	\$17.48 (23.80%)
After first 6 months of employment this classification, At 18 years	Property sales person	\$15.94 (23.80%)
After first 6 months of employment this classification, At 19 years	Property sales person	\$16.82 (23.80%)
After first 6 months of employment this classification, At 20 years	Property sales person	\$17.71 (23.80%)

Property sales representative

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 18 years	Property sales person	\$16.06 (23.80%)
At 18 years	Property sales person (advanced)	\$17.34 (23.80%)
At 19 years	Property sales person	\$16.97 (23.80%)
At 19 years	Property sales person (advanced)	\$18.24 (23.80%)
At 20 years	Property sales person	\$17.87 (23.80%)
At 20 years	Property sales person (advanced)	\$19.15 (23.80%)

Property sales supervisor

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 18 years	Property sales person (advanced)	\$18.11 (23.80%)
At 19 years	Property sales person (advanced)	\$19.14 (23.80%)
At 20 years	Property sales person (advanced)	\$20.17 (23.80%)

Apprentice

Apprentice employees are not covered by this guide for the modern award and pre-modern award.

Trainee

This modern award incorporates trainee rates derived from the National Training Wage Schedule (NTW Sch.), as adjusted from time to time.

Supported Wage

Please refer to clause 14.4 of the modern award.

For detail of supported wage provisions see the 1 January 2010 version of the instrument.

Penalties and Loadings (other than casual or part-time loadings for ordinary hours)

Where an employee had an entitlement to a loading/penalty rate before 01 January 2010 that is exactly the same as the modern award loading/penalty entitlement the modern award loading/penalty applies in full from 01 January 2010.

Transitional arrangements

This modern award includes transitional arrangements that apply to loading/penalty entitlements where there is a difference in modern award and pre-modern award loading/penalty entitlements. Transitional arrangements apply from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award loadings/penalties apply in full).

Different arrangements apply depending on whether the entitlements are "equivalent" or not.

- A pre-modern award loading/penalty will be "equivalent" to a modern award entitlement where the loading/penalty applies:
 - for the same purpose (e.g. Saturday penalty);
 - for the same time periods; and
 - in the same way#.
 - #A pre-modern award and modern award loading/penalty applies in the same way if the entitlements are both:
 - paid at the same frequency, such as per hour or per shift; and
 - paid as a percentage of the same amount (e.g. both penalties are paid as a percentage of the employee's classification rate, rather than as a percentage of a different amount or paid as a flat dollar amount).

Casual loadings and penalties also need to interact with each other in the same way in the pre-modern award and modern award to be equivalent (e.g. the loading and penalty rate are calculated on the base hourly rate in both instruments).

Equivalent entitlements

If the pre-modern award loading/penalty rate is "equivalent" to the modern award loading/penalty rate the penalty rate is calculated as follows:

1. The difference between the two loading/penalty rates is referred to as a "transitional percentage". The transitional percentage stays the same every year.
2. A proportion of the transitional percentage is calculated each year as follows:

First full pay period on or after	Proportion of transitional percentage
01 July 2010	80%
01 July 2011	60%

01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

3. Where the modern award loading/penalty is higher, the penalty rate is obtained by subtracting the proportion of the transitional percentage.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is higher.

1/01/2010	1/07/2014	1/07/2010
Pre-modern award penalty	Modern award penalty	Penalty rate (phased)
25%	50%	30%
50%	75%	55%
50%	100%	60%
75%	100%	80%

4. Where the modern award loading/penalty is lower, the penalty rate is obtained by adding the proportion of the transitional percentage.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is lower.

1/01/2010	1/07/2014	1/07/2010
Pre-modern award penalty	Modern award penalty	Penalty rate (phased)
50%	25%	45%
75%	50%	70%
100%	50%	90%
100%	75%	95%

Entitlements that are not equivalent

If pre-modern award and modern award penalty rates are not "equivalent", the following approach applies:

1. Loadings/penalty rates from a modern award are phased in from zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of modern award loading/penalty
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

2. Pre-modern award loadings/penalty rates are phased out to zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of pre-modern award loading/ penalty
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

Please note that a pre-modern award penalty rate can be 'phased out' at the same time that a modern award penalty is 'phasing in' (i.e. where different entitlements apply in the same time period). This means that two different rates may apply for the same time period.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are not equivalent.

1/01/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
	(20.00%)
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

1/01/2010	1/07/2010
Pre-modern award penalty	Penalty rate (phased)
	(80.00%)
10.00%	8.00%
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%
100.00%	80.00%
120.00%	96.00%
125.00%	100.00%
130.00%	104.00%
150.00%	120.00%

New entitlements

Where an employee did not have a particular loading/penalty entitlement before 01 January 2010, the modern award loading/penalty is phased in from zero as a new entitlement from the first pay period on or after 01 July 2010 by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of modern award loading/penalty
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements in the modern award are new.

1/07/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
25%	5%
50%	10%
75%	15%
100%	20%

For more information about transitional arrangements for loading/penalty entitlements please visit www.fairwork.gov.au and/or contact the **Fair Work Infoline** on **13 13 94** for advice and assistance.

Allowances

Allowances in modern awards apply in full from 01 January 2010 (although the rates may change from time to time).

All states covered by this instrument Full Time, Part Time, Casual

Clause	Allowance Type	Description	Effective Date	Rate
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Up to and including 1600cc - per kilometre</u></p> <p>In addition to the weekly standing charge allowance, an employee must also be paid an amount per kilometre for the distance travelled in performing duties.</p>	1/01/2010	\$0.1200 per kilometre
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Up to and including 1600cc - lump sum</u></p> <p>Where employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p>	1/01/2010	\$28.0000 per day.
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>1601cc up to and including 2600cc - per kilometre</u></p> <p>In addition to the weekly standing charge allowance, an employee must also be paid an amount per kilometre for the distance travelled in performing duties.</p>	1/01/2010	\$0.1400 per kilometre

Clause	Allowance Type	Description	Effective Date	Rate
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>1601cc up to and including 2600cc - lump sum</u></p> <p>Where employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p>	1/01/2010	\$36.0000 per day.
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Over 2600cc - per kilometre</u></p> <p>In addition to the weekly standing charge allowance, an employee must also be paid an amount per kilometre for the distance travelled in performing duties.</p>	1/01/2010	\$0.1600 per kilometre
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Over 2600cc - lump sum</u></p> <p>Where employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p>	1/01/2010	\$39.0000 per day.
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Up to and including 1600cc - per kilometre</u></p>	1/01/2010	\$0.1200 per kilometre

Clause	Allowance Type	Description	Effective Date	Rate
		In addition to the weekly standing charge allowance, an employee must also be paid an amount per kilometre for the distance travelled in performing duties.		
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Up to and including 1600cc - lump sum</u></p> <p>Where employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p>	1/01/2010	<p>\$21.0000 per day.</p> <p>For full time employees provided that, where the vehicle is used on three or more days in any week, the full weekly rate will be payable for that week being \$105 per week.</p>
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>1601cc up to and including 2600cc - per kilometre</u></p> <p>In addition to the weekly standing charge allowance, an employee must also be paid an amount per kilometre for the distance travelled in performing duties.</p>	1/01/2010	\$0.1400 per kilometre
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>1601cc up to and including 2600cc - lump sum</u></p> <p>Where employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p>	1/01/2010	<p>\$27.0000 per day.</p> <p>For full time employees provided that, where the vehicle is used on three or more days in any week, the full weekly rate will be payable for that week being \$135 per week.</p>

Clause	Allowance Type	Description	Effective Date	Rate
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Over 2600cc - per kilometre</u></p> <p>In addition to the weekly standing charge allowance, an employee must also be paid an amount per kilometre for the distance travelled in performing duties.</p>	1/01/2010	\$0.1800 per kilometre
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Over 2600cc - lump sum</u></p> <p>Where employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p>	1/01/2010	<p>\$32.0000 per day.</p> <p>For full time employees provided that, where the vehicle is used on three or more days in any week, the full weekly rate will be payable for that week being \$160 per week.</p>
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Up to and including 1600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p> <p>Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the standing charge rate for each day worked.</p>	1/01/2010	\$15.2500 per day
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p>	1/01/2010	\$28.0000 per day

Clause	Allowance Type	Description	Effective Date	Rate
		<p><u>Up to and including 1600cc - lump sum</u></p> <p>Where an employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p> <p>Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the lump sum rate for each day worked.</p>		
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>1601cc up to and including 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p> <p>Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the standing charge rate for each day worked.</p>	1/01/2010	\$20.9000 per day
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>1601cc up to and including 2600cc - lump sum</u></p> <p>Where an employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p>	1/01/2010	\$36.0000 per day

Clause	Allowance Type	Description	Effective Date	Rate
		Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the lump sum rate for each day worked.		
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Over 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p> <p>Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the standing charge rate for each day worked.</p>	1/01/2010	\$21.7500 per day
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Over 2600cc - lump sum</u></p> <p>Where an employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p> <p>Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the lump sum rate for each day worked.</p>	1/01/2010	\$39.0000 per day
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Up to and including 1600cc - standing charge</u></p>	1/01/2010	\$7.7500 per day

Clause	Allowance Type	Description	Effective Date	Rate
		<p>Where the employee is required to use their own motor vehicle in the course of employment.</p> <p>Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the standing charge rate for each day worked.</p>		
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Up to and including 1600cc - lump sum</u></p> <p>Where an employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p> <p>Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the lump sum rate for each day worked.</p>	1/01/2010	\$21.0000 per day
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>1601cc up to and including 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p> <p>Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the standing charge rate for each day worked.</p>	1/01/2010	\$11.6000 per day
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p>	1/01/2010	\$27.0000 per day

Clause	Allowance Type	Description	Effective Date	Rate
		<p><u>1601cc up to and including 2600cc - lump sum</u></p> <p>Where an employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p> <p>Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the lump sum rate for each day worked.</p>		
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Over 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p> <p>Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the standing charge rate for each day worked.</p>	1/01/2010	\$12.6500 per day
18.1(d)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Over 2600cc - lump sum</u></p> <p>Where an employee is required to use their own motor vehicle in the course of employment and where the employer and employee expressly agree in writing, a weekly lump sum payment shall be made, instead of the standing charge and per kilometre rate.</p>	1/01/2010	\$32.0000 per day

Clause	Allowance Type	Description	Effective Date	Rate
		Part-time, casual and full-time employees (who do not use their vehicle more than two days per week), will be paid one fifth of the lump sum rate for each day worked.		
18.2(a)	Vehicle allowance	<p>Motor vehicle allowance - alternative</p> <p>Instead of other motor vehicle allowances, employer may elect to pay the employee a per kilometre allowance for all use of the employee's own motor vehicle in the course of employment, to a maximum of 400km per week.</p>	1/01/2010	\$0.7400 per kilometre
18.4(a)	Vehicle allowance	<p>Motor vehicle allowance - QLD transitional provisions</p> <p>Despite the Motor vehicle allowances already outlined, the following applies until 31 December 2014:</p> <p>- Until a written agreement on the method of payment for reimbursement of the costs of using an employee's motor vehicle is in force, the employee will be entitled to a per kilometre allowance for all use of the employee's own motor vehicle in the course of employment.</p>	1/01/2010	\$0.7400 per kilometre
18.4(c)	Vehicle allowance	<p>Motor vehicle allowance - SA transitional provisions</p> <p>Despite the Motor vehicle allowances already outlined, the following applies until 31 December 2014:</p> <p>The motor vehicle allowance for property sales classifications in South Australia:</p> <p>- for any employee engaged under a property sales classification (other than a property sales trainee) a weekly allowance is payable, provided that a property sales associate may elect to pay the employee a \$0.74 per kilometre allowance</p>	1/01/2010	<p>\$3.6842 per hour.</p> <p>This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week).</p>

Clause	Allowance Type	Description	Effective Date	Rate
		for all use of the employee's own motor vehicle in the course of employment, to a maximum of 400 km per week. -will be pro rated for part-time and casual salespeople at the rate of 1/38th of the relevant motor vehicle allowance for each ordinary hour (or part thereof), capped at \$140.00.		
18.4(c)	Vehicle allowance	<p>Motor vehicle allowance - SA transitional provisions</p> <p>Despite the Motor vehicle allowances already outlined, the following applies until 31 December 2014:</p> <p>The motor vehicle allowance for property sales classifications in South Australia:</p> <ul style="list-style-type: none"> - for any employee engaged under a property sales trainee classification a weekly allowance is payable. -will be pro rated for part-time and casual salespeople at the rate of 1/38th of the relevant motor vehicle allowance for each ordinary hour (or part thereof), capped at \$110.00. 	1/01/2010	<p>\$2.8947 per hour.</p> <p>This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week).</p>

Full Time

Clause	Allowance Type	Description	Effective Date	Rate
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Up to and including 1600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	\$76.2500 per week

Clause	Allowance Type	Description	Effective Date	Rate
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>1601cc up to and including 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	\$104.5000 per week
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Over 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	\$108.7500 per week
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Up to and including 1600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	\$38.7500 per week
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>1601cc up to and including 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	\$58.0000 per week
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Over 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	\$63.2500 per week

Clause	Allowance Type	Description	Effective Date	Rate

Part Time, Casual

Clause	Allowance Type	Description	Effective Date	Rate
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Over 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	27/03/2006	\$1.6645 per hour
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>1601cc up to and including 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	<p>\$1.5263 per hour.</p> <p>This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week).</p>
18.1(c)	Vehicle allowance	<p>Motor vehicle allowance - vehicle over five years of age</p> <p><u>Up to and including 1600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	<p>\$1.0197 per hour.</p> <p>This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work</p>

Clause	Allowance Type	Description	Effective Date	Rate
				(up to a maximum of 38 hours per week).
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Over 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	<p>\$2.8618 per hour.</p> <p>This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week).</p>
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>1601cc up to and including 2600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	<p>\$2.7500 per hour.</p> <p>This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week).</p>
18.1(b)	Vehicle allowance	<p>Motor vehicle allowance - vehicle up to five years of age</p> <p><u>Up to and including 1600cc - standing charge</u></p> <p>Where the employee is required to use their own motor vehicle in the course of employment.</p>	1/01/2010	<p>\$2.0066 per hour.</p> <p>This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work</p>

Clause	Allowance Type	Description	Effective Date	Rate
				(up to a maximum of 38 hours per week).

Other Conditions

The following conditions in the modern award apply in full from 1 January 2010. Please note that the below table is a summary of commonly applicable entitlements in the modern award, there may be other entitlements in the modern award that are relevant to particular employers or employees. Please refer to the modern award for full details.

Note: The National Employment Standards (**NES**) operate together with modern awards to provide minimum conditions of employment for employers and employees in the national system. The NES sets out ten minimum statutory entitlements that apply to all employees, including leave and termination of employment entitlements.

For more information about the NES, please visit www.fairwork.gov.au

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <ul style="list-style-type: none"> - arrangements for when work is performed - overtime rates - penalty rates - allowances - leave loading. <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8	Consultation (Instrument)	The award contains information on the employer's responsibility to consult regarding major workplace change including the:

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).
10.3	Part-time conditions (Instrument)	<p>A part-time employee is:</p> <ul style="list-style-type: none"> - engaged to work less than an average 38 hours per week. - entitled to the same entitlements as full-time employees on a proportionate basis. <p>Part time employees who are not commission-only employees will be paid no less than 1/38th of the minimum weekly rate of pay for their relevant classification for each ordinary hour worked.</p>
10.4	Casual conditions (Instrument)	<p>A casual employee's minimum rate of pay will be 1/38th of the minimum weekly rate of pay for their classification, plus a casual loading of 25%. The loading constitutes part of the casual employees's all-purpose rate.</p> <p>The casual loading is paid instead of annual leave, paid personal/carer's leave, notice of termination, redundancy benefits and the other attributes of full-time and part-time employment.</p> <p>The minimum engagement for a casual employee is three hours.</p>
11.2	Termination of employment - notice of termination by an employee (Instrument)	The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
11.3	Termination of employment - job search entitlement (Instrument)	Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.
12.2	Redundancy - transfer to lower paid duties	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated.

Clause	Conditions Type	Description
	(Instrument)	Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
12.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
12.4	Redundancy - job search entitlement (Instrument)	<p>An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.</p> <p>If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.</p>
12.5	Redundancy - transitional provisions (Instrument)	<p>An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied immediately prior to 1 January 2010 and that would have entitled the employee to redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010.</p> <p>The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
16.1	Other (Instrument)	<p>Commission-only employment</p> <p>An employee engaged in a property sales classification may agree with the employer to be paid on a commission-only basis. Such an employee is considered a pieceworker, and is referred to in this award (and within the real estate industry) as a commission-only employee.</p>
16.2	Other (Instrument)	Minimum requirements for commission-only employment

Clause	Conditions Type	Description
		<p>A person may only be a commission-only employee when all of the following conditions have been satisfied:</p> <ul style="list-style-type: none"> - The employee has agreed in writing with the employer to be remunerated on a commission-only basis and has entered into a written agreement with the employer that sets out the basis upon which the entitlement to commission will be calculated. - The employee has been issued with a real estate agent's licence or is registered or permitted to perform the duties of a real estate salesperson under real estate law. - The employee has been engaged as a real estate salesperson (with any licensed real estate agent) or was an active licensed real estate agent for an aggregate period of at least 12 months in the five years immediately prior to entering into the commission-only agreement. - The employee is at least 21 years of age. - The employee is not engaged as a casual, a junior, a property sales associate or a trainee. - The employee can demonstrate (with the present or any past employer) that they had achieved the minimum income threshold as outlined in this award. Provided that the minimum income threshold will not need to have been achieved if the employee has operated their own real estate business within the last five years.
16.3	Other (Instrument)	<p>Minimum income threshold</p> <p>The minimum income threshold has been achieved if the employee can establish that, if the lowest rate of commission to be applied under the commission-only agreement had been applied to the employee's real estate sales or commercial leasing transactions in any single 12 month period in the five years immediately prior to entering into the commission-only agreement, the employee would have been entitled to be paid the following amount:</p> <ul style="list-style-type: none"> - if the employee was not required to incur the costs of supplying and running a motor vehicle and/or the costs of supplying and using a mobile telephone, an amount at least equal to the employee's wage specified in this award, calculated as an annual amount, based on the minimum weekly wage for the employee's classification; or - if the employee was required to incur the costs of supplying and running a motor vehicle and/or the costs of supplying and using a mobile telephone, an amount at least equal to 110% of the employee's wage specified in this award, calculated as an annual amount, based on the minimum weekly wage for the employee's classification.

Clause	Conditions Type	Description
		The employer is entitled to rely on any data supplied by the employee from any past employer for the purpose of determining if the minimum income threshold has been achieved, provided that the employee provides the employer with a statutory declaration about the accuracy of such data.
16.4	Other (Instrument)	<p>Note that the following clauses of this award do not apply to a commission-only employee:</p> <ul style="list-style-type: none"> - clause 10.3(b) - Payment for part-time employment - clause 14.1 - Minimum weekly wages - clause 15 - Payment by wages with commission, bonus or incentive payments - clause 18 - Allowances and - clause 24 - Overtime.
16.5	Other (Instrument)	<p>Minimum commission-only rate</p> <p>The minimum commission-only rate is calculated as 35% of the employer's net commission.</p> <p>Subject to this award, a commission-only employee is always entitled to at least the minimum commission-only rate for each sales or commercial leasing transaction for which the employee was responsible.</p> <p>In the situation where:</p> <ul style="list-style-type: none"> - two or more employees are separately responsible for different components of a sales or commercial leasing transaction; and - the employee portion of the employer's net commission is to be split amongst the employees according to the component(s) for which the particular employee was responsible, <p>any commission-only employee responsible for one or more component(s) is entitled to at least the minimum commission-only rate proportionate to the value of each component.</p> <p>With respect to the above, component(s) may include, but are not limited to:</p> <ul style="list-style-type: none"> - commercial leasing of a property; - listing a property or business; - managing the listing of a property or business; - selling a property or business; and/or - nurturing a legally-enforceable contract to completion,

Clause	Conditions Type	Description
		the proportionate value of each component will be as agreed in writing between the employer and the employee.
16.6	Other (Instrument)	Where it is agreed that an employee will also be entitled to a portion of the commission paid to the employer greater than the minimum commission-only rate prescribed, then any method of calculation, or any formula for calculating what amount of commission will be payable to the employee in excess of the minimum commission-only rate, must be evidenced in a written agreement between the employer and the employee.
17.1	Other (Instrument)	<p>Matters relating to commission, bonus or incentive payments</p> <p><u>Written agreements generally</u></p> <p>Once a written agreement has been made, any subsequent agreement to vary the employee's commission, bonus or incentive payment arrangements must be evidenced in a further written agreement between the employer and the employee.</p> <p>A signed copy of every written agreement regarding commission, bonus or incentive payment arrangements must be provided by the employer to the employee.</p>
17.2	Other (Instrument)	<p><u>Account to employee</u></p> <p>The employer must account to the employee in written form for any commission, bonus or incentive payment-based entitlement as it becomes due and payable in accordance with the terms of any written agreement.</p>
17.3	Other (Instrument)	<p><u>Entitlement after employment ends</u></p> <p>The employee is entitled to be credited with a portion of the commission paid to the employer, incentive payments or bonuses calculated in accordance with a written agreement, for any transaction where there was an existing legally-enforceable contract either:</p> <ul style="list-style-type: none"> - before the cessation of the employee's employment - if the employer gave notice to the employee, during the notice period, or

Clause	Conditions Type	Description
		<p>- if the employer asked the employee to waive the notice period and the employee agrees, during the notice period to which the employee would have been otherwise entitled, and</p> <p>the employer is paid commission by the client in respect of the existing legally-enforceable contract, and</p> <p>the commission payment is cleared into the employer's bank account.</p> <p>Unless the written agreement specifies otherwise, the portion of the commission must be the same as that with which the employee would have been entitled to be credited if employment had continued.</p>
17.4	Other (Instrument)	<p><u>Disputes</u></p> <p>Where there is a dispute between the employer and the employee as to whether all or any part of the commission is due to an employee, the matter will be dealt with in accordance with the Dispute resolution, as outlined in this award.</p>
17.5	Other (Instrument)	<p><u>Calculation of NES entitlements</u></p> <p>Any commission entitlement calculated in accordance with a commission-only agreement may also allow for annual leave and personal carer's leave or any other entitlements under the NES to be paid in advance. Provided that the monetary component for each of those entitlements must always be in addition to the minimum commission-only rate.</p> <p>Any inclusions as referred must be clearly set out in a written agreement.</p> <p>The base rate of pay in relation to entitlements under the NES for an employee, who is paid on a commission-only basis, is the minimum wage for the employee's classification level.</p> <p>The full rate of pay in relation to entitlements under the NES for an employee, who is paid on a commission-only basis, is:</p> <ul style="list-style-type: none"> - the minimum wage for the employee's classification level, or - the employee's average weekly remuneration over the 12 months (or, if the employee has been employed less than 12 months, that period) immediately prior to when the full rate of pay is to be calculated,

Clause	Conditions Type	Description
		whichever is the greater.
18.4(a)	Other (Instrument)	<p>Motor vehicle allowance - transitional provisions</p> <p>Despite the Motor vehicle allowances already outlined, the following applies until 31 December 2014:</p> <p>No motor vehicle allowance is payable by an employer:</p> <ul style="list-style-type: none"> - to operational employees in the Australian Capital Territory, Northern Territory, Tasmania, Victoria or Western Australia, - to any employee engaged under a property sales classification in Queensland, or - to any employee engaged under a property management or strata and community title management classification, or as a commercial leasing employee, in South Australia.
18.4(b)	Other (Instrument)	<p>Motor vehicle allowance - transitional provisions</p> <p>Despite the Motor vehicle allowances already outlined, the following applies until 31 December 2014:</p> <p>The motor vehicle allowance for employees engaged under a property management or strata and community title management classification in Queensland will be as follows:</p> <ul style="list-style-type: none"> - Where the employee is required to use their own motor vehicle in the course of employment, the employer and employee will agree in writing on a method of payment for reimbursement of the costs of using that motor vehicle. - The agreement made as outlined above must be reasonable when considering the employee's use of their own motor vehicle for work-related duties and is not limited as to the total number of kilometres. - Where the employee claims the motor vehicle allowance under this agreement, the employee must keep a record of all such usage which will show: <ul style="list-style-type: none"> * the date and odometer reading of the first such usage of the motor vehicle at the commencement of the log book, * the date and commencement and final odometer reading for each day on which the allowance is claimed, * total work-related kilometres each day, * the purpose of each usage, and

Clause	Conditions Type	Description
		<p>* the signature of the employee, certifying the usage.</p> <ul style="list-style-type: none"> - For the purpose of this record, a global positioning system log of the employee's use of their own motor vehicle may be relied on to compile the required record. - The minimum period of 12 continuous weeks every five years is deemed to be sufficient for the employee to claim motor vehicle allowance entitlements for the entire period of employment, based on the actual work related usage of the motor vehicle over the 12 week log book period. - The motor vehicle allowance is payable during the entire period of employment, except when the employee is on unpaid leave. - When the employee is on paid leave, the motor vehicle allowance is payable at a standing rate of 75% of the average of any separately identified motor vehicle allowance paid to the employee over the prior 12 months of employment (excluding periods of leave).
18.5	Other (Instrument)	<p>Employer's motor vehicles</p> <p>Where the employer provides a motor vehicle for the use of the employee, the expenses arising out of the provision, maintenance and lawful operation of such vehicle will be met by the employer.</p> <p>The employee must adhere to the employer's lawful directions, conditions or policies in relation to the use of the employer's vehicle.</p>
18.6	Telephone allowance (Instrument)	<p>Mobile telephone allowance</p> <p>Where the employer requires the employee to use the employee's own mobile telephone in the course of employment, the employer and employee must agree in writing on a method of payment for reimbursement of the costs of using that mobile telephone.</p> <p>Without limiting an agreed method of payment for reimbursement, an employee's salary in excess of the minimum weekly wage, may be inclusive of reimbursement providing this component of the salary is identified in the agreement.</p> <p>If a written agreement is not made as prescribed and use of a mobile telephone is a requirement of the position, the employer must cover all the costs of ownership, network access, maintenance and payment of work-related accounts for this telephone.</p>

Clause	Conditions Type	Description
		The mobile telephone allowance is payable during the entire period of employment, except when the employee is on leave.
18.7	Telephone allowance (Instrument)	<p>Mobile telephone allowance - transitional provisions</p> <p><u>This applies until 31 December 2014</u></p> <p>In the situation where:</p> <ul style="list-style-type: none"> - an employer is faced with the conditions, as outlined above, as being the first prescription in an industrial instrument to provide an existing employee with a mobile telephone allowance, and - the parties had no written agreement in place prior to 1 January 2010 on a method of payment for reimbursement of the existing employee for using their own mobile phone, <p>the parties may, in any new written agreement, agree to offset the mobile phone usage reimbursement against any commission, bonus or incentive payment entitlements.</p>
18.8	Uniforms (Instrument)	<p>If the employer requires the employee to wear a uniform, the employer will either provide it or pay for it.</p> <p>The basis on which the uniform is provided, including what constitutes the uniform, will be at the discretion of the employer.</p> <p>The uniform will remain the property of the employer and be returned upon termination of employment.</p> <p>The care, laundering and dry cleaning of a uniform will be the responsibility of the employee.</p>
19	Expenses (Instrument)	<p>An employee who incurs any work-related expenses at the request of the employer will be reimbursed by the employer. Where reasonably practicable, expenses will be paid in advance.</p> <p>Provided that this will not apply where this award prescribes an allowance for any such expense</p>
20	Standing by (Instrument)	Where the employer requires an employee, under a property management or strata and community and title management classification, to be on stand-by and/or to be called out outside of ordinary hours of work, the employer and employee must, agree in writing on a method of payment for due compensation for the employee being on stand-by and/or call-out.

Clause	Conditions Type	Description
		<p>Without limiting an agreed method of payment for reimbursement, an employee's salary in excess of the minimum weekly wage, may be inclusive of reimbursement providing this component of the salary is identified in the agreement.</p> <p>If the employee is on stand-by and/or call-out outside of ordinary hours of work and:</p> <ul style="list-style-type: none"> - the employer and employee have agreed in for the employee to be paid due compensation for being on stand-by and/or call-out, the time during which the employee is on stand-by and/or call-out will not count towards an accrual of ordinary hours of work; - the employer and employee have not agreed in writing for the employee to be paid due compensation for being on stand-by and/or call-out, the time during which the employee is on stand-by and/or call-out will count towards an accrual of ordinary hours of work. <p>the time during which the employee is on stand-by and/or call-out will count towards an accrual of ordinary hours of work.</p>
20.5	Standing by (Instrument)	<p>Stand-by and call-out - transitional provisions</p> <p><u>This applies until 31 December 2014</u></p> <p>In the situation where:</p> <ul style="list-style-type: none"> - an employer is faced with this clause as being the first prescription in an industrial instrument to provide an existing employee with compensation for being on stand-by or call-out, and - the parties had no written agreement in place prior to 1 January 2010 for compensation to the existing employee for being on stand-by or call-out, <p>the parties may, in any new written agreement, agree to offset the stand-by or call-out compensation against any commission, bonus or incentive payment entitlements</p>
21.2	Method of payment (Instrument)	<p>Payment by the employer to the employee may be made by cash, cheque or electronic funds transfer (EFT), at the discretion of the employer.</p>

Clause	Conditions Type	Description
22	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to a superannuation fund - the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.
23.1	Hours of work (Instrument)	<p>Ordinary hours of work and rostering</p> <p>The ordinary hours of work will be 38 per week and may be worked on any day of the week.</p>
23.2	Hours of work (Instrument)	<p>Ordinary hours of work and rostering</p> <p>An employee, other than a casual, will be allowed either one and a half or two rostered days free of duty each week. Such rostered days off may be taken in one of the following ways:</p> <ul style="list-style-type: none"> - one consecutive period; - two periods; or - three periods comprising one day and two half days.
23.3	Hours of work (Instrument)	<p>Ordinary hours of work and rostering</p> <p><u>Averaging of hours of work</u></p> <p>Hours of work may be averaged over an eight week period. The average weekly hours over the period must not exceed:</p> <ul style="list-style-type: none"> - for a full-time employee—38 hours; or - for an employee who is not a full-time employee—the lesser of: <ul style="list-style-type: none"> - 38 hours; and - the employee's ordinary hours of work in a week.

Clause	Conditions Type	Description
23.4	Breaks - meal (Instrument)	<p>No employee will be required to work more than five hours without an unpaid meal break of not less than 30 minutes duration. Provided that if the employee's rostered hours are no longer than six hours the employee may elect, with the employer's approval, to waive a meal break.</p> <p>Meal breaks will not be regarded as time worked.</p>
24.2	Overtime – time off in lieu (Instrument)	<p>The employee may elect, with the consent of the employer, to take time off instead of payment for overtime that would otherwise be payable under, at a time or times agreed with the employer.</p> <p>Overtime taken as time off during ordinary time hours must be taken at the ordinary time rate; that is, an hour for each hour worked.</p> <p>Where time off instead of payment for overtime has not been taken within four weeks of accrual the employer must, if requested by the employee, pay the employee for any overtime worked, at the rate provided for the payment of overtime.</p>
25.2	Annual leave (Instrument)	<p>Taking leave</p> <p>The employer and employee may agree when and for what period the employee is to take annual leave, having regard to the personal circumstances of the employee and the operational requirements of the employer. Provided that the employer must not unreasonably refuse to agree to a request by the employee to take accrued annual leave.</p> <p>Annual leave should be taken by the employee in the employee's anniversary year in which the entitlement accrues, except if agreed otherwise.</p> <p>The employer may require the employee to take any portion of annual leave that has accrued in excess of four weeks. In such circumstances the employer must give the employee at least four weeks' notice of the requirement to take the excess period of accrued annual leave.</p> <p>If the employer has a business shut-down (which may include a partial shut-down) during the year, the employer may require the employee to take any or all accrued annual leave during the period of the shut-down.</p> <p>In the event that the employee has insufficient accrued annual leave for the period of the shut-down, the employee may be granted annual leave in advance by the employer.</p>

Clause	Conditions Type	Description
25.4	Annual leave loading (Instrument)	<p>During a period of annual leave the employee will receive a loading of 17.5% calculated on the minimum weekly wage for the employee's classification under this award.</p> <p>Annual leave loading is:</p> <ul style="list-style-type: none"> - only payable on leave accrued and not when leave is taken in advance; and - not payable to commission-only employees.
25.5	Annual leave loading (Instrument)	<p>Annual leave loading - transitional provisions</p> <p>Despite otherwise outlined in the award, until 31 December 2014 annual leave loading is not payable by an employer to an employee in the Australian Capital Territory, Northern Territory, South Australia, Victoria or Western Australia.</p>
28.2	Public holidays (Instrument)	Subject to the Act, the employer may require the employee to work on a public holiday.
E.1	Other (Instrument)	<p>Schedule E - Transitional Provisions for Written Agreements</p> <p><u>Application of Schedule E</u></p> <p>This Schedule applies to:</p> <ul style="list-style-type: none"> - employers in New South Wales and Queensland and those of their employees who are employed under a Property or Strata Management classification or a Property Sales classification, and - employers in South Australia and those of their employees who are employed under a Property Sales classification.
E.2	Other (Instrument)	<p><u>Explanation of Schedule E</u></p> <p>The State awards for property management employees and property salespeople in New South Wales and Queensland, and for property salespeople in South Australia contain provisions for the registration of employment agreements or letters of appointment.</p>

Clause	Conditions Type	Description
		<p>The intent of these provisions will continue under the Federal award until 31 December 2014, but in an amended form to suit the purposes of this award.</p>
E.3	Other (Instrument)	<p><u>Registration of written agreements</u></p> <p>The following will be registered:</p> <ul style="list-style-type: none"> - a written agreement that is required to be made, or - if no written agreement is required to be made a written agreement specifying that the employee is not entitled to any form of bonus, commission or incentive payment. <p>Variations to any written agreement must also be registered, but only if the variation applies to commission, incentive payment or bonus arrangements.</p> <p><u>New South Wales</u></p> <p>An employer cited will, for each employee, send two signed copies of a written agreement to the Real Estate Employers' Federation of New South Wales, Level 6, 99 Bathurst Street, Sydney NSW 2000.</p> <p>An administration fee is payable as follows:</p> <ul style="list-style-type: none"> - one half to Real Estate Employers' Federation of New South Wales (REEF); and - one half to Real Estate Association of New South Wales (REA NSW). This fee may be recovered by the employer from the employee's commission, incentive payment or bonus. <p>In New South Wales, an administration fee does not apply to a variation on a written agreement.</p> <p><u>Queensland</u></p> <p>An employer cited will, for each employee, send one copy of the written agreement to the Queensland Property Industry Registry (QPIR), PO Box 274, Rochedale South QLD 4123.</p> <p>QPIR is jointly administered by the Property Sales Association of Queensland and the Queensland Real Estate Industrial Organisation of Employers.</p> <p>An administration fee is payable to QPIR.</p>

Clause	Conditions Type	Description
		<p>One half of the above administration fee may be recovered by the employer from the employee's commission, incentive payment or bonus.</p> <p>Until a written agreement is registered with QPIR:</p> <ul style="list-style-type: none"> - a person may not be a commission-only employee; and - the employer must pay on a weekly basis, in addition to any payment of commission, bonus or other incentive payments, not less than the minimum weekly wage. <p><u>South Australia</u></p> <p>An employer cited will, for each employee, send one copy of the written agreement to the Real Estate Employers' Federation of South Australia, REI House, 249 Greenhill Road, Dulwich SA 5065, and one copy of the same agreement to the Real Estate Salespersons' Association, PO Box 678, St Agnes SA 5097.</p> <p>An administration fee is payable as follows:</p> <ul style="list-style-type: none"> - one half to Real Estate Employers' Federation of South Australia (REEF); and - one half to Real Estate Salespersons' Association (RESA). This fee may be recovered by the employer from the employee's commission, incentive payment or bonus. <p><u>Administration</u></p> <p>Each written agreement submitted for registration is to be accompanied by an administration fee, as set by the entity(s) with which the written agreement is to be registered.</p> <p>The administration fee payable may not exceed \$150.00 (as adjusted annually from the index figure published by the Australian Bureau of Statistics for the All Groups Consumer Price Index (Cat No. 6401.0)) per agreement.</p> <p>The entity(s) with which the written agreement is to be registered may:</p> <ul style="list-style-type: none"> - agree to a lesser administration fee than that specified, and - create and provide an Application to Register Written Agreement pro forma, to facilitate the agreement registration process.
E.3.4	Other (Instrument)	Despite paragraph (e) hereof, where the employer and employee genuinely agree that the written agreement is to operate from a date earlier than the date of registration then upon registration by the

Clause	Conditions Type	Description
		QPIR the written agreement will have effect for all purposes of this Award as and from that earlier nominated date. Any such date cannot be earlier than 1 January 2010.
E.4	Other (Instrument)	<u>Cease to operate</u> Schedule E ceases to operate on 31 December 2014.

Frequency of Payment

Except as provided below, wages and allowances will be paid by the employer on a weekly, fortnightly or monthly cycle.

A casual employee will be paid at the end of the employer's usual pay cycle unless the parties agree to payment being made upon conclusion of the employee's shift.

Where an employee has become entitled to receive any commission, bonus or incentive payment in accordance with a written agreement made under conditions of this award, payment to the employee must be made within 14 days of the entitlement becoming payable. Provided that the employee's entitlement to commission, bonus or incentive payment only becomes payable once the employer has received cleared funds from its client for the transaction(s) to which the employee's entitlement relates.

IMPORTANT NOTE: Disclaimer

The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The Pay and Conditions Guides are provided for that purpose.

There are factors that may affect the information contained in these Guides. These include:

- changes to pay rates, allowances, penalties or modern award provisions; eg after FWA's annual wage review which takes effect on 1 July each year
- changes to the Fair Work Act or other relevant legislation
- decisions of courts or Fair Work Australia, in particular regarding the effect of provisions in modern awards and pre-modern awards where those differ from the approach taken by the FWO.

The FWO will consider these matters and where appropriate update the Guides.

It is your responsibility to comply with workplace laws and industrial instruments that apply to you.

The information contained in these Pay and Conditions Guides is:

- general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and
- not legal advice.

Therefore you may wish to seek your own independent professional advice to ensure all the factors relevant to your circumstances are properly considered.