

## **20 Meaning of *ordinary hours of work* for award/agreement free employees**

### *Agreed ordinary hours of work*

- (1) The ***ordinary hours of work*** of an award/agreement free employee are the hours agreed by the employee and his or her national system employer as the employee's ordinary hours of work.

### *If there is no agreement*

- (2) If there is no agreement about ordinary hours of work for an award/agreement free employee, the ***ordinary hours of work*** of the employee in a week are:
- (a) for a full-time employee—38 hours; or
  - (b) for an employee who is not a full-time employee—the lesser of:
    - (i) 38 hours; and
    - (ii) the employee's usual weekly hours of work.

### *If the agreed hours are less than usual weekly hours*

- (3) If, for an award/agreement free employee who is not a full-time employee, there is an agreement under subsection (1) between the employee and his or her national system employer, but the agreed ordinary hours of work are less than the employee's usual weekly hours of work, the ***ordinary hours of work*** of the employee in a week are the lesser of:
- (a) 38 hours; and
  - (b) the employee's usual weekly hours of work.

### *Regulations may prescribe usual weekly hours*

- (4) For an award/agreement free employee who is not a full-time employee and who does not have usual weekly hours of work, the regulations may prescribe, or provide for the determination of, hours that are taken to be the employee's usual weekly hours of work for the purposes of subsections (2) and (3).