

## **Division 6—Base rate of pay under enterprise agreements**

### **206 Base rate of pay under an enterprise agreement must not be less than the modern award rate or the national minimum wage order rate etc.**

*If an employee is covered by a modern award that is in operation*

- (1) If:
  - (a) an enterprise agreement applies to an employee; and
  - (b) a modern award that is in operation covers the employee;the base rate of pay payable to the employee under the agreement (the ***agreement rate***) must not be less than the base rate of pay that would be payable to the employee under the modern award (the ***award rate***) if the modern award applied to the employee.
- (2) If the agreement rate is less than the award rate, the agreement has effect in relation to the employee as if the agreement rate were equal to the award rate.

### **284 The minimum wages objective**

*Meaning of modern award minimum wages*

- (3) ***Modern award minimum wages*** are the rates of minimum wages in modern awards, including:
  - (a) wage rates for junior employees, employees to whom training arrangements apply and employees with a disability; and
  - (b) casual loadings; and
  - (c) piece rates.

### **50 Contravening an enterprise agreement**

A person must not contravene a term of an enterprise agreement.

Note 1: This section is a civil remedy provision (see Part 4-1).

Note 2: A person does not contravene a term of an enterprise agreement unless the agreement applies to the person: see subsection 51(1).

### **51 The significance of an enterprise agreement applying to a person**

- (1) An enterprise agreement does not impose obligations on a person, and a person does not contravene a term of an enterprise agreement, unless the agreement applies to the person.
- (2) An enterprise agreement does not give a person an entitlement unless the agreement applies to the person.