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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for an award or variation of an award

Tasmanian Trades and Labor Council
(T9062 of 2000)

Private sector awards

FULL BENCH:

DEPUTY PRESIDENT R J WATLING
COMMISSIONER P L LEARY
COMMISSIONER P A IMLACH

Wage Rates - State Wage Case July 2000 - application to vary private sector awards in a manner consistent with the Australian Industrial Relations Commission decision in Print number S5000 - 2000 Safety Net Review - Wages - Agreed Settlement - \$15.00 Arbitrated Safety Net Adjustment and 3.14% increase to work related allowances - Approved

ENTERTAINMENT AWARD

ORDER BY CONSENT -

No. 2 of 2000

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THE **ENTERTAINMENT AWARD** IS VARIED IN THE FOLLOWING MANNER:

By deleting Clause 8 - Wage Rates, and inserting in lieu thereof the following:

"8. WAGE RATES

DIVISION A - INDOOR ENTERTAINMENT AND AMUSEMENT

- (a) Subject to the *Industrial Relations Act 1984*, the weekly wage rates for employees engaged in live theatre and concerts shall be in accordance with the following provisions:
- (i) The award of the Australian Industrial Relations Commission referred to as Theatrical Employees (Live Theatre and Concert) Award 1982.
 - (ii) Any variation of the abovementioned award whether made before or after the date of this award.
 - (iii) Any other award made by the Australian Industrial Relations Commission to supersede the Theatrical Employees (Live Theatre and Concert) Award 1982 shall for all purposes of this award be deemed to be the award referred to in paragraph (i) of this subclause.
- (b) Subject to the *Industrial Relations Act 1984*, the weekly wage rate for employees engaged to work in cinemas or drive-in theatres shall be in accordance with the following provisions:
- (i) The award of the Australian Industrial Relations Commission referred to as Theatrical and Amusement Employees Award 1947-78.
 - (ii) Any variation of the abovementioned award whether made before or after the date of this award.
 - (iii) Any other award made by the Australian Industrial Relations Commission to supersede the Theatrical and Amusement Employees Award 1947-78.

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**DIVISION B - SUPPLIERS OF OUTDOOR PUBLIC AMUSEMENT
OR ENTERTAINMENT**

The minimum hourly wage rate to be paid by an employer to an employee in all of the classifications named herein shall be as follows:

| | Base Rate Per Hour \$ | Safety Net Adjustment Per Hour \$ | Hourly Wage Rate \$ |
|-----------------------------------------------------------------|--------------------------------|--------------------------------------------|------------------------------|
| (i) Gate or entrance supervisor | 10.60 | 1.90 | 12.50 |
| Night security attendant, with a minimum payment for 8 hours | 10.24 | 1.90 | 12.14 |
| Cashier/Receptionist | 8.08 | 1.90 | 9.98 |
| Ticket seller or money collector | 8.08 | 1.90 | 9.98 |
| Turnstyle attendant - collecting money | 8.08 | 1.90 | 9.98 |
| Change person | 8.08 | 1.90 | 9.98 |
| Programme seller | 8.08 | 1.90 | 9.98 |
| Collector of motor vehicle charges | 8.08 | 1.90 | 9.98 |
| Ticket taker | 7.27 | 1.90 | 9.17 |
| Turnstyle attendant - not collecting money | 7.27 | 1.90 | 9.17 |
| Gate attendant | 7.27 | 1.90 | 9.17 |
| Door keeper | 7.27 | 1.90 | 9.17 |

PROVIDED where an employee works less than eight hours in one day, then the employee shall receive, in addition to the hourly wage rate prescribed above, a loading of 20 per cent for every hour worked.

N.B. The hourly wage rate as prescribed above shall be paid by an employer to an employee in the following business or calling:

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- (1) Employees at race courses.
- (2) Employees at motordrome, stadium or roller-skating rink.
- (3) Employees at tenpin bowling establishments.
- (4) Employees at or in football grounds.
- (5) Employees at or on cricket grounds.
- (6) Employees at agricultural show-grounds.
- (7) Employees at tennis centres.

| | Base Rate Per Hour \$ | Safety Net Adjustment Per Hour \$ | Hourly Wage Rate \$ |
|----------------------------------------------------------------|--------------------------------|--------------------------------------------|------------------------------|
| (ii) Employees at Racecourses | | | |
| Judge | 11.76 | 1.85 | 13.61 |
| Photo finish operator | 11.76 | 1.85 | 13.61 |
| Head clerk | 10.60 | 1.90 | 12.50 |
| Weigher | 10.60 | 1.90 | 12.50 |
| Timekeeper | 10.01 | 1.90 | 11.91 |
| Assistant judge | 8.89 | 1.90 | 10.79 |
| Assistant photo finish operator | 8.89 | 1.90 | 10.79 |
| Employee in charge of any department of one or more persons | 8.19 | 1.90 | 10.09 |
| Starter/mobile start driver | 7.96 | 1.90 | 9.86 |
| Assistant clerk | 7.96 | 1.90 | 9.86 |
| Barrier attendant | 7.59 | 1.90 | 9.49 |
| Jockey room attendant | 7.59 | 1.90 | 9.49 |
| Scratching board attendant | 7.59 | 1.90 | 9.49 |
| Mainland scratching clerk | 7.59 | 1.90 | 9.49 |
| Track attendant | 7.02 | 1.90 | 8.92 |
| General attendant | 7.02 | 1.90 | 8.92 |
| Parking attendant | 7.02 | 1.90 | 8.92 |
| Cloakroom attendant | 7.02 | 1.90 | 8.92 |
| All other employees not hereinbefore provided for | 7.02 | 1.90 | 8.92 |

PROVISO: Where an employee works less than eight hours in one day, then the employee shall receive, in addition to the hourly wage rate prescribed above, a loading of 20 per cent for every hour worked.

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| | Base Rate Per Hour \$ | Safety Net Adjustment Per Hour \$ | Hourly Wage Rate \$ |
|----------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------|------------------------------|
| (iii) Employees at Motordrome, Stadium or Roller-skating Rink (Engaged by the Session) | | | |
| Barrier attendant | 7.49 | 1.90 | 9.39 |
| Rink attendant | 7.37 | 1.90 | 9.27 |
| Dressing room attendant | 7.37 | 1.90 | 9.27 |
| Usher | 7.13 | 1.90 | 9.03 |
| Commissioner or spruiker | 7.13 | 1.90 | 9.03 |
| All other employees not hereinbefore provided for | 7.13 | 1.90 | 9.03 |

(iv) Employees at or in Football Grounds

| | | | |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--|--|
| Junior employees, i.e. Ball Boys/Girls, Score Board Attendants, Odd Jobbers, Programme Sellers | % of Gate Attendant as prescribed in paragraph (i) of Division B of this clause | | |
| Under 17 years of age | 43 | | |
| 17 to 18 years of age | 55 | | |
| 18 to 19 years of age | 62 | | |
| 19 to 20 years of age | 82 | | |
| 20 to 21 years of age | 92 | | |

| | Base Rate Per Hour \$ | Safety Net Adjustment Per Hour \$ | Hourly Wage Rate \$ |
|---------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------|------------------------------|
| Interchange stewards | 7.49 | 1.90 | 9.39 |
| Others not provided for, i.e. those employees not covered by paragraph (i) of Division B of this clause | 7.13 | 1.90 | 9.03 |

PROVISO: Where an employee works less than eight hours in one day, then the employee shall receive, in addition to the hourly wage rates prescribed above, a loading of 20 per cent for every hour worked.

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(v) Employees at Greyhound Race Meetings

| | Base Rate | Safety Net Adjustment | Weekly Wage Rate |
|------------------------------|--------------|--------------------------|------------------------|
| | \$ | \$ | \$ |
| Track attendant, maintenance | 329.00 | 75.00 | 404.00 |

| | Base Rate Per Hour | Safety Net Adjustment Per Hour | Hourly Wage Rate |
|----------------------------------------------------------------------------------------------------|--------------------------|--------------------------------------|------------------------|
| | \$ | \$ | \$ |
| Judge | 11.76 | 1.85 | 13.61 |
| Photo finish operator | 11.76 | 1.85 | 13.61 |
| Employee in charge of office | 9.78 | 1.90 | 11.68 |
| Identification steward | 9.78 | 1.90 | 11.68 |
| Assistant photo-finish operator | 8.89 | 1.90 | 10.79 |
| Time keeper | 8.89 | 1.90 | 10.79 |
| Assistant judge | 8.89 | 1.90 | 10.79 |
| Weighing steward | 8.42 | 1.90 | 10.32 |
| Starting box attendant | 8.42 | 1.90 | 10.32 |
| Parade steward | 8.42 | 1.90 | 10.32 |
| Hare driver performing maintenance duties | 8.19 | 1.90 | 10.09 |
| Assistant in office | 7.96 | 1.90 | 9.86 |
| Track attendant | 7.96 | 1.90 | 9.86 |
| Observation yard steward | 7.96 | 1.90 | 9.86 |
| Hare driver | 7.13 | 1.90 | 9.03 |
| Employees engaged at trials | 5.85 | 1.90 | 7.75 |
| All other employees not hereinbefore provided for, other than employees engaged at trials | 7.96 | 1.90 | 9.86 |

PROVISO: Where an employee works less than eight hours in one day, then the employee shall receive, in addition to the hourly wage rate prescribed above, a loading of 20 per cent for every hour worked.

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| | Base Rate Per Hour \$ | Safety Net Adjustment Per Hour \$ | Hourly Wage Rate \$ |
|-----------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------|------------------------------|
| (vi) Employees at Agricultural Showgrounds | | | |
| Parking attendant | 7.27 | 1.90 | 9.17 |
| General attendant | 7.02 | 1.90 | 8.92 |
| Cloakroom attendant | 7.02 | 1.90 | 8.92 |
| All other employees, i.e. those employees not covered by paragraph (i) of Division B of this clause | 7.02 | 1.90 | 8.92 |

PROVISO: Where an employee works less than 8 hours in one day, then the employee shall receive, in addition to the hourly wage rate prescribed above, a loading of 20 per cent for every hour worked.

(vii) Bookmakers Clerks

| | | | |
|-------------------|------|------|-------|
| Bookmakers clerks | 8.31 | 1.90 | 10.21 |
|-------------------|------|------|-------|

PROVISO: Where an employee works less than eight hours in one day, then the employee shall receive, in addition to the hourly wage rate prescribed above, a loading of 20 per cent for every hour worked.

DIVISION C - SUPPORTED WAGE SYSTEM

(a) Eligibility Criteria

Subject to this division an employer may engage employees at a supported wage rate (as set out in subclause (c) of this division) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

PROVIDED that this division does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

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PROVIDED FURTHER that this division does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the *Disability Services Act 1986* and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under Section 10 or under Section 12A of the above Act, or if a part only has received recognition, that part.

(b) For the purposes of this division:

'Accredited Assessor' means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System.

'Assessment instrument' means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

'Disability Support Pension' means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme.

'Supported Wage System' means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

(c) Supported Wage Rates

Employees to whom this division applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

| Assessed Capacity (subclause (d)) | % of Prescribed Award Rate |
|--------------------------------------|----------------------------|
| 10% | 10% |
| 20% | 20% |
| 30% | 30% |
| 40% | 40% |
| 50% | 50% |
| 60% | 60% |
| 70% | 70% |
| 80% | 80% |
| 90% | 90% |

PROVIDED that the minimum amount payable shall be not less than \$51 per week.

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(d) Assessment of Capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (i) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
- (ii) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

(e) Lodgment of Assessment Instrument

- (i) All assessment instruments under the conditions of this division, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Tasmanian Industrial Commission.
- (ii) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the award, is not a party to the assessment, it shall be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and shall take effect unless an objection is notified to the Registrar of the Tasmanian Industrial Commission within 10 working days.

(f) Review of Assessment

The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(g) Other Terms and Conditions of Employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this division shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(h) Workplace Adjustment

An employer wishing to employ a person under the provisions of this division shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

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(i) Trial Period

- (i) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this division for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (ii) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with subclause (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$51 per week or such greater amount as is agreed from time to time between the parties.
- (iv) Work trials should include induction or training as appropriate to the job being trialed.
- (v) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under subclause (c) hereof."

Operative Date

This variation shall come into operation from the first full pay period to commence on or after 1 August 2000.

R J Watling
DEPUTY PRESIDENT

3 August 2000