

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or variation of award

Tasmanian Trades and Labor Council
(T7702 of 1998)

Private and public sector awards

FULL BENCH:

PRESIDENT F D WESTWOOD
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1998 - application to review the Wage Fixing Principles
and to vary awards in a manner consistent with the Australian Industrial Relations
Commission decision in Print number Q 1998 Safety Net Review - Wages - Agreed
Settlement - Two-stage Arbitrated Safety Net Adjustment - ffpp on or after 14 July 1998 and
ffpp on or after 14 October 1998 - Revised Wage Fixing Principles - Approved

BROADCASTING AND TELEVISION AWARD

ORDER BY CONSENT -

No. 1 of 1998

AMEND THE **BROADCASTING AND TELEVISION AWARD** IN THE FOLLOWING MANNER:

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

"8. WAGE RATES

1. ANNOUNCERS

Adult employees of a classification hereunder mentioned shall be paid the weekly wage rate assigned opposite that classification:

(a) Operative from the first full pay period to commence on or after 14 July 1998:

	Base Rate		Safety Net Adjustment	Weekly Wage Rate	
	Hobart	Launceston		Hobart	Launceston
	\$	\$	\$	\$	\$
Announcers, on appointment and until obtaining six months' experience	212.10	212.10	44.00	256.10	256.10
Announcers, Grade II	216.50	214.60	44.00	260.50	258.60
Announcers, Grade I	224.00	222.10	44.00	268.00	266.10
	North West Coast	Queenstown and Elsewhere	Safety Net Adjustment	North West Coast	Queenstown and Elsewhere
	\$	\$	\$	\$	\$
Announcers, on appointment and until obtaining six months' experience	212.10	212.10	44.00	256.10	256.10
Announcers, Grade II	213.80	212.90	44.00	257.80	256.90
Announcers, Grade I	219.70	216.50	44.00	263.70	260.50

(b) Operative from the first full pay period to commence on or after 14 October 1998:

	Base Rate		Safety Net Adjustment	Weekly Wage Rate	
	Hobart \$	Launceston \$		Hobart \$	Launceston \$
Announcers, on appointment and until obtaining six months' experience	212.10	212.10	48.00	260.10	260.10
Announcers, Grade II	216.50	214.60	48.00	264.50	262.60
Announcers, Grade I	224.00	222.10	44.00	272.00	270.10
	North West Coast \$	Queenstown and Elsewhere \$	Safety Net Adjustment \$	North West Coast \$	Queenstown and Elsewhere \$
Announcers, on appointment and until obtaining six months' experience	212.10	212.10	48.00	260.10	260.10
Announcers, Grade II	213.80	212.90	48.00	261.80	260.90
Announcers, Grade I	219.70	216.50	48.00	267.70	264.50

2. TECHNICAL AND PRODUCTION (TELEVISION)

Adult employees of a classification hereunder mentioned shall be paid the weekly wage rate assigned opposite that classification:

(a) Operative from the first full pay period to commence on or after 14 July 1998:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(i) Senior technician, i.e. a technician who is engaged on work the performance of which requires him/her to hold a Television Operator's Certificate of Proficiency	264.10	44.00	308.10
(ii) Technician, qualified, i.e. an employee who holds a Television Operator's Certificate of Proficiency, and who, under direction, maintains and operates television equipment	237.30	44.00	281.30
(iii) Technician, unqualified, i.e. an employee who does not hold a Television Operator's Certificate of Proficiency, but who under direction maintains and operates television equipment	228.10	44.00	272.10
(iv) Co-ordinator switcher, i.e. an employee who is required to operate the unit of the control panel which co-ordinates both the video and audio parts of a programme being transmitted or recorded	228.10	44.00	272.10
(v) Studio control operator, i.e. an employee who under direction performs in the course of his/her duties telecine control, audio-control, television camera operation, floor control, or lighting duties	222.10	44.00	266.10

PROVIDED that in respect to employees classified in subparagraphs (iii), (iv) and (v) hereof, additional amounts shall be paid as follows:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
If such employee holds a Broadcast Operators Certificate, he/she shall be paid an additional	1.10		
If such employee holds a Television Operators Certificate, he/she shall be paid a further	3.80		
(vi) Director, i.e. an employee who in the course of his/her duties is required to direct the co-ordination of live and/or composite live programmes	237.30	44.00	281.30
(vii) Cine-cameraman, i.e. an employee who records events on cine-camera	237.30	44.00	281.30
(viii) Still photographer, i.e. an employee who is required to record non-moving photographs	231.90	44.00	275.90
(ix) Card artise, i.e. an employee who is required to transcribe, in a form suitable for transmission, words, number and related decorative designs	237.30	44.00	281.30
(x) Announcer, i.e. an employee who reads or ad libs announcements directly related to the programme being transmitted or recorded	224.00	44.00	268.00
After the first year of adult experience an extra	3.90		
After the second year of adult experience, an extra	3.90		
(xi) Property maintenance man	230.40	44.00	274.40

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(xii) Inexperienced adults	212.10	44.00	256.10
<p>Inexperienced adults may be employed in any of the above classifications other than those of technicians for a period not exceeding the first six months of their employment. As soon as such employee has acquired sufficient experience in the employer's opinion to be classified in one of the above classifications he/she shall be so classified, and thereafter shall be entitled to the amount appropriate to his/her classification.</p>			
(xiii) Employees (other than musicians) not otherwise classified	210.00	44.00	254.00
(xiv) Film department employees			
Males			
1st year's adult experience	211.60	44.00	255.60
2nd year's adult experience	216.30	44.00	260.30
3rd year's adult experience & thereafter	224.00	44.00	268.00

PROVIDED that an employee who has been employed as a junior clerk in this department shall be paid, on attaining the age of 21 years, the appropriate amount prescribed for an adult according to the number of years experience the said employee has obtained in this department before attaining the age of 21 years.

(xv) Certificate Allowance

The minimum rates of wages for junior employees in this division shall be increased by the sum of \$1.10 per week if he/she is the holder of a Broadcast Operator's Certificate of Proficiency and by a further sum of \$3.80 per week if he/she becomes the holder of a Television Operator's Certificate of Proficiency. A junior employee who has attained the age of 18 years and is required by his/her employer to perform work, the performance of which requires him/her to hold a Television Operator's Certificate of Proficiency shall be paid at the rate of wages prescribed for an adult studio control operator in subparagraph (v).

(b) Operative from the first full pay period to commence on or after 14 October 1998:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(i) Senior technician, i.e. a technician who is engaged on work the performance of which requires him/her to hold a Television Operator's Certificate of Proficiency	264.10	48.00	312.10
(ii) Technician, qualified, i.e. an employee who holds a Television Operator's Certificate of Proficiency, and who, under direction, maintains and operates television equipment	237.30	48.00	285.30
(iii) Technician, unqualified, i.e. an employee who does not hold a Television Operator's Certificate of Proficiency, but who under direction maintains and operates television equipment	228.10	48.00	276.10
(iv) Co-ordinator switcher, i.e. an employee who is required to operate the unit of the control panel which co-ordinates both the video and audio parts of a programme being transmitted or recorded	228.10	48.00	276.10
(v) Studio control operator, i.e. an employee who under direction performs in the course of his/her duties telecine control, audio-control, television camera operation, floor control, or lighting duties	222.10	48.00	270.10

PROVIDED that in respect to employees classified in subparagraphs (iii), (iv) and (v) hereof, additional amounts shall be paid as follows:

If such employee holds a Broadcast Operator's Certificate, he/she shall be paid an additional	1.10
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	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
If such employee holds a Television Operator's Certificate, he/she shall be paid a further	3.80		
(vi) Director, i.e. an employee who in the course of his/her duties is required to direct the co-ordination of live and/or composite live programmes	237.30	48.00	285.30
(vii) Cine-cameraman, i.e. an employee who records events on cine-camera	237.30	48.00	285.30
(viii) Still photographer, i.e. an employee who is required to record non-moving photographs	231.90	48.00	279.90
(ix) Card artise, i.e. an employee who is required to transcribe, in a form suitable for transmission, words, number and related decorative designs	237.30	48.00	285.30
(x) Announcer, i.e. an employee who reads or ad libs announcements directly related to the programme being transmitted or recorded	224.00	48.00	272.00
After the first year of adult experience an extra	3.90		
After the second year of adult experience, an extra	3.90		
(xi) Property maintenance man	230.40	48.00	278.40

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(xii) Inexperienced adults	212.10	48.00	260.10
<p>Inexperienced adults may be employed in any of the above classifications other than those of technicians for a period not exceeding the first six months of their employment. As soon as such employee has acquired sufficient experience in the employer's opinion to be classified in one of the above classifications he/she shall be so classified, and thereafter shall be entitled to the amount appropriate to his/her classification.</p>			
(xiii) Employees (other than musicians) not otherwise classified	210.00	48.00	258.00
(xiv) Film department employees			
Males			
1st year's adult experience	211.60	48.00	259.60
2nd year's adult experience	216.30	48.00	264.30
3rd year's adult experience & thereafter	224.00	48.00	272.00

PROVIDED that an employee who has been employed as a junior clerk in this department shall be paid, on attaining the age of 21 years, the appropriate amount prescribed for an adult according to the number of years experience the said employee has obtained in this department before attaining the age of 21 years.

(xv) Certificate Allowance

The minimum rates of wages for junior employees in this division shall be increased by the sum of \$1.10 per week if he/she is the holder of a Broadcast Operator's Certificate of Proficiency and by a further sum of \$3.80 per week if he/she becomes the holder of a Television Operator's Certificate of Proficiency. A junior employee who has attained the age of 18 years and is required by his/her employer to perform work, the performance of which requires him/her to hold a Television Operator's Certificate of Proficiency shall be paid at the rate of wages prescribed for an adult studio control operator in subparagraph (v).

3. CLERKS

Except as prescribed in paragraph (d) hereof, adult employees of a classification hereunder mentioned shall be paid the weekly wage rate assigned opposite that classification:

(a) Adults

(i) Operative from the first full pay period to commence on or after 14 July 1998:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(1) 1st year's adult experience	310.00	44.00	354.00
2nd year's adult experience	331.70	44.00	375.70
3rd year's adult experience & thereafter	360.00	44.00	404.00
(2) An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account	478.90	44.00	522.90
(3) A clerk who is in charge of and responsible for the work of:			
(A) 5 or more employees	425.50	44.00	469.50
(B) 3 or 4 employees	409.10	44.00	453.10
(C) 2 employees	400.90	44.00	444.90

'Employees' in this item shall mean any male or female clerk, typist or stenographer and shall include the clerk-in-charge.

(ii) Operative from the first full pay period to commence on or after 14 October 1998:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(1) 1st year's adult experience	310.00	48.00	358.00
2nd year's adult experience	331.70	48.00	379.70
3rd year's adult experience & thereafter	360.00	48.00	408.00
(2) An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account	478.90	48.00	526.90
(3) A clerk who is in charge of and responsible for the work of:			
(A) 5 or more employees	425.50	48.00	473.50
(B) 3 or 4 employees	409.10	48.00	457.10
(C) 2 employees	400.90	48.00	448.90

'Employees' in this item shall mean any male or female clerk, typist or stenographer and shall include the clerk-in-charge.

(b) Estimating Service

In estimating the number of years service of an employee, the total clerical experience in the service of every employer in the trades or groups of trades in respect of awards of the Tasmanian Industrial Commission applicable to private industry employees, shall be taken into account.

(c) Juniors

The minimum weekly wage rates that may be paid to juniors shall be the undermentioned percentages of the 2nd year adult weekly wage rate prescribed in sub-subparagraph (a)(1) hereof, adjusted to the nearest 10 cents:

	%
Under 16 years of age	40
16 to 17 years of age	45
17 to 18 years of age	55
18 to 19 years of age	70
19 to 20 years of age	80
20 to 21 years of age	90

PROVIDED that when determining the amount payable to an employee attaining the age of 21 years, who has been employed as a junior clerk in the trades or groups of trades in respect of awards of the Tasmanian Industrial Commission, applicable to private industry employees, experience obtained after reaching the age of 18 years shall be counted as adult experience.

(d) Trainee Clerk

The minimum weekly wage rate payable to a trainee clerk shall be determined by the following method of calculation:

By taking the appropriate weekly wage rate for a junior clerk as prescribed in paragraph (c) herein then multiplying it by 39 and dividing it by 52 (39 being the actual number of weeks spent on the job).

PROVIDED that the weekly wage rate determined by this calculation shall in no case be less than the minimum rate (as varied from time to time) prescribed by the Australian Traineeships System Guidelines.

PROVIDED FURTHER that trainee clerk weekly wage rate shall be calculated in multiples of 10 cents with any result of five cents or more being taken to the next 10 cents.

(e) Additional Payments

In addition to the weekly wage rates prescribed herein, the following additional amounts per week shall be paid to stenographers, audio-typists, teletypists, accounting machine, computer, data processing, tabulating machine, card punch and verifier operators:

	Amount \$
Under 16 years of age	1.10
16 to 17 years of age	1.30
17 to 18 years of age	1.40
18 to 19 years of age	1.60
19 to 20 years of age	2.30
20 to 21 years of age	2.50
21 years of age and over	3.20

4. MINIMUM RATE

Notwithstanding the provisions of Clause 8 - Wage Rates, subclause 3 - Clerks, no adult employee shall be paid less than the rate of:

- (a) \$277.40 per week operative from the first full pay period to commence on or after 14 July 1998.
- (b) \$281.40 per week operative from the first full pay period to commence on or after 14 October 1998.

PROVIDED that payments for overtime, special rates, holiday and weekend penalties and shift allowances, prescribed in this award shall not be taken into account in the calculation of such minimum weekly wage rate.

Where a minimum weekly rate of pay as aforesaid is applicable to an employee for work in ordinary hours the same rate shall be applicable to the calculation of overtime and all other penalty rates, payments during sick leave and annual leave, and for all other purposes of this award.

5. SUPPORTED WAGE SYSTEM

- (a) Eligibility Criteria

Subject to this subclause an employer may engage employees at a supported wage rate (as set out in paragraph (c) of this subclause) 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 subclause 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.

PROVIDED FURTHER that this subclause 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 subclause:

'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 subclause 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 (paragraph (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 \$45 per week.

(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 subclause, 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.

(h) 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 subclause 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.

(i) Workplace Adjustment

An employer wishing to employ a person under the provisions of this subclause 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.

(j) 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 subclause 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 paragraphs (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$45 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 paragraph (c) hereof."

Operative Date

This Order shall come into operation from the first full pay period to commence on or after 14 July 1998.

B R Johnson
DEPUTY PRESIDENT

27 August 1998