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**TASMANIAN INDUSTRIAL COMMISSION**

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

**Tasmanian Chamber of Commerce and Industry Limited**  
(T8963 of 2000)

Australian Cement Holdings Enterprise Award  
Broadcasting and Television Award  
Butter and Cheesemakers Award  
Civil Construction and Maintenance Award  
Clerical and Administrative Employees (Private Sector) Award  
Dairy Processing Award  
Estate Agents Award  
Farming and Fruit Growing Award  
Fibreglass and Plastics Award  
Fish Aquaculture and Marine Products Award  
Fuel Merchants Award  
Furnishing Trades Award  
Horticulturists Award  
Hotels, Resorts, Hospitality and Motels Award  
Independent Schools (Non-Teaching Staff) Award  
Insurance Award  
Licensed Clubs Award  
Marine Boards Award  
Meat Processing Industry Award  
Medical Diagnostic Services (Private Sector) Award  
Medical Practitioners (Private Sector) Award  
Miscellaneous Workers Award  
Nursing Homes Award  
Optical Industries Award  
Photographic Industry Award  
Plant Nurseries Award  
Printers Award  
Produce Award  
Public Accountants Award  
Public Vehicles Award  
Restaurant Keepers Award  
Retail Trades Award  
Rubber Trades Award  
Shellfish Industry Award  
Textile Award  
Timber Merchants Award  
Totalizator Agency Award  
Wholesale Pharmaceutical Award  
Wholesale Trades Award

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FULL BENCH:  
DEPUTY PRESIDENT R J WATLING  
COMMISSIONER T J ABNEY  
COMMISSIONER A W PEARCE

Award variation - nominated private sector awards - application amended - deletion of obsolete training provisions - application granted - operative fpp 7 September 2000

## **BROADCASTING AND TELEVISION AWARD**

**ORDER BY CONSENT -**

**No. 3 of 2000**

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THE **BROADCASTING AND TELEVISION AWARD** IS VARIED IN THE FOLLOWING MANNER:

**1. By deleting Clause 3 - Arrangement and inserting in lieu thereof the following:**

**"3. ARRANGEMENT**

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Arrangement	3	
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Supersession and Savings	5	
Parties and Persons Bound	6	
Definitions	7	
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Contract of Employment	13	
Dress Allowance	14	
Enterprise Flexibility	15	
Existing Wage Rates	16	
Extra Rates not Cumulative	17	
Height Allowance	18	
Holidays with Pay	19	
Hours of Work	20	
Meal Allowance	21	
Mixed Functions	22	
Notice Board	23	
Occupational Superannuation	24	
Overtime	25	
Parental Leave	26	
Part A - Maternity Leave		
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Structural Efficiency	35
Sunday and Holiday Work	36
Suspension	37
Termination of Employment	38
Time and Wages Record	39
Tools of Trade	40
Transport After Overtime	41
Travelling Allowances	42"

**2. By deleting Clause 7 - Definitions and inserting in lieu thereof the following:**

**"7. DEFINITIONS**

**'Announcer'** means an employee who is engaged in making announcements, speaking and/or describing an event or events into a microphone for the purposes of broadcasting or recording and in duties ordinarily associated with such work.

**'Announcer Grade I'** means an employee who in addition to announcing the time of the day, playing of records and/or controlling transcriptions and/or making announcements, including reading of news, stock reports or sporting results, is required to carry out 'specialist work' or to 'ad lib' when required by the employer.

**'Announcer Grade II'** means an employee not coming within the definition of 'Announcer Grade (I)' but who is employed on the announcing of time of day, playing of records and/or controlling transcriptions and/or making announcements, including reading of news, stock reports or sporting results, but does not include other 'specialist work' or 'ad lib' for more than one minute at any one time.

**'Broadcasting station'** shall include transmitter control rooms and technical equipment used in conjunction therewith operating under one call sign and the one licence whether on the same or different premises.

A **'day'** means midnight to midnight.

**'Officer in charge of the station'** shall mean the manager, if there, and if not there, then his officially appointed deputy.

**'Show Day'** means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the employee is employed; or such other day which, in the absence of such a local show day, is agreed on by the employee and the employer, therefore making a total of 11 paid public holidays per year."

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**3. By deleting Clause 8 - Wages 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:

	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	75.00	287.10	287.10
Announcers, Grade II	216.50	214.60	75.00	291.50	289.60
Announcers, Grade I	224.00	222.10	75.00	299.00	297.10

  

	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	75.00	287.10	287.10
Announcers, Grade II	213.80	212.90	75.00	288.80	287.90
Announcers, Grade I	219.70	216.50	75.00	294.70	291.50

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## **2. TECHNICAL AND PRODUCTION (TELEVISION)**

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

	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	75.00	339.10
(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	75.00	312.30
(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	75.00	303.10
(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	75.00	303.10
(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	75.00	297.10

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**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
	If such employee holds a Television Operator's Certificate, he/she shall be paid a further			4.00
(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	75.00	312.30
(vii)	Cine-cameraman, i.e. an employee who records events on cine-camera	237.30	75.00	312.30
(viii)	Still photographer, i.e. an employee who is required to record non-moving photographs	231.90	75.00	306.90
(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	75.00	312.30
(x)	Announcer, i.e. an employee who reads or ad libs announcements directly related to the programme being transmitted or recorded	224.00	75.00	299.00
	After the first year of adult experience an extra			4.10
	After the second year of adult experience, an extra			4.10
(xi)	Property maintenance man	230.40	75.00	305.40

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(xii) Inexperienced adults	212.10	75.00	287.10
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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.

(xiii) Employees (other than musicians) not otherwise classified	210.00	75.00	285.00
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(xiv) Film department employees

Males			
1st year's adult experience	211.60	75.00	286.60
2nd year's adult experience	216.30	75.00	291.30
3rd year's adult experience & thereafter	224.00	75.00	299.00

**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 \$4.00 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).

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**3. CLERKS**

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

(a) Adults

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(1) 1st year's adult experience	310.00	75.00	385.00
2nd year's adult experience	331.70	75.00	406.70
3rd year's adult experience & thereafter	360.00	75.00	435.00
 (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	 73.00	 551.90
 (3) A clerk who is in charge of and responsible for the work of:			
(A) 5 or more employees	425.50	75.00	500.50
(B) 3 or 4 employees	409.10	75.00	484.10
(C) 2 employees	400.90	75.00	475.90

**'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.

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(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) 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	1.70
19 to 20 years of age	2.50
20 to 21 years of age	2.70
21 years of age and over	3.40

**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 \$308.40.

**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.

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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.

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(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 \$51 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.

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(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 \$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 paragraph (c) hereof."

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- 4. By deleting "Clause 41 - Trainee Clerk".**
- 5. By renumbering "Clause 42 - TRANSPORT AFTER OVERTIME" to "Clause 41 - TRANSPORT AFTER OVERTIME".**
- 6. By renumbering "Clause 43 -TRAVELLING ALLOWANCES" to "Clause 42 - TRAVELLING ALLOWANCES".**

#### **OPERATIVE DATE**

These variations shall come into operation from the first full pay period to commence on or after 7 September 2000.

A W Pearce  
**COMMISSIONER**

8 September 2000