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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

[T10230 of 2002]

Private Sector Awards

[T10288 of 2002]

Private Sector Awards

[T10289 of 2002]

Private and Public Sector Awards

FULL BENCH:

PRESIDENT P L LEARY

DEPUTY PRESIDENT R J WATLING

COMMISSIONER T J ABEY

Wage Rates - State Wage Case July 2002 - applications to vary private sector awards in a manner consistent with the Australian Industrial Relations Commission decision in Print PR002002 - Safety Net Review 2002 - Award rates increased by - \$18 per week - Wage related allowances increased by 3.55% - Meal allowances increased to \$11.90 - Supported Wage increased to \$56 per week - Operation fpp 1 August 2002 - State Minimum Wage determined at \$431.40-s.35(1)(b)

BROADCASTING AND TELEVISION AWARD

ORDER BY CONSENT -

No 1 of 2002

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

1. 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:

	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	106.00	318.10	318.10
Announcers, Grade II	216.50	214.60	106.00	322.50	320.60
Announcers, Grade I	224.00	222.10	106.00	330.00	328.10

	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	106.00	318.10	318.10
Announcers, Grade II	213.80	212.90	106.00	319.80	318.90
Announcers, Grade I	219.70	216.50	106.00	325.70	322.50

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	106.00	370.10
(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	106.00	343.30
(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	106.00	334.10
(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	106.00	334.10
(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	106.00	328.10

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
	If such employee holds a Television Operator's Certificate, he/she shall be paid a further			4.20
(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	106.00	343.30
(vii)	Cine-cameraman, i.e. an employee who records events on cine-camera	237.30	106.00	343.30
(viii)	Still photographer, i.e. an employee who is required to record non-moving photographs	231.90	106.00	337.90
(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	106.00	343.30
(x)	Announcer, i.e. an employee who reads or ad libs announcements directly related to the programme being transmitted or recorded	224.00	106.00	330.00
	After the first year of adult experience an extra			4.30
	After the second year of adult experience, an extra			4.30
(xi)	Property maintenance man	230.40	106.00	336.40
(xii)	Inexperienced adults	212.10	106.00	318.10
	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	106.00	316.00
(xiv)	Film department employees			
	Males			
	1st year's adult experience	211.60	106.00	317.60
	2nd year's adult experience	216.30	106.00	322.30
	3rd year's adult experience & thereafter	224.00	106.00	330.00

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 \$4.20 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

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	106.00	416.00
2nd year's adult experience	331.70	106.00	437.70
3rd year's adult experience & thereafter	360.00	106.00	466.00
(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	106.00	584.90
(3) A clerk who is in charge of and responsible for the work of:			
(A) 5 or more employees	425.50	108.00	533.50
(B) 3 or 4 employees	409.10	106.00	515.10
(C) 2 employees	400.90	106.00	506.90

'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:

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	%
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	1.90
19 to 20 years of age	2.70
20 to 21 years of age	2.90
21 years of age and over	3.60

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 \$339.40.

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.

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 \$56 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 \$56 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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2. By deleting Clause 21 - MEAL ALLOWANCE and inserting in lieu thereof the following:

"21. MEAL ALLOWANCE

When an employee is required by the employer to sleep on the premises of the employer in order to be available for work, the employer shall pay to the employee the sum of \$11.90 for each meal provided during the period that the employee is required to remain at the station.

PROVIDED that the number of meals to be paid for by the employer shall not exceed three in any period of 24 hours."

OPERATIVE DATE

These variations shall come into operation from the first full pay period on or after 1 August 2002.

P L Leary
PRESIDENT

14 August 2002