

SUMMARY OF PROPOSED SUBSTANTIVE VARIATIONS

MA000091

This table is a summary of proposed variations lodged for this award – updated 6 January 2017.

Broadcasting and Recorded Entertainment Award 2010

Some of the items contained in this summary may be determined by the Group 4 Award Stage—Technical and Drafting Full Bench while others may be referred to a separately constituted Full Bench (to be discussed at a conference before an individual Member of the Commission).

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
3.	BCC and ors	Sub-21/01/15	14.2(d)	Classifications and minimum wages–Common salary structure–Grade 4 Insert additional classification of team leader to be designated ‘Cinema Worker Level 3, with the higher classifications being redesignated ‘Cinema Worker Level 4’ to Cinema Worker Level 7’, respectively.	Page 4 Issue 3	Change as agreed incorporated in exposure draft published on 25 November 2016
10.	BCC and ors	Sub-21/01/15	14.4(a)	Junior employees Insert a new paragraph (aa): ‘Provided that a junior employee in a cinemas shall be paid the percentage in clause 14.4(a) of the adult minimum wage for the appropriate classification’	Page 4 Issue 2	Previously raised by MEAA in 2012 Review and considered in [2012] FWA 8761 at [30] Claim withdrawn – see submission 22/09/16
24.	BCC and ors	Sub-21/01/15	54.3(a)	Types of employment-part-time Insert the words ‘within the terms of this clause and clause 55.1(c)’ after ‘continuous employment’.	Page 3 Issue 1	Change as agreed incorporated in exposure draft published on 25 November 2016

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25.	BCC and ors	Sub-21/01/15	55.1(c)	Ordinary hours of work and rostering Amend second sentence to read: ‘The agreement about <i>the number of</i> ordinary hours to be worked will be in writing...’	Page 3 Issue 1	Change as agreed incorporated in exposure draft published on 25 November 2016
38.	BCC and ors	Sub-21/01/15	E.1.3	Schedule E-Cinema Worker Level 3 Insert new E.1.3 clause and redesignate E.1.3 to E.1.7 to E.1.4 to E.1.8 , respectively.	Page 5 Issue 3	Change as agreed incorporated in exposure draft published on 25 November 2016
15.	BusSA	Sub-02/03/15	26.3(b)	Public holidays – special provisions for employees in cinemas Current wording is confusing. Party seeks to simplify language or include a definition.	Page 8	Withdrawn 29 September 2016
21.	BusSA	Sub-02/03/15	36.2	Rosters – technical staff Party has raised concerns with clause and is consulting further with its members	Page 8	Withdrawn 29 September 2016
22.	BusSA	Sub-02/03/15	41.4	Penalty rates – announcers and broadcaster/journalists – shift penalties Interchange of the terms ‘penalty’ and ‘allowances’ may lead to confusion.	Page 8	Withdrawn 29 September 2016
23.	BusSA	Sub-02/03/15	42.1(d)	Penalty rates – technical	Page 8	Withdrawn 29 September

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				staff – shift penalties Interchange of the terms ‘penalty’ and ‘allowances’ may lead to confusion.		2016
4.	CPSU	Sub-04/02/15 Sub-30-09-16	14.2(d)	Classifications and minimum wages–Common salary structure–Grade 4 Insert additional classification of Trainee Captioner/Audio Describer.	Paragraph 2	
5.	CPSU	Sub-04/02/15 Sub-30-09-16	14.2(e)	Classifications and minimum wages–Common salary structure–Grade 5 Insert additional classification of Trainee Subtitler/Subtitling Editor.	Paragraph 3	
6.	CPSU	Sub-04/02/15 Sub-30-09-16	14.2(h)	Classifications and minimum wages–Common salary structure–Grade 8 Insert additional classification of Captioner/Audio Describer	Paragraph 4	
7.	CPSU	Sub-04/02/15 Sub-30-09-16	14.2(k)	Classifications and minimum wages–Common salary structure–Grade 11 Insert additional classification of Multi-skilled Captioner/Audio Describer	Paragraph 5	
8.	CPSU	Sub-04/02/15 Sub-30-09-16	14.2(n)	Classifications and minimum wages–Common salary structure–Grade 14 Insert additional classification of	Paragraph 6	

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				Advanced Multi-skilled Captioner/Audio Describer		
9.	CPSU	Sub-04/02/15 Sub-30-09-16	14.2(o)	Classifications and minimum wages–Common salary structure–Grade 15 Insert additional classifications of Subtitled/Subtitling Editor and Captioner/Audio Describer Shift Leader or Trainer	Paragraphs 7, 8	
16.	CPSU	Sub-04/02/15 Sub-30-09-16	27	Ordinary hours of work and rostering Insert the following above clause 27: ‘This Part 6 applies to those employees classified as Captioners/Audio Describers and Subtitlers/Subtitling Editors contained in Schedule B’	Paragraph 9	Proposed wording is provided.
19.	CPSU	Sub-04/02/15	28	Meal breaks Insert new clause 28.6.	Paragraph 10	Proposed wording is provided.
20.	CPSU	Sub-04/02/15	30	Shift and weekend penalties Insert new clause 30.9.	Paragraph 11	Proposed wording is provided.
36.	CPSU	Sub-04/02/15 Sub-30-09-16	B.1	Schedule B - Television Broadcasting - Classifications Insert new clause B.1.23.	Paragraph 11	Proposed wording is provided.
37.	CPSU	Sub-04/02/15 Sub-30-09-16	B.1.1	Schedule B- Television Broadcasting - Definitions Insert new clauses B.1.1(e), B.1.1(f), B.1.1(g) and B.1.1(h).	Paragraph 12	Proposed wording is provided.
17.	FWO	Corro-02/03/15	27.3	Ordinary hours of work and	Page 13	Supported MEAA

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				rostering Unclear whether a ‘rostered day off’ has the same or different meaning to an ‘accrued day off’ as references in clauses 27.6, 39.6, 52.2 and K.1 of Schedule K	Issue 3	Sub-21-10-16
1.	MEAA	Sub-02/03/15 Sub-21-10-16	3.1 & 4.1	Definitions and Coverage Proposes to amend definition to refer to ‘cinemas’ and amend title of the Award to ‘Broadcasting, Recorded Entertainment and Cinemas Award’.	Paragraph 6	
	AEIA	ReplySub-22/02/17		Partly agrees with MEAA’s submission. Submits it is more appropriate to make a new modern award for cinema industry.	Para 5	
26.	MEAA	Sub-02/03/15 Sub-21-10-16	59	Special definitions - artist Amend Part 10 to include dancers within the definition of artist. Also amend definition by deleting words ‘the production of the film’.	Paragraphs 5, 10	
27.	MEAA	Sub-02/03/15 Sub-21-10-16	59	Special definitions - performance Amend definition of ‘performance’ for consistency across film and non film settings.	Paragraph 12	
29.	MEAA	Sub-02/03/15 Sub-21-10-16	73.1(a)	Hours of work Amend clause to clarify ‘days of up to 10 hours each’ includes 7.6 ordinary hours and 2.4 hours of schedule overtime, calculated in accordance with clause 76.4.	Paragraph 22	

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30.	MEAA	Sub-02/03/15 Sub-21-10-16	74.2	Breaks between shifts Amend term 'single time additional' to 'double time'.	Paragraph 16	
33.	MEAA	Sub-02/03/15 Sub-21-10-16	76.2	Overtime Insert definition of 'unscheduled overtime'.	Paragraph 18	
34.	MEAA	Sub-02/03/15 Sub-21-10-16	76.3	Overtime Amend clause to clarify 'days of up to 10 hours each' includes 7.6 ordinary hours and 2.4 hours of schedule overtime, calculated in accordance with clause 76.4.	Paragraph 22	
39	MEAA	Sub-02/03/15 Sub-21-10-16	F.1	Schedule F - Actors - Classifications Insert classification descriptors for dancers at clauses F.1.4 and F.1.5. Amend provisions as reference to 'number of lines of dialogue' is not applicable to mime or dance.	Paragraphs 6, 7	
11.	Seven and ors	Sub-02/03/15	15.2	Payment of wages Amend to provision to provide for wages to be paid monthly.	Issue 2	
12.	Seven and ors	Sub-02/03/15	21	Higher duties Amend clause to provide more flexibility for employees to work higher duties.	Issue 3	
13.	Seven and ors	Sub-02/03/15	23	Annual leave - cashing out Amend award to provide for cash out of annual leave.	Issue 1	See decision in AM2014/47 - Full Bench Decision - [2015]

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						FWCFB 5771
18.	Seven and ors	Sub-02/03/15	27.6	Ordinary hours of work and rostering - rostering Amend clause to provide greater flexibility in relation to rostering arrangements and roster changes.	Issue 4	
2.	SPA	Sub-02/03/15 Sub-10-11-16	10.5(b)	Casual loading Proposes to reduce casual loading from 25%. Rate is not in line with the benefits afforded to contract or full time employees.	Issue 3	
14.	SPA	Sub-02/03/15 Sub-10-11-16	23.7(b)	Annual leave loading Loading should only be payable after an employee had completed 12 months' service - not as pro rata.	Issue 3	
28.	SPA	Sub-02/03/15 Sub-10-11-16	62.11	Release allowances payable to performers - feature films only Provision for the purchase of 'additional allowances' should be removed.	Issue 1	
31.	SPA	Sub-02/03/15 Sub-10-11-16	74.2	Break between shifts Penalty should apply to affected hours and not entire shift. Party also proposes inserting clause to address the case of 2 consecutive days off (54 clear hours between finish of work prior to days off and the start of work following the days off).	Issue 2	
32.	SPA	Sub-02/03/15 Sub-10-11-16	75.1	Meal breaks Delay meal break to commence up	Issue 2	

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				to 6 hours from the start of the work period or last break.		
35.	SPA	Sub-02/03/15 Sub-10-11-16	77.1	Calculations of penalties and provision of rosters Revert to pre-reform entitlement with no penalty payable after 6am.	Issue 2	

NOTE: Issues in this award (Nos 3, 10, 24 and 38 re cinemas) have been the subject of conferences before SDP Hamberger

List of abbreviations (in alphabetical order)

AEIA	Australian Entertainment Industry Association
BCC and ors	Birch Carroll & Coyle Limited, Greater Union Organisation Pty Ltd, Hoyts Corporations Pty Ltd and Village Roadshow Limited
BusSA	Business SA
CPSU	Community and Public Sector Union
FWO	Fair Work Ombudsman
MEAA	Media, Entertainment and Arts Alliance
Seven and ors	Seven Network (Operations) Limited, Network Ten Pty Ltd, Nine Network Pty Limited and Prime Media Group
SPA	Screen Producers Australia