

### PAY AND CONDITIONS GUIDE

#### **Journalists Published Media Award 2010 [MA000067]** ('modern award')

replacing terms and conditions in or derived from

#### **Journalists' Suburban Newspapers (State) Award [AN120284]** ('pre-modern award')

#### **(NSW)**

Effective from 01 July 2013.

Published 24 June 2013 

##### **Background**

This guide was developed by the Fair Work Ombudsman to assist employers and employees covered by this modern award, pre-modern award and pay scales derived from this pre-modern award to identify minimum wages, penalties, loadings and allowances.

##### **Transitional arrangements**

Modern awards commenced operation on 01 January 2010. However, minimum wage, loading and penalty entitlements commence from 01 July 2010. Almost all modern awards include provisions to 'transition' employers and employees from their pre-modern award to the modern award system.

This modern award includes transitional provisions that provide for the 'phasing in' of increases or decreases in minimum wages, penalties and loadings in the modern award in 5 increments over 4 years from 01 July 2010. All other terms and conditions in this modern award apply in full from 01 January 2010.

The rates in this guide are current from the first pay period on or after 01 July 2013. The rates set out in this guide will change from the first full period on or after 01 July each year to take account of Fair Work Australia's annual wage review and transitional arrangements. The rates may also change as a result of a Fair Work Australia decision to vary the modern award or pay and condition entitlements of the modern award from time to time.

##### **Transitional arrangements for Division 2B State awards**

Division 2B State awards (other than Division 2B enterprise awards) terminate at the end of 31 December 2010 and, from 1 January 2011, employers and employees are covered by the relevant modern award. However, most modern awards provide that all the terms of Division 2B State awards continue to apply until the end of the full pay period which started before 1 February 2011.

The employers affected include sole traders, partnerships, other unincorporated entities and non-trading corporations in New South Wales, Queensland, South Australia and Tasmania who are covered by a Division 2B State award.

From the first full pay period starting on or after 1 February 2011, an employer who was covered by a Division 2B State award, must comply with all of the terms and conditions contained in their relevant modern award, and any transitional arrangements that apply. Transitional arrangements in most modern awards for Division 2B State award employers provide that from the first full pay period starting on or after 1 February 2011, they must pay at least the same minimum wage rates, penalties and loadings as national system employers who are transitioning from the equivalent NAPSAs. There are some exceptions and special transitional arrangements that apply in certain situations. If you require help determining whether these exceptions or special transitional arrangements apply to you, please contact the Fair Work Infoline on 13 13 94.

**Note:** Modern awards are not intended to reduce an employee's take-home pay. An employee or his/her union can apply to Fair Work Australia for a take-home pay order to remedy any reduction in his/her overall take-home pay.

### **Who should use the guide?**

Employees and employers who were entitled to terms and conditions in or derived from this pre-modern award and who are now covered by this modern award.

A guide that has an AP (Pre-reform award) code typically applies to employees employed by a constitutional corporation. Usually these are companies that engage in trading or financial activities. Private companies are often identified by the 'Pty Ltd' in their name. It applies to employers in those categories who were bound by the award immediately prior to 01 January 2010.

A guide that has an AN (Notional agreement preserving State awards) code also typically applies to employees employed by a constitutional corporation. However, unlike pre-reform awards these are notional federal agreements that were created on 27 March 2006. Generally, they preserved the terms and conditions of employment (not including wage rates) in state awards and/or state legislation that applied immediately before 27 March 2006 to employees of constitutional corporations in NSW, QLD, SA, WA and TAS where State award/laws applied to those employers prior to 27 March 2006.

A guide that has an AT code typically applies to employees employed by non-constitutional corporations immediately before 27 March 2007 where the employer was bound by a Federal award. These will be sole traders, partnerships, other unincorporated entities or non-trading/financial corporations.

The guide contains information from this modern award about:

- who the modern award covers;
- wage rates, including rates for casual employees, junior employees, trainees and apprentices;
- penalty rates for working at particular times or under particular arrangements;
- allowances; and
- other conditions of employment.

### **What if an agreement applies to employees covered by the modern award?**

Minimum wage entitlements in a modern award override lesser wage entitlements in an agreement or contract of employment at all times, including agreements and contracts that were made before the commencement of the *Fair Work Act 2009*. All employees covered by the modern award must not be paid less than the rate of pay in the modern award.

However, the penalty rates and allowances in the modern award do not apply to agreement-covered employees, unless the agreement is read in conjunction with the modern award (e.g. a pre-reform certified agreement (a type of collective agreement made before 27 March 2006)).

If you require assistance with any provisions of this guide please contact the **Fair Work Infoline** on **13 13 94**.

## **Coverage**

This award covers employers throughout Australia in the published media industry with respect to their employees engaged in journalism in its literary, artistic and photographic branches and/or the gathering, writing or preparing of news matter or news commentaries, and their employees in the classifications listed in this award to the exclusion of any other modern award.

Without limiting the generality of the foregoing, this award does not cover employers covered by the following awards with respect to employees covered by the awards:

- Graphic Arts, Printing and Publishing Award 2010
- Broadcasting and Recorded Entertainment Award 2010
- Clerks—Private Sector Award 2010.

The award does not cover an employee excluded from award coverage by the Act.

The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

The award does not cover an employer bound by an enterprise award with respect to any employee whose position is exempted from the coverage of the enterprise award.

The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

The award does not cover employees employed in the following positions:

- editor, editor in chief and chief of staff of a metropolitan daily newspaper; and

Nationally:

- on a national metropolitan daily newspaper: six positions
- on any associated publication including an online publication: one position

in Victoria:

- on a metropolitan daily newspaper published in Victoria: 10 positions
- on its related Sunday newspaper: two positions
- on any other associated publication including an online publication: one position

in New South Wales:

- on a metropolitan daily newspaper published in New South Wales: 10 positions
- on its related Sunday newspaper: two positions
- on any other associated publication including an online publication: one position;

in Queensland:

- on a metropolitan daily newspaper published in Queensland: four positions
- on its related Sunday newspaper: two positions
- on any other associated publication including an online publication: one position

in South Australia:

- on a metropolitan daily newspaper published in South Australia: four positions
- on its related Sunday newspaper: two positions
- on any other associated publication including an online publication: one position

in Tasmania:

- on a metropolitan daily newspaper published in Tasmania: three positions
- on any other associated publication including an online publication: one position

in Western Australia:

- on a metropolitan daily newspaper published in Western Australia: five positions
- on a separately published metropolitan Sunday newspaper: three positions
- on any other associated publication including an online publication: one position

in the Northern Territory:

- on a metropolitan daily newspaper published in the Northern Territory: one position
- on any other associated publication including an online publication: one position

in the Australian Capital Territory:

- on a metropolitan daily newspaper published in the Australian Capital Territory: four positions
- on a separately published metropolitan Sunday newspaper: one position
- on any other associated publication including an online publication: one position

in a magazine publishing business that employs more than 20 editorial employees:

- any employee (below the level of publisher) who has principal responsibility for the editorial aspect of more than one magazine published by the employer, including without limitation an editor in chief
- any employee (below the level of publisher) who has principal responsibility for the artistic aspect of more than one magazine published by the employer, including without limitation an art director
- photographic manager
- on any weekly magazine: two positions
- the editor on any other magazine

in a regional daily newspaper business, the editor and:

- the next most senior editorial employee employed in a regional daily newspaper published in Albury, Geelong or Launceston
- the next two most senior editorial employees employed in a regional daily newspaper published in Townsville
- the next three most senior editorial employees employed in a regional daily newspaper published on the Gold Coast

in an online publishing business (that is not an associated publication of a print publication) that employs more than 20 editorial employees:

- any employee (below the level of publisher) who has principal responsibility for the editorial or artistic aspect of more than one online publication published by the employer, including an editor in chief or art director
- the editor of any online publication

at Australian Associated Press: six positions

Part 5 of this award will not have any application to the following employees:

- an employee employed on an online publication other than those employees working on an employer's print publication (such as a metropolitan daily newspaper or regional daily newspaper), which will also include an employee employed by that employer on the print publication associated online publication
- an employee classified as:
  - Level 12 or 13
  - Level 10 by a suburban newspaper
  - Level 9 by a country non-daily newspaper

Provided that, all the employees referred to above will be given at least two days off in each week in accordance with the 'days off' provisions of this award. The provisions to be paid double time with a minimum payment of four hours will apply to an employee not given two days off.

The overtime provisions applying to part-time and casual employees will not apply to employees referred to above.

The only clause in Part 5 of this award that will have any application to employees employed by a specialist publication is the clause dealing with specialist publications.

## **Wages**

This modern award includes transitional arrangements that apply to minimum wage entitlements from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award wages commence in full).

The following wage tables set out base rates of pay for classifications under the modern award.

It also sets out how the modern award classification matches up with pre-modern award classification. If there is no classification match the employee may be covered by another pre-modern award, or another modern award, such as a modern award that covers the employee's occupation rather than the industry.

The base rates of pay in this guide include any applicable industry allowance. The base rates of pay also include any increase from Fair Work Australia's annual wage review. For more information about transitional arrangements for minimum wage entitlements, please visit [www.fairwork.gov.au](http://www.fairwork.gov.au)

## **Casual employees**

The rates for casual employees set in the table below are minimum rates for **ordinary hours** only.

Please visit [www.fairwork.gov.au](http://www.fairwork.gov.au) for information about penalty entitlements for casual employees.

\*Post 26 March 2006 employer

Wage rates for casual employees of employers that became part of the national system after 26 March 2006 do not include annual leave loading because those employees did not have a pre-modern award entitlement to annual leave loading.

## **Adult**

The rates in this guide are current from the first pay period on or after 01 July 2013 until the final pay period before 01 July 2014 only.

### **Full & Part Time Editorial employee**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Band 1, Level 1, Suburban newspaper	Journalist/press photographer, Grade 1	\$20.42
Band 1, Level 1, Suburban newspaper	Journalist/press photographer, 1 (AJA 1a)	\$20.42
Band 1, Level 2, Suburban newspaper	Journalist/press photographer, Grade 2	\$21.28
Band 1, Level 2, Suburban newspaper	Journalist/press photographer, 2 (AJA 1b)	\$21.18
Band 1, Level 3, Suburban newspaper	Journalist/press photographer, Grade 3	\$22.31
Band 1, Level 3, Suburban newspaper	Journalist/press photographer, 3 (AJA 2)	\$22.14
Band 1, Level 5, Suburban newspaper	Journalist/press photographer, Grade 4	\$23.64
Band 1, Level 5, Suburban newspaper	Journalist/press photographer, 5 (AJA 4)	\$23.50
Band 1, Level 6, Suburban newspaper	Journalist/press photographer, Grade 5	\$24.70
Band 2, Level 8, Suburban newspaper	Journalist/press photographer, Grade 6	\$26.96
Band 2, Level 9, Suburban newspaper	Journalist/press photographer, Grade 7	\$28.72
Band 2, Level 9, Suburban newspaper	Journalist/press photographer, 7 (AJA 6)	\$28.42

## **Cadet**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
First year, Suburban newspaper	Cadet journalist/Cadet press photographer working on newspaper published 5 or more days per week, 1st year	\$13.14
First year, Suburban newspaper	Cadet journalist / Cadet press photographer working	\$13.14

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
	on newspaper published less than 5 days per week, 1st year	
Second year, Suburban newspaper	Cadet journalist/Cadet press photographer working on newspaper published 5 or more days per week, 2nd year	\$15.71
Second year, Suburban newspaper	Cadet journalist / Cadet press photographer working on newspaper published less than 5 days per week, 2nd year	\$15.71
Third year, Suburban newspaper	Cadet journalist / Cadet press photographer working on newspaper published 5 or more days per week, 3rd year	\$18.28
Third year, Suburban newspaper	Cadet journalist / Cadet press photographer working on newspaper published less than 5 days per week, 3rd year	\$18.28

### **Graduate cadet**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Suburban newspaper	Graduate cadet working on newspaper published less than 5 days per week, 1st year	\$18.28
Suburban newspaper	Graduate cadet working on newspaper published 5 or more days per week, 1st year	\$18.36

### **Casual Editorial employee**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>	<b>Post 26 March 2006 employer*</b>
Band 1, Level 1, Suburban newspaper	Journalist/press photographer, Grade 1	\$24.84 (21.67%)	\$24.50 (20%)
Band 1, Level 1, Suburban newspaper	Journalist/press photographer, 1 (AJA 1a)	\$24.84 (21.67%)	\$24.50 (20%)
Band 1, Level 2, Suburban newspaper	Journalist/press photographer, Grade 2	\$25.89 (21.67%)	\$25.53 (20%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>	<b>Post 26 March 2006 employer*</b>
Band 1, Level 2, Suburban newspaper	Journalist/press photographer, 2 (AJA 1b)	\$25.77 (21.67%)	\$25.42 (20%)
Band 1, Level 3, Suburban newspaper	Journalist/press photographer, Grade 3	\$27.14 (21.67%)	\$26.77 (20%)
Band 1, Level 3, Suburban newspaper	Journalist/press photographer, 3 (AJA 2)	\$26.93 (21.67%)	\$26.56 (20%)
Band 1, Level 5, Suburban newspaper	Journalist/press photographer, Grade 4	\$28.76 (21.67%)	\$28.36 (20%)
Band 1, Level 5, Suburban newspaper	Journalist/press photographer, 5 (AJA 4)	\$28.59 (21.67%)	\$28.20 (20%)
Band 1, Level 6, Suburban newspaper	Journalist/press photographer, Grade 5	\$30.05 (21.67%)	\$29.64 (20%)
Band 2, Level 8, Suburban newspaper	Journalist/press photographer, Grade 6	\$32.80 (21.67%)	\$32.35 (20%)
Band 2, Level 9, Suburban newspaper	Journalist/press photographer, Grade 7	\$34.95 (21.67%)	\$34.47 (20%)
Band 2, Level 9, Suburban newspaper	Journalist/press photographer, 7 (AJA 6)	\$34.58 (21.67%)	\$34.11 (20%)

### **Junior**

The rates in this guide are current from the first pay period on or after 01 July 2013 until the final pay period before 01 July 2014 only.

### **Full & Part Time Cadet**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
First year, Suburban newspaper	Cadet journalist /press photographer under 21 yrs paper published 5 days or more per wk, 1st year	\$12.48
First year, Suburban newspaper	Cadet journalist /press photographer under 21 yrs paper published less than 5 days per wk, 1st year	\$12.42
Second year, Suburban newspaper	Cadet journalist /press photographer under 21 yrs paper published 5 days or more per wk, 2nd year	\$15.60

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Second year, Suburban newspaper	Cadet journalist /press photographer under 21 yrs paper published less than 5 days per wk, 2nd year	\$15.53
Third year, Suburban newspaper	Cadet journalist /press photographer under 21 yrs paper published 5 days or more per wk, 3rd year	\$18.36
Third year, Suburban newspaper	Cadet journalist /press photographer under 21 yrs paper published less than 5 days per wk, 3rd year	\$18.28

### **Graduate cadet**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Suburban newspaper	Graduate cadet under 21 years working on newspaper published less than 5 days per week, 1st year	\$18.28
Suburban newspaper	Graduate cadet under 21 years working on newspaper published 5 or more days per week, 1st year	\$18.36

### **Apprentice**

Apprentice employees are not covered by this guide for the modern award and pre-modern award.

### **Trainee**

Trainee provisions are not covered in this Modern Award.

### **Supported Wage**

Supported Wage rates of pay are not covered by this summary.

### **Penalties and Loadings (other than casual or part-time loadings for ordinary hours)**

Where an employee had an entitlement to a loading/penalty rate before 01 January 2010 that is exactly the same as the modern award loading/penalty entitlement the modern award loading/penalty applies in full from 01 January 2010.

### **Transitional arrangements**

This modern award includes transitional arrangements that apply to loading/penalty entitlements where there is a difference in modern award and pre-modern award loading/penalty entitlements. Transitional arrangements apply from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award loadings/penalties apply in full).

Different arrangements apply depending on whether the entitlements are “equivalent” or not.

- A pre-modern award loading/penalty will be “equivalent” to a modern award entitlement where the loading/penalty applies:
  - for the same purpose (e.g. Saturday penalty);
  - for the same time periods; and
  - in the same way#.
    - #A pre-modern award and modern award loading/penalty applies in the same way if the entitlements are both:
      - paid at the same frequency, such as per hour or per shift; and
      - paid as a percentage of the same amount (e.g. both penalties are paid as a percentage of the employee’s classification rate, rather than as a percentage of a different amount or paid as a flat dollar amount).

Casual loadings and penalties also need to interact with each other in the same way in the pre-modern award and modern award to be equivalent (e.g. the loading and penalty rate are calculated on the base hourly rate in both instruments).

### Equivalent entitlements

If the pre-modern award loading/penalty rate is “equivalent” to the modern award loading/penalty rate the penalty rate is calculated as follows:

1. The difference between the two loading/penalty rates is referred to as a “transitional percentage”. The transitional percentage stays the same every year.
2. A proportion of the transitional percentage is calculated each year as follows:

First full pay period on or after	Proportion of transitional percentage
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

3. Where the modern award loading/penalty is higher, the penalty rate is obtained by subtracting the proportion of the transitional percentage.

*Example:*

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is higher.

1/01/2010 Pre-modern award penalty	1/07/2014 Modern award penalty	1/07/2010 Penalty rate (phased)
25%	50%	30%
50%	75%	55%
50%	100%	60%
75%	100%	80%

4. Where the modern award loading/penalty is lower, the penalty rate is obtained by adding the proportion of the transitional percentage.

*Example:*

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is lower.

<b>1/01/2010</b>	<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
50%	25%	45%
75%	50%	70%
100%	50%	90%
100%	75%	95%

### **Entitlements that are not equivalent**

If pre-modern award and modern award penalty rates are not "equivalent", the following approach applies:

1. Loadings/penalty rates from a modern award are phased in from zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

<b>First full pay period on or after</b>	<b>Percent of modern award loading/penalty</b>
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

2. Pre-modern award loadings/penalty rates are phased out to zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

<b>First full pay period on or after</b>	<b>Percent of pre-modern award loading/penalty</b>
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

Please note that a pre-modern award penalty rate can be 'phased out' at the same time that a modern award penalty is 'phasing in' (i.e. where different entitlements apply in the same time period). This means that two different rates may apply for the same time period.

*Example:*

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are not equivalent.

<b>1/01/2014</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(20.00%)</b>
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

<b>1/01/2010</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(80.00%)</b>
10.00%	8.00%
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%
100.00%	80.00%
120.00%	96.00%
125.00%	100.00%
130.00%	104.00%
150.00%	120.00%

### **New entitlements**

Where an employee did not have a particular loading/penalty entitlement before 01 January 2010, the modern award loading/penalty is phased in from zero as a new entitlement from the first pay period on or after 01 July 2010 by multiplying the penalty rate by the following percentage:

<b>First full pay period on or after</b>	<b>Percent of modern award loading/penalty</b>
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

### *Example:*

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements in the modern award are new.

<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
25%	5%
50%	10%
75%	15%
100%	20%

For more information about transitional arrangements for loading/penalty entitlements please visit [www.fairwork.gov.au](http://www.fairwork.gov.au) and/or contact the **Fair Work Infoline** on **13 13 94** for advice and assistance.

## **Allowances**

Allowances in modern awards apply in full from 01 January 2010 (although the rates may change from time to time).

### **All states covered by this instrument Full Time, Part Time, Casual**

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
15.2	Meal allowance	<p>If an employee's duty compels them to take more than one meal a day away from their home, any meal or meals in excess of one a day will (unless otherwise paid for or reimbursed by the employer) be paid for by the employer as per the following allowance.</p> <p>Meal means breakfast, lunch or dinner.</p> <p>Normal meal break hours are:</p> <ul style="list-style-type: none"> <li>- Breakfast 6.00am to 8.00am</li> <li>- Lunch 12.00pm to 2.00pm</li> <li>- Dinner 6.00pm to 8.00pm</li> </ul> <p>An employee will be entitled to one meal allowance in any one day if they work through two meal break periods in that day or two meal allowances if working through three meal break periods.</p>	1/07/2013	\$17.6000 per meal.
15.3(c)	Clothing allowance	An employee regularly employed on work requiring attendance in evening attire will be paid a minimum allowance of \$300.00 per year.	1/01/2010	\$300.0000 per year
15.5 (b)	Specialist functions	All purpose allowance expressed as per shift.	1/07/2013	\$1.0401 per hour. (5.00%)

Clause	Allowance Type	Description	Effective Date	Rate
		<p><b>Band One, Level 1, Country non-daily newspaper or a regional daily newspaper</b></p> <p>Allowance of 5% of employee's minimum rate is payable to employee who is employed as a sub-editor performing sub-editing procedures as set out in the award. Allowance only payable where working a full shift as sub-editor. Not payable to employee who has ceased to be a sub-editor. Allowance forms part of sub-editor's ordinary rate of pay for all purposes including calculating shift penalties, the appropriate overtime rate and annual leave loading.</p>		
15.5 (b)	Specialist functions	<p>All purpose allowance expressed as per shift.</p> <p><b>Band One, Level 2, Country non-daily newspaper or a regional daily newspaper</b></p> <p>Allowance of 5% of employee's minimum rate is payable to employee who is employed as a sub-editor performing sub-editing procedures as set out in the award. Allowance only payable where working a full shift as sub-editor. Not payable to employee who has ceased to be a sub-editor. Allowance forms part of sub-editor's ordinary rate of pay for all purposes including calculating shift penalties, the appropriate overtime rate and annual leave loading.</p>	1/07/2013	\$1.0692 per hour (5.00%)
15.5 (b)	Specialist functions	<p>All purpose allowance expressed as per shift.</p> <p><b>Band One, Level 3, Country non-daily newspaper or a regional daily newspaper</b></p> <p>Allowance of 5% of employee's minimum rate is payable to employee who is employed as a sub-editor performing sub-editing procedures as set out in the award. Allowance only</p>	1/07/2013	\$1.1153 per hour. (5.00%)

Clause	Allowance Type	Description	Effective Date	Rate
		payable where working a full shift as sub-editor. Not payable to employee who has ceased to be a sub-editor. Allowance forms part of sub-editor's ordinary rate of pay for all purposes including calculating shift penalties, the appropriate overtime rate and annual leave loading.		
15.5 (b)	Specialist functions	<p>All purpose allowance expressed as per shift.</p> <p><b>Band One, Level 4, Country non-daily newspaper or a regional daily newspaper</b></p> <p>Allowance of 5% of employee's minimum rate is payable to employee who is employed as a sub-editor performing sub-editing procedures as set out in the award. Allowance only payable where working a full shift as sub-editor. Not payable to employee who has ceased to be a sub-editor. Allowance forms part of sub-editor's ordinary rate of pay for all purposes including calculating shift penalties, the appropriate overtime rate and annual leave loading.</p>	1/07/2013	\$1.1451 per hour. (5.00%)
15.5 (b)	Specialist functions	<p>All purpose allowance expressed as per shift.</p> <p><b>Band One, Level 5, Country non-daily newspaper or a regional daily newspaper</b></p> <p>Allowance of 5% of employee's minimum rate is payable to employee who is employed as a sub-editor performing sub-editing procedures as set out in the award. Allowance only payable where working a full shift as sub-editor. Not payable to employee who has ceased to be a sub-editor. Allowance forms part of sub-editor's ordinary rate of pay for all purposes including calculating shift penalties, the appropriate overtime rate and annual leave loading.</p>	1/07/2013	\$1.1749 per hour (5.00%)

Clause	Allowance Type	Description	Effective Date	Rate
15.5 (b)	Specialist functions	<p>All purpose allowance expressed as per shift.</p> <p><b>Band One, Level 6, Country non-daily newspaper or a regional daily newspaper</b></p> <p>Allowance of 5% of employee's minimum rate is payable to employee who is employed as a sub-editor performing sub-editing procedures as set out in the award. Allowance only payable where working a full shift as sub-editor. Not payable to employee who has ceased to be a sub-editor. Allowance forms part of sub-editor's ordinary rate of pay for all purposes including calculating shift penalties, the appropriate overtime rate and annual leave loading.</p>	1/07/2013	\$1.2350 per hour. (5.00%)
15.5 (b)	Specialist functions	<p>All purpose allowance expressed as per shift.</p> <p><b>Band Two, Level 8, Country non-daily newspaper or a regional daily newspaper</b></p> <p>Allowance of 5% of employee's minimum rate is payable to employee who is employed as a sub-editor performing sub-editing procedures as set out in the award. Allowance only payable where working a full shift as sub-editor. Not payable to employee who has ceased to be a sub-editor. Allowance forms part of sub-editor's ordinary rate of pay for all purposes including calculating shift penalties, the appropriate overtime rate and annual leave loading.</p>	1/07/2013	\$1.3491 per hour. (5.00%)
15.5 (b)	Specialist functions	<p>All purpose allowance expressed as per shift.</p> <p><b>Band Two, Level 9, Country non-daily newspaper or a regional daily newspaper</b></p>	1/07/2013	\$1.4389 per hour. (5.00%)

Clause	Allowance Type	Description	Effective Date	Rate
		<p>Allowance of 5% of employee's minimum rate is payable to employee who is employed as a sub-editor performing sub-editing procedures as set out in the award. Allowance only payable where working a full shift as sub-editor. Not payable to employee who has ceased to be a sub-editor. Allowance forms part of sub-editor's ordinary rate of pay for all purposes including calculating shift penalties, the appropriate overtime rate and annual leave loading.</p>		
15.5(b)	Specialist functions	<p>All purpose allowance expressed as per shift.</p> <p><b>Band Two, Level 10, regional daily newspaper</b></p> <p>Allowance of 5% of employee's minimum rate is payable to employee who is employed as a sub-editor performing sub-editing procedures as set out in the award. Allowance only payable where working a full shift as sub-editor. Not payable to employee who has ceased to be a sub-editor. Allowance forms part of sub-editor's ordinary rate of pay for all purposes including calculating shift penalties, the appropriate overtime rate and annual leave loading.</p>	1/07/2013	\$1.5288 per hour. (5.00%)

## **Other Conditions**

The following conditions in the modern award apply in full from 1 January 2010. Please note that the below table is a summary of commonly applicable entitlements in the modern award, there may be other entitlements in the modern award that are relevant to particular employers or employees. Please refer to the modern award for full details.

**Note:** The National Employment Standards (**NES**) operate together with modern awards to provide minimum conditions of employment for employers and employees in the national system. The NES sets out ten minimum statutory entitlements that apply to all employees, including leave and termination of employment entitlements.

For more information about the NES, please visit [www.fairwork.gov.au](http://www.fairwork.gov.au)

### **All states covered by this instrument**

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
7	Award flexibility (Instrument)	An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:  - arrangements for when work is performed - overtime rates - penalty rates - allowances - leave loading.  Other conditions concerning award flexibility are contained within the Fair Work Act 2009.
8	Consultation (Instrument)	The award contains information on the employer's responsibility to consult regarding major workplace change including the:  - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).
10.2	Part-time conditions	Employed on a continuing basis but is engaged for an average of less than 38 ordinary hours per week.

Clause	Conditions Type	Description
	(Instrument)	<p>Employer required to roster employee for minimum of four consecutive hours any day or shift.</p> <p>Weekly hours, including starting and finishing times, are to be agreed. However, employer may change hours of work by providing seven days' notice in writing, provided no change to total agreed number of ordinary hours.</p> <p>Employer may ask employee to work times other than those agreed in case of emergency or shortage of staff through sickness or other causes which cannot reasonably be foreseen. In this case employer must give as much notice as possible and will, within the same or succeeding week, grant time off duty to compensate for additional time worked.</p> <p>Work in excess of agreed hours (except in circumstances in the paragraph above or as varied in accordance with agreed weekly hours and notice provisions) is overtime and paid time and a half for first three hours double time thereafter.</p>
10.3	Casual conditions (Instrument)	<p>Engaged by the hour, but on each occasion must be engaged for at least 3.75 hours.</p> <p>Paid per hour at rate of 1/38th of weekly rate, plus loading of 25%.</p> <p>Entitled to overtime for hours worked in excess of:</p> <ul style="list-style-type: none"> <li>- for all employees, 38 hours in a week and</li> <li>- in the case of employees of a metropolitan daily newspaper, 10 hours in a day and</li> <li>- in the case of employees of a magazine, regional daily newspaper, suburban newspaper and country non-daily newspaper, 7.5 hours in a day.</li> </ul> <p>Overtime rates are time and half first two hours double time thereafter.</p> <p>Minimum hourly rate for calculation of shift penalties and overtime does not include casual loading.</p>
11.2	Termination of employment - notice of	The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
	termination by an employee (Instrument)	employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
11.3	Termination of employment - job search entitlement (Instrument)	Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.
12.2	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
12.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
12.4	Redundancy - job search entitlement (Instrument)	An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.  If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.
12.5	Redundancy - transitional provisions (Instrument)	An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied immediately prior to 1 January 2010 and that would have entitled the employee to redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010.  The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.  This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.

Clause	Conditions Type	Description
13.4	Other (Instrument)	<p><b>Training of cadets</b></p> <p>Are fully taught and instructed in practical journalism as it operates in the office. Experienced person supervises training. Training will include handling of news from its collection to its publication. Cadets in press photography or editorial art will be provided with appropriate training.</p> <p>Permitted to be absent during working hours for periods of up to four hours any week to attend classes approved by employer. Additional six hours will be granted to attend an Australian university for a course in journalism or other approved course. Cadets in press photography and editorial art are permitted to be absent for up to 10 hours a week to attend classes approved by employer. Fees for studies prescribed are paid by cadet and reimbursed by employer provided cadet's conduct and progress are satisfactory. This provision will not apply where employer pays the fees. Employer is not required to either reimburse or pay for amounts owed by cadet under the Higher Education Contribution Scheme.</p>
15.1	Expenses (Instrument)	Reimbursed reasonable out-of-pocket expenses, including transport expenses.
15.3	Clothing, footwear and/ or equipment (Instrument)	Reasonably compensated for damage to clothing and personal effects arising from or in course of employment.
15.3	Transport of employees (Instrument)	Work requiring attendance in evening attire is provided with reasonable transport facilities where requested by employee.
15.4	Transfer of employee (Instrument)	<p>Employer reimburse following transfer costs where employee required permanently to work in a different city, town, district or State/Territory to one in which previously located:</p> <ul style="list-style-type: none"> <li>- reasonable travelling expenses for employee and their family and</li> <li>- transfer or storage of employee's furniture and effects.</li> </ul> <p>Temporarily transferred reimbursed all reasonable expenses for accommodation and travel.</p>
15.6	Transport of employees (Instrument)	<p><b>Air travel</b></p> <p>When employee agrees travel by air other than regular passenger-carrying service, employer reimburse cost of taking out additional personal insurance to cover existing personal insurance policies invalidated by</p>

Clause	Conditions Type	Description
		travel. Does not apply where employer agrees to indemnify employee against any invalidation of employee's personal insurance policies.
15.7	Insurance (Instrument)	<p><b>Special risks</b></p> <p>Employee will, if required, perform any duty which would invalidate their personal insurance policies, or any of them, if employer indemnifies them against such invalidation.</p> <p>Where requested, they will immediately inform employer in writing of the risk of invalidation.</p> <p>Upon being informed, employer must indemnify employee and their dependants against invalidation, unless employer, prior to commencement of the duty in question, informs in writing that they decline to indemnify employee or their dependants, in which case employee is allowed to not perform the duty.</p>
15.8	Insurance (Instrument)	<p><b>Special risks insurance</b></p> <p>Employer must either insure employee, or reimburse cost of insuring, against injury or death by accident arising from:</p> <ul style="list-style-type: none"> <li>- any travel by air other than by regular passenger carrying service or</li> <li>- any duties performed in a war zone or a zone of warlike operations.</li> </ul> <p>Employee must be insured for amount of not less than \$250 000 in event of death or injury. Proceeds of the policy are paid to employee in event of injury and to employee's legal personal representative in event of death.</p>
15.10	Transport of employees (Instrument)	<p><b>Use of office vehicles</b></p> <p>When required employee will drive office-owned car on any assignment, provided they are made exempt by employer from financial liability covered by ordinary insurance during whole period they are in charge of car.</p>
16	Higher duties (Instrument)	Working higher level for more than two weeks paid higher rate.

Clause	Conditions Type	Description
18	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> <li>- the employers responsibility to make superannuation contributions to a superannuation fund</li> <li>- the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund</li> <li>- the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.</li> </ul>
19.1	Hours of work (Instrument)	<p>Ordinary hours are an average of 38 a week working 38 on five days per week, or one of the following bases (provided ordinary hours are minimum 4 maximum 11 per day or 12 by agreement and requirements of days off paragraph below are met):</p> <ul style="list-style-type: none"> <li>- 152 hours over 19 days in a 20 day work cycle</li> <li>- 76 hours over nine days in a 10 day work cycle or</li> <li>- 38 hours on four days in each five day work cycle.</li> </ul>
19.2	Hours of work (Instrument)	<p>Arrangement for average of 38 hours per week at workplace (or section of workplace) is agreed between employer and majority of employees affected. Employer and employee may agree on arrangement for average of 38 hours per week which differs from arrangement applying to majority of employees (provided requirements relating to work cycles above are met along with hours are minimum 4 maximum 11 per day or 12 by agreement and requirements of the days off paragraph provisions of award are met).</p>
19.3	Hours of work (Instrument)	<p>Where agreement is reached below to:</p> <ul style="list-style-type: none"> <li>- move from five day week to four day week or</li> <li>- move to nine day fortnight or</li> <li>- move to 19 day month or</li> <li>- implement some other agreement that involves working fewer than five days per week on a consistent basis</li> </ul>

Clause	Conditions Type	Description
		<p>and</p> <p>- new arrangements would result in increased cost as result of some or all of employees concerned becoming entitled to shift penalties that they would not be entitled to when working a five day per week basis, agreement may provide that one or more of the penalties regarding shiftwork and weekend penalties not apply.</p>
19.4	Hours of work (Instrument)	<b>Day</b> means a period of 24 hours unless stated otherwise regarding ordinary hours of work.
19.5	Hours of work (Instrument)	Ordinary hours are minimum four and maximum 11 per day or 12 by agreement.
19.6	Make-up time (Instrument)	Employee may elect, with consent of employer, to work make-up time under which employee takes time off during ordinary hours and works those hours at a later time.
19.7	Other (Instrument)	<p><b>Calculation of time worked</b></p> <p>Except on distant engagement, hours of duty count continuously from time of entering upon duty, as defined below, until time of ceasing duty.</p> <p>Entering upon duty means the earlier of:</p> <ul style="list-style-type: none"> <li>- arrival at office for first time in the day to begin duty or</li> <li>- beginning of first engagement, provided reasonable time allowed to cover period required to reach engagement from home or from temporary place of residence or accommodation should employee be temporarily assigned away from city or town where regularly employed.</li> </ul>
19.8	Rostering (Instrument)	<p><b>Days off</b></p> <p>At least two days off in every seven in relation to period over which 38 hours is averaged in accordance with requirements relating to work cycles in award. Under arrangement where the 38 hours allow for more than two days off a week may bank up to five additional days off by agreement.</p>

Clause	Conditions Type	Description
		<p>Employer may require employee to work on employee's day off in case of emergency or shortage of staff through sickness or other cause which cannot reasonably be foreseen. Employer must give as much notice as possible and, within same or succeeding week, grant another day off.</p> <p>When given a day off, that day will commence at expiration of 12 hours from time ceasing duty.</p> <p>When given two or more consecutive days off, consecutive days will commence at expiration of eight hours from time ceasing duty.</p> <p>When not given their days off in accordance with above paid double time for work on any day minimum payment four hours.</p>
20	Breaks - meal (Instrument)	<p>Must not be compelled to work more than five hours without break of not less than 20 minutes.</p> <p>Subject to the next paragraph where permitted a break of one hour off duty for meal, employer can deduct one hour from total time worked. If break permitted is less than one hour, no time is deducted. Not more than one hour will be deducted in a day.</p> <p>Where in a country non-daily newspaper permitted a break of thirty minutes or more off duty for a meal, employer can deduct the time for the meal break from the total time worked. If the break is less than thirty minutes no time shall be deducted. Not more than one and a half hours shall be deducted in any one day.</p>
22.3	Overtime – time off in lieu (Instrument)	<p>Daily overtime compensated for in following manner:</p> <ul style="list-style-type: none"> <li>- overtime banked to be taken as time off instead at single time</li> <li>- time off instead of overtime taken as mutually agreed, or employer rostering accrued overtime as time off instead, giving at least 14 days' notice that employee required to take accrued time off instead</li> <li>- time off instead of overtime not taken within 12 months of overtime worked paid out at overtime rates</li> <li>- on termination, untaken time off instead of overtime paid out at overtime rates</li> <li>- where agreed, overtime paid at time and a half first two hours double time thereafter and</li> </ul>

Clause	Conditions Type	Description
		- time allowed off duty instead of overtime deemed ordinary rostered hours for day or days which time off instead is taken.
23	Hours of work (Instrument)	<p><b>Specialist publications</b></p> <p>Ordinary hours are 38 a week which may be worked any day of the week determined by employer.</p> <p><b>Work in excess of 38 hours</b></p> <p>Where employee, except casual, required to work in excess of 38 hours any week, entitled to time off for period which is same as periods of overtime worked.</p> <p>To be taken within six weeks of the end of week in which overtime worked. Employer may determine when time is taken off.</p> <p>If for any reason, time off is not taken, payment for overtime time and a half first eight hours double time in excess of eight hours any week.</p> <p>NOTE: Does not apply to specialist online publications.</p>
24.2	Annual leave (Instrument)	<p>Required to work public holidays at ordinary hourly rates of pay who are:</p> <ul style="list-style-type: none"> <li>- engaged by metropolitan daily newspaper, wire service, regional daily newspaper, suburban newspaper or a magazine, credited each year with extra two weeks and three days' annual leave or</li> <li>- engaged by country non-daily newspaper credited each year with extra two weeks' annual leave.</li> </ul>
24.3	Annual leave (Instrument)	Where credited an additional amount of annual leave in accordance with the award, if the employee is not required to work on a particular public holiday (apart from Good Friday and Christmas Day), employer must notify employee at least 14 days prior to the public holiday and that day will be deemed to be taken as an annual leave day.
24.4	Annual leave (Instrument)	Credited additional amount of leave, should Christmas Day or Good Friday fall during leave, allowed extra day's leave or paid double time for one day.

Clause	Conditions Type	Description
24.5	Annual leave loading (Instrument)	Loading of 17.5% of the base rate of pay in award.
24.6	Annual leave (Instrument)	<p><b>Requirement to take annual leave notwithstanding terms of the NES</b></p> <p>Notwithstanding the NES, if employer has genuinely tried to reach agreement to timing of taking leave, employer can require employee to take annual leave by giving not less than eight weeks' notice of the time when leave is to be taken.</p>
24.7	Annual leave - paid leave in advance of accrued entitlement (Instrument)	By agreement leave may be taken in advance of accruing. If taken in advance and employment terminates before entitlement has accrued employer may make corresponding deduction from any money due on termination.
24.8	Annual leave - close-down (Instrument)	<p>Notwithstanding the NES, employer may close down enterprise or part of it for the purpose of allowing leave to all or majority of employees in enterprise or part concerned, provided:</p> <ul style="list-style-type: none"> <li>- employer gives not less than four weeks' notice of intention to do so</li> <li>- employee who has accrued sufficient leave to cover period of close-down is allowed leave and is paid for leave</li> <li>- employee who has not accrued sufficient leave to cover part or all of close-down, is allowed paid leave for period for which they have accrued sufficient leave and given unpaid leave for remainder</li> <li>- leave taken as a result of close-down counts as service</li> <li>- employer may only close down enterprise or part of it for one or two separate periods in a year and</li> <li>- if employer closes down enterprise or part of it in two separate periods, one period must be for at least 14 consecutive days including non-working days.</li> </ul>
27.3	Public holidays (Instrument)	Employee receiving additional leave in accordance with clause 24.2 is required to work public holidays at ordinary rates, unless directed to take a day of annual leave in accordance with clause 24.2.

Clause	Conditions Type	Description
		Required to work Good Friday or Christmas Day, entitled to additional day off in the fortnight in which public holiday occurs. May agree to bank additional day off to be taken at later time.
27.4	Public holidays (Instrument)	Working public holiday or substitute day, provided for in the NES or below, provided with a day off instead or, if such a day off is not provided, paid double time and a half minimum payment four hours.
27.5	Public holidays (Instrument)	<p><b>Substitution of certain public holidays by agreement at enterprise</b></p> <p>Agreement between employer and majority of employees in enterprise or part of enterprise, alternative day may be taken as public holiday instead of any of prescribed days.</p> <p>Employer and employee may agree taking another day as public holiday instead of day observed as public holiday in the enterprise or part of enterprise.</p>
15.9	Clothing, footwear and/ or equipment (Instrument)	<p><b>Spectacle allowance</b></p> <p>Spectacles or a lens change specifically for use of a computer screen at work is prescribed, employer pay cost of the lens and up to an amount of \$118.50 on first frames provided:</p> <ul style="list-style-type: none"> <li>- where employee is in receipt of health fund benefit employer pay difference between cost of spectacles and the benefit with maximum of \$118.50 on first frames and</li> <li>- employer will not be liable for tinted or outdoor component of any lenses.</li> </ul>

## **Frequency of Payment**

An employer may pay an employee's wages on a weekly, fortnightly or monthly basis by cash, cheque or electronic transfer.

An employer changing from a weekly or fortnightly pay cycle to a monthly pay cycle must provide at least two months' notice of the change to employees.

**IMPORTANT NOTE: Disclaimer**

The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The Pay and Conditions Guides are provided for that purpose.

There are factors that may affect the information contained in these Guides. These include:

- changes to pay rates, allowances, penalties or modern award provisions; eg after FWA's annual wage review which takes effect on 1 July each year
- changes to the Fair Work Act or other relevant legislation
- decisions of courts or Fair Work Australia, in particular regarding the effect of provisions in modern awards and pre-modern awards where those differ from the approach taken by the FWO.

The FWO will consider these matters and where appropriate update the Guides.

It is your responsibility to comply with workplace laws and industrial instruments that apply to you.

The information contained in these Pay and Conditions Guides is:

- general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and
- not legal advice.

Therefore you may wish to seek your own independent professional advice to ensure all the factors relevant to your circumstances are properly considered.