



Australian Government

Fair Work

OMBUDSMAN


PAY AND CONDITIONS GUIDE

Book Industry Award 2010 [MA000078] ('modern award')
replacing terms and conditions in or derived from

Journalists (Book Industry) Award 1998 [AP785593] ('pre-modern award')

(ACT, NSW, NT, QLD, VIC)

Effective from 01 July 2010.

Published 29 July 2010 

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 2010. 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.

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.

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 **book industry** and their employees in the classifications in the award to the exclusion of any other modern award.

Book industry means the receipt, perusal, editing and preparation of manuscripts and other material for publication in book form, or the supervision thereof, or in any branch of writing, drawing or photographic work for publicity or public relations purposes in relation to publications in book form, other than those substantially engaged in marketing.

Exclusions

- Those employees who are employed as an executive or manager are excluded from this award.

- The award does not cover an employee excluded from award coverage by the **Fair Work Act 2009**.

- 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 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 the award 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.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

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

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 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 2010 until the final pay period before 01 July 2011 only.

Full & Part Time Trainee book editor

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1, Upon commencement	Trainee book editor, Level 1, Upon commencement	\$17.61
Level 1, Upon commencement	Trainee Book Editor, Level 1, Upon commencement, Computer	\$18.22

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1, After 6 months	Trainee book editor, Level 1, After six months	\$18.72
Level 1, After 6 months	Trainee book editor, Level 1, After six months, Computer	\$19.38

Editor

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 2, Grade 1	Book editor, Level 2, Grade 1	\$19.81
Level 2, Grade 1	Book editor, Level 2, Grade 1, Computer	\$20.40
Level 2, Grade 2	Book editor, Level 2, Grade 2	\$20.20
Level 2, Grade 2	Book editor, Level 2, Grade 2, Computer	\$20.90
Level 2, Grade 3	Book editor, Level 2, Grade 3	\$21.17
Level 2, Grade 3	Book editor, Level 2, Grade 3, Computer	\$21.93
Level 2, Grade 4	Book editor, Level 2, Grade 4	\$22.27
Level 2, Grade 4	Book editor, Level 2, Grade 4, Computer	\$23.08

Senior editor

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 3, Grade 1	Senior editor, Level 3, Grade 1	\$23.33
Level 3, Grade 1	Senior editor, Level 3, Grade 1, Computer	\$24.18
Level 3, Grade 2	Senior editor, Level 3, Grade 2	\$24.39
Level 3, Grade 2	Senior editor, Level 3, Grade 2, Computer	\$25.28
Level 3, Grade 3	Senior editor, Level 3, Grade 3	\$27.16
Level 3, Grade 3	Senior editor, Level 3, Grade 3, Computer	\$28.16

Casual

Trainee book editor

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Level 1, Upon commencement	Trainee book editor, Level 1, Upon commencement	\$21.96 (24.67%)	\$20.61 (17.00%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Level 1, Upon commencement	Trainee Book Editor, Level 1, Upon commencement, Computer	\$22.71 (24.67%)	\$21.32 (17.00%)
Level 1, After 6 months	Trainee book editor, Level 1, After six months	\$23.34 (24.67%)	\$21.91 (17.00%)
Level 1, After 6 months	Trainee book editor, Level 1, After six months, Computer	\$24.16 (24.67%)	\$22.67 (17.00%)

Editor

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Level 2, Grade 1	Book editor, Level 2, Grade 1	\$24.69 (24.67%)	\$23.17 (17.00%)
Level 2, Grade 1	Book editor, Level 2, Grade 1, Computer	\$25.43 (24.67%)	\$23.87 (17.00%)
Level 2, Grade 2	Book editor, Level 2, Grade 2	\$25.18 (24.67%)	\$23.63 (17.00%)
Level 2, Grade 2	Book editor, Level 2, Grade 2, Computer	\$26.06 (24.67%)	\$24.45 (17.00%)
Level 2, Grade 3	Book editor, Level 2, Grade 3	\$26.40 (24.67%)	\$24.77 (17.00%)
Level 2, Grade 3	Book editor, Level 2, Grade 3, Computer	\$27.34 (24.67%)	\$25.66 (17.00%)
Level 2, Grade 4	Book editor, Level 2, Grade 4	\$27.77 (24.67%)	\$26.06 (17.00%)
Level 2, Grade 4	Book editor, Level 2, Grade 4, Computer	\$28.77 (24.67%)	\$27.00 (17.00%)

Senior editor

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Level 3, Grade 1	Senior editor, Level 3, Grade 1	\$29.09 (24.67%)	\$27.30 (17.00%)
Level 3, Grade 1	Senior editor, Level 3, Grade 1, Computer	\$30.14 (24.67%)	\$28.29 (17.00%)
Level 3, Grade 2	Senior editor, Level 3, Grade 2	\$30.40 (24.67%)	\$28.53 (17.00%)
Level 3, Grade 2	Senior editor, Level 3, Grade 2, Computer	\$31.52 (24.67%)	\$29.58 (17.00%)
Level 3, Grade 3	Senior editor, Level 3, Grade 3	\$33.86 (24.67%)	\$31.78 (17.00%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Level 3, Grade 3	Senior editor, Level 3, Grade 3, Computer	\$35.11 (24.67%)	\$32.95 (17.00%)

Junior

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

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.

1/01/2010 Pre-modern award penalty	1/07/2014 Modern award penalty	1/07/2010 Penalty rate (phased)
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:

First full pay period on or after	Percent of modern award loading/penalty
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:

First full pay period on or after	Percent of pre-modern award loading/penalty
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.

1/01/2014 Modern award penalty	1/07/2010 Penalty rate (phased) (20.00%)
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%

1/01/2010 Pre-modern award penalty	1/07/2010 Penalty rate (phased) (80.00%)
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:

First full pay period on or after	Percent of modern award loading/penalty
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.

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

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

Allowances

Allowances are not covered by this Modern Award Guide.

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

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	<p>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:</p> <ul style="list-style-type: none">- arrangements for when work is performed- overtime rates- penalty rates- allowances- leave loading. <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none">- duty to notify, and- duty to discuss change.

Clause	Conditions Type	Description
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).
10.1	Other (Instrument)	<p>Types of employment</p> <p>An employee may be employed on a full-time, part-time or casual basis. An employee other than a casual will, irrespective of the periodic payment of salary increments, be deemed to be employed on the following basis:</p> <ul style="list-style-type: none"> - Level 1 - by the fortnight - Levels 2 and 3 - by the month.
10	Casual conditions (Instrument)	<p>A casual employee is an employee who is engaged as such, and must be paid a minimum of three hours for each engagement.</p> <p>A casual employee must be paid at the appropriate hourly rate for each hour worked, increased by 25%.</p> <p>A casual employee is entitled to payment at overtime rates for all work in excess of 7.5 hours in any one day. Overtime rates for casual employees will be an additional 50% of the hourly rate provided for full and part time employees.</p>
10.3	Part-time conditions (Instrument)	<p>A part-time employee must be rostered for a minimum of four consecutive hours on any day.</p> <p>The employer must specify in writing the ordinary hours of work and days on which such work is to be performed before the part-time employee begins employment.</p> <p>These days and hours may only be changed by:</p> <ul style="list-style-type: none"> - agreement in writing, or - seven days' notice in writing by the employer, provided there is no reduction of the total agreed number of ordinary weekly hours of work. <p>All provisions of the award applicable to full-time employees will apply to part-time employees on a pro rata basis.</p>

Clause	Conditions Type	Description
11.2	Termination of employment - notice of termination by an employee (Instrument)	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 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 notional agreement preserving a State award that would have applied immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement - based transitional instrument or enterprise agreement had applied to the employee 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.

Clause	Conditions Type	Description
		This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.
14	Other (Instrument)	<p>Expenses</p> <p>All employees will be reimbursed out-of-pocket expenses reasonably incurred in the employer's service and authorised by the employer.</p>
15	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> - a notional agreement preserving a State award that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee, and - that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument. <p>The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
16	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to a superannuation fund - the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.
17	Hours of work	Ordinary hours of work and rostering

Clause	Conditions Type	Description
	(Instrument)	<p>The ordinary hours of work will be an average of 38 per week to be worked from Monday to Friday by either:</p> <ul style="list-style-type: none"> - working 38 ordinary hours from Monday to Friday inclusive each week; or - over 19 days in a 28 day work cycle, working 40 ordinary hours each week for three weeks and 32 ordinary hours for one week; or - over 10 days in a 14 day work cycle, working 42 ordinary hours in one week and 34 ordinary hours in one week; or - working 38 hours on four days in each five day work cycle. <p>The method by which the 38 hour week is to be worked will be determined by agreement between the employer and the majority of employees affected in each employer's establishment.</p> <p>If the employer and the majority of employees in that employer's establishment agree that the method of working the 38 hour week can be determined on a section by section or unit by unit basis, the employees in each section or unit and their employer will then agree upon the method of working the 38 hour week in that section or unit.</p> <p>The Ordinary hours of work and rostering provisions will not apply to employees classified as Senior editors Level 3 Grade 3 or Publicists Grade 6 or 7. Such employees will, however, be entitled to receive at least two days off work each week.</p>
18	Breaks - meal (Instrument)	<p>Every employee employed on a full-time basis (except Senior Editors Level 3 Grade 3 and Publicists Grade 6 or 7) will be allowed at least one meal break every day of at least 30 minutes and no more than 60 minutes duration. The time spent on a meal break may be deducted by an employer from the total time worked.</p>

Frequency of Payment

In accordance with the Fair Work Act 2009, an employer must pay an employee at least monthly.

IMPORTANT NOTE: Disclaimer

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