CROWN EMPLOYEES SOUND REPORTERS AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Review of Award pursuant to Section 19 of the *Industrial Relations Act* 1996.

(Case No.2016/00006308)

Before Commissioner Stanton 2 August 2016

REVIEWED AWARD

PART A - INTRODUCTION, INTENTIONS AND COMMITMENTS, PARTIES, ARRANGEMENT AND DEFINITIONS

1. Arrangement

PART A - INTRODUCTION, INTENTIONS AND COMMITMENTS, PARTIES, ARRANGEMENT AND DEFINITIONS

Clause No. Subject Matter

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2. Introduction, Intentions and Commitments, Parties

2.1 This Award shall be known as the "Crown Employees (Sound Reporters) Award ".

2.2 The intentions and commitments of this Award are to:

2.2.1 Provide a link between the competencies and the salaries of employees being trained for and holding the positions of Multi-Skilled Sound Reporter and Sound Reporter Dual Remote.

2.2.2 Provide the competencies, which must be held by each employee in order to progress through the classification structure.

2.3 The parties to this Award are the Department of Justice - Courts and Tribunal Services Division), the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales.

2.4 This Award shall be in four parts as follows:

Part A - Introduction, Intentions and Commitments, Parties, Arrangement and Definitions

Part B - Arrangements for Salary and Classification Levels

Part C - Technological Changes

Part D - Dispute Resolution, Anti-Discrimination, Workplace Health and Safety, Incidence and Duration.

3. Definitions

"Act" means the Government Sector Employment Act 2013.

"Association" means the Public Service Association and Professional Officers Association Amalgamated Union of New South Wales.

"Competencies" means the list of skills which must be possessed by the individual at the time of recruitment or acquired during the training period.

"Continuous Monitoring" means the actual recording of proceedings before two Courts or Tribunals simultaneously. "Micro pauses" form part of the continuous period.

"Department" means the Department of Justice (Courts and Tribunal ServicesDivision).

"Departmental standards" means the standards agreed to by the Department and the Association which form the basis for the production of transcript and monitoring and logging of proceedings.

"PSC" means the Public Service Commission , as established under the Government Sector Employment Act 2013.

"Log Notes" means the written or electronic record of the progress of proceedings.

"Monitoring" means to record the proceedings.

"Multi-Skilled Sound Reporter" means a reporter trained and able to perform the duties of both monitoring and logging court proceedings and transcribing court proceedings.

"Recruitment" means merit based recruitment in accordance with the provisions of the Government Sector Employment Act 2013.

"Reporting Services Branch" means a business centre of the Department of Justice.

"Sound Reporter Dual Remote" means a Multi-Skilled Sound Reporter who accurately records dual court proceedings from a location outside the courtroom and monitors and logs to ensure that the transcription of proceedings meets Departmental Standards.

"Sound Reporter (monitor)" means a sound reporter who is trained and able to perform the duty of monitoring and logging court proceedings only.

"Sound Reporter (typist)" means a sound reporter who is trained and able to perform the duty of transcribing court proceedings only.

"Trainee Multi-Skilled Sound Reporter" means a temporary member of staff under a contract of employment who has gained a position as a result of recruitment action and is undergoing training in both monitoring and logging of court proceedings and the transcription of court proceeding.

"Transcribe" means to produce a typed record of recorded proceedings.

PART B - ARRANGEMENTS FOR SALARY AND CLASSIFICATION LEVELS

4. Salary and Classification Levels for Multi- Skilled Reporters and Sound Reporters Dual Remote

4.1 The following salary and classification structure will apply to those persons who are successful in being employed to the following positions:

Classification Level	Year	From first pay period on or after 1/7/2016 $
Trainee Multi-Skilled Sound Reporter	1	60,154
Multi-Skilled Sound Reporter	2	63,649
Multi-Skilled Sound Reporter	3	65,396
Multi-Skilled Sound Reporter	4	67,248
Multi-Skilled Sound Reporter	5	69,276
Sound Reporter Dual Remote		71,438

4.2 All salary rates will be increased in accordance with the Crown Employees (Public Sector - Salaries 2015) Award and any variation or replacement award. The rates contained in subclause 4.1 equate to those of Clerk, Grade 1, first year of service, Clerk Grades 2 to 3, and Clerk Grade 4, first year of service, of the Administrative and Clerical Officers - Salaries schedule of that Award.

4.3 These salary rates will be used to determine superannuation employer contributions made to each employee under this Award.

5. Competencies Required of Multi-Skilled Sound Reporters and Sound Reporters Dual Remote

5.1 The following competencies must be met by Trainee Multi-Skilled Reporters to be eligible for appointment as a Multi-Skilled Sound Reporter. Upon completion of training and having met the following required competencies, permanent appointment will be confirmed:

5.1.1 Keyboard typing at fifty words per minute with ninety eight percent accuracy.

5.1.2 English literacy skills including punctuation, grammar and spelling with seventy five percent accuracy.

5.1.3 Satisfactorily transcribe five minutes from live court proceedings.

5.1.4 Undertake operation of in-court recording equipment to Departmental standards.

5.1.5 Keep monitoring log notes to Departmental standards.

5.1.6 Produce transcription production to Departmental standards.

5.1.7 Demonstrate satisfactory conduct and services including the ability to work in a team, the ability to work in a high volume and demanding environment and the ability to follow reasonable instructions.

5.2 Trainee Multi-Skilled Sound Reporters who are able to demonstrate all the competencies listed in subclause 5.1 of this Award, at the conclusion of the training period, will be appointed as Multi-Skilled Sound Reporter Year 2, in accordance with subclause 4.1 of this Award.

5.3 In addition to the competencies to be met for the position of Multi-Skilled Sound Reporter, listed in subclause 5.1 of this Award, the following competencies must be met to qualify for appointment to the position of Sound Reporter Dual Remote:

5.3.1 Demonstrated ability to monitor proceedings in dual courts simultaneously while maintaining concentration over protracted periods of time subject to the provisions of Clause 12 of this Award.

5.3.2 Demonstrated superior knowledge of court room procedure.

5.3.3 Demonstrated ability to work in isolation whilst monitoring and transcribing.

5.3.4 Demonstrated ability to understand diverse voices, accents, languages, and meanings in the court.

5.3.5 Demonstrated ability to work in the limited confines of a remote booth while maintaining physical dexterity.

5.4 Other competencies may be added to the position of Sound Recorder Dual Remote by agreement between the Department and the Association as the position of Sound Reporter Dual Remote evolves.

6. Progression of Multi-Skilled Sound Reporters and Sound Reporters Dual Remote

6.1 Progression through Years 2 to 5 as shown in subclause 4.1 of this Award will be incremental and dependent upon satisfactory performance and conduct.

6.2 Incremental progression will be in accordance with the Government Sector Employment Regulation 2014.

6.3 Multi-Skilled Sound Reporters employed by the Department as Clerk Grade 1 at the time this Award takes effect will automatically progress to Multi-Skilled Sound Reporter Year 2, as set down in subclause 4.1 of this Award.

6.4 Multi-Skilled Sound Reporters employed by the Department as Clerk Grade 2 and being paid at the maximum rate at the time this Award takes effect will automatically progress to Multi-Skilled Sound Reporter Year 4, as set down in subclause 4.1 of this Award.

6.5 Multi-Skilled Sound Reporters employed by the Department as Clerk Grade 2 and being paid at the minimum rate at the time this Award takes effect will automatically progress to Multi-Skilled Sound Reporter Year 3, as set down in subclause 4.1 of this Award.

6.6 Employees of the Department who are qualified as Multi-Skilled Sound Reporters will be eligible to apply for the advertised positions of Sound Reporter Dual Remote. Multi-Skilled Sound Reporters will only progress to this level upon merit based appointment.

6.7 Applications for the positions of Sound Reporter Dual Remote will be on a voluntary basis.

6.8 External applicants may also apply and be recruited by the Department to be trained for the position of Sound Reporter Dual Remote. The Department will invite applications internally in the first instance in

any recruitment process. Where the Department is unable to attract a sufficient field of applicants for the positions of Sound Reporter Dual Remote, external recruitment will proceed. Successful external applicants for the position of Sound Reporter Dual Remote will be eligible for temporary appointment at Year 1 as set down in subclause 4.1 of this Award. Upon completion of training and having attained all the required competencies set down in this Award, remuneration will be at the level of Sound Reporter Dual Remote.

6.9 Following implementation of this Award, subsequent recruitment for the positions of Multi-Skilled Sound Reporter and Sound Reporter Dual Remote will be in accordance with the merit based selection processes under the Government Sector Employment Act 2013 .

7. Variation of Employment Conditions

7.1 Subject to the satisfactory conduct and performance of duties, the Department will not take any action to vary the employment of a Multi-Skilled Sound Reporter whilst there remains work to be performed which is associated with the duties of the Multi-Skilled Sound Reporter position. If the situation occurs where the work to be performed by a Multi-Skilled Sound Reporter no longer remains, the Department will follow the prevailing policies and procedures.

7.2 The Department may vary the location of the employment of Multi-Skilled Sound Reporters on a needs basis and in accordance with the agreed terms of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 and other applicable industrial instruments.

7.3 Any internal applicant who is appointed to the position of Sound Reporter Dual Remote on the basis of competitive merit selection may return to their position which they occupied immediately before being appointed to a Sound Reporter Dual Remote at their request immediately if made within one month of their appointment.

7.4 Any appointee returning to their former position in accordance with subclause 7.3 of this Award will return to the grade and salary level which applied to them immediately before being appointed to the Sound Reporter Dual Remote position.

8. Benefits and Efficiencies

8.1 It is acknowledged by all parties to this Award that the following benefits and efficiencies will be achieved as a result of the effect of this Award:

8.1.1 Ability to convert Multi-Skilled Sound Reporter positions to Sound Reporter Dual Remote positions.

8.1.2 Reduction in the use of private contractors to undertake the work performed by staff covered by this Award

8.1.3 Improved staff skill development.

8.1.4 Creation of a progressive career path for employees.

8.1.5 Implementation of new technology.

PART C - TECHNOLOGICAL CHANGES

9. Response to Technological Changes

9.1 Technological change affects directly the service provided by the Reporting Services Branch ("RSB"), including the way the business is conducted, the scope and number of positions providing the service and the manner in which work is organised. It is vital to the ongoing success of RSB that opportunities presented by technology be identified and introduced continually. To enable this, Parties to this Award agree to:

9.1.1 In consultation with the Association, review the business whenever significant technological change occurs.

9.1.2 The review process will take into account the changes technology has brought to the business and the probable changes that technology may bring about in the next two year period.

9.1.3 Create a team within RSB that will continually evaluate emerging technology and work practices in consultation with the Association, with a view to implementing these throughout the business.

9.1.4 Regular benchmarking exercises will be conducted to ensure that best practice in the delivery of reporting services is attained, consistent with the objectives of subclause 9.1.3.

9.1.5 Renegotiate this Award at the completion of two years.

PART D - DISPUTE RESOLUTION, ANTI-DISCRIMINATION, WORKPLACE HEALTH AND SAFETY, INCIDENCE AND DURATION

10. Grievance and Dispute Settling Procedures

10.1 All grievances and disputes relating to the provisions of this award shall initially be dealt with as close to the source as possible, with graduated steps for further attempts at resolution at higher levels of authority within the appropriate Department, if required.

10.2 A staff member is required to notify in writing their immediate manager, as to the substance of the grievance, dispute or difficulty, request a meeting to discuss the matter, and if possible, state the remedy sought.

10.3 Where the grievance or dispute involves confidential or other sensitive material (including issues of harassment or discrimination under the Anti Discrimination Act, 1977) that makes it impractical for the staff member to advise their immediate manager the notification may occur to the next appropriate level of management, including where required, to the Agency Head or delegate.

10.4 The immediate manager, or other appropriate officer, shall convene a meeting in order to resolve the grievance, dispute or difficulty within two (2) working days, or as soon as practicable, of the matter being brought to attention.

10.5 If the matter remains unresolved with the immediate manager, the staff member may request to meet the appropriate person at the next level of management in order to resolve the matter. This manager shall respond within two (2) working days, or as soon as practicable. The staff member may pursue the sequence of reference to successive levels of management until the matter is referred to the Agency Head.

10.6 The Agency Head may refer the matter to the Industrial Relations Secretary for consideration.

10.7 If the matter remains unresolved, the Agency Head shall provide a written response to the staff member and any other party involved in the grievance, dispute or difficulty, concerning action to be taken, or the reason for not taking action, in relation to the matter.

10.8 A staff member, at any stage, may request to be represented by the Association.

10.9 The staff member or the Association on their behalf, or the Agency Head may refer the matter to the New South Wales Industrial Relations Commission if the matter is unresolved following the use of these procedures.

10.10 The staff member, Association, Department and Industrial Relations Secretary shall agree to be bound by any order or determination by the New South Wales Industrial Relations Commission in relation to the dispute.

10.11 Whilst the procedures outlined in subclauses 10.1 to 10.10 of this clause are being followed, normal work undertaken prior to notification of the dispute or difficulty shall continue unless otherwise agreed between the parties, or, in the case involving occupational health and safety, if practicable, normal work shall proceed in a manner which avoids any risk to the health and safety of any staff member or member of the public.

11. Anti-Discrimination

11.1 It is the intention of the parties bound by this Award to seek to achieve the object in section 3(f) of the Industrial Relations Act 1996 to prevent and eliminate discrimination in the workplace. This includes discrimination on the grounds of race, sex, marital status, disability, homosexuality, transgender identity, age and responsibilities as a carer.

11.2 It follows that in fulfilling their obligations under clause 10 of this Award the parties have obligations to take all reasonable steps to ensure that the operation of the provisions of this Award are not directly or indirectly discriminatory in their effects. It will be consistent with the fulfilment of these obligations for the parties to make an application to vary any provision of this Award, which by its terms or operation, has direct or indirect discriminatory effect.

11.3 Under the Anti-Discrimination Act 1977, it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.

11.4 Nothing in this clause is taken to affect:

(a) any conduct or act which is specifically exempted from anti-discrimination legislation;

(b) offering or providing junior rates of pay to persons under 21 years of age;

(c) any act or practice of a body established to propagate religion which is exempted under section 56(d) of the Anti-Discrimination Act 1977;

(d) and/or a party to this Award from pursuing matters of unlawful discrimination in any State or Federal jurisdiction.

11.5 This clause does not create legal rights or obligations in addition to those imposed upon the parties by legislation referred to in this clause.

NOTES

(i) Employers and employees may also be subject to Commonwealth anti-discrimination legislation.

(ii) Section 56(d) of the Anti-Discrimination Act 1997 provides:

"Nothing in this Act affects.... any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion."

12. Workplace Health and Safety

12.1 The parties to this Award agree to adhere to the provisions of the Workplace Health & Safety Act 2011.

12.2 Subject to the outcome of any workplace health and safety risk assessment, the Department and the Association agree that a Sound Reporter Dual Remote is entitled to a break of two hours from continuous monitoring after four hours of continuous monitoring.

12.3 During the break from continuous monitoring referred to in subclause 12.2, a Sound Reporter Dual Remote may be deployed to perform other duties at the direction of the Department subject to the provisions of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009.

13. Area, Incidence and Duration

13.1 This award will apply to Sound Reporters employed by the Department of Justice (Courts and Tribunal Services Division)

13.2 The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the Industrial Relations Act 1996 and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of New South Wales on 28 April 1999 (310 I.G. 359) take effect on and from 2 August 2016

13.3 Changes made to this award subsequent to it first being published on 26 October 2007 have been incorporated into this award as part of the review.

J. D. STANTON, Commissioner

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