



Associate to Vice President Hatcher
Fair Work Commission
80 William Street
East Sydney

20 August 2019

By email: chambers.hatcher.vp@fwc.gov.au

Dear Associate,

AM2018/24 Journalists Published Media Award 2010

This letter addresses matters canvassed in proceedings before the Full Bench at the hearing on 8 August 2019.

As requested, an updated version of the marked-up award, based upon the award as now in force, is **attached** for the Commission's and parties' consideration.

This marked-up version of the award – **MEAA JPMA Mark-up 20/08/2019** - reflects the alterations proposed by MEAA in its marked-up award exposure draft submitted to the Commission on 1 March 2019.

The 20/08/2019 version also addresses two matters not captured in MEAA's 1 March award mark-up.

The *first matter* deals with the Full Bench's comment on an anomaly in MEAA's proposed changes to the award's treatment of coverage and exemptions.

MEAA has now amended the sub-clauses that nominate the number of exempted position throughout clause 4.9 to now read, '**up to** [the nominated number of positions]' instead of a total number of permissible exemptions.

In other words, MEAA has substituted a blanket number of positions able to be exempted on an unconditional basis with exempted positions being subject to the relevant employees 'occupying senior managerial roles on an ongoing basis and classified and paid not less than level 11 of the award'.

The *second matter* addresses a point raised in oral submissions at the hearing. This matter deals with the current definitions of country non-daily, metropolitan daily, regional daily and suburban newspapers (news publications) in clause 3.1 of the award.

Each of these definitions links the publication type to locations where they are 'principally distributed'. References to areas of principal distribution are a carry-over from historical newspaper awards and agreements. In MEAA's opinion, the term 'distribution' refers to the practice of physically distributing newspapers to particular locales.

📍 PO Box 723 Strawberry Hills NSW 2012 ☎ 1300 656 513

BUILT ON INTEGRITY. POWERED BY CREATIVITY. MEAA.ORG

MEAA submit that in a news publication marketplace where physical newspaper distribution (or circulation) is either in decline or unavailable, and where digital modes of distribution are increasing, the concept of 'distributing' news content to particular geographical locations is becoming increasingly outdated. Distribution in the internet age is effectively boundary-less.

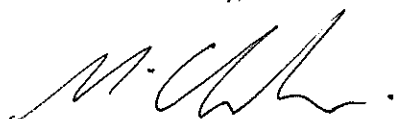
To deal with this situation, MEAA propose an alternate form of words, using, by way of example, the current definition of 'metropolitan newspaper' in clause 3.1:

***metropolitan daily newspaper** means a newspaper published Monday to Saturday or published only on a Sunday and ~~which is principally distributed throughout whose content concerns news and commentary regarding the metropolitan area of one or more capital cities or the metropolitan areas of Newcastle or Wollongong~~*

Identical changes have been made to other newspaper-related definitions in clause 3.1 of the marked-up award.

MEAA is mindful that it has not, to date, submitted proposed changes to these definitions. In these circumstances, we are in the Commission's hands as to whether these variations will be further considered and/or adopted.

Yours sincerely,



Matthew Chesher
MEAA Director, Legal and Policy