

**Disclaimer:** the advice given in this handout and at the info session is general in nature. You should consider whether the information is appropriate to your needs and, where necessary, seek professional advice.

## EMPLOYMENT/CONTRACTS

Two types of employment arrangements:

- Employer – Employee
  - Employment contract usually regulated by an Award or an Agreement
    - Teacher
    - General Employee (support staff)
    - Modern Award
  - Enforceable through Federal Court and Fair Work
- Hirer – Contractor
  - Common law contract for a negotiated fee
  - Tax, Superannuation, and WHS laws still applicable
  - Enforceable through civil Court system – Independent Contractors Act 2006 which contains Unfair Contract provisions (relative bargaining positions, undue influence exerted, remuneration less than employees performing similar work)
- This area is currently very fluid, and your specific situation may be open to interpretation.

If a contractor you are advised to ensure that:

- All agreed contracts are in writing and signed by all parties (although a verbal contract exists if there was an offer, acceptance, and consideration)
- Pay is at least at the minimum entitlement you would receive as an employee.

What should be in the contract if you are a contractor?

- Legal name of both entities
- Start and end date of contract
  - A renegotiation clause – timeframe and review of pay rates
- Hours and place of work
  - Specify when services will be delivered
  - Specify where services will be delivered
    - Clarify room use/hire
  - Detail any flexible arrangements
    - Camps, Festivals, tours etc.
  - Changes to services
- Payment rate (include GST where relevant)
  - Include any flexible work arrangements
- Payment method and timing
  - Cancellation conditions
    - Notice required, payments due
- Transfer of duties

- Dispute resolution procedures
- Termination of contract
  - Notice required
  - Payments due/obligations of Hirer/Contractor

What should be on an invoice?

- Your business or legal trading name
- ABN or ACN
- The term 'Tax invoice' (if GST, otherwise just 'Invoice')
- An invoice number
- Issuing date
- Description of goods/services
- If registered for GST, the taxable component for each specified item
- Terms of payment/bank account/BPAY/Transfer details

Other recommendations/requirements

- Public liability insurance
- Professional indemnity insurance
- Personal/property insurance (school policy may not cover your personal items)

Checklist – details you should establish regarding the Hirer/employing body

- If a parent body
  - Legal status and structure (parent group – incorporated association)
  - Scope of their authority/relationship with the school
  - Clarify their internal processes:
    - WWCC (if they organise camps etc)
    - Payment – who is responsible

## WORKING WITH CHILDREN

You should have a Notification of Clearance which you can provide to your employer. This will state:

- Your name
- Number
- Type of clearance (paid or unpaid)
- Expiry date

For an employer to validate your WWCC you must provide:

- Name
- Date of Birth
- WWCC number (or application number)
- Some employers ask for expiry date (not actually necessary but it's on your printout)

Other

- It is your responsibility to ensure WWCC is current.
- If it lapses the employing body is legally unable to engage your services, effective immediately.

## **PAY RATES (current as of 17/03/19)**

### **National Minimum Wage**

Hourly Rate	\$18.93/hr
Weekly Rate	\$719.20 (38 hour week before tax)

### **Music Teachers' Association recommended minimum rates**

Per hour (Private)	\$90.00/hr (\$99.00 incl. GST)
Group (3-6 students)	\$120.00/hr (\$132.00 incl. GST)

### **Casual Teacher Rates/HSC Marking**

Band 1	\$356.54/day (\$59.42/hr)
Band 2	\$430.01/day (\$71.66/hr)

### **Permanent Teacher - Current Salaries**

Step 5/Band 1 (Graduate)	\$68,929.00/yr
Step 9/Band 2 (Proficient)	\$83,136.00/yr
Step 13/Band 2.3 (Proficient)	\$102,806.00/yr
Band 3 (Highly Accomp.)	\$109,427.00/yr

HSC Marker (Corp. Rate)	\$90.80/hr
HSC Senior Marker	\$112.65/hr

### **Musicians' Union Rates**

Production/ Support Level 6	\$889.00/wk
Musician/Performer G1	\$960.00/wk
Musician Principal	\$1127.50/wk
Conductor	\$1223.30/wk

## **COPYRIGHT ISSUES APRA/AMCOS (from the APRA/AMCOS website)**

There are three APRA AMCOS music licences that enable schools to legally perform and reproduce what they need to deliver their education programs:

1. APRA Performance Licence
2. AMCOS Print Music Licence
3. APRA AMCOS ARIA Music Recordings and Access (A/V) Licence.

Most schools will require all three licences to fully cover their musical activities. All government schools in Australia are covered by the three licences automatically through their state or territory Department. Catholic and independent schools can opt in to each licence through their peak governing body.

Note re: filming of school concerts - under our music licences with primary and secondary schools, the school is able to film the concert themselves and share with the school community. The school can also give permission to parents to film their child's concert for private and domestic use. Please note this covers music copyright only, and you might need permission for other copyright materials captured in the recording (e.g.: choreography, artwork, costumes).

## Activities requiring further licensing

- Performing a Grand Right Work in its entirety
- Digital reproduction of print music (more than 10%) – scanning physical print music and/or sharing digital les of print music (even if purchased in digital format)
- Photocopying print music for individual instrumental/vocal tuition (even if lessons occur at school), with the exception of music required for a school or Board of Studies examination. Music may not be photocopied for external examinations such as AMEB
- Photocopying more than 10%/one chapter of tutor books, technical work books and learn-to-play books
- Making print arrangements that alter the nature of the work (e.g. changing harmonies, lyrics)

## AMCOS Print Music Licence

This licence allows schools to make a **limited number** of photocopies of original print music that they own. Schools can also make a transcription of the lyrics and/or melody line, or a transposition from original print music of a copyright musical work under this licence. Copies cannot exceed the allowed limit of copies per original score. If you need to make more copies you either need another original score, or **further permissions** from the publisher.

PRINT MUSIC TYPE	NUMBER OF COPIES PER ORIGINAL OWNED BY THE SCHOOL OR TEACHER
Separately published work	30 (Primary Schools), 15 (Secondary Schools)
Chamber music works	10
Choral sheets	5
Band/Orchestral set	A total of 30 parts
Collection of musical works i.e. song book	30 (Primary Schools), 15 (Secondary Schools) – up to 3 songs

## ETHICAL ISSUES

### Tutoring

- Issues about tutoring students from a school where you are a classroom teacher
- Undercutting tutoring rates as temporary job

### Copyright

- As musicians we should not be encouraging others (students) to steal from our colleagues

### Paying Industry Rates

- Asking other musicians to agree to 'mates rates'

In all these things we are setting the standard/setting an example for those entering the industry.

## ACCREDITATION PROPOSAL

*(These are the thoughts of Pat Devery, Don Shearman, and John Morrison. They do not represent the position of ABODA)*

The proposal is that ABODA positions itself as the Professional Accrediting Authority for MDs of instrumental programs for amateur/community and school:

- Wind Bands
- Big Bands
- String Ensembles
- Orchestras
- Choirs

The model based on existing professional association/accreditation models (think the Chartered Accountants Association, Australian Human Resources Institute, the Real Estate Institute, the AMA etc), although it is acknowledged we are unlikely to obtain the same legal authority as some of these bodies, given the cross over with state and federal education authorities.

As the representative industry body ABODA would be responsible for:

- Course Development for minimum qualification standards
- Development of Relevant Teaching Standard Descriptors (based on the current National Curriculum Domains: Professional Knowledge, Practice, and Engagement)
- Accreditation including Recognition of Prior Learning (RPL) and Mentoring
- Maintenance of Accreditation courses/events
- Development of an Industry Code of Conduct
- Compliance support for members (WWCC, WHS, Privacy, etc.)
- Dispute resolution for members
- Insurance (and other) benefits for members
- Industry advice/representation to government
- Other

It is not the intention of this paper to provide the detail of what the accreditation courses and processes would look like. That detail would be the topic of subsequent discussions.

### Implementing the Program

It is envisaged that this process could be phased in over 2-3 years. The process would involve:

1. ABODA appointed Accreditation Committee developing the:
  - a. minimum accreditation standards
  - b. accreditation training modules
  - c. Accreditation Committee establishes RPL requirements for initial phase of accreditation
2. MDs seeking accreditation after the initial phase of accreditation:
  - a. Would be required to complete appropriate training modules
  - b. Are assigned a mentor from the pool of existing accredited members to assist them through the accreditation phase
3. All accredited members have a 5-year maintenance of accreditation cycle during which they are required to complete approved PD hours.

### What's in it for the Schools and MDs?

Legal, Financial, Professional Standing

## RESOURCES

APRA/AMCOS – relevant school licencing information

<http://apraamcos.com.au/music-customers/licence-types/music-in-education/schools/>

ATO

<https://www.ato.gov.au/Business/GST/Claiming-GST-credits/When-you-can-claim-a-GST-credit/>

Fair Work Ombudsman

<https://www.fairwork.gov.au>

Independent Education Union of NSW

[www.ieu.asn.au](http://www.ieu.asn.au)

Musicians' Union of Australia

<https://musiciansunion.com.au>

Music Teachers' Association of NSW

<https://www.musicnsw.com.au>

Teachers Federation of NSW

<https://www.nswtf.org.au>

# ASBOF & ABODA Present 2019 SYDNEY MUSIC EDUCATION CONFERENCE

Wed 17<sup>th</sup> – Fri 19<sup>th</sup> July, 2019

(Term 3 commences July 22)

### Sessions to include:

- Conducting and rehearsal skills (beginner to advanced)
- 'How to' sessions covering how to teach:
  - Brass for non-brass players
  - Reeds for non-reed players
  - Percussion for non-percussionists
- Ensemble development exercises that work
- Arranging charts to suit your ensemble
- Repertoire choice. selecting '*music that teaches*'
- The latest in music technology
- The art of studio teaching

**Thinking of starting an instrumental program?**

**This conference is a must for you!**

**Presenters include:** Peter Boonshaft, Steve Williams, Monte Mumford, Randy Navarre, John Morrison,

**Venue:** The Australian Institute of Music

Check out all the details on our website

**[www.asbof.org.au](http://www.asbof.org.au)**

