

From: [Cassie Botha](#)
To: s47F
Cc: s47F
Subject: RE: ABC Band 1 and Buyouts Review - s47F market allowance agreement [ABC-PAL.FID37968]
[SEC=OFFICIAL]
Date: Friday, 29 October 2021 2:50:46 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)

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Hi s47F

Hope you've had a good week.

Please find our responses to the FWO's questions regarding market allowances below:

How many employees the market allowance offset issue affects

There are 850 employees who are in receipt of a market allowance for at least one pay period during the course of the review. 386 of those employees have received an individual review outcome of 'underpaid' based on an assessment of payments made in relation to their total salary including market allowance.

The total dollar value of the market allowance that the ABC is seeking to offset

The approximate total dollar value is currently sitting at s47G

I hope this information is useful and please let me know if you have any questions.

Hope you have a good weekend too.

Kind regards,

Cassie



Cassie Botha
Employment Counsel
People & Culture
P: 02 8333 4354
M: 0409 833 564

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From: s47F [REDACTED]
Sent: Wednesday, 27 October 2021 5:38 PM
To: Cassie Botha <Botha.Cassie@abc.net.au>
Cc: s47F [REDACTED]
Subject: RE: ABC Band 1 and Buyouts Review - s47F [REDACTED] market allowance agreement [ABC-PAL.FID37968] [SEC=OFFICIAL]

OFFICIAL

Many thanks Cassie, we will review and come back to you.

In the meantime, can you please advise:

1. How many employees the market allowance offset issue affects
2. The total dollar value of the market allowance that the ABC is seeking to offset

If this information is to hand, please provide it by COB Friday 29 October 2021. Otherwise, please give me an estimated time frame you would need to come up with this data.

Kind regards,

s47F [REDACTED]

[REDACTED] [REDACTED]

Enforcement

FAIR WORK OMBUDSMAN

s47F [REDACTED]
[REDACTED]

GPO Box 9887 Melbourne VIC 3001



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From: Cassie Botha <Botha.Cassie@abc.net.au>

Sent: Wednesday, 27 October 2021 9:54 AM

s47F

Subject: ABC Band 1 and Buyouts Review - Levent Eroglu market allowance agreement [ABC-PAL.FID37968]

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Dear s47F

I'm writing to follow up on our recent discussion regarding the contractual arrangements for s47F market allowance.

For clarity, we provided a copy of s47F Annual Buyout and Market Loading Agreement dated 24 November 2016 ("the Agreement") as '*Annexure C – Sample MA and Buyout Contract*' (**attached**) to our letter to the FWO on 31 August 2021. Page 1 of the Agreement states that it should be read in conjunction with "**your contract of employment and the ABC Enterprise Agreement 2013 – 2016 which is available on the ABC Intranet under Your Employment > Employment Agreements.**" [emphasis added]

I have **attached** a copy of the contract of employment referred to in the Agreement (**Attachment 1**); the document is titled '*Variation to Ongoing Employment*' and is dated 22 January 2013. It contains the relevant terms and conditions of employment for s47F Band 7 (Pay point 34) Content Maker role, including that the engagement is offered with a base salary of \$85,450 gross per annum. The contract does not include a buyout or market allowance.

Accordingly, I can confirm that the document provided to the FWO titled '*Annexure C – Sample MA and Buyout Contract*' is intended to constitute the entire agreement in relation to the terms and conditions on which s47F was paid a buyout and market allowance from 14 November 2016 to 25 June 2017.

In case it is of assistance, I have attached copies of further employment contracts for s47F for periods that fall within the scope of the buyouts review:

- Variation to Ongoing Employment –25 December 2017 to 23 December 2018 (**Attachment 2**)
- Variation to Ongoing Employment – date of effect 24 December 2018 (**Attachment 3**)

Please refer to Schedule 1 of Attachments 2 and 3 for the terms and conditions on which the market allowance has been agreed, including relevantly that the market allowance is paid in "*recognition of your performance and duties*" and forms part of the

“total salary” for the role.

I'm in the process of collating further information in relation to the contractual bases on which market allowances were paid to other employees in the buyouts review and I hope to be able to provide you with an update early next week. Thanks for your patience as I work through this and please feel free to give me a call to discuss prior to next week, if needed.

Kind regards,

Cassie

ABC



Cassie Botha
Employment Counsel
People & Culture
P: 02 8333 4354
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