

24 November 2017

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Attention: Award Modernisation Team

Award Modernisation Team
Fair Work Commission
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Your reference:
Our reference:
2808338

Dear Sir

**Four Yearly Review of Modern Awards
Broadcasting and Recorded Entertainment Award 2010
AM 2014/259 and AM 2016/15**

I refer to the notice from the Commission dated 24 November 2017 in respect of, inter alia, the BRE Award and requiring comments on the accuracy of summaries of submissions by 5PM on Friday 1 December 2017.

We act for the majority of employers in the cinema exhibition industry including Birch Carroll and Coyle and refer to previous submissions. Our comments are:

- 1 There appears to be an inconsistency between the Summary of Proposed Substantive Variations (republished 20 November 2017)(Substantive Summary) and the Revised Summary of Submissions – Technical and Drafting (republished 20 November 2017)(Technical Summary):
 - The Substantive Summary, in respect of item 38, notes that the agreed change has been incorporated in the Exposure Draft published on 25 November 2016 and also states “moved to Technical and Drafting Summary”.
 - The Technical Summary has no reference to item 38 of the Substantive Summary, nor to clause 55.1(c) of the current BRE Award nor to clause 58.3 of the Exposure Draft (republished 10 May 2017). This inconsistency could be because this is no longer an outstanding issue. However we should be grateful for confirmation that this issue is resolved as agreed and no further submission in respect of item 38 of the Substantive Summary or in respect of the Technical Summary is required.
- 2 The Technical Summary states that item 3 is outstanding. However this issue has been resolved between the parties as suggested by VP Catanzariti in the transcript of 16/06/2017 [PN72] and confirmed in the letter of 30 June 2017 from this Firm to VP Catanzariti (copy attached).
- 3 The Technical Summary at item 43 states that this issue remains outstanding. However this is the same issue as that referred to at item 3 and so is resolved as between the parties.

Could you please confirm that there will be a further Exposure Draft so that all proposed amendments can be seen in context before the form of the BRE Award is finally determined.

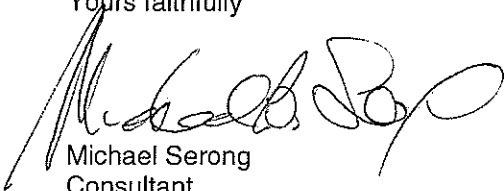
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24 November 2017

 NORTON ROSE FULBRIGHT

Should any of the above require further explanation, please let me know.

Yours faithfully



Michael Serong
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Partner: Helene Lee

30 June 2017

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Vice President J. Catanzariti
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Dear Vice President

**Broadcasting and Recorded Entertainment Award 2010
Four Yearly Review of Modern Awards AM2014/259**

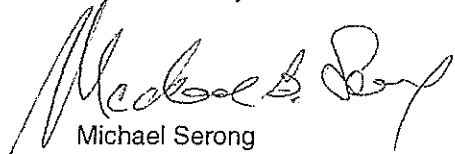
I refer to the Conference before you on 16 June 2017 and to your direction that the cinema industry employers report back to the Commission.

Discussions have been held by cinema industry employer representatives including David Hamilton of Live Performance Australia. The position of the cinema industry employers is:

- (1) the loading of 8% (referred to at clause 13.4 of the Exposure Draft dated 10 May 2017) on the minimum rate of pay applies to each hour worked; and
- (2) the Exposure Draft dated 10 May 2017 accurately expresses the status quo under the current award and this agreed position.

I have advised Matthew Chesher of the Media Entertainment and Arts Alliance of the position of the cinema industry employers.

Yours faithfully



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