

28 August 2019

Associate to Vice President Hatcher
Fair Work Commission
80 William Street
EAST SYDNEY NSW 2000

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

Dear Associate

AM2018/17 – Broadcasting, Recorded Entertainment and Cinemas Award 2010

The Australian Entertainment Industry Association (trading as Live Performance Australia (LPA)) provides the following response to MEAA's proposed amendments to clauses 14.12 and 54.4 of the Award.

Throughout these proceedings, LPA has consistently argued that the 8% penalty averaging component was to be included in the minimum rates of pay to be paid to all cinema employees (see LPA's submission dated 22 February 2017 and transcript dated 17 August 2018 at PN 141). It then follows that the casual loading is added to the minimum rate (inclusive of the 8% penalty averaging component).

This is precisely the way the Fair Work Ombudsman's (FWO) pay scales are calculated for full time and casual cinema workers. It is LPA's submission that this was the way the pay scales were calculated in the pre-reform Award and such calculation should continue. It follows that the pre-reform Award calculated the casual loading on a compound method as does the FWO's pay scales. LPA cannot see any reason why this method should be disturbed.

Yours sincerely



David Hamilton
Director, Workplace Relations