

9 August 2021

As suggested by the Full Bench, the Cinema Employers have been in communication with MEAA but there is no consent arrangement. Accordingly, as noted in the Discussion Paper dated 9 June 2021:

332 *The Cinema Employers submit that the Broadcasting Award has been incorrectly classified as one of the modern awards containing the model casual conversion clause. Clause 11.6 of the Broadcasting Award differs from the model clause in that, at cl 11.6(k)(ii), it specifically addresses employees in cinemas and provides that, upon conversion to part time, employees will be covered by the same Award conditions as all other part time employees in cinemas.*

333 *Clause 11.6 contains similar reductions in employee benefits as the model casual conversion clause, when compared to the NES. However, the additional benefit for employees in cinemas who wish to convert to part time is in cl 11.6(k)(ii). There is greater opportunity for the employer to offer part time employment if the part time employment is to be on the same terms as for all other Award covered part time employees of the employer. If the offer cannot be on the terms of part time employment in Part 10 – Cinemas of the Broadcasting Award, then it is much more likely that s.66C of the Act will apply as there will, most likely, be reasonable grounds not to make an offer.*

In its decision of 6 October 2020 ([2020]FWCFB5307) as part of the Commission's 4 Yearly Review of Modern Awards, the Full Bench decided that, for employees in cinemas, the model clause in the BREC Award would be amended to avoid the creation of two categories of part time employees working alongside one another, i.e. employees engaged as part time and employees converted from casual to part time. The Cinema Employers seek to preserve the status quo and ask the Full Bench to permit Mr Murdoch to put this submission, as contemplated at paragraph 87 of the Statement dated 9 June 2021 and to respond to any queries that the Full Bench may have.

Yours faithfully

Michael Serong
Senior Consultant
Norton Rose Fulbright Australia