

FAIR WORK COMMISSION

Casual terms award review 2021

AM2021/54

Live Performance Award 2020 [MA000081]

Submissions of the Australian Entertainment Industry Association (trading as Live Performance Australia) on the Draft Determination issued for the Live Performance Award 2020.

25 August 2021

Live Performance Australia

Att: David Hamilton - Director, Workplace Relations

Level 1, 15-17 Queen Street Melbourne 3000

Phone: 0419363744

Email: dhamilton@liveperformance.com.au

1. This Submission is filed in accordance with the Decision of the Full Bench issued on 20 August 2021¹. Live Performance Australia (LPA) has an interest in the Live Performance Award 2010² (the Award) and in accordance with the Decision, LPA provides the following comments on the Draft Determination published on 20 August 2021.
2. LPA has reviewed the Draft Determination and apart from the following suggestions, agrees with the proposed variation of the Award.
3. The Award does not follow the general layout of many other modern awards as it does not provide for “Types of Employment” clauses that relate all employees covered by the Award. Typically, the “Types of Employment” clauses are located in Part 2 of awards and provide detail on Full-time, Part-time and Casual employees. Clause 8.3 of the Live Performance Award provides for the following:

“8.3 The types of employment for specific categories of employees covered by this award are provided in the following clauses:

 - *Clause 27—Performers and Company Dancers*
 - *Clause 36—Musicians*
 - *Clause 45—Striptease Artists*
 - *Clause 55—Production and Support Staff”*
4. The Draft Determination at paragraph 4 varies clause 30.1 which applies to Performers and Company Dancers. However, there is no such variation for the other categories of employees provided in the Award.
5. To ensure that all categories of employees in the Award comply with the Full Bench Decision, it is suggested that the words used in paragraph 4 of the Draft Determination be replicated in each of the specific employment categories
6. LPA’s suggestion would be to vary clause 39.1 (Musicians), clause 48.1 (Striptease Artists) and clause 57.1 (Production and Support Staff) to include the same words as provided in paragraph 4 of the Draft Determination. The effect of the proposed variation would to ensure compliance with the Full Bench Decision.

MAY IT PLEASE THE COMMISSION

¹ [2021] FWCFB 5153

² MA000081