22 March 2017

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Senior Deputy President Hamberger Fair Work Commission 80 William Street EAST SYDNEY NSW 2010



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Our reference:

2808338

Your Honour

Four Yearly Review of Modern Awards Broadcasting and Recorded Entertainment Award 2010 (AM2016/4, AM2014/59) Mention on Thursday, 16 February 2017

I refer to the above matter which was mentioned before you on 16 February 2017 when we continued our representation of the major employers in the cinema exhibition industry and the Independent Cinemas Association of Australia and its members (the employers).

At the Mention, you suggested that there be discussion between the employers and Media Entertainment and Arts Alliance (**MEAA**) to determine whether there is a common position on issues raised by the employers. Consequently a meeting was held on 9 March 2017 with Matthew Chesher, National Industrial Officer of MEAA. At that meeting there was consensus on the following:

That clause 13.4 of the Exposure Draft be amended to remain unchanged from the effect of clause 14.2 of the current award by deletion of the words:

"This loading is payable for all purposes"

Consequent upon recognition that the rate loaded by 8% as provided in clause 13.4 of the Exposure Draft is not loaded for "all purposes" Schedule E, which has been introduced into the Exposure Draft, is misleading and therefore should be removed as the rates quoted are not used for all purposes, such as where the National Employment Standard applies to annual leave, personal/carer's leave and redundancy. For the same reason the definition of "loaded minimum hourly rate" in Clause 2 – Definitions and the word "loaded" at various places in Part 10 – Cinemas, which are not in the current award and which, if adopted, would effect a substantive change, should be removed to retain the status quo under the current award.

The employers have noted the submission to the Full Bench dated 21 December 2016 by MEAA on technical and drafting issues at paragraph 4 – Changes to calculating overtime and penalties and confirm that the employers do not regard this as an issue affecting cinema exhibition employers and so do not express a view on it.

APAC-#41863450-v1

Mr Chesher of MEAA has reviewed this letter and agrees that it may be forwarded to the Commission

Yours faithfully

Michael Serong Consultant

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