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**Subject:** Re: AM2021/78 - Application to vary the Live Performance Award 2020.

Dear Vice President Hatcher

I refer to the above matter and advise that the parties have agreed to the terms of a Draft Determination which is attached.

The parties have agreed that the Draft Determination be the subject of the Report back to the Commission tomorrow 26 October 2021 at 9 am.

Kind regards

**David Hamilton,**  
Director, Workplace Relations



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# DRAFT DETERMINATION



*Fair Work Act 2009*

s.160—Variation of Modern Award to remove ambiguity or uncertainty or correct error

**The Australian Entertainment Industry Association  
(trading as Live Performance Australia)**

**and**

**The Media Entertainment and Arts Alliance  
(AM2021/78)**

**LIVE PERFORMANCE AWARD 2020  
[MA000081]**

Live Performance industry

VICE PRESIDENT HATCHER

MELBOURNE, XX NOVEMBER 2021

*Application to vary the Live Performance Award 2020.*

A. Further to decision [[2021] FWC XX] issued by Vice President Hatcher on XX November 2021, the above award is varied as follows:

1. By inserting in clause **2 Definitions** in alphabetical order the following:

**Minimum hourly rate** means the minimum weekly rate as specified in clause 11 of this award divided by 38 and rounded to the nearest cent.

2. By deleting clause **63.4(b)** and inserting the following:

(b) A casual employee who starts work on a Sunday will be paid **225%** of the minimum hourly rate for all time worked, with a minimum payment for 4 hours.

3. By deleting the heading of clause 14.3(g) and inserting the following heading:

**14.3(g) Meals while travelling – 1 to 4 days**

4. By deleting clause 14.3(h) and inserting the following:

**(h) Meals while travelling – one week (5 working days) or more**

Where the period of travel is one week or more and the employee is not provided with meals during the period of travel, the employer shall pay the employee a meal allowance of up to a maximum of **\$301.31** per week or **\$60.26** per day in a broken week. (Note: the daily allowance is derived by dividing the weekly rate by 5.)

5. By deleting clause 14.3(i) and inserting the following:

**(i) Incidentals allowance while travelling**

When the period of travel is one week (5 working days) or more, an employee must be paid an allowance for incidentals up to a maximum of **\$86.42** per week or **\$17.28** per day in a broken week. (Note: the daily allowance is derived by dividing the weekly rate by 5.)

B. This determination comes into effect on XX November 2021. In accordance with s.165(3) of the Fair Work Act 2009 this determination does not take effect until the start of the first full pay period that starts on or after XX November 2021.

VICE PRESIDENT

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