



DETERMINATION

Fair Work Act 2009

s.157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

Variation of awards on the initiative of the Commission

(AM2021/8)

LIVE PERFORMANCE AWARD 2020

[MA000081]

Live performance industry

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT ASBURY
COMMISSIONER HAMPTON

MELBOURNE, 12 MARCH 2021

Section 157(3) of the Fair Work Act 2009 (Cth)—Commission acting on its own initiative to vary modern award to achieve modern awards objective—Live Performance Award 2020—variation to clause 25.3.

A. Further to the decision [[2021] FWCFB 1325] issued by the Full Bench on 12 March 2021, the above award is varied as follows:

1. By inserting clause 25.3(d)(iii) as follows:

(iii) The provisions of 25.3(d)(i) and (ii) above will not apply to an employee who has been definitely engaged for a production which cannot be produced or presented due to a Covid-19 related closure of the venue in which the performance was to take place, or as a direct result of a government directive or health authorities restricting the number of people gathering in a place of live entertainment. In these circumstances an employee will be entitled to 2 weeks payment at the applicable minimum weekly rate for such classification.

2. By inserting clause 25.3(d)(iv) as follows:

(iv) Clause 25.3(d)(iii) operates from 12 March 2021 until 12 March 2022.

B. This determination comes into operation on 12 March 2021. In accordance with s.165(3) of the *Fair Work Act 2009*, this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 12 March 2021.

PRESIDENT

Printed by authority of the Commonwealth Government Printer