



30 May 2019

AMOD

Fair Work Commission

Via email: [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Dear President Ross,

**We refer to AM2014/276 – the 4 yearly modern award review of the Live Performance Award.**

On 5 April 2019, the Fair Work Commission issued a new 'Exposure Draft' for the Live Performance Award.

It has just become apparent that the 'Exposure Draft' issued on 5 April 2019 is the same Exposure Draft as was issued by FWC on 25 November 2016 – *two and a half years ago* – amended to reflect FWC decisions of 2018.

Since 25 November 2016, the two key industrial stakeholders for this Award – MEAA and Live Performance Australia (the 'parties') – have undertaken intensive and protracted work, over the course of more than a year, in order to reach agreed amendments to that original Exposure Draft of November 2016. Significant and detailed changes have been made.

This work occurred throughout 2017, under the instruction of Deputy President Gostencnik. The parties spent many, many days in the Commission and directly together to produce an Agreed Draft Live Performance Award, a draft that complies with the requirements of the Review, His Honour's directions, and which meets the agreed needs of the industry.

Consistent with the directions of Deputy President Gostencnik, on 22 September 2017, MEAA and LPA jointly filed an agreed Draft Live Performance Award (the 'Agreed Draft Award'). That Agreed Draft Award can be found at <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014276-sub-lpa-220917.pdf>. Please also note the MEAA submissions of 1 November 2017. In those submissions, MEAA asks for the Review to be concluded and a new award to be issued in the terms of the Agreed Draft Award. The following day, on 2 November 2017, Mr David Hamilton on behalf of LPA filed submissions in support of the Agreed Draft Live Performance Award.

It now appears that the Agreed Draft Award has been rejected without explanation. After the intensive efforts of the parties and after waiting almost 20 months, the parties we are now advised to consider an earlier version. Presumably, we are being asked to undertake the same exercise again. Perhaps given the enormity of this Review, the Agreed Draft Award of 22 September 2017 has simply been overlooked?



MEAA strongly objects to the 'Exposure Draft' Live Performance Award issued on 5 April 2019. We object for all the reasons we have previously outlined in Hearing and Conference before Deputy President Gostencnik in the period between November 2016 and September 2017.

We ask instead that the Commission issue a new Exposure Draft based on the parties' Agreed Draft Award of 22 September 2017, as modified by subsequent decisions of the Commission during 2018.

We press this position very strongly. We appreciate that the Review task is an unwieldy one for FWC. However, MEAA has acted in accordance with FWC instruction and undertaken a very significant amount of work in preparing the Agreed Draft Award of 22 September 2017. We ask that the Exposure Draft of 5 April 2019 be updated to reflect the work of the parties.

We have copied Live Performance Australia into this correspondence.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Zoe Angus", with a stylized, flowing script.

Zoe Angus  
Equity, Director  
Media Entertainment & Arts Alliance