

SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

This table is a summary of submissions on technical and drafting issues lodged for this award on or before 5.00pm on 22 February 2017.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	MEAA	Sub-21/12/16	3	Definitions – archival and/or reference recording <i>In response to question raised by Commission</i> It is appropriate to include this provision in the award.	Para 13	
	AEIA	Sub-18/01/17		Strongly supports the retention of this provision.	Para 3	
2	MEAA	Sub-21/12/16	3	Definitions – archival and/or reference recording Note repetition of the word ‘is’. First sentence ends with ‘is’, and (b) begins with ‘is’.	12	AMOD: Error – ED amended
3	MEAA	Sub-21/12/16	7	Facilitative provisions ED incorrectly refers to cyclic rostering in clause 52.1(g) as being an agreement between employer and individual. Change ‘ An individual’ to ‘the majority of employees’.	Para 4	
	AEIA	Sub-18/01/17		Agrees with same proposal as MEAA.	Para 4	
4	AEIA	Sub-18/01/17	7.2	Facilitative provisions References to clauses 33.3(c)(iv), (vi), and (viii) should also be added to table.	Para 4	

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5	AEIA	Sub-18/01/17	8, 9, 10, 11	Types of employment Provisions of clause 10 redundant. ‘Types of employment’ for each category set out in specific Parts of Award. Proposes to insert note in clause 10 to direct readers to the Parts.	Para 5	
	AEIA	ReplySub-22/02/17		Refers to previous submissions. Notes position has not changed and proposed clauses 8, 9, 10 and 11 should be deleted.	Para 3	
6	MEAA	Sub-21/12/16	11.3(b)	Various clauses – calculating overtime Change in wording from ‘time’ based formulas to ‘percentages’ or multiples of the ‘minimum weekly rate’ or ‘minimum hourly rate’ has the effect of reducing take home pay of employees on rates of pay higher than the award minimums. Retain ‘time’ expressions in current award and remove references to ‘minimum weekly rate’ and ‘minimum hourly rate’.	Paras 5-8	Also makes sub in respect of clauses 21.4, 21.5, 33.2(g)(ix), 33.3(e)(ii), 33.4(b)(i)-(iii), 33.4(d), 35.1(a)-(c), 35.2, 35.4(a)(v) and (vi), 35.4(b), 35.5(a)(i),(ii) and (b)(ii), 37.4(a), 38.2(f)(ii), 38.2(f)(v), 41.1, 41.2, 41.3, 41.6(a)(i) and (ii), 42.3(g) and (h), 42.4(h), 42.5, 48.1(c) and (d), 52.1(c), 53.1(c) and (d), 53.3(a) and (b), 54.1, 54.2, 54.3, 54.4.
	AEIA	ReplySub-22/02/17		Would support MEAA’s position where it could be shown employees would be disadvantaged by percentage based formulas.	Para 4	
7	MEAA	Sub-21/12/16	12	Weekly employment <i>In response to question raised by Commission</i> Weekly employees are full-time employees who accrue paid leave. They are not casual employees.	Para 14	

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	AEIA	Sub-18/01/17		It is likely that engagements will be between 4 and 8 weeks. Weekly engagements will work a 38 hour week and attract all leave entitlements.	Para 6	
8	AEIA	Sub-18/01/17	14	Minimum wages Clause not user friendly. Suggests that matter be discussed further in conference.	Para 7	
9	AEIA	Sub-18/01/17	14.6	School-based apprentices <i>In response to question raised by Commission</i> Should not be deleted	Para 8	
10	MEAA	Sub-21/12/16	15.3(f)(ii)	Expense related travel allowances – Eligibility <i>In response to question raised by Commission</i> The clause is required. It ensures the intention of the award is realised.	Para 15	
	AEIA	Sub-18/01/17		MEAA is seeking changes to the travel allowances in its substantial claim so AEIA submits that the travel allowance provisions be reviewed as a whole.	Para 9	
11	MEAA	Sub-21/12/16	17.3(c)	Annual leave loading <i>In response to question raised by Commission</i> The clause does need to be reviewed and should be updated to bring the loading into line with annual leave accrual.	Para 16	
	AEIA	Sub-18/01/17		Clause should remain as is and the issue of annual leave should not be reviewed.	Para 10	

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12	MEAA	Sub-21/12/16	31.3	Minimum wages – Performers in school tours <i>In response to question raised by Commission</i> There is no need for the clause to refer to the Performer Category 1 Grade 1 rate. Some performers on school tours are entitled to be engaged at a higher rate.	Para 17	
	AEIA	Sub-18/01/17		There should be no reference to a particular classification level	Para 11	
13	MEAA	Sub-21/12/16	31.4	Minimum wages – Weekly part-time employees (supernumeraries) <i>In response to question raised by Commission</i> This is a minimum payment.	Para 18	
	AEIA	Sub-18/01/17		Agrees with proposal made by MEAA.	Para 12	
14	AEIA	ReplySub-22/02/17	31.6(b)(ii)	Minimum wages – Casuals – Rehearsals Rate has doubled. Clause should revert to current award clause.	Para 6	
15	MEAA	Sub-21/12/16	33.2(f), 33.3(d)(iii)	Ordinary hours of work and rostering – Performers <i>In response to question raised by Commission</i> ‘Substantially whole time nature’ means any performance longer than one hour in duration.	Para 19	
	AEIA	Sub-18/01/17		Agrees with MEAA. Suggests that a definition of ‘whole time performance’ be inserted into cl.3—Definitions.	Para 13	
16	AEIA	ReplySub-22/02/17	33.2(f)	Substantially whole time performances There are no provisions for payments to casuals not engaged to perform in a whole time performance. Submits issue be addressed during Review.	Para 5	

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17	MEAA	Sub-21/12/16	33.2(g) and 36.2	Ordinary hours of work and rostering – Performers – School tours Clause 33.2(g)(iii) is in paid time. Clause 36.2 relates to musicians, who are contracted differently to performers.	Para 20	
	AEIA	Sub-18/01/17		No interaction between the two clauses. Breaks provided in 33.2(g)(ii) and (iii) are unpaid.	Para 14	
18	AEIA	Sub-18/01/17	38.2(f)(vi)	Wage-related allowances—Broadcast, telecast, filmed or recorded Words ‘Subject to an agreement’ have been deleted from beginning of second sentence in clause. Second sentence of clause should be deleted in entirety as it causes ambiguity and confusion.	Para 15	
19	AEIA	ReplySub-22/02/17	49	Types of employment Strongly objects to changes made to clause in ED. Current clause 42 should be retained.	Para 3	
20	MEAA	Sub-21/12/16	49.1	Production and Support Staff – Types of employment – Full-time employees ED wording unfairly broadens the scope of the provision. Cyclic rostering per cl 52.1(g) can only be implemented by agreement between employer and the majority of employees, not an individual. Remove the words ‘or an average of 38 ordinary hours’.	Para 9	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
21	MEAA	Sub-21/12/16	49.2(a)(iii)	Production and Support Staff – Types of employment – Part-time employees ED defines a part-time employee as having ‘reasonably predictable hours of work’, which is different from the current award. Change to ‘works an agreed usual number of ordinary hours’ per cl 42.2(a) in current award.	Para 10	
22	MEAA	Sub-21/12/16	49.2(b)	Production and Support Staff – Types of employment – Part-time employees Typographical error, ‘hours’ should not have an ‘s’.	Para 11	AMOD: Error – ED amended
23	MEAA	Sub-21/12/16	53.1	Breaks Agree clause 53.1(c) deleted in error. If reinserted at the proposed clause, it would replicate the provision in clause 53.3(a).	Para 20	
	AEIA	Sub-18/01/17		Clause should be reinstated	Para 16	
24	AEIA	Sub-18/01/17	54.2(b)	Casual employees ‘ordinary’ should be inserted after ‘eight’.	Para 17	
25	AEIA	Sub-18/01/17	Sched A.5.1	Production and Support Staff Level 5/ Production and Support Staff Level 4 (Theatre) ‘Production and Support Staff Level 4 (Theatre)’ should be deleted from title heading.	Para 18	
26	AEIA	Sub-18/01/17	Sched A.6.1	Production and Support Staff Level 6/Production and Support Staff Level 5 (Theatre) ‘Production and Support Staff Level 5 (Theatre)’ should be deleted from title heading.	Para 19	

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27	AEIA	Sub-18/01/17	Sched A.8.2	Production and Support Staff Level 7/Production and Support Staff Level 6 (Theatre) 'Production and Support Staff Level 6 (Theatre)' should be deleted from title heading.	Para 20	

List of abbreviations (in alphabetical order)

AEIA	Australian Entertainment Industry Association
ED	Exposure draft
MEAA	Media, Entertainment and Arts Alliance