



DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards—Overtime for casuals (AM2017/51)

LIVE PERFORMANCE AWARD 2020 [MA000081]

Live performance industry

VICE PRESIDENT HATCHER
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT BULL

SYDNEY, 30 OCTOBER 2020

4 yearly review of modern awards – common issue – overtime for casuals – Live Performance Award 2020.

- A. Further to the decisions issued by the Full Bench of the Fair Work Commission on 18 August 2020 [[\[2020\] FWCFB 4350](#)] and 30 October 2020 [[\[2020\] FWCFB 5636](#)] the above award is varied as follows:
1. By renumbering clauses 30.3 and 30.4 as clauses 30.4 and 30.5.
 2. By inserting a new clause 30.3 as follows:
30.3 When a casual employee works overtime, they must be paid the overtime rates in clause 35.2.
 3. By inserting the words “for a full-time or part-time employee or **175%** of the minimum hourly rate for a casual employee,” after the words “minimum hourly rate” appearing in clause 35.2.
 4. By inserting the following note as a paragraph at the end of clause 35.2:

NOTE: The overtime rate for a casual employee has been calculated by adding the casual loading prescribed by clause 30.2 to the overtime rate for a full-time and part-time employee prescribed by clause 35.2.
 5. By renumbering clause 39.4 as clause 39.5.
 6. By inserting a new clause 39.4 as follows:

39.4 When a casual employee works overtime, they must be paid the overtime rates in clauses 44.1, 44.2 and 44.3.

7. By deleting clause 44.1 and inserting the following:

44.1 All time worked on Monday to Saturday over or outside the prescribed time of any call will be paid for at **150%** of the minimum rate for a full-time or part-time employee or at **175%** of the minimum rate for a casual employee.

8. By inserting the words “for a full-time or part-time employee or at **225%** of the minimum rate for a casual employee.” at the end of clause 44.2.

9. By inserting the words “for a full-time or part-time employee or at **175%** of the minimum rate for a casual employee.” at the end of clause 44.3.

10. By inserting the following note as a paragraph at the end of clause 44.5:

NOTE: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 39.3 to the overtime rates for full-time and part-time employees prescribed by clauses 44.1, 44.2 and 44.3.

11. By inserting the word “ordinary” after the words “for each” appearing in clause 48.2.

12. By renumbering clauses 48.5 and 48.6 as clauses 48.6 and 48.7.

13. By inserting a new clause 48.5 as follows:

48.5 When a casual employee works overtime, they must be paid the overtime rates in clause 54.1(d).

14. By deleting the title of clause 54.1 and inserting the following:

54.1 All employees

15. By deleting the words “an employee” appearing in clause 54.1(c) and inserting the words “a full-time or part-time employee”.

16. By renumbering clauses 54.1(d) and 54.1(e) as clauses 54.1(e) and 54.1(f).

17. By inserting a new clause 54.1(d) as follows:

(d) The overtime rate payable to a casual employee is **175%** of the minimum hourly rate for the first 2 hours and **225%** of the minimum hourly rate after 2 hours.

NOTE: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 48.2 to the overtime rates for full-time and part-time employees prescribed by clause 54.1(c).

18. By inserting clause 57.4 as follows:

57.4 When a casual employee works overtime, they must be paid the overtime rates in clause 63.2.

19. By inserting the following note as a paragraph at the end of clause 63.2:

NOTE: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 57.3 to the overtime rates for weekly employees prescribed by clause 63.1.

20. By deleting clause 63.3(c) and inserting the following:

(c) Full-time and part-time employees will be paid **200%** of the minimum hourly rate and casual employees at **225%** of the minimum hourly rate, for all work performed between 12 midnight and 7.00 am, except as provided in clause 61.1(c).

21. By inserting the word “at” before the words “**200%** of” appearing in clause 63.3(d).

22. By inserting the words “for a full-time or part-time employee and at **225%** of the minimum hourly rate for a casual employee,” after the words “minimum hourly rate” appearing in clause 63.3(d).

23. By inserting the following note as a paragraph at the end of clause 63.3:

NOTE: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 57.3 to the overtime rates for full-time and part-time employees prescribed by clauses 63.3(c) and 63.3(d).

24. By deleting the words “An employee” appearing in clause 63.4(a) and inserting the words “A full-time or part-time employee”.

25. By renumbering clause 63.4(b) as clause 63.4(d).

26. By inserting a new clause 63.4(b) as follows:

(b) A casual employee who starts work on a Sunday will be paid **200%** of the minimum hourly rate for all time worked, with a minimum payment for 4 hours.

27. By inserting a new clause 63.4(c) as follows:

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

NOTE: The overtime rate for casual employees has been calculated by adding the casual loading prescribed by clause 57.3 to the overtime rate for full-time and part-time employees prescribed by clause 63.4(a).

28. By updating the cross-references accordingly.

B. This determination comes into operation on 20 November 2020. 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 20 November 2020.

VICE PRESIDENT

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