

From: Sunil Kemppi <skemppi@actu.org.au>
Sent: Wednesday, October 25, 2023 2:54 PM
To: Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>
Cc: adam.portelli <adam.portelli@meaa.org>; Paul.davies <Paul.davies@meaa.org>; Margaret Buchanan <mbuchanan@professionalsaustralia.org.au>
Subject: re: Modern Awards Review 2023-2024

Dear Associate to Justice Hatcher,

We refer to the *Modern Awards Review 2023-2024*. The President's statement of 15 September 2023 identifies the following key priority area:

'investigating existing award coverage and minimum standards for the arts and culture sector, including potential coverage gaps, in line with the Government's National Cultural Policy.'

We note that the FWC's statement of 4 October 2023 ([2023] FWCFB 179) states that the Commission will publish a discussion/research paper on 6 November 2023.

We seek for the following issues to be contemplated in the formulation of the discussion/research paper:

- The current levels of award coverage, and any gaps, in the arts sector, taking into account:
 - Different types of engagement that are prevalent, including unpaid work, independent contracting and traditional employment;
 - The diverse range of arts workers, including:
 - Artists, performers, writers, musicians, designers, and other creative professionals
 - Studio assistants
 - Curators, art directors, producers and programmers
 - Arts and cultural administrators and managers
 - Educators and community engagement / outreach
 - Technical and production roles include art handling, installation, conservation, lighting designers, AV technicians, workshop and production crews
 - Marketing, communications, public relations, social media, and audience engagement
 - Development, fundraising, grant writing
 - Front of house, visitor services
 - Video game development roles including designers, artists, animators, writers, audio workers, producers and others
 - music/dance/drama teacher at the community level
 - Advocacy workers;
- The interaction between the types of engagement and the types of work – for example, the same worker may be an independent contractor in one engagement and an employee in another;
- Existing awards, which may cover some arts workers for some engagements (and any gaps), including:
 - Amusement, Events and Recreation Award 2020
Animal attendant, Ride attendant, Tour guide, Customer Service Officer, Meet and Greet/Concierge, Photography Attendant,

- Host/Presenter, Admissions/Entrance attendant, Usher, Ticket seller, Security Officer, Receptionist, Programme seller, Cashier
- Broadcasting, Recorded Entertainment and Cinemas Award 2020
Television Broadcasting, Radio Broadcasting, Cinema and film production, screen actors, Musicians for film and TV, Motion Picture Production, dancer, mime artist or puppeteer
 - Educational Services (Post-Secondary Education) Award 2020
Academic teachers, tutors and instructors, teachers, administrative staff, librarians, technical staff and employees in student unions in the post-secondary educational services industry
 - General Retail Industry Award
Sales assistants, stock hands, trolley collectors, service supervisors, department and store managers, tradespersons, clerical work in a retail shop, electrical device repairers.
 - Graphic Arts, Printing and Publishing Award 2020
Creation of designs, concepts or layouts used in the advertising, marketing of commodities or services, commercial and industrial art including illustrations, borders, retouching of photographs, photographic reproportioning and lettering by hand
 - Live Performance Award 2020
Producing, staging, audio/visual, presenting, performing, administration, programming, workshops, set and prop manufacture, operatic, orchestral, dance, erotic, revue, comedy, or musical performances; includes sale, service or preparation of food or drink; and selling tickets
 - Local Government Industry Award 2020
Managers, clerical and administrative work, professional/specialist positions, including project management, technical work with an organisation in the local government industry.
 - Miscellaneous Award 2020
Low-skilled and trade-qualified work of a non-managerial, non-professional nature that is not covered by other existing Awards
 - Professional Employees Award 2020
Computer design, production, and software creation, and services related to computer maintenance, medical research, quality auditing or telecommunications services.
 - Social, Community, Home Care and Disability Services Industry Award
Disability services work, social, recreation, welfare, and youth work, home care including personal care, domestic assistance and other supported housing services, family day care centres, crisis accommodation and housing support.
 - Textile, Clothing, Footwear and Associated Industries Award 2020
Designing, preparing, manufacturing, processing, labelling, finishing, and repairing textiles, clothing and footwear. Includes homeworkers/outworkers on an on-hire basis.
 - Known gaps in award coverage for arts workers, including educators in public galleries, art handlers, technicians in the visual arts, studio assistants, curators, conservators, and workers in First Nations Art Centre, public programs, peak bodies, service organisations, commercial galleries, craft and design centres, visual arts festivals, art fairs, art prizes, and studio or residency programs.

- Gender related considerations, including the gender composition of the workforce, and any gendered effects of gaps in award coverage;
- Wage rates that are prevalent in the arts sector for award and non-award covered workers.

Thank-you for considering the above, we are available to discuss these considerations further and/or to assist in obtaining any further information.

Regards

Sunil Kemppi

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We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.