



20 November 2023

Justice Hatcher
President
Fair Work Commission
80 William Street
East Sydney NSW 2011

By email: Chambers.Hatcher.J@fwc.gov.au

Modern Awards Review 2023-24 - Arts and Culture Sector

Dear Justice Hatcher,

Screen Australia welcomes the Fair Work Commission's review of Modern Awards. Relevant to the screen production sector, we note that the Minister for Employment and Workplace Relations has identified the following as a key priority for review:

*"...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."*¹

The *Discussion Paper - Arts and Culture Sector*² lists arts and culture occupations with reference to the Australian and New Zealand Standard Classification of Occupations (ANZSCO) occupations. We note that the Australian Bureau of Statistics (ABS) is currently conducting its Round 3 consultation on the review of the ANZSCO codes, with submissions on 'Television, stage and broadcasting' due to the ABS by 5 December 2023.³

Following the ABS's review there may be changes to the ANZSCO list of occupations relevant to the screen industry, as the nature of the sector and occupations have significantly evolved since the original 2006 ANZSCO lists, which were based on the 2001 labour market.

Consequently, we believe it may be more appropriate to contribute feedback to the Fair Work Commission on the review of Modern Awards once the ANZSCO occupation lists have been updated. Screen Australia would welcome the opportunity to provide additional information to the Fair Work Commission in 2024.

Screen Australia: about us

Screen Australia is the Commonwealth Government agency responsible for the Australian screen production sector. We connect cultural, commercial and governmental stakeholders, ensuring the production of high quality, culturally significant and innovative Australian screen stories.

Through supporting Australian screen projects, practitioners and businesses, we promote the development of a diverse and vibrant Australian screen industry that creates compelling content for local and international audiences. Screen Australia provides development and production funding for drama, documentary and children's content across all screens including cinemas, television, and online platforms, and supports the development of digital games. We also strengthen the Australian screen industry through professional development programs, industry events and partnerships with other governmental agencies and sector organisations.

¹ Fair Work Commission (15 September 2023), [President's statement: Modern Awards Review 2023-24](#).

² Fair Work Commission (6 November 2023), [Discussion Paper - Arts and Culture Sector](#).

³ Australian Bureau of Statistics (2023), [ANZSCO comprehensive review - consultation round 3](#).



The Australian Screen Industry

The Australian screen production sector is a highly creative, technical and skilled industry, which creates innovative jobs. The sector drives creative and technological innovation and content creation for film, television, online and digital games. At times, the sector also encompasses other art forms, including the performing arts, music and design.

The Australian screen industry delivers significant economic benefits by generating considerable direct and indirect employment and spend. In 2021/22, film and video production businesses, film and video post-production businesses, commercial free-to-air broadcasters, subscription broadcasters and channel providers, and distribution and exhibition businesses in Australia employed approximately 55,000 people (including permanent full-time, part-time and casual employees).⁴ Research conducted by the Bureau of Communications, Arts and Regional Research (BCARR) indicates the industry's potential to generate 108,800 jobs, including 43,500 full-time equivalent positions, and support over 36,000 Australian businesses by 2026-27.⁵ Screen productions also have beneficial flow-on effects for other Australian businesses, workers and communities, with recent research by Olsberg SPI indicating that "a powerful 60% of total below-the-line production expenditure lands in, and benefits, other business sectors outside the specialist screen production sector."⁶

The local digital games industry is particularly demonstrating significant growth, having more than doubled in size since 2016. As at 2021/22, the games industry had over 2,100 full-time employees in Australian game development studios.⁷

Modern Awards and the Screen Industry

Covering screen workers under modern awards can be challenging as the sector has a complex industrial landscape. Factors such as diverse work arrangements, non-standard hours, differing skill levels and specialisations, and project-based employment have contributed to historical misunderstandings and unsuitable applications of modern awards to the screen sector in the past. While it is a 'gig economy', some screen workers may move from one project to another fairly quickly, meaning they are constantly employed for long periods.

In instances where modern awards may not cover screen workers (for example, those operating as contractors or sole traders), other industry-specific agreements may ensure that workers are sufficiently protected and treated fairly. These may include negotiated agreements for minimum rates and allowances by industry guilds and organisations such as the Media, Entertainment & Arts Alliance's (MEAA) *Motion Picture Production Collective Agreement (MPPA)*.⁸

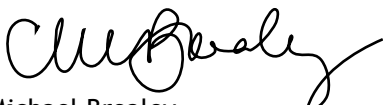
However, Screen Australia acknowledges that there may be potential coverage gaps where current modern awards and industry agreements do not protect certain screen workers. It is challenging to accurately identify specific gaps in coverage at this time, while the ABS comprehensive review of ANZSCO occupations is still underway.

Conclusion

As stated above, Screen Australia would welcome the opportunity to provide further information in 2024 following the ABS's consultation on the review of ANZSCO occupations.

To facilitate this, please contact: Senior Manager, Strategic Policy and Industry Insights, Kate Hickey by email Kate.Hickey@screenaustralia.gov.au or phone (02) 8113 1015.

Yours sincerely



Michael Brealey
Chief Operating Officer

⁴ Australian Bureau of Statistics (22 June 2023), [2021/22 Film, Television and Digital Games, Australia Survey](#).

⁵ Department of Infrastructure, Transport, Regional Development and Communications, BCARR (14 February 2022), [Economic assessment of the Location Incentive on Australia's screen sector](#).

⁶ Olsberg SPI (9 February 2023), [Study on the Impact of Film and Television Production Incentives in Australia](#).

⁷ Interactive Games & Entertainment Association (19 December 2022), [2021/22 Australian Game Development Survey](#).

⁸ Media, Entertainment & Arts Alliance (28 February 2023), [Motion Picture Production Agreement \(MPPA\) 2010](#).