

## Modern Awards Review 2023-24

### Submission by TNA – Additional Information

#### A. Introduction

1. [Theatre Network Australia's \(TNA\)](#) initial submission made to the Fair Work Commission's Modern Awards Review 2023-24 for the Arts and Culture Sector on December 4<sup>th</sup> 2023 can be [viewed on Fair Work Commission website](#).
2. During the online consultation held on December 20<sup>th</sup> 2023, TNA spoke to the following points:
  - a. TNA agrees with the [submission by Creative Australia](#) that a key opportunity in this review is to investigate how the commission might make the relevant awards clearer and more user-friendly for our industry. This can potentially increase compliance, especially given many submissions have expressed how challenging it is for employers who are trying to navigate multiple awards, or using a patchwork of awards when one may not clearly apply to certain employees.
  - b. TNA agrees with [LPA's submission](#) (and those by others) that the Live Performance Award provides generally good coverage for the live performance sector and most eligible occupations in the sector, and therefore does not need a significant level of review.
  - c. TNA does not believe that this review should only focus on creative practitioners and artists based on preamble from *Revive* and this review's discussion paper. We believe this point made in some submissions uses semantics to exclude certain workers who are not explicitly excluded, but only excluded by omission. Therefore, we should not be drawing a conclusion that this review should exclude them. TNA believes it is in the spirit of what *Revive* is aiming to achieve; artists are certainly a priority but not the entire scope.
  - d. However, within the live performance sector TNA only identified and wishes to advance investigation into two occupations; Arts Producers and Arts Administrators.
3. This additional submission is submitted following a request during the December 20<sup>th</sup> consultation for more specific information around the occupations raised for consideration so that all parties in the consultation can respond with clarity and accuracy. TNA has also taken the additional time to further research and consolidate its position following our initial submission.

## **B. Arts Producer**

4. TNA believes that Arts Producers (listed in ANZSCO as Media Producers) are potentially covered by the Live Performance Award, but that it is difficult for the sector to be definitive about this due to outdated terminology used within the Award.
5. An Arts Producer (sometimes referred to as an Arts Programmer) plans, administers, and reviews live performance activities. Key duties (which are largely consistent with the duties listed for Media Producer in ANZSCO) include:
  - a. Managing artistic productions to meet quality, cost, and timing specifications.
  - b. Hiring and managing staff.
  - c. Directing the formulation of production strategies, policies, and plans.
  - d. Planning and organising the preparation and presentation of productions.
6. Arts Producer within the live performance sector is a distinct occupation that is quite different from Producers within the screen sector, which from TNA's understanding fulfils different duties and are often within senior management. When referring to Arts Producer, TNA is specifically referring to the occupation (commonly referred to simply as "Producer") within the live performance sector, which includes employers such as theatre/dance/circus companies, live performance venues, festivals, etc.
7. Within the live performance sector, Arts Producers includes a range of seniority within organisational structures, including:
  - a. Executive Producers – a senior management position and sometimes the CEO or Co-CEO of an organisation. TNA suggests that this position is not eligible to be covered by Modern Awards due to the level of seniority and is not advocating that they be covered by the Live Performance Award.
  - b. Arts Producer/Programmer – a “middle management” position that reports to more senior management within an organisation (such as an Executive Producer, Executive Director, General Manager, etc) and that will often have direct reports such as Associate Producers/Programmers, and a range of casual and contracted staff.
  - c. Associate Arts Producer/Programmer – a more junior role that will almost always report to an Arts Producer/Programmer or equivalent.
8. Section A.8.2 *Production and Support Staff Level 7/Production and Support Staff Level 6 (Theatre)* of the Live Performance Award lists an indicative position within this classification of Event/Marketing Coordinator, which could be interpreted as an equivalent role to an Associate Arts Producer/Programmer. The skills and tasks listed under A.8.2(b) and A.8.2(c) of the Award include some that are consistent with the position and align with those listed above in section 5 this submission, including:

**(c) (vi)** accountable for ensuring overall quality standards are met through the importance of consistency, timeliness, correctly following procedures, and responsiveness to the needs of the client;

**(c) (vii)** accountable for the selection and recruitment of staff;

**9.** Similarly, section A.10.2 *Production and Support Staff Level 10* lists skills and tasks which are all consistent with those of an Arts Producer, including:

**(b) (i)** demonstrates effective and efficient use of production and/or organisational resources, by planning, implementing and monitoring achievement of objectives;

**(b) (ii)** responsible for the creating and maintaining of a high level of team work and co-operation and contributes to the overall good management of a production; and

**(b) (iii)** co-ordinates and controls either the overall performance activities or a variety of related disciplines.

**(c) (i)** provides advice and guidance to staff, management and clients;

**(c) (ii)** prepares correspondence, guidelines and reports;

**(c) (iii)** demonstrates superior communication and/or liaison skills;

**(c) (iv)** demonstrates superior knowledge of relevant terminology;

**(c) (v)** reliably represents the work unit;

**(c) (vi)** responsible for creative planning and the achievement of design standards;

**(c) (vii)** recognises the importance of consistency, timeliness, correctly following procedures, and responsiveness to the client's needs; and

**(c) (viii)** demonstrates accountability and responsibility for enabling the achievement of business goals within budgetary guidelines.

**10.** While TNA therefore believes that Arts Producers/Programmers and Associate Arts Producers/Programmers are covered by the Live Performance Award due to the consistency of key tasks listed within the Award classifications, it required a level of scrutiny that most employers in the live performance sector do not have the capacity for. TNA understands that the list of positions under each classification of the Award are indicative only and not exhaustive, and we are not advocating that these lists be excessively added to; trying to create comprehensive lists will lead employers to the impression that omitted positions are excluded from the award.

- 11.** However, the role of the indicative positions within the Award is currently not fulfilling its purpose of being usefully indicative. TNA believes that Arts Producer is such an important and ubiquitous role within the sector (certainly more so than many of the other positions listed in the Award) that it would benefit both employers and employees for it to be listed as an indicative example within the Award.

**12. TNA recommends that:**

- a. Associate Arts Producer/Programmer be added to the list of indicative positions under A.8.2 Production and Support Staff Level 7/Production and Support Staff Level 6 (Theatre) of the Live Performance Award.**
- b. Arts Producer/Programmer be added to the list of indicative positions under A.10.2 Production and Support Staff Level 10 of the Live Performance Award.**

### **C. Arts Administrator**

- 13.** TNA believes that Arts Administrators are potentially covered by the Live Performance Award, but that it difficult for the sector to be definitive about this due to outdated terminology used within the Award.
- 14.** Classifications within the Live Performance Award list indicative positions of Accounts Clerk, Booking Clerk, and Dispatch Clerk (*A.3.1 Production and Support Staff Level 3*), and Accounts Clerks and Scheduling/Rostering Clerk (*A.4.1 Production and Support Staff Level 4*).
- 15.** The term “clerk” is outdated and no longer used within the sector, which now uses the term “administrator.” The indicative positions themselves are also largely obsolete within the sector and too disaggregated; a generically titled Administrator would now often perform all these roles (the ones that aren’t obsolete).
- 16.** The skills and tasks listed under sections *A.1.1, A.2.1, A.3.1, A.4.1 and A.5.1 (Production and Support Staff Levels 1-5)* of the Award include:
- a.** maintaining records
  - b.** telephonist, receptionist, cashier, administration, and information services duties
  - c.** computer operation
  - d.** reconciling and balancing cash and cash equivalents
  - e.** keyboard and administrative skills
  - f.** a range of administrative duties including production and publicity assistance

These are clearly administrative (clerical) in nature and align with the duties of an Arts Administrator.

17. Arts Administrators have a varying level of skills and experience, ranging from entry level employees to employees with a formal qualification or equivalent experience. They typically report to middle or senior management positions, and do not have any direct reports. As with the skills and tasks list above in section 16, this is consistent with what is defined within sections A.1.1, A.2.1, A.3.1, A.4.1 and A.5.1 (*Production and Support Staff Levels 1-5*) of the Award.
18. Therefore, TNA submits that the Live Performance Award already covers Arts Administrators, but that outdated terminology and outdated/obsolete indicative positions makes it difficult for the sector to determine if the role of Arts Administrator in its modern form is covered, and which classification it would fall under. TNA believes that it would benefit both employers and employees to update the terminology used in the Award for clarity.
19. **TNA recommends that:**
  - a. **Arts Administrator be added to the list of indicative positions under sections A.1.1, A.2.1, A.3.1, A.4.1 and A.5.1 (*Production and Support Staff Levels 1-5*) of the Live Performance Award.**
  - b. **The indicative positions of Accounts Clerk, Booking Clerk, and Dispatch Clerk (A.3.1 *Production and Support Staff Level 3*), and Accounts Clerks and Scheduling/Rostering Clerk (A.4.1 *Production and Support Staff Level 4*) be removed (noting that TNA would welcome feedback from other stakeholders in the live performance sector on this).**

## Contact

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