

15 December 2022



Department of Home Affairs Taskforce  
6 Chan Street  
Belconnen ACT 2617

Dear Department of Home Affairs Taskforce,

## 2022 A Migration System for Australia's Future

As the peak body for Australia's \$4 billion performing arts and entertainment industry, Live Performance Australia (LPA) welcomes the opportunity to make a submission to *A Migration System for Australia's Future*.

To remain competitive in the international market, the Australian arts and entertainment industry must access talent from across the globe. Building upon Australia's strong history of successful migration and utilising migration pathways to permanently address specific occupational shortages is a welcome opportunity. This industry must capitalise on the pipeline of international students graduating, as well as technical production, crew and support staff and skilled artists with an established career to achieve better migration outcomes.

Whilst it is important to note that there are already existing responsive and supportive arrangements in place within the live performance industry, this submission highlights areas that need improvement.

Our submission proposes: close engagement with the arts and entertainment industry to ensure the availability of visas with work rights are linked to identified skill and labour shortages; removal of fees and limitations on work rights for international students and allowing temporary migrants on arts and entertainment visas to more freely help address labour shortages for their listed occupation, with pathways to permanent residency.

## SUMMARY OF LPA REQUESTS

1. Regular consultation with the live performance industry to better understand which occupations experience the greatest demand for workers.
2. Remove cost and accessibility barriers for international students who seek to work in Australia after completion of their studies.
3. Increase functionality within the Temporary Activity Visa (Subclass 408) stream to allow for a wider range of work opportunities and the possibility of ongoing work in the sector.
4. Consult with industry to address problem areas within existing arts and entertainment visas.
5. Introduce an industry-wide performing arts visa.

<b>1. Key Issues</b>	<b>Australia must remain an attractive destination for international artists</b> <ul style="list-style-type: none"> <li>• Examples of where the migration system has performed well should not be overlooked.</li> <li>• Equally, where the migration system has underperformed, LPA recommends rethinking categories of existing visas to better meet skills shortages.</li> </ul>
<b>2. Industry Context</b>	<b>Arts and Entertainment industry with specific skills shortages</b> <ul style="list-style-type: none"> <li>• In May 2022, our membership identified widespread skills shortages, particularly within technical and production-based roles.</li> </ul>
<b>3. How can migration contribute to challenges and opportunities?</b>	<b>Consultation with industry about specific occupational shortages</b> <ul style="list-style-type: none"> <li>• Adjust employer sponsorship programs to ensure the availability of visas with work rights are linked to identified skill and labour shortages.</li> <li>• LPA could provide ongoing direct member feedback to indicate the number of skilled migrants already contributing to our industry.</li> </ul>
<b>4. What are the current and potential barriers in allowing migration to play these roles?</b>	<b>Clearer pathways to permanent residency for international students</b> <ul style="list-style-type: none"> <li>• Providing international students with the same opportunities as local students during and post study.</li> <li>• Reduction of costs and administrative burdens for international students, by reducing fees for post-study visas, and ensuring there is a high level of transparency about work opportunities in Australia.</li> </ul>
<b>5. What reforms are needed to ensure the migration system can meet the challenges and opportunities that lie ahead?</b>	<b>Creation of Arts and Entertainment or Live Performance Industry Visa</b> <ul style="list-style-type: none"> <li>• Revise and ease Temporary Activity visa (subclass 408) Entertainment conditions to address immediate skills shortages in the arts and entertainment industry, by enabling visa holders to work for multiple employers within their occupation as work opportunities arise, or work for a set period for their listed occupation.</li> <li>• Acknowledge the problem areas which create disproportionately long waiting periods for highly specialised and highly sought-after occupations. Australia should ensure that its visa system can support a highly skilled and specialised international workforce and continue to enable our country to continue to produce world-class shows.</li> <li>• Embed cultural policy objectives within the new migration strategy.</li> </ul>

LPA views our requests as integral to ensuring the economic sustainability of the arts and entertainment industry.

Once again, we thank you for the opportunity to present this submission for consideration in the review to develop a new migration strategy. Should you have any queries, please do not hesitate to contact us via email or telephone.

Yours sincerely,



Evelyn Richardson  
Chief Executive

E [erichardson@liveperformance.com.au](mailto:erichardson@liveperformance.com.au)

M 0407 303 646



Shay Minster  
Director, Workplace Relations

E [sminster@liveperformance.com.au](mailto:sminster@liveperformance.com.au)

M 0413 914 072

## LPA SUBMISSION

### A MIGRATION SYSTEM FOR AUSTRALIA'S FUTURE

#### 1. Key issues

- Australia's performing arts and entertainment industry faces a critical skills shortage, which will undermine its recovery from the pandemic and impact longer-term sustainability, while the current workforce is experiencing extreme stress.<sup>1</sup>
- The live performance industry's contribution to the Australian economy and culture is maximized where there is access to talent from across the globe, especially following the pandemic.<sup>2</sup>
- Costs for making theatre have significantly increased, and Australia's workforce has shrunk. Australia lags international markets and Australian theatrical producers compete for investors in international jurisdictions that offer significant cultural tax incentives (e.g., UK and USA).<sup>3</sup>
- Skilled migrants working in the live performance industry have faced disproportionate difficulty in meeting strict criteria for a positive skills assessment compared to the high profile they hold within their field.
- Settings for the *Temporary Activity visa (subclass 408)* should be revised to allow visa holders to work for multiple employers during the term of their visa as work opportunities arise, and to give them the option of extending such a visa where ongoing skills gaps can be filled permanently.

#### 2. Industry context

The live arts and entertainment industry is a vast and dynamic ecosystem reflecting a diverse range of art forms and comprises small, medium, and large businesses, sole operators and tens of thousands of performers, artists, creatives, and technical crew.

All workers, including freelancers, sole traders, and those employed by small to medium businesses, not-for-profit companies, and commercial entities form an interdependent industry where all parts of the industry are needed to thrive.

##### 2.1 Current outlook

The arts and entertainment industry is rebuilding from the devastating impact of COVID-19. The recovery process is driving the return to a strong demand for workers.

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<sup>1</sup> May 2022, 66% of participants in the survey had high/very high levels of psychological distress.

<sup>2</sup> More people are on the move now than ever. In 2018, the United Nations stated that there had been a 49% increase in the number of international migrants.

<sup>3</sup> Society of London Theatre, Media Release (11 May 2016), Ticket Relief News, accessed online:

< <https://uktheatre.org/theatre-industry/news/tax-relief-news/>>; The Stage (21 July 2017), Theatre tax relief brings savings to nearly 2,000 shows, accessed online: < <https://www.thestage.co.uk/news/2017/theatre-tax-relief-brings-savings-nearly-2000-shows/>>.

The loss of workers during the pandemic disruption has led to critical shortages in the industry. Along with roles directly associated with arts and entertainment, labour shortages include roles from arts and entertainment-adjacent and integrated industries like technical production staff and crew, tradespeople, ticketing personnel, food and beverage staff, security workers, marketing, freight, and transport workers, which are all essential to the running of arts and entertainment businesses.

ABS statistics reveal the arts and entertainment sector in 2021 represented 1.6% of the workforce, after accounting for 2% in 2018-2019, which represents a 20% decline.

### 3. How can Migration contribute to the challenges and opportunities Australia faces in the coming decades?

#### 3.1 Consultation with industry about specific occupational shortages

**FOR ACTION:** To attract and nurture a pipeline of talent for the arts and entertainment industry

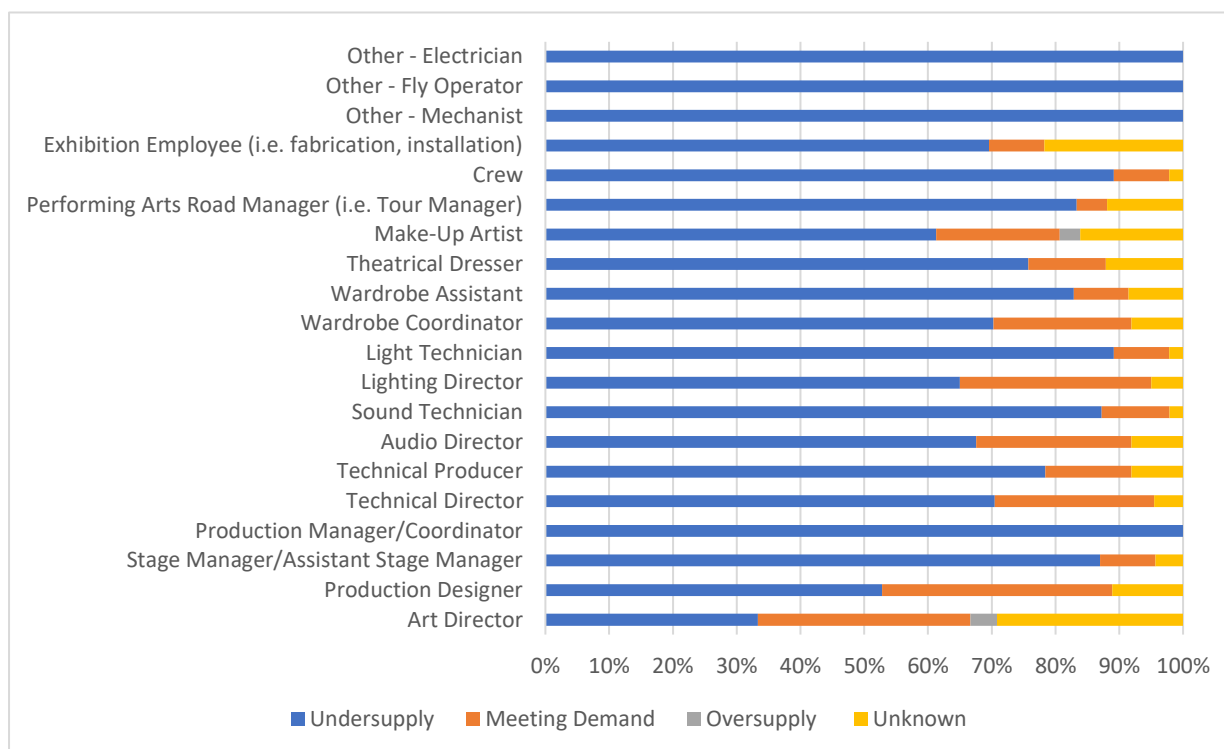
- Regular consultation between government and the live performance industry to better understand which occupations experience the greatest demand for workers.

The availability of visas with work rights should be linked to identified skill and labour shortages. This will ensure a targeted approach to filling gaps within specific occupations and will result in the live performance industry being better equipped to thrive.

Prior to COVID-19, consistent industry feedback was that there was a shortage of workers in technical roles (e.g., sound and lighting technicians), with the problem more acutely felt in regional areas. Skills shortages in these roles have been exacerbated by the pandemic, and have broadened to encompass crew, production (e.g., company management, stage management, event management, wardrobe, and design) and front of house roles. Now, the problem is felt in both metropolitan and regional areas.

Results of a LPA Member survey, undertaken in May 2022, confirms that technical and production roles are in critical short supply (see Figure 1). These skills are in such short supply in regional areas that technical staff work as “all-rounders” across each of the technical disciplines and are shared across regions. They travel to different venues to support and fulfil operational and touring requirements. Presently, in a worst-case scenario, shows are being cancelled due to the lack of suitably qualified workers.

Figure 1: Current Demand for Workers



## 4. What are the current and potential barriers in allowing migration to play these roles?

### 4.1 Clearer pathways to permanent residency for international students

**FOR ACTION:** To attract and nurture a pipeline of talent for the arts and entertainment industry

- Reduce visa costs and work limitations for international students

In 2020, the then government increased the cost of arts and humanity degrees. This and a range of other factors, including low completion rates for 'Music Industry' programs, has contributed to a reduction of job-ready graduates in the arts.<sup>4</sup>

This reduction in local students should be compensated for by allowing international students to work whilst they are studying and removing limitations on post-study working opportunities. Reducing limitations on post study work for international students will continue to positively contribute to both metropolitan and regional areas.<sup>5</sup>

<sup>4</sup> NCVER. (2022). *Total VET students and courses 2021: program enrolments DataBuilder*. National Centre for Vocational Education Research. Retrieved from <https://www.ncver.edu.au/research-and-statistics/publications/all-publications/total-vet-students-and-courses-2021>

<sup>5</sup> Because of the various efforts to spread overseas arrivals, there has been a significant increase of migrants moving to regional areas. Encouraging international students to live and work in regional areas is important, also because more international arts tourists visit regional Australian than other tourists.

International students should be given the same opportunities as Australian students when competing for jobs in the arts and entertainment industry. Students work limitation should be waived permanently even during their studying period, as this will ensure that vocational pathways available to local students are also available to international students.

The removal of visa restrictions on international students will boost the economy and live performance industry at little to no cost to Australians, all it requires is an ongoing monitoring system to ensure that work is being undertaken.

## 5. What reforms are needed to ensure the migration system can meet the challenges and opportunities that lie ahead?

### 5.1 Creation of Arts and Entertainment Industry visa

**FOR ACTION:** To attract and nurture a pipeline of talent for the arts and entertainment industry

- Revise and ease *Temporary Activity visa (subclass 408)* conditions to address immediate skills shortages in the arts and entertainment industry, by enabling the visa holder to work for multiple employers, with the possibility of ongoing work in the sector.
- Consult with industry to address the problem areas with arts and entertainment visas
- Introduce an industry-wide performing arts visa.

There are problem areas for the live performance industry within the current skilled visa system. Certain visa holders are unable to progress through to a pathway for permanent residency without facing long waiting periods due to their age, or due to not fulfilling strict criteria such as three years' experience despite being internationally recognised.<sup>6</sup>

Reforming the style of visa that is available to migrant artists could help to alleviate these issues. LPA has considered expanding the functionality of the temporary activities, but to address the problems for visa applicants more generally within the arts and entertainment industry, we suggest the introduction of an industry visa.

This could be granted to migrant artists who can prove to a regulatory agency they work within the live performance industry.

Currently, the most utilised visa in the arts and entertainment industry for overseas workers imposes strict conditions for both industry and overseas workers. The *Temporary Activity visa (subclass 408)* can prevent overseas workers to work for multiple employers and fill immediate demands where needed.

The application process for visa approval requires the overseas worker to list their exact workplace/s and dates of employment before they enter Australia. When in Australia, the overseas worker is not permitted to undertake work for employers outside of those specified in their visa application, even if there is urgent need by another employer. Such conditions do not allow for flexibility where employment needs arise when they are in the country.

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<sup>6</sup> There should be a reassessment of the age limit of 45 years of age, particularly in parts of the live performance industry such as classical music performance.

Considering the critical skills and employment shortages and fluid nature of the industry, the need for skilled migrants is an ever-persistent requirement.

LPA urges the Government to revise Temporary Activity visa (subclass 408) conditions to allow for greater flexibility for overseas workers to fill vacancies where they arise and to link this visa more seamlessly to a pathway to permanent residency. This will allow for multiple employers to hire the services of the industry-based temporary visa holder at short notice to address immediate need, and where criteria are met for ongoing skills gaps, the visa could be made into a permanent industry visa.

For example, a person approved to enter under the visa as ‘fly operator’ can only work as a fly operator while in Australia. However, over the duration of the visa, that person would be permitted to:

- move from employer to employer when their contract ends, as opposed to leaving the country; or
- work in the same role for multiple employers at the same time, as new work opportunities arise.

## 6. Summary

The importance of attracting talent to the arts and entertainment industry should be a critical consideration for the Migration Review. A strategy that focuses on this will support contributions to the arts (and therefore the economy) and will address skills shortages that are negatively impacting the industry. By engaging in close consultation with industry about where skills shortages are, by removing costs and limitations that international students currently face, and by rethinking an arts and entertainment industry visa that has broader application with the objective of limiting waiting periods, Australia will remain an attractive destination for international artists and technical production, crew and support staff.

We thank you for the opportunity to present this submission for consideration.

### Key contacts

**Evelyn Richardson**

Chief Executive

Live Performance Australia

[erichardson@liveperformance.com.au](mailto:erichardson@liveperformance.com.au)

0407 303 646

**Shay Minster**

Director, Workplace Relations

Live Performance Australia

[sminster@liveperformance.com.au](mailto:sminster@liveperformance.com.au)

03 8614 2000

### ABOUT LPA

LPA is the peak body for Australia’s live arts and entertainment industry. Established over 100 years ago in 1917 and registered as an employers’ organisation under the *Fair Work (Registered Organisations) Act 2009*, LPA has almost 400 Members nationally. We represent commercial and independent producers, music promoters, performing arts companies, venues (performing arts centres, commercial theatres, stadiums, and arenas), arts festivals, music festivals and service providers (such as ticketing companies and technical suppliers). Our membership spans from small-medium and not-for-profit organisations to large commercial entities.

LPA has a clear mandate to advocate for and support policy decisions that benefit the sustainability and growth of the live performance industry in Australia.

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