



Industry Briefing

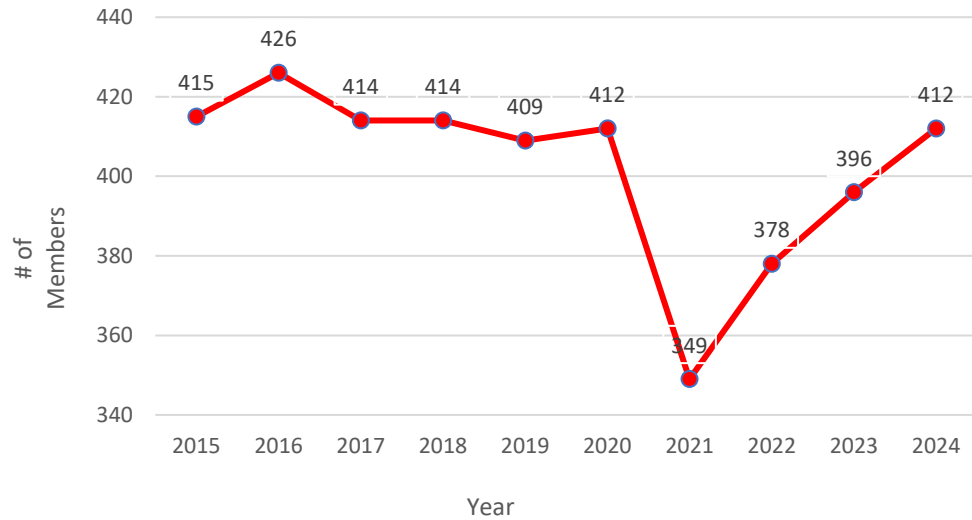
28 November 2024



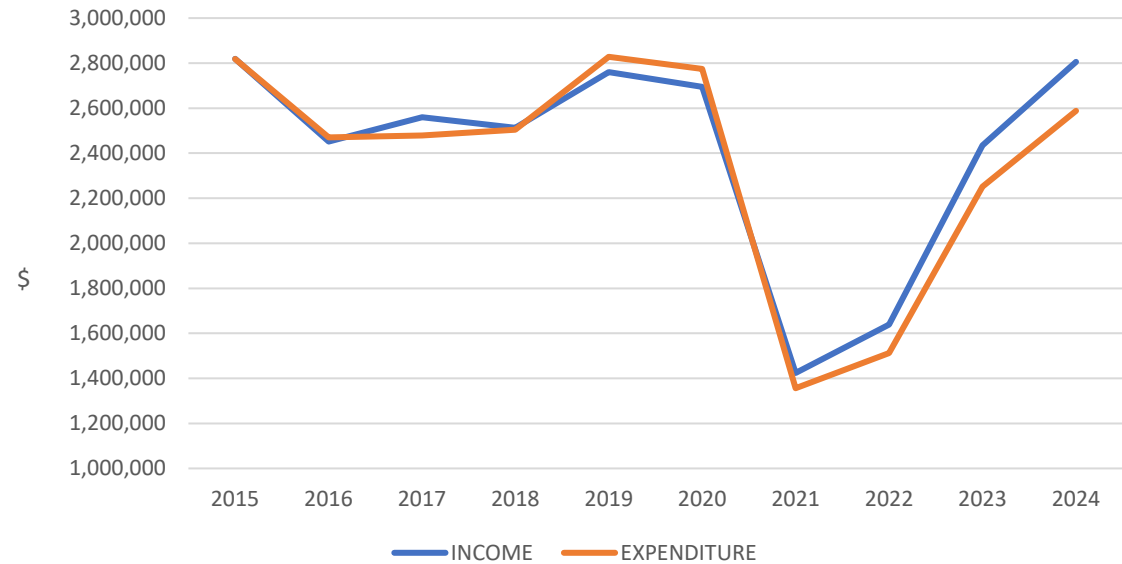
Agenda

- 1 Membership & Finances
- 2 Key Achievements 2023-2024
- 3 Strategic Plan 2025 - 2027
- 4 Strategic Priorities 2025
- 5 Workplace Relations Update
- 6 Policy Update
- 7 Closing Comments: LPA President

Membership



Finances



2023-24 result = \$218,029

Key achievements 2023-24



Advocacy

- Protecting Members' business interests in context of major IR changes and changes to workplace laws
- Advocacy at federal and state levels re skills and training gaps
- State based cultural policies and policy initiatives: review of *Music Festivals Act (NSW)*; infrastructure needs
- Music Industry review
- Activated advocacy for Live Theatre Tax Offsets, including EY report on economic benefits



Best practice

- Released updated Work Health and Safety Guides
- Completed biennial and triennial compliance review of Ticketing Code
- Updated Guide to Child Safety
- Responded to ticketing complaints



Workplace relations

- Finalised negotiation of a new PCA
- Secured temporary live performance industry specific exception in the *Fair Work Regulations 2009*
- Secured a permanent exception to limitations on Fixed Term Contracts in *Live Performance Award 2020* through the FWC
- Advocated for members on FWC's review of Modern Awards in the Arts and Culture Sector
- Represented Members at FWC in unfair dismissal and general protection proceedings



Policy

- Completed negotiation of OneMusic licences
- Safe Workplaces Program: implemented phase 1 for all Members
- Successfully advocated for specific skills to be added to national Skills Priority List ie lighting and sound technicians
- Released 2022 Ticket Attendance and Revenue report; commenced work on 2023 report (released October 2024)
- 14 significant submissions across a wide range of areas



Member advice & support

- Workplace Relations advice on contracting and new IR and workplace laws
- Refunds and ticketing complaints
- Immigration and visa approvals; 308 visa applications lodged, 1,718 visa approvals

Strategic Plan 2025 - 2027



Leadership

Take the lead on strategic issues and be the prominent voice on behalf of the industry



Advocacy

Advocate and influence regulatory and public policy decisions, and raise the industry's profile



Negotiation

Negotiate industrial, commercial and licensing agreements that are flexible, transparent and fair

Strategic Plan 2025 - 2027

Core activities



Advocacy &
Government Relations



Workplace & Industrial
Relations



Policy & Regulatory

Supporting activities



Best Practice



Research & Market
Development



Events

Strategic Priorities: 2025

1

Federal election 2025 advocacy

2

Live Theatre Tax Offsets

3

Prepare Guidelines for Psychosocial risks

4

Deliver phase 2 of Safe Workplaces program

5

Implement recommendations of Ticketing Code reviews

6

Provide Fact Sheet on dynamic pricing and consumer facing collateral/activities

Workplace Relations: 2025 priorities

1

Finalise PCA Drafting

2

Finalise draft Digital Agreements, Intimacy Guidelines and Self-tape Guidelines

3

Fixed Term Contracts

4

Prepare industry Specific Guidelines for Psychosocial Risks

5

Provide Education, Resources and Support on Industrial & Workplace Matters

6

Provide Immigration Services and Support

Performers' Collective Agreement 2024-2026



Took effect 1 August 2024

- Increases to minimum rates of pay
- Multiple contracts
- Personal leave on commencement
- Digital recording and distribution
- Flexible number of performances
- Superannuation
- Meal breaks
- First Nations Cultural Leave

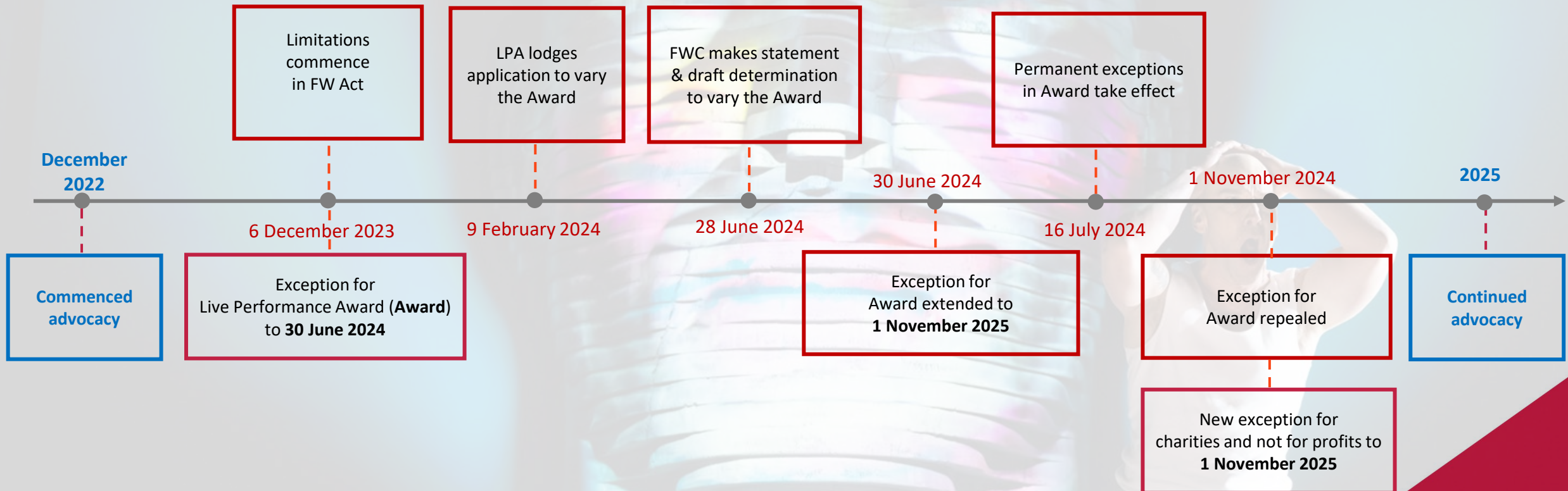


Where to from here?

- Finalise drafting new PCA
- Template digital recording and distribution agreements
- Intimacy guidelines
- Self-tape guidelines
- Negotiating with agents
- LPA/MEAA consultation committee

<https://liveperformance.com.au/performers-collective-agreement/>

Fixed term contracts – What Happened?



Fixed-term contracts – Exceptions?

Live Performance Award 2020

- **Performers, Company Dancers and Musicians:** runs of play/s contract (without limitation)
- **Performers: fixed term contract**
 - For a single production (a series or one contract greater than 2 years)
 - Multiple productions (a series up to 2 years)
- **Company Dancers: fixed term contract**
 - Level 1 – 3 years
 - All other dancers to 31 December 2024
- **Production and Support Staff:** seasonal contracts

Fair Work Act 2009

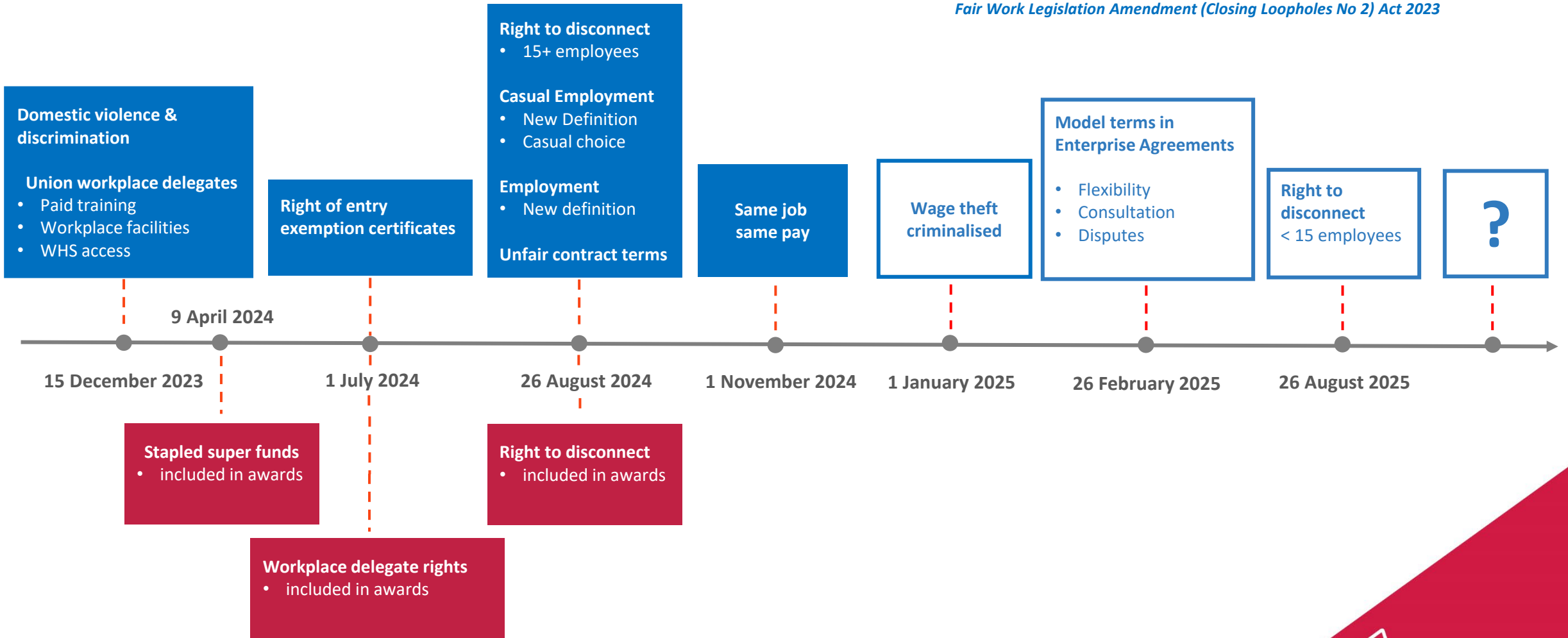
- a distinct and identifiable task involving specialised skills (that the employer does not have)
- apprentices and trainees
- **undertaking work during a peak demand period (seasonal)**
- **undertaking work during emergency circumstances or while another employee is temporarily absent**
- **earning more than the high-income threshold (currently \$175,000 per year – can be pro-rata)**
- engaged in a governance role with a prescribed time-limit under the rules of a corporation or association
- the employment contract is funded in whole or in part by government funding
 - for a period of more than 2 years
 - there are no reasonable prospects that the funding will continue
- **the fixed-term contract is permitted under an award**
- **the Minister makes a regulation to exempt certain types of contracts – i.e., to address sector specific arrangements**

Fair Work Regulations 2009

- Charity and not-for-profit sector employees
- ~~Live Performance Award 2020~~

NEW laws and rules

Fair Work Legislation Amendment (Closing Loopholes) Act 2023
Fair Work Legislation Amendment (Closing Loopholes No 2) Act 2023



Changes to modern awards

Resources and training

Fact Sheets

- [Right to Disconnect](#)
- [Casual Employment](#)
- [Delegates' Rights](#)
- [Right of Entry](#)
- [Fixed term contract employees](#)

LPA and ACCI Guides

- [The Right to Disconnect](#)
- [Casual Employment](#)
- [Independent Contracting](#)
- [Right of Entry](#)
- [Workplace Delegates' Rights](#)
- [Workers' Compensation](#)

Template Contracts and Policies

- [Production and Support Employees](#)
- [Casual Crew Collective Agreement](#)
- [Award free](#)
- [Contract variations](#)
- [Social Media and Communications Policy](#)

Work Health Safety

- [LPA Safety Guidelines for the Entertainment and Events Industries](#)

Webinars

- [IR Reforms](#)
- [408 Visa Application and Immigration Services](#)
- [Limitations on fixed term contracts](#)

LPA Award Commentary

- [Live Performance Award 2020](#)

UPCOMING WEBINAR

Tuesday, 3 December 2024

- [Contracting Performers: Focus on run of play\(s\) contracts](#)

Policy: 2025 priorities

1

Scope and Deliver Phase 2 Safe Workplaces Program

2

Implement Recommendations of Ticketing Code Review

3

Complete Biennial Review of Ticketing Code

4

2024 Ticketing Attendance & Revenue Report

5

New Privacy Guidelines

6

Skills

7

Submissions

Tax Offsets for Live Theatre

Proposal: 40% tax offset/rebate for producers to claim deductions on qualifying production costs



Every **\$1** in tax forgone is estimated to return **\$1.26** in tax collected



168

New productions



\$1.5b

Industry output
(direct and indirect)



\$486m

Industry value add



4,151

Employment



LIVE
PERFORMANCE
AUSTRALIA

OneMusic Events licence



New scheme takes effect 1 Jan 2025

- No change to APRA rates
- 3 categories for PPCA rates:
 - Changeover / On Stage Base / On Stage Premium
- Premium Performance
- Expanded definition of changeover
- Licence unbundles APRA and PPCA components
- 3-year discount for ETME events



OneMusic Promoter Information Hub

<https://onemusic.com.au/licences/events/promoter-information-hub/>

- Information Guide
- Flowcharts
- Quick Reference Guide
- Fee Calculation

LPA Fact Sheets currently being finalised

Ticketing Code of Practice



Triennial Review on improvements completed

Proposed amendments

- Additional guidance on ‘major failure’ and ‘intervening circumstances’
- Revise guidance regarding timeframes to announce new date for a postponed event



Biennial Compliance Review

- To be undertaken in early 2025
- Covers period 1 January 2023 to 31 December 2024

Unfair Trading Practices

Stephen Jones MP
15 October at 14:30

The Albanese Government has your back, which is why we're cracking down on rip-offs. Because of the surcharge

WE'RE STOPPING THE RIP-OFFS

1. Scams
2. Subscription traps
3. Dodgy discounts at supermarkets
4. Drip pricing
5. Unfair card surcharges

Stephen JONES MP

Anthony Albanese
22h

Major event ticket prices. There never used to be an asterisk on ticket prices. Like paying more. We're making that a reality again by banning sneaky fees. We're tackling... No more hidden ticket printing fees, handling fees, booking fees, or other charges that just aren't fair. Because the price advertised should be the price you pay.



** Plus some hidden fees*

Privacy reforms are also coming

- Alignment to GDPR
- 'Fair and reasonable' test
- Senior employee responsible for privacy
- Expansion of 'personal information' definition
- Removal of the small business exemption
- Marketing, targeting, trading provisions
- Report data breaches within 72 hours

Safe Workplaces Program



Completed

- *WHS Guidelines*: released September 2024
- *Code of Practice to prevent workplace discrimination, harassment, sexual harassment, bullying and victimisation*: released April 2024
- Guide to Child Safety in the live performance industry: released November 2023
- Webinar series: June – August 2024



In progress

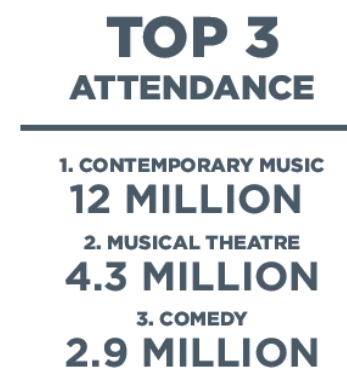
- Scoping Phase 2 of Safe Workplaces Program



Pending

- Guidelines for managing psychosocial risks

2023 Ticket Attendance and Revenue Report



Closing Comments: LPA President

Thank you for your support!