



## Submission to the Creative State Strategy

### Victoria: The Place to Be World Leading, Best Practice for the Creative Workforce

#### Recommendations

**Recommendation 1:** Creative Victoria should fund and undertake a scoping study and review into increasing the number of theatres and live performance venues available to the industry in regional and outer-suburban areas.

**Recommendation 2:** Creative Victoria implement a program of micro-grants or no-obligation funding to access tutoring or training in such areas as dance, ballet, classical musical instruments and other art forms available to families from marginalised and underrepresented communities.

**Recommendation 3:** Incentivise diversity, inclusion, and access, including cultural competency and safety.

**Recommendation 4:** Increase access to, and safety in, arts education & training for marginalised communities.

**Recommendation 5:** The Victorian government add creative workers and performers to the Victorian Portable Long Service Benefits Scheme.

**Recommendation 6:** Reinstate the Sick Pay Guarantee on a permanent basis for contract, casual and self-employed workers.

**Recommendation 7:** The Victorian government audit and remediate theatre and live performance venues across Victoria to ensure they are made accessible and safe for all.

**Recommendation 8:** The Victorian government mandate guidelines for monitoring fatigue and reporting incidents of workplace injury on the set of screen productions.

**Recommendation 9:** The Victorian government establish a 'white card' style induction scheme delivered by authorised RTOs to ensure safety in the screen and theatre sectors.

**Recommendation 10:** Creative Victoria and the Victorian Government should review Workcover job classifications to ensure they align with and effectively provide for the types of work undertaken in the theatre, dance, and screen industry.

**Recommendation 11:** The Victorian government examine a scheme that recognises accrued WHS competencies over multiple worksites so that workers can receive recognition for WHS education and provide support on site.

**Recommendation 12: Arts and entertainment organisations who are found to have persistent problems with bullying, harassment and discrimination should not be eligible for Victorian government support for a period of five years.**

**Recommendation 13: The Creative State Strategy acknowledge and support the right to political commentary and freedom of expression for artists and creative workers. That this be supported by Creative Victoria in the form of conducting education of arts organisations who receive state government funding.**

**Recommendation 14: the Victorian Government run a state-wide campaign to educate creative workers about their rights in relation to AI.**

**Recommendation 15: the Victorian Government commit to never replace human creative work with AI-generated content.**

## **Introduction**

Victorians need a comprehensive arts and cultural agenda, effectively and sustainably funded, to help build a better society. As the pressures of work and economic survival demand more of our time, we need to question whether the cultural participation of workers, families and communities are being adequately supported.

When we participate in cultural activity, we don't just pay for the activity itself, but for the additional costs of transportation, of going out, of equipment and supplies. As it becomes more expensive to participate in cultural activity, those from low socio-economic backgrounds, who live remotely, or who are part of marginalised groups, become increasingly unable to participate in arts and culture. This has a deleterious effect on social inclusion and democratic participation.

In concrete terms this means ensuring that marginalised communities can access and participate in the arts. We believe that Creative Victoria should fund and undertake a scoping study and review into increasing the number of theatres and live performance venues available to the industry, and into strategic locations to ensure the industry can provide more accessible and cost-effective avenues for attendance for diverse communities in regional and outer suburban areas of Victoria. In doing so, the government would assist the industry by maximising attendance and utilising increased audience capacity, simultaneously increasing audience diversity and ongoing economic growth of the live performance industry.

This same principle applies to how we can create opportunities and pipelines for people from marginalised communities – both geographically and demographically – to ensure that our diverse and vibrant communities have the same opportunity to access and participate in the creative industries. Creative Victoria should implement a funding model of micro-grants or no-obligation funding – provided to parents of children in economically marginalised groups, First Nations communities, BIPOC communities, the LGBTQIA+ community and students with disabilities and/or are neurodiverse – to access tutoring or training in such areas as dance, ballet, classical musical instruments and other art forms.

Building on this, a thriving civil society can only be sustained through cultural activity and social participation; and for that we need a strong, confident and respected workforce. However, the prevalence of 'gig economy' jobs, long-term rolling contracts and poor pay are

clear evidence that new strategies are needed to ensure Victoria's creative workforce can have the respect they deserve.

Approximately one-quarter of arts and entertainment workers are employees.<sup>1</sup> For the other three-quarters, there are no minimum rates of pay, superannuation is almost non-existent, and payment for work is often late.

The economic insecurity of the industry further increases the risk of disadvantage and harm for creative workers from economically marginalised backgrounds, disproportionately affecting people who are First Nations, Black, Indigenous and People of Colour (BIPOC), the LGBTQIA+ community – especially trans people – and people who are disabled and/or neurodiverse. The harm is further exacerbated for people who are members of more than one of these communities, and by the fear of negative repercussions for reporting and raising issues in an environment of extreme competition for roles and abundance of workers.

Creative workers from economically and/or otherwise marginalised communities also struggle to access arts education and training. That struggle is acute in tertiary education and private institutions, resulting from a combination of high cost, access barriers, unequal regionality, lack of cultural safety within institutions and lack of cultural competency among staff, educators, and other students. The challenge for these communities, however, begins from the very earliest phases of education, where already disadvantaged families face astounding cost barriers to accessing training in performance disciplines. Dance or music training providers routinely charge tuition orders of magnitude greater than sports, and additionally require purchase of expensive equipment and attire. All these factors contribute to constraining the development of arts appreciation and the supply of young performers seeking to enter the industry from these communities.

Creative workers in the industry are in desperate need of an industry code of practice regarding diversity, inclusion, and access, including cultural competency and safety in the workplace.

We believe that the next four years present an opportunity for Creative Victoria to become a nation leader in being the best place to work and perform for Australia's creative workforce.

**Recommendation 1: Creative Victoria should fund and undertake a scoping study and review into increasing the number of theatres and live performance venues available to the industry in regional and outer-suburban areas.**

**Recommendation 2: Creative Victoria implement a program of micro-grants or no-obligation funding to access tutoring or training in such areas as dance, ballet, classical musical instruments and other art forms available to families from marginalised and underrepresented communities.**

## **First Nations First**

Although strides have been made towards elevating First Nations arts and culture to its rightful place, there remains a persistent deficit of First Nations' stories. A major factor in this deficit is that cultural policy too often does not practically enable First Nations people to determine their own path. While galleries, museums and funding institutions have allocated space, resources and respect to First Nations' culture, many efforts have been grafted on to

existing structures or made available through longstanding grants programs. Very little new money has been devoted to enabling our nation to embrace the world's oldest surviving culture, its histories and its stories.

MEAA acknowledges the Government's initiative, the First People funding stream of grants within its broader grant program. However, if Creative Victoria is to meet its aspirations of growing the representation of First Nations creative workers in the industry – especially in the screen and live performance sectors – the next strategy must have a plan backed by a commitment of funding for First Nations owned and operated production companies and venues. This is the only guaranteed way that First Nations creatives who want to develop a career as artists, technicians and crew can gain the necessary skills and on-the-job experience required for a fulfilling career.

MEAA support greater self-determination through either a separate First Nations cultural agency or through setting up autonomous structures within existing cultural institutions. MEAA recognises the formation of the First Peoples Directions Circle in 2019 which aims to embed Aboriginal Self-Determination and community voice in the development and delivery of Creative Victoria programs and initiatives. The eleven principles adopted by the First Peoples Directions Circle provide important guidance on the appropriate adoption of protocols when handling and engaging with First Nations artworks. MEAA recommends Creative Victoria further invest in educating arts organisations across the state in ensuring they meet their protocol obligations with First Nations artists and artworks.

We recognise adoption of cultural safety as one of the guiding principles of Aboriginal Self-Determination and the commitment to ensuring all Creative Victoria staff receive First Peoples cultural awareness and safety training. However, efforts must also be made in the next strategy to ensure places of artistic and related work are culturally safe for all First Nations employees and contributors.

## **Equity and Diversity**

By connecting media, arts and culture with strategies for social inclusion, the most marginalised, disadvantaged and vulnerable groups in our society would be given greater opportunity to participate in cultural and civic life.

Unfortunately, discrimination, bullying and harassment are rife in the screen and live performance industries. To illustrate the size of the problem we can draw on the key findings from our State of the Arts industry survey of performers 2022 which found:

- 76% of performers have experienced some or multiple forms of discrimination/harassment/bullying.
- 60% of performers have experienced discrimination in the workplace.
- 59% have experienced bullying in the workplace.
- 50% have experienced harassment in the workplace.
- 53% of performers who experienced discrimination/bullying/harassment do not feel safe to report incidents.
- 71% of performers who reported discrimination/bullying/harassment experienced negative outcomes from their employer, resulting in unwillingness to come forward again.

- 89% of performers believe the theatre dance and screen industry should reflect the diversity of Australia in stories, casting, and backstage and behind the camera.
- 77% of performers believe employers and education providers in the industry need to provide culturally competent, safe, inclusive, and accessible workplaces.

Members have told MEAA that technicians and crew in live performance venues in Victoria are heavily male dominated and there are few paths for women to enter and progress a career in this sector, e.g. fewer than 10% of head-tech in venues across Victoria are women.

We have also been informed about the barriers women in the industry face when they wish to start a family or when raising children in their early years of development.

“Another pressing issue is the industry’s hostility towards working mothers. Over the past decade, I’ve rarely seen a colleague take maternity leave and return to the same job. This is often due to the challenge of finding suitable replacements during their absence, leading to restructuring or a decision to eliminate the role altogether. Additionally, the already expansive workloads make it difficult for these roles to be compatible with family responsibilities, and organisations are often unwilling to modify the roles to accommodate this.”

As an industry which is characterised by insecurity, the government has a role to play in protecting the rights of caregivers and parents, and ensuring they can access the entitlements they deserve.

Creative Victoria and the government should link government performing arts funding and grants to requirements that organisations and producers implement Reconciliation Action Plans, Diversity, Inclusion and Disability Action Plans, to ensure they move towards reflecting the diversity of the community they serve, and that employers undertake cultural competency training, inclusion and access training, and anti-racism training.

Additionally, we recommend the next Creative State Strategy include initiatives to address inequities affecting diverse communities leading up to and throughout tertiary education. In order to increase diversity at enrolment, we urge them to work with education providers such as universities and independent dramatic arts institutes to increase fee-free places and scholarships for students from economically marginalised groups, First Nations communities, BIPOC, the LGBTQIA+ community and students with disabilities and/or are neuro diverse. In order to increase retention and graduation of diverse students, we recommend working with education providers to ensure they have effective policies, procedures, and training – such as cultural competency training, inclusion and access training and anti-racism training – that ensure students have a safe environment in which to study.

**Recommendation 3: Incentivise diversity, inclusion, and access, including cultural competency and safety.**

**Recommendation 4: Increase access to, and safety in, arts education & training for marginalised communities.**

## **The Creative Industries Have Long-Covid**

The arts and entertainment sectors suffered enormously from the COVID-19 pandemic, successive lockdowns and economic disruption. As an industry reliant on public gatherings,

community engagement and participation, employment declined significantly across many parts of the sector. The pandemic greatly exacerbated pre-existing inequities and barriers for creative workers to being able to have a sustainable career in arts and entertainment. These barriers and inequities remain in place, and the impact of the pandemic on Victoria's creative industries will still be felt in the years ahead.

MEAA acknowledges the response of the Victorian government to support the arts and creative sectors during the pandemic. However, we also acknowledge that the creative industries were often the last in and first out when it came to receiving government support. This was particularly the case when it came to receiving support from the then-federal government.

The Victorian government provided a series of initiatives to support the creative industries over the pandemic including the Sustaining Creative Workers initiative (\$4.8 million)<sup>2</sup>, a \$15 million live music venue program, a \$13 million Strategic Investment Fund for 100 small to medium non-government arts and cultural organisations, and a Victorian Music Industry Recovery program which offered grants of between \$4,000 to \$50,000.<sup>3</sup>

As noted by an RMIT report into how the Victorian music industry handled the pandemic, the support offered by the government only covered some of the needs of artists with many having to turn to social media and streaming platforms to find new opportunities to engage with audiences, the effect of which led to a significant decline in the earning capacity of artists.<sup>4</sup>

Since the end of the pandemic emergency, the arts and creative industries, particularly live music and theatre, have been slow to recover. The 2024 Artists as Workers survey report by Creative Australia found that by the end of 2022, only a third of all artists in Australia had fully returned to their pre-COVID working hours. The survey found that of Victorian artists, only 35% were working as before, 30% had partially returned to work, 23% were yet to return to work and 13% were unable to return to work.<sup>5</sup>

This loss of expertise has left a mark on Victoria's creative industries. MEAA members who work in performance venues and theatres across the state told the union in a survey conducted in preparation for this report, that they have seen many experienced and highly skilled technicians and crew leave the industry over the course of the pandemic. Not only does this impact on the quality of productions being held across the state's theatrical and live performance sectors, but it also reduces the knowledge base of the workforce and deprives new entrants in the sector the opportunities to receive mentorship and develop their craft.

## **Creative Work**

MEAA supports '*home grown, world class*' as a guiding principle for the new strategy. For this to be realised and for Victoria to maintain its reputation as a place where ambitious, high-quality creative works and productions are developed, we need a workforce that is respected and able to have an enriching and sustainable career. Our members know the role they play in our society by providing inspiration, joy and spaces for democratic exchange and community interaction. And whilst governments and arts organisations often state their own understanding of the vital role that creative workers play in our society; they often don't back it up with the material support required to ensure this role can be performed and sustained. As one of our members told us:

“Creative industries play an integral role in shaping society and culture. This needs to be recognised in government funding decisions, creatives must be supported to produce great work that can positively influence healthy community behaviours. Creatives must be supported to get off the 'survival wheel' and have the mental head space and capacity to experience healthy relationships/ lifestyle etc, in order for creative work to reflect the insights and wisdom that emerge from these healthy experiences, and consequently be shared with the wider community”.

MEAA surveyed our members in Victoria to inform this submission. The 65 respondents to the survey listed poor pay and low industry minimum rates as the largest impediments to sustaining a viable career in the creative industries. Further compounding matters is the need for creative workers to work multiple, insecure jobs over long periods of time to make ends meet. This combination of low pay, long hours and insecurity leads many creative workers feeling distressed, fatigued and undervalued.

“Finding financial longevity in creative industries is very difficult and impossible for many due to the nature of short-term contract work. The perpetual uncertainty for most creatives in terms of career and financial instability, and the mental health toll that this takes on people in the creative industries also presents many challenges - in both personal and professional contexts.”

“Currently, I do not think this is a viable lifestyle. The hours are too long for a healthy work life balance and therefore little time is spent with family and I think we are missing out on life to merely pay the bills and "continue to live" while not living at all. This takes it toll and causes a lot of strain on one's personal life at home and also being too tired at work during the day by making tight turn around after tight turn around.”

Through its programming, funding and grant-giving, the Victorian government plays an important role in setting the standard for best practice in the creative industries in Victoria. This is especially the case when it comes to the ensuring artists and creative workers can have safe and rewarding careers. We commend the government's support for a \$250 minimum payment for musicians who play government supported events. This is a simple example of how government can use its capacity to set good standards for creative workers across the whole industry.

Another opportunity for the government to set norms in the creative industry is to link funding arrangements to ensure festivals ditch predatory pay to play schemes and ensure that if profit share arrangements are the norm that all parties have full transparency on ticket sales and that there are no hidden costs to performers, dancers or comedians and finally where possible ensure that award minimums are paid.

## **Poor Pay**

As mentioned above, poor pay and low industry minimum rates remain the largest impediments to sustaining a viable career in the creative industries. Eighty-seven per cent of respondents to our member survey said that higher wages were an extremely important or moderately important priority, and an overwhelming majority of members, 91%, said that establishing industry-wide minimum rates for pay was the number one priority for them.

The main source of revenue for musicians is live performance. Unfortunately, work in this sector continues to be characterised by low rates of pay, inconsistent work, delayed payments, wage theft, a lack of superannuation, and the widespread expectation that musicians will play unpaid gigs in return for 'exposure'. The cost of this financial precarity is obvious – with musicians less able to save for their retirement, own a home, pay off debt, or even afford the costs of raising children. These pressures also take a toll on musicians' physical and mental health.<sup>6</sup>

First, the underpayment of musicians is rife in the live music sector. One musician told MEAA that "one of the biggest difficulties is asking for a respectable fee when those booking you treat you as though you are being arrogant or full of yourself". Another characterised the industry as one in which "you either accept bad conditions or you [don't] work".<sup>7</sup> In this sense, musicians are expected to routinely confront the view that performing is a privilege and not to be associated with the normal expectations of paid work.

In addition, unpaid work is routinely expected in return for intangible benefits like 'exposure'. MEAA's survey found that two in every five (42%) musicians are playing unpaid gigs.<sup>8</sup> One respondent told MEAA that "in music, not only is free labour expected, it is enforced with threats". They went on to remark that "in no other industry would a person be expected to work...for free".<sup>9</sup>

This practice extends to the festival industry, where musicians routinely report being solicited to perform without pay. One musician, who played as the headline act for a major festival, reported being denied a meal voucher and instead told "they could busk next to a festival banner and keep any money [they] made".<sup>10</sup> Indeed, some artists even report being asked to pay for a ticket as a condition of playing – in effect, 'paying to play'.

Another issue is the culture of late or delayed payments. One musician told MEAA that they "have stood watching the cheques being written out, then told after the event that [they] needed to wait until the Treasurer got back from holidays, then till they reconciled the finances, then to see whether there was enough to pay me". In this sense, there is a "pay when paid" policy...rife in the industry".<sup>11</sup>

MEAA has been campaigning for a minimum fee for musicians for the past two years, and we commend the Victorian government for having endorsed a minimum fee of \$250 per musician per public-funded gig. Building on this commitment, we would like the government to actively promote this principle and use their platform to make it an industry-wide norm.

This principle should also apply when government funding (either direct or indirect) is directed towards festivals. In other words, any government funding of the sector should be tied to the condition of fair payment to musicians.

Where possible, this should be further extended to the private sector. The \$250 minimum should be adopted by commercial operators as part of broader industry solutions. MEAA would like to see the government support an industry plan for live performance that includes minimum rates of pay for musicians and performers.

### **Superannuation**

According to Creative Australia's 'Artists as Workers' report<sup>12</sup>, just under half of all artists are members of a superannuation scheme with an employer, and only 30 percent are members of an industry superannuation fund. According to the report, the number of artists without any arrangements has fallen since the previous survey, from 14 percent then to six percent.



Nevertheless, we share the report's concerns that 40% artists do not consider their retirement arrangements to be adequate.

MEAA's own research on musicians show that they are rarely paid superannuation for live performance – despite being eligible to receive the superannuation guarantee. Our 2023 survey found that four in every five (82%) musicians are not receiving superannuation for performances<sup>13</sup>. This practice is highly concerning as it indicates that many musicians will end their working lives without sufficient savings to guarantee them a decent retirement.

### **Portability of entitlements**

Similar to the issue of superannuation, the insecure and 'gig work' nature of the creative industries often means that workers in these industries are unable to accrue the same entitlements to long service leave and other conditions afforded to those who work in permanent employment.

The Victorian government, through the Portable Long Service Authority, offers a portability of entitlements scheme to those who work in community services, contract cleaning, security and some contract workers and sole traders.

The benefits of long service leave in reducing burnout and retaining workers in key industries are well known<sup>14</sup>. By ensuring that long service leave is tied to service in the industry rather than to an employer, we can properly value creative workers and give them the same rights to a well-earned break to help reduce burnout.

MEAA recommends that creative workers who are contractors or sole traders be eligible to enter the Portable Long Service Benefits Scheme.

### **Recommendation 5: The Victorian government add creative workers and performers to the Victorian Portable Long Service Benefits Scheme.**

### **Sick pay guarantee**

In March 2022, the Victorian government launched a pilot program to fund 38 hours of sick pay and carer's leave for contract, casual and self-employed workers including those working across the creative industries covered by the MEAA.

MEAA welcomed this initiative when it was announced and were deeply disappointed that the trial ended before its scheduled end date of March 2025 with no indication of whether the program would be restarted or expanded. The vast majority of our members in the creative industries here in Victoria are casual, contract or self-employed workers and this program was utilised by those working across a range of work including in sporting and entertainment venues and in theatrical and musical performance.

In our survey of Victorian MEAA members conducted for this submission, eighty-one per cent of respondents supported the reinstatement of the Sick Pay guarantee.

Whilst we would ultimately like to see these rights legislated by the federal government, the State government's initiative had a tremendously positive impact on the wellbeing of our members and on the health and safety of their colleagues. As one member told us in our survey of Victorian MEAA members, "funding a sick pay scheme for freelance workers is extremely helpful. Most freelancers will still go to work sick, and/or contagious, due to financial stress and pressure within their team. We need there to be more flexibility for

human needs or it creates a terrible domino effect on film sets of sickness and fatigue where accidents happen”.

The program was also showing signs of success in terms of setting norms and standards in industries where these are conditions are traditionally hard to achieve. The ending of the program has undercut those efforts and workers in precarious and insecure employment situations are suffering as a result.

**Recommendation 6: Reinstate the Sick Pay Guarantee on a permanent basis for contract, casual and self-employed workers.**

**Safety**

Having safe workplaces is fundamental to good work, the creative process and an engaging audience experience.

Members have noted that venue accessibility remains a barrier to participation both for creative workers and performers, and audiences at large. Many theatres in Victoria require accessibility upgrades without which many disabled artists are simply unable to work in the venues. This means that productions cannot employ individuals with mobility or sight issues. Some venues are entirely unable to safely provide a work around and many need minor to major works need to be undertaken.

MEAA calls on Creative Victoria and the State Government to audit all theatres in Victoria and implement a scheme to ensure they are made accessible and safe for disabled performers and crew.

On the sets of some of the biggest and most profitable productions, work is routinely governed by decision-makers who are remote and have no real understanding, training or incentive to establish physically and culturally safe workplaces.

When asked to rate current industry conditions, only 45% of members said that standards for health and safety were ‘somewhat good’. Worryingly, more than one in four respondents (28%) said health and safety was somewhat poor or very poor, which highlight the clear deficiencies in the industry when it comes to safety.

The screen industry is a ‘pop-up’ industry where performers, crew and technicians move from production to production. The average contract is between 3 and 6 months long. Workers are on the clock and face significant time pressures to deliver and Producers are often set with directives from production companies to work within tight budgets.

These pressures can create an unsafe culture on set that discourages the reporting of workplace incidents such as injuries and creates expectations that crew will cut corners and work in unsafe conditions in order to get the job done quickly and on budget.

Too often performers, technicians and crew are not given thorough safety inductions – sometimes these occur via email – and Safety Supervisors and onsite nurses are left with the burden of trying to ensure a safe working environment across large and complex worksites.

One example that illustrates the unsafe hours expected of performers, technicians and crew is from a recent international production starring a famous Hollywood action star. This production was lured to Victoria via Screen Victoria funding and is expected to generate tens

of millions of dollars to the state's economy and provide more than 500 employment opportunities. MEAA can cite numerous examples from this production and many others like it where long travel and work hours combined with short recovery hours (time at home to rest, recuperate and see their families etc.) have led to dangerous levels of fatigue and increased risk of accident.

The combination of long hours on set, engaging in complex and often dangerous work, with long travel time and short periods of rest and recovery creating a dangerous cocktail for fatigue and potential fatigue-related accidents. As one member told us:

“The hours of the film/tv industry are so challenging, with on set crew working/travelling at least 60 hours a week. While we get overtime paid, the exhaustion poses safety concerns. I personally cannot sustain working more than three months under these conditions at a time due to fatigue and I see the toll it takes on my colleagues. I want to see more part time opportunities or shorter shooting days/weeks paired with higher wages to make everyone's time more valuable.”

Like other industries where safety protocols must be held to a high standard – such as construction and engineering – the screen industry requires government regulation to ensure everyone who works on set can do so safely and can take necessary action when needed. MEAA's view is that the screen industry requires the implementation of a mandatory white card style induction scheme delivered by authorised registered training organisations (RTOs). The MEAA has a facilitatory role to play in ensuring that the training delivered reflects the unique needs of screen workers.

The community has an expectation that their taxpayer dollars should not be funding productions that undermine safety and puts lives at risk.

**Recommendation 7: The Victorian government audit and remediate theatre and live performance venues across Victoria to ensure they are made accessible and safe for all.**

**Recommendation 8: The Victorian government mandate guidelines for monitoring fatigue and reporting incidents of workplace injury on the set of screen productions.**

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## **Bullying, harassment and discrimination**

The creative industries are also facing significant problems when it comes to dealing with bullying, harassment and discrimination. This problem is well known across the industry and

is an invidious challenge for government, employers and workers alike. Several high-profile public cases over recent years, including those at Opera Australia<sup>15</sup> and Neighbours<sup>16</sup> in 2021, have served to bring this issue to the public's attention, but has not had sufficient impact to bring about long-lasting reform.

A University of Melbourne report into the screen industry commissioned by Screen Well<sup>17</sup> found that there is a significant need for cultural change. Seventy-four per cent of respondents to the report said that they had witnessed or experienced unacceptable behaviour in the workplace in the last twelve months and 63% of those who had reported unacceptable behaviour believed that their concerns had not been adequately addressed<sup>18</sup>.

The report identified four major influences affecting screen workplaces:

1. Standard work conditions. These are challenging at the very best of times.
2. Historical culture. The behaviours and cultural norms associated with 'the way things were'.
3. Socio-political influences. Increased awareness of what's acceptable and what's not.
4. Market forces and current industry challenges. A source of additional pressure and stress.

The main drivers for inaction and the persistence of behavioural problems, include:

- Power imbalances.
- Reputational risks.
- No resources to address problematic behaviours.
- Presumed inaction or incompetence by management.
- The transient nature of projects results in problematic behaviours being tolerated/ignored.

Industry reporting and MEAA's own research in the music industry found very similar influences and drivers of inappropriate workplace behaviour. The RMIT report '*Understanding Challenges to the Victorian Music Industry During COVID-19*'<sup>19</sup> commissioned by the Victorian government to measure the impact of the pandemic on the music industry, found that one of the most common reasons given for why people felt as though they were prevented from participating in music-related activities as much as they would have liked before the pandemic was that they had experienced some sort of discrimination (e.g. sexism, ableism, ageism, racism, homophobia).

MEAA's nation-wide survey of musician members from the end of 2023 reinforces these findings. Approximately two-thirds of respondents said that they had experienced some form of bullying or discrimination in the industry, and more than a half said that they had witnessed some form of bullying or discrimination occurring to another person<sup>20</sup>.

Government has a responsibility to ensure that creative workplaces are safe and welcoming environments for employees, whether they are performers, crew or front of house.

**Recommendation 12: Arts and entertainment organisations who are found to have persistent problems with bullying, harassment and discrimination should not be eligible for Victorian government support for a period of five years.**

## **Freedom of Expression and Political Communication**

Political commentary through artistic expression is a longstanding freedom in Australia, and many of the great works of music, opera and other artforms have been inspired by and refer to the political issues and current affairs of the day. Recently these freedoms in Victoria have been challenged in several high-profile cases at major cultural institutions.

MEAA believes that in a democratic society, government as an employer and as a funder should uphold these freedoms and ensure artists and creative workers are free from coercion and censorship in the conduct of their work.

The careers of creative workers should not be damaged or restricted because of opinions they have expressed through their art. Creative Victoria has a role to play in ensuring that arts organisations who receive government funding are informed of the rights of artists and creative workers to political commentary and freedom of expression.

**Recommendation 13: The Creative State Strategy acknowledge and support the right to political commentary and freedom of expression for artists and creative workers. That this be supported by Creative Victoria in the form of conducting education of arts organisations who receive state government funding.**

## **Technological Change and Artificial Intelligence**

Technological change, in particular, the emergence of generative Artificial Intelligence (GenAI) comes with significant potential risks for Australia's creative industries. MEAA's recent member survey showed that a majority of members (56%) are extremely concerned about the rise of AI, whereas only one in fifty members (2%) are not at all concerned about the rise of AI. The majority of members are also extremely concerned about the theft of intellectual or creative work associated with the emergence of AI (72%); potential loss of human-led creativity (66%); and potential AI-related job losses (59%).

If left unchecked, it is conceivable that the increased use of AI tools could lead to a loss of jobs and the degradation of conditions in the creative sector. This is because almost all work that requires the use of digital tools – including image generation, audio and music production, photography, video production the production of written work including scripts, musical scores and run sheets can (at least to some extent) be achieved by using generative AI tools. For example, ChatGPT can produce written content; Canva's Magic Media and Adobe's Firefly products can generate images and video content; Suno can generate musical compositions; and various AI tools can be used to generate synthetic performers. This means that the jobs of those working in the production of these kinds of digital content – including actors, musicians, set and costume designers, and voice artists – are under significant pressure.

The basis for the development of these tools is mass copyright theft. Creatives from Australia and around the globe have had their work scraped from a wide range of digitised sources and used to train AI. This has been done, for the most part, without the compensation or authorisation of those who have produced it. This process is undermining the commercial incentives which underwrite the production of art, film, music, and other creative works.

In this context, the Victorian Government can develop several key initiatives to help safeguard the creative sector from potential risks associated with GenAI. First, the Victorian Government could play an important role in increasing the tech literacy of creatives – in particular, in educating creatives about their rights around copyright and AI. Second, the Victorian Government can help to set norms across the creative sector about the appropriate scope for the use of AI. It is MEAA's view that AI should be used to enhance and support – rather than to replace – the work of creatives. Following from this principle, the Victorian Government should commit to never replace human creative work with AI-generated content in any government-funded activities. Instead, the Government should hold that art is primarily to be created by human creators, as a process of human creative expression.

**Recommendation 14: the Victorian Government run a state-wide campaign to educate creative workers about their rights in relation to AI.**

**Recommendation 15: the Victorian Government commit to never replace human creative work with AI-generated content.**

## References

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