

Actors Feature Film Agreement 2004-2009

[Actors Feature Film Award, 1979]

Summary Sheet

When budgeting please note contact the performer's agent. Rates set out here acquire Australian Theatrical Release and provide absolute minimum fees and conditions.

MINIMUM RATES OF PAY:

(a) Engaged by the week

Minimum rate per week				
Classification	From 1/1/2006	From 1/1/2007	From 1/1/2008	From 1/1/2009
(i) Performer Class 2	797.05	828.93	860.81	892.70
(ii) Performer Class 1	736.12	765.56	795.01	824.45
(iii) Double	577.85	600.96	624.07	647.19
(iv) Stand-In	577.85	600.96	624.07	647.19

(b) Engaged by the day

Minimum rate per day				
Classification	From 1/1/2006	From 1/1/2007	From 1/1/2008	From 1/1/2009
(i) Performer Class 2	223.18	232.10	241.03	249.96
(ii) Performer Class 1	206.11	214.36	222.60	230.84
(iii) Double	144.47	150.25	156.03	161.81
(iv) Stand-In	144.47	150.25	156.03	161.81
(v) Extra	147.63	153.53	159.44	165.34
(vi) Country Extra	117.85	122.57	127.28	132.00

(c) Engaged by the hour (with a minimum call of 4 hours)

Minimum rate per hour				
Classification	From 1/1/2006	From 1/1/2007	From 1/1/2008	From 1/1/2009
(i) Bit Player (not more than two lines)	30.91	32.15	33.39	34.62
(ii) Extra	22.14	23.03	23.91	24.80

CATEGORY LOADINGS:

Category A: means an Australian film (subject to customary right of approval) and an all Australian cast. The applicable rates of pay are those set out above.

Category B: means a Category A film but with one or more overseas artists.

Except in relation to extras and stand-ins, the applicable rates of pay are 25% more than the rates set out above, plus 12.5% for each additional imported artist after the first. In exceptional circumstances where casting is required for specific ethnicity reasons and after a comprehensive casting exercise in Australia, this loading may be waived.

Category C: "means a film in respect of which key creative decisions relating to the story line, casting, direction and other aspects of production and financial

decisions are shared by Australians and overseas managerial personnel or companies.”

Except in relation to extras and stand-ins and except as provided in the next paragraph, the applicable rates of pay are 75% more than the rates set out above, plus 12.5% for each additional imported artist after the first and up to and including five imported artists and thereafter the loading will be 5% for each additional overseas artist up to a maximum of ten imported artists;

A performer employed in a Category C film who speaks no more than two lines and in any case not more than 25 words shall be paid a Category C loading of 25% of that performer's basic negotiated rate for the film.

LOADINGS FOR RIGHTS:

Additional rights are available for purchase as follows:

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|-------|---|-----|
| (i) | <u>Australian Television Rights</u> | |
| | Not more than four (4) screenings over 5 years in any one television area | 20% |
| | OR | |
| | Five (5) screenings over seven years in any one television | 25% |
| (ii) | <u>World Television Rights</u> (excluding US Network). | 25% |
| (iii) | <u>World Theatrical Rights</u> | 25% |
| (iv) | <u>World Ancillary Rights</u> (as defined) | 20% |
| (v) | <u>Australian Ancillary Rights</u> | 20% |
| | 10% can be purchased up front with additional payments as gross returns reach certain levels. | |

RIGHTS NOT PURCHASED UP FRONT may be purchased subsequently at the same rate.

RESIDUALS:

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|----|-----------------------------------|--|
| 1. | U.S. Network (Fox, ABC, CBS, NBC) | 3.6% of gross licence fee divided between the performers. |
| 2. | Australian Free-To-Air television | After the rights acquired in the original contract have been exhausted, 15% of the gross licence fee divided between the performers. |
| 3. | All other uses | <p>1) Films with budgets under \$AUD 15 million not principally funded or distributed by a US Major or Mini-Major – 10% of Producers Net Profit divided between the cast.</p> <p>2) Films with budgets of in excess of \$AUD 15 million OR funded or distributed by a US Major or Mini-Major – to be negotiated between the Producer and the Alliance on a production by production basis.</p> |

CLASSIFICATION: Minimum rates for performers working in television programs and feature films are broken down to two levels which can be described as:

Performer Class 1 - entry level

Performer Class 2 - experienced performer

These classifications do not restrict the right of a performer to negotiate above-Agreement rates, and in no way take the place of a personal margin or "market rate". Once a performer achieves Class 2 status they cannot be offered worked at the Class 1 rate.

A full description of Performer Class 1 and Performer Class 2 are set out in the body of the Agreement (see clause 6 (t) and (v).

Experience Points Structure - Additional Points can be negotiated

Category	Type Of Production	Length Of Engagement	Points*
1	Serials (as per definition in Agreement)	13 weeks and under	2 points per week
		more than 13 weeks	1 point per week
2	Series (as per definition in Agreement) (also includes sit-coms and sketch comedies)	13 weeks and under	3 points per week
		More than 13 weeks	2 points per week
3	One-off productions: Film, Telemovie, Mini-Series, Docu-dramas, Dramatised corporate videos (more than 20 mins)		4 points per week
4	Theatre	13 weeks and under	3 points per week
		More than 13 weeks	2 points per week

* Weekly points are pro-rated for daily engagements (eg 2 days on a film = 1.6 points).

A significant number of performers have been "graded" by an industry grading committee (consisting of MEAA and SPAA representatives). A copy of the register is held at all MEAA branches. Where a performer has been graded, their status can be confirmed with the MEAA by telephone. If the performer has not been graded by the Committee and their professional biography does not support Class 2 standing the producer has the right to ask for supporting documentation in the form of a statutory declaration.

GENERAL CONDITIONS:

ACCOMMODATION ALLOWANCE: Where it is impossible for the employer to provide unshared modern accommodation, the following allowances are payable (see 13(d) of the Agreement):

	from 21 August 2006
Private home/shared motel standard	\$7.80 per day
Air-conditioned caravan/mining camp standard	\$15.70 per day
Camping/shearers quarters standard	\$31.20 per day

ANNUAL LEAVE: Paid in addition to all other negotiated monies - cannot be included in negotiated fee. Calculation:

- (i) Divide weekly composite rate by 40 (for divide daily by 8) to ascertain hourly rate.
- (ii) Multiply by total number of hours worked (or contracted, whichever is the greater). including overtime.
- (iii) One-twelfth is paid in lieu of Annual Leave Loading.

AUDITIONS - SCREEN TESTS: Minimum rates per hour (or part thereof) for audition or screen test (other than initial audition or screen test), calculated from time of artist's call or arrival whichever is the later.

From 1 January 2006	\$29.10
From 1 January 2007	\$30.26
From 1 January 2008	\$31.43
From 1 January 2009	\$32.59

BASIC NEGOTIATED RATE: is the Agreement weekly, daily or hourly rate above plus the performer's Personal Margin for Skill. The BNR is the basis for all non-performance work, ie, rehearsals, wardrobe calls, publicity appearances etc.

CANCELLATION & POSTPONEMENT: -

Cancellation:	COMPOSITE FEE in full	
Postponement:	7 days notice given	no payment
	Less than 7 days but more than 4	16 2/3% of BNR
	Less than 4 days but more than 2	25% of BNR
	Less than 48 hours	33 1/3% of BNR

POSTPONEMENT DUE TO WEATHER:- 50% of BNF if not required to attend workplace
75% if required to attend workplace

CHILDREN: (less than 16 years of age) are to be paid 50% of adult rate. Child employment legislation varies from state to state. The Film and Television Industry Safety Guidance Notes set out safe practices for working children.

COMPOSITE RATE: is the minimum weekly, daily or hourly rate comprising the BNR (or Agreement minimum plus personal margin) plus a loadings for rights.

CONTRACT: It is mandatory that the Feature Film Agreement Actors' Standard Contract be used. Copies are available from the MEAA.

DANGEROUS/HAZARDOUS PERFORMANCE: An artist cannot be required to perform any act of a hazardous or dangerous nature which involves any degree of risk, or to carry out any stunt unless referred to and detailed in the artist's executed contract. The artist can refuse to carry out any work not specified in the executed contract which could reasonably be construed as being a stunt, or dangerous, hazardous and of risk to life or limb or health. (Refer to the Film Industry Safety Code and Film and Television Industry Safety Guidance Notes)

DOUBLE: is an artist who takes the place of a performer but does not speak dialogue and is not photographed in a manner which enables recognition. A 'stunt double' or 'stunt performer' who takes the place of an artist for safety reasons or to perform or to engage in hazardous action qualifies as a performer.

EXTRA: is an artist who is part of a crowd scene and appears only incidentally or in backgrounds and does not speak dialogue individually or perform individually as directed and does not mime. The employer can, for the purpose of authenticity, invite members of the public in civilian dress to join in a scene - such person will not be regarded as an employee and is not covered by this Agreement.

FINISHING LATE/STARTING EARLY: In the event that work finishes after 7pm (8pm daylight saving) or starts before 7am the employer is obliged to either provide transport or reimburse the performer for taxi fares - for transport to and from work - see subclause 13 (k)(i). In the case of EXTRAS this provision only applies where the location is isolated or no reasonable public transport is available.

If regular public transport is not available within 10 minutes of artist's finishing or starting time, transport (or reimbursement of fares) must be provided. This applies irrespective of time of starting/finishing.

HOURS OF WORK: 40 hours per week, 8 hours per day

KILOMETRE ALLOWANCE:	Motor Car	\$0.83 per km
	Motor Cycle	\$0.40 per km

When calculating the kilometre allowance it is assumed that the artist travelled between the 'pick-up point' and the place of work and return. Kilometre allowance also applies for travel between locations (if no alternative transport is provided).

MEAL ALLOWANCE: from 21 Aug 2006	Breakfast	\$12.50
	Lunch	\$14.10
	Dinner	\$21.50
	Supper	\$14.10

OVERTIME: Ordinary hours: 40 hours per week or 8 hours per day. Time-and-a-half for first three hours, double-time thereafter. See Clause 11(c) and (d) for Saturday rates. Sunday - double time.

OVERTIME PURCHASED IN ADVANCE: The maximum overtime to be purchased in advance is 2 hours per day (or 10 hours per week). The Agreement states that overtime cannot be "averaged" i.e. additional overtime is payable after 2 hours on any day.

POST-SYNCH, WILD LINES AND RE-VOICING

- (i) Post-synchronising own voice (unless carried out during period of engagement): Hourly equivalent of composite rate with a minimum call of 2.5 hours.
- (ii) Re-voicing another actor's voice: See section 33 D(b)(iii) of agreement. Hourly rate equals 6.3% of performers weekly fee plus loadings residuals and annual leave. Minimum call: 2.5 hours

Classification	From 28/1/2006	From 1/1/2007	From 1/1/2008	From 1/1/2009
Performer Class 2	\$125.54	\$130.56	\$135.58	\$140.60
Performer Class 1	\$115.94	\$120.58	\$125.21	\$129.85

- (iii) **Re-voicing in English:** cannot be done unless the performer gives consent in writing (which is not to be unreasonably withheld). Producer has right to re-voice in a foreign language.
- (iv) **Wild lines** (dialogue) recorded on location, in studio premises or location hotel room on completion of day's shooting but not recorded to pictures are regarded as shooting time. Wild lines recorded during post production are paid at Performer rate with loading for rights.

STAND IN: An artist who replaces another artist for the purpose of rehearsal and/or technical set-ups such as lighting, camera angles, etc.

STUNT DOUBLE/STUNT PERFORMER: is an artist who takes the place of an artist for safety reasons or to perform or to engage in hazardous action qualifies as a performer. Minimum call: 8 hours.

SUPERANNUATION: As at 1 January 2006, in addition to all other monies, 10% of Total Fee to be paid in JUST Super.

TRAVEL: Where the place of work is outside a 32km radius of the GPO transport to be provided from the 'pick-up point' (place nominated by producer) to the place of work and return. Travelling time counts as time worked. The employer is obliged to notify the artist in advance of transport arrangements.

TRAVEL ON A NON-WORKING DAY: Minimum payment of 4 hours of the Artist's negotiated rate - see subclause 13(g) of the Agreement.

VOICE WORK in Animated/Special Effects Feature Films: Please refer to the recommended rates in Voice Over section of this Manual.

WARDROBE CLEANING ALLOWANCE: from 21 Aug 2006

Performer:	Formal wear or "character" Costume	\$42.80 per outfit per week
	Other wear	\$25.50 per outfit per week
Extra/double/stand-in:	Formal wear or "character" Costume.	\$42.80 per outfit per week

WARDROBE CALLS:

From 1 January 2007	\$30.26
From 1 January 2008	\$31.43
From 1 January 2009	\$32.59

WORKING BACK (working the fee back to establish Personal Margin)

Multiply weekly or daily contracted TOTAL FEE by relevant percentage to establish BNF (being the agreement minimum plus personal margin).

Rights Loading	110	110	110	115	115	115
# of foreign actors	0	1	2	0	1	2
Category B loading	0%	25%	37.50%	0%	25%	37.50%
Total loading	110%	135%	147.50%	115%	140%	152.50%
Daily						
8 hours	43.956	39.2799	37.296	42.9338	38.4615	36.5575
10 hours (2 hrs O.T.)	32.1932	28.7684	27.3154	31.4445	28.169	26.7745
Weekly						
40 hours	43.956	39.2799	37.296	42.9338	38.4615	36.5575
50 hours (10 hrs O.T.)	32.1932	28.7684	27.3154	31.4445	28.169	26.7745

EXAMPLES.**a)**

In October of 2007 a grade 2 performer is offered \$5,000.00 per week on an all-Australian feature (no imported actors or personnel). The performer is contracted for 50 hours a week, being 40 hours at ordinary time and 10 hours of contracted overtime. The producer is seeking 110% use rights

To find the Basic Negotiated Fee (BNF),

Multiply \$5,000.00 per week by 32.1932% = \$1609.66. Therefore,

Personal margin	=	BNF – minimum weekly rate
	=	\$1609.66 – \$828.93
	=	\$780.73

BNF	\$1,609.66 +
110% rights	<u>\$1,770.63</u>
COMPOSITE FEE	\$3,380.29
10 hours overtime	\$1,267.61 +
Annual leave	<u>\$352.11</u>
WEEKLY FEE	\$5,000.01

b)

In April of 2007 a grade 1 performer is offered \$1,200 for a 10 hour day in an Australian feature that has 2 imported artists. The producer is seeking use rights of 115%. The category B loading for two imported artists would be 37.5%, therefore the total loading to be applied is 152.5%

BNF = \$1,200.00 per day multiplied by 26.7745% = \$321.29. Therefore,

Personal margin	=	BNF – minimum daily rate
	=	\$321.29 – \$214.36
	=	\$106.93

BNF	\$321.29 +
152.5% rights & loading	<u>\$489.97</u>
COMPOSITE FEE	\$811.27
2 hours overtime	\$304.23 +
Annual leave	<u>\$84.51</u>
DAILY FEE	\$1200.00