

Actors Television Programs Agreement, 2004

[Actors Television Programs Award, 1973]

Summary Sheet

The Actors Television Programs Agreement, 2004 (ATPA) provides basic working conditions for performers engaged on commercial television programmes including drama series, comedy series, mini-series, pilots, single plays and serials.

ATPA is used in conjunction with the Australian Television Repeats and Residuals Agreement (ATRRRA) which provides the formula for repeat plays and overseas residuals (see ATRRA in this manual) and the ATRRA Standard Contract.

Commercials or other types of television programs are covered by the Actors Etc., (Television) Award, 1998.

When budgeting please note it is a good idea to contact the agent representing the performer. The rates set out herein provide for absolute minimum fees and conditions. Performers and their agents are able to negotiate upwards of the minimum fees.

MINIMUM RATES OF PAY: (see also Major Role Performer clause 4(ra) and 10 of ATPA)

A - PROGRAM OTHER THAN SERIAL DRAMA OR COMEDY

(a) Weekly

		Minimum Rate		
		From 5/4/2004	From 1/1/2005	From 1/1/2006
(i)	Performer Class 2	739.02	766.39	797.05
(ii)	Performer Class 1	682.53	707.81	736.12
(iii)	Bit Player	638.95	662.61	689.11
(iv)	Double	596.27	618.35	643.08

(b) Daily

		Minimum Rate		
		From 5/4/2004	From 1/1/2005	From 1/1/2006
(i)	Performer Class 2	177.37	183.94	191.29
(ii)	Performer Class 1	163.80	169.87	176.67
(iii)	Bit Player	153.35	159.03	165.39
(iv)	Double	143.11	148.41	154.34
(v)	Extra/ Stand-In	143.11	148.41	154.34

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

		Minimum Rate		
		From 5/4/2004	From 1/1/2005	From 1/1/2006
(i)	Bit Player	19.97	20.71	21.54
(ii)	Double	18.63	19.32	20.10
(iii)	Extra/Stand-In	18.63	19.32	20.10

B - SERIAL DRAMA OR SERIAL COMEDY**(1) FROM THE FIRST PAY PERIOD ON OR AFTER 5 APRIL 2004****(a) Engaged By The Week**

	Classification	No. of episodes in which work is performed in a week	Minimum Agreement Rate
(i)	Performer Class 2	1 or 2	739.02
		3	1062.34
		4	1385.67
		5	1708.99
(ii)	Performer Class 1	1 or 2	682.53
		3	981.13
		4	1279.73
		5	1578.33
(iii)	Bit Player	1 or 2	638.95
		3	918.49
		4	1198.03
		5	1477.57
(iv)	Double	1 or 2	596.27
		3	857.12
		4	1117.99
		5	1378.87

(b) Engaged by the Day

	Classification	Minimum Agreement Rate
(i)	Performer Class 2	177.37
(ii)	Performer Class 1	163.80
(iii)	Bit Player	153.35
(iv)	Double	143.11
(v)	Extra/ Stand-in	143.11

(c) Engaged By the Hour (with a minimum call of 4 hours)

		Minimum Agreement Rate
(i)	Bit Player	19.97
(ii)	Double	18.63
(iii)	Extra/Stand-in	18.63

(2) FROM THE FIRST PAY PERIOD ON OR AFTER 1 JANUARY 2005**(a) Engaged By The Week**

	Classification	No. of episodes in which work is performed in a week	Minimum Agreement Rate
(i)	Performer Class 2	1 or 2	766.39
		3	1101.69
		4	1436.99
		5	1772.29
(ii)	Performer Class 1	1 or 2	707.81
		3	1017.46
		4	1327.13
		5	1636.79
(iii)	Bit Player	1 or 2	662.61
		3	952.50
		4	1242.39
		5	1532.28
(iv)	Double	1 or 2	618.35
		3	888.86
		4	1159.40
		5	1429.94

(b) Engaged by the Day

	Classification	Minimum Agreement Rate
(i)	Performer Class 2	183.94
(ii)	Performer Class 1	169.87
(iii)	Bit Player	159.03
(iv)	Double	148.41
(v)	Extra/ Stand-in	148.41

(c) Engaged By the Hour (with a minimum call of 4 hours)

		Minimum Agreement Rate
(i)	Bit Player	20.71
(ii)	Double	19.32
(iii)	Extras/ stand ins	19.32

(3) FROM THE FIRST PAY PERIOD ON OR AFTER 1 JANUARY 2006**(a) Engaged By The Week**

	Classification	No. of episodes in which work is performed in a week	Minimum Agreement Rate
(i)	Performer Class 2	1 or 2	797.05
		3	1145.76
		4	1494.47
		5	1843.18
(ii)	Performer Class 1	1 or 2	736.12
		3	1058.17
		4	1380.22
		5	1702.27
(iii)	Bit Player	1 or 2	689.11
		3	990.60
		4	1292.09
		5	1593.58
(iv)	Double	1 or 2	643.08
		3	924.43
		4	1205.78
		5	1487.13

(b) Engaged by the Day

	Classification	Minimum Agreement Rate
(i)	Performer Class 2	191.29
(ii)	Performer Class 1	176.67
(iii)	Bit Player	165.39
(iv)	Double	154.34
(v)	Extra/ Stand-in	154.34

(c) Engaged By the Hour (with a minimum call of 4 hours)

		Minimum Agreement Rate
(i)	Bit Player	21.53
(ii)	Double	20.10
(iii)	Extras/ stand ins	20.10

GENERAL CONDITIONS:

ACCOMMODATION ALLOWANCE: (see 16(d) of ATPA) Where it is impossible for the employer to provide unshared modern accommodation, the following allowances are payable:

Private home/shared motel standard	\$7.25 per day
Air-conditioned caravan/mining camp standard	\$14.60 per day
Camping/Shearer's quarters standard	\$29.15 per day

ANIMATION: terms and conditions of ATPA and ATRRA apply. Please note that a separate animation section is to be discussed during the life of the agreement.

ANNUAL LEAVE: (see clause 18 of ATPA) 1/12th of total earnings in lieu of Annual Leave on all weekly, daily or hourly engagements.

ANNUAL LEAVE LOADING: (see clause 18 (f)(iii) of ATPA) 42 weeks continuous service in any one year provides a 17.5% leave loading based on the annual leave entitlement.

AUDITIONS - SCREEN TESTS: (see clause 37 of ATPA) 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 5 April 2004	\$26.98
From 1 January 2005	\$27.98
From 1 January 2006	\$29.10

CANCELLATION & POSTPONEMENT: (see clause 23 of ATPA)

Cancellation:	TOTAL FEE	in full
Postponement:	More than 7 days notice given	no payment
	Less than 7 days but 5 or more	16 2/3% of BNF
	Less than 5 days but 2 or more	33 1/3% of BNF
	Less than 48 hours but more than 24 hours	50% of BNF
	Less than 24 hours	75% of BNF

CHILDREN: (less than 16 years of age) are paid at 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.

CLASSIFICATION: (see clause 4 (y) of ATPA) ATPA provides for two levels of performer:
 Performer Class 1 - entry-level performer
 Performer Class 2 - experienced performer

Classifications do not restrict the right to negotiate above-Agreement rates, and in no way take the place of a personal margin or "market rate".

A full description of indicative tasks for Performer Class 1 and Performer Class 2 are set out in clause 4 (y) of ATPA.

Experienced Points Structure

Points are achieved on the basis of the length of the engagement and the area of the industry in which the engagement took place:

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

* Weekly points are pro rated for daily engagements (e.g. 2 days on a film = 1.6 points). An increase in points allocated to a job can be negotiated.

A register of performers graded as "experienced" 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 the producer has the right to ask for supporting documentation in the form of a statutory declaration - though the performers' professional biography may suffice. Once a performer has achieved Class 2 status they retain that classification for the duration of their career (i.e. you cannot offer a Class 2 performer work at the Class 1 rate).

CO-PRODUCTION LOADING: 90% - calculated on BNF. ATRRA contract is used for co-productions (with a different residual structure).

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: (see clause 16 of ATPA) 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 sub clause 16 (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: (see clause 11 of ATPA)

Serials: 1 or 2 episodes in a week 32 hours per week over 5 days

For performers engaged on a serial, there is a limit of one call per day of a minimum of 4 hours

One-offs and Serials 3 or more eps 40 hours per week

KILOMETRE ALLOWANCE: (see clause 16 of ATPA)

Motor Car	\$0.72 per km
Motor Cycle	\$0.35 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).

MAJOR ROLE: (see clause 4(ra) and clause 10 of ATPA) for programs other than serial drama or comedy and excluding children's programs, a major role is a role in which the performer either appears in no less than 30% of the episodes of one season of a television series other than a mini-series OR appears in no less than 15% of the scenes in any one episode (excluding scenes where no performers appear or no dialogue is spoken) OR has a minimum 30 pieces of dialogue in any one episode.

Major role performers, whether engaged by daily or weekly, will be guaranteed no less than 70% of the weekly minimum rate.

	Minimum rate for a Major Role		
	From 5/4/2004	From 1/1/2005	From 1/1/2006
Performer Class 2	1047.55	1086.35	1129.83
Performer Class 1	967.48	1003.33	1043.44

Please note rates above are inclusive of 102.5% repeats and residuals fees (in accordance with ATRRA). Overtime, annual leave and superannuation are to be paid in addition.

MEAL ALLOWANCE: (see clause 16 and 17 of ATPA)

Breakfast	\$11.55
Lunch	\$12.95
Dinner	\$19.85
Supper	\$12.95

MINIMUM CALL: (see clause 11 of ATPA) Minimum call for a performer including a stunt performer is 8 hours. Minimum call for a Bit Player, Double, Extra or Stand-In is 4 hours. For performers engaged on a serial, there is a limit of one call per day of a minimum of 4 hours

NO COMMERCIAL TIE-UPS: (see clause 38 of ATPA) An Artist's name or image shall not be used in commercial tie-ups without his/her written consent. At the time consent is sought, the Producer must specify in writing a description of the goods, the brand name, a description of the advertising including the number of ads, the media, length or size of ads and placement, dates and locations where the Artists will be required to attend, territories where the ad will be exploited, manner in which the Artist's name and/or image will be used and the length of time the ad will be used. The parties will negotiate appropriate remuneration to the Artist.

NUDITY: (see clause 43 of ATPA) The Producer may not direct the Artist to appear nude, semi-nude or in sex simulated scenes unless they have specified the program ,episode and scene requiring nudity, the extent of the nudity, the type of physical contact (if any) and the nature of the wardrobe have been specified in writing.

OPTIONS: (see clause 50 of ATPA) Artist's will only be able to grant an option or a series of options for a total period of three years. Each option must state a date by which it will be exercised or lapse, it must include the earliest and latest commencement dates, maximum and minimum duration of the engagement and the Artist's fee must increase by 5% every 12 months.

All options must be exercised in writing. Once exercised, the Producer must notify the Artist of the exact duration and the commencement date. Where an indicative date is given, the date may change up to 21 days earlier or later than the indicative date. (see clause 50 of ATPA)

OVERTIME: (see clause 12 of ATPA) Ordinary hours for Serials - 32 hrs per week, others - 40 hrs per week or 8 hrs per day. Time and a half for the first three hours, double time thereafter. Where an Artist has a day off between Monday and Friday, Saturday may be worked as part of ordinary hours provided that hours shall not exceed 8 (exclusive of meals) and is paid at time and a quarter. Where overtime is worked on a Saturday as a 6th or 7th day, it shall be paid at time and a half for the first three hours and double time thereafter. Where overtime is worked on a Saturday (5th day) following the working of ordinary hours, it shall be paid at time and three quarters for the first three hours and double time thereafter. Sunday is paid at double time.

OVERTIME PURCHASED IN ADVANCE: (see clause 12 of ATPA) The maximum overtime to be purchased in advance is 2 hours per day (or 10 hours per week). Overtime cannot be "averaged" i.e. additional overtime is payable after 2 hours on any day.

POST-SYNCHRONISING ANOTHER ACTOR'S VOICE: (see 10E of ATPA)

Classification	Minimum payment for 2.5 hour call		
	From 5/4/2004	From 1/1/2005	From 1/1/2006
Performer Class 2	112.24	116.40	121.05
Performer Class 1	103.66	107.50	111.80

Please note rates above are inclusive of 102.5% repeats and residuals fees (in accordance with ATRRA). Annual leave and superannuation are to be paid in addition.

SMOKING: (see clause 49 of ATPA) The Producer may not direct the Artist to smoke unless they have specified the episode and scene where the smoking is required and the extent of the smoking involved in writing either in the Artist's contract or separate written consent.

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: 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: (see clause 40 of ATPA) 9% (10% from 1 January 2006) of Total Fee (capped at a total fee of \$200,000 per year from any one producer) to be paid to JUST Super (to be increased in accordance with increases under the SGL).

TRAVEL: (see clause 16 of ATPA) Where the place of work is outside a 20km 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: (see clause 16 of ATPA) Minimum payment of 4 hours of the Artist's Agreement Rate. However, it is common for it to be agreed for the fee to be paid from the Artist's BNF.

WARDROBE CALLS: (see clause 30 of ATPA)

from 5 April 2004	\$26.98 per hour
1 January 2005	\$27.98 per hour
1 January 2006	\$29.10 per hour

WARDROBE CLEANING ALLOWANCE: (see clause 30 of ATPA)

Formal wear or "character" costume	\$39.60 per outfit per week
Other wear	\$23.70 per outfit per week

WEATHER: (see clause 23 of ATPA)

Booked, but does not attend:	50% of BNF
If attended the place of work:	75% of BNF
If call has commenced (or more than 20k from GPO travelled)	100% of BNF

WORKING BACK: (breaking the fee back to establish personal margin)

Multiply the weekly or daily negotiated fee by the relevant percentage to establish BNF (being ATPA minimum plus Personal Margin).

PERFORMER CLASS 1**Rights Purchased:**

		102.5%
<u>Daily</u>	8 hours	49.3864
	10 hours	41.6700
<u>Weekly</u>	40 hours	49.3833
	50 hours	41.6683

PERFORMER CLASS 2**Rights Purchased:**

		102.5%
<u>Daily</u>	8 hours	49.3852
	10 hours	41.6684
<u>Weekly</u>	40 hours	49.3833
	50 hours	41.6690