



Protecting and Promoting Writers' Rights – on Screen, on Stage, on Air

Theatre Industry Agreement 2016

- Head agreement + a Commissioning Agreement (Schedule A) and a Licensing Agreement (Schedule B)
- Renegotiation progress has stalled due to Covid-19. Both the AWG and the Confederation of Australian State Theatres (CAST) have expressed interest to commence negotiations.
- The current signatories of the TIA are the Bell Shakespeare Company, Belvoir, Black Swan, Malthouse Theatre, Melbourne Theatre Company, Queensland Theatre Company, State Theatre Company South Australia, Sydney Theatre Company

Theatre Industry Agreement 2016

- Commissioning fee: \$15,900 standard-length play or \$10,900 for short play (less than 1-hour) or educational works
- Generally, 10% of gross box office receipts
- TIA doesn't cover amateur performances: we recommend an advance and royalty of \$175 per performance *or* 10% of gross
- 12-month license after world premiere

Theatre Industry Agreement 2016

- No alterations to text – clause 10 of the TIA
- Author's right of approval – clause 11 of TIA
- Author's attendance at rehearsals and workshops – clause 12 of TIA



Theatre Industry Agreement 2016

Theatre companies have claimed that they are entitled to 5% of the writer's fee if the play gets sold to a screen producer, under clause 19.1.

The definition of "Recorded Media Version" is intended only to include recorded versions of straight performances of the play.

Credit

9.1 The Author's name shall be billed in all paid advertising of the play and on all printed program and posters and in all other publicity arranged by the Producer, including directory advertising, and shall not be given less size and prominence than that given to the director unless agreed to by the Author.

Advances

State-wide license:

- 300+ seat theatre: \$5,000
- 200+ seats: \$2,500
- Less than 200 seats: \$1,000

Australia-wide rights should be **double** the applicable State rate.

Pre-Covid, larger theatres (i.e. state theatres) offered between \$5,000 - \$10,000 for one-year licenses / Australia wide rights

Note: Not included in TIA 2016. Advances to be negotiated.

Dramaturgy

- We recommend that it is the same as the **director's fee at a minimum** but the fee should also increase **significantly** depending on the playwright's experience, the company, and the production.
- Experienced playwrights can negotiate a fee of around \$500 per session (for a 5-hour session). Where a dramaturg is commissioned on a weekly basis, \$1,500 - \$2,500 is appropriate depending again on the type of production and its budget (e.g. a commercial musical would be on the higher end of that fee range).

COVID-19 streaming guidelines

- Intended to apply **only** to the streaming of recorded versions of plays while the health restrictions due to COVID-19 are in place. They are not intended to cover streaming and online use of plays outside this period.
- Covered by a new contract
- You should expect payment = 10% of gross / weekly fee / flat fee
- Limited license – 6 months
- **Specific rights** granted under the license

COVID-19 streaming guidelines

- Credits in all paid advertising and publicity as follows

[PLAY TITLE]

By

[AUTHOR]

COVID-19 streaming guidelines

Key considerations:

- Make sure the rights are not **encumbered**
- Ask whether the recordings will be protected from piracy
- What is the quality of the recording?

Donated tickets?

If the company is asking for the price of a ticket to be donated to the company, are you receiving a share?

There is an argument that where the ticket-holders are donating their tickets to your cancelled play, then you are entitled to a share of those donations.

Contact us at industrial@awg.com.au



JobKeeper petition

- **Petition EN1609** - Support for Australian Arts and Entertainment Workers now
- Deadline: **8 July**