



# **CLOSING LOOPHOLES REVIEW**

Media, Entertainment & Arts Alliance

March 2026

## **ABOUT MEAA**

The Media, Entertainment & Arts Alliance (**MEAA**) is the largest and most established union and industry advocate for workers in the creative and media industries, with a history going back more than 110 years. Our members include people working in television, radio, theatre, film, entertainment venues, sporting stadia, journalists, actors, dancers, cartoonists, photographers, musicians, orchestral and opera performers as well as people working in public relations, advertising, book publishing and website production – in fact, everyone who works in the industries that inform or entertain.

## **ACKNOWLEDGEMENT OF COUNTRY**

MEAA acknowledges the traditional custodians and cultures of the lands and seas on which we live and work. We pay our respects to all First Nations Peoples, Elders and Ancestors. We acknowledge that sovereignty was never ceded and stand in solidarity towards a shared future.

## **Introduction**

MEAA welcomes the opportunity to provide a submission to this review.

MEAA endorses the submission of the Australian Council of Trade Unions (**ACTU**) and makes the following supplementary remarks.

MEAA supported the key reforms contained in the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* and the *Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024* (collectively the **Closing Loopholes Acts**), including introducing a new employee pathway for eligible casual employees to attain permanent employment, “same job same pay”, and minimum standard setting powers for the Fair Work Commission (**FWC**) regarding “employee-like” workers.

MEAA contends that there are a number of provisions introduced by the Closing Loopholes Acts that – if recommendations made by the ACTU in its submissions were accepted – would operate more effectively.

One matter in particular – provisions concerning minimum standards for “employee-like” workers – is an area which should be not only improved (as discussed in the ACTU’s submissions), but extended.

### **“Employee like” workers**

The Closing Loopholes Acts introduced a very welcome acknowledgment of (some) independent contractors.

However, this scope is limited to workers who are engaged via a digital platform – e.g. uber and Deliveroo type arrangements.

MEAA’s view is that this limitation is unfair and inconsistent with the Federal Government’s endeavours to ensure workers not classified as employees do not see their rights “fall off a cliff”.

This limitation sees non-digital platform workers – particularly those in the creative and media industries - suffer exactly this fate.

MEAA’s membership includes people working as journalists, actors, dancers, cartoonists, photographers, designers, technicians and musicians - these creative and media industry workers include some of the economy’s original gig workers, and are some of the most precariously engaged and financially insecure workers in the Australian economy.

We contend that the application of minimum standards for “employee like” workers should extend to “employee-like” workers in the creative and media industries regardless of whether they are engaged by or through a digital platform.

## **Conditions of independent contractors in the creative and media industries**

A 2023 study commissioned by Creative Australia found that artists' average total income (from all sources) was \$54,500, a level which is about 26% below the workforce average.<sup>1</sup> That study revealed that three quarters of artists work on a self-employed or freelance basis in their creative work.

Artists relevantly included writers, actors, directors, dancers, musicians and singers for the purposes of this study.

According to a 2025 MEAA survey, nearly half of Australian musicians earn less than \$15,000 annually from music, with 31% earning under \$6,900.<sup>2</sup> Despite MEAA's campaign for a \$250 minimum fee per gig, 44% of musicians still report earning less than this amount.

Journalists fare little better. According to 2022 MEAA report<sup>3</sup>, 64% of Australian freelance journalists earn less than \$60,000 annually, with 30% earning under \$10,000. The survey highlights significant income precarity, with only 11% earning over \$80,000 and 40% asked to work for free.

Performers, musicians, journalists, dancers and other creative workers are the face of Australia's insecure work crisis. They are expected to get by on extraordinarily low incomes, inconsistent and often unpaid work and rarely receive superannuation. The majority of these workers need to work multiple jobs and cannot pursue their creative careers without making significant sacrifices.

## **Attempts to set minimum standards**

MEAA has over several years developed a number of arrangements through its organising and campaigning in an attempt to create minimum rates of pay, and in some cases other basic terms and conditions of employment, for parts of the creative and media industries. Where this has occurred, it has been – at least in part - achieved with the support of industry bodies, major employers and/or government.

For example, MEAA launched the MEAA Freelance Charter of Rights in 2022 which seeks to establish a number of principles around freelance journalists' minimum conditions, including fair compensation, timely payments and compensation for commissioned work not published.

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<sup>1</sup> David Throsby and Katya Petetskaya (2024) *Artists as Workers: An Economic Study of Professional Artists in Australia*, Creative Australia

<sup>2</sup> MEAA (2025) *Musicians Australia 2025 Survey Report*, <https://www.meaa.org/download/musicians-202425-survey-repor44>

<sup>3</sup> MEAA (2022) *The state of freelance journalism in Australia*, <https://freelancers.org.au/wp-content/uploads/2021/11/Freelance-campaign-document.pdf>

A number of employers have agreed to apply some or all of the conditions contained in the Charter to freelance journalists, include Nine Publishing, Private Media and The Conversation.

MEAA's established Voiceover Industry Rate Card has historically provided – by way of a guide rather than an enforceable formal instrument - accepted industry minima for the engagement of voiceover artists in Australia. The rates and conditions have been developed over years in consultations with Australian voice over artists, and industry stakeholders, including the Advertising Council of Australia.

In relation to musicians, MEAA has campaigned to set a \$250 benchmark fee for live musicians per gig in relation to publicly funded events to combat rampant exploitation in the industry. The \$250 Musicians Australia Minimum Fee is based on the related “3 hour call” as set out in the *Live Performance Award*, which requires that musicians are paid between \$150-200 for a 3 hour call, and an additional \$50-100 in allowances (e.g. set up time, meals, supply of instruments, and travel).

MEAA has secured commitments from every state and territory government (with the exception of the Northern Territory), and the Federal Government (via its Revive Live policy) to recommend this payment be applied as part of those governments' procurement policies.

### **Inadequacy of current arrangements**

Despite the significant efforts to create a “floor” for Australia's creative and media workers, the above arrangements, such as they exist, have their limitations in ensuring these vulnerable groups of workers are provided with minimum rates of pay and conditions. This is the case for three main reasons:

1. Lack of enforceability – there is no formal mechanism – either at the FWC or through some other regulatory model, to compel compliance;
2. Minima do not cover the field – while arrangements have been struck in different parts of MEAA's industries, they are isolated in their operation and some organisations who would otherwise be subject to these arrangements either refuse to comply, or are unaware of their existence; and
3. Anti competition – as independent contractors, MEAA members face the very real risk of breaching the *Competition and Consumer Act 2010* when efforts are made to regulate their minimum terms and conditions. While an exemption can be sought from ACCC to avoid this, in our experience – particularly in relation to the media industry – where an exemption has been granted, employers simply refuse to engage in further discussions (which they are in any case not compelled to do), preferring to deal with independent contractors “individually”.

## **Proposal to address this inadequacy**

For these reasons we believe it is essential that the scope of the “employee-like” provisions be expanded.

MEAA supports the ACTU position that relevant provisions in Chapter 3A of the *Fair Work Act* (protecting employee-like workers on digital labour platforms) insofar as minimum standards orders are concerned, extend to a number of particularly vulnerable and insecurely engaged independent contractors, including creative and media workers.

MEAA is seeking to provide these independent contractors with an avenue to be covered by legally enforceable minimum pay rates and conditions.

We refer to the ACTU’s submission providing further details about this proposal.

MEAA submits that the majority of its independent contractor members working in the creative and media industries would fit the definition of “employee-like” worker as they are parties to services contracts and perform work where they are likely to share two or more of the following characteristics – low bargaining power, low authority over work performance; and remuneration at or below a comparable employee.

## **Conclusion**

MEAA points to the current deficiencies in the operation of the Closing Loopholes Acts amendments identified by the ACTU and supports the ACTU’s proposals.

In particular, we refer to the low pay and bargaining power of independent contractors in the creative and media industries and seek consideration of the ACTU’s proposal to extend the minimum standards order framework to workers in those industries.