Modern Award Review – Arts and Culture Sector (AM2023-21)

The following is intended to supplement the ACTU, MEAA and PA Submission published on 5 December 2023 in response to the FWC Arts and Culture Discussion Paper.

2.   The ACTU, MEAA and Professionals Australia (PA) submission refers to various roles working in video game development that are not covered by a modern award but which in our view should be. [1] These roles are:

- Designers
- Artists
- Animators
- Writers
- Audio workers
- Producers

3.   Following further discussion about these roles at the conference convened by DP Millhouse on 23 January 2024, it was agreed that PA would provide further information about these video development game roles.

4.   Attachment 1 to this submission sets out a preliminary description of these roles. This is not intended to be a comprehensive description of the roles but rather an indicative description for how they operate in the video game development sector.

5.   These roles are not the only roles which work in the video game development sector which in our view comes within the IT industry. There are also very specific IT roles in video game development which will necessarily engage IT professionals including engineers who will be covered by the Professional Employees Award. During the conference it was submitted that coverage under the Professional Employees Award 2020 is quite limited for IT roles in the video game development sector. This is due to the requirement that the coverage is limited to where a person to perform the duties of a position is required to hold a university degree with a science or information technology major or otherwise has

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[1] ACTU, MEAA and PA Submission in response to the FWC Arts and Culture Discussion Paper, Q6 at p.5

'sufficient qualifications and experience to be a Certified Professional of the Australian Computer Society'[2].

Sector and employment arrangements

6.   Further information was also sought about the sector and the employment arrangements which apply. The video game development sector has emerged in recent years in Australia and is less developed than the sectors in the United States, Europe and Asia. In Australia, the sector is comprised of mainly small (less than 10 staff) to mid-size companies (under 100 staff). After an expansion over the period of Covid-19 (2020-2022), recent years 2023 and 2024 have seen significant job losses in the sector as investors have shifted to other areas of investment.

7.   There are no enterprise agreements in the sector.

8.   Attachment 2 to this submission is a copy of a survey conducted by the Game Workers Union (GWU) in 2019. [3] This survey was distributed via an electronic link through social media accounts on Facebook and the formerly known Twitter as well via the GWU newsletter. Participants were encouraged to distribute the survey to others. It is expected that GWU members are over-represented in the sample compared to the sector overall.

9.   The survey responses differentiate between those which are clearly one employment type compared to another and those which are not so clear what employment type – refer to the section titled 'Employment Situation'. Four main categories appear – direct employment, contractor, freelancer and hobbyist.

10.   The union's organisers in this sector report that contractor arrangements are more predominant in some disciplines than others. For example, audio engineers are often engaged on a contractor basis for projects. However, all disciplines within the video game development sector are found in contractor arrangements including those involved in more typical IT and engineering roles such as software development, systems planning and

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[2] Refer to the definitions of Graduate Information Technology employee, Experienced Information Technology Employee and Professional Information Technology Employee in clause 2.3 of the Professional Employees Award 2020 [MA000065]
[3] There is an agreement between the Game Workers Union and Professionals Australia to work together

implementation and prototype bespoke code, developing and modifying games engines and submitting and reviewing code.

Existing Award coverage

Graphic Arts, Printing and Publishing Award 2020 (Graphic Arts Award)

11.   It has been proposed that the Graphic Arts Award applies to designers in the video game development sector.

12.   The clause which arguably might bring designers within the coverage of this Graphic Arts Award is clause 4.2(m):

> *Creation of designs, concepts or layouts used or intended to be used in the advertising or marketing of commodities or service or for other uses in or in connection with the industry of commercial and industrial art, the execution of finished art, that is, the preparation of individual components of finished art (including illustrations, borders, retouching of photographs, photographic reproportioning and lettering by hand or transfer) and the final assembly of these components (including the paste up of reproduction type, profiling illustrations, key line drawings, etc);*

13.   This union's view is that:

- the first part of this clause does not apply to designers because video game development does not come within the industry of 'commercial art' when understood as related to marketing and advertising;
- the second part which refers to 'finished art' does not reflect the range of work which designers undertake as set out in Attachment 1. See under typical tasks for example, developing prototypes for games, concepts and ideas on paper (including digital formats) and/ or in the game engine & writing and maintaining concept and development documentation accurately.

14.   However, the Graphic Arts Award does appear that it may apply to work undertaken by artists working primarily in the marketing and advertising of video games.

Broadcasting, Recorded Entertainment and Cinemas Award 2020 (Broadcasting Award)

15.   It has been proposed that the roles of Artists, Animators, Audio Workers, Designers, Producers and Writers come within the Broadcasting Award.

16.   The Broadcasting Award does not specifically refer to video game development and it is not agreed that the Broadcasting Award as it stands applies to the roles outlined in Attachment 1.

17.   It is generally recognized that video game development is similar in many respects to film/movie production. However, Part G which applies to Motion Picture Production does not as it stands apply to the roles set out in some detail in Attachment 1.

Professional Employees Award 2020

18. This Award applies to many roles within the video game development sector but it does not extend to those which have been the subject of this submission as outlined in para 5. Above.

The Association of Professional Engineers, Scientists and Managers, Australia

(Professionals Australia)

30 January 2024

Artists, including animators

An artists will create visual components in video game development. This may also include real time development such as simulation.

In larger studios there is likely to be a greater range of artists who work at different levels reflecting their skills, experience and responsibilities:

Associate/junior artists
Artists
Senior Artist
Principal Artists
Lead Artists
Art Director

Categories of artist

Animator
3D model makers (environment and characters model makers do very different work)
Materials and shaders artists
2D artists
User interface artist
Illustrators
Concept artists
VFX and technical artists
Marketing artists

Typical Tasks /Responsibilities

Creating visual assets for video game and related media

Communicating with other disciplines within game development and developing a working understanding of these disciplines.

Liaising with stakeholders to develop the visuals of the game (this can include marketing).

Defining the visual aesthetic of a project (or aspect of)

Managing optimization: managing art & technical specifications

Quality assurance aspects to ensure the quality and style of art matches project specifications

Ensuring IP requirements are met including licensing

Managing budgets and people management requirements

Timelines: ensuring internal and external deadlines are managed and reported on.

Development of research and development documents

Development of Style guides

Mentoring & development of less experienced artists

Typical Skills

Visual arts and creating skills in the relevant disciplines.
High level bespoke computer software skills- relevant to art discipline
High level visual arts literacy skills
High level documentation and reporting skills
Communication skills
Managing priorities and timelines (senior and above)
Understanding of game file preparation

Training / studies

Some form of tertiary study generally required usually Adv diploma or Degree.
Equivalent experience is accepted by employers.

Note NAVA and Illustrators Australia do not provide support/assistance to Game developers

Audio workers

An audio worker will create sound assets, including music in video game development

In larger studios there is likely to be a greater range of audio workers who work at different levels reflecting their skills, experience and responsibilities:

Associate or junior audio

Audio worker

Composer

Specialist audio

Senior audio

Director Audio

Categories of audio workers

Sound engineer

Sound production

Composer

Sound designer

Typical tasks /responsibilities

Script and design sound for the game

Compose music and the soundscape of the game/ aspects of the game

Write music on files and, with game engine experience, install within the game

Managing sound/music & technical specifications

Timelines: ensuring internal and external deadlines are managed and reported on.

Development of Research and development documents

Development of Style guides

Mentoring & developing junior audio workers

Communicating with other disciplines within game development & developing a working knowledge of these disciplines.

Liaising with stakeholders to develop the audio of the game

Typical skills

Music composition
Music and sound creating skills
Sound production and engineering
Knowledge of software

Prerequisite study/ training

Music qualifications
Sound engineering and production

Designers

A designer is responsible for creating the concept & development of game mechanics, systems, levels and general functionality.

In larger studios there is likely to a higher level of specialization among workers and levels reflecting their skills, experience and responsibilities:

Designer
Specialised Designer

Lead Designer
Design Director

Typical Tasks /Responsibilities

Developing prototypes for games, concepts and ideas on paper (including digital formats) and/ or in the game engine.

Writing and maintaining concept and development documentation accurately.

Ensuring development/production milestones are met and recorded.

Meeting with producers and other departments to ensure that the game is developing in accordance with established timeframes.

Providing progress updates to external stakeholders

Delivering completed designs on time

Typical Skills

Creative thinking
Creative problem solving
Ability to document in accordance with conventions
Game engine expertise – how to navigate and get things done
Understanding of coding principals
Communication skills

Producer

A game Producer performs a function similar to that of a project manager and project scheduler. The producer liaises with the various stakeholders in a development environment to ensure that the game is progressing according to quality and timeline and budgetary considerations.

Associate or Assistant Producer
Producer
Lead/senior producer
Executive Producer

Typical tasks/responsibilities

Recording development milestones, issues, and agreed timelines and reporting those using game development systems (e.g. Trello or Jira).

Facilitating regular report-back meetings

Creating and maintaining documentation for the project

Creating and maintaining the project schedule (Gant chart or equivalent)

Identify project requirements and risks in relation to resourcing.

Develop and present strategies to mitigate risks to the project

Scope management: ensuring that the scope of various aspects of the project fit overall project goals, budget, dependencies (scheduling) and timelines.

Additional responsibilities for more senior roles

Development of production skills across the project team (production mindset)
Development and mentoring of less senior/experienced producers.

Managing budgets

N.B. Executive or Managing Producers are more likely to be analysing data metrics & budgetary controls with a focus on business development &/0r profitability

Typical Skills

High level verbal communication and negotiation skills
Documentation of game project goals, timelines, budgets and quality metrics.
High level in-depth and technical reporting skills
Ability to set, design and maintain development processes across the team
Strong risk management skills, identify and manage risks as they emerge.
Prioritising tasks and work in a complex development environment
Development of production skills across the project team (production mindset)
Development and mentoring of less senior/experienced producers.
Budget management

Prerequisite training/education

Degree not a hard and fast requirement, but significant experience in games or related field.
Project management accreditation and degree are highly favoured,
Quality Assurance has similar skillsets to some aspects of production

Writers

A worker who creates written components in video game development

In larger studios there is likely to be a greater range of writers who work at different levels reflecting their skills, experience and responsibilities:

Associate or junior writer
Writer
Senior Writer
Principal writer
Lead writer
Director Narrative

Categories of writer

Technical writer (instructions and documentation)
Narrative writer – dialogue, codex entries, law dumps, internal bibliographies
Screen writer
Marketing writer (copywriter)
Continuity writers
Editors

Typical Tasks/Responsibilities

Creating written assets for video game and related media relevant to discipline

Defining the visual aesthetic of a project

Managing art & technical specifications

Creation of Game matrix (history, mechanics, research trees etc)

Narrative design, delivery messaging.

Design, manage Bark list: iterative list created with audio, designers etc

Management/editing of background game matrix (history, mechanics, research trees)

Timelines: ensuring internal and external deadlines are managed and reported on.

Development of Research and development documents (with artists)

Development of Style guides (with designers or programmers).

Mentoring & developing junior writers
Communicating with other disciplines within game development and developing a working understanding of these disciplines.

Liaising with stakeholders to develop the visuals of the game (including marketing)

Typical Skills

Writing and creating skills in the relevant disciplines.

High level bespoke computer software skills- relevant to discipline

High level literacy &writing skills – relevant to sub-category

- Fast iteration in response to feedback
- Ability to work in multiple genres and skills
- High level documentation and reporting skills
- Feedback communication and iterative skills
- Managing priorities and timelines (senior and above)

Prerequisite training /education

Quality of writing may negate the need for any tertiary quals.

Some form of tertiary study is generally favourably looked upon. This becomes increasingly important as one progresses.

Relevant experience

GAME WORKERS UNITE AUSTRALIA

GAME DEVELOPERS SURVEY 2018 - 2019
RELEASE 2.0 (OCTOBER 2019)

Overall
- 258 valid responses
- Responses were self-selected
- Editing has been done where necessary to create valid number ranges for calculations

Disciplines:
- Design: 133
- Programming: 130
- Art: 99
- Production: 64
- Writing: 61
- Quality Assurance: 40
- Community Management: 32
- Office Support: 28
- Audio: 29
- Localisation: 10

Do you hold a formal qualification in this field?
- Yes: 202 (78%)
- No: 56 (22%)

What issues are most important to you?
- Income: 194
- Job security: 186
- Professional development: 129
- Conditions: 122
- Contract negotiation: 86
- Bullying and harassment: 69
- Health and safety: 52

Age:
- Under 18: 2 (0.5%)
- 18-29: 137 (53%)
- 30-39: 95 (37%)
- 40-49: 23 (9%)
- 50-59: 1 (0.5)

Gender
- Male: 152
- Female: 46
- No response: 44
- Non-binary: 8
- Agender: 4
- Melbourne: 1
- Neutral: 1

- Other: 1
- Trans Girl: 1

Location:
- Victoria: 125 (48%)
- NSW: 48 (19%)
- Queensland: 34 (13%)
- South Australia: 22 (9%)
- Western Australia: 15 (6%)
- ACT: 8 (3%)
- Tasmania: 6 (2%)

Work in office or remote?
- In office: 124
- Mixture of both: 69
- Remotely: 65

Employment situation:

Clean cut answers:
- Contractor (Majority of income from one source, but not directly employed): 28 (11%)
- Direct salaried employment (full time/part time/casual): 129 (50%)
- Freelancer (work for hire, no long-term contracts) 33 (13%)
- Hobbyist (Majority of income from non-games work): 32 (12%)

Self-written answers (37 total, 14%):
- "Based on funding": 1
- "Casual at a studio + freelance": 1
- "Contractor and Employer": 1
- "Contractor plus studio runner as described earlier": 1
- "Contractor, and freelancer, it changes all of time": 1
- "Developing a game using a college grant": 1
- "Full time employed & Business Owner (6 staff)": 1
- "Full time in education, freelancer in games": 1
- "Games: Self-employed, Other work: Part-time-employed": 1
- "Hobbyist transitioning into full time self-employed/freelance.": 1
- "I am partly employed by a [redacted], and partly Director of my own games-related company, gradually transitioning towards full-time company director.": 1
- "I think so far as the brackets descriptions go, I fit into "Hobbyist". But I'm a full time student who has been spending all their other hours working developing games and we have released two commercial titles.": 1
- "I work full time as a [redacted] and run a games company on the side": 1
- "Indie developer": 1
- "Looking for work": 1
- "My company does contact work for studios, working on multiple long-term projects.": 1
- "None": 1
- "Not sure": 4
- "Part time salaried in field relevant to my education, but not in games": 1
- "Previously salaried, currently between roles.": 1
- "Self-employed (or variant)": 4

- "self-publishing solo developer": 1
- "Sole trader employing programmer and artist on contract basis": 1.
- "Solo indie dev": 1
- "Startup / sweat equity": 1
- "Student": 5
- "Unemployed": 1

Hours per week worked in games:
Some answers required editing to manually create averages because people entered ranges instead of numbers.

Contractor:	Direct employment
Min: 12	Min: 5
Max: 70	Max: 72
Average: 37.6	Average: 38
Freelancer	Hobbyist:
Min: 0	Min: 3
Max: 75	Max: 50
Average: 26	Average: 17.9

Annual income from games work:

Contractor:	Direct employment
$0 - $10,000: 1	$0 - $10,000: 3
$10,000 - $20,000: 2	$10,000 - $20,000: 1
$20,000 - $30,000: 3	$20,000 - $30,000: 2
$30,000 - $40,000: 2	$30,000 - $40,000: 8
$40,000 - $50,000: 7	$40,000 - $50,000: 21
$50,000 - $60,000: 4	$50,000 - $60,000: 11
$60,000 - $70,000: 2	$60,000 - $70,000: 26
$70,000 - $80,000: 1	$70,000 - $80,000: 19
$80,000 - $90,000: 2	$80,000 - $90,000: 10
$90,000 - $100,000: 1	$90,000 - $100,000: 9
$100,000+: 2	$100,000+: 17
Unusable: 1	Unusable: 2
	Note: Amounts in red are below the minimum Award.

Further breakdown:
Respondents who are **directly employed** AND working at least **37 hours per week**:
$0 - $10,000: 0
$10,000 - $20,000: 0
$20,000 - $30,000: 1 (1%)
$30,000 - $40,000: 4 (4%)
$40,000 - $50,000: 16 (15%)
$50,000 - $60,000: 11 (10%)
$60,000 - $70,000: 25 (23%)
$70,000 - $80,000: 19 (17%)
$80,000 - $90,000: 8 (7%)

	$90,000 - $100,000: 9 (8%) $100,000+: 17 (15%) Total: 110 **Below Award: 21 (19%)**
Freelancer $0 - $10,000: 13 $10,000 - $20,000: 6 $20,000 - $30,000: 3 $30,000 - $40,000: 4 $40,000 - $50,000: 2 $50,000 - $60,000: 1 $60,000 - $70,000: 2 $70,000 - $80,000: 0 $80,000 - $90,000: 1 $90,000 - $100,000: 0 $100,000+: 0 Unusable: 1	Hobbyist: $0 - $10,000: 31 $10,000 - $20,000: 0 $20,000 - $30,000: 1 $30,000 - $40,000: 0 $40,000 - $50,000: 0 $50,000 - $60,000: 0 $60,000 - $70,000: 0 $70,000 - $80,000: 0 $80,000 - $90,000: 0 $90,000 - $100,000: 0 $100,000+: 0 Unusable: 0

How would you describe your employment situation?

Overall:

- Stable - I have no concerns: 70 (27%)
- Stable, for now - I have concerns about my long-term future: 113 (44%)
- Unstable: 75 (29%)

Contractor:	Direct employment:
Stable: 1 Stable, for now: 14 Unstable: 13	Stable: 57 Stable, for now: 66 Unstable: 6
Freelancer: Stable: 2 Stable, for now: 7 Unstable: 24	Hobbyist: Stable: 3 Stable, for now: 11 Unstable: 17

How long have you been in this occupation?

Contractor:	Direct employment:
Less than 1 year: 9 1-5 years: 9 5-10 years: 4 10-15 years: 3 15+ years: 3	Less than 1 year: 21 1-5 years: 64 5-10 years: 23 10-15 years: 14 15+ years: 7
Freelancer: Less than 1 year: 5 1-5 years: 21 5-10 years: 5 10-15 years: 0 15+ years: 2	Hobbyist: Less than 1 year: 9 1-5 years: 20 5-10 years: 1 10-15 years: 2 15+ years: 0