The Australian Major Performing Arts Group response to the Australian Government’s policy consultation paper, ‘Visa Simplification: Transforming Australia’s Visa System’

**AMPAG: WHO WE ARE**

The Australian Major Performing Arts Group, or AMPAG, is the umbrella group for Australia’s major performing arts companies who develop and deliver cultural content at the elite level and support cultural capacity and performing arts access across the country.

**AMPAG members**

- Adelaide Symphony Orchestra
- Australian Brandenburg Orchestra
- Australian Chamber Orchestra
- Bangarra Dance Theatre
- Bell Shakespeare
- Belvoir
- Black Swan State Theatre Company
- Circus Oz
- Malthouse Theatre
- Melbourne Symphony Orchestra
- Melbourne Theatre Company
- Musica Viva
- Opera Australia
- Opera Queensland
- Orchestra Victoria
- Queensland Ballet
- Queensland Symphony Orchestra
- Queensland Theatre
- State Opera of South Australia
- State Theatre Company of South Australia
- Sydney Dance Company
- Sydney Symphony Orchestra
- Sydney Theatre Company
- Tasmanian Symphony Orchestra
- The Australian Ballet
- West Australian Ballet
- West Australian Opera
- West Australian Symphony Orchestra
THE MPAs ARE MAJOR EMPLOYERS

- The major performing arts companies (MPAs) are the leading performing arts employers in Australia. In 2016 the MPAs employed more than 10,000 people—the equivalent of 2979 full-time employees, up 153 FTE positions from 2015.

- MPA company labour costs across the group consistently represented 53–56 per cent of MPAs’ total annual expenditure between 2012 and 2015.

THE MPAs ARE COMMITTED TO EXCELLENCE

The MPAs are designated as ‘major’ by federal and state government agreement because they play an important strategic role for the performing arts in Australia.

Cultural Ministers Council Framework 2011 agreed the MPAs are required to:

- demonstrate a leadership role in the development of performing arts
- foster a vibrant and sustainable cultural sector, including building the sector’s economic and artistic potential
- be committed to excellence and generate an artistically vibrant and evolving performing arts sector that enriches society and enhances Australia’s image as an innovative and sophisticated nation.

The MPAs provide leadership and artistic development in their respective art forms as ‘flagship’ companies with international standing. At this level, classical music and ballet performing arts organisations exist as part of a global elite performing arts sector. Leading Australian musicians and dancers gain places in our state and national companies with many others working in orchestras and ballet companies in Europe and North America.

Guest artists from overseas tour Australia to perform within our own elite ensembles. Companies will also occasionally appoint a leading or emerging foreign artist to their company for a longer term, to build their reputation and art form capacity and innovation. International engagement and collaboration, including employing foreigners, both project-based and for longer-term, deepens engagement, builds our international reputation and enriches the vibrancy of our artistic output. This helps organisations sustain and grow their audiences in Australia, ultimately contributing to their capacity to employ more Australians and attract elite Australian artists to stay and work with the companies.

The broader performing arts and live entertainment sector primarily relies on the 408-entertainment visa for short-term guest artists.
The MPAs, in particular the orchestras and dance companies, are different to smaller arts organisations and the commercial sector as they employ full-time artist ensembles that are expected to perform a wide repertoire of work year on year. They recruit initially from Australia, but sometimes it is desirable to appoint elite artists and artistic directors from overseas or other senior arts administrators who offer insight, knowledge or artistic innovation. To attract and secure these artists and to maximise the value generated from the organisations' investment in working with these foreign individuals, we need to be able to offer medium to long-term visas with the possibility of a pathway to permanent residency.

**VISA SIMPLIFICATION: KEY CONSIDERATIONS UNDER REVIEW**

**The system needs to be efficient**

- AMPAG companies welcome all government efforts to increase the efficiency of the system.

- Member companies obtaining visas for short-term project work and guest artists have welcomed the efficiencies gained by the recent introduction of electronic processing backed by informed immigration representatives.

**Australia needs a visa system that is more responsive to our economic, social and security interests**

- MPAs support the development of a responsive system that is predictable and able to process short-term international guest artists, creatives and arts administrators efficiently. Such a system should still provide reliable and efficient capacity for the MPAs to gain medium to long-term visas for key skills and talent, with the option to progress to permanent residency subject to certain qualifications.

- The MPAs have been negatively affected by some of the recent changes to the 457 visa. By restricting dancers, artistic directors, music directors and arts administrators to the STSSOL list government has failed to understand the role and relationship between these employees and the competitive world market and working environment that these publicly funded organisations work in. The system is now less responsive to the needs of the performing arts and the social good that they seek to foster.

- One pathway to address these issues could be for individual MPA companies to enter into labour agreements with the Department of Immigration; however, this would create extensive additional red tape in the set up and ongoing reporting and maintenance of these agreements, for a sector that has not generated visa integrity issues in the first place.

**What factors should we consider when simplifying the visa system?**

AMPAG asks government to take into consideration the following:
• The MPAs rely on a visa framework that enables them to import foreign artists to:
  - address skills gaps and attract elite talent
  - develop the art form and the organisations’ artists and artistic vibrancy
  - provide Australian audiences access to leading global artists
  - engage in international cultural exchange and cultural diplomacy

• There will be an ongoing need for the MPAs to employ artists and creatives from overseas—but these appointments do not displace those of local Australian artists and creatives. Rather, the companies make international appointments to stimulate the artistry and creative growth of the organisation and its people.

• The visa system should also recognise the strategic value of a small number of foreign candidates being employed here on medium to long-term visas with possible transition to permanent residence status according to sector reported skills gaps and cultural vibrancy considerations.

MPAs should retain fee exemption, recognising their not-for-profit status

All the major performing arts companies are not-for-profit and are registered charities or government statutory bodies that provide a public good. They rely on federal and state subsidy and private sector support. They also depend on the current visa fee exemptions to lift their capacity to create an internationally engaged and recognised elite arts environment in Australia. The exemption fees for not-for-profit arts organisations should be retained.

Given the government policy and investment that underpins the MPAs, it is logical that the visa system minimises the diversion of MPAs’ funding and resources into visa applications and compliance. A simplified process where their MPA status is recognised and a more automated system is implemented for short-term visas would be a rational and effective next step. For example, the New Zealand visa treatment of ‘high-end musical acts’ is a model that could be developed for high-end performing arts organisations in Australia.

The delineation between temporary entry and long-term or permanent residence

AMPAG supports a visa system of temporary to permanent residency transition for highly skilled or uniquely talented workers. The MPAs employ a very small number of international workers. Local recruitment occurs by way of year-round auditions, talent scouting elite Australian training institutions, administering pre-professional training and fellowship programs, and through formal job advertisements. All MPAs have a policy of Australian recruitment first. International candidates are considered when an organisation wants to address a high level skills gap in very senior management or artistic leadership roles and to attract unique talent.
AMPAG agrees ‘the temporary and permanent workers complement the Australian workforce to assist us to fill skills gaps’.

As stated above and as government knows, the arts regularly employ artists and artisans on the 408-entertainment visa and this has worked well for many international engagements. But the 457 visa, and from March 2018 its replacement, with capacity to employ people on longer-term contacts with a pathway to permanent residency, should have the capacity for a small number of appointments across the skills areas listed below to occur each year.

The elite arts sector is very competitive nationally and internationally. Leading performing artists search for career opportunities globally. They will seek out companies that provide career stability and opportunity, and that support their artistic vision and ambition. A company’s inability to offer medium to long-term contracts can undermine its ability to compete for elite talent or to retain a skilled foreign employee that has developed both a deep knowledge of the organisation’s repertoire and compatibility with the company.

For the Australian visa system to be appropriately responsive to the needs of the performing arts sector the MPA companies require:

- ongoing access to short-term work visas for guest artists, creatives and arts workers
- the following skill codes to be listed (or retained) on the MLTSSL (Medium and Long term Strategic Skills List):
  - Chief Executive Officer 111111 currently on MLTSSL
  - Artistic Director 212311 currently on STSOL
  - Dancers 211112 currently on STSO
  - Musicians Instrumental 211213 currently on MLTSSL
  - Arts Administrators 139911 currently on STSO
  - Music Director 211212 currently on STSO
  - Dressmaker/tailor 393213 currently on STSO

From 1 July 2017, Chief Executive Office and Musician Instrumental were added to the MLTSSL. This is a welcome development; however, the sector needs all the codes listed (with some flexibility regarding dressmaker/tailor) to truly ensure the MPAs are well positioned to deliver long-term artistic vibrancy and stability, as well as to be able to best nurture the development of Australian artists.

The underpinning truth is that MPA companies are of an international standard and must attract elite leaders and performers, which can, on occasion, include international candidates.
It is therefore perplexing that Artistic Director, Music Director and Dancers skill codes which, along with the other skills listed above, are on the STSOL (Short-term Skilled Occupation List) have been excluded from the MLTSSL (Medium and Long term Strategic Skills List) given government's recognition of the need for Musician Instrumental and CEOs to be moved to the of the MLTSSL. Dancers are to the dance MPAs, as musicians instrumental are to the orchestras'. Similarly, Artistic Directors and Music Directors are in terms of responsibilities and impact the equivalent to that of CEOs in terms of the artistic output and direction of an MPA.

The ballet sector has particular characteristics—for example, dancers are often recruited early in their career with an eye to talent and potential. There is a shortage of elite dancers in Australia and a highly competitive international market for elite dancers with unique skills. Employment opportunities within the MPA ballet companies have increased in recent years with all three MPA companies having increased the total number of dancers in their full-time ensembles. Every year Australia loses several of its own emerging elite dancers who take up entry level pathways to internationally recognised ballet companies after graduation, as well as directly through auditions with overseas companies.

To attract some of the best international students (which has a profound and positive impact on fellow Australian students) the Australian Ballet School must also compete internationally. If there is no possibility that an international graduating student might enter The Australian Ballet long-term they are less likely to apply for short-term visas. This lack of international engagement will damage the reputation and artistic vibrancy of the school and its graduating students.

It is certainly the case that elite Australian performers across all strands of the performing arts sector are recruited to internationally recognised companies. For example, at 2015, 309 of our elite classically trained musicians were working overseas1. It would be hypocritical and high-handed of the Australian Government to not recognise the immense benefit international cross-fertilisation promotes for both our own artists (and country) and for other countries.

The visa process needs to be transparent and responsive. We do not understand why AMPAG's request that dancers be added to the MLTSSL has not been addressed and we will continue to work with government to find a solution.

Similarly, the Federal Government has recognised the argument that the category of CEO should be moved to the MLTSSL yet the roles of Artistic Director and Music Director are equivalent senior roles to a CEO (see job description Appendix 1), have been placed on the STSOL. This is unsatisfactory. Individuals appointed to these crucial roles bring insight, strategy and direction to the whole company. They can be a make or break appointment for any performing arts organisation. While ADs

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1 http://musicinaustralia.org.au/index.php?title=Successful_Australian_Classical_Musicians_Abroad_%E2%80%93_A_Statistical_Trial

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and are often recruited within Australia there are times when employing an AD from overseas will better serve not only an arts organisation, but also the overall development of that art form in Australia. The MDs role is a niche role also at the equivalent artist level to that of a CEO that demands established international connections and superior art form knowledge and skill. Generally, these positions are appointed for a minimum of five years with renewals common.

Capacity to recruit Arts Administrators or Managers (139911) internationally assists in addressing skills shortages that arise in Australia at the leadership level of an MPA organisation. These roles are senior positions requiring detailed knowledge of the art form and substantial high level networks of international contacts.

**In conclusion**

The discussion paper states ‘A visa system alone cannot make Australia an attractive nation, but it should not detract from a prospective migrant’s desire to come to Australia’.

A vibrant arts and culture sector generates cultural vibrancy, social inclusion and community cohesiveness. But it also contributes to Australia’s international brand and to the overall liveability of our nation. The visa system should facilitate the arts sector’s strategic employment of foreigners to:

- expose Australians to international arts and culture
- address skills gaps within the sector and
- facilitate arts exchange and the development of Australia’s artistic vibrancy.

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### ARTISTIC DIRECTOR

#### Role
- Responsible for conceiving, developing and implementing the artistic vision, focus and direction of the Company (including mainstage seasons and other artistic programs designed to meet the Company’s vision).
- The Artistic Director may also be the Chief Executive of the Company with responsibility for the artistic and financial sustainability of the Company.

#### General Functions and Tasks
- Creates and oversees the implementation of the artistic vision for the Company.
- Plans, implements and evaluates the mainstage season and other artistic programs.
- Advocates the Company’s work to the media, the arts industry, funding bodies, audiences and the country at large.
- Build relationships with and raise funds from government, corporate sector and donors.
- Approves and reviews all key artistic and other appointments and implements measures to evaluate performance.
- Work with the General Manager to ensure the effective management of all departments with a special emphasis on the Creative and Production departments.
- Works with the Board and senior management to ensure that all aspects of the Company’s operations are efficiently and effectively managed within agreed budgets.

#### Relationships and Authority
- Reports to a Board of Directors or is on the Board of Directors representing the shareholders or proprietors of the company.
- Works closely with Managing Director on company management.

#### Qualifications and Experience
- Preferably tertiary qualifications in appropriate art form discipline.
- Proven successful experience in relevant art form development.