

ASE Rates —&— Conditions

australian [screen] editors

2017

ASE EDITORS ENGAGEMENT CHECKLIST

Employee or Independent Contractor?

There are 3 types of employment/contracting arrangements in the industry:

1. **PAYG (pay as you go):**

You are an employee and your employer withholds tax from your earnings and sends it to the tax office. Your entitlements are set out in the Fair Work Act, the relevant award, any registered agreement, and your employment contract.

2. **Sole trader/ABN:**

You are responsible for your own tax. Your status as an 'employee' or 'contractor' is a matter of common law and is not necessarily determined by how it is described by you or the producer. People engaged in this way to provide services in connection with film, or television broadcast have additional protections in relation to eligibility for superannuation.

As this kind of arrangement can be a 'grey area' you may want to ensure that you have public liability and other forms of insurance. However you may be eligible to be covered by the employer's workers' compensation insurance.

3. **Pty Ltd Company:**

Your company is a separate legal entity and there are no employment obligations between you and the producer, however you may be able to negotiate that the contract include normal employment entitlements like overtime, paid leave, etc. You are responsible for paying your own superannuation and other minimum entitlements, as well as the company's and your own individual tax, and GST.

- Just because you have an ABN, or issue invoices, does not automatically make you an independent contractor. Seek advice from your tax accountant/financial advisor before you negotiate.
- For ATO online tools that assist with determining the status of your engagement visit:
Contractors <https://www.fairwork.gov.au/find-help-for/independent-contractors>

Remuneration/fee

The ASE recommends that you negotiate an agreed hourly rate based on the level of your experience. (See ASE Rate Card below)

- **In addition** to a base rate, all Editors who are employees are entitled to compensation for superannuation, leave entitlements, overtime payments, paid public holidays, notice of termination.
- If you're working as a Contractor, (ABN or a PTY Ltd Company) you must factor these entitlements in to your base contractual rate. For Pty Ltd Companies add an additional 17.5% – 30% depending on circumstances. (See ASE Recommended Rates and Conditions)

Weekly working hours

The standard working week is 38 hours. However, the film Industry allows for 50 hour working weeks (comprising 38 ordinary hours and 12 hours scheduled overtime) which are to be worked as 5 consecutive days between Monday and Saturday. All hours worked in excess of ordinary hours are overtime and incur overtime penalty rates unless a 'flat fee' is negotiated (*see below*).

- If you are required to work in excess of 5 consecutive days per week, penalty rates should be charged.
- If you are expected to work in excess of 5 consecutive days throughout your engagement and you are not able to negotiate penalty rates then the ASE recommends that you request a higher upfront fee.

Overtime

Employees are entitled to overtime rates after working 8 hours per day (i.e. time and half for the first 2 hours [8 – 10hrs]; double time up to 12 hours [10 – 12hrs] and triple time thereafter). On Sundays, employees are entitled to double time all day up to 12 hours.

If you are:

- engaged as a genuine independent contractor, you will not be entitled to receive overtime payments, unless specifically negotiated. ASE recommends that you factor this in to your hourly rate.
- engaged on a flat fee that purports to 'buy-out' all overtime and penalties, ASE recommends adding 50% to your hourly rate in consideration of the buy-out.

Superannuation, leave entitlements and insurance

If you are:

- being paid more than \$450 per month by the same employer you are entitled to superannuation.
- engaged as an **employee, i.e. PAYG** you are entitled to Superannuation, leave entitlements and to be covered for worker's compensation. Your tax will be deducted by your employer.
- engaged as a **casual employee**, you are entitled to superannuation, you will not receive paid leave entitlements, or termination notice periods, but you are entitled to receive a casual leave loading of 20 – 25% on top of your minimum hourly wage to compensate. Your tax will be deducted by your employer.
- engaged as a genuine **independent contractor, (a Sole Trader/ABN)** you are likely to be entitled to superannuation, but will need to pay your own leave entitlements, and public liability insurance, or negotiate accordingly. You will also be responsible for paying your own tax and GST.
- engaged as a genuine **independent contractor, (a Pty Ltd Company)** you will need to pay your own superannuation, leave entitlements, workers' compensation and public liability insurances. You will also be responsible for paying your tax and GST.
- The ASE recommends when you provide your services as an Independent contractor that you add an additional loading (as above) to your base contractual rate to cover those entitlements and costs.
- **Superannuation** <http://law.ato.gov.au/atolaw/view.htm?Docid=SGR/SGR20051/NAT/ATO/00001>

Equipment

Your hourly rate does not include the hire of your equipment unless you are engaged as an independent contractor and an extra equipment fee is specifically included as part of the negotiated services fee.

- If you are required to use your own equipment, ASE recommends that you request an equipment fee or allowance in addition to your wages or services fee.

Insurance

If you are engaged as an employee you are required to be covered by the production company's workers' compensation insurance.

- As an independent contractor, (Sole Trader or Pty Ltd Company) it is generally expected that you will provide your own workers' compensation insurance, however, production companies may agree to include you in their own policy.

Termination

If you are engaged as an employee, (unless casual) you are entitled to notice periods or payment in lieu of notice for termination of 1 – 4 weeks depending period of employment.

- As a genuine independent contractor, you will not have the protections of the minimum notice periods. The ASE recommends that you negotiate a minimum notice period (for both parties) with the production company/producer in your agreement.

ASE Recommendation

THE ASE encourages editors and producers alike to read our pre-employment checklist.

http://www.screeneditors.com.au/wp-content/uploads/2011/12/pre-employment_postproduction_checklist1.pdf

RATE CARD

	AUSTRALIAN – 50 HR WEEK – BASE RATE		OFFSHORE – 50 HR WEEK – BASE RATE	
	ENTRY LEVEL	EXPERIENCED	ENTRY LEVEL	EXPERIENCED
FEATURE FILMS (includes Animated Features)				
Editor	3000	4000	4000	7000
VFX Editor	2200	2500	2500	3000
1st Assistant Editor	1800	2300	2500	2800
2nd Assistant Editor/ VFX Assistant Editor	1300	1600	1500	2000
3rd Assistant Editor/Apprentice	1200	–	1300	–

	AUSTRALIAN – 50 HR WEEK – BASE RATE		OFFSHORE – 50 HR WEEK – BASE RATE	
	ENTRY LEVEL	EXPERIENCED	ENTRY LEVEL	EXPERIENCED
TELEVISION DRAMA (includes Animated TV Drama)				
Editor	2500	3500	3000	5000
VFX Editor	2000	2500	2500	3000
1st Assistant Editor	1700	2000	1800	2200
2nd Assistant Editor/ VFX Assistant Editor	1200	1500	1300	1600
3rd Assistant/Apprentice	1000	–	1200	–

	AUSTRALIAN INDEPENDENT – 50 HR WEEK – BASE RATE		NETWORK/OFFSHORE – 50 HR WEEK – BASE RATE	
	ENTRY LEVEL	EXPERIENCED	ENTRY LEVEL	EXPERIENCED
TV DOCUMENTARY/REALITY				
Editor	2500	3000	2800	3200
Assistant Editor	1500	1800	1800	2200

	AUSTRALIAN INDEPENDENT – 50 HR WEEK – BASE RATE		NETWORK/OFFSHORE – 50 HR WEEK – BASE RATE	
	ENTRY LEVEL	EXPERIENCED	ENTRY LEVEL	EXPERIENCED
DOCUMENTARY FEATURE				
Editor	2500	3000	2800	3500
Assistant Editor	1500	1800	1800	2200

	AGENCY – PER 10 HR DAY – BASE RATE		DIRECT TO CLIENT – PER 10 HR DAY – BASE RATE	
	ENTRY LEVEL	EXPERIENCED	ENTRY LEVEL	EXPERIENCED
CORPORATE				
Editor	600	800	800	1200
Assistant Editor	200	400	300	600

	AGENCY – PER 10 HR DAY – BASE RATE	
	ENTRY LEVEL	EXPERIENCED
TV COMMERCIALS		
Editor	1200	2200
Editor Online Content Version	500	1000
Assistant Editor	500	800

ASE Recommendation

- **These are minimum rates to be negotiated up from.**
- A base hourly rate can be calculated by dividing the relevant 50 hour weekly rate by 55, or a 10 hour daily rate by 11. We encourage all individuals to understand and keep track of what their hourly rate actually is.
- ASE Recommend Independent Contractors add additional loadings (Pty Ltd Companies: a minimum of 17.5% – 30%) to your base contractual fee to cover entitlements and costs.
- Note that the recommended rates are subject to inflation.