

Creative Workplaces

Discussion paper: Work arrangements in creative industries

We have released a discussion paper to guide consultation on work arrangements in creative industries. The purpose of this discussion paper is to invite feedback on issues related to work arrangements and pay for artists, arts workers and organisations.

Understanding and using various work arrangements can be challenging for individuals and organisations. We know this from the consultations that informed the development of the National Policy Revive, through research reports, and through the engagement and conversations we have had with creative industries to date.

Our aim is to better understand the issues specific to independent contractors, employment relationships and volunteering and unpaid work.

We invite you to recommend resources, tools and other supports that would help you to understand and meet workplace laws and support you or your organisation to achieve best practices. We will use what we learn to provide more relevant, meaningful and practical information and support to creative industries.

We warmly welcome all current, past and emerging artists, art workers and arts organisations, those who engage or work with them, and those who have relevant knowledge and experience, to respond to the questions in this paper.

Talking about workplace matters can be difficult

We understand that discussions around workplace matters can sometimes be difficult, particularly when recalling past negative experiences. We encourage you to take care of yourself and reach out for help if you feel you need it. There is information on the Creative Workplaces 'Where to get help and support' webpage here- <https://creative.gov.au/creative-workplaces/help-and-support-for-creative-workplaces/>

Additionally, the Support Act Wellbeing Helpline is a free phone counselling service available to anyone who works in the Australian creative industries, including performing arts, music, film and television, and visual arts, easily accessed by calling **1800 959 500**.

Tell us about you.

1. Full Name

Carolina Triana-Cuellar on behalf of Diversity Arts Australia

2. Email address

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3. Please tell us which artform or industry you work in. You can select multiple options if you work across industry and/or artforms.

- Visual arts and crafts
- Literature (eg, writers, editors, illustrators, publisher, etc.)
- Theatre
- Circus and Physical Theatre
- Dance (contemporary and classical)
- Emerging, experimental and interdisciplinary performing arts (eg, one-on one performance, live art, sound art, site-specific and immersive performance)
- Contemporary music
- Classical music
- Screen (eg, film, television and social media)
- Education
- Festivals
- Galleries

- Libraries
- Archives and Museum institutions
- First Nations Arts and Languages
- Community and cultural development
- Digital games
- None of these
- All of the above

4. Please tell us what your role or roles are in your work.

Diversity Arts Australia is the peak national organisation for ethno-cultural and migrant racial equity in the arts, screen, and cultural sectors. Guided by principles of self-determination, autonomy and social justice, Diversity Arts combines service provision—resources, events, research, training, advocacy—with creative production.

In this submission, our focus is on issues that CaRM artists and arts workers or CaRM-led organisations may face in navigating work arrangements. We use 'CaRM' as an umbrella term to refer to individuals who identify as people who are not white, focusing on the systems of power and privilege which lead non-white communities to have less access to opportunities and resources. 'CaRM' artists and arts workers may include people who identify as Culturally and Linguistically Diverse (CaLD), Culturally and Racially Marginalised (CaRM), People of Colour (PoC), people with migrant, refugee, asylum-seeker, or humanitarian-entrant backgrounds or experiences, and members of the Global Majority. We acknowledge the limitations of these terms and respect individuals' right to self-identification.

We know you are busy

You don't need to address all the discussion questions.

You can just answer the questions you know about and that you want to answer.

Independent contractors

An independent contractor is someone who works for themselves. They are sometimes known as self-employed, sole traders, freelancers, self-managed artists or independent artists or arts workers.

Independent contractors can be engaged by other businesses or independent contractors to provide

services or goods. They usually have their own Australian Business Number (ABN) and are paid upon invoicing.

The questions in this section are about people who work as independent contractors and organisations who work with independent contractors. If this is not relevant to you, please skip to the next page.

5. What problems do artists and arts workers working as independent contractors experience when negotiating work arrangements with organisations or other contractors?

As any other independent contractors working in the creative sectors, Culturally and Racially Marginalised (CaRM) artists and arts workers in Australia face a set of challenges when negotiating work arrangements with organisations or other contractors. These problems, however, are compounded by systemic inequities, power imbalances, and the precarious nature of work in the creative sectors.

Due to underrepresentation and systemic marginalisation, CaRM creatives can find themselves in a position of limited negotiating power. They may feel pressure to accept low pay or poor conditions just to gain visibility or opportunities in a sector marked by profound ethno-racial, cultural, and linguistic inequities. Furthermore, CaRM artists may not feel empowered to speak up or challenge unfair treatment for fear of being excluded from future opportunities. Gatekeeping structures in the creative sectors can penalise those who advocate for fairer treatment, especially if they are from racialised communities. This position of disadvantage is exacerbated by the fact that no mandatory minimum pay rates apply to independent contractors, making negotiations particularly fraught for those unfamiliar with industry standards or without access to institutional or legal support.

Language barriers and unfamiliarity with industry-related legislation can further disadvantage CaRM artists and arts workers, particularly newly arrived migrants and refugees from non-English speaking backgrounds. For independent creatives whose first language is not English, navigating contracts, compliance requirements, invoicing, and funding applications can be daunting. Without strong connections in the creative sectors, or access to legal or institutional support, they may struggle to assert their rights or negotiate fair terms, reinforcing cycles of precarity and disadvantage in the sector.

Another issue concerning independent contractors is the significant unpaid time on essential non-creative tasks such as grant writing, marketing, and administration*. This unremunerated labour is particularly burdensome for CaRM artists and arts workers who may already lack financial security, networks or resources to support their work. These systemic barriers increase the likelihood of burnout and limit sustainable career progression. The irregular and project-based nature of work in the creative sectors means that many CaRM creatives face ongoing job insecurity and income instability, deepening economic marginalisation.

*Thorsby, D and Petetskaya, K, (2024). Artists as workers: an economic study of professional artists in Australia. Creative Australia. pp.66-67

6. What problems do organisations experience when negotiating work arrangements with independent contractors?

Legal compliance is a significant area of concern. With ongoing changes to work-related legislation, small to medium-sized organisations must navigate a shifting legal landscape without necessarily having access to dedicated HR or legal expertise. Smaller organisations, in particular, often lack the capacity to seek professional advice or to establish clear contracting systems, increasing the risk of inadvertent non-compliance.

As discussed in the previous question, a further complication arises from the variability in knowledge and experience among contractors themselves. Not all independent artists and arts workers are equally familiar with contracts, invoicing practices, or their rights under Australian law. This can lead to confusion or miscommunication during the negotiation process and places an additional burden on organisations to support or educate contractors, often without the knowledge, resources or confidence to do so adequately. This is particularly relevant when engaging newly arrived migrant and refugee artists, who may face additional barriers such as language, visa-related work restrictions, unfamiliarity with Australian work practices, or limited access to professional networks.

There are also cultural and ethical dimensions that need to be considered when negotiating work arrangements with independent contractors. As the sector moves toward more equitable and inclusive practices, many organisations are trying to engage CaRM artists and workers more meaningfully. However, they may not yet have developed culturally safe contracting approaches or inclusive negotiation frameworks. Without intentional practice, organisations may inadvertently perpetuate extractive or transactional relationships, even when engaging artists from underrepresented communities is a core organisational value. To build a fairer, more sustainable creative sector, organisations need tailored support, clearer guidelines, and structural investment that allows them to negotiate fairly and ethically with independent creatives.

7. What resources would help you and/or your organisation understand and/or comply with your legal obligations with regard to independent contracting?

To better understand and comply with our legal obligations around independent contracting, employment relations, and volunteering (especially in the context of working with CaRM creatives), it's vital that organisations can access resources that not only clarify legal frameworks but also embed cultural safety and equity into workplace practices.

DARTS' focus on racial and cultural equity in the creative sector provides a much-needed lens through which legal compliance can be aligned with anti-racist and inclusive workplace practice. For instance, the Creative Equity Toolkit (CET), a project by Diversity Arts (DARTS) in partnership with British Council Australia, features national and international research, case studies, and practical tools that support individuals and organisations to improve racial and cultural equity through an action-oriented approach. Additionally, our Anti-Racism in the Arts campaign offers critical resources on how to tackle racism in the workplace and create fairer and equitable working environments. DARTS also offers tailored training on diversity and inclusion to creative organisations and

businesses to address diversity, equity and inclusion at the individual, institutional and structural levels. Our capacity-development program includes a diversity organisation-wide audit and action plan development. Together, these resources could support policies that promote transparency and track progress in equitable organisational practices.

Employment relationships

An employer can be an organisation or business of any size. This includes a self-employed person operating as a sole trader or in a partnership. In an employment relationship, the employer and the employee are in a legally binding arrangement (an 'employment contract').

The questions in this section are for employer organisations and people who work as employees. If this is not relevant to you, please skip to the next page.

8. What problems do organisations experience in relation to engaging employees, working out their pay and conditions, and complying with minimum standards?

One of the primary difficulties lies in the precarious conditions that characterise the creative sector as most organisations operate on tight, project-based budgets with limited core funding. As a result, when engaging employees, organisations may find themselves caught between wanting to offer fair work arrangements and the reality of tight budgets that simply do not allow for long-term engagement and/or better wages. These financial constraints often result in short-term, part-time, or casual roles, leading to insecure work for employees and ethical challenges for employers.

Cultural safety and inclusion add another layer of complexity. As creative organisations seek to diversify their workforce and become more inclusive, there is growing recognition that workforce representation is not enough. Inclusive hiring practices, culturally responsive on-boarding, and anti-racist workplace cultures require intentional investment and organisational change. Tailored resources and sector-specific support, such as accessible legal advice and culturally informed training, is needed to ensure organisations can uphold fair and sustainable employment practices.

9. What problems do artists and arts workers working as employees experience in relation to their entitlements to pay and conditions?

The 2025 Creative Workforce Scoping Study* shows that there are clear recruitment and retention issues across Australia's creative sectors. Precarious working conditions as well as limited career progression opportunities for early and mid-career workers have undermined the long-term sustainability in the sector.

There are limited, clearly defined pathways for early-career CaRM artists and arts workers to enter the industry in secure, long-term paid roles. Too often, these individuals are brought in on short-term, project-based contracts without opportunities for growth or continuity. This leads to high turnover and the loss of diverse voices that are essential to the vitality of the creative sector. As a

result, CaRM workers frequently find themselves excluded from mid-career or senior positions.

Lack of pathways into leadership and decision-making roles are also issues faced by CaRM creatives. As our own research demonstrates, CaRM Australians were underrepresented in every leadership role in every cultural sector, organisation type and jurisdiction**. This is not just a problem of underrepresentation. This is also a structural issue that affects working conditions and workplace cultures. Without CaRM leaders in decision-making positions, policies around pay, entitlements, cultural safety, and capacity building often fail to meet the needs of CaRM staff, including addressing barriers to inclusion and professional development.

To address some of these challenges, we recommend structural organisational changes to support mid-career and senior roles for CaRM artists and arts workers. This includes intentional pathways incorporating mentorship programs and leadership training. We also recommend the implementation of mandatory diversity reporting and equity-tested funding in major organisations and cultural institutions. This means requiring organisations to demonstrate equity and diversity standards in boards, leadership, workforce, programming, and audience engagement.

* Creative Australia and Service and Creative Skills Australia (SaCSA) 2025, Creative Workforce Scoping Study Report: Addressing the challenges with critical skills and sustainable careers. <https://creative.gov.au/research/creative-workforce-scoping-study>.

** Diversity Arts Australia 2019, Shifting the Balance.

Report <http://diversityarts.org.au/app/uploads/Shifting-the-Balance-DARTS-small.pdf>. Please note, DARTS is currently undertaking a second-phase research on leadership in creative sectors to be published late 2025.

10. What resources would help you and/or your organisation understand and/or comply with your legal obligations with regard to employment relationships?

We have incorporated our answer to this question above (in question 3).

Volunteering and unpaid work

Volunteering Australia defines volunteering as 'time willingly given for the common good and without financial gain'. Volunteering should provide benefits to society or a common cause (and may benefit the volunteer as well).

The questions in this section are for people who engage in volunteer or unpaid work and organisations that engage with volunteers or other unpaid arrangements. If this is not relevant to you, please skip to the next page.

11. What problems do organisations experience in relation to engaging volunteers or other

unpaid arrangements?

Organisations across the arts sector often rely heavily on volunteers and unpaid labour to sustain their programs and community engagement. While this is often framed as a practical response to funding limitations, it presents significant challenges especially when engaging CaRM volunteers. One of the core problems is the blurring of boundaries between volunteering and work that should be paid. Many CaRM artists and arts workers are expected to contribute creative labour, cultural knowledge, and community connections in unpaid or underpaid contexts, often under the guise of “exposure” or “professional development.” This perpetuates inequity, reinforces class and racial barriers to participation, and places the burden of cultural contribution disproportionately on those already facing systemic disadvantage. To address these issues, organisations need structural support to shift away from unpaid arrangements, especially in roles involving specific cultural knowledge. This includes dedicated funding streams for emerging CaRM artists and arts workers, and the creation of paid, entry-level roles that can serve as springboards into sustainable careers. Ultimately, while volunteers have long played an important role in the arts, it is time for a sector-wide reckoning with how unpaid labour intersects with race, class, and immigration status to reinforce barriers to fair working conditions and pay.

12. What problems do volunteers and other unpaid workers experience?

As mentioned earlier, many CaRM artists and arts workers face additional barriers in securing paid work due to gatekeeping and limited recognition of their cultural knowledge and artistic expertise. As a result, volunteering and unpaid work are sometimes seen as the only viable pathway into the sector. Moreover, unpaid work can impact CaRM artists’ economic security disproportionately. For those already facing financial precarity (for instance, creatives who are newly arrived migrants or refugees), time spent volunteering can mean sacrificing paid opportunities or essential income.

While unpaid opportunities may provide valuable access to networks, skill-building, and visibility within the sector, especially at early-career stages, existing systemic barriers and inequities in the arts mean that CaRM creatives are disproportionately vulnerable to exploitation and the negative impacts of unpaid labour. This dynamic risks reinforcing existing power imbalances, where the value of CaRM creatives’ work is overlooked or undervalued.

13. What resources would help you and/or your organisation understand and/or comply with your legal obligations with regard to volunteering?

Enter your answer

Is there anything else?

14. Is there anything else you want to tell us about work arrangements and how they impact on the pay of artists and arts workers?

Enter your answer



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