

The Casting Guild of Australia Statement November 2019 Re: TV Commercials

WARRANTIES, DECLARATIONS & INDEMNITIES

In accordance with the April 2019 statement made by the MEAA, the CGA will not endorse the signing of unreasonable warranties, declarations and indemnities by actors.

<https://www.meaa.org/news/actors-contracts-warranties-indemnities-and-pre-employment-declarations/>

In order to adhere to the spirit of the AHRC regulations regarding discrimination – <https://www.humanrights.gov.au/our-work/rights-and-freedoms/projects/discrimination-employment-basis-criminal-record> - the request to disclose an actor's criminal history or the requirement to conduct a police check by an actor will be agreed to where it has relevance to an actor's ability to carry out the inherent requirements of the job, for instance:

- When an actor is required to drive a car their driver's history may be sourced to ensure their licence is current and valid.
- When an actor is employed to act in a TV commercial for a local, state or federal government agency.
- When an actor is employed to personally endorse a product or a brand in a TV commercial, or where the actor's name is being used in connection with the product or brand (rather than perform a role).
- When an actor is required to work with a child on set. A working with children check may be warranted.

FEES:

To undertake a police check, there is an application fee and often 10 points of ID are required. For some actors this is not easy, eg. no drivers licence, no current passport, difficulty locating birth certificates etc. and it can take more than a few hours to provide the necessary documents. Therefore it is relevant that a fee for the actor's time be implemented.

- Where a driving record is necessary, the actor will be paid a fee of \$50.
- Where a police check is necessary, the MEAA recommended fee is \$350.
- Where a Working With Children Check is required, the actor will be paid a fee of \$350.

If driving history, police checks or working with children checks are required - this must be co-ordinated by the employer. Where a police check is required, CGA members will include the following statement on all wardrobe forms for the awareness of the client and advertising agency:

'By signing this form, the Artist acknowledges that they have not knowingly withheld any matters that may render the Artist incapable of performing the role as written and that failure to have done so, may result in the Client seeking legal action. The Artist also acknowledges that if selected for the role, the Artist may be required to undergo a Police Check.'

In addition to the above, CGA members will NOT carry out social media checks on actors.

IN PERPETUITY

As per the MEAA/Equity, the CGA does not agree to "in perpetuity". In cases where a PR usage request is made, the CGA will endorse a term of 3 years or use the phrase – "PR use may extend beyond the term of the contract".

FEATURED EXTRA - RECOMMENDED MINIMUM RATE OF PAY

In accordance with the MEAA, the recommended minimum rate of pay for a Featured Extra in a TV commercial is \$1500 for an adult and \$750 for a child under 15 years of age. Babies and toddlers under 3 years of age will be paid a recommended minimum rate of \$500. This fee will replace the hourly rate charged by an extra if they end up being featured in the final edit. The MEAA definitions of a featured extra:

"A featured extra is defined as: A Featured Extra is distinct from an Extra (part of a crowd, mob, ensemble or atmospheric scene and who appears only incidentally or in backgrounds, and who does not speak dialogue except in the mass, and who is, in accordance with industry practice, not featured and is not subject to individual direction) and is not a Performer. A Featured Extra is an Extra who is either auditioned, or is on the day individually directed and is in the finished advertising material, or an Extra who does not merely appear only incidentally or in backgrounds, or is *immediately* recognisable."

CANCELLATIONS

With regard to TV commercial cancellations, the CGA endorses the BREA and recommends that where a call is cancelled at a time closer to the engagement than half the lead time or within five days of the engagement (whichever is the longer), a performer will be paid 50% of their fee and an extra will be paid 100% of their fee (BREA clause 61.4)

GEO – FENCING

With regard to TV commercials intending to be released on the internet, the CGA will no longer endorse "non-geo-fenced" releases without an appropriate fee for a worldwide release. The CGA recognises that while the internet is globally accessible and anything posted online has the potential to be viewed anywhere in the world, a TV commercial release is defined by the *paid media* on which it is promoted.

DEAL MEMO TEMPLATE

The CGA has also developed a TV commercial deal memo template for each of its members to use that has a current list of common and agreed upon additional fees. Options for additional media will be negotiated & added on a per job basis. The CGA has already released a list of guidelines of percentages for additional media, feel free to contact a CGA member or visit the CGA website [here](#) to download a pdf.

MINIMUM CALL TIME FOR A BACKGROUND EXTRA

The CGA recommends a minimum 6 hour call for Background Extras. The current MEAA minimum call time for a BG Extra is however - 4 hours.