

APDG
LIVE PERFORMANCE
DESIGN
GUIDELINES

APDG LIVE PERFORMANCE DESIGN GUIDELINES

The APDG represents the community of designers in screen, stage, events, interactivity and animation across Australia.

The following ten policy objectives and accompanying sets of recommendations were ratified by the full APDG membership on August 11, 2014, and were revised in 2018. These Guidelines constitute the 'appropriate industry standard' as defined by the Australia Council, and which affirms: "industry benchmarks exist to guide rates of remuneration for work and copyright". These Guidelines are intended to guide best practice, however any agreement between the designer and the company will be subject to individual negotiation.

THE AUSTRALIAN PRODUCTION DESIGN GUILD

PO Box 605 Broadway 2007

www.apdg.org.au

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EXECUTIVE SUMMARY

The Australian Production Design Guild (APDG) formed in 2009 to represent the concerns of designers in film and theatre. This document addresses issues common to set and costume designers working across all modes of live performance, working freelance or resident in small and large companies, both commercial and subsidised. Live performance designers generally agree that they are appreciated as respected creative contributors, nevertheless they maintain that there is room for greater support and deeper understanding.

The following Guidelines have been formulated and ratified by APDG live performance designers to improve awareness of design for live performance philosophies, standards and practices, and to nurture effective working relationships between designers and theatre managements.

PROMOTING A CLEAR UNDERSTANDING OF WHAT DESIGNERS DO, THEIR VALUE TO THE COMPANY, AND THEIR PIVOTAL ROLE IN THE SUCCESSFUL REALISATION OF THE PRODUCTION

Much of the designer's process happens outside of the contracting company and is to a considerable extent invisible to management. This document aims to develop in management a deeper understanding and appreciation of the complexity of the designer's role, the many hours worked by the designer in design development, and in particular the designers' pivotal role in working side by side with the director or choreographer to initiate, develop, resolve and realise the production concept.

The designer is usually engaged as a Guest Artist working within the company structure but not as part of it. Our role is creative, technical and managerial. Our ultimate creative responsibility is to the producer and/or director or choreographer and we work in partnership with them and at their creative level. Our technical role is to find practical solutions to creative challenges and as technicians we will often be required to work at the level of a technical director. Our managerial role is to realise the design within the company's allocated resources, and as managers we work in partnership and at a comparable level to the production manager or senior manager.

The production company relies on the designer to: develop a unique design concept that will engage the audience, satisfy the design brief, work within budget, schedule and resource guidelines, provide clear documentation and instruction for the realisation of the design, and to drive the design realisation process by providing creative leadership to the production team and shepherding them to bring their best endeavour to the needs of the production.

The designer relies on the company management to support the designer by working to the agreed design priorities established by the 'creative collective'. To this end management is relied on to: provide clear and timely budget and resource updates, manage the production team, allocate resources to effectively realise the design, and to support and nurture the designer as a Guest Artist in the company in a safe and productive work environment.

1.2

DEFINING KEY TERMS IN THE DESIGN PROCESS AND THE DESIGNER'S ROLE

The design process is defined by the following phases:

Engagement Phase

Engagement: initial offer and brief; Design Initiation: the designer begins designing; Design Strategy: the designer together with the director/choreographer and management plan the entire design process and collaborative framework.

Design Development

Resourcing/Research; Design Concept: together with the director/ choreographer the designer arrives at and communicates an agreed visual interpretation and approach to the production; Preliminary Design: a draft of the design is presented for costing and planning; Design Documentation: all aspects of the final design are documented in preparation for rehearsal and manufacture.

Design Management

Design Presentation: the designs are presented to the production team, management and cast; Design Management: the designer supervises all aspects of the realisation of the design in collaboration with the rehearsal room, production manager and construction teams; Design Completion and Review: The designer manages design realisation and integration with the production up to opening night, and may be available for formal post-production review of production processes.

1.3

INDICATIVE AVERAGE HOURS WORKED BY DESIGNERS

Set and costume designers typically work more or less equal hours, ranging from 7 weeks fulltime on a production of simple complexity to 28 weeks on a complex production. A designer designing both sets and costumes on a production will typically work from 10 weeks (simple complexity) to 36 weeks (complex). These hours may be worked over an extended or very condensed time frame. Costume designers work a higher proportion of their time (approx. two thirds) in the Design Management Phase, while set designers work a higher proportion of their time (approx. two thirds) in the Design Development Phase.

2 ACKNOWLEDGING DESIGNERS' EXPERIENCE IN FEE STRUCTURES

The APDG believes that fees should reward designers for their seniority and proven expertise, as other professions do. By employing more experienced designers, companies are securing greater certainty in the design process, a higher level of design management and supervision, increased technical skill and experience, and greater maturity of perspective. APDG adopts the following 3 tiers of experience: **Emerging Designer** (up to 5 years' professional practice), **Proven Designer** (5 – 15 years'), and **Accredited or Established Designer** (accredited by the APDG or more than 15 years professional practice as a designer).

3 PROMOTING A STRUCTURE OF PAYMENT THAT REFLECTS THE HIGH LEVEL OF RESPONSIBILITY BORN BY THE DESIGNER IN THE REALISATION OF A SUCCESSFUL PRODUCTION, WHILE ALSO ACKNOWLEDGING THE RANGE OF VARIABLES THAT NEED TO BE CONSIDERED IN ESTABLISHING A FAIR FEE

Considerable consultation and research has been undertaken in order to formulate fair and realistic scales of minimum fees for set and costume designers and designers designing both sets and costumes. These fee scales are laid out in **Table 3.1** (for subsidised theatre companies) and **Table 3.3** (for commercial theatre companies). These tables are intended as a tool for managements and designers and their agents in identifying an appropriate fee level for the contracted period.

Table 3.1 and 3.3 employ a combination of two scales: **minimum weekly rates** corresponding to the three tiers of designers' experience and **levels of production complexity**. These levels of complexity are defined in terms of budget, cast size, set changes, and venue size in Section 3.4. When the two scales are used together as proposed they outline a coherent and a logical range of fees, as the basis for negotiating a fair fee for any production.

4 GUIDELINES FOR THE REWARDING OF THE DESIGNER FOR THEIR ROLE IN THE PRODUCTION WITH ROYALTY PAYMENTS, INCLUDING BROADCAST AND FILMING ROYALTIES, AND ROYALTIES FOR THE USE OF A DESIGNER'S WORK IN REMOUNTS OF THE PRODUCTION IN REPERTORY COMPANIES

In this section APDG guidelines are established for: minimum royalty payments (1% of gross box office for set and costume designers and 2% for a designer designing both sets and costumes); the APDG defines the initial season as: **the advertised first season in the venue in which the production first opens, and does not include transfers or remounts into the same venue at a later date** to protect the designers' rights in programmed or future transfers of the production; the payment to designers of broadcast and filming royalties; royalty rights

for designers when a production is remounted by a repertory company, and the retention of copyright and royalty rates when a production is sold to another company.

5 PROMOTING CREATIVE EQUALITY FOR COSTUME DESIGNERS AND SET DESIGNERS

APDG affirms the principle of creative equality of costume and set designers at all levels of the live performance industries as the work of the set and costume designer are equally important, whilst also acknowledging the great variation of role, responsibility and workload on any single production. Various measures in support of this principle are defined, including equal pay for costume and set designers of the same level of experience when working at the same level of complexity.

6 PROVIDING SUPPORT FOR YOUNG AND EMERGING DESIGNERS THROUGH CLEAR DEVELOPMENT PATHWAYS WITHIN THE INDUSTRY

APDG defines the roles of **Design Assistant**, **Assistant Designer/Technical Design Assistant**, **Associate Designer** and **Resident Designer** and outlines how these roles can be coordinated and nurtured to provide training and professional pathways that benefit both emerging designers and theatre companies. Pathways include provision for the automatic employment of Design Assistants on productions of substantial complexity or higher and on productions where an international designer is employed, insurance cover for Assistants, mentoring and collaboration with training institutions.

7 PROVIDING FAIR AND ACHIEVABLE SUPPORT FOR DESIGNERS' WORKPLACE CONDITIONS AND WORK-RELATED EXPENSES

Measures for the provision by management of production support for the designer working with the company include provision by the company of workplace insurances, company induction, access to a locker, desk, computer with internet and printer, and production desk in tech week, and design expenses to legitimately include both materials and labour and for the employment of an assistant when this is agreed as necessary.

8 ESTABLISHING A CULTURE OF BUDGET TRANSPARENCY AT ALL STAGES OF THE DESIGN PROCESS TO ENSURE THE ECONOMIC VIABILITY OF THE PRODUCTION

Guidelines promote budget transparency, including weekly budget updates or as needed by the designer, the inclusion of the director in budget discussions to affirm their joint responsibility, and the development of budgeting standards to clarify and regularize budgeting methodologies.

9 MAINTAINING THE INTEGRITY OF THE DESIGN BY RE-ENGAGING DESIGNERS WHEN A PRODUCTION THEY HAVE DESIGNED IS REMOUNTED

Designers retain an interest in the productions they have designed for the production's entire life, and are committed to maintain the integrity of the design so that every audience sees the production as designed. APDG advocates a set of triggers that will automatically signal to management the need for the designer to be re-engaged for a remount. These triggers include cast and venue changes, when the production is to be re-rehearsed or when 6 months has elapsed since the initial season.

10 PROMOTING DIVERSITY AND EQUALITY IN DESIGN ROLES THROUGHOUT THE THEATRE INDUSTRY, AND ENCOURAGING COMPANIES TO CONSIDER DIVERSITY IN GENDER, AGE, EXPERIENCE AND CULTURAL BACKGROUND FOR COSTUME AND SET DESIGNERS WHEN PLANNING THEIR SEASONS

The APDG welcomes the opportunity to discuss any aspect of the Guidelines with you in person.

1

THE PIVOTAL ROLE OF THE DESIGNER, AND THEIR VALUE TO THE COMPANY

BACKGROUND

Designers acknowledge that our role is not always clearly understood. We acknowledge that we have a responsibility to educate managements and management teams, production personnel, and directors in key factors of our work such as: our level of responsibility, our prime creative role as interpreters and creative collaborators in the process of 'making meaning' - of transforming a script or idea into a concrete reality, developing the production concept with the director and other members of the creative team and realising the physical design with the production team. The complexity of the designer's role, and the time required to perform it effectively across all phases of the design, construction and rehearsal processes needs to be better understood and given full recognition in the management of designers as Guest Artists within the company.

1.1

THE DESIGNER'S ROLE

We are collaborative artists. We provide a vital creative link between the developing production in the rehearsal room and the shaping of the production in the production workshops and workrooms.

As designers we understand our role to be creative, technical and managerial. Our pre-eminent role as a collaborative artist is to realise the creative potential of the production.

Our ultimate creative responsibility is to the producer and/or director/choreographer. We work as a key player in the creative team led by the director/choreographer, in partnership with other members of the creative team: lighting, video and sound designers, composers, and others. We work in partnership with the director/choreographer and at their creative level of responsibility to initiate, develop, resolve and realise the visual concept and every visual aspect of the production – what every part of the production means, how it looks and how it

works. Unless we are resident within the company we are Guest Artists working creatively within the company structure, but not as part of it. Our relationship to the company is co-dependent: each party is dependent on the other for the success of the enterprise, however this relationship is rarely clearly defined.

Our technical role supports our creative role, working in close partnership with the production manager, and at their level of responsibility or of that of a technical director – finding practical solutions to creative challenges, providing clear and explicit design direction to the production team through consultation and a range of design documentation, and technically resolving all aspects of the visual and physical production.

Our parallel managerial role and professional and ethical responsibility is to realise the design concept within the production company's allocated resources, on time and within budget. In our management role we operate at the level of responsibility of a senior manager. As managers we work in close partnership with the technical and costume managers and/or production manager.

The production company relies on the designer to develop a unique design concept that will engage the audience, satisfy the design brief, work within budget, schedule and resource guidelines, provide clear documentation and instruction for the realisation of the design, and to drive the design realisation process by providing creative leadership to the production team and by shepherding them to bring their best endeavour to the needs of the production.

The designer relies on the company management to work to the design priorities set by the director/choreographer, to provide clear and timely budget and resource updates, to manage the production team and allocation of resources to effectively realise the design, and to support and nurture the designer as an artist in the company in a safe and productive work environment.

Individual designers work in different ways and work differently in response to different directors, productions and production models. For designers working in the 'pre-production model' used by most major Australian theatre companies the process can be described using the following terms, and these terms can be readily adapted for productions being designed through rehearsals or workshops using the 'development model':

KEY TERMS IN THE DESIGNER'S PROCESS

(While listed in chronological order these steps frequently overlap)

ENGAGEMENT PHASE

Engagement: The designer is provided with key production information (script/score, schedule and budget) and, by agreement with the management/client, is attached to the production. This will coincide with issuing of a contract, deal memo or letter of agreement and first payment by management. As part of their engagement, management will brief the designer on the fundamental parameters for the design of the production and the designer will outline any of their special design requirements. Management and design deadlines, deliverables and other requirements will be agreed.

Design Brief: The essential requirements and basic outline for the design work as provided by the designer to the company, client, producer or director is established. The brief may be verbally communicated, or more formally communicated through the design contract, parameters or other written document.

Design Initiation: After Engagement, and in response to the design brief, the designer begins designing the production, developing an initial response to and analysis of the script/score/libretto, and participating creatively in meetings with the creative team to initiate and develop the design interpretation.

Design Strategy: Management ensures that the designer has all of the essential documentation and resources required for design development; cast lists, budget, build schedule and draft production schedule, script, theatre plans, production staffing, tour plans, theatre model box, stock lists, petty cash and other management policies such as tendering processes. In addition management will undertake to ensure that the designer has appropriate access to the director throughout the design process. The designer will outline their anticipated needs (such as special build or crew staffing, specialist materials that may need sourcing, and costing deadlines that support the design or rehearsal process). Together with management and the director, the designer plans the entire design process and collaborative framework around agreed key deadlines (eg preliminary design delivery, design documentation/final design delivery, design completion/opening performance), director's availability, the designer's other commitments, tendering of the build and other variables.

DESIGN DEVELOPMENT PHASE

Through on-going analysis, experimentation, innovation and collaboration with the creative team the designer develops design ideas and concepts, while testing their production viability and sharing progress of the developing design with the creative team.

Design Resourcing/Research: The designer gathers resource material from a wide range of sources (such as libraries, internet, museums, films, casting documentation, venue site visits, materials catalogues and swatches) for inspiration, cultural background and reference to aid development and communication of design options with the creative team, and later to communicate design detail with the production team.

Design Concept: Through experimentation, research and design development the designer and director/choreographer arrive at an agreed visual interpretation and approach to the production, encompassing factors such as scripted ideas and themes, style, mood, form and genre, period, setting, character and character development, action, pace and rhythm, dramatic structure, focus, the performance venue, actor-audience relationship and the audience. The design concept is often central to the whole production and will inform production choices in costumes, sets, lighting, properties, choreography, sound, video, marketing and many other areas.

Preliminary Design: A draft of the agreed design concept is presented to the company/client in a form that is sufficiently developed for costing and scheduling by production departments, but not yet approved for manufacture. The preliminary design will be communicated by the designer using various hand or digital methods including: sketches, preliminary models, storyboards, costume roughs, props lists, measured drawings, shared references, set and costume breakdowns and other preliminary design material. The preliminary design documentation will be delivered to the company at the Preliminary Design Delivery.

Design Documentation: After timely feedback followed by acceptance by the company of the preliminary design the designer prepares the final design package. The final design delivery may include but is not limited to: finished and detailed hand or digital design documentation such as full colour scale model, costume drawings, measured drawings (scenery elevations, plan, section) paint charts, costume breakdowns, props drawings and lists, references, material samples, prototypes, storyboards, virtual models and other material to communicate the design intention in detail and in full. The full design documentation will be delivered to the company at the Final Design Delivery. While there

may be subsequent changes to some design details due to rehearsal and/or production requirements it is expected that the design is essentially resolved and complete, (except in the case of 'development model' productions where the work is developed through rehearsal or workshop processes, in which case the design may continue to evolve significantly through the design management phase).

DESIGN MANAGEMENT PHASE

Design Presentations: The delivery, presentation and demonstration of the design by the designer to the client/production company, heads of department, production team, cast and others such as marketing and publicity of the complete design using finished design documentation to communicate the design intention and production concept.

Design Approval: The complete design package is fully costed by the technical or production manager and production department supervisors in collaboration with the designer, and the designs are formally approved for production. If redesign work is required for the designs to meet allocated resources this work is undertaken by the designer within a negotiated timeframe.

Design Management: Together with the production manager the designer manages the realisation of the design through manufacture in costume, set, scenic art and prop-making workshops (including tendering, if required) and through sourcing of materials and properties, through rehearsals and technical rehearsals up to completion of the design. The designer maintains the design vision of the production while facilitating the development of the design in response to rehearsals, budget, schedule, the production and creative teams, specialists and other variables. The designer actively participates and guides decisions relating to the design realisation in production meetings and meetings with the creative team, producers, production manager, technical director costume supervisor, cast (in rehearsal and in fittings), stage management, heads of department, production personnel, technical specialists (such as riggers, milliners, armourers, art finishers) and many others. Additionally within this phase the designer may advise on publicity to facilitate a coherent visual identity for the production.

Design Completion & Review: The completion of the design on or before opening night by which time all elements of the design are fully resolved. Planning for subsequent seasons or touring and a review of the effectiveness of the design and production process may be undertaken. If a production review is scheduled then it is expected that the designer will be invited to contribute to feedback and to attend in person if possible.

1.3

INDICATIVE AVERAGE HOURS WORKED BY DESIGNERS

Because so much of the designer's work is done away from the company and outside its structure the APDG maintains that frequently the company management may be only partially or even inaccurately aware of the time-frame and lengthy hours required to design a particular production. When designers keep track of their hours managers are frequently surprised to learn of the substantial hours worked by the designer in developing the designs for one of their company's productions.

In Tables 1.4, 1.5 and 1.6 the APDG proposes a well-researched indicative scale of average hours for designers on productions of various scales and complexities. Overall set and costume designers work hours corresponding to from 7 weeks full-time on a production of simple complexity to 28 weeks on a complex production, with a designer designing sets and costumes working from 10 (simple complexity) to 36 weeks (complex). These hours may be worked over an extended or very condensed time frame. Importantly, and contrary to industry assumptions, costume designers generally work as long or longer hours than set designers, and significantly costume and set designers work longer hours in different phases of their design process: set designers typically will dedicate many hours making a scale model and documenting their design in the Design Development Phase, while costume designers typically will dedicate many hours to the very labour-intensive costume fitting process in the Design Management Phase.

THE NUMBER OF HOURS WORKED BY THE DESIGNER IS SUBSTANTIALLY DETERMINED BY THE SCALE AND COMPLEXITY OF THE PRODUCTION.

There are a many factors influencing a production's scale and complexity: script, production company, venue, budget, the number of performers and changes to characters/performers, changes in setting, the director's process, and many others. For example designing a low-budget production for a small company and venue can be complex because the script is still being developed and the designer is accommodating changes, or because they are needing to perform non-design production roles such as buyer or scenic artist; designing a relatively straight forward script may be made more complex by an indecisive director or one who has an extensive process of exploration, or by a director who is unavailable for meetings; a production with a small cast with few character changes can be made more complex for the designer if the performers have special fitting needs, for example petite or extra-large sizes. It is essential that the company negotiate, budget, schedule and plan at Design Engagement for any production variables that will impact on the complexity of the production for the designer, and where variables arise unexpectedly there are contingencies to support the designer appropriately.

INDICATIVE AVERAGE HOURS WORKED BY DESIGNERS ON PRODUCTIONS OF VARYING LEVELS OF COMPLEXITY

These tables should be should be read in light of complexity variables discussed in sections 1.3 and 3.4

1.4 INDICATIVE AVERAGE HOURS WORKED BY COSTUME DESIGNERS

DESIGN PHASE	SIMPLE COMPLEXITY	MEDIUM COMPLEXITY	COMPLEX
ENGAGEMENT	½ week	½ week	½ week
DEVELOPMENT	3 weeks	5-7 weeks	11.5
MANAGEMENT	3 ½ weeks	8.5 weeks	16 weeks
TOTAL HOURS	7 weeks	12-14 weeks	28 weeks

1.5 INDICATIVE AVERAGE HOURS WORKED BY SET DESIGNERS

DESIGN PHASE	SIMPLE COMPLEXITY	MEDIUM COMPLEXITY	COMPLEX
ENGAGEMENT	½ week	½ week	½ week
DEVELOPMENT	3 weeks	6-8 weeks	20.5 weeks
MANAGEMENT	3 ½ weeks	6 weeks	7 weeks
TOTAL HOURS	7 weeks	12-14 weeks	28 weeks

1.6 INDICATIVE AVERAGE HOURS WORKED BY DESIGNERS DESIGNING BOTH SETS AND COSTUMES

DESIGN PHASE	SIMPLE COMPLEXITY	MEDIUM COMPLEXITY	COMPLEX
ENGAGEMENT	½ week	½ week	½ week
DEVELOPMENT	6 weeks	7-10 weeks	24 weeks
MANAGEMENT	3 ½ weeks	10 weeks	12 weeks
TOTAL HOURS	10 weeks	17-20 weeks	36 weeks

NOTE: A week was taken to be equivalent to 37.5 hours. Hours worked intensively over the production week period have been shown as equivalent weeks.

2

ACKNOWLEDGING DESIGNERS' EXPERIENCE IN FEE STRUCTURES

2.1 APDG TIERS OF DESIGNERS' EXPERIENCE

The APDG believe that fees should reward designers for their seniority and proven expertise, as other professions do. By employing more experienced designers, companies are securing greater certainty in the design process, a higher level of design management and supervision, increased technical skill and experience and greater maturity of perspective. In addition the "marquee value" of designers which may be relevant to some companies is usually aligned with proven experience. The APDG adopts the following 3 tiers of experience in establishing our Guidelines for Fair Fees (see section 3):

Emerging Designer

Up to 5 years of professional practice as a designer OR equivalent experience in a related design role/related industry.

Proven Designer

5 to 15 years of professional practice as a designer OR a designer who has established themselves in the industry with a respected body of work.

Accredited or Established Designer

A designer accredited by their professional body (APDG or international equivalent), OR with more than 15 years of professional practice as a designer OR a designer who has demonstrated consistently high creativity and innovation or has special "marquee value" OR a designer who enters the industry from another related profession such as fashion, architecture or graphic design who has achieved similar standing and contribution in their prime industry.

3

GUIDELINES FOR FAIR MINIMUM FEES

The APDG promotes a structure of payment that reflects the high level of responsibility born by the designer in the realisation of a successful production, and acknowledges the range of variables that need to be considered in establishing a fair fee.

BACKGROUND

Designers are usually paid a fee for their work, however there has been little transparency or coherence around what constitutes a fair rate of pay.

Establishing a scale of payment that acknowledge levels of experience (as in most other industries, and in theatre as with the actors' salary scales used by major companies) and also acknowledging factors influencing the levels of complexity of the production is an obvious mechanism for providing equitable remuneration for designers. Such a scale of minimum fees would provide managements and designers and their agents with clear guidelines for establishing a fair fee, while retaining the necessary flexibility for individual negotiations around special conditions.

Weekly pay rates and scales of production complexity have been used transparently and consistently in the following 2 tables to calculate appropriate minimum fees for each tier of designer. APDG recommends the following guidelines.

3.1

APDG LIVE PERFORMANCE TIERED MINIMUM FEE GUIDELINES FOR PRODUCTIONS OF VARYING LEVELS OF COMPLEXITY FOR SUBSIDISED THEATRE PRODUCTIONS

TIERS	DESIGNERS	SCALE OF COMPLEXITY (SEE DEFINITIONS, BELOW SECTION 3.4)					
		MINIMUM WEEKLY RATES	SIMPLE (5 WKS)	MODERATE (8 WKS)	CONSIDERABLE (12 WKS)	SUBSTANTIAL (20 WKS)	EXTENSIVE (28 WKS)
TIER 1	Emerging Set or Costume Designer	\$1200pw	\$6,000	\$9,600	\$14,400	\$24,000	\$33,600
TIER 2	Proven Set or Costume Designer	\$1500pw	\$7,500	\$12,000	\$18,000	\$30,000	\$42,000
TIER 3	Accredited or Established Set or Costume Designer	\$1800pw	\$9,000	\$14,400	\$21,600	\$36,000	\$50,400
RATES FOR DESIGNERS DESIGNING BOTH SETS AND COSTUMES							
		MINIMUM WEEKLY RATES	SIMPLE (8 WKS)	MODERATE (13 WKS)	CONSIDERABLE (19 WKS)	SUBSTANTIAL (32 WKS)	EXTENSIVE (45 WKS)
TIER 1	Emerging Designer (Set & Costume)	\$1200pw	\$9,600	\$15,600	\$22,800	\$38,400	\$54,000
TIER 2	Proven Designer (Set & Costume)	\$1500pw	\$12,000	\$19,500	\$28,500	\$48,000	\$67,500
TIER 3	Accredited or Established (Set & Costume Designer)	\$1800pw	\$14,400	\$23,400	\$34,200	\$57,600	\$81,000

NOTE: The above figures include holiday and sickness leave, but do not include superannuation or GST. These figures are subject to regular CPI increases.

3.2

APDG LIVE PERFORMANCE TIERED MINIMUM FEE GUIDELINES FOR PRODUCTIONS OF VARYING LEVELS OF COMPLEXITY FOR COMMERCIAL THEATRE PRODUCTIONS

TIERS	DESIGNERS	SCALE OF COMPLEXITY (SEE DEFINITIONS, BELOW)					
		MINIMUM WEEKLY RATES	SIMPLE (5 WKS)	MODERATE (8 WKS)	CONSIDERABLE (12 WKS)	SUBSTANTIAL (20 WKS)	EXTENSIVE (28 WKS)
TIER 1	Emerging Set or Costume Designer	\$1500pw	\$7,500	\$12,000	\$18,000	\$30,000	\$42,000
TIER 2	Proven Set or Costume Designer	\$2000pw	\$10,000	\$16,000	\$24,000	\$40,000	\$56,000
TIER 3	Accredited or Established Set or Costume Designer	\$3000pw	\$15,000	\$24,000	\$36,000	\$60,000	\$84,000
RATES FOR DESIGNERS DESIGNING BOTH SETS AND COSTUMES							
		MINIMUM WEEKLY RATES	SIMPLE (8 WKS)	MODERATE (13 WKS)	CONSIDERABLE (19 WKS)	SUBSTANTIAL (32 WKS)	EXTENSIVE (45 WKS)
TIER 1	Emerging Designer (Set & Costume)	\$1500pw	\$12,000	\$19,500	\$28,500	\$48,000	\$67,500
TIER 2	Proven Designer (Set & Costume)	\$2000pw	\$16,000	\$26,000	\$38,000	\$64,000	\$90,000
TIER 3	Accredited or Established (Set & Costume Designer)	\$3000pw	\$24,000	\$39,000	\$57,000	\$96,000	\$135,000

NOTE: The above figures include holiday and sickness leave, but do not include superannuation or GST. These figures are subject to regular CPI increases.

3.3

LEVELS OF COMPLEXITY OF PRODUCTIONS

The APDG believes that complexity is the principal factor in determining the amount of work to be undertaken by the designer on any project. In Section 1.3 we outline a holistic approach to identifying at Design Initiation the factors determining complexity in order to lay the ground for negotiation of a fair fee.

We are aware that most companies use a set of determinates of size and complexity of their productions when they are programming, and the APDG adopts a similar strategy, employing measures that are of particular relevance to designers.

The APDG acknowledges that work developed in the 'development model' where the design is developed through workshops and other less formalised processes may have other, very specific characteristics that will influence the complexity of the project for the designer.

The APDG adopts the following criteria for evaluating the complexity of a production, any one or two of which may be more instrumental:

Low Complexity: A combined labour and materials design budget of \$5,000 to \$20,000; a cast of up to 6 with few costume changes; a unit set with only minor set changes or detail. Typically a designer designing sets or costumes will work a minimum of 5 weeks, and a designer designing both set and costumes will work a minimum of 8 weeks on a production of simple complexity. Typically the production would be for a venue seating less than 400 people. Productions at this level tend to vary more in the factors determining complexity, requiring careful analysis of the brief.

Moderate Complexity: A combined labour and materials design budget of \$20,000 to \$100,000; a cast of up to 9 with few costume changes, or a smaller cast with multiple costume changes; 1-2 changes of setting, or a moderately complex or detailed set. Typically a designer designing sets or costumes will work a minimum of 8 weeks, and a designer designing both set and costumes will work a minimum of 13 weeks on a production of moderate complexity. Typically the production would be for a venue seating up to 600 people.

Considerable Compexity; A combined labour and materials design budget of \$100,000 to \$500,000; a cast of up to 15 with costume changes or considerable detail and/or design supervision required for the costume build; multiple or complex changes of setting, with considerable detail, supervision and/or liaison with other departments such as video,

automation or lighting. Typically a designer designing sets or costumes will work a minimum of 12 weeks, and a designer designing both set and costumes will work a minimum of 19 weeks on a production of considerable complexity. Typically the production would be for a venue seating up to 800 people.

Substantial Complexity: A combined labour and materials design budget of \$500,000 to \$1.5 million; a cast of up to 20 with multiple costume changes or substantial detail and design supervision required for the costume build; multiple or complex changes of setting, with substantial detail, supervision and/or liaison with other departments such as video, automation or lighting, Typically a designer designing sets or costumes will work for a minimum of 20 weeks, and a designer designing both set and costumes will work for a minimum of 32 weeks on a production of substantial complexity. Typically the production would be for a venue seating more than 1000 people.

Extensive Complexity: A combined labour and materials design budget of over \$1.5 million; a cast of 30 and over with costume changes or extensive detail and design supervision required for the costume build; multiple and complex set changes, with extensive detail, supervision and/or liaison with other departments such as video, automation or lighting. Typically a designer designing sets or costumes could work 28 weeks, and a designer designing both set and costumes could work for 45 weeks on an extensive production. Typically the production would be for a venue seating more than 1500 people.

More complex productions beyond the parameters set above would be considered on a case-by-case basis, such as a production where the workload exceeds 28 weeks for a set or costume designer, or a period that exceeds 45 weeks for a set and costume designer.

Basic principles applied in the APDG live performance scale in the above tables:

- Designers of most levels of experience on most productions work at the level of responsibility of a production manager or higher, and in no circumstances is it justifiable to pay the designer less than the costume supervisor or technical director.
- Set and costume designers of the same level of experience should be paid at the same rate when working at the same level of complexity.
- Standard Australian industry practice for designers is to work the required number of weeks on any individual production over an extended period of time, so for example a designer may design a main stage production for a subsidised theatre company taking 12 weeks spread over a 6 month period.

- Indicative weeks worked at each level of complexity as used in these Guidelines are a guide only, and unless a designer is employed on salary do not represent contractual exclusivity to the production or the management.
- Where the eventual level of complexity of a production substantially exceeds that on which the designer's contract was negotiated the company should do everything in their power to support the designer in their process, and in extreme circumstances may require renegotiation of the contract.
- The APDG encourages designers and managements to negotiate the designer's role openly at Design Engagement, and to negotiate extra support, payment and/or acknowledgement when the designer is required to work additional roles such as buyer or scenic artist at any time in the period of engagement.
- The APDG acknowledges that small companies with tightly-constrained subsidies, where the pay structure for the whole company is at the lowest weekly rate, proven or established designers may choose to work at a discounted rate no lower than \$1200 pw.
- In the case of independent productions and co-operative companies the principle of fair play will apply, and the designer's fees and conditions will correspondingly be no less than those of other cooperative members of comparable contribution and/or responsibility. For example, for independent theatre productions the set and costume designer's fee or royalty will be no less than 90% of the director's fee or royalty. Should the production go on to have a commercial season every endeavour will be made to reimburse the designer with a fair fee for their initial design, and to ensure this the producer will provide such a clause in the agreement for the initial season.

3.5

Designers may negotiate with management for their fee to be split over any number of weeks or any number of payments, however the APDG promotes a minimum of a 4-part fee schedule, designed to provide payment to the designer in line with the timetable of their work – where at least 50% of the design commission is typically performed by design documentation delivery. Correspondingly it may be appropriate for earlier payments to be paid at a higher proportion of the overall fee.

Except for designers who are contracted as companies all designer's fees will be exclusive of superannuation, which the contracting management is legally required to pay to the designer's nominated superannuation fund at the standard rate of 10%, on top of the fee. Under no circumstances will superannuation be included as part of the fee.

1st payment

At Engagement (signing of the contract, deal memo or letter of agreement). This shall not be more than one week after the designer has notified management that Design Initiation has commenced. To discourage the too-frequent expectation by some managements that designers will begin work before Engagement APDG recommends that if first payment is delayed beyond one week of Design Initiation the designer may cease work on the production and design delivery dates may be delayed by the same amount of time as the delay in first payment.

2nd payment

At, or no later than Preliminary Design Delivery

3rd payment

At, or no later than Design Documentation Delivery (Final design delivery)

4th payment

At Design Completion – for the period of Design Management up to opening performance – to be paid no later than 1 week after opening.

4

REMUNERATING THE DESIGNER WITH APPROPRIATE ROYALTY PAYMENTS

BACKGROUND

Participation in a royalty pool is a recognised way of remunerating members of the creative team for the ongoing use of their intellectual property and in recognition of the continued value it adds to the production. At every level of live performance, from the smallest to the largest production, royalty payments provide a fair and reasonable means for the creative stakeholders to share in the success of the production: when a production is successful everyone benefits, and when a production struggles costs are constrained. In essence the APDG upholds the principle that where the production profits, all creative contributors also profit.

Whilst there are companies maintaining the established principles of this financial mechanism, royalty rates for designers in some sectors of the industry have been undermined over recent years, with the minimum standard of 1% of gross box office being largely replaced by ½%. It has also become very common that no royalty is paid when a production transfers within the “initial season” with the initial season commonly now being redefined to the producers’ financial advantage to include multiple transfers. APDG maintains that this approach consciously and unfairly excludes designers from the appropriate remuneration due to them. APDG argues for a fairer trigger for royalty payments (for all parties) that directly connects royalties to agreed stages of financial recoupment by the producing company.

Co-productions in some sectors have further diluted the payment of royalties - where designers should be receiving royalties after first venue transfers. In addition some companies have unfairly constrained or withheld royalty rights for the filming and broadcasting of productions. And the failure by some repertory companies to pay a royalty to the designer when their work is used time and time again in remounts, or is sold off to another company (internationally or domestically) is no longer a rare exception.

Australia Council policy “affirms the principle that artists should be remunerated for their work and earn income from their copyright and royalties, and recognizes that underpayment and non-payment affects artist’ incomes and sustainability. The Australia Council notes that industrial laws, Awards and agreements apply in employment, and industry benchmarks exist to guide rates of remuneration for work and copyright”.

In line with this policy the APDG maintains that clear, well-defined and fair conditions around royalties to designers need to be established. While it is understood that in commercial theatre the allocation of royalties is complex and would typically be negotiated on a case-by-case basis, the same principle of fair royalty should also be upheld in commercial theatre practice.

APDG GUIDELINES ON ROYALTY PAYMENTS TO DESIGNERS IN SUBSIDISED THEATRE

- 4.1** A royalty payment or weekly fee corresponding to not less than 1% of gross box office income will be paid to each the set designer and the costume designer and a royalty of not less than 2% will be paid to the designer when designing both sets and costumes. In the case of subsidised productions this shall be from the first paid performance of a commercial extension beyond the initial season, or a venue transfer within a co-production beyond the initial season.
- 4.2** The initial season is defined as being the advertised first season in the venue in which the production first opened, and does not include transfers or remounts into the same venue at a later date.
- 4.3** Whenever a production is filmed for broadcast and a fee is paid to management for the use of the work, copyright in the design is retained by the designer and a Broadcast royalty of 1% of the Broadcast fee, or 1% of the net receipt of sales will be paid as an advance against a royalty to the set designer and the costume designer, and 2% to the designer when designing both sets and costumes, or in either case not less than the royalty fee paid to the director or a principal performer.
- 4.4** When a repertory company (including opera and ballet) remounts a work they will pay the designers of the original production for the ongoing use of their work. Payment may be in the form of a royalty as outlined in 4.1, or as a “remount fee” of an indexed percentage of no less than 15% of their original fee, to be renegotiated after three years. In addition, the designer will be given the option to be engaged to supervise the first remount and will be paid a fee for this work as appropriate

to the circumstances and the required amount of time. (Indicative rates would be \$500 per day, with no less than 7 days needed for chorus changes and up to 20 days for principal and chorus changes, or venue changes requiring substantial reworking of the set design.)

- 4.5** When a production is sold to another management all contractual obligations contained in original legal agreement with the originating producer shall transfer in whole with the physical production to the purchasing producer – including but not limited to all first rights of refusal and all payment obligations. The originating producer shall inform the designer of the sale of the production at the earliest opportunity.

5

PROMOTING CREATIVE EQUALITY FOR COSTUME AND SET DESIGNERS

BACKGROUND

There has been a broad perception in the performing arts that costume design is less important than set design. This discriminatory attitude may be institutionalised: frequently costume designers work longer hours for lower fees with less recognition and support and less acknowledgement of their work. This attitude may be casual or unconscious as when directors fail to include their costume designer in early design meetings in which interpretation, concept and style are established or when the set designer is referred to as “the designer” and the set design as “the design”. These attitudes may be a residue of the historical development of performance design, but they diminish its holistic creative potential.

APDG GUIDELINES ON CREATIVE EQUALITY FOR COSTUME AND SET DESIGNERS

- 5.1** APDG affirms the principle of creative equality of costume and set designers at all levels of the live performance industries, as the work of the set and costume designer are equally important, whilst also acknowledging the great variation of role, responsibility and workload on any single production.
- 5.2** APDG affirms positive perceptions of equality in the designer’s own practice, in their team of collaborators, in the companies that employ them and in the broader arts community. APDG members will encourage attitudes of creative equality in their creative team, and encourage directors to include costume and set designers in key creative meetings.
- 5.3** APDG promotes the principle that set and costume designers of the same level of experience should be paid at the same rate when working at the same level of complexity.

- 5.4** In standard contracts the misleading term “white card design” (relating to preliminary design presentations) excludes costume designers and does not reflect the purpose of the presentation for either costume or set designers. APDG adopts the inclusive term: ‘Preliminary Design’ to include all aspects of design.
- 5.5** APDG encourages companies to employ production managers who have equal experience in costume, or at least an active interest to learn about running the production of costumes.
- 5.6** APDG encourages costume designers to proactively involve and educate production managers in costume planning matters.
- 5.7** APDG promotes the use of the word Costume to replace “Wardrobe” – a word that is widely regarded by costume designers to be fundamentally linked to the lack of appreciation for their craft. APDG encourages the use of the terms: Costume Department, Costume Manager, Costume Supervisor, Costume Director, Costume Maintenance, Costume Dresser and Backstage Costume.

6

PROVIDING SUPPORT FOR YOUNG & EMERGING DESIGNERS THROUGH CLEAR DEVELOPMENT PATHWAYS WITHIN THE INDUSTRY

DISCUSSION

There are few formal pathways for young, emerging and graduate designers to enter the industry. While the roles of resident designer, associate designer and design assistant are sometimes supported by companies, there is rarely a clear understanding of how these roles could have an ongoing benefit to both the company and the development of the designer. The APDG proposes clear definition of these roles, and how these roles can be adopted within individual companies.

The APDG conducts a Mentorship program which matches emerging designers with Proven and Established designers for one year of structured mentorship, and will continue to work with company managements to develop a coordinated development strategy for young and emerging designers.

6.1

DEFINING THE ROLES OF RESIDENT DESIGNER, ASSOCIATE DESIGNER AND DESIGN ASSISTANT

Design Assistant

A Design Assistant is a role undertaken by a recent graduate or just-emerging designer working to the designer at all times. It is a position requiring significant guidance with minimal responsibility. They perform roles such as attending design and production meetings, research assistant, model-making, drafting or buying.

Assistant Designer

An Assistant Designer or Technical Design Assistant may be highly skilled in a specialised area of design, such as model-making, CAD drafting, costume styling, illustration, art finishing or

buying. It is a position requiring significant technical autonomy with some responsibility. A technical design assistant would be paid at or just below the Emerging Designer Rate. They would work to the production manager and the designer.

Resident Designer

A Resident Designer is employed as a member of the company staff. The APDG acknowledges that the company may choose to employ a proven or established designer as a resident designer. However where this role is performed by an emerging designer the APDG proposes that the position should be seen as part of a coordinated development pathway for the designer. While each company has its own particular needs the APDG proposes that the position should be carefully structured to provide the resident designer with increasing levels of creative and technical responsibility over the limited period of their term (up to 2 years). We propose that the resident would begin in the role of design assistant working to Proven and Established designers on complex productions, and would progress to designing productions of simple and (depending on the duration of their residency) finally moderate complexity. Such a progression has the potential to both develop the resident designer's creative scope and to provide the company with real benefits. There should be proper consideration of the resident designer's workload (refer tables page 17) and care taken to ensure that resident designers do not monopolise design opportunities within a season.

Associate Designer

An Associate Designer is engaged to manage the realisation of the design when the designer is unavailable to do this, and may have an intimate knowledge of all design aspects of the production. It is a position requiring a high level of design understanding with considerable responsibility, and accordingly an associate designer is likely to have at least 5 years' professional design experience.

FURTHER, THE APDG PROPOSES THE FOLLOWING MEASURES

6.2

Subject to the designer's requirements productions of substantial complexity or higher (see definitions page 12) should automatically signal the need for a design assistant for the costume and/or set designers, in the same way that additional assistant stage managers are routinely allocated to more complex productions. The design assistant or technical design assistant would be budgeted in the initial production budget and

paid for by the production. The terms of engagement of the design assistant/technical design assistant would be negotiated by the designer and producing company at Design Engagement.

- 6.3** Where a production or company employ an international designer this would immediately signal the requirement for a paid Australian designer in a support role (either Assistant or Associate), with provision made for the establishment of an effective designer/assistant working relationship. This would also help to strengthen the environment of support for emerging Australian designers.
- 6.4** Through the APDG Mentor program the APDG actively supports the mentoring of emerging designers by matching them with proven and established designers for one year of structured mentoring, and all companies are encouraged to support their emerging designers by connecting them with this free program. Additionally companies plan their seasons with ample lead-in time and are therefore well positioned to apply for available Australia Council funding to support other mentoring and workplace training opportunities. APDG supports and encourages managements to proactively apply for funding and to broker mentoring and training opportunities for emerging designers working within their companies.
- 6.5** APDG supports the collaboration of design training institutions with professional theatre companies in order to develop paid design assistant opportunities for graduates.
- 6.6** APDG supports the collaboration of design training institutions with professional theatre companies in order to develop unpaid intern opportunities for student designers. Such internships would benefit all parties and should be carefully planned by the training institution, the production company and the student designer with clear guidelines around duties, timeframe, lines of reporting and mechanisms of review. Where the intern takes on the duties of a design assistant they should be paid and credited for this work.
- 6.7** The producing company will ensure that their workplace insurance provides cover both on and off-site for the assistant or trainee while they are at work on their production. In the case of an intern they will be covered by the training institution's insurance.
- 6.8** APDG encourages managements in their development of mechanisms such as open auditions, industry nights and other networking opportunities and attendance at student design exhibitions to facilitate potential new working relationships with emerging designers.

7

PROVIDING FAIR AND ACHIEVABLE GUIDELINES FOR DESIGNERS' WORKPLACE CONDITIONS AND WORK-RELATED EXPENSES WITHIN THE INDUSTRY

BACKGROUND

Our work as designers working as guest artists in a company can be made pleasurable and productive by the amount of support we are given within the company. APDG believes that designers and the companies that employ them would both benefit from guidelines on workplace conditions and reimbursement of expenses.

- 7.1** Other than for designers contracted as companies, managements will provide customary workers compensation and public liability cover to the designer while at work on the company premises and when travelling to and from the company premises on company business, and will provide the designer with cover for professional indemnity against claims relating to the company's productions. APDG acknowledges that changes in tax and employment law are unclear in regard to the legal obligations of companies to designers, however the APDG argues that such covers have customarily been provided to the designer, and that design fees have not increased incrementally to reflect any change in this custom.
- 7.2** Managements make their best endeavour to introduce or induct the guest designer to the company.
- 7.3** Managements provide for design costs that reflect the real costs of producing the set and costume designs. These design expenses should include both materials and labour as a valid production expense so that, with the agreement of the production manager the designer is able to engage assistants from within the design budget when this is an appropriate use of the resource.

- 7.4** Managements make their best endeavour to provide their guest designers with a locker, desk, access to a computer with internet access and connection to a printer while at work in the company, and production desk facilities for the designer in the theatre in production week, as needed by the designer.
- 7.5** Where the designer agrees to perform the task of buyer this will be done from an upfront float to be reconciled in the usual company manner, so that the designer is not placed in the position of making out-of-pocket production expenses.

8

ENCOURAGING BUDGET TRANSPARENCY AT ALL STAGES OF THE DESIGN PROCESS

BACKGROUND

APDG argues that budget transparency is essential to making informed design choices, however designers are too often asked to make design decisions based on insufficient budget information. Some designers report a culture of withholding of budget information in some managements. Designers also report considerable difference from company to company in “dollar value” as companies cost their labour using very different assumptions.

APDG GUIDELINES ON BUDGET TRANSPARENCY

- 8.1 APDG promotes as standard practice weekly and transparent budget updates for the designer during pre-production, costing and production, or as requested by them.
- 8.2 The director be included in budget discussions whenever possible to affirm their joint responsibility, and to develop in them an understanding of the implications of directorial and design choices.
- 8.3 Companies with their own workshops work with APDG to develop a comparative costing/dollar-value budget tool that would be available for the use of designers and production managers at the stage of Design Strategy. This would provide designers with generic and company-specific costings for basic set and costume modules as, for example: a 3-piece men’s period suit; a square-metre cost of weathertex floor with 2 coats of paint and water-based glaze.

9

DESIGNERS BE RE-ENGAGED WHEN A PRODUCTION THEY HAVE DESIGNED IS REMOUNTED

BACKGROUND

Designers retain an interest in the productions they have designed for the production's entire life, and are committed to maintain the integrity of the design so that every audience sees the production as designed. Designers report that their rights and conditions on the remounts of productions are not always respected, with designers not being engaged to supervise the remounting of the production even when substantially new design work is required, such as cast changes for principals and touring to venues that are very different to that of the initial production.

APDG GUIDELINES ON REMOUNTS

The designer retains an interest in the integrity of their original design when a production is remounted. As it is also in the best interests of the production when design integrity is retained the designer(s) will be re-engaged to guide the process of adapting the original design to new challenges of cast or venue changes. If a production requires design changes for other creative or practical reasons this may be subject to separate negotiation and would not routinely be regarded as part of the design work of a remount.

APDG proposes a set of triggers, any of which, or any combination of which would automatically signal to the production company that the re-engagement of the set and/or the costume designer on a remount is necessary. These triggers are:

- when a period of time greater than 12 months since the closing of the initial season has elapsed
- when the director is not engaged for the remount
- when principals have been recast
- when there have been multiple or significant other cast changes
- when the production is touring to new venues that differ substantially from the initial venue
- when the production is to be re-rehearsed.

10

PROMOTING DIVERSITY AND EQUALITY IN DESIGN ROLES THROUGHOUT THE THEATRE INDUSTRY

The APDG encourages managements to consider their balance for gender, age, experience and cultural diversity for designers when planning their season, and apply similar diversity balance considerations to those applying to performers when they plan their seasons. Additionally we encourage gender equality and balance in the roles of set and costume designer in order to break down the industry stereotype of female costume designers and male set designers.

**For more information or to make an appointment with an APDG member please contact:
Caitlin Flett, APDG Administrator – caitlin.flett@apdg.org.au**

THE AUSTRALIAN PRODUCTION DESIGN GUILD

PO Box 605 Broadway 2007

www.apdg.org.au

ABN: 51138715367 ACN: 138715367