

Membership Guide 2nd Edition

Live Performance Australia (LPA) is the peak body for Australia's live entertainment and performing arts industry.



**Live
Performance
Australia**TM

CONTENTS

Live Performance Australia – An Overview	2
Member Services and Activities	4
Workplace Relations	4
Policy and Strategy	6
Industry Codes and Guidelines	7
Membership Support and Events	9
Helpmann Awards®	11
Membership Fee Information	12
What is the Industry Service Fee?	12

INTRODUCTION

Welcome to the Live Performance Australia Membership Guide. Here you will find information on our broad range of services and activities and how we can assist your organisation in all areas of Live Entertainment in Australia.

LIVE PERFORMANCE AUSTRALIA - OVERVIEW

Live Performance Australia (LPA) is the peak body for Australia's live entertainment and performing arts industry, and presenter of the annual Helpmann Awards®. Established in 1917 and registered as an employers' organisation under the Workplace Relations Act 1996, LPA's activities centre around three core areas:

- Workplace Relations
- Policy and Strategy, and
- Membership Services and Events.

LPA's Vision

LPA's Vision is to ensure the growth and long term sustainability of the Australian live entertainment and performing arts industry. We strive to maximise the value that Government, business and the Australian community attach to live performance. This is based on the significant contribution our industry makes to the cultural, commercial and economic wealth of our nation.

OUR MEMBERSHIP BASE COMPRISES:

Producers

Commercial Producers and Emerging Non-Full-Time Producers are members of LPA. Producer Members include Andrew Kay and Associates, The Gordon Frost Organisation, Jon Nicholls Productions, Louise Withers and Associates, newtheatricals Pty Ltd and The Really Useful Group.

Promoters

Music Promoters regularly access our range of services. Andrew McManus Presents, Dainty Consolidated Entertainment, Frontier Touring, Michael Chugg Entertainment and Michael Coppel Ventures are all members of LPA.

Venues

LPA's member venues span from Northern Queensland, the Eastern Seaboard to Western Australia and Tasmania. Member Venues include Star City (NSW), His Majesty's Theatre (WA), Queensland Performing Arts Centre (QLD), Melbourne & Olympic Parks Trust (VIC), Adelaide Festival Centre (SA), Marriner Theatres (VIC), Civic Precinct Newcastle (NSW), Conrad Jupiters (QLD), Bunbury Regional Entertainment Centre (WA), Geelong Performing Arts Centre (VIC), Illawarra Performing Arts Centre (NSW), Burswood Entertainment Complex (WA) and Theatre Royal (TAS).

Performing Arts' Companies

LPA assists and represents many of Australia's Performing Arts companies, including The Australian Ballet, Black Swan State Theatre Company, Melbourne Theatre Company, Opera Australia, Queensland Theatre Company, Queensland Ballet, the State Theatre Company of South Australia, Sydney Symphony Orchestra, Sydney Theatre Company, Tasmania Theatre Company and West Australian Ballet.

Festivals

LPA assists all the major Arts Festivals including the Adelaide Festival, Brisbane Festival, Melbourne International Arts Festival, Sydney Festival, Perth International Arts Festival and Ten Days on the Island in Tasmania. We also support contemporary music festivals in Australia including Creative Festival Entertainment's Big Day Out, East Coast Blues and Roots Festival, V Festival and Wangaratta Festival of Jazz.

Service Providers

LPA has a broad range of service providers as members. These include ACMN Pty Ltd, Bytecraft Entertainment Pty Ltd, MCA Insurance Brokers Pty Ltd, Jands Production Services, Showbiz Pty Ltd, Ticketek and Ticketmaster.

Cinemas

Cinema members include Australian Multiplex Cinemas, Dendy Cinemas Pty Ltd, Kino Cinemas and Palace Cinemas.

Exhibition Hire Companies

Exhibition members include Exhibition Hire Service Pty Ltd, Morgan Expo Hire Pty Ltd, On Site Labour Hire Sydney Pty Ltd, Perth Expo Hire, SBX Pty Ltd and Synthesis Design.

MEMBER SERVICES AND ACTIVITIES

Workplace Relations

Union Negotiations and Agreements

LPA leads negotiations on behalf of members with regard to workplace agreements with unions, including the Performers' Collective Agreement (2007-2009), governing the Use of Foreign Artists in Live Theatre in Australia, and the Memorandum of Agreement on Australian Support Acts to Overseas Performers.

Advocacy and Representation

LPA represents members before both Federal and State Industrial Relations' Commissions on all industrial relations' matters. We also contribute to the development of broader workplace relations policy through the Australian Chamber of Commerce and Industry (ACCI).

Advice

LPA provides professional advice to members on a range of issues including, but not limited to:

- Decisions from the High Court, Federal Court or other court of competent jurisdiction, Fair Work Australia and the Fair Work Ombudsman
- Industrial legislation and award compliance under the current Awards as well as the modern Awards which commence on 1 January 2010. These will include the Live Performance Award 2010 (performers, dancers, musicians, crew and other production and support staff), the Broadcasting and Recorded Entertainment Award 2010 (cinema members) and the Amusement, Events and Recreation Award 2010 (exhibition industry).
- Employment termination and redundancy issues
- Human resources, employee relations and training issues

- Occupational Health and Safety (OH&S) including maintaining the live entertainment OH&S Code of Practice
- Immigration, entertainment visas and importation of foreign artists
- Preparation of contracts and employment, and
- Interpretation of legislation principally the Fair Work Act and Regulations, State and Territory Long Service Leave and Workers' Compensation Acts, Superannuation Legislation, Copyright Act, Migration Act and Regulations and other Acts as required.

Industry Information

LPA provides a comprehensive range of industry information, including a Loose Leaf Industrial Award Service (LLIAS) which is available to members at an additional cost.

We can also provide pro forma contracts for performers, casual staff, overseas artists, writers and crew or can assist you in formulating your own contracts to suit the specific needs of your organisation.

Through our database and members' website we regularly distribute email circulars containing information on Award variations, legislative changes and other matters which may affect the operations of members.

Immigration Services

LPA processes entertainment visas on members' behalf for the importation of foreign artists. We also liaise with the Department of Immigration and Citizenship (DIAC) and unions to seek endorsement for the approval of entertainment visas and provide preparatory advice on the immigration application process and the DIAC's rules and regulations.

Occupational, Health and Safety

LPA provides professional advice on OH&S issues that may affect member operations. LPA's OH&S framework includes the *Employer Guide to OH&S in the Entertainment Industry* and *Safety Guidelines for the Entertainment Industry*.

LPA has also developed a comprehensive online guide to the Victorian Workers' Compensation System and the Live Performance Industry – www.claimsmART.com.au

POLICY AND STRATEGY

LPA works with members to develop policies which set benchmarks for industry best practice and strategies which secure the long term future of the industry.

We also established the Producer Development Program which provides information, support and mentoring to individuals starting out as producers. Please see page 10 for more details.

Research

LPA conducts research which values the contribution of the industry to the cultural, economic and social life of Australia, including the annual *Ticket Attendance and Revenue Survey: Live Entertainment Industry in Australia*.

As part of its efforts to promote investment in the live performance industry, LPA is measuring the size and scope of the industry to establish its economic contribution.

Lobbying

LPA lobbies to raise awareness of the industry, secure increased funding, and improve Federal and State Government engagement with the industry.

LPA is a member of the Contemporary Music Working Group (CMWG) which has successfully lobbied the Federal Government to develop a strategy for enhancing and growing the success of the Australian contemporary music industry.

LPA has worked with Key Organisations in their advocacy for better and more consistent Government funding and greater support for the small to medium sector.

Representation

LPA represents the interests of the industry in response to State and Federal Government reviews on a range of policy matters, such as migration law reform, export and trade, the future allocation of wireless spectrum and reducing the regulatory burden on small and medium enterprises.

LPA is regularly invited to represent industry interests on Working Parties and Reference Groups convened by Government and other peak bodies.

LPA also represents cinema exhibitors in negotiations with the Phonographic Performance Company of Australia (PPCA) and the Australian Performing Rights Association (APRA) in relation to copyright license fees.

Advice

LPA provides members with advice on legislative and regulatory obligations associated with:

- Copyright
- Child employment and working with children
- Discrimination and access
- Content and censorship
- Licensing requirements
- Privacy and SPAM
- Insurance
- Taxation, and
- Investment.

INDUSTRY CODES AND GUIDELINES

In consultation with our membership, committees, and other industry bodies, LPA has developed the following codes and guidelines:

Industry Codes:

- *Code of Practice for the Ticketing of Live Entertainment in Australia.* This Code is a voluntary Industry Code of Practice and is binding on all members of Live Performance Australia in their participation in the Australian Live Entertainment Industry.

The objectives of the *Code of Practice for the Ticketing of Live Entertainment in Australia* are to:

- a) Encourage 'best practice' within the Australian live entertainment industry
 - b) Establish and maintain standards of conduct for industry participants when providing a service to the public
 - c) Ensure acceptance and consistency in compliance with these standards
 - d) Provide guidelines on the fair resolution of complaints
 - e) Provide Consumers with an understanding of the service standards to expect, and
 - f) Protect Consumers from unauthorised Ticketing Service Providers and to ensure their rights of entry, service and refunds are protected.
- *Code of Practice for the Contemporary Music Industry*
 - *Auditions in Australia Code of Practice*, and
 - *Juvenile Code of Practice*.

Guidelines:

- *Companion Card and Discrimination Guidelines*
- *LPA Member Guidelines: Privacy and Spam Acts*
- *Employer Guide to OH&S in the Entertainment Industry*
- *Safety Guidelines for the Entertainment Industry*
- *Online Guide to the Victorian Workers' Compensation system* (www.claimsmART.com.au)
- *The APACA Guide to Touring and Touring Code of Conduct* (developed by APACA, with endorsement by LPA).

The above Codes and Guidelines are regularly reviewed by LPA.

MEMBERSHIP SUPPORT AND EVENTS

LPA provides Members with high level support on matters relating to the Live Performance Industry in Australia. We offer a range of membership services and events that keep our members informed and adequately supported.

Membership Support

LPA Members can contact LPA during our office hours between 9:00 am and 5:30 pm AEST to speak to our staff. All Enquiries are handled confidentially and efficiently and we aim to support members in any way that we can. Please refer to the lift out at the back of this Membership Guide for the most up-to-date Staff Listing. General enquiries can also be emailed to [**info@liveperformance.com.au**](mailto:info@liveperformance.com.au)

Membership Events

LPA hosts member fora, seminars and special events in each state which provide opportunities for networking. LPA keeps members informed of regulatory changes and industry news through these events and we encourage members to attend in their capital city.

LPA Members-Only Website

Our Members-Only section gives members exclusive access to important industry information, including the most up to date award and wage information, pro forma contracts, LPA's range of circulars, and quarterly online newsletters.

[**http://members.liveperformance.com.au**](http://members.liveperformance.com.au)

LPA Member Newsletter

LPA distributes quarterly e-newsletters to members which include news, events, relevant online industry articles and up-dates we believe to be of interest to our members.

Helpmann Awards®

LPA presents the Annual Helpmann Awards® which recognise distinguished artistic achievement and excellence in a broad range of disciplines. Please see page 11 for more detail or visit www.helpmannawards.com.au

Hall of Fame

In 2007 LPA celebrated its 90th birthday. As a tribute to the individuals that have contributed so much to our industry we launched an online Hall of Fame. Here we have compiled stories, photographs and memories of people and events that have made our dynamic industry what it is today. All biographies on the site were authored by LPA's Official Historian Frank van Straten.

LPA inducts individuals into the Hall of Fame annually. Please visit www.liveperformance.com.au/halloffame

Producer Development Program

LPA established the Producer Development Program to provide professional development, networking and mentoring opportunities for new and established producers. The program comprises 5 elements:

- The Producer Development Seminar - a day long seminar program pitched at new producers, which covers topics including creating and protecting intellectual property, marketing, national and international touring advice and exploiting your product. The seminar is held twice a year – in Sydney and Melbourne – with travel assistance available on application for members in other states.
- Schmooze networking events – functions for LPA members to make connections in an informal environment – held in Sydney and Melbourne twice a year.
- Regular seminars on a range of topics of interest to all producers.
- Downloadable resources – the Members Section of the LPA website contains a range of helpful resources for producers, including copies of presentations made at each Producer Development Program.
- Pitching service – on request from a member, LPA convenes a panel of industry representatives to hear their “pitch” for a new show and provide them with feedback. No investment money is offered as part of the service, but it provides mentoring opportunities for those trying to get up a new work, as well as practical suggestions regarding next steps.

HELPMANN AWARDS



Sharon Millerchip accepts the Award for Best Female Actor in a Musical for her role as Roxie Hart in Chicago at the 2009 Helpmann Awards®.

The annual Helpmann Awards® recognise distinguished artistic achievement and excellence in the many disciplines of Australia's vibrant live performance sectors, including musical theatre, contemporary music, comedy, opera, classical music, dance and physical theatre. The Helpmann Awards® also incorporate the JC Williamson Award® for outstanding contribution to the Australian live performance industry.

The Helpmann Awards®, named in honour of Sir Robert Helpmann and to commemorate his memory and achievements, were established in 2001 by LPA to recognise, celebrate and promote our live performance industry, similar to the Tony Awards® on Broadway and the Olivier Awards® in London.

The principal objective of LPA in establishing the Awards is to nationally and internationally serve and promote the Australian live performance industry by:

- Recognising distinguished artistic achievement and excellence
- Ensuring the Awards are administered and produced with integrity
- Ensuring the Awards are celebrated by the industry and the Australian community, and
- Ensuring the Awards are the most prestigious awards in the industry and the highlight of the live performance industry calendar.

For more information please visit www.helpmannawards.com.au

MEMBERSHIP FEE INFORMATION

All services provided by Live Performance Australia are funded by Membership Fees and the Industry Service Fee.

For more detailed information regarding LPA Membership categories, fee structures and the Industry Service Fees, please refer to the insert at the back of this booklet.

WHAT IS THE INDUSTRY SERVICE FEE?

The Industry Service Fee is collected by venues, and is paid by the hirer, and submitted to LPA. Some hirers, producers and promoters can pay fees directly to LPA. This is for productions where a cap may apply (refer to page 14) or where the production is presented in a non-member venue.

The Industry Service Fee is levied on a user-pays basis, to reflect the varying levels of hiring activity and venue size. This fee covers any possible industrial or other activity associated with any given performance or production.

The Fee assists LPA to provide responsive and professional service across all areas of the industry, not only industrial, contract and resource matters, but also on major policy issues, self regulation and industry development.

Producers / Promoters pay a minimal annual fee to LPA, with the Industry Service Fee paid on an activity basis only. This also amortises their costs across productions.

The Industry Service Fee applies to all performances, even if the venue produces / promotes or co-produces / promotes the production.

All LPA venue members are required to pay the Industry Service Fee on self produced events.

Why Do We Have an Industry Service Fee?

All industry sectors of any significance require a peak body to promote and represent their interests. Every business and individual in the live performance industry in Australia benefits from a harmonious and productive industrial relations and policy environment. The survival and future growth of our industry depends on a healthy and effective representative body that can deliver effective outcomes.

What Benefits Does the Hirer Get From the Industry Service Fee Structure?

Payment of the Industry Service Fee provides venues and producers / promoters / hirers with industrial relations coverage, and assistance in the event of industrial disputation, at minimal cost. This extends to all producers / promoters / hirers using members' venues. It also assists LPA to work on behalf of the live performance industry across a range of industry development and strategic issues.

The hirer benefits from the work of LPA whether they are a member or not. By paying per production or performance, the hirer is able to spread financial costs over a longer period, as part of the production budget, and only pays when they are active.

The Industry Service Fee is tax deductible. It is payable per performance or production, monthly, and a cap may be negotiated, particularly for longer-running shows or subscription-based programs (refer to page 14).

The Industry Service Fee is structured to reflect the different levels of activity throughout the year by producers / promoters / hirers.

This is achieved by having different levels of fee per performance based on venue size. A promoter with no activity in the year pays the Membership Fee only.

By paying per production or performance, the hirer is able to spread financial costs over a longer period, as part of the production budget.

How do Venues Levy the Fee?

The Industry Service Fee is calculated on a per performance basis at rates determined by the total seating capacity of the venue. A detailed outline of this fee scale can be found on the insert at the back of this booklet.

Venues with **multiple seating capacity configurations** charge on the basis of the seating configuration applying to the particular hiring contract.

Should you have any queries regarding this procedure, please do not hesitate to contact our Finance Manager on (03) 9614 1111 ext 5.

Caps

Subscription-based arts organisations (eg MTC, STC, Opera Australia, The Australian Ballet) may have a cap on their mainstream subsidised program.

This will be \$20 000 per member per annum (plus GST).

However, these members will pay an additional Industry Service Fee on touring commercial productions, both their own and those touring under the auspices of another producer.

There is also a cap for long running commercial productions.

This is a cap of \$40 000 (plus GST) per production that runs up to 12 months. For a production running longer than 12 months a reduced fee may be negotiated. These arrangements will be negotiated directly with the Chief Executive.

Where a Cap has been agreed, LPA will provide a letter to the producer /promoter confirming any Cap arrangement. Unless this letter is provided to the venue, standard Industry Service Fees will apply and must be collected by the venue.

Exemptions

The following exemptions will apply:

- Education programs (eg non-commercial, low priced, arts centre based children's festivals)
- Development programs (eg internal workshops, play development)
- Discounted Community Arts programs (eg Morning melodies)
- Competitions
- Art Centre Subscription Programs: capped at \$A20 000 per program (the same cap as for subscription based arts organisations). However, these members will pay an additional Industry Service Fee on touring commercial productions, both their own and those touring under the auspices of another producer
- Key organisations (as defined by the Australia Council): except for a touring production which has already had its premiere season
- Project funded organisations (Companies in receipt of project based funding from: Federal Government Departments or agencies, including the Australia Council for the Arts, State Based arts departments or agencies and / or local Government organisations), and
- Cultural, non-commercial projects.

The LPA Chief Executive retains discretion for case by case exemptions.

Where an Exemption has been agreed, LPA will provide a letter to the producer / promoter confirming the Exemption. Unless this letter is provided to the venue, standard Industry Service Fees will apply and must be collected by the venue.

Children's Shows

Fees are calculated on a **per day** basis (as opposed to per performance, recognising the generally shorter length of children's shows and lower ticket prices). This per day fee is based on size of venue / seats to be sold (ie intimate mode).

Regional Touring Productions

Regional Touring Productions by LPA members will add the Industry Service Fee to the Sell-off Fee. The normal fee structure calculated on venue size will apply.

Commercial productions that are hiring regional venues will remit the Industry Service Fee as per the standard remittance process for all Producer members.

Exemptions apply to education, community and other productions as outlined in the LPA Industry Service Fee Policy (refer Exemptions).

Where can I get assistance if I have any queries regarding the Industry Service Fee?

Just call the LPA office on (03) 9614 1111 ext 5

Negotiation regarding caps or exemptions:

Evelyn Richardson
Chief Executive

E erichardson@liveperformance.com.au

T 61 3 9614 1111 Ext 1

M 0407 303 646

LPA is the trading name of the Australian Entertainment Industry Association (AEIA).

Level 1, 15 – 17 Queen Street
Melbourne Victoria 3000

T 61 3 9614 1111

F 61 3 9614 1166

E info@liveperformance.com.au

www.liveperformance.com.au

www.helpmannawards.com.au

www.liveperformance.com.au/halloffame



www.liveperformance.com.au