



Live Music Roundtable

Message from the Minister for Liquor and Gaming Regulation

Live music is in Victoria's DNA. We are home to the best music venues, plenty of gigs to choose from each week of the year, and passionate audiences.

Our live music scene makes an important contribution to our vibrant social fabric, safe 24-hour culture, and to our jobs.

It's one of our great strengths and we are increasingly recognised as a live music capital, nationally and internationally.

Becoming a top live music city or state doesn't happen by accident. It requires us all to come together and work towards a common goal. It's about understanding the issues and addressing them.

Here in Victoria, the Live Music Roundtable has successfully brought together government, venue owners and music representatives to do just that.

Together we have tackled vital issues such as sexual harassment and variations to agent of change laws. These Best Practice Guidelines are another important outcome and an invaluable resource for our live music venues.

Congratulations to Music Victoria for updating the guidelines and continuing to champion and promote best practice.

The Victorian Government is committed to ensuring that our live music industry prospers, maintains its well-deserved reputation and continues to be an inspiring and safe place for musicians and patrons alike.

Jane Garrett MP

Minister for Consumer Affairs, Gaming & Liquor Regulation

Martin Foley MP

Minister for Creative Industries

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These guidelines provide information for venue operators who are planning to host, or already host, live music at their venue. Topics covered by the guidelines include managing sound to maintain a positive relationship with neighbours, providing a safe environment for patrons, staff and musicians to enjoy the live music experience, and building constructive working relationships with musicians.

In addition to outlining the minimum requirements for running a live music venue, the guidelines provide advice on achieving 'best practice' as a live music venue operator.

There are many benefits to achieving best practice in a live music venue, including:

- attracting high-quality performers;
- improving patronage;
- · increasing profits;
- enhancing your venue's reputation in the live music and hospitality industries;
- building positive relationships with neighbours and authorities;
- increasing staff satisfaction and retention;
- reducing the number of complaints about the operation of your business;
- · reducing the potential for safety and legal issues; and
- reducing operational costs (security, legal and repairs).

By working cooperatively with musicians, neighbours, authorities and patrons, live music venues can make an invaluable contribution in ensuring that Victoria has a vibrant live music industry for many years to come.

Acknowledgements

These guidelines were produced as a collaborative project between stakeholders in the live music industry and the Victorian Government.

In particular, the Live Music Roundtable would like to thank the following organisations and individuals for their input:

APRA AMCOS

Arts Access

Creative Victoria

Department of Environment and Primary Industries

Department of Justice

Dispute Settlement Centre of Victoria

Environment Protection Authority Victoria

Green Music Australia

HEARsmart

Jen Cloher

John Watson

LISTEN

Music Victoria

Save Live Australia's Music

The Corner Hotel

The Push

Victorian Commission for Gambling and Liquor Regulation





Managing sound effectively in your venue will enhance the live music experience for patrons, help you attract quality performers, and reduce the potential for conflict with neighbouring residents and businesses. This chapter provides background information on the regulation of noise in Victoria and achieving best practice sound management in your venue. It is important to note that every venue has a unique set of circumstances in relation to sound management, so it is wise to seek advice from your local authorities to ensure that your venue is compliant.

Minimum requirements

Laws governing noise are divided into two policies:

- State Environment Protection Policy No. N-1: Control of Noise From Industry, Commerce and Trade (SEPP N-1); (Note. In rural areas, SEPP N-1 is replaced by the Noise from Industry in Rural Victoria Policy (NIRV)) and
- State Environment Protection Policy No. N-2: Control of Music Noise from Public Premises (SEPP N-2).

SEPPs define environmental objectives with which all activities in Victoria must comply.

SEPP N-1/NIRV and SEPP N-2 both aim to ensure that all Victorians can enjoy the amenity of their property without disturbance from noise emitted by their neighbours.

What is amenity?

Amenity refers to the quality that an area has of being pleasant and agreeable.

SEPP N-1 / NIRV: Control of Noise From Industry, Commerce and Trade

SEPP N-1/NIRV governs the noise emissions associated with the activity of running a venue such as air conditioning units, air compressors and refuse (e.g. bottle) disposal.

Since many live music venues operate at night, it is important to consider the impact of these activities on the amenity of surrounding neighbours. Many of these issues can be dealt with through appropriate design and management of the venue, as outlined in the best practice section of this chapter.

SEPP N-2: Control of Music Noise from Public Premises

SEPP N-2 governs the music and entertainment noise emitted from within a venue or public premises, including noise from voices and activities within the premises associated with music sources.

When a complaint is made about music noise emanating from a public premises, the relevant authority will measure the noise level at the origin of the complaint (or a suitable alternative as defined in SEPP N-2) during the performance and compare it to the noise levels at other times. The noise limits for your venue will depend on your proximity to neighbours, as well as when and how often you host live music.

Enforcement

In most cases, local councils handle noise complaints. However, the Victorian Commission for Gambling and Liquor Regulation (VCGLR) may also become involved, as compliance with SEPP N-2 and maintaining neighbourhood amenity is often a condition of a venue's liquor licence.



The VCGLR may conduct a public inquiry into whether the operations of a licensed venue are detracting from the amenity of an area. In making a determination, the VCGLR may consider a number of factors, including evidence that noise associated with the venue is disturbing neighbouring businesses or residents. In cases where license venues are found to be non-compliant, the VCGLR may cancel, suspend or vary the licence.

Serious cases of non-compliance may also be referred to local police. Subject to privacy laws, local council, the VCGLR and local police may communicate with each other as deemed necessary for the satisfactory resolution of noise-related issues.

Agent of Change

Planning

Since the State Government implemented the Agent of Change Particular Provision into Planning Law in September 2014, responsibility for noise attenuation measures required in order to obtain planning approval will now rest with the 'agent of change'.

In practical terms this means that if a live music venue seeks to expand, they will be responsible for attenuating any noise effects that are caused by that change. Similarly, a new residential planning proposal close to a live music venue will be responsible for noise attenuation.

A Planning Practice Note assist planning applicants and decision makers decide how to address the agent of change principle when preparing an application or considering a residential proposal at or close to a live music venue.

Practice Note: www.dtpli.vic.gov.au/__data/as-sets/pdf_file/0011/284573/PPN81-Planning-for-Live-Music-and-Entertainment-Noise_September-2015.pdf

Best practice

There are a number of steps that you can take to manage sound effectively in your venue, which are outlined next.

Plan effectively

- Consider the proximity of neighbours and how it will affect your live music schedule.
 Remember that businesses generally have the same rights to neighbourhood amenity as residences.
- Assess the building's acoustic insulation to determine if any renovations will be required to comply with noise regulations. See the Resources section of this chapter for further information.
- Remember to check the building's electrical supply, plumbing and other utilities to ensure they comply with the Building Code of Australia. It is worth ensuring compliance on these levels before installing acoustic insulation to avoid expensive retrofitting.
- Engage an acoustic consultant to establish sound limits for your venue that ensure you comply with noise regulations. Acoustic consultants can also provide advice on reducing the sound that emanates from your venue.

Upgrade the building as needed

- Install high-density acoustic insulation in the walls, ceiling and floor surrounding live music areas, particularly external walls that are close to neighbours. Ideally, you should be able to walk the perimeter of your venue at any time and hear minimal sound emanating from the premises.
- Install sound absorbing materials such as heavy drapes and carpet in live music areas to reduce reverberation and minimise the build-up of sound.
- Install acoustic or 'air-lock' doors at the entry points to the live music area, venue, or other outdoor areas to limit the break-out of sound.
- Seal any gaps where sound might be escaping, including around doors and windows, or utility inlet and outlet vents, particularly through air conditioning ducts.



Use appropriate equipment

- Use a PA system that is appropriate for the size of the venue and relevant noise limits.
 Devices such as limiters, warning lights, compressors and cut-out switches can also help you maintain PA volume at a suitable level.
- Use equalisation devices to control the low frequency sound generated by drums and bass instruments, which is difficult to insulate against and is often accompanied by vibration.
- Enclose or replace noisy utilities such as air conditioning units and compressors that may disturb neighbours.

Develop a sound management strategy

- Use a sound level meter to take regular sound measurements from reference points both inside and outside the venue during live shows and adjust sound levels accordingly. Keeping a record of these measurements in a 'noise diary' also demonstrates your commitment to noise compliance, which will be useful if dealing with any noise complaints or planning to upgrade the entertainment area in your venue.
- Educate staff on sound management principles, such as monitoring on-stage sound levels, managing patron noise in outdoor areas, and disposing of recycling quietly.
- Ensure your booking agent only books acts that are appropriate for your venue. For example, hosting a metal band in a venue set up for folk music will invariably result in noise complaints.
- Inform musicians at the booking stage (possibly as part of the performance contract) about sound management practices in your venue, including relevant noise limits and any PA limiting devices, such as compressors and cut-out switches.
- Manage outdoor areas to prevent large groups of patrons gathering and making noise that could annoy neighbouring residents. This could include not permitting alcohol in outdoor areas after a given time,

- mounting signs that encourage patrons to be quiet in outdoor areas, or installing Perspex reflectors to reflect crowd noise away from neighbours.
- Be proactive in building a positive relationship with local authorities and residents to address noise-related issues before they escalate (see chapter 2 of these guidelines for further information).

Resources

Good Music Neighbours

Good Music Neighbours is a Creative Victoria matched funding opportunity for live music venues to access support to manage their sound attenuation needs.

musicvictoria.com.au/gmn

Useful references:

For further information on SEPP N-1/NIRV and SEPP N-2, visit:

www.epa.vic.gov.au/about-us/ legislation/ noise-legislation

For information on the acoustic properties of building materials, visit:

www.gyprock.com.au/resources/ filemanager/designguides.aspx?fileIteration=144

For information on complying with the Building Code of Australia, visit: www.abcb.gov.au

Specialist contacts:

Acoustic consultants

As a starting point, search the internet for 'acoustic consultant Victoria'. The relevant industry bodies are the Australian Acoustical Society and the Association of Australian Acoustical Consultants. Your local council may also be able to recommend an acoustic consultant.

Structural engineers

As a starting point, search the internet for 'structural engineer Victoria'. The relevant industry body is the Association of Consulting Structural Engineers Victoria.





This chapter offers advice on building positive relationships with neighbours and authorities so that they can understand your business and you can address potential issues quickly and effectively.

Best practice

Communications

- Consider establishing a communication plan for your venue that includes regular contact with local authorities such as police and council, as well as community and residents' groups in your area. Such a plan might include regular meetings or notifying your neighbours and authorities when planning big events or changes to your entertainment schedule.
- Making sure that after-hours contact numbers for you and your managers are available to staff, patrons, residents and authorities will ensure that any issues can be dealt with as soon as possible after they arise.

Police

- When planning changes to the operation of your business, such as extending trading hours or introducing live music, you should contact your local police station and seek advice from the liquor licensing inspector for your municipality.
- Being proactive in communicating with police will demonstrate that you have good intentions and will give you the best chance of avoiding any trouble.
- You should also investigate the history of your venue and any previous licences. If the venue has a history of noise-related issues, your local liquor licensing inspector will know about it and you need to know about it as well.

Neighbours

- Consider door-knocking in your local area to introduce yourself to your neighbours, tell them about your business and learn about their expectations regarding noise and safety. This will let you know up front if there will be any issues, as well as giving them a contact point if they have any concerns in the future.
- Consider hosting a monthly meeting or social night for local residents on a quiet night in your venue. Neighbours who are familiar and comfortable with your venue will be more accomodating towards your entertainment schedule and more likely to talk positively about your venue to friends and family. Opening your doors and welcoming your neighbours in will not only increase your patronage, but help them to see that you are part of the neighbourhood too.

Resources

Guides on communicating with residents can be found at the following websites:

www.residents3000.net.au

www.melbourne.vic.gov.au/ForResidents/ResidentGroups/Pages/ResidentGroups.asp





Chapters 1 and 2 of these guidelines provide information on sound management and building relationships with authorities and residents to avoid noise-related issues when hosting live music at your venue. However, there is always a risk that neighbours will complain about noise. This chapter provides tips on how to manage complaints effectively in order to save your business time and money.

Neighbouring residents have a right to make formal complaints to police, council and the VCGLR if they believe that the noise coming from your venue is excessive. Dealing with formal complaints can be time-consuming, costly and damaging to your reputation, so if a neighbour contacts your venue to make an informal complaint about noise, you should try to resolve the issue before it escalates.

Best practice

Complaint handling

Have a clear plan.

Developing a plan for handling complaints at your venue will assist staff to diffuse noise-related issues if they arise.

Such a plan should include:

- after-hours contact numbers for you and your managers, available to staff, patrons, residents, the local council and other authorities;
- a nominated person (e.g. a duty manager or supervisor) whose responsibility includes handling complaints from the general public at every shift;
- training for all staff on what to say when receiving a complaint; and
- a method of recording details (e.g. a complaints book), including:
 - day, date, and time that the complaint was made;
 - who is making the complaint and their contact details;
 - specifics of the complaint, including when, where and how often; and
 - a timeframe within which you will respond.

Receiving verbal complaints

No matter what impression you or your staff may have formed about the person making the complaint, listen to them in a respectful way and avoid making any assumptions about what they will say. Remember that they may have been experiencing the effects of music or excessive noise for some time and may be in a highly stressed state. Try to see the situation from their point of view – how would you feel? Your empathy and consideration of their situation could resolve the issue immediately.

All staff should be trained in the basics of receiving a complaint, including:

- remaining calm and finding a good listening environment;
- · clearly identifying the problem;
- clearly identifying what the person wants you to do:
- focusing on the issue, rather than the person;
- avoiding assumptions try to see things from the other person's point of view; and
- considering whether you need to apologise or acknowledge previous complaints.

If the complaint is about something that cannot be rectified immediately:

- make sure that the person is aware that you have recorded their concerns and contact details;
- assure the person that you will notify management, who will respond (preferably with a timeframe – e.g. within 24 hours);
- provide them with the details of someone to contact if the matter reoccurs (e.g. a duty manager); and
- thank them for bringing the issue to the venue's attention.



Written complaints

A person who puts their concerns in writing is often highly motivated to take action, and you should treat a written complaint as preliminary action to a more formal complaint.

The recommended process for responding to a written complaint is similar to the process for a verbal complaint, with some additional steps:

- Acknowledge the letter of complaint promptly. This can be done with a phone call, an email or a letter. You don't need to commit to taking any action, you just need to confirm the complaint has been received and noted.
- Try to make contact with the author (if they have provided contact details). A conversation may allow you to obtain more details of the complaint, opening more options for resolution.
- Prepare a written response either accepting the problem and outlining the action you will take, or politely explaining why you cannot take the action requested.

Problem Solving

Meet on-site

Having acknowledged a complaint, you need to set yourself a course of action. Arranging a meeting with the person who made the complaint on-site can be a useful way of finding out more about the problem, as well as demonstrating that you are taking the matter seriously.

- Don't become defensive if they are upset about the situation.
- Remain calm and focus on the problem at hand.
- Investigate the nature of the problem if it is about noise, is it related to frequency, volume, or something else?
- Find out if there is room to negotiate: would the person tolerate the noise at certain times?
- Try to distinguish between past incidents and future action.
- Ask them what they would do if they were in your shoes.

Obtain input from others

- Discuss complaints with your staff at staff meetings. Encourage your staff to present practical solutions to how any issues could be prevented in the future.
- Seek outside advice (e.g. sound engineers or council) about possible solutions.

Present a range of options

- It helps to present your neighbours with a range of options to resolve any issues. This shows you have considered the problem and makes them a partner in the final solution.
- Be clear about the timeframes needed to implement a solution and the likelihood of success.
- Involve your neighbours in providing feedback about the issues – keep the channels of communication open.
- Remember that legal action should always be a last resort. Legal action is costly and time consuming for both parties and is likely to permanently damage your relationship with your neighbour.



Resources

Reaching Agreement

The Dispute Settlement Centre of Victoria's Reaching Agreement website offers practical advice on resolving common disputes. The site features conflict-coaching videos in English, Australian sign language and seven other community languages. Guides to dispute resolution in Victoria are available in English and 10 other languages.

www.reachingagreement.disputes.vic.gov.au

Dispute Settlement Centre of Victoria

Formal mediation services can offer an effective alternative to legal action. The Dispute Settlement Centre of Victoria (DSCV) provides free and confidential mediation services funded by the Victorian Government.

Mediation through DSCV is:

- voluntary all parties must voluntarily agree to participate;
- confidential all information provided and discussed during a mediation is confidential and must not be communicated to anyone not involved in the mediation;
- informal the mediator has no decisionmaking powers. Mediators help the parties involved in a dispute discuss the problem and to reach a solution together; they will not tell the parties what to do; and
- impartial the mediator will not take sides.
 The mediator will help you and your neighbour discuss the problem and reach a suitable outcome.

You can contact the DSCV on 1800 658 528.





Venues that are safe, clean and provide a pleasant atmosphere where patrons can relax and enjoy themselves are likely to attract more customers and be more profitable. Such venues are also an attractive place of employment and cause little disturbance to the local community. There are a number of factors that contribute to providing a safe and secure venue, including building maintenance, surveillance, crowd control and queue management, amenity, hygiene, emergency procedures and fire safety (Note: With respect to fire safety, the VCGLR has the powers to close and evacuate premises should a serious fire risk be present).

Minimum requirements

As a venue operator, you are required to comply with any conditions on your liquor licence or planning permit, including maximum patron capacities, installation of CCTV systems, crowd controllers, trading hours, amenity, waste storage and collection, and parking. Similarly, if you have a footpath or kerbside trading permit, you are required to comply with any conditions set out on that permit.

Under the *Liquor Control Reform Act 1998*, evidence of any of the following factors, which may occur inside, or a place outside a licensed premises that is sufficiently proximate to, that premises, are taken to constitute evidence of detraction from, or detriment to, the amenity of the area in which the licensed premises is situated -

- (a) violent behaviour;
- (b) drunkenness;
- (c) vandalism;
- (d) using profane, indecent or obscene language;
- (e) using threatening, abusive or insulting language;
- (f) behaving in a riotous, indecent, offensive or insulting manner;
- (g) disorderly behaviour;
- (h) causing nuisance;
- (i) noise disturbance to occupiers of other premises;
- (j) obstructing a footpath, street or road;
- (k) littering.

Under the *Tobacco Control Act 1987*, smoking is prohibited in all enclosed licensed premises and outdoor dining or drinking areas (e.g. a balcony or courtyard) that have a roof in place and the total actual area of the wall surfaces exceeds 75 per cent of the total notional wall area (see link below for further information).

Building owners must ensure their premises complies with the Building Code of Australia. Most licensed premises that provide live music entertainment are classified as a Class 9b building and will be required to meet the standards in relation to that class. This includes the installation of fire safety equipment and disability access and facilities. See the resources section of this chapter for further information.



Best practice

There are a number of steps that you can take, in addition to meeting the legislative requirements outlined above to improve safety and security at your venue. These include:

Building design and equipment

- Consult the Design Guidelines for Licensed Venues (details below) for practical advice on how to improve the safety of your venue through the design of its physical environment.
- Consider serving drinks in shatter-proof glass to reduce the risk of injury.
- Even if it is not a condition on your liquor licence, consider the use of security cameras as a tool to deter crime, capture footage that can be used in criminal prosecutions and enhance perceptions of safety. Security cameras can be particularly useful when used at the entry and exit points of a venue.
- Ensure that fire equipment (extinguishers, hose reels, doors etc) is checked by a qualified person periodically, and that staff are trained in their proper use. Consult the Metropolitan Fire Brigade Workplace Emergency Management Manual (link below).

Systems training

- Consult with police and the local fire authority about developing an emergency procedure management plan. Ensure that all staff members are familiar with the plan and understand what they should do in an emergency.
- Develop a staff procedure manual that contains all the information and obligations of staff when working in your venue. It should contain details about licence conditions, emergency procedures, floor plans with emergency exits, how to deal with noise complaints, how to deal with illegal drug use or dealing, harm minimisation strategies, and other relevant information.
- Keep an incident register and review it periodically to ensure that all incidents are recorded and appropriate follow-up action is taken.
- · Conduct evacuation drills every six months.

Crowd control

- Ensure that queues to enter the premises are kept orderly, and do not block footpaths or create loud noise. Consider using bollards, planter boxes or roped-off areas to achieve this.
- Develop a re-entry policy that outlines the circumstances when patrons can leave the premises (e.g. smoking, use of mobile phone) and re-enter without queuing or paying an additional cover charge, to reduce patron congestion on footpaths and areas surrounding the venue.
- Follow Victoria Police's advice on reducing the supply of drugs in licensed venues, Responding to Drugs (link below).



Resources

Design Guidelines for Licensed Premises

www.vcglr.vic.gov.au Look under 'Resources'.

Responding to Drugs

www.police.vic.gov.au/retrievemedia. asp?Media ID=55576

Victoria Police Business Security Kit

www.police.vic.gov.au/business security kit

Metropolitan Fire Brigade Workplace Emergency Management Manual

www.mfb.vic.gov.au

Department of Health

For information about the law regarding smoking, see:

www.health.vic.gov.au/tobaccoreforms/licensed.htm

Victorian Building Authority

For information about compliance with the Building Code of Australia, contact the Victorian Building Authority:

www.vba.vic.gov.au

Australian Building Code Board

For information on purchasing the Building Code of Australia, or where you can view the Code, visit the Australian Building Code Board website:

www.abcb.gov.au





Responsible consumption of alcohol brings many benefits – vibrant, liveable cities and regions, prosperous businesses, and good times with friends. But while enjoying alcohol is an intrinsic part of many cultures, drinking harmfully does not have to be. It is important to be aware of the effects of alcohol and how to minimise the risks associated with drinking. If your venue holds a liquor licence, it is important to comply with the relevant legislation and licence conditions to ensure that your venue is a safe and pleasant destination for patrons to enjoy a night out.

Minimum requirements

The Liquor Control Reform Act 1998 (the Liquor Act)

The Liquor Act sets out the minimum requirements by which you need to abide if you wish to supply liquor from your premises, including the requirement to obtain a licence. The primary object of the Liquor Act is to minimise harm arising from the misuse and abuse of alcohol.

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) is the authority that issues licences and regulates licensed premises.

There are several types of licences, but most live music venues hold either a general licence or an on-premises licence. All licences contain conditions that you must comply with, including trading hours, maximum patron numbers and amenity provisions.

One of the key requirements under the Liquor Act is the requirement for licensees and staff selling, offering or serving liquor for general, on premises, late night and packaged liquor licences to complete an approved Responsible Service of Alcohol (RSA) training course.

Licensees and staff that supply liquor under general, on-premises, late night and packaged liquor licences are required to complete a faceto-face Responsible Service of Alcohol (RSA) program within one month of first supplying, selling or offering liquor, and online RSA refresher programs every three years after that. In addition, first time applicants for a liquor licence do not receive approval until they complete new entrant training. This applies to applicants for all liquor licence categories except for a pre-retail licence or a BYO permit.

Licensees are required to display their current liquor licence and any other signage required under the Liquor Act in a prominent position in their venue. Gambling and liquor inspectors or a member of the police may inspect licensed premises at any time to check compliance with the Liquor Act.

Some of the most serious offences under the Liquor Act are:

- · supplying liquor without a licence;
- supplying liquor not in accordance with the licence;
- · supplying liquor to an intoxicated person;
- permitting a drunken or disorderly person on the premises;
- · supplying liquor to a minor; and
- permitting a minor on licensed premises (there are some exceptions to this rule – see Chapter 6 for hosting underage events on licensed premises).

Live music venue licences with crowd controller conditions

Live music venues that were granted a liquor licence prior to 6 October 2010 have crowd controller conditions on their licence. On 6 October 2010, representatives of the live music industry, the Victorian Government and the former Director of Liquor Licensing agreed to take a commonsense approach to the imposition of crowd controller conditions on live music venues.



Existing licensees can apply to have conditions relating to crowd controllers and security cameras removed or varied on their licence. This process may require licensees to complete a management plan.

A management plan allows licensees to demonstrate that they can manage their premises responsibly without the VCGLR imposing crowd controller and/or security camera conditions. As part of the management plan, the licensee can propose alternative licence conditions that are appropriate to their business. Licensees must demonstrate that they have a strategy for the management of their venue and its risks.

Licensees have the greatest capacity to control risk factors within the internal, physical environment of a venue. Licensees have the greatest influence on the operation of a licensed premises and on ensuring the safety of patrons and staff.

Measures put in place by the licensee to minimise the risks of harm within a venue are more likely to have a greater impact and be positively promoted by the licensee. A licensee's focus on responsible venue management can provide a range of positive outcomes for patrons and the successful management of the venue. Licensees must demonstrate that they can identify and actively manage their risks in their management plan. Relevant components of the management plan will form part of the licence conditions.

The management plan identifies and develops a responsible approach to running the venue. Therefore, the licensee must identify the following in their management plan:

- · venue-specific issues
- how they will proactively manage these issues
- proposed licence conditions.

Full details of the VCGLR Management Plan Guidelines are provided in the application kit 'Variation to the licence conditions for live music venues', which can be downloaded at www.vcglr.vic.gov.au/home/liquor/new+applicants/application+kits

Best practice

Responsible alcohol advertising and promotions

Licensees have clear obligations under the Liquor Act to serve alcohol responsibly. The VCGLR has the power to ban inappropriate advertising or promotions. Such action may also result in the VCGLR seeking to vary, suspend or cancel a liquor licence.

In using these powers, the VCGLR will take into account whether the promotion is likely to encourage irresponsible consumption of alcohol or is otherwise not in the public interest. For an up-to-date list of banned promotions, go to: Promotions banned by the VCGLR.

The following 16 principles provide licensees with a quick reference guide for responsible advertising and promotion of liquor. There are also guidelines for responsible liquor advertising and promotions and a responsible liquor advertising and promotions fact sheets available to download from the VCGLR website at:

www.vcglr.vic.gov.au/home/liquor/standard+licence+obligations/responsible+alcohol+advertising+and+promotions



Princi	iple	Example of Unacceptable Practise
1.	The advertising or promotion of liquor should not provide incentives that could lead to the rapid or excessive consumption of liquor.	Drinking games, competitions, dares or challenges that involve rapid or excessive consumption of liquor.
2.	The advertising or promotion of liquor should not encourage the stockpiling of drinks by the consumer for consumption at the licensed premises.	Promotions that encourage or reward the purchase of, or drinking of, large amounts of liquor in a single session or transaction.
3.	The advertising or promotion of liquor should not involve the availability of non-standard sized drinks or the availability of liquor in receptacles that encourage rapid drinking.	Serving liquor in a yard glass for skolling. Pouring liquor straight into patrons' mouths (e.g. pouring liquor directly from a bottle or shooting liquor from a water pistol).
4.	The advertising or promotion of liquor must not condone or encourage rapid or excessive drinking, drunkenness or antisocial behaviour.	Advertising or promotion of events that focus mainly on the excessive consumption of liquor (binge-drinking as part of end of sporting season celebrations such as "Mad Monday", or end of school year celebrations such as 'Schoolies Week' or 'after parties').
5.	The advertising or promotion of liquor involving 'happy hours', free drinks or discounted drinks must have reasonable limits and controls to minimise the risk of rapid, excessive or irresponsible consumption of liquor.	Promotions involving extreme discounts (e.g. \$1 shots of spirits) or excessive periods of free drinks (e.g. \$50 entry and free drinks all night).
6.	Where limited free liquor is advertised or promoted as ancillary to a product or service, the advertising or promotion must not place the free liquor as the primary focus.	Advertising that focuses exclusively on free alcohol where there are other activities to promote.
7.	Where the advertising or promotion involves the inclusion of unlimited liquor within the entry price, the advertising or promotion must be consistent with responsible service of alcohol practices.	Advertising or promotions that explicitly focus on the 'all you can drink' element of the event by using terminology such as 'drink till you get smashed' or 'drink your money's worth'.
8.	The advertising or promotion of liquor must avoid sexual, degrading, sexist or gratuitously offensive images, symbols, figures and innuendo.	Sexualised promotions that target women by offering free or reduced price alcohol combined with incentives to dress provocatively or remove their clothing (e.g. wet t-shirt competitions)
9.	The advertising or promotion of liquor must not be linked to sexual imagery or imply sexual success.	Using sexual images that depict gratuitous use of nudity to promote the supply of liquor. (e.g. using nudity to promote home delivery of liquor).



Princi	ple	Example of Unacceptable Practise
10.	The advertising or promotion of liquor must not suggest any association with risk taking, or with violent, aggressive, dangerous or anti-social behaviour.	The use of images or messages associating the consumption of liquor with risky or dangerous activities (e.g. sky diving, motor racing, drink driving, speed boating).
11.	The advertising or promotion of liquor must not portray people or depict material in a way that discriminates against, vilifies or is demeaning to any person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.	Advertising or promotions that use stereotyping to highlight racial differences or that make fun of personal characteristics such as disability.
12.	The advertising or promotion of liquor must not suggest any association with, acceptance of, or allusion to, illicit drugs.	Using images, text or language that allude to drug taking behaviour or using props, settings or scenarios that link the promotion of liquor to illicit drugs.
13.	The advertising or promotion of liquor must not encourage breaking the law.	Linking the consumption of liquor to drink driving or to breaking the law.
14.	The advertising or promotion of liquor must not encourage underage drinking.	Using characters, imagery, designs,motifs, interactive games, merchandise or media that are likely to appeal to minors.
15.	The advertising or promotion of liquor must not incorporate images of people who are, or who appear to look under 18 years of age, unless there is no suggestion that they have just consumed, are consuming or are about to consume liquor	Depicting models in settings primarily used by minors, even where the individuals used in the advertising or promotion are over 18 (e.g. schools, youth clubs).
16.	The advertising or promotion of liquor should not be likely to place any group at risk of harm.	Promoting the availability of discounted liquor in ways that encourage excessive consumption by 'at risk' groups (e.g. window display promoting discounted liquor products with high alcohol content).

In addition to meeting your obligations under the Liquor Act, you may also promote responsible drinking by:

- Clearly informing patrons through written policies and signs that your venue discourages irresponsible drinking behaviour.
- Providing free drinking water (which is a legal requirement) and considering providing free bar snacks and encouraging patrons drinking alcohol to order a meal.



There are also other measures you may take to minimise alcohol related harm in your venue, including:

Train bar staff in liquor management principles

- Inform and train staff about liquor licensing requirements, harm minimisation issues and the consequences of not complying.
- Develop a house policy that sets out your venue's approach to the service of liquor, and ensure that all staff understand it.
- Appoint a staff member as an RSA 'monitor', who is responsible for supporting bar staff in serving alcohol responsibly and assisting patrons to monitor their alcohol consumption.
- Train management to provide support to staff when dealing with intoxicated or underage patrons.

Maintain a safe working environment

 Maintain a safe working environment by serving drinks in toughened or shatterproof glass and regularly clearing the floor area of empty glasses and bottles.

Cooperate with authorities

- Cooperate with gambling and liquor inspectors and police if they conduct an inspection of your premises.
- If you need to apply for a temporary limited licence to extend your trading hours for a special event, plan at least eight weeks ahead to ensure you obtain the licence in time
- Join your local liquor forum and support its statement of intention.
- Keep up to date with changes in the law and other liquor-related issues by subscribing to the VCGLR's electronic newsletter, VCGLR News.

Liquor Control Reform Act 1998

The Liquor Act is available on the Victorian Legislation and Parliamentary Documents website. Look under 'Victorian Law Today'.

www.legislation.vic.gov.au

Resources

Victorian Commission for Gambling and Liquor Regulation

For information about liquor licences, completing RSA training and complying with the Liquor Act, the VCGLR should be your first port of call. There are many useful fact sheets on the Publications page of the VCGLR's website, and the Liquor Licences page provides flow charts and other information to assist you to choose the correct licence for your business.

www.vcglr.vic.gov.au

In addition, the VCGLR has released a range of obligations brochures to help licensees understand their liquor licence and associated responsibilities. Each brochure is tailored to a specific licence and provides information about the following:

- Responsible Service of Alcohol
- fire safety
- required signage
- impact on the surrounding area
- specific conditions on your licence
- administration and record keeping
- compliance and audit.

There are translations available in Hindi, Vietnamese and Chinese and you may download the obligations brochures at

www.vcglr.vic.gov.au/home/liquor/ standard+licence+obligations/your+obligations

Address:

49 Elizabeth Street

North Richmond

Postal address:

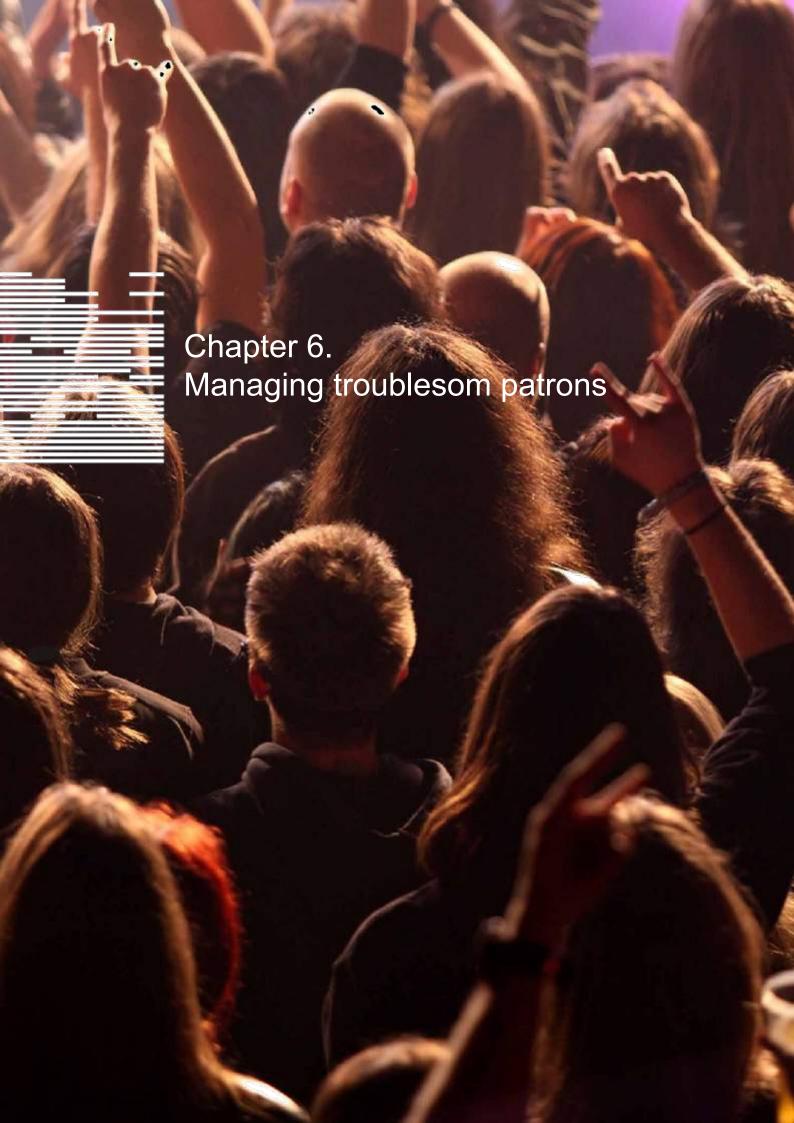
GPO Box 1988, Melbourne 3001

Email:

contact@vcglr.vic.gov.au

Phone:

1300 1 VCGLR (1300 182 457)





It is important that venues have strategies to manage troublesome, aggressive, intoxicated or disorderly patrons. Having a clear plan on what to do reduces the risk of these patrons causing injury to themselves or others, and maximises the opportunity for your venue to be a pleasant and safe place for people to enjoy.

Minimum requirements

Under the Liquor Control Reform Act 1998 (the Liquor Act), it is an offence to serve an intoxicated person, and to permit a drunken or disorderly person to enter or remain on your premises. A licensee can be fined up to \$16,900 if they are found guilty of either of these offences.

Licensees and staff that supply liquor under general, on-premises or late night licences are required to complete a face-to-face Responsible Service of Alcohol (RSA) program within one month of first supplying liquor, and online RSA refresher programs every three years after that. These programs teach staff, among other things, strategies to handle difficult customers.

In addition, the Liquor Act sets out a number of options to bar a person from entering a licensed premises. These are:

- Common law power: As a licensee, you have the right to refuse entry to a person, or ask a person to leave the licensed premises, as long as the reason is not discriminatory.
- Liquor accord: If you are a member of a liquor forum, members of the forum may agree to ban a troublesome patron from the licensed premises of forum members.
- Barring order: Licensees, responsible
 persons (any person who is in management
 or control of a licensed premises) and
 police have the power to issue a barring
 order that is enforceable by Victoria Police.
 Once served with a barring order, a person
 must leave the venue and its vicinity, and
 cannot return until the barring order expires.
- Designated areas: Some entertainment precincts in Victoria are classified as designated areas. Victoria Police have the power to ban a person from a designated area or all licensed premises in a designated area for up to 72 hours by issuing a banning notice. See the resources section at the end of this chapter for further information.

Best practice

Things that live music venues can do to meet best practice include:

Training and communication

- Develop a patron code of conduct and display it at all entry points. A patron code of conduct outlines patrons' responsibilities and the conditions of entry into the venue.
- Ensure that bar staff and crowd controllers are aware of the expectations, policies and procedures regarding venue operations.
- Hold a debriefing for staff and crowd controllers at the end of each night to discuss any security issues and identify areas for improvement.
- Keep a security incident register, review it regularly and make the necessary modifications to security management to address recurring problems.
- Ensure that a staff member with first aid training is rostered on at all times and first aid materials are stocked up regularly.
- Ensure pricing practices and promotions do not encourage alcohol misuse or rapid consumption.
- Promote alcohol-free beverages, low-alcohol beverages, bar snacks and meals, and encourage patrons to drink water.



Crowd management

- Develop a crowd management policy that aims to defuse high-risk situations and minimise the potential for antisocial behaviour to escalate.
- Facilitate staff and crowd controllers communicating about crowd behaviour by providing appropriate communication equipment.
- Ensure that crowd controllers clearly understand their roles and responsibilities, including diffusing issues before they escalate and the appropriate levels of physical intervention.
- Designate an area in the venue away from the main entertainment area where potentially violent situations can be defused.
- Establish strategies for clearing objects that could inadvertently cause injury or be used as a weapon, such as glasses, bottles and chairs in walkways.
- Consider installing CCTV at entries and queuing areas to assist in surveillance and deter antisocial behaviour.
- Ensure that bar and security staff have a clear view throughout the premises. This might include raising the level of the floor behind the bar, removing promotional materials or furniture that obstruct the view between the entry and the bar, or relocating lighting controls for easy access by bar staff and crowd controllers.

Resources

Victorian Commission for Gambling and Liquor Regulation (VCGLR)

The VCGLR's website provides further information about managing troublesome patrons, including guidelines on intoxication, responsible advertising and promotions, and barring powers.

Visit www.vcglr.vic.gov.au and click on the 'Resources' tab.

WorkSafe Victoria

Worksafe Victoria's Crowd Control at Venues and Events publication provides information about controlling entry into events, dealing with aggressive behaviour and coordinating emergency evacuations.

www.worksafe.vic.gov.au/forms-and-publications/ forms-and-publications/crowd-control-at-venuesand-events





Sexual harassment and sexual assault can occur in any licensed venue, including live music venues. Sexual harassment and sexual assault can significantly impact upon the safety and well-being of patrons, and can deter people from going out to venues. Patrons can often feel reluctant to speak up if someone is harassing them. There are many steps that venues can take to help prevent sexual harassment and sexual assault, to intervene when it is occurring, to encourage patrons to report incidents to staff, and to respond appropriately when a patron has been harassed or assaulted. By taking action against sexual harassment and assault, venues can help to create safer spaces for everyone to enjoy their night out.

Minimum Requirements

As a workplace, you are required to adhere to the Sex Discrimination Act 1984 (Cth) and the Equal Opportunity Act 2010 (Vic). These laws make it unlawful for a person to sexually harass another person in a number of areas including employment, education, the provision of goods and services and accommodation. Employees may also have a claim under the Fair Work Act 2009 (Cth) General Protections and Unfair Dismissal.

Furthermore, under Work Health and Safety laws, an employer must ensure, so far as is reasonably practicable, the health and safety of its workers. An employer who fails to maintain a safe workplace may be liable under the common law or under the Work Health and Safety Act 2011 (Cth) or equivalent state or territory law.

Accordingly, employers who fail to take reasonable steps to prevent the foreseeable risk of the harm created by sexual harassment may be in breach of the obligation to ensure a healthy and safe work environment and safe systems of work.

Sexual harassment:

According to the Australian Human Rights Commission (AHRC), sexual harassment is any unwanted or unwelcome sexual behaviour that makes a person feel offended, humiliated or intimidated.

Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual.

Sexual harassment is a type of sex discrimination.

Sexual assault:

Sexual assault is an offence under the Victorian Crimes Act (1958). Any suspected or alleged incidents of sexual assault should be treated and responded to seriously.

Sexual assault is any sexual activity a person has not consented to.

Sexual assault can refer to a broad range of sexual behaviours that make a person feel uncomfortable, frightened or threatened.

Best Practice

Key information

- To actively prevent instances of sexual harassment and assault at a venue, adoption of a zero tolerance policy for all forms of sexual harassment and assault, between patrons, staff, performing artists, security, or any other person engaged to work at, or visiting the venue is required.
- Recognition that women, and people of diverse gender and sexualities, are primarily the target of sexual harassment and assault by men.

However, both can occur to any person, regardless of gender or sexuality.



Prevention

- Venue owners should not direct staff to flirt
 with patrons and/or dress in a manner that
 makes the staff member feel uncomfortable.
 Even in venues that offer adult entertainment
 or sexualised performance, no staff member
 should be expected to put up with unwanted
 sexual advances or harassment from patrons
 or other members of staff.
- Staff should monitor patrons they believe may be the target of, or vulnerable to an instance of sexual harassment or assault, and actively monitor or check their well-being. Patrons who are intoxicated, or are disorientated, are under the influence of drugs or other substances or appear to be being targeted require an immediate response from staff.
- Sexual harassment and sexual assault are often supported or promoted by the broader culture of a venue. Venues may contribute towards the prevention of these behaviours by:
 - Promoting gender balance of staff, security, performers etc.;
 - Being inclusive of gender and sexual diversity; and
 - Promoting a venue culture that is safe and respectful.

All staff should be required to:

- Understand and adhere to the venue's policies for identifying and responding to instances of sexual harassment and assault at all times;
- Take all reasonable steps to identify and respond appropriately to any instance of sexual harassment and assault experienced by or reported to them, or that they become aware of;
- Support other members of staff who need assistance in responding to an incident;
- Support other staff members who experience sexual harassment or assault;
- Recognise, and be respectful of the fact that not all persons who have experienced sexual harassment or assault will wish to be

- considered or referred to as a "victim", but that this does not diminish the seriousness of an incident:
- Engage security and police where required;
- Ensure all details of an instance are recorded in the venue's incident log;
- Ensure staff involved in identifying or responding to an incident feel supported; and
- Ensure police are engaged for all serious incidents.

Incident response

If an incident is reported to a staff member, or they become aware of an incident or believe there is a likelihood of an incident occurring, all necessary steps must be taken to eject the perpetrator (and if necessary, their friends) from the venue. Wherever possible, the perpetrator's identity must be sought and recorded in the incident log.

Staff have a responsibility to respond to all incidents.

Any response to an instance of sexual harassment and assault that displays any of the following behaviours is unacceptable.

- not responding immediately;
- being dismissive or downplaying the seriousness of an incident;
- blaming the victim for what has happened, or justifying the perpetrator's behaviour;
- · ejecting the victim from the venue;
- refusing to eject the perpetrator from the venue;
- doubting or disbelieving a victim or witness;
- not engaging security and police upon the victims request (or automatically in the case of a serious incident); and
- not recording details of the incident, or destroying records or video/audio footage of an incident.



Training & communication

- All staff should be trained in how to identify and respond appropriately to incidents of sexual harassment or assault.
- All staff should be familiar with, and have ready access to the venue's policy on identifying and responding to incidents of sexual harassment and assault, as well as the venue's code of conduct and other relevant policies.
- Staff should be made aware that they will not be disadvantaged for reporting or responding to an instance of sexual harassment or assault within the venue.
- It is important to communicate to patrons that they can approach staff if they are being harassed, that they will be believed, and that appropriate action will be taken.

Resources

LISTEN

LISTEN exists to spark and cultivate a conversation from a feminist perspective around the experiences of marginalised people in Australian music.

listenlisten.org

Good Night Out

Good Night Out is a campaign led by Hollaback! in the UK. The Good Night Out campaign provides training to venue staff on responding to sexual harassment in venues.

www.goodnightoutcampaign.org

CASA House Sexual Assault Crisis Service

The Victorian CASA Forum is the peak body of the 15 Centres Against Sexual Assault, and the Victorian Sexual Assault Crisis Line (after hours). They work to ensure that women, children and men who are victim/survivors of sexual assault have access to comprehensive and timely support and intervention to address their needs.

Ph:1800 806 292

CASA Forum www.casahouse.com.au

Switchboard

LGBT Counselling Service 1800 184 527

MensLine Australia

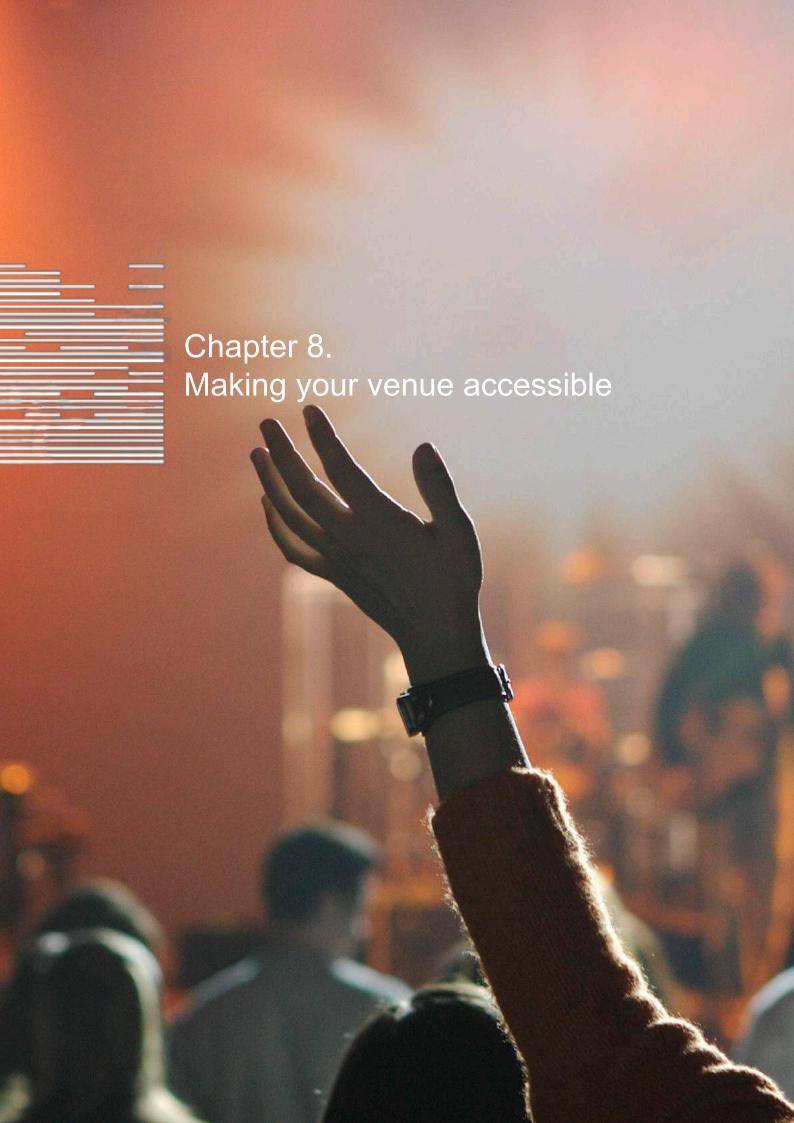
MensLine Australia is a professional telephone and online support and information service for Australian men.

1300 78 99 78

VicHealth

VicHealth provide training and resources on preventing violence against women.

www.vichealth.vic.gov.au/our-work/preventing-violence-against-women





It may be news to most people that 18.4 percent of Victoria's population lives with a disability. With our growing population, it's projected that by 2031 more than 1.5 million Victorians will live with a disability. According to the Australian Bureau of Statistics, people with a disability are significantly less likely to participate in arts and cultural activities than other members of the community and key findings show this predominantly relates to access issues. Creating a space that is open and accessible to all patrons, inclusive of those living with a disability, should be a major priority for all businesses. In this chapter we look at how you can work on an inclusion plan to create a space for all people to enjoy.

Universal Access

The concept of Universal access is an all-encompassing inclusion plan where activities, events, programs, projects and built environments (including your venue) are able to be used by the broadest range of people. In order for the design of a space to be truly universal, it must be useful to people with all kinds of conditions and abilities. This includes people with disability or activity limitations.

Specifically, universal access addresses barriers to inclusion for people:

- With disabilities:
- · Who experience mental health issues;
- Who come from culturally and linguistically diverse backgrounds;
- Who come from rural and remote communities;
- Who identify as Aboriginal or Torres Strait Islander; and
- · Who are disadvantaged.

Universal Access is of enormous economic benefit to all businesses. When people of all abilities are able spend their money in venues of their choosing and have a positive experience doing so, everybody benefits. People living with disability have partners, families and friends – all of whom will spend money if they can come to an accessible venue.

Universal access seeks to:

 Make programs and services as useable by as many people as possible

- Ensure that people can take part on an equal basis in cultural life
- Enable all people to develop and utilise their creative and artistic aspirations.

The concept of universal access relates to five key areas. By having an understanding of the following principles you can begin to implement a universal access plan for your venue.

1. Physical environment

- Identify and provide the best physically accessible venues for arts events/programs.
- Provide clear, easy to locate information about physical access at your venue.
- Identify physical access problems or barriers and develop strategies to resolve these.

2. Information and communication

- Actively research diverse communication delivery to a broad range of users.
- Ensure programs and services reflect the diverse communication needs of users by providing information in a range of languages and formats.
- Ensure access to websites and digital strategies comply with World Wide Web Consortium (W3C) standards.
- Provide users with the opportunity to participate in programs and services in their chosen form of communication.

3. Cultural relevance and integrity

Embrace the right to express diverse cultural perspective.



- Ensure users are at the centre of organisational planning and delivery of programs.
- Create partnerships that promote inclusion and access.
- Train all staff in inclusive arts practice.

4. Location

- Consider ways to provide programs and services in a range of locations.
- Build strategies to increase participation of people in a range of locations.

5. Affordability

- Consider ways to subsidise participation for target groups.
- Provide a range of low cost/no cost program and activity options.

Best practice guidelines for making your venue universally accessible

Adopting the guidelines below will not only increase your patronage but also the aesthetic values of your venue and performances. Good lighting, where appropriate, clear signage and Auslan interpreted performances look great! (Checkout the Red Hot Chilli Peppers performing with a sign language translator: www.youtube.com/watch?v=OB-pulgVbE1s)

Disability awareness training for venue staff is another key aspect and the best place to start your journey towards universal access. Arts Access Victoria offer tailored training for the creative industries that responds to your specific needs. Disability awareness training allows staff to feel confident in providing a service to people with a wide range of disabilities.

The following tips, relating to specific disabilities, can also help you with your move to being a universally accessible venue:

People with vision impairment or blindness may require:

- Clear, large print signs
- Hand rails on stairs and ramps
- Good lighting around steps or changes in floor levels
- Audio announcements for meals or table bookings (rather than LED boards or raffle tickets. Blind or vision impaired patrons may not be able to catch your eye when serving but that doesn't mean they aren't waiting to be served)
- Reserved seating (if applicable) near the stage
- Staff to use words as well as gestures when serving people (some subtle gestures may not be detected by people with vision impairment)
- Security at the entrance to be verbal and not just gesture to a board or sign to show information
- Guide or assistive dogs to be allowed into all venues (this is by law)

People who are deaf and/or hard of hearing (enjoy live music too) may require:

- Emergency lighting that flashes
- Clear signage
- · Captioning on LED screens
- Auslan Interpreter
- Hearing loops or assistive listening systems
- Reserved seating (if applicable) near the stage.

People with an intellectual disability may require:

- Plain English for all written communication
- Communication prior to the event regarding the use of flash photography and strobe lighting (which can cause epileptic seizures – this will allow patrons to determine if they are able to attend)
- A communication board with helpful pictures at the bar and or reception area (for example, a picture of a pot or schooner).



People with autism may require:

- Quiet spaces and rest areas
- Communication prior to the event regarding the use of flash photography and strobe lighting (which can cause epilepsy seizures – this will allow patrons to determine if they are able to attend)
- Access to earplugs.

People with mental health issues may require:

- Quiet spaces and rest areas
- · Offer earplugs
- Mental health first aid training for staff.

People with physical and mobility impairments may require:

- Accessible parking or reserved car spaces (if requested by a patron in advance
- Signage at an appropriate height (approximately five feet from the floor is a good measure)
- · A compliant, accessible toilet
- Portable ramps (these can be handy if you have a small step to navigate and are relatively inexpensive or can be custom made)
- Seating and rest areas
- Clear pathways through spaces
- Automatic doors or the use of light-weight doors.

Universal Access Symbols

Universal access symbols will help visitors, audiences and staff identify accessible events at a glance. You can use these symbols in advertisements, newsletters, rock posters, social media, conference and program brochures, membership forms, building signs, floor plans and maps. By including the symbols in your promotional materials, patrons will know if an event is accessible without the need to contact the venue. Use of these symbols will help all visitors feel welcome, for example the use of a wheelchair-accessible symbol conveys not only that the venue is accessible to those in wheelchairs but also to patrons with prams,

walking frames and people with mobility issues.

Here are some universal access symbols which are relevant to live music venues:

Companion Card:



The Companion Card is issued to people unable to access community activities and venues without support and entitles their companion to a complimentary

ticket. Use of this symbol will promote that your venue will accept Companion Card bookings.

Sign language interpreted:



The sign language interpreting symbol should be used where Auslan interpreting is available for patrons or audiences. This may be interpretation of performance,

presentations or social interpreting for interval or after-parties.

Assistive listening systems:



Hearing loops, or assistive listening systems, are installed in venues and can be used to amplify or enhance sound quality and eliminate background noise for people who

are hard of hearing.

Wheelchair accessible:



The wheelchair access symbol identifies that a venue is wheelchair accessible and has accessible bathrooms. A wheelchair-friendly venue should also have specific

seating reserved for wheelchair users, if appropriate.



Captioning (open/closed):

These symbols identify that captioning is available at selected performances. Captions are prepared from the lyrics or script by highly trained staff. During the performance the captions are displayed on a screen enabling the audience to read what is being said without obstructing the musicians. Open-captioning is always in view

and cannot be turned off; closed-captioning can be activated or deactivated by the viewer.

Large print:

Print

You can offer large print materials to Large your patrons including books, rock posters, brochures, guides, programs, forms and general signage. Large print materials

should be 18-point or larger, have high contrast (such as black print on white or white print on black) and be well-spaced.

Resources

Arts Access Victoria

AAV is dedicated to an ambitious agenda of social and artistic transformation for people with disability, the communities in which they live and the arts sector in which they aspire to participate without barriers.

www.artsaccess.com.au/resources

Entertainment Assist

Entertainment Assist is a national health promotion charity that raises awareness about mental health and wellbeing in the Australian entertainment industry and advocates for generational change.

entertainment-assist.squarespace.com/our-research

The Graphic Artists Guild (USA) has created a set of free Universal Access Symbols, which you can download in a variety of formats

www.graphicartistsguild.org/tools resources/ downloadable-disability-access-symbols

Australia Council for the Arts, More than bums on seats: Australian participation in the arts. Sydney, Australia Council for the Arts, 2010.

www.australiacouncil.gov.au/workspace/uploads/ files/research/full report more than bums on -54325919b74d6.pdf

Access Enabled Festivals and Events Disability Access Guide, prepared by City of Darebin catalogue.nla.gov.au/Record/4979459





You can make sure you comply with music licensing obligations under the Copyright Act by checking your obligations with APRA AMCOS – it's a mandatory part of operating a live music venue. If you are also using sound recordings in your venue, you should also ensure you have the appropriate sound recording licences. PPCA will be able to assist if you have questions about your obligations in relation to such licences.

Why do you need a licence?

As a live music venue, you'll directly benefit from using music to entertain and retain customers. If your venue plays music, has live music performances, or if you have music available online or copied, the law (under the Copyright Act) requires you to obtain a licence from APRA AMCOS. Similarly, if you play, copy or make sound recordings available online you will need a licence for the recordings, which can be obtained from PPCA.

Such licences grant permission from, and ensures payment to, the copyright owners - the songwriter, composer and music publisher who made (and own) the piece of music you're using in your venue and the record labels and artists who made and own the recordings that you play. The other option is that you contact and obtain permission from the owners of each piece of music or recording you play, stream, download or copy, which can be time consuming and expensive.

Best Practice:

- Contact APRA AMCOS to make sure you're meeting your legal requirements to use music. A range of licence options have been developed to suit all types of businesses. You can submit a licensing enquiry via the APRA AMCOS website: apraamcos.com.au/mu-sic-customers
- If, in addition to live music, you also play recorded music in your venue (eg between live sets, as general background music, or in a DJ set) you will also need a licence for the sound recordings. You can obtain sound recordings licences from PPCA – the website has information on the different types of licences, and how you can make an online application:

www.ppca.com.au/music-users-/licensing-home

- Read more on copyright from an independent source, the Australian Copyright Council www.copyright.org.au
- Ask APRA AMCOS about other ways to bundle the licence fee to get more out of music use (from background music, karaoke, playing radio and television, DJ performances, special events)

One type of licence available to you is the APRA annual live artist performers licence, which covers performances in hotels, bars, pubs and taverns and other venues that have live music. 4,500 venues already have this licence across Australia.

Under this annual live artist performers music licence you could:

- Pay the musicians a fee and NOT offer them a share of door receipts (or perhaps you don't have an admission charge). The licence fee in this case would be 2.2 % of your annual gross spend on musicians.
- NOT pay the musicians a fee but offer them a share of door receipts. The licence fee in this case will be 1.65% of the total share of annual door receipts paid to musicians or their agents.
- Pay the musicians a fee AND a share of door receipts. The annual live music licence in this case will be 2.2 % of your gross spend on musicians and 1.65% of the total share of annual door receipts paid to musicians or their agents.



Resources

About APRA AMCOS

APRA AMCOS (the Australasian Performing Right Association and the Australasian Mechanical Copyright Owners Society) is a collective right management organisation which licenses performing, communication and reproduction rights in music on behalf of more than 87,500 members and 124,000 licensees with 170 affiliated organisations worldwide.

apraamcos.com.au

About PPCA

PPCA (the Phonographic Performance Company of Australia) is a not for profit collecting society which licenses rights in sound recordings on behalf sound recording rights owners (eg record labels and recording artists).

www.ppca.com.au





Hosting underage and youth events is a great way to contribute to the live music industry. Such events generate interest in music among young people and provide them with an opportunity to see their favourite performers in a safe and controlled environment. Hosting underage and youth events at your venue will also help young people learn how to act appropriately on licensed premises.

Minimum requirements

Under the Liquor Control Reform Act 1998, you must give notice to the Commission if you wish to have a minor (a person under 18 years of age) present on any part of the licensed premises or authorised premises at which:

- (i) a live music event is being held in accordance with notice given to the Commission and prescribed conditions; and
- (ii) liquor is not supplied, consumed or made available on that part of the premises.

Notification to host live music events

If planning to host a live music event, you must lodge with the Victorian Commission for Gambling and Liquor Regulation (VCGLR) a notification form for conduct of live music events which is available at www.vcglr.vic.gov.au.

This notification form must be submitted at least seven business days prior to the date of the live music event and you can notify the VCGLR of up to a maximum of three events in total on this form.

There is no fee applicable for the conduct of live music event.

Definition: 'Live music event' - an event where sound is manipulated for artistic, cultural or religious purposes and performed to an audience.

Prescribed conditions for live music events

A number of prescribed conditions apply for licensees or permittees who wish to hold live music events where minors can attend on a licensed premises.

Licensees and permittees must:

Provide free access to a telephone to minors

- Ensure that such events conclude by 11pm
- Ensure that advertisements for the event include start and finish times
- Take reasonable steps to ensure patrons under the age of 12 are accompanied by a responsible adult
- Provide that crowd controllers attend the events (a minimum of two and an additional one for every additional one hundred people attending)
- Ensure that at least one of the crowd controllers is female, and
- Ensure that no pass-outs are provided. That
 is, no person who leaves the performance
 area can re-enter that area (other than to visit
 the toilet or access telephone facilities in an
 adjoining area on the premises). The
 performance area means the part of the
 premises in which the live music event is
 performed.

Minimum requirements for other underage or youth events

Minors can also be present at other underage or youth events where live music will not be conducted.

Approval to host underage or youth events where live music will not be conducted

When planning to host such underage or youth events, you are required to lodge with the VCGLR either:

- an application form for the conduct of underage or youth events or
- an application form for the conduct of 'Fast Track, Low Risk' underage or youth events

These application forms are available at www.vcglr.vic.gov.au and should be lodged at least 45 calendar days prior to an event. There is a fee applicable for the conduct of an underage or youth event.



To ensure the safety of patrons during underage or youth events, approvals for these events are subject to a number of standard conditions, details of which are provided with the application form. You may request that the VCGLR consider applying different conditions to your event. Such requests are considered on a case-by-case basis.

Best practice

In addition to the VCGLR's conditions for live music events, there are a number of steps you can take to ensure that your live music event is a success.

Promoters and performers

- Most live music events are arranged by promoters rather than the performing musicians. Ask prospective promoters to provide you with contact details for professional referees so that you can check the promoter's credentials.
- Ensure that ticket prices are affordable for young people. Most music venues will charge the promoter a fee to cover basic staffing and crowd controller costs and may charge a set amount for each patron.
- Ensure that performance agreements highlight the VCGLR's conditions for hosting underage events and are signed by all parties. Performers should also be directed to their duty of care to young people in the audience and should discourage dangerous behaviour such as stage diving. For general information on performance agreements, see chapter 12 of these guidelines.

Venue

- If a function for adults is held in the performance space on the same date as a youth music event, a minimum 45 minutes should be allowed between the conclusion of the youth music event and the commencement of the adult event.
- Ensure the venue has disability access and the venue conditions are sanitary, clean and safe.

Crowd control

- Establish a crowd control plan based on the expected number of patrons, style of music and expected crowd behaviour, and situate crowd controllers around the venue accordingly.
- Supervise the queue before the show to ensure that attendees are queuing in a safe manner and are clear of any roads or clearways.
- Coordinate the event with public transport timetables. Publish the playing times and public transport details local to the venue on your website, on tickets and outside the venue so parents and guardians can determine when the event starts and finishes.
- Include details of an appropriate area to drop-off and pick-up attendees before and after the show.
- Before the event starts, brief all staff, security and crowd controllers so they can understand the nature of youth music events, and can contribute in supporting the positive behaviour of attendees and performers.
- Harassment of young people, women or any individual must not be tolerated. Crowd controllers should be briefed to support the needs of all individuals who express they feel threatened.
- Direct crowd controllers and staff to check toilets regularly and safely respond to any bullying or antisocial behaviour throughout the show.
- After the event finishes, supervise the departure of patrons to the parent pick-up area or public transport stations.



Conditions of Entry

- Ensure that the conditions of entry are clearly displayed on tickets, promotional materials and at the door. Direct door staff and crowd controllers to reinforce these conditions to attendees upon entry.
- Have a responsible, friendly adult working the door.
- You may wish to conduct bag checks as people enter the venue to ensure that attendees and performers do not bring alcohol or other inappropriate products into the premises.
- Ensure that there is at least one female crowd controller at the entrance to check the bags of female attendees.
- Display signs that smoking will not be permitted at the venue.

First aid

- The Licensee should make a risk assessment of each music event. If there are high risks involved in an event (for example, an expected full capacity in a large venue, moshing expected) then a first aid officer (minimum qualification of St Johns Ambulance Level 2) should be in attendance.
- If possible, set up a first aid station in a seperate room that is close to the main performance area.
- Establish a process for dealing with young people who show signs of drug or alcohol intoxication when arriving at your venue.
- Have a staffing capacity for dealing with, and providing assistance to young people who present under the influence of drugs and/or alcohol.
- Do not eject an intoxicated minor onto the street without a plan to support them. Phone family or friends to ensure they get home safely.

Resources

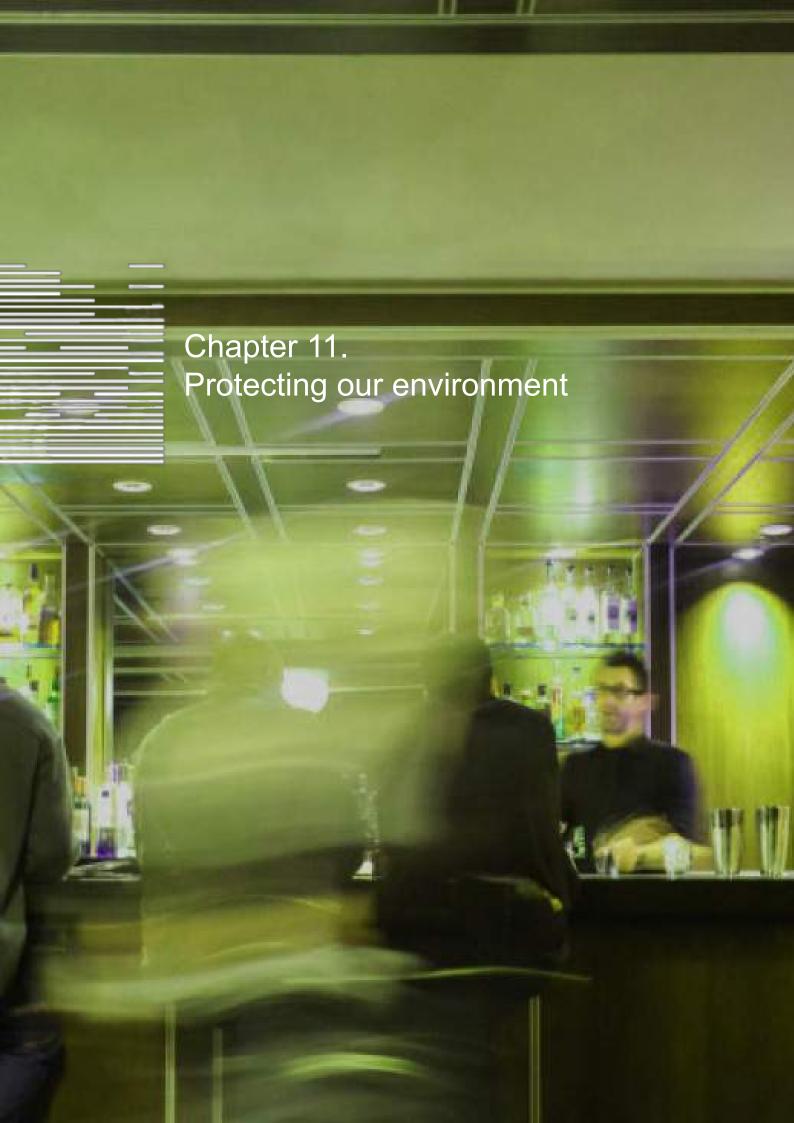
FReeZA

FReeZA is a youth development program established by the Victorian Government that organises safe and supervised events in drug-and alcohol-free venues across Victoria. For information on FReeZA groups operating near you, visit:

www.freeza.vic.gov.au

The Push

The Push is Victoria's youth music peak organisation and provides an advisory service for young peopleand the community to run youth music events. For information on The Push, visit www.thepush.com.au





From energy guzzling lights to car travel and flights, from plastic waste to throwing out almost new strings and batteries – the music scene has an outsized environmental footprint that needs to change.

Just as we have a responsibility to protect musicians, staff, crew and punters from injury, we have to play our part in protecting the environment (after all, there's no music on a dead planet). With a few simple changes we can make a big difference by reducing our footprint and showing others what can be done.

Minimum requirements

Environmental challenges can often feel overwhelming but it's remarkable how much of a difference we can make with just a few well-thought-out actions. By looking at the way we use energy, deal with waste and manage transport, we can reduce our impact substantially. It's also worth remembering that the cliché that sustainability is a path, not a destination, is true. Instead of trying to be perfect straight away it's actually better to take smaller steps and bring everybody along with us on the journey.

Best Practice

Energy and climate change

The biggest environmental issue facing the planet is global warming caused primarily by burning coal, oil and gas for energy but also brought on by logging and agriculture. Leading to potentially catastrophic increases in drought, fire, flood, sea level rise and storms, climate change is no exaggeration and threatens all of our lives. We need to address climate change urgently and every industry has its role to play with the music industry being no exception.

The vast majority of Victoria's energy comes from highly-polluting brown coal and the first step music venues and studios can take is to shift away from this sort of energy use. Using more energy efficient lighting, heating, air-conditioning and refrigeration while also moving over to energy generated by clean, renewable sources like solar and wind is a great first step.

Green Power

By far the simplest thing to do is to contact your current electricity retailer and ask to be put onto their green power scheme. These schemes ensure that clean, renewable energy is generated to cover all of your electricity usage, replacing coal and helping the clean energy industry grow.

While all green power schemes are credible, some are better than others. Green Music Australia and many energy consultants can help find the best possible supplier and negotiate a good deal for high energy users.

AMPED Up

When you're ready to take bigger steps, the Amped Up program – run by Green Music Australia and Energy For The People – can help you save energy, money and the environment. This program is an end-to-end energy service including planning and feasibility to implementation and monitoring and even crowd-funding. Experts from Energy For The People will look at your energy usage, the equipment you currently have and your location and will work with you to upgrade it. From LED lights to efficient fridges to rooftop solar – there's so much that can be done to make sure you're never out of pocket!

Climatarian Eating

After energy, the biggest driver of climate change is raising livestock for meat. If your venue serves food, one effective way to reduce your impact on our climate is to include more vegetarian options on the menu and limit the highest carbon options like beef and lamb. By encouraging punters to



choose delicious, climate friendly eating, you can have a big impact beyond your own space.

venue-branded reusable bottles to provide to artists for use on-stage is another great option.

Waste

Rubbish is ugly; it fills up landfill, hurts and kills wildlife and contributes to global warming. It's important to make sure that you have separated recycling bins (or comingled if your local council supports it) for glass, plastic, paper and aluminium. Have these recycling bins available behind bars, backstage and in public areas. Recycling bins should be well-marked (fun and creative signage options can help increase usage) and staff should be trained and required to use them properly.

Strings and batteries

Many artists, tech crews and venues now replace guitar strings and batteries before every show as a basic part of their risk management. While this is unnecessary, and can and should be reduced, venues can ensure that the near-new strings and batteries don't go to waste. Green Music Australia has relationships with remote Indigenous music communities and schools in lower socio-economic areas who are delighted to make use of near-new strings and batteries. By providing well-marked collection containers for musicians and crew, used batteries and strings can be collected and distributed to people in need thus supporting communities while protecting the environment.

BYO Bottle

While recycling is great, not using disposable items in the first place is better and with a product like plastic water bottles, avoiding them altogether is best. Venues should provide accessible and clean taps, jugs of water or refilling stations at bars and backstage. Use fun and creative signage to encourage punters and artists to use them. It's also possible to recoup costs by charging for premium products such as filtered or flavoured water.

Provide reusable, hard plastic cups instead of single-use, throw away cups. For venues with existing dishwashing capacity this is simple; for others, solutions can be found. Having

Transport

When we think of transport emissions in the music scene, most people focus on artists flying around on tour when in fact the biggest environmental impact is from audience travel, going to and from gigs by car.

One easy and important step is to make sure you have up-to-date public transport information on your website and social media and also provide this information to punters at point of ticket sale.

An important option, particularly for inner city venues, is making safe cycling infrastructure such as enclosed bicycle racks. Again, it's vital to make sure punters know about this by promoting it on your website, via social media channels and by providing it at point of ticket sale.

Finally, promoting ride-share options through your website and at point of ticket sale is an idea which in this Uberised world is catching on. Web-based services such as Ridevu allow people to register where they are going and offer or ask for a lift.

In each case, providing incentives to punters to make use of these alternatives is a great idea to encourage use. You could offer a small discount on the next ticket or a free merch item to people who come by bike or public transport.

Music as activism

Music has always been an art form that has attracted, supported and nurtured activism – from civil rights and indigenous self-determination to feminism and nuclear disarmament – and musicians have always been at the forefront. A powerful contribution to protecting the environment can be as simple as supporting events and bands who raise awareness about issues and also raise funds for campaigns.



Resources

AMPED UP

Green Music Australia, in partnership with Energy For The People, can help you go green and start saving power and the planet straight away!

www.greenmusic.org.au/campaign/energy-up-grades

BYOBottle

Single use, disposable plastic water bottles are one of the most visible environmental impacts of the music scene - hugely wasteful, toxic to us and our land and water, and completely unnecessary.

www.greenmusic.org.au/campaign/plastic-water-bottles-campaign

The Climatarian Challenge

Less Meat Less Heat (LMLH) is a grassroots, non-profit organisation dedicated to reducing the consumption of the kinds of meat products that are most damaging to the climate.

www.lessmeatlessheat.org/climatarian-diet

Rubbish to Resource

Green Music Australia is working with Music NT to send almost new strings and batteries to be used by Indigenous bands in remote Australia instead of to rubbish tips.

www.greenmusic.org.au/campaign/rubbish-to-resource/

Ridevu

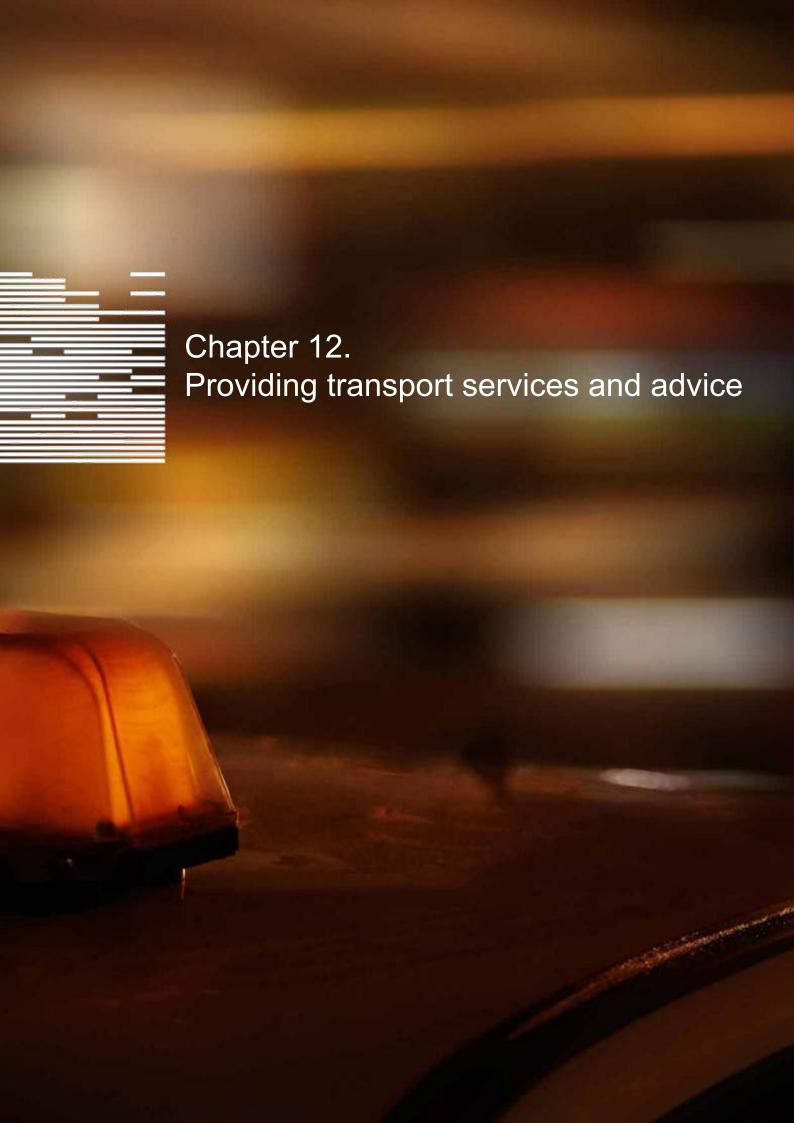
Ridevu helps event participants share rides. You can increase the attendance in your event by allowing participants to arrive and return easily.

www.ridevu.com

Green Music Australia

Green Music Australia is harnessing the cultural power of music and musicians to lead the way to a greener world.

www.greenmusic.org.au





Ensuring that patrons are able to get home safely after leaving a venue is important for a number of reasons. It minimises the risk of people becoming frustrated and potentially aggressive outside your venue, it prevents crowds from forming on footpaths and roads that could lead to safety and amenity issues, and it makes your venue more attractive as a place to socialise.

Best practice

There are a number of steps you can take to assist patrons depart your venue safely and avoid crowds forming on the footpath or road.

- Ensure that all bar and door staff are aware of:
 - the location and routes of nearby public transport services, including
 - all night bus, tram and train services that run on Friday and Saturday nights;
 - approximate times these services cease to operate;
 - the location of nearby public or private car parking facilities; and
 - the contact details for local taxi services and any designated taxi ranks near the venue.
- Encourage groups of people who have driven to your venue to nominate a designated driver for the night. Consider introducing a venue policy of providing designated drivers with free soft drinks or bar snacks.
- Direct bar staff to monitor any patrons who are drinking alcohol and have indicated that they intend to drive home. If there is a risk that they are over the blood alcohol limit, encourage them to use alternative modes of transport to get home and to collect their car in the morning.
- Direct crowd controllers or staff to manage patrons who are waiting for taxis outside your venue to ensure orderly queuing and acceptable behaviour.
- Notify local taxi companies when events are being held at your venue and the time they are expected to finish.
- Have a phone available for patrons to use free of charge to call a taxi, friend or relative to collect them from your venue.
- Promote late-night transport options on promotional material including the venue's website.

Resources

Public Transport Victoria

The Public Transport Victoria website contains information about all public transport options in the state, including metro trains, buses and trams, all night services, V/Line trains and coaches, and regional buses. Public Transport Victoria also has a useful smartphone application.

www.ptv.vic.gov.au

Taxi Services Commission

The Taxi Services Commission regulates the taxi industry. Its website contains a range of useful information, including details of taxi companies in Victoria, taxi rank locations, and tips on catching and travelling in a taxi.

www.taxi.vic.gov.au





As a venue operator, you are legally responsible for providing a safe environment for all your employees and clientele, including musicians performing at your venue. This includes eliminating any risks to health and safety and, where this is not feasible, taking action to reduce the risks. This chapter provides background information on health and safety risks that are particularly relevant to the live music industry and resources for gaining further information.

Miniumum requirements

In Victoria, occupational health and safety is governed by a system of laws, regulations and compliance codes that set out the responsibilities of employers and workers to ensure that safety is maintained at work.

The Occupational Health and Safety Act 2004 (the Act) sets out the key principles, duties and rights in relation to occupational health safety, including the requirement that all organisations:

- have policies and procedures that aim to protect the health and safety of everyone entering the workplace;
- ensure such policies and procedures are documented and available to everyone entering the workplace;
- undertake risk assessments to identify hazards and implement appropriate control measures; and
- consult with everyone involved in the workplace regarding health and safety.

The Occupational Health and Safety Regulations 2007 further the objectives of the Act by providing, among other things, procedures for the resolution of certain health and safety risks in the workplace. Health and safety risks outlined in the regulations that are particularly relevant to the live music industry include:

Sound levels

Repeated or continued exposure to excessively loud sound levels can result in irreversible hearing damage. Sound level exposure must not exceed an average of 85 dB per eight-hour day or a peak sound level of 140 dB. It is your responsibility as a venue operator to ensure that sound levels do not exceed these limits or, if this is not feasible, take action to reduce the risks of hearing damage to people in your venue.

- For every 3dB increase in level, sound energy is doubled and exposure time should be halved to ensure that the maximum sound exposure level is not exceeded. That means for 88dB a maximum exposure of 4 hours, 91 dB a maximum of 2 hours exposure, etc.
- Average sound levels in live music venues have been recorded as typically being between 90 and 110 dB LAeq. At these loudness levels, it is possible that venue workers, musicians and patrons will be at increased risk of sustaining hearing damage due to exposures beyond the maximum acceptable limit.

Manual Handling

Manual handling means any activity requiring the use of force by a person to lift, lower, push, pull, carry or otherwise move, hold or restrain an object. Manual handling is the most common cause of workplace injury in Victoria and it is your responsibility to eliminate or reduce the risk of injury from manual handling in your venue. See the best practice section below for further information.



Best Practice

Sound

There are several reasons for reducing the sound levels in your venue, including:

- avoiding hearing damage amongst staff, performing musicians and clientele;
- complying with health and safety legislation;
- reducing the sound emanating from your venue and disturbance to your neighbours;
- providing a more pleasant environment for everyone in the venue; and
- helping prevent sound-related fatigue, loss of concentration and stress in your employees.

Managing sound levels and applying OHS legislation to music venues is a challenge, as a certain level of loudness is often desirable for a particular live musical performance. However, this needs to be balanced against the responsibility to protect the hearing of employees, musicians and patrons.

Chapter One of these guidelines outlines several measures for reducing sound levels in your venue, including the installation of noise limiters and sound-absorbing materials.

There are other alternative steps you can take such as:

- modifying the layout of the band room (where possible) and;
- · changing speaker positions.

You can also consider rotating staff between loud and quieter work areas and allowing 'hearing breaks' during shifts. If you have implemented all of these measures and the average sound level in your venue still exceeds 85 dB per eight-hour day, the Occupational Health and Safety Regulations require that you provide anyone exposed to this sound level for an extended period of time with personal hearing protectors. However, this should be a last resort. The regulations also require that you provide regular hearing checks for these staff.

Perhaps most importantly, educating your staff, and talking to sound engineers and musicians about hearing risks and involving them in the creation of a hearing loss prevention policy for your venue can help to engender a positive hearing health culture that everyone at the venue can buy into. If all your stakeholders are on board, the process of monitoring sound levels and implementing protective measures is much more likely to succeed.

Manual handling

The risk of injury from manual handling is particularly high during equipment load-in, set-up, and load-out. The weight of the object being moved is just one of many factors that may cause injury. Other factors include the movements and posture required, dimensions and grip of the load, and layout of the workplace. There are a number of steps you can take to reduce the risk of injury during manual lifting, including:

- storing equipment at waist height and as close to the stage area as possible;
- using trolleys to transport equipment where practicable;
- designating the route of movement prior to moving an object and make sure you have a clear pathway;
- ensuring that staff and musicians performing at your venue are aware of safe lifting techniques; and
- when executing group lifts, ensuring that one person is in charge and position people for the lift having regard to the size, shape and balance of the load.

For further information on reducing the risk of injury during manual handling, see the resources section of this chapter.



Lighting equipment

Any lighting equipment likely to reach high temperatures should be guarded to prevent overheating. In addition, certain forms of lighting have the potential to adversely affect the health and safety of people in your venue:

- Strobe lighting can induce epileptic seizures.
 Flicker rates of four flashes per second or fewer are recommended and all strobes should be synchronised when more than one strobe is used.
- Exposure to UV light can harm the eyes and the skin, particularly among people taking certain prescription drugs. You should avoid using UV lights wherever possible and if they must be used, take steps to minimise harm, such as enclosing the source of the light or eliminating reflection.
- Lasers can cause serious harm, particularly to the eyes and skin. Of the five classes of lasers, only Class 1 are considered intrinsically safe and Class 2 are only considered safe in some circumstance. Class 3A, 3B and Class 4 lasers require special precautions and should not be used except under carefully controlled conditions by a trained operator.

Electrical equipment

All electrical equipment in your venue should be well maintained and regularly tested and tagged in accordance with AS/NZS 3760. Also known as 'Test and Tag', AS/NZS 3760 is an optional standard that requires that electrical equipment be inspected for damage on a periodic basis and tagged with details of the test date, when the next test is due, and a tracking code.

Best practice is for electrical equipment to be tested and tagged at least:

- annually in the case of electrical equipment;
- every six months in the case of extension cables;
- before and after every hire in the case of hired equipment;
- every five years in the case of non-moveable fixed electrical equipment; and

 immediately after repair and before use in the case of electrical equipment that has been repaired.

Testing and tagging can be done by anyone deemed competent by training or experience. See the resources section of this chapter for further information.

Resources

The WorkSafe Victoria website has a range of tools, tips and guides to help you address health and safety issues in your venue.

Visit www.worksafe.vic.gov.au/home or contact WorkSafe's Advisory Service on 1800 136 089 or info@worksafe.vic.gov.au

For further information on electrical standards and to purchase Test and Tag (AS/NZS 3760), visit infostore.saiglobal.com/store2

Work Safe Western Australia has published a Code of Practice for Control of Noise in the Music Entertainment Industry. Although published in 2003, its industry-specific tips and suggestions remain relevant for music venues facing the challenge of managing sound levels in a practical way. The code is available at:

www.commerce.wa.gov.au/publications/ code-practice-control-noise-music-entertainment-industry

For further information on hearing checks (audiometric testing), see www.worksafe.vic.gov.au/forms-and-publications/forms-and-publications/audiometric

The Health and Safety Executive, UK has developed a comprehensive website specifically aimed at providing practical advice for music venues. Since the UK and Australian regulations on occupational sound limits are essentially the same, the wealth of information and advice offered at this site is applicable to Australian venues: www.soundadvice.info

HEARsmart

HEARsmart is about helping Australians take charge of their hearing health.

Visit hearsmart.org





Performance agreements (also known as booking agreements) set out the obligations and expectations for venues and musicians organising a live performance. Entering into a written agreement with musicians performing at your venue will provide both parties with certainty about how the performance should run and can help enormously in the event of a communication breakdown or dispute.

Even free performances should be subject to some form of written agreement to ensure that both parties understand their obligations to one another.

Established musicians often retain a booking agent who negotiates with venues directly on their behalf, while newcomers to the industry typically negotiate the performance agreement themselves. Either way, using performance agreements is a well-established industry standard.

Best practice

Establishing a performance agreement well in advance of the show will give all parties the best opportunity to address any concerns or additional requirements, such as equipment hire and promotion. You should also contact the musicians prior to the show to confirm the booking and details of the performance.

At a minimum, a performance agreement should include the following information:

- Artist(s) details (name and contact details
- Venue details (name, address, website, and contact details for venue duty manager and production manager)
- Performance date
- · Load-in times and venue access
- Sound check time
- Playing times for headline and support acts (where applicable)
- Venue curfews
- Venue capacity
- · Cover charge
- Terms of payment (when, how much and payment method)
- · Venue hire fee or fee per paying customer
- Cancellation and termination policy
- Dated signature of both parties.

More detailed performance agreements may also provide the following information, where applicable:

- Contact details for in-house lighting and sound technicians, PA provider and lighting provider
- Specifications of equipment provided, including microphones, PA and lighting
- Stage dimensions and power supply points
- Minimum ticket sales
- Band rider specifications
- Space assigned for a merchandise desk, who will operate it and division of sales revenu
- · Dressing room accessibility
- Liability insurance do the musicians need to provide their own?
- How the band will be promoted
- Recommended companies for additional equipment hire and live recording
- Details of any photography or live recording agreements.

Resources

See the appendices at the end of these guidelines for examples of documents that you may want to include in your performance agreement:

Appendix A – Example live performance agreement

Appendix B – Example stage plot and input list

Appendix C - Example playing list

Appendix D – Example invoice

Australian Music Industry Network (AMIN)

AMIN advocates on behalf of its members and state and territory music industry associations. The AMIN website features several handy fact sheets and checklists for both venues and musicians, including a Booking Contract Fact Sheet that outlines things you need to consider when setting up a performance agreement.

www.amin.org.au

See the Music Industry Legal Pack under the Projects tab.





Without the musicians, there is no live music industry! Taking a few extra steps to support musicians performing at your venue will not only increase your chances of hosting great entertainment, it will also help ensure that Victoria has a vibrant live music industry for many years to come.

Best practice

There are a number of steps that you can take to support musicians at your venue:

- Be aware that musicians have rights and many newcomers to the industry may need to seek advice on topics such as performance agreements, copyright law, tax and insurance. When negotiating performance agreements with musicians to perform at your venue, provide them with the Live Show Checklist and Resources for Musicians (Appendix E of these guidelines).
- Nominate a band liaison officer at your venue to book bands, advise them of performance requirements, show them through the venue and respond to their requirements during the show. Making a member of staff responsible for these duties will ensure that musicians performing at your venue are aware of your expectations and any issues before or during the show can be resolved quickly and effectively.
- Set up a merchandise desk for musicians to sell their merchandise before, during and after the show. Selling merchandise at gigs is a great way for musicians to make money, particularly since the digital revolution and subsequent drop in CD sales. Remember to discuss the operation of the merchandise desk with the musicians prior to the show.
- Train staff to run the door on live music nights. Effective door staff should know the bands well and be able to promote them and upcoming performers. This role is particularly important in smaller venues, where running the door is often combined with operating the merchandise desk and liaising with the band. See chapters five and six of these guidelines for information on complying with your liquor licence and your obligations in relation to venue security.

- Set aside a quiet and secure backstage area for performers to relax and prepare for the show (e.g. tune instruments and prepare a set list). This will help ensure that the night's entertainment runs smoothly, particularly if there are multiple acts on the bill.
- Negotiate a suitable band rider with the musicians. While some may be happy with drinks, others may prefer a meal before the show or swapping the rider for additional payment.

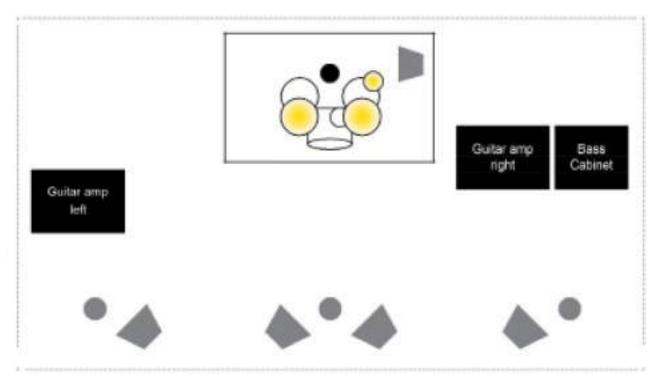
Resources

See the Live Show Checklist and Resources for Musicians at Appendix E for useful information that you can provide musicians performing at your venue.

Appendix A - Example live performance agreement

	V	enue name				
Venue a	ddress, general pho	one number, en	nail address &	website		
Key venue contacts: ((Name and contact (details)				
Band liaison office	er:					
Venue duty mana						
Sound technician:	•					
Artist details						
Artist name:						
Agent:						
Contact details:						
Performance details						
Date:						
	me/s and contact detai	ls)				
Playing times: <s< td=""><td>• •</td><td></td><td></td><td></td><td></td><td></td></s<>	• •					
	Support Act 2> Headline Act>					
Venue curfew:	1eadline Act>					
Venue access						
Load-in times:						
Sound check time	<u>;</u> s.					
Access to dressing						
Stage and equipment						
Stage dimensions						
Microphone and F						
Sound limits:						
Lighting specificat	tions:					
Ticketing and mer						
Performance anno	ouncement date:					
Venue capacity:						
Ticket price:						
On-sale date:						
Merchandise %:						
Cancellation polic	sV:					
Value of band ride						
Settlement terms (fee / ro	om hire per head):					
SIGNED BY:						
.,		- <u>,</u>				
√enue	Date: / /	Artist		Date:	1 1	,

Appendix B - Example stage plot and input list



Front

http://freestageplots.com/
MIC LIST AND PRODUCTION RIDER

Band name:

Contact person:

Mobile:

Email:

Line#	Input
1	Kick
2	Snare
3	Rack tom
4	Floor tom
5	High hat
6	Guitar left
7	Guitar right
8	Bass
9	Vox 1
10	Vox 2
11	Vox 3
12	
13	
14	
15	
16	

Appendix C - Example playing times

Venue:		
Date: / /		
	Doors:	7:30pm
	Support band #	8:00 - 8:30pm
	Support band #	9:00 – 9:45pm
	Headline Act	10:15 – 11:00pm
	Curfew:	11:15pm

Appendix D - Example invoice

Tax Invoice #001

Invoice Number	XX	
Date Terms (days)	XX/XX/XXXX 14	

Issued By:
[BUSINESS NAME]
Contact Name:
Address:
Email:
Phone:
ABN:

issued to:
[BUSINESS NAME]
Contact Name: Address: Email:

DATE	DESCRIPTION	AMOUNT \$
		s
	TOTAL	s
	PLUS 10% GST (If applicable)	\$
	TOTAL AMOUNT DUE	\$

Please pay by XX/XXXX via direct deposit:
Account name: BSB: Account number:
Thank you in advance.
,

Appendix E - Live show checklist and resources for musicians

Before the show

- 1. Make sure that you have a written performance agreement with the venue before the show. The venue will normally arrange this, but if they don't, write one yourself and give it to the venue to sign. At a minimum, the performance agreement should outline:
 - The performance date, your performance fee and terms of payment, load-in and sound-check times, playing times and support acts
 - Whether you or the venue are responsible for providing a sound technician
 - Fees for venue hire or per paying customer
 - Door deal and band rider (food and drinks)

See the following link for a good example:

www.amin.org.au/wp-content/uploads/2011/03/ BookingConfirmationChecklist_web.pdf

- 2. Ask venue management whether they have any special requirements for live performances at their venue.
- 3. Establish who will be responsible for promoting the show.
- 4. Provide the venue with your press kit for their website:
 - Hi res 300dpi photo
 - Short bio (100 words)
 - Video footage via youtube link
 - Social media links
- 5. Make sure that the venue has your poster at least a month prior to the show.
- 6. If you are using an in-house sound technician, call them at least a week before the show to confirm load-in and sound-check times and provide them with your stage plot.

On the Night

- 1. If you are headlining the show, make sure your support acts know what time they are required to be at the venue and when they need to be on and off the stage. It is your responsibility to ensure the night runs on time.
- 2. If you are a support act, play within the prescribed set times.
- 3. If the venue doesn't provide a door person you will need to organise your own.
- 4. Set up your merchandise table and check that the bar staff is aware of your rider requirements.
- 5. Be aware that the venue may wish to settle the door takings on the night.
- 6. Keep noise to a minimum when loading out to avoid disturbing the venue's neighbours.

After the show

- 1. Send a tax invoice with your ABN to the venue booker. Generally, a 14-day settlement term is standard. If you were treated well by the staff and had a great show, make sure to express your gratitude.
- 2. Here is a Tax Fact Sheet that may help you to decide how you wish to set up your band or solo act and whether requirements such as GST are applicable to you: www.amin.org.au/wp-content/up-loads/2011/03/AMIN-Tax-Pack.pdf
- 3. If your compositions are original, remember to lodge a live performance return with the Australian Performing Right Association (APRA).



Resources

Arts Law Centre of Australia (ALCA)

The ALCA is a not-for-profit company that provides legal advice and information on a range of arts related matters, including contracts, copyright, defamation, insurance and taxation.

Visit www.artslaw.com.au

Australian Music Industry Network (AMIN)

AMIN advocates on the behalf of its members and state and territory music industry associations. The AMIN website features several handy fact sheets and checklists for both venues and musicians.

Visit amin.org.au For fact sheets and checklists, go to Projects > Music Industry Legal Pack

LISTEN

LISTEN exists to spark and cultivate a conversation from a feminist perspective around the experiences of marginalised people in Australian music. LISTEN also work closely with SLAM on the Live Music Sexual Harassment Taskforce.

Visit listenlistenlisten.org

Live Performance Australia (LPA)

LPA is the peak body for Australia's live entertainment and performing arts industry. LPA's activities centre around workplace relations, policy and strategy, and membership services and events. The LPA website includes useful links to industry codes and guidelines, including Safety Guidelines for the Entertainment Industry.

Visit www.liveperformance.com.au

Media, Entertainment and Arts Alliance (MEAA)

The MEAA is a union and professional organisation that covers people working in the media, entertainment, sports and arts industries. The MEAA offers a range of services to members, including legal advice and industrial representation.

Visit www.alliance.org.au

Music Victoria

Music Victoria is the peak body for the Victorian music industry; an independent and non-partisan body established to support the Victorian contemporary music industry across all genres. Music Victoria has a wealth of information for musicians, including links and resources regarding grants and funding, education and training, and legal and financial advice.

Visit musicvictoria.com.au

Musician's Union Australia (MUA)

The MUA provides a range of services for its members, including free copyright and contract advice, free legal and financial advice, and discounted instrument and equipment insurance.

Visit www.musicians.asn.au/union/vic/index

Public liability and equipment insurance

Some venues may not cover your legal liability when you are found to be legally responsible for personal injury to a third party or damage to their property. Many providers combine public liability insurance for musicians with insurance for accidental damage to, or theft of, musical equipment.

Search for 'musicians insurance' on the internet.

