

Inquiry into the music and arts economy in NSW
Supplementary questions on notice
Media, Entertainment and Arts Alliance

1. Could you supply additional details about what might make up an industry code of conduct?

Live music industry code of conduct.

Purpose: to restore confidence to the live music performance sector by articulating agreed voluntary standards, obligations and procedures for musician, venue operators, agents and others. The code will be agreed by MEAA on behalf of its member musicians and relevant industry bodies, individual venues and agents. It will include information and arrangements for performance fees and conditions; the reciprocal standards and obligations of performers; protocols for performance contracts and agreements including no cost dispute resolution procedures.

Some likely code items and topics:

- Fee information, conditions of performance, performance types and venues
- Health and safety conditions and procedures.
- Agreement to develop and use standard performance agreements
- Commitment to no cost, non-legalistic dispute resolution procedures
- Agreement to establish or identify suitable dispute resolution procedures
- Agreement to facilitate and conduct professional development opportunities for musicians and others. To include obligations under the Entertainment Industry Act and other relevant statutes and regulations.
- Code education and promotion program.

Further to the above a recent MEAA survey elicited the following responses on what should be included and dealt with in an industry code.

Live Music Code of Conduct: Survey ideas and suggestions.

An industry code should include/deal with:

- 'Open mic' guidelines
- Musicians performance standards to be defined
- Musicians to abide by to timetables/schedules
- Fair venues/festivals endorsement
- Defined professional standards/membership
- Explicitly support and encouragement of other musicians at gigs
- Penalties for non-compliance

- The code should cover engineers, lighting operators and crew, including merchandise staff and photographers
- Joint/shared responsibilities/obligations for health and safety
- Fairer pay
- 'Part-timers' paid the same, to avoid undercutting
- Exceptions to allow casuals/amateurs and community groups and for genuine/registered fundraising
- Licensing of musicians
- Include anti-discrimination provisions
- Rules/protocols for cancellations
- No undercutting for "exposure"
- Health and safety rules include not being exposed to smoking areas
- Musicians can veto/cancel due to unacceptable behaviour of venue staff etc
- Performance fees to include/account for load in/out set up/sound check etc
- Code should apply to agents
- Clarification of public liability rules, alcohol rules, and "riders"
- Standardised payment rules and protocols including guidelines for in kind payments, food and drink.
- Fair payment for local support acts
- The ability to nominate door/sales staff representatives
- Parking allowances
- Set goals/target for full time musician annual incomes
- Code to ensure safe working environment for women
- Fees to be paid before performance
- No code should apply and individuals should be free to enter into any agreement on any terms without constraint, including performance for no fee
- Venues should negotiate the code to ensure it deals with genuine business issues including affordability