



Organising a Festival – Checklist

| Item | Considered | Done | Need further information |
|---|---------------------------------|------|--------------------------|
| Role in festival | | | |
| Structure of organisation | Incorporated or unincorporated? | | |
| Are you being auspiced? | | | |
| Memorandum of Understanding or contract with auspicating body | | | |
| Liability issues considered | | | |
| Risk management plan in place | | | |
| Are warning signs to be used or given? | | | |
| Are waivers to be used? | | | |
| Insurances obtained | | | |
| Public liability | | | |
| Property and equipment | | | |
| Product liability | | | |
| Transit | | | |
| Income protection | | | |
| Directors and officers | | | |
| Workers compensation | | | |
| Volunteers | | | |
| Professional indemnity | | | |
| Non-appearance | | | |
| Cancellation and abandonment | | | |
| Responsibilities to employees/contractors | | | |
| Employee or contractor? | | | |
| Workers compensation | | | |
| Superannuation | | | |
| Occupational health and safety | | | |
| Payment for work | | | |
| Employee or contractor? | | | |
| Employee | | | |

| | | | |
|--|--|--|--|
| • PAYG – employee declaration | | | |
| • Is there an award (check with MEAA) | | | |
| • Employment agreements in place | | | |
| Contractor | | | |
| • ABN | | | |
| • Tax invoice | | | |
| • Withholding tax (48.5%) | | | |
| • Hobbyist declaration | | | |
| Tax obligations | | | |
| Tax status (income tax exempt charity?) | | | |
| PAYG | | | |
| Withholding tax | | | |
| GST | | | |
| Artists | | | |
| Hobbyist or professional artist | | | |
| New tax ruling TR 2005/1 | | | |
| ABN | | | |
| Assessable income | | | |
| Allowable deductions | | | |
| Offset losses against other income (\$40,000 cap) | | | |
| Venue | | | |
| Risk assessment | | | |
| Venue hire agreement | | | |
| Liabilities | | | |
| Insurances required | | | |
| Warranties and indemnities required | | | |
| Signage | | | |
| Licences for music | | | |
| Disability and access issues | | | |
| Liquor licensing | | | |
| Do you intend to sell/supply alcohol? | | | |
| Temporary licence obtained (Consumer Affairs www.consumer.vic.gov.au) what about other states/territories? | | | |
| Fireworks | | | |
| WorkCover www.workcover.vic.gov.au | | | |
| Licensed pyrotechnician | | | |
| Notifications needed <ul style="list-style-type: none"> • Police • Fire brigade • Local council | | | |
| Food and beverages | | | |
| Temporary structures | | | |
| Contracts with suppliers | | | |
| Permits required/sighted | | | |
| International artists | | | |

| | | | |
|---|--|--|--|
| Entertainment visa needed | | | |
| Sponsor | | | |
| DIMIA www.immi.gov.au MEAA www.alliance.org.au | | | |
| Tax issues | | | |
| Classification (films) | | | |
| OFLC www.oflc.gov.au | | | |
| Censorship issues | | | |
| Obscenity/indecency | | | |
| Racial vilification/ Blasphemy | | | |
| Copyright and licensing issues | | | |
| What works are being used or created? | | | |
| Copyright protected? Or in public domain? | | | |
| Who owns the copyright? | | | |
| Do you need permission to use work? | | | |
| Have all necessary licences been obtained? APRA/AMCOS PPCA Other? | | | |
| Moral rights | | | |
| Are you infringing anyone's moral rights? Attribution False attribution Integrity | | | |
| Performers rights | | | |
| Performers release if recording/fixing performances | | | |
| Performers copyright in sound recordings • Agreement/other written document with performers | | | |
| • Agreement/other written document with performers | | | |
| Filming/Photos Get releases from subjects | | | |

Disclaimer

This information sheet is a very general introduction to some of the issues festival organisers will need to consider when organising a festival. This information sheet does not go into any detail concerning, for example, different business structures, insurance or intellectual property law. If you need any further information regarding any of the issues raised in this information sheet or checklist, please contact Arts Law.

Further information

Arts Law Centre of Australia Information Sheets

Information Sheet "Protecting Your Professional Name"

Information Sheet "Trade Marks"

Checklist and Guide "Business Partnerships"

Checklist and Guide "Sponsorship"

Sample Agreement "Sponsorship"

Arts Law Insurance Handbook

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You may photocopy this checklist and guide sheet for a non-profit purpose, provided you copy all of it, and you do not alter it in any way. Check you have the most recent version by contacting us on (02) 9356 2566 or tollfree outside Sydney on 1800 221 457.

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