

POLICY ON THE CHARTER & COMPOSITION OF THE LPA EXECUTIVE COUNCIL

INTRODUCTION AND POLICY OBJECTIVE

1. The procedures for electing and appointing individuals to sit on the Executive Council are set out in the Rules of the AEIA (“the Rules”) and are subject to the provisions of the *Fair Work Act 2009* (Cth) (“the Act”).
2. Subject to the Rules and the Act, the Executive Council has adopted this Policy with the objective of facilitating the orderly conduct of elections of the AEIA (trading as Live Performance Australia “LPA”) and to ensure that at all times the Executive Council:
 - a. consists of individuals who, collectively, possess the diversity of skills, experiences and perspectives capable of ensuring the Executive Council effectively manages LPA in accordance with the Rules;
 - b. is able to represent the membership of LPA across the Australian live entertainment industry;
 - c. is able to function as a team; and
 - d. is able to smoothly renew and continuously improve its management of LPA in furtherance of the objects of LPA and the interests of members.

PARAGRAPH 1 – CHARTER OF THE EXECUTIVE COUNCIL

1. The role of the Executive Council is to provide strategic and policy guidance and effectively govern LPA.
2. The responsibilities of the Executive Council include, without limitation:
 - a. setting the direction, strategies, policies and financial objectives of LPA;
 - b. approving the annual budget;
 - c. appointing and reviewing the performance of the Chief Executive;
 - d. ensuring the effective governance and accountability of LPA;
 - e. approving significant changes to the structure or operations of LPA;
 - f. monitoring compliance with statutory, regulatory and internal risk management requirements including LPA’s obligations as a registered organisation under the Rules and the Act;
 - g. approving applications for membership of LPA and determining amounts payable by members; and
 - h. submitting industrial disputes to Fair Work Australia in accordance with the Act and making industrial agreements on behalf of LPA
3. In performing its role and responsibilities, the Executive Council may, in accordance with the Rules, delegate any of its powers and functions to a committee or to other persons as it deems necessary.

4. The Executive Council has established and may establish committees to assist it in carrying out its responsibilities. These committees act by making recommendations to the Executive Council or exercising powers formally delegated to them. The Executive Council may review the composition of these committees when it thinks fit and will do so following each Executive Council election.
5. As at the date of this revised Policy, the Executive Council has established the following committees:
 - a. the LPA Management Committee;
 - b. the Helpmann Awards Administration Committee;
 - c. the Workplace Relations Committee;
 - d. the Industry Achievement Awards Committee;
 - e. Honours Committee; and
 - f. the Industry Futures Sub-Committee.
6. The Executive Council has the right to obtain information from any employee and any relevant external party as it sees fit.
7. The Executive Council may take independent professional advice as it considers necessary.
8. All Members of the Executive Council must abide by the LPA Code of Conduct (Refer Attachment 1).

PARAGRAPH 2 – ELECTION AND APPOINTMENT TO THE EXECUTIVE COUNCIL

A person may only be elected or appointed to the Executive Council in accordance with the Rules and the Act. However, paragraphs 3 and 5 of this Policy make a number of recommendations about the composition of the Executive Council designed to maximise its effectiveness.

PARAGRAPH 3 – RECOMMENDED COMPOSITION OF THE EXECUTIVE COUNCIL

1. All members of the Executive Council should:
 - a. possess the demonstrated ability to uphold the values of LPA as determined from time to time;
 - b. be industry leaders with a commitment to helping secure a sustainable future for the Australian live performance industry;
 - c. believe that the diversity and interdependence of the LPA membership is a strength;
 - d. take a long term view of the industry's wellbeing and sustainability;
 - e. commit the time necessary to actively participate in quarterly Executive Council meetings.
2. Collectively, the Executive Council should be balanced having regard to the gender and geographic location of each member.
3. Individual members of the Executive Council should be representative of one or more of the following membership segments:
 - a. commercial producers;
 - b. venues;

- c. performing arts companies and arts festivals;
- d. contemporary music promoters; and
- e. ticketing and service providers.

PARAGRAPH 4 – ABSENCES FROM EXECUTIVE COUNCIL MEETINGS

1. In accordance with Rule 25(e) of the AEIA Rules, any member of the Executive Council who is absent without leave of the Executive Council for two or more consecutive meetings of the Executive Council may thereby become ineligible to hold office as a member of the Executive Council. In the event of the officer being absent, the Executive Council shall give the officer not less than seven days written notice of its intention to declare the office vacant. Such officer shall be entitled to attend the meeting of the Executive Council at which the vacancy is considered and to be heard in relation to the matter. If the Executive Council is not satisfied with the officer's explanation it may declare the office vacant and fill it as per the procedure for a casual vacancy (AEIA Rule 21).
2. Any Member of the Executive Council may apply for a leave of absence, in accordance with the Executive Council Leave of Absence Policy (Refer Attachment 2).
3. Executive Council Members may participate in Executive Council meetings remotely, in accordance with the Executive Council Remote Meeting Attendance Policy (Refer Attachment 3).

PARAGRAPH 5 – SUCCESSION PLANNING AND OBSERVERS

1. All members of the Executive Council will cooperate with each other and the members of LPA in order to ensure the smooth succession and continuous improvement in the composition and conduct of the Executive Council.
2. In determining whether to nominate for the office of President, Vice President or as an ordinary member of the Executive Council, each member of the Executive Council agrees to have regard to the recommended composition of the Executive Council set out in paragraph 3 of this Policy.
3. On recommendation of the Management Committee, the Executive Council may appoint Observers for the following purposes:
 - a. to aid with succession planning
 - b. to provide a pool of individuals with Executive Council meeting experience to fill casual vacancies as and when they arise
 - c. to address any gaps in representation across the LPA membership (e.g. genre, geography, sector).
4. Observers have no voting rights. At the discretion of the Chair, Observers may participate in discussion at Executive Council meetings.
5. By participating in Executive Council discussions, Observers may become bound by the same Director's duties as members of the Executive Council. Observers are covered by LPA's Director's and Officer's Liability Insurance policy while performing their duties as Observers.

PARAGRAPH 6 – STATUS, COMMUNICATION AND REVIEW OF POLICY

1. This Policy has been adopted by resolution of the Executive Council. For the reasons set out in the Introduction, paragraphs 3 and 5 are not binding on any member of LPA or the Executive Council.
2. The Executive Council will communicate this Policy to members to ensure accountability and to maximise the participation of the membership in LPA's affairs.
3. This Policy is to be reviewed by the Executive Council periodically but at least every 2 years with recommendations for updates to be approved by the Executive Council and communicated to members.

First adopted by the LPA Executive Council on 2 September 2005. This revised version was adopted on 5 March 2020.



Richard Evans
President



Evelyn Richardson
Chief Executive

Live Performance Australia Code of Conduct

1. SCOPE

- 1.1 This Code of Conduct aims to ensure that all Workers understand their responsibilities as representatives of the Australian Entertainment Industry Association, trading as Live Performance Australia (**LPA**) and the rules regarding the way we are required to behave in the workplace, including attending LPA and industry events and when dealing with LPA's staff, Executive Council Members, contractors and stakeholders.
- 1.2 All Workers must comply with this Code of Conduct.
- 1.3 For the purpose of this Code of Conduct, Workers include but are not limited to:
 - (a) Executive Council members;
 - (b) LPA employees;
 - (c) student placements, apprentices, work experience students/interns;
 - (d) contractors and their employees, sub-contractors and secondees; and
 - (e) volunteers and anyone working in an unpaid capacity.
- 1.4 This Code of Conduct applies to all Workers while:
 - (a) at work – including but not limited to in the office and online, in meetings (including Executive Council meetings, LPA committee meetings and meetings with stakeholders), in training, while travelling for work;
 - (b) at work-related functions – such as opening nights, dinners, after parties, Christmas parties, conferences, industry events; and
 - (c) outside of work where there is an identified or publicly known connection between you and the Company – such as on the internet through social media and public communications such as on podcasts and the news.

2. STANDARDS OF BEHAVIOUR

- 2.1 LPA has expected standards for the conduct of its Workers and is committed to providing a safe, respectful, inclusive and flexible workplace environment that is free from discrimination, harassment, sexual harassment, bullying, vilification and victimisation.
- 2.2 Workers must act with integrity, respect and honesty both at work and when representing LPA outside of working hours.

2.3 **All Workers must:**

- (a) complete your duties to the best of your abilities, following relevant policies and procedures.
- (b) complete any training relevant to your role and seek advice from LPA when the appropriate action is unclear.
- (c) treat all Workers, LPA Members and stakeholders with dignity, courtesy and respect.
- (d) respect all differences in culture, ethnicity, religion, gender, sexual orientation, age, preferences, opinion and experience.
- (e) behave in a professional, fair and courteous manner at all times.
- (f) promptly raise or report any issues or suspected Code of Conduct or Policy breaches, whether it is against you or another person, to the LPA CEO;
- (g) comply with LPA's policies and procedures, instructions and lawful directions that relate to your employment, engagement, duties and/or services.
- (h) maintain confidentiality when reports are made and/or under investigation.
- (i) abide by all applicable laws and regulations.
- (j) declare any conflicts of interest that might adversely affect LPA, our workplace, Workers, LPA Members, stakeholders, clients or suppliers.

2.4 **All Workers must not in any way:**

- (a) engage in any conduct that may, will, or is likely to:
 - i. negatively impact, damage or be inconsistent with LPA's reputation or financial interests constitute a conflict of interest with the business or interests of LPA; or
 - ii. create a disruption in the workplace,
 - iii. be harmful or offensive including to Workers, LPA Members, stakeholders, clients or suppliers.
- (b) abuse or threaten to abuse (in anyway, including verbally, physically or in writing) another person.
- (c) sexually harass another person.
- (d) physically or sexually assault another person.
- (e) discriminate against, including because of their race, ethnicity, religion, gender, sex, age, sexual orientation, disability or other personal attribute.
- (f) intimidate threaten or harass another person.
- (g) bully, isolate or humiliate another person.
- (h) victimise, unjustly treat or threaten someone, including because they have raised a complaint or are a witness in an investigation.
- (i) behave improperly or unethically.
- (j) request, instruct, induce, encourage, authorise or assist another person to engage in the above behaviours.

- 2.5 Any Worker who fails to adhere to the Standards of Behaviour may be subject to disciplinary action up to and including summary dismissal from employment, or termination of their contract.

3. CHANGES TO THE CODE OF CONDUCT

- 3.1. LPA maintains its right to amend this Code of Conduct at any time. Workers will be notified of any Code of Conduct updates. The updated Code of Conduct will be sent to you by email.
- 3.2. Workers are responsible for ensuring that they have read and understood the most recent version of the Code of Conduct. Workers will be provided with the most recent version of the Code of Conduct on commencement of their engagement/employment.
- 3.3. If further information or clarification is required regarding the content of the Code of Conduct, please contact Kim Tran at ktran@liveperformance.com.au or 03 8614 2000.

4. RELATED POLICIES

- 4.1. This Code of Conduct should be read in conjunction with:
- (a) LPA's Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation Policy; and
 - (b) LPA's Social Media and Communications Policy.

EXECUTIVE COUNCIL

LEAVE OF ABSENCE POLICY

The following outlines parameters of the leave of absence policy:

- When a Member is elected to LPA's Executive Council, there is an expectation that he/she will attend Executive Council meetings. There may be reasonable circumstances when an Executive Council Member may not be able to attend meetings. When this occurs for two consecutive Executive Council meetings, the Executive Council Member must apply for a leave of absence. If a leave of absence request is not made, the Executive Council Member may become ineligible to continue in this role (as per Rule 25(e) of the AEIA Rules).
- An Executive Council Member may request a leave of absence of up to 12 months from the Executive Council. If an Election is conducted during the leave of absence period and the Executive Council Member wishes to continue being an Executive Council Member, then she/he must nominate as a candidate for election (as per the Election Rules).
- The Executive Council Member must submit a request for a leave of absence in writing to the President for consideration and approval. The request should include reasons for requesting a leave of absence – such as illness, injury, travel, competing work commitments, etc
- The President must make a determination and notify the Executive Council Member within 14 days of receiving a request.
- An Executive Council Member may not request an extension to a leave of absence beyond 12 months.
- An Executive Council Member who is on a leave of absence will continue to receive papers and other information relevant to his/her role on the Executive Council.

Date: November 2016

Endorsed by Executive Council: December 2016

This updated version endorsed by Executive Council: March 2020

EXECUTIVE COUNCIL

REMOTE MEETING ATTENDANCE POLICY

The following outlines parameters of the remote attendance policy:

- Executive Council Members are expected to attend meetings in person.
- The President will determine whether an Executive Council meeting will be held in person, via video/teleconference or hybrid.
- To assist with planning, Executive Council members should inform Live Performance Australia, as soon as practicable, whether they will participate in the meeting in person or via tele/videoconference.
- Remote attendance may be via teleconference or video conference, depending upon the availability of suitable technology at the meeting venue and costs.
- Live Performance Australia will provide details to Executive Council Members to enable remote attendance prior to the meeting.
- If Executive Council Members are participating in the meeting remotely, the minutes must reflect this.

Date: February 2017

Endorsed by Executive Council: March 2017

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