This fact sheet covers:

- permits and licenses that your community organisation may need to obtain prior to holding an event
- what to think about when hiring a venue or equipment
- copyright, marketing and promotions, and other issues
- event insurance
- legal obligations around event safety
- providing accessible events and activities
- sponsorship for an event
- raising money – laws that regulate fundraising in New South Wales
- tax considerations concerning events, and
- other issues.

This fact sheet outlines some of the legal issues New South Wales community organisations should consider when organising and holding an event.

This fact sheet does not specifically cover issues for events run outside of NSW even if the organisation running the event is NSW-based. However, you will find many of the same legal issues will need to be considered if you are running an event in another jurisdiction.

This fact sheet is not intended to provide an exhaustive list of all issues your organisation should consider. Your organisation may need to get specific legal and tax advice about its event plans and potential liability. This is general information and should not be used as a substitute for legal advice or tax advice. If you have a legal or tax issue, make sure you get advice.

Do we require permit(s) from the local council and other authorities for our event?

The permits that your community organisation may need to obtain prior to holding an event (and for the duration of the event) will depend on:
• the type of event
• the activities to take place
• the facilities which will be provided to patrons and participants including any particular goods or services (such as food, merchandise and the like), and
• the particular requirements of the relevant local council and other authorities.

We recommend that you always check with your local council to see what council-specific permits are needed, as well as contacting any other relevant authorities for specific permits (eg, liquor licences from Liquor & Gaming NSW).

Events and activities which generally require permits or licences

Permits or licenses are generally required for the following events and activities:

• holding an event on council or other public land
• setting up a temporary structure or using a venue for a purpose it is not designed for
• serving food to the public (for more information see our Events involving food fact sheet at www.nfplaw.org.au/events)
• serving alcohol to the public (for more information see our Events involving alcohol fact sheet at www.nfplaw.org.au/events)
• playing live or recorded music
• displaying signs and banners
• community gaming
• setting up a market stall
• filming on council land
• access to St John Ambulance services
• participation in NSW Companion Card Program
• using gas cylinders to cook or for other purposes
• using an open flame
• using fireworks, and
• using a footpath or closing a road.

This is not an exhaustive list and there may be other permits required in certain circumstances.

For further information on events involving food, alcohol, travel and sport or adventure activities, see our specific fact sheets on the Not-for-profit Law website at www.nfplaw.org.au/events.
Ways to identify which permits may be needed

One way to identify local, state and federal permits, licences and registrations that are relevant to your event is to access the Australian Business Licence and Information Service (ABLIS) at ablis.business.gov.au. Although this website has been set up to help small businesses, it may be helpful for people involved in community organisations to work out some of the permits, licences or registrations your organisation may need. A link to the ABLIS system has been provided above and included in the Resources section below.

Your organisation may also want to contact the relevant local council directly. Most councils have officers who can provide information about permits, venue availability, public liability insurance requirements, selling food or alcohol and other issues associated with holding events. This information may also be available on the relevant council’s website.

Depending on the type and size of your event, some local councils will also ask for a risk management plan, and may provide event planning guides to help you through the process.

What should we think about when hiring a venue or equipment?

Your organisation should be aware that an agreement to hire a venue or equipment is a legally enforceable contract.

It is important to read the terms and conditions of the contract carefully and make sure your organisation can comply with them. In particular, your organisation should be aware of the terms and conditions relating to insurance, liability and indemnity (see below), and your organisation’s obligations to repair or replace any damage to equipment or property.

You should also carefully consider your payment obligations and whether these will still apply if you need to cancel the event for any reason (such as not selling enough tickets or because of poor weather conditions). Please note that you may still have to comply with your contractual obligations under a hire agreement, even if your event does not run. You should obtain legal advice if you do not understand the terms of a hire agreement, or it imposes significant financial obligations on your organisation. Similarly, you should seek specific legal advice if it becomes necessary to postpone or cancel your event.

Copyright, marketing and promotions

Playing live music, recorded music or music videos at an event

If you are planning to broadcast, communicate or publicly perform recorded music or music videos at your event, you will usually require two licences – one from music rights organisation APRA AMCOS,
and one from the Phonographic Performance Company of Australia Limited (PPCA). These different licences reflect the fact that there are at least two copyrights in any one recording – the copyright in the song (licences available from APRA AMCOS), and the copyright in the recorded version of the musical work (licences available from PPCA).

PPCA is authorised by participating record labels to grant licences and to collect licence fees to play recorded music or music videos. You will need a licence if the playing of recorded music or music videos at your event is considered a ‘public performance’ (meaning, in a non-domestic environment). You may still require a licence even if the performance or the event is given for free, or the audience is small, or there is no admission fee, or the performance is confined to members of a club, or a limited area.

EXAMPLE

You will need to apply for a licence from PPCA if you plan to play recorded music at any of the following types of events:
- fetes, garden parties, school, church or dance academy concerts, or
- arts, fringe, food/wine, sporting, film and community festivals, as well as eisteddfods, exhibitions, fashion shows and similar events.

While PPCA provides licences covering the public performance of a recording and/or music video of the song (a particular recorded performance), and represents the interests of recording artists and record labels, you may also need to consider obtaining a licence from APRA AMCOS. APRA AMCOS provides licences covering the copyright in the song (lyrics, composition etc) and represents the interests of composers and publishers.

If you are planning to have live performances of music at your event, you will usually need a licence from APRA AMCOS.

NOTE

A joint venture of APRA AMCOS and PPCA, called OneMusic Australia, is due to launch in the first half of 2019 and aims to simplify the process of acquiring a public performance music licence.

EXAMPLE

You will need to apply for a licence from APRA AMCOS if you plan any of the following for your event:
- music performed at events – for example promoted concerts, dance parties and other performances
- recorded music and live entertainment used during the course of a sporting event, or
- use of music (including copying print music for use by community orchestras, bands, choir), such as by churches, community bands, choirs, orchestras, eisteddfods, dance schools and other groups/organisations.
Marketing and promotions

Before marketing an event you should ensure that you have the necessary permissions if you are using photographs, videos or text created or owned by other people. This also includes using photographs, videos, music or text on online forums (for example, your website or blog) or via social media platforms. You will need permission from the copyright owner for materials that have been created by someone else. Please refer to the Australian Copyright Council website (www.copyright.org.au) for information about when permission is required and how to request permission to use copyrighted works.

In addition, if you plan to take pictures or videos at your event and wish to use the images or film in a public forum, such as a website, brochure, newsletter, pamphlet or poster, you may need to seek permission from the people who appear in the content pursuant to privacy laws and/or the copyright owner. Seeking permission often means obtaining signed release forms from the people who appear in any images or videos you collect. A release form should explain what you’ll be using the image or video for, and you should not use the image or video for any other purpose. Some councils require you to obtain a permit before the event if you plan to take pictures or videos at your event.

Other issues

The price paid for certain event tickets may have tax implications for your organisation (see Tax Considerations below). For further information on advertising, including misleading and deceptive conduct, see our specific fact sheet on Advertising on our website (www.nfplaw.org.au/advertising).

What about event insurance?

Getting your own insurance

As the organiser of an event, it is likely your community organisation will need to take out public liability insurance, particularly if your event is to be held on council or public land.

The owner of the land or the venue you are wanting to hire will typically require that your community organisation has public liability insurance of at least $10 million. You should check with your local council for further information. Some councils and other organisations will also ask you to list them in your policy as an 'interested party' and will request a copy of the policy before giving permission to hold your organisation’s event.

CAUTION

It may be a condition of your agreement to use the land or venue, or a condition of a permit, that all parties providing entertainment are covered by your insurance. Make sure you carefully read all your agreements and permits well in advance of your event! You should check if the parties providing entertainment have their own insurance.

Further reading

There is more information in the communications and advertising section of our website, which also includes a fact sheet on social media, at www.nfplaw.org.au/comms.
Additional insurances

There may be a range of other insurances that your organisation should consider:

- if you are selling food or other products to the public – **product liability insurance**
- if you are relying on volunteers to help you with the event – **personal accident insurance**
- if you are hiring employees to help you with the event – **workers compensation insurance** *(WorkSafe Injury Insurance)*, and
- if you are hiring independent contractors – review the agreements that you have with your independent contractors. Such agreements should specify the insurance cover you need your independent contractors to have in place.


What are our legal obligations around event safety?

Your organisation has a legal obligation to make sure its event is safe. Your organisation owes this obligation to the people involved in organising the event (volunteers, employees and independent contractors) and anyone who comes to the event (eg. members of the public).

Generally, organisers of an event will owe a duty of care (through the law of negligence) to participants in the event. Briefly, this means that an organisation must take reasonable precautions against any foreseeable risk of harm to individuals attending events. In determining liability, courts will assess whether your organisation should have reasonably foreseen that its activities and actions (or inaction) could have caused loss, damage or injury to a participant. These obligations extend beyond ‘accidents’ and include harm that is foreseeable, for example harm caused by poor food preparation or alcohol service.

The legal obligation to ensure the event is safe for people involved in organising the event may also arise under the New South Wales work health and safety legislation (the *Work Health and Safety Act 2011* (NSW)) which is regulated and enforced by the SafeWork NSW. For more information about work health and safety laws, see our Occupational Health and Safety page at [www.nfplaw.org.au/ohs](http://www.nfplaw.org.au/ohs).

Your local council should be able to provide specific advice in relation to safety, security and emergency procedures applicable to your community organisation's proposed event (and may require a safety plan to be put in place).

Depending on the nature of your event, you may need to ensure the safety of equipment, goods and persons. Additionally, you may need to notify or organise for some groups to be at your event, including:

- the NSW Police
- Fire and Rescue NSW or State Emergency Service
- an appropriately qualified first aid provider, such as St John Ambulance or the Ambulance Service of NSW
- private security, and/or
- Safework NSW.

Safework NSW has a number of tools that your organisation can use to undertake risk assessment of your proposed event – see the Resources section below.

Do we have to provide accessible events and activities?

Equal opportunity and anti-discrimination legislation applies in New South Wales. These laws may prohibit discrimination against certain people on the basis of a person’s impairment or disability, age, sex, sexuality, race, religious beliefs, status as a parent or carer, pregnancy or breastfeeding among many other attributes. Some exceptions to the laws apply.

In general, equal opportunity laws apply to prevent discrimination when providing goods and services to the public. They also apply in other circumstances (for example in employment, sporting activities, and membership of clubs).

Your organisation could be covered by these laws and should put in place reasonable measures to ensure that your event (and goods and services) are accessible to all people. Even if your organisation is not covered by these laws, it is best practice to do so.

We have provided a link in the Resources section of this fact sheet to resources for running events which are inclusive to people with hearing and/or vision impairments.

What if we have sponsorship for the event?

If your community organisation is intending to share the cost of staging an event via sponsorship, it is recommended that you and your sponsor partner enter into a sponsorship agreement.

A sponsorship agreement will be a legally enforceable contract. Your organisation should be sure it can comply with the terms of the contract, especially if there are any conditions around sponsorship.
money (eg, any requirement that your organisation refund sponsorship money if you do not meet your obligations under the agreement or if the event is cancelled). If you have any concerns about a proposed sponsorship agreement you should seek legal advice.

Do we need to consider fundraising laws?

Yes. There are laws that regulate ‘fundraising appeals’ in NSW. In NSW, a fundraising appeal is defined as soliciting money, property or some other benefit (such as goods or services) for a charitable purpose. If your community organisation is considering holding a fundraising appeal in NSW or conducting any fundraising activities, you will need to comply with the laws that regulate fundraising in NSW, namely the Charitable Fundraising Act 1991 (NSW). Fundraising activities which will likely be captured by these laws include public appeals, raffles, bingo and gaming.

In most cases your organisation will need to secure an ‘authority to conduct fundraising appeals’ from the NSW Fair Trading before undertaking any charitable fundraising appeals in NSW.

What are our tax considerations concerning events

Tax considerations may apply to fundraising at your event. You should note that donations and contributions are treated differently.

Tax deductible gifts

If you want donors to be able to give tax deductible gifts or donations at your events, you need to be endorsed as a deductible gift recipient (DGR). Certain requirements need to be met in order to become a DGR or to satisfy tax deductibility requirements for benefiting donors.

Goods and services tax (GST)

You may also be required to pay GST if you are selling tickets to your event. Generally, if you are registered for GST and you are selling tickets to a fundraising dinner or similar function in the course of your organisation’s activities, you must pay GST on the tickets you sell. However, you should seek specific tax advice in relation to this issue. There are GST concessions and rebates available to many charities and not-for-profits.
Other issues

There are many other issues you may wish to consider when organising your event. The following is a non-exhaustive list:

Should we acknowledge Traditional Owners at our event?

An Acknowledgement of Country recognises that NSW has an ancient and proud Aboriginal history and complex ownership and land stewardship systems stretching back many thousands of years. It pays respect to the Traditional Owners.

An Acknowledgement of Country should be given at formal events, forums and functions such as conferences, events, concerts, Government and Local Government meetings and official openings etc.

Local council requirements

It is important to discuss your proposed event with the local council in order to find out the particular processes that might apply to the local council area including any formal approvals that might be required and any particular rules or regulations that may apply to the location in which you wish to hold your event.

Roads and Maritime Services

If the organisation of your event will require the closure of any roads or otherwise disrupt road users, you should notify Roads and Maritime Services and consider whether you need to apply for a ‘Road Occupancy Licence’. For further information see www.rms.nsw.gov.au.

Noise management

Managing noise at events using public open spaces is also an important consideration. Local councils may place restrictions on noise levels, as well as limits on use of amplification equipment with the event unless written approval from the council has been obtained (for example, not to exceed 72dB when measured 3 metres from the sound source, or amplified sound must not start prior to, and must end by, certain times).

The Protection of the Environment Operations Act 1997 (NSW) makes it illegal for an event to make ‘offensive noise’ with local council able to take action in respect of any ‘offensive noise’.

As an event organiser, you will need to consider the amenity of the surrounding area when running your event. This includes considering the noise from music, broadcasts and amplified speeches, vehicles, event activities, lighting and patrons and then thinking of ways to mitigate potential disturbances of the neighbourhood.
Events with impact on public transport

If your event is likely to have an impact on public transport routes or timetables (e.g., bus, tram, train or ferry), or your event will require large numbers of people to be transported by public transport, you should notify the State Transit Authority of NSW.

Handbills

‘Handbills’ includes flyers, leaflets, brochures, place cards, notices, pamphlets, free newspapers or other printed materials. You may wish to distribute handbills prior to and at your event. You should check whether there are any specific requirements at your local council, including whether a specific permit is required, what those permit conditions are, and whether any bond or infringement notices will be levied if those permit conditions are breached. In some cases, permit conditions may stipulate that the handbill itself must contain specific information (such as “Do Not Litter” in readable font).

Toilets

Organisers should ensure there are an adequate number of toilet facilities available to attendees, based on the number of persons expected to attend. Where existing toilet facilities are inadequate for an event, additional portable units must be made available.

Toilet locations should be:

- well marked (including with appropriate signage where applicable)
- well lit (including the surrounding area) if night usage is expected
- serviced on a 24-hour basis (including pump-out of portables) or more frequently if required during the event (with vehicle access made available), and
- located a suitable distance from food storage and food service areas.

Where portable facilities are being provided, you should consider discussing these issues with a trusted supplier. Unisex toilet(s) will also need to be provided for people with access needs.

More information surrounding the provision of toilet facilities and the required numbers for events of different sizes, including with respect to alcohol and non-alcohol events, food handlers and the disabled, may be found on the NSW Department of Premier & Cabinet website.
Checklist for Running an Event

☐ Permits/Licences
  ☐ Public/council land
  ☐ Temporary structure
  ☐ Food
  ☐ Alcohol
  ☐ Gaming
  ☐ St John Ambulance
  ☐ NSW Companion Card Program
  ☐ Gas cylinders
  ☐ Open flame
  ☐ Fireworks
  ☐ Using footpath or closing road

☐ Copyright, marketing and promotions
  ☐ Licence from PPCA to play recorded music
  ☐ Licence from APRA or AMCOS
  ☐ Permission to use photographs, videos and text created or owned by other people
  ☐ Release forms

☐ Insurance
  ☐ Public liability insurance
  ☐ Product liability insurance
  ☐ Personal Accident insurance
  ☐ Workers compensation insurance

☐ Accessibility
  ☐ Appropriate arrangements for individuals with disabilities

☐ Sponsorship

☐ Fundraising

☐ Tax
  ☐ Tax deductible gifts
Legal issues to consider when holding events (NSW)

☐ Goods and Services Tax (GST)

☐ Contact Local Council
  ☐ Traffic management
  ☐ Noise management
  ☐ Public transport

☐ Contact Local Police
  ☐ Traffic management

☐ Acknowledgment of country
Resources

Related Not-for-profit Law Resources

The Not-for-profit Law Information Hub contains many fact sheets on different topics. It can be accessed at www.nfplaw.org.au. The following topics contain relevant further information:

- **Insurance and Risk**
  This page contains resources on background checks, occupational health and safety, negligence and incidents and accidents.

- **Fundraising and Events**
  This page contains resources on the main legal issues when fundraising in New South Wales.

- **Communications and Advertising**
  This section offers information on advertising and promotions and social media, such as Facebook and Twitter.

Other Related Resources

- **Australian Business License and Information Service (ABLIS)**
  The ABLIS system is designed for businesses but can be used by community organisations. Using the ABLIS search function you can find about licensing and your compliance obligations.

- **Australian Copyright Council**
  For information about when permission is required and how to request permission to use copyrighted works.

- **Disability Advocacy Resource Unit**
  This page has a link to event guidelines produced by Disability Access for people with a hearing impairments and a hearing checklist for events. It also has a link to event guidelines written by Vision Australia for people with vision impairment. You need to search or scroll down the page.

- **Disability Council NSW**
  Disability Council NSW has information on how to make your event accessible for people with a disability.

- **Resources for holding an accessible events**
  A reference guide prepared by Meetings & Events Australia to make events accessible.

- **Event Starter Guide**
  A guide prepared by the NSW Department of Premier and Cabinet to assists people in the community to navigate the many issues involved in organising events.

Legislation

- **Work Health and Safety Act 2011 (NSW)**
  This is a link to the legislation which sets out the laws relating to work health and safety in NSW.

- **New South Wales Anti-Discrimination Act 1977 (NSW)**
This is a link to the NSW legislation that includes specific provisions prohibiting discrimination when providing goods and services.

- Charitable Fundraising Act 1991 (NSW)
- Charitable Fundraising Regulation 2008 (NSW)
- Lotteries and Art Unions Act 1901 (NSW)
- Gaming Machine Act 2001 (NSW)