

Legal issues to consider when holding events

Legal information for Western Australian community organisations



This fact sheet covers:

- ✔ permits 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 Western Australia, and
 - ✔ tax considerations concerning events.
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This fact sheet outlines some of the legal issues that Western Australian community organisations should consider when organising and holding an event in Western Australia.

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

This fact sheet is not intended to provide an exhaustive list of all issues that your organisation should consider. Your organisation may need to get specific legal advice about its event plans and potential liability. This is general information and should not be used as a substitute for legal advice. If you have a legal 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, alcohol, merchandise and certain games), 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, as well as other relevant authorities for specific permits (e.g. liquor licences from the Western Australian Department of Racing, Gaming and Liquor) you may require before running your event.

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 on the Information Hub www.nfplaw.org.au/events)
- serving alcohol to the public (for more information see our Events involving alcohol fact sheet on the Information Hub www.nfplaw.org.au/events)
- playing live or recorded music
- displaying signs and banners
- community gaming
- using gas cylinders to cook or for other purposes
- using an open flame
- using fireworks, and
- using the footpath or closing a road.

EXAMPLE

An event that you may need to close a road or footpath for is a fun run.

This is not an exhaustive list and there may be other permits required for your event.

CAUTION

If you're running a sporting event in WA which people must pay to watch on ANZAC Day, you are required to pay 60% of the net proceeds from the event to the ANZAC Day Trust.

For further information on events involving food, alcohol, travel and sport or adventure activities, see our specific fact sheets on the Information Hub 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 Information Service (**ABLIS**) on the [Business Licence Finder](#) website.

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 (and other relevant sites) has been included in the Resources section below.

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

Depending on the type and size of your event, some local councils will also ask for a risk management plan, and often provide detailed 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 usually 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 these. In particular, your organisation should be aware of the terms and conditions relating to insurance, liability 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). 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 seek specific legal advice if it becomes necessary to cancel your event.

Copyright, marketing and promotions

Playing recorded music or music videos at an event

If you are planning to play recorded music or music videos at your event, you may need to arrange a licence through the Phonographic Performance Company of Australia Limited (**PPCA**). PPCA is authorised by participating record labels to grant these licences and to collect licence fees. 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). 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, you may still require a licence.

CAUTION

Simply buying a CD or a DVD does not give your organisation the right to play that music or music video in a public setting or at a public event.



EXAMPLE

You will need to apply for a licence from PPCA if you plan to play protected copyright music at any of the following types of events:

- fetes, garden parties, school, church or dance academy concerts
- arts, fringe, food/wine, sporting, film and community festivals, as well as eisteddfods, exhibitions, fashion shows and similar events, and
- any ticketed multi-act music event (or part thereof) or not-for-profit events solely for underage participants.



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 the Australasian Performing Right Association (**APRA**) and/or Australasian Mechanical Copyright Owners' Society (**AMCOS**). APRA/AMCOS provides licences covering the copyright in the song (lyrics, composition etc) and represents the interests of composers and publishers.

When your organisation wants to broadcast, communicate or publicly perform a recording, it will usually require two licences – one from APRA/AMCOS and one from PPCA.

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 and 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 forums. You will need permission from the copyright owner for materials that have been created by someone else. Please refer to the Australian Copyright

FURTHER READING

There is more information in Not-for-Profit Law's Guide to Advertising and Facebook fact sheet on the Information Hub at www.nfplaw.org.au/comms.

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 and/or the copyright owner. Seeking permission from the people 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 will be using the image or video for, and you should not use the image or video for any purpose other than that stated. Further, 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 the Information Hub at 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.

Often, the owner of land or venue you are wanting to hire will insist that your community organisation have 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 event.

! CAUTION

Your organisation should not ignore requirements set out in lease agreements or permit conditions.

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.

Additional insurances

There may be a range of other insurances that your organisation will be required to get or will need to 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**, 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.

For more information about insurance, see our Risk and Insurance page on the Information Hub at www.nfplaw.org.au/riskinsurance.

What are our legal obligations around event safety?

Your organisation will have a legal obligation to make sure the 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.

The legal obligation to ensure the event is safe may also arise under Western Australia's occupational health and safety legislation (the *Occupational Safety and Health Act 1984* (WA)) which applies to community organisations and has a very broad definition of 'workplace' which may include the event location.

For more information about occupational health and safety laws, see our Occupational Health and Safety page on the Information Hub at 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.

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

- the Western Australian Police
- the Department of Fire & Emergency Services or State Emergency Service
- an appropriately qualified first aid provider, for example St John Ambulance
- private security, and/or
- the Western Australian Worksafe Authority (**WorkSafeWA**).



TIP

You should also consider whether you need to arrange background checks or Working with Children checks for certain individuals. See our Information Hub page on Background Checks at www.nfplaw.org.au/backgroundchecks.

WorkSafeWA 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 Western Australia. These laws may prohibit discrimination against certain people on the basis of a person's impairment or disability, age, sex, 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 below to resources for running events which are inclusive to people with hearing and/or vision impairments.

See the Resources section below for further information on holding accessible events.

TIP

Before planning an event check that the venue can reserve or allocate seating for people who use a wheelchair. Select accessible venues for individuals who may have physical disabilities such as hearing and sight limitations, and wheelchairs.



What about 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 generally be a legally enforceable contract. Your organisation should be sure that 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 an event is cancelled). If you have any concerns about a proposed sponsorship agreement you should seek legal advice.

Our event is to raise money – are there laws that regulate fundraising in Western Australia?

Yes. There are laws that regulate fundraising in Western Australia. In Western Australia, fundraising is defined to include activities such as fetes, functions, entertainment, door knocking, telemarketing, television-radio appeals, street appeals and mail outs, as well as advertising at certain types of events. The definition does not include funds raised through the sale of goods where valuable consideration is involved (eg. sale of confectionery). In order to fundraise in Western Australia you may be required to have a license. To gain a license you will need to lodge an application form with the Charitable Collections Advisory Committee.

You will also require separate licences for gaming activities such as raffles, bingo and street collections. These licences can be obtained from the Western Australian Department of Racing, Gaming and Liquor.

RELATED RESOURCES

For more information about fundraising law and gaming law requirements, see our Guide to Fundraising and our fact sheet on Fundraising events involving minor gaming on the Information Hub at www.nfplaw.org.au/fundraising.



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. For further information, please see the Australian Tax Office website (www.ato.gov.au/non-profit/gifts-and-fundraising) and our Information Hub page on DGR at www.nfplaw.org.au/DGR.

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.

For further information see our specific fact sheet on Goods and Services Tax on the Information Hub at www.nfplaw.org.au/GST.

Other Issues

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

Local Council

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 Main Roads Western Australia and consider whether you need to apply for a 'Road Occupancy Licence'. Applications should be made at least three months prior to the event. Traffic management should be in accordance with the Main Roads Western Australia Code of Practice.

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 (eg. 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).

Noise from events is also subject to provisions of the *Environmental Protection Act 1986* (WA), There are a number of offences relating to 'unreasonable noise' as set out in the *Environmental Protection (Noise) Regulations 1997* (WA). A noise emission, when received at other premises, must not cause or significantly contribute to a level of noise which exceeds the assigned level for premises of that kind (eg. residential, commercial) at the relevant time of day, and must be free of tonality, impulsiveness and modulation.

There are limited exceptions for community events and exemptions can be sought for sporting, cultural or entertainment events that are open to the public. Applications are to be made to the CEO of the Western Australia Environmental Protection Authority – for further information see the Resources Section below.

As an event organiser, you will need to consider the amenity of the surrounding area when running your event, including noise from music, broadcasts and amplified speeches, vehicles, event activities, lighting and patrons and then consider ways to mitigate potential disturbances to the neighbourhood.

Events with impact on Public Transport

If your event is to be held in the Perth Metropolitan area and attendance is likely to exceed 5,000 you should consult with Transperth at least 6 months prior to the event. If you expect to attract less than 5,000 you may still wish to consult with Transperth to consider providing additional public transport services. Public transport services for events are required to be confirmed at least 12 weeks before the event. Further information can be found on the [Transperth website](#).

Handbills

'Handbills' includes 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 or whether the handbill must contain any specific note (e.g. "Do Not Litter" in readable font).

Should we acknowledge traditional owners at our event?

An Acknowledgement of Country recognises that Western Australia 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.

Checklist for Running an Event

Permits/Licences

- Food
- Alcohol
- Gaming
- Open flame
- Fireworks
- Using footpath or closing road

Copyright

- Licence from PPCA to play recorded music
- Licence from APRA or AMCOS

Insurance

- Product liability insurance
- Personal Accident insurance
- Workers compensation insurance

Appropriate arrangements for individuals with disabilities

Sponsorship

Fundraising permit/licence

Contact Main Roads Western Australia

Contact Western Australia Environmental Protection Authority

Contact Transperth (if applicable)

Contact Main Roads Western Australia

Acknowledgment of county

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:

➤ [Risk and Insurance](#)

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 Western Australia.

➤ [Communications and Advertising](#)

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

Extra 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 in Western Australia and nationwide.

➤ [Australian Copyright Council](#)

For information about when permission is required and how to request permission to use copyrighted works.

➤ [Planning Safe Public Events Practical Guidelines](#)

These event planning Guidelines were developed by the Commonwealth Attorney-General's department.

➤ [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.

➤ [Resources for holding an accessible events](#)

A reference guide to making events accessible.

➤ [The Environmental Protection Authority of Western Australia](#)

The Western Australia EPA administers and has resources regarding noise pollution.

➤ [Voluntary Workers Personal Accident Insurance](#)

Community Underwriting has an insurance policy specifically designed for volunteers.

Legislation

➤ [Occupational Safety and Health Act 1984 \(WA\)](#)

This is a link to the legislation which sets out the laws relating to workplace health and safety in Western Australia.

➤ [Equal Opportunity Act 1984 \(WA\)](#)

This is a link to the Western Australian legislation that includes specific provisions prohibiting discrimination when providing goods and services.

➤ [Environmental Protection Act 1986 \(WA\)](#)

This is a link to the Western Australian legislation that includes specific provisions prohibiting noise pollution including the [Environmental Protection \(Noise\) Regulations 1997 \(WA\)](#).

➤ [Charitable Collections Act 1946 \(WA\)](#)

This is a link to the Western Australian legislation that regulates certain fundraising activities and events in Western Australia.

A Not-for-profit Law Information Hub resource. Access more resources at www.nfplaw.org.au

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