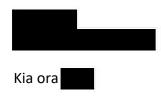
Absolutely Positively **Wellington** City Council

Me Heke Ki Põneke

File ref: IRC-5867

23 February 2024



Gardens Magic

Thank you for your request made under the Local Government Official Information and Meetings Act 1987 (the Act), received on 11 January 2024. You requested the following information:

• All correspondence between E Tu, the Wellington Musicians Assoc, and the council about pay for performers at the Gardens Magic concerts.

Wellington City Council has granted your request for information.

Below are the documents that fall in scope of your request and my decision to release them.

Please note, some information has been redacted under section 7(2)(a) of the Act, as it contains personal information about private individuals.

Item	Document name/description	Decision
Appendix 1		Released. Redacted
		section 7(2)(a) of the
	Email Correspondence.	Act.
Appendix 2		Released. Redacted
	Email Correspondence. Appendices 9, 10 and 11	section 7(2)(a) of the
	provided within this email chain.	Act.
Appendix 3		Released. Redacted
		section 7(2)(a) of the
	Email Correspondence.	Act.
Appendix 4		Released. Redacted
		section 7(2)(a) of the
	Email Correspondence.	Act.
Appendix 5		Released. Redacted
		section 7(2)(a) of the
	Email Correspondence.	Act.
Appendix 6		Released. Redacted
		section 7(2)(a) of the
	Email Correspondence.	Act.
Appendix 7		Released. Redacted
		section 7(2)(a) of the
	Email Correspondence.	Act.

Appendix 8		Released. Redacted
	Wellington Music Association's supporting	section 7(2)(a) of the
	documents for August 2022 meeting	Act.
Appendix 9	Wellington Music Association's Historic and Current	
	Gardens Magic Pay	Released
Appendix 10	Wellington Music Association's Request for Fair	Released. Redacted
	Musician Fees at Wellington City Council Events -	section 7(2)(a) of the
	August 2022	Act.

The Council's Events team met with a representative of the Wellington Musicians Association (WMA), in late August 2022. The WMA requested this meeting as an opportunity for discussions regarding musician payment and conditions at Wellington City Council Events, as captured within the supporting material provided by the WMA within appendix 8.

Part of the discussions at this meeting touched on correspondence sent by the Council to musicians in early August. Musicians who were originally booked to perform at the Council's 2022 Gardens Magic event, which was cancelled due to the impact of Covid-19, received an email from the Council's Events team offering them a performance spot at the 2023 Gardens Magic event for a reduced fee.

This email citing a reduction was an error in communication and Council officers were quick to publicly acknowledge this error, apologise and correct this statement; clarifying that musicians would be provided with their same rate of pay. This was communicated to the WMA in this August 2022 meeting.

In response to this meeting, Council officers implemented some changes for the 2023 Gardens Magic event which included providing parking for musicians near the site. The changes made were met with positive feedback from the WMA as captured within appendix 7.

Alongside this, in response to the WMA raising that fees for musicians at Council events should be increased, the Council also implemented a benchmark to what musicians are paid when performing at Council events.

Council officers collated information and benchmarking across other local authorities and hospitality sectors and found the rates we pay performers are in line with current fees. Originally an external study was also to be explored to review the fees musicians are paid, however due cost constraints this external study was not able to proceed.

This benchmark was set in 2022 and rolled over to the Gardens Magic 2023 event. This benchmark confirms a fee of \$250 per musician for a four hour call time (approx. \$60 per hour), which includes:

- Soundchecks
- a one hour break
- the 75minute performance
- and pack out time.

Wellington City Council is committed to supporting our creative sector in Poneke and this benchmark was communicated across the Council to ensure consistency from all departments when paying for these services.

Right of review

If you are not satisfied with the Council's response, you may request the Office of the Ombudsman to investigate the Council's decision. Further information is available on the Ombudsman website, www.ombudsman.parliament.nz.

Please note, we may proactively release our response to your request with your personal information removed.

Thank you again for your request,

Kind regards

Ollie Marchant Official Information From:
To: Stephen Blackburn
Subject: Re: Meeting today at 11.30

Date: Sunday, 28 August 2022 10:50:42 am

Kia ora,

Thank you for confirmation and the efforts to reorganize your schedule to make it work. Really appreciate that.

Again wishing you a speedy recovery!



Sent from my iPhone

On 27/08/2022, at 2:36 PM, Stephen Blackburn < Stephen.Blackburn@wcc.govt.nz> wrote:

Confirming on behalf of Stephen he has rejigged the Tuesday meetings to make room for 10am.

This assuming he is able to return to work.

From:

Sent: 26 August 2022 10:48

To: Stephen Blackburn < Stephen.Blackburn@wcc.govt.nz>

Subject: Re: Meeting today at 11.30

Kia ora Stephen,

Would be greatly appreciated if we could do 10am Tuesday.

Cheers,

Sent from my iPhone

On 26/08/2022, at 9:42 AM,

Kia ora Stephen,

I've talked to and we are able to reschedule to Tuesday. I suggest we meet at 11:30am though, as I have work commitments in the afternoon (beginning 3pm).

I would like to politely request two things in the interim

1. Email receipt of yesterdays documents regarding our concerns

2. Agreement in good faith to delay negotiations with artists until we

2. Agreement in good faith to delay negotiations with artists until we can meet

The second point in particular would mean a lot to our association and help in establishing the communicative and receptive relationship we hope to form with WCC going forward. Get well soon

on behalf of the Wellington Musicians Association

On 26/08/2022, at 8:04 AM, Stephen Blackburn <<u>Stephen.Blackburn@wcc.govt.nz</u>> wrote:

Morena

I apologise profusely, but I am going to have to postpone todays meeting.

Is it possible to reschedule for Tuesday afternoon next week, as I can re schedule the meetings I currently have for that time?

Again apologies

Ngā mihi nui Stephen Blackburn

Manager City Events | Creative Capital | Wellington City Council

M

E stephen.blackburn@wcc.govt.nz | W Wellington.govt.nz

From: Stephen Blackburn To: Cc: Subject: RE: Following up on our discussion Date: Tuesday, 30 August 2022 3:17:00 pm Many thanks for this speedy response to our request. I shall have a look at the material, and again thanks for the effort you, and and have put into his advocacy. Talk soon Ngā mihi nui Stephen Blackburn Manager City Events | Creative Capital | Wellington City Council I M E stephen.blackburn@wcc.govt.nz | W Wellington.govt.nz **Sent:** 30 August 2022 15:12 To: Stephen Blackburn <Stephen.Blackburn@wcc.govt.nz> Cc: Gisella Carr < Gisella. Carr@wcc.govt.nz> Subject: Re: Following up on our discussion Kia ora koutou. Thank you for meeting us today. I will do a proper follow up reply over the next few days to assess options going forward but can't give that the time it deserves at current due to other commitments. For now though, I wanted to provide you the historic information we have compiled thus far in regards to Gardens Magic, as requested in the meeting. In terms of establishing a wider picture of industry fees, I have approached from Findaband (they manage and book 100s of covers bands a year for events and have access to lots of data regarding fees that could help establish a picture) I've attached a sheet which breaks down all the acts we have received info from so far. As you can imagine, it's quite hard getting figures further back than this, but we feel that this data set provides a useful look at historic and current fees and what they break down to • All figures barring the admin time and expenses are real data from the bands • I have reduced the time on site to 5 hours for an even more conservative estimate. Admin time was constructed using an average of 5 hours per band, our communities best estimate based on past experience with similar events and from comments from respondents • Expenses were \$50 per band member, capped to \$250. This is rationalised in the appendix I previously sent, see "Appendix 2 - Out of pocket expenses" - applied on a per member base so it scales with band size. Capped at \$250 to keep it reasonable If you have any questions relating to this info please call me on Thank you & I'll be in touch again soon,

Hi Stephen,

On Thu, Aug 25, 2022 at 1:50 PM <

Are you able you confirm receiving the email and the docs? I've had some internet connection issues today which are leaving me wondering.

> wrote:

Cheers

On 25/08/2022, at 7:00 AM,

Kia ora koutou,

To enable a productive discussion on Friday we have prepared documents outlining our concerns and proposals. We look forward to meeting you, and establishing what we hope will be an ongoing relationship between the Wellington Musicians Association and Wellington City Council. Thanks.

on behalf of the Wellington Musicians Association
On Tue, Aug 23, 2022 at 4:32 PM

wrote:

Hi Stephen,

Thanks for the clarification. While we appreciate the sentiment behind the reinstatement of last year's fees, there are a number of important issues that the large group of local musicians we represent wish to be addressed before negotiating can continue in earnest. We plan to address these on Friday. We also plan to present several courses of action that could lead to a positive and more equitable outlook for the event and the musicians performing at it. We feel there is a real opportunity here for the WCC to continue to champion the cause of the artists they publicly espouse support for, and lead the way in creating real and necessary change within our industry which will lead to more equitable outcomes for musicians and events. We believe there is an opportunity to further the WCC's goals of establishing a Living Wage for its employees and contractors, and of supporting the arts through the many arts initiatives the WCC funds and oversees.

Are you feeling back to 100% yet? That flu going around can be a lingerer. Hope you're on the mend

All the best.

on behalf of the Wellington Musicians Association

On Tue, Aug 23, 2022 at 3:33 PM Stephen Blackburn

<<u>Stephen.Blackburn@wcc.govt.nz</u>> wrote:

Kia ora

Just to clarify Toby has been back in email contact with the acts originally approached clarifying we would be meeting the original fees set for the 2022 program as outlined in Gisella's earlier conversations with you and her public statements on the matter.

I will be in attendance on Friday along with our Production Manager Sharelle Peck.

Warm regards

Ngā mihi nui Stephen Blackburn

Manager City Events | Creative Capital | Wellington City Council

E stephen.blackburn@wcc.govt.nz | W Wellington.govt.nz | From:

Sent: 23 August 2022 10:23

I M

To: Stephen Blackburn < <u>Stephen.Blackburn@wcc.govt.nz</u>>

Cc: Gisella Carr < <u>Gisella.Carr@wcc.govt.nz</u>> **Subject:** Re: Following up on our discussion

Hi Stephen & Gisella,

We're aware of efforts by Toby to renegotiate fees with the 2023 artist line up, while we realise he has a job to do and time is ticking on, we would like to request that in good faith any further negotiations with artists are put on hold until our concerns and the concerns of the artists we represent can be heard on Friday.

Could you also confirm who will be in attendance?

I will send through a document on Friday morning to outline in detail our concerns before the meeting

Regards

On Fri, Aug 19, 2022 at 2:30 PM Stephen Blackburn

<<u>Stephen.Blackburn@wcc.govt.nz</u>> wrote:

That sounds fine I shall book us a room.

See you then. Warm regards

Stephen

From: <

Sent: 19 August 2022 14:18

To: Stephen Blackburn < <u>Stephen.Blackburn@wcc.govt.nz</u>>

Cc: Gisella Carr < <u>Gisella.Carr@wcc.govt.nz</u>> **Subject:** Re: Following up on our discussion

Hi Stephen,

I'd be interested in having 1 or 2 other key people with me if that is

tenable on your end. Let me know how that sounds?

wing up from Thursdays Meeting nber 2022 8:38:00 ar

Thanks I shall read with Interest

Mat in our meeting you mentioned that you had some other rate cards for other workers that would be useful for us to see also, as we don't work in isolation with just one group of contractors on events but ensure we are equitable across all contractors in the creative sector.

Many thanks for your mahi

Ngā mihi nui Stephen Blackburn

Creative Capital | Wellington City Council

wcc.govt.nz | W Wellington govt.nz

From:

Sent: 15 September 2022 16:54

To: Mat Danaher <mat danaher@etu.nz>

Cc: Sharelle Peck <Sharelle.Peck@wcc.govt.nz>; Stephen Blackburn <Stephen.Blackburn@wcc.govt.nz>

Subject: Re: Following up from Thursdays Meeting

Here's a link to V1 of the rates calculator we are currently working on (currently view only). It's still very much in development but this will give you an idea of what we are proposing. We're looking to continue to develop it with input from employers and musicians alike so that it is sitting in a position that feels simple and easy to use across various scenarios, and can produce fees that feel fair for musicians and reasonable for those employing musicians

I'll open it up with full access at a later date (once more developed) so you can input figures and see how it scales yourself.

Marysia and I will be ready to present an early version of it to WCC some time later next week if that suits, in the hope of gaining some feedback as well as explaining how it could work.

Thanks

On Thu, Sep 15, 2022 at 2:34 PM Mat Danaher <mat.danaher@etu.nz> wrote:

Hi both apologies for the delay — and the team have been making the draft rates cards look really good.

will send you the link to the rate cards by the end of today to have a look. This is an interactive approach the idea will be to put them on a website so that people can do rough calculations in a more usable format than the UK version.

would be keen to have a quick chat with you next week to discuss some of the thinking behind where we have got to if you're interested. We are of course thinking very much of the future with these.

Mat

Mat Danaher

From: Sharelle Peck < Sharelle Peck@wcc.govt.nz> Sent: Monday, 12 September 2022 1:28 pm To: Mat Danaher < mat.danaher@etu.nz>

Subject: Following up from Thursdays Meeting

Kia Ora Mat

Lovely to meet you via Teams on Thursday.

I just wanted to follow up to see if you are still able to send through the info you talked about sharing around the rates card in the meeting. You can send direct to Stephen if you like or to us both.

I am assuming you had no problem access the recording meeting Teams chat.

Looking forward to hearing from you soon.

Sharelle Peck

roduction Manager | City Arts & Events | Wellington City Council

E sharelle.peck@wcc.govt.nz | W Wellington.govt.nz |



The information contained in this email is privileged and confidential and intended for the addressee only

If you are not the intended recipient, you are asked to respect that confidentiality and not disclose, copy or make use of its contents. If received in error you are asked to destroy this email and contact the sender immediately. Your assistance is appreciated.

p://wellington.govt.nz/~/media/Ima	ges/email-signatures/wco	c-banner-new.jpg	

 From:
 Stephen Blackburn

 To:
 Gisella Carr

 Cc:
 Toby Papazoglou

Subject: Draft response to for feedback

Date: Thursday, 20 July 2023 8:23:00 am

Attachments: <u>image001.jpg</u>

Kia ora

Firstly apologies for not updating you on where things are at.

We had planned to have an independent person do some research and benchmarking across local authorities and the hospitality sector as well as across our own activities across the arms of council. This however has proven more difficult to achieve. To date we have had some research gathering from local authorities around the country and plan in the next quarter to do the same with the hospitality sector. Once these are completed and dependent on budget allocation we will look to getting the independent person in to do across council and other stakeholder research including people such as yourself, to give us the fullest picture.

I know this seems very slow, but as I am learning nothing can move quickly if we are to be thorough. I thank you for your patience

From:

Sent: 18 July 2023 12:19

To: Stephen Blackburn < Stephen.Blackburn@wcc.govt.nz>

Cc: Gisella Carr < Gisella.Carr@wcc.govt.nz> **Subject:** Re: [WMA] Follow up meeting

Kia ora Stephen, Hope you are well!

I wanted to get in touch regarding the aforementioned independent council wide review. Do you have any update on the timeline of the review and any information regarding who will be undertaking it? Wellington Musicians Association are keen to remain a part of this discussion, as we believe we can offer valuable insight into what constitutes a fair fee for musicians by drawing on the experiences of the hundreds of local musicians we share our community with.

All the best

Wellington Musicians Association

On Wed, Jan 18, 2023 at 11:39 AM > wrote:

Kia ora Stephen,

Thanks for the update on this front, appreciate the transparency and look forward to future discussions. All the best

On Wed, Jan 18, 2023 at 8:58 AM Stephen Blackburn < stephen.Blackburn@wcc.govt.nz> wrote:

Kia ora

Many thanks for your email, and I am pleased that the changes we have been able to make have been noticed and appreciated. I will indeed pass on to Toby and Sharelle your appreciative comments.

In regards artists fees, we are undertaking a full council wide review of artists and practitioner payments with an independent assessor. The timeline on this review I am awaiting notification on. We will be in touch once we have the detail and I have no doubt that conversations with yourself, etu, and other parties will form part of this process.

The aim is to also give consistency across council activities that can also inform budget setting going forward.

Ngā mihi nui

Stephen Blackburn

Manager City Events | Creative Capital | Wellington City Council

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E stephen.blackburn@wcc.govt.nz | W Wellington.govt.nz



From: <

Sent: 16 January 2023 17:42

To: Stephen Blackburn < Stephen.Blackburn@wcc.govt.nz>

Subject: [WMA] Follow up meeting

Kia ora Stephen,

I hope you're well and have had a relaxing break over Christmas and New Years.

On Thursday I played at Gardens Magic with two bands I'm involved with. It was a great night with an appreciative audience and we got very lucky with the weather all things considered. I wanted to pass on my thanks to you and your team for front footing some of the hospitality and contractual issues we had raised in our meeting, I can see efforts have been made to consider the artist's experience at this event and I wanted to thank you for that. Props to Toby and Sharelle.

I wanted to get in touch about scheduling a follow up meeting between WCC, WMA and E Tu after the Gardens Magic Series has concluded to ensure that the event budgeting can guarantee an increase in musician fees for the 2024 event. With little to no historic increase in fees over the event's existence, this year's high inflation rate, and the projected inflation rates for 2023 being similarly high, it would be a real shame for the fees to continue to stagnate. We'd love to continue the discussion to see what can be achieved on that front for this event and similar WCC funded or run events.

Look forward to your reply,

WMA

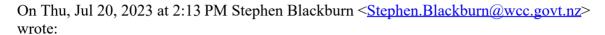
From:
To: Stephen Blackburn
Cc: Gisella Carr
Subject: Re: Musician rates

Date: Thursday, 20 July 2023 2:49:42 pm

Attachments: <u>image001.jpg</u>

Hi Stephen,

Thanks for the update - appreciate your quick reply & the transparency! Look forward to hearing how this develops:)



Kia ora

Just updating you as to where this is at.

As you know we planned to have an independent analyst do some information collating and benchmarking across local authorities and the hospitality sector as well as across our own activities across the arms of council. To date we have had some initial information gathering from local authorities around the country and plan in the next quarter to do the same with the hospitality sector. Once these are completed and dependent on resourcing we will look to getting the independent analyst to do across council and other stakeholder research including people such as yourself, to give us the fullest picture.

I know this seems very slow, but as I am learning nothing can move quickly if we are to be thorough. I can however confirm that the process will not be considered complete without your collective contribution.

I thank you for your patience

Ngā mihi nui

Stephen Blackburn

Manager City Events | Creative Capital | Wellington City Council



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From: Stephen Blackburn
To: Gisella Carr
Subject: FW: Musician rates

Date: Tuesday, 14 November 2023 3:32:00 pm

Attachments: <u>image001.jpg</u>

This is the email I responded to him with

From: Stephen Blackburn Sent: 20 July 2023 14:13

To:

Cc: Gisella Carr < Gisella. Carr@wcc.govt.nz>

Subject: Musician rates

Kia ora

Just updating you as to where this is at.

As you know we planned to have an independent analyst do some information collating and benchmarking across local authorities and the hospitality sector as well as across our own activities across the arms of council. To date we have had some initial information gathering from local authorities around the country and plan in the next quarter to do the same with the hospitality sector. Once these are completed and dependent on resourcing we will look to getting the independent analyst to do across council and other stakeholder research including people such as yourself, to give us the fullest picture.

I know this seems very slow, but as I am learning nothing can move quickly if we are to be thorough. I can however confirm that the process will not be considered complete without your collective contribution.

I thank you for your patience



From: <u>Stephen Blackburn</u>
To: <u>Toby Papazoglou</u>

Subject: RE: [WMA] Follow up meeting

Date: Friday, 1 December 2023 12:05:00 pm

Attachments: <u>image001.jpg</u>

DRAFT response

Kia ora

Firstly apologies for the time lapse between responses, but as you will appreciate it is a very busy time at the moment with summer events delivery.

Currently we are not able to commit to an external reviewer due to the budget constraints within council operations which I am sure you read of in the media, so I can not give a timeline around that part of the work. As indicated in previous correspondence we have reviewed rates based on feedback from other NZ local authorities and local hospitality businesses and found the rate we are paying is inline with current fees. We have communicated this around council to ensure consistency from all departments when paying for these services. We have found that fees have varied across the council and ensuring there is now a minimum benchmark is a step forwrad I'm sure you would agree.

From: Stephen Blackburn < Stephen. Blackburn@wcc.govt.nz>

Sent: 16 November 2023 15:09

To: Toby Papazoglou <Toby.Papazoglou@wcc.govt.nz>

Subject: FW: [WMA] Follow up meeting

FYI

From:

Sent: 15 November 2023 23:29

To: Stephen Blackburn <<u>Stephen.Blackburn@wcc.govt.nz</u>>

Cc: Gisella Carr < <u>Gisella.Carr@wcc.govt.nz</u>> **Subject:** Re: [WMA] Follow up meeting

Kia ora Stephen,

Apologies for that, in searching back through emails I definitely missed that one. That's my bad! Would you mind clarifying something for me re: the process of the independent analyst?

Is the intention of the analysis to find out if WCC are paying fees in line with the broader industry or is the intention to find out what a fair fee for the work involved would be? Findings will be very different depending on the intent and direction of the analysis.

I was also a bit confused to see a reply by Simone through the WCC page claiming that musician rates for GM were updated after industry feedback at the end of 2022. This is of course not the case as they were \$250 per person dating back to 2021 and remain that today. FWIW, they were \$200 per head in 1993, so you can see my concern when it comes to wage stagnation in particular.

Thanks for your time

On Wed, Nov 15, 2023 at 5:32 PM Stephen Blackburn <<u>Stephen.Blackburn@wcc.govt.nz</u>> wrote:

Kia ora

I detail below my response sent to you on the 20th July for which you acknowledged receipt of.

Warm regards

Stephen Blackburn

Manager City Events

Wellington City Council

From: Stephen Blackbur

From: Stephen Blackburn Sent: 20 July 2023 14:13

To:

Cc: Gisella Carr < <u>Gisella.Carr@wcc.govt.nz</u>>

Subject: Musician rates

Kia ora

Just updating you as to where this is at.

As you know we planned to have an independent analyst do some information collating and

benchmarking across local authorities and the hospitality sector as well as across our own activities across the arms of council. To date we have had some initial information gathering from local authorities around the country and plan in the next quarter to do the same with the hospitality sector. Once these are completed and dependent on resourcing we will look to getting the independent analyst to do across council and other stakeholder research including people such as yourself, to give us the fullest picture.

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I thank you for your patience

Ngā mihi nui

Stephen Blackburn

Manager City Events | Creative Capital | Wellington City Council

|M|

E stephen.blackburn@wcc.govt.nz | W Wellington.govt.nz

From: **Sent:** 14 November 2023 15:28

To: Stephen Blackburn < <u>Stephen.Blackburn@wcc.govt.nz</u>>

Cc: Gisella Carr < Gisella. Carr@wcc.govt.nz> Subject: Re: [WMA] Follow up meeting

Kia ora Stephen, Hope you are well.

I didn't receive a reply to my last email so I have repeated it below.. I am very disappointed to see that Gardens Magic will be going ahead with the same musician fees used in 2021/22/23 despite the concerns we raised regarding the lack of fair pay at the event.

I wanted to get in touch regarding the aforementioned independent council wide review. Do you have any update on the timeline of the review and any information regarding who will be undertaking it? Wellington Musicians Association are keen to remain a part of this discussion, as we believe we can offer valuable insight into what constitutes a fair fee for musicians by drawing on the experiences of the hundreds of local musicians we share our community with.

All the best

Wellington Musicians Association

On Tue, Jul 18, 2023 at 12:18 PM

Kia ora Stephen,

Hope you are well!

I wanted to get in touch regarding the aforementioned independent council wide review. Do you have any update on the timeline of the review and any information regarding who will be undertaking it? Wellington Musicians Association are keen to remain a part of this discussion, as we believe we can offer valuable insight into what constitutes a fair fee for musicians by drawing on the experiences of the hundreds of local musicians we share our community with.

All the best

Wellington Musicians Association

On Wed, Jan 18, 2023 at 11:39 AM

> wrote:

Kia ora Stephen,

Thanks for the update on this front, appreciate the transparency and look forward to future discussions. All the best

On Wed, Jan 18, 2023 at 8:58 AM Stephen Blackburn Stephen.Blackburn@wcc.govt.nz> wrote:

Kia ora

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In regards artists fees, we are undertaking a full council wide review of artists and practitioner payments with an independent assessor. The timeline on this review I am awaiting notification on. We will be in touch once we have the detail and I have no doubt that conversations with yourself, etu, and other parties will form part of this process. The aim is to also give consistency across council activities that can also inform budget

setting going forward.

Stephen Blackburn

Ngā mihi nui

Manager City Events | Creative Capital | Wellington City Council

P | M

E stephen.blackburn@wcc.govt.nz | W Wellington.govt.nz

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From:

Sent: 16 January 2023 17:42

To: Stephen Blackburn < Stephen.Blackburn@wcc.govt.nz>

Subject: [WMA] Follow up meeting

Kia ora Stephen,

I hope you're well and have had a relaxing break over Christmas and New Years.

On Thursday I played at Gardens Magic with two bands I'm involved with. It was a great night with an appreciative audience and we got very lucky with the weather all things considered. I wanted to pass on my thanks to you and your team for front footing some of the hospitality and contractual issues we had raised in our meeting, I can see efforts have been made to consider the artist's experience at this event and I wanted to thank you for that. Props to Toby and Sharelle.

I wanted to get in touch about scheduling a follow up meeting between WCC, WMA and E Tu after the Gardens Magic Series has concluded to ensure that the event budgeting can guarantee an increase in musician fees for the 2024 event. With little to no historic increase in fees over the event's existence, this year's high inflation rate, and the projected inflation rates for 2023 being similarly high, it would be a real shame for the fees to continue to stagnate. We'd love to continue the discussion to see what can be achieved on that front for this event and similar WCC funded or run events. Look forward to your reply,

WMA



APPENDIX | Request for Fair Musician Fees at Wellington City Council Events - August 2022



Appendix 1 - WCC Commitments to Living Wage

- Living Wage accredited in Sep 2018¹

- "Commitments were in place for contractors to also move to it"
- "Research from around the world shows that paying a Living Wage brings benefits to employers, to staff and also to the wider community."
- "This was the right thing to do to make Wellington a more inclusive city."
- "It is a measure of our commitment to supporting responsible employment and fair remuneration in the best interests of the city and its residents.
- "A society where some cannot afford to be part of the community is not the kind of city we want to be."
- Wellingtonians have supported the City Council at every step in their path to becoming New Zealand's first Living Wage city.
- As part of its 10-Year Plan, the Council has budgeted \$3.4 million per year for 10 years to implement the Living Wage over time. This includes costs for Council, CCO and core contractors.

Living Wage for Events Fund²

 A fund that distributes \$300,000 per year over 4 years (2021-2024) to help non-council event organisers deliver events that provide the living wage for their staff and contractors including participating artists and performers

¹ We have Living Wage accreditation - Wellington City Council

² Living Wage for Events Fund - Wellington City Council



Appendix 2 - Fair fee calculations | A breakdown

In order to calculate what goes into producing a performance at an event like Gardens Magic, we've broken down the components of labour and expenses in order to help WCC update its expectations and understanding as to what constitutes fair pay.

Breakdown average labour and expenses per act:

Contracted time on site (5.75 hours per musician)

It is council expectations that these timings are adhered to:

Call Time: 4:45PMSoundcheck: 6:00PM

• Performance: 8:00PM - 9:30PM

Pack Down: 9:30PM - 10:30PM

Often musicians need to account for extra time for difficult parking/lack of parks. This results in having to drive in, unpack, re-park 5-10+ minutes away, walk back, and then begin to set up. We feel the issue of artist parking could be managed more efficiently.

Admin time (5 hours per act)

This accounts for the artist/bands administrative time involved in a number of tasks that are necessary to the event. This figure is an average and conservative estimate based on our own vast personal experience in managing admin tasks for the bands, and the experiences of the artists we interviewed.

- Gathering availability of band members, scheduling the event with the producer
- Negotiation of fees and contract
- Providing press photos, artist biography (long), artist blurb (short), an up to date tech rider, and liaising with the sound crew
- Social media marketing sharing the event and promoting it via the bands platforms
- Organising the material including the production of charts and setlists.
- Scheduling rehearsals and booking rehearsal space
- Logistics for the band on the day involving any travel, carpooling, gear hire, or time off work required
- Invoicing and payments.



Band rehearsal time (7 hours per musician)

Given that there is an expectation from all parties (artists, audience and WCC) that a professional and polished product is presented, it should be clear that rehearsals are necessary. We constructed an average after polling 30+ bands on their rehearsal times for Gardens Magic, as well as consulting the wider community about averages for similar gigs. We arrived at a figure of roughly 7.9 hours. We have rounded this down to 7 hours per person in order to offer a conservative, reasonable estimate.

Individual practice time (2 hours per musician)

Before rehearsals & gigs, it is necessary for individuals in a band to put in some personal practice time in order to refresh, prepare to rehearse efficiently, and make any necessary tweaks particular to each performance. We approached the wider community about this figure and landed on a conservative estimate of 2 hours per person.

Out of pocket expenses related to event (\$250 per act)

While these figures varied from band to band, very conservative average expenses for a gig of this nature sit at around \$250 per band. This is based on:

Related travel costs conservatively rounded down to \$145 per band.
 Calculated using the following method:

Assumption of 15km return per rehearsal and gig = 45km per member

Average band size = 6.7 members

45km x 6.7 = 301.5km on average per band

301.5km x 0.83c (tier 1 mileage rate for 2021-2022³) = \$250.25 in travel costs per band, reduced to \$145 per band to offer a conservative estimate

 Rehearsal room hire totalling \$105 per band. We arrived at this figure using the average of 2 rehearsals per band and an average cost of hireage of \$52.50 per rehearsal (local rates are between \$45-\$60 per rehearsal)

3

ttns://www.ird.govt.nz/income-tax/income-tax-for-busi

https://www.ird.govt.nz/income-tax/income-tax-for-businesses-and-organisations/types-of-business-expenses/claiming-vehicle-expenses/kilometre-rates-2021-2022



Calculo	Calculator for baseline fees, based off living wage										
Act	Hourly Wage PP	No. Performe rs	Practice (per musician)	Rehearsal (per musician)	Contracted time on site	Admin (one person)	Total Hours	OOP Expenses	Total Fee		
EXAMPLE	\$23.65	1	2	7	5.75	5	20	\$250	\$717.09		
EXAMPLE	\$23.65	2	2	7	5.75	5	35	\$250	\$1,065.93		
EXAMPLE	\$23.65	3	2	7	5.75	5	49	\$250	\$1,414.76		
EXAMPLE	\$23.65	4	2	7	5.75	5	64	\$250	\$1,763.60		
EXAMPLE	\$23.65	5	2	7	5.75	5	79	\$250	\$2,112.44		
EXAMPLE	\$23.65	6	2	7	5.75	5	94	\$250	\$2,461.28		
EXAMPLE	\$23.65	7	2	7	5.75	5	108	\$250	\$2,810.11		
EXAMPLE	\$23.65	8	2	7	5.75	5	123	\$250	\$3,158.95		
EXAMPLE	\$23.65	9	2	7	5.75	5	138	\$250	\$3,507.79		
EXAMPLE	\$23.65	10	2	7	5.75	5	153	\$250	\$3,856.63		
EXAMPLE	\$23.65	11	2	7	5.75	5	167	\$250	\$4,205.46		

Appendix 3 - Achieving industry standard contracts & conditions

Along with achieving a fair minimum level of pay there are a number of contractual considerations we'd like to agree on for the Gardens Magic and other WCC events; to ensure adequate working conditions and policies for artists, these are:

- Musician parking allocation is provided when possible in line with the number of musicians performing on the day, considering how many vehicles are required to transport both musicians and music equipment/instruments.
- Adequate green room facilities are provided including:
 - Separate toilets from the general public
 - kai/refreshments (snacks are vital when musicians are on site without having the time available to go away and get food)
 - positioning of the green room facilities should be appropriately close to the stage
 - Sufficient lighting and mirrors to allow for dressing and preparation
- Deposits A 50% deposit must be paid to "The Artist" by "The Council" within 14 days of the signing of the contract.



- COVID Cancellation Clause in the case of cancellation of "The Performance" within 90 days of the commencement of "The Event" due to a pandemic or any pandemic related government restrictions, "The Artist" will retain 50% of the agreed upon fee. In the case of a cancellation for the same reasons within 45 days, the artist will retain 100% of the agreed upon fee. (From the NZ music commission guidelines on cancellation clauses for contracts) Performance agreement
- General Cancellation Clause In the event that the booking is cancelled 31 or more days prior to "The Performance", "The Artist" will receive 50% of the fee. In the event that the booking is cancelled 30 or fewer days prior to "The Performance", "The Artist" will receive 100% of the fee.

Appendix 4 - Data summary: what hourly wage current and historic Gardens Magic fees equate to

The below average figures have been calculated based on submissions by over 30 acts/musicians who have performed and/or been asked to perform at the Gardens Magic series currently and in previous years. The historic fees have been adjusted to reflect inflation.

Calculation for what hourly wage current and	Ra	nge	Avorago	
historic Gardens Magic fees equate to	Min	Max	Average	
Number of performers per act	1	19	6.7	
Hours worked per act	12	394	114	
Hours worked per person	12	19.7	17	
Fee offered by WCC (before tax)	\$203	\$3,812	\$1,261	
Hourly Wage per person (before tax)	\$2	\$27	\$11	

Calculator for what hourly wage historic GM fees equate to

						Hours OOP Expenses				
Act	Year	Fee Offered	No. Performers	Practice (per musician)	Rehearsal (per musician)	Contracted time on site (assumed average)	Admin (assumed average) (one person)	Total Hours	(assumed average based on calculations laid out in appendix)	Hourly Wage PP
Anon 90 min	2020	\$2,000	14	2	20	5	5	383	\$250	\$5
Anon 90 min	2012	\$800	5	2	10	5	5	90	\$250	\$1
Anon 90 min	2019	\$1,000	7	2	12	5	5	138	\$250	\$5
Anon 90 min	2013	\$1,800	9	2	9	5	5	149	\$250	\$10
Anon 90 min	2016	\$1,600	10	2	3	5	5	105	\$250	\$13
Anon 90 min	2018	\$1,600	8	2	9	5	5	133	\$250	\$10
Anon 60 min set	2020	\$1,200	6	2	10	5	5	107	\$250	\$9
Anon 90 min	2017	\$800	6	2	6	5	5	83	\$250	\$7
Anon 90 min	2018	\$1,200	4	2	6	5	5	57	\$200	\$18
Anon 90 min	2014	\$3,500	19	2	6	5	5	252	\$250	\$13
Anon 90 min	2023	\$1,250	5	2	10	5	5	90	\$250	\$11
anon 45 min set	2023	\$1,000	4	2	4	5	5	49	\$200	\$16
Anon 90 min	2023	\$1,000	4	2	8	5	5	65	\$200	\$12
Anon 90 min	2023	\$750	5	2	9	5	5	85	\$250	\$6
anon 90 min set	2014	\$1,600	3	2	9	5	5	53	\$150	\$27
anon 90 min set	2020	\$1,600	8	2	7	5	5	117	\$250	\$12
anon 45 min set	2020	\$800	4	2	4	5	5	49	\$200	\$12
anon 45 min set	2021	\$1,000	5	2	6	5	5	70	\$250	\$11
Anon 90 min	2004	\$1,500	6	2	7	5	5	89	\$250	\$14
Anon 60 min set	2020	\$800	4	2	10	5	5	73	\$200	\$8
Anon 90 min	2010	\$1,500	6	2	7	5	5	89	\$250	\$14
Anon 90 min	2015	\$1,000	7	2	7	5	5	103	\$250	\$7
Anon 50 mins	2021	\$800	4	2	4	5	5	49	\$200	\$12
Anonymous	2018	\$1,500	11	2	7	5	5	159	\$250	\$8
Anon 30 min	2018	\$600	11	2	4	5	5	126	\$250	\$3
Anon 45 min set	2020	\$1,200	6	2	10	5	5	107	\$250	\$9
Anon 45 min set	2021	\$800	4	2	8	5	5	65	\$200	\$9
Anon 60 min set	2021	\$400	4	2	15	5	5	93	\$200	\$2
Anon 45 min set	2021	\$800	4	2	4	5	5	49	\$200	\$12
Anon 60 min set	2023	\$800	4	2	4	5	5	49	\$200	\$12
Anon 90 min set	?	\$2,600	15	2	13.5	5	5	313	\$250	\$8
anon 90 min set	2021	\$800	5	2	6	5	5	70	\$250	\$8
Anon 40 min set	2021	\$800	4	2	4	5	5	49	\$200	\$12
Anon 45 min set	2021	\$200	1	0	4	5	2	11	\$50	\$14
Anon 60 min set	2021	\$400	4	2	15	5	2	90	\$200	\$2
Anon 40 min set	2023	\$1,000	4	2	6	5	5	57	\$200	\$14
Anon 90 min set	2020	\$750	3	2	9	5	5	53	\$150	\$11
Anon 40 min set	2023	\$1,500	6	2	9	5	5	101	\$250	\$12



Request for Fair Musician Fees at Wellington City Council Events - August 2022



Introduction

Thank you for taking the time to meet with us, Wellington Musicians Association (WMA), to discuss our concerns regarding musician payment and conditions at Wellington City Council Events. WMA is a large group of local musicians whose aim is to advocate on behalf of its members and other musicians for better pay and conditions, and to help provide education and resources to its members. WMA is supported by national musicians of profile, industry professionals, union representatives, and The Living Wage Movement.

This discussion puts a particular focus on the Gardens Magic Series, however, the details set out in this document are applicable to other events organised and funded by Wellington City Council (WCC).

We want to acknowledge the council's willingness to meet and discuss these issues, as well as the fact that Wellington City Council (WCC) is a big supporter of the arts. While we have serious concerns regarding wages and conditions at council events, we recognise and appreciate the continued efforts of your team to provide spaces for the arts and curate events that showcase Wellington's wealth of musical talent.

The current situation presents an important opportunity for WCC to champion the cause of local musicians that they value and support, and to set an example of fair pay and conditions for other local councils, central government, and the private sector. We know the council to be reasonable and we wish to bring our concerns to light, in the hope of finding a solution that works for both parties. We acknowledge budget constraints and local body politics. We hope WCC acknowledges the implications of a community of musicians with a lack of industry representation, living on unfair wages in a hyper-inflationary, post-COVID environment. This environment has provoked an industry-wide response, which is driving such actions as a revitalisation of the ETū musician's union, the introduction of The Fair Pay Agreements Bill, increased interest in unionisation, and Creative NZ's Remuneration Policy and SCAAP report- all working towards the same goal, which is for fair pay and workers rights.



Background

In early August 2022, musicians who were booked for the cancelled 2022 Gardens Magic event were contacted by WCC to offer them a performance spot at the 2023 event, for a fee reduced by 33% (less than the 2022 offer), citing "increased supplier costs" as the rationale for this reduction. After raising this as an issue with WCC, the original 2022 fees were reinstated. Whilst we, as a community, were pleased to see the fee reduction revoked, the current fees do not align with cost of living increases. In addition, the fees historically and currently offered have been inconsistent and are below what we know to be fair.

This has prompted a review of musicians fees across the Gardens Magic and other WCC events. Accounts have been gathered and analysed from over 30 acts involved in the Gardens Magic series (Appendix item 4). The data reveals that musician pay at council events has not tracked with increases in cost of living, and currently sits at a level which is unacceptable.

Fees offered to musicians are less than the living wage and, in many cases, significantly less than minimum wage.

How did we arrive here?

We do not believe that this has happened by design or malicious intent, rather by process of unintentional neglect, and a lack of advocacy within our industry. From surveying our own community and speaking with reputable sources involved in WCC events, we understand unfair pay for musicians has happened for the following reasons:

- No consistent and clear framework for the WCC to construct musician fees across the range of WCC events.
- Budgeting that does not scale with the rising costs of all contractors/suppliers
- Loss of major event sponsor (e.g. ASB, Meridian)
- A lack of understanding of the labour and worth of musicians that WCC contracts
- Lack of a representative organisation to voice concerns and collectively bargain for fair pay and conditions for musicians.
- WCC contracting out the producer role rather than employing full time staff leading to an increase in costs related to events management.



What next?

We recognise there is work to be done in establishing open and clear communications with WCC through advocacy groups such as WMA, E tū, and the Living Wage Movement. Our ambition is to use this opportunity to begin an ongoing and productive relationship between musicians and WCC that in turn results in the highest quality events and performances, and fair pay and conditions for the musicians who play such a crucial part in their success.

What is a fair fee?

A fair fee would compensate artists for:

- Their time spent directly on the performance
- The costs associated with the performance
- The intellectual property used in the performance
- The level of skill/training/qualification of the performers
- The brand/profile/pull

The above list varies by artist so a fair fee depends on the artist and is hard to define.

Nevertheless, we can assume that a fair fee would at least cover the cost of performing at Gardens Magic. Therefore, we propose a minimum fee based on the average cost of putting on the performance.

Overview of average labour and expenses per act:

Historic data from 30+ acts was used to find average values for:

- Contracted time on site (5.75 hours per musician)
- Admin time (5 hours per act)
- Band rehearsal time (7 hours per musician)
- Individual practice time (2 hours per musician)
- Expenses related to event (\$250 per act)

We have assumed a living wage of \$23.65 which is consistent with WCC's commitment to being a living wage employer (Appendix item 1). Using the above values we arrive at the following recommended minimum fees by band size:

Solo	2 Piece	3 Piece	4 Piece	5 Piece	6 Piece	7 Piece	8 Piece	9 Piece
\$717	\$1066	\$1415	\$1764	\$2112	\$2461	\$2810	\$3159	\$3508



This is the reality of what it costs to pay bands a living wage for a professional level event of this profile and audience size. It is worth noting that many of the performers have decades of experience and deserve more than bare minimum.

Achieving industry standard contracts & conditions

Along with achieving a fair level of pay there are a number of contractual considerations we'd like to agree on for the Gardens Magic and other WCC events to bring them inline with industry standards and to ensure adequate working conditions and policies for artists (Appendix item 3). These include, but are not limited to:

- Band parking allocation
- Green room, toilet facilities, host responsibilities
- Deposits
- Cancellation clauses

In conclusion

WMA proposes:

- 1. Establishment of an ongoing working relationship with WCC
 - a. WCC liaises with WMA (as a representative for musicians in Wellington)
 when dealing with issues that affect all musicians such as standard
 contract and fee rates setting
- 2. WCC works with WMA to create a fees framework that results in a true living wage as a base minimum for musicians at WCC and WCC funded events
 - True living wage takes into account the true amount of hours worked, plus out of pocket expenses, towards the event
 - b. This is implemented for all 2023 events including Gardens Magic
 - c. This framework is revisited and adjusted periodically in line with cost of living increases and more specifically, CPI, or movements in Living Wage
- 3. WCC provisions for the listed additional working conditions and contractual considerations
 - a. See appendix item 3

We as musicians share in the council's vision for Wellington to be an inclusive, sustainable, and creative capital for people to work and live in. We hope that nurturing an ongoing relationship between WCC and musicians will help this vision to be realised.

We will continue to engage directly with the council in good faith and hope that this will be reciprocated.