



<b>Title:</b>	<b>Booking Policy</b>
<b>Venue:</b>	<b>Palais Theatre</b>
<b>Distribution:</b>	<b>Public Document</b>
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<b>Policy No:</b>	<b>Admin 001</b>
<b>Approved by:</b>	<b>Live Nation Australia Venues and the City of Port Phillip</b>

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#### **Mission Statement:**

The objective of this policy is to ensure that The Palais Theatre operates at maximum occupancy, hosting commercially viable events whilst remaining accessible to local and community groups and activities.

Live Nation as the Venue operator will work to promote the venue within the live entertainment industry encouraging frequent and diverse event use, as well as actively programming and procuring additional content to limit 'dark' or unused event days.

In achieving this objective, this booking policy is designed to clearly articulate the booking system, and demonstrate the fairness, robustness and integrity of the process.

#### **Fairness and Confidentiality:**

The Palais Theatre booking system is the sole property of the Live Nation Australia Venues, and accessible only to the Palais Theatre General Manager and key venue staff.

Core to the integrity of the booking system, is the maintenance of absolute discretion, fairness and confidentiality.

#### **Holding Dates:**

Any potential venue hirer may 'pencil' a date of interest to hire. No preferential treatment will be provided to any potential commercial hirer;

- 'First pencil' is the entity that first expresses an interest in booking the date and seeks to hold the date.
- 'Second pencil' is the entity that expresses interest in booking a date already requested by another interested party, and seeks to hold the date.
- The hold process continues 3rd/4th/5th and so on.

In the event another hirer seeks to improve the status of their date hold, we may advise that enquiring hirer as to the state of the preceding pencil, without breaching confidentiality as to the particulars of the event (e.g. who the artist is)

A "strong" pencil is a pencil that we believe is close to confirming (contracting) the date.

A "weak" pencil is a pencil that we believe isn't likely to confirm, however the pencil holder has not relinquished the hold.

At any time, a pencil holder (no matter of their status) may ask the venue to determine the currency of the preceding pencil in the hope that they may ascend closer to first pencil. They may not, however force a preceding pencil to relinquish a hold ahead of theirs unless they are prepared to "challenge" for the date and initiate the Challenge process.

These notes will allow for auditing of the booking process should there be a concern regarding impartiality or favoritism toward Live Nation or any other hirers event(s). All transactions on the booking calendar will be accompanied by detailed notes regarding the booking.

#### **Challenge Process:**

A challenge for any date may be issued by a pencil holder at any level (i.e. the 5th pencil may challenge each pencil ahead of it, in order).

Any pencil holder ahead of the challenger may have 2 business days to either release the pencil hold, or call for contract and challenge the next highest ranking pencil.

Upon calling for contract, the hirer requesting the contract has 5 working days from the date of requesting the contract, to return the executed Venue Hire Agreement and paid their deposit (cleared funds).

A failure to return the signed Venue Hire Agreement and deposit within the required period will result in a retraction of the Venue Hire Agreement issued, and the date shall become available for the next pencil to contract under the same terms.

#### **Venue Hire Deposit:**

The standard deposit required to secure a date is \$5,000 AUS plus GST, however this may be reduced from time to time at the sole discretion of the Palais Theatre General Manager following a request from a hirer and an assessment being undertaken around the following key matters;

- Palais Theatre commercial history with the hirer.
- Previous payment history of the hirer.
- Whether the hirer has other bookings at the Venue where a deposit has already been paid. Then a decision may be made where the deposit can be rolled over to cover multiple bookings.
- Community and charity events, who may not have a capacity to pay a deposit of that nature.
- City of Port Phillip bookings.

#### **Contingencies:**

The venue shall always hold a theoretical 'first pencil'. This procedure is designed to enable the venue to:

- Decline a request to execute a Venue Hire Agreement in the event that the hirer has elected not to disclose the event type/genre at the time of penciling the date or the Venue determines the event not to be appropriate to the venue or community.
- Hold a date under the name of a particular event/act where multiple hirers are competing for the right to present the event/act so as not to advantage one potential hirer over another as related to the level of pencil holder (see Venue Hold).
- Decline a booking on the basis of commercial contribution to The Palais Theatre rental targets (e.g. a free hire request, or 'function' hire of the main auditorium).

#### **Venue Hold:**

In the event that the Palais Theatre General Manager becomes aware that a date hold is being pursued by multiple potential hirers, for the same project, a VENUE hold will be installed at first pencil for the specific project.

The intent is that the venue hold may never be used as a competitive advantage by one hirer over another in a bidding process.

#### **Availability Commitment:**

Whilst maintaining an active contribution to the programming schedule of the venue in the interests of the commercial viability of the Palais Theatre, we have committed to maintaining a substantial minimum level of date availability for community and commercial hirers that are not Live Nation promoted events.

Live Nation will use its best endeavors to ensure a minimum average of 150 Availability Commitment dates ("AC

dates”) per annum (averaged over a 2 year calendar period) are available for Non Live Nation promoted events up until the claw-back period.

An “AC date” is defined as an event date that is utilized by a non-Live Nation commercial promoting entity, a charity or community function or passes through as an unused or ‘dark’ day in the event schedule.

Where more than one non-Live Nation event or function takes place in any calendar day (i.e. matinee and evening performance), each event or function shall count as one AC date.

**Claw Back:**

In the interests of the Venue Manager maintaining the commercial interests of The Palais Theatre, an AC date that does not have a committed use within 3 months of the AC date, may be “clawed back” by Venue Management in order to be actively programmed by any event opportunity, including Live Nation procured or produced events. Notwithstanding that a ‘clawed back” date is subsequently utilized by a Live Nation procured event, for the purposes of this policy the event still counts towards the minimum AC date target.

**Application for Exemption:**

Live Nation may apply to the City of Port Philip from time to time, to reduce the number of AC dates required where an opportunity exists for the Palais Theatre to host an extended season run of events (such as a Festival or Theatre season) produced by Live Nation and considered to have economic benefit to the Palais Theatre, and surrounding St Kilda businesses.