

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
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File Number:	VID1036/2024
File Title:	JAYSON LLOYD GILLHAM v MELBOURNE SYMPHONY ORCHESTRA PTY LTD ABN 47 078 925 658 & ORS
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. VID 1036 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Jayson Lloyd Gillham

Applicant

Melbourne Symphony Orchestra Pty Ltd ABN 47 078 925 658 and others

Respondents

Affidavit of: **Leon Zwier**

Address: Level 21, 333 Collins Street, Melbourne, Victoria, 3000

Occupation: Lawyer

Date: 21 November 2024

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Filed on behalf of: the First Respondent and Fourth Respondent

Prepared by: Leon Zwier and Rachel Soh

Ref: 011928243

Law firm: **ARNOLD BLOCH LEIBLER**

Tel: (03) 9229 9999

Fax (03) 9229 9900

Email: lzwier@abl.com.au and rsch@abl.com.au

Address for service Level 21, 333 Collins Street, Melbourne, VIC 3000

didr *lzwier*

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I, Leon Zwier, of Level 21, 333 Collins Street, Melbourne, Victoria, 3000, Lawyer, say on oath:

1. I am a Partner of Arnold Bloch Leibler (ABL), the lawyers for the First Respondent (the MSO) and the Fourth Respondent (Mr Ross, the Chief Operating Officer (COO) of the MSO). I have principal carriage of this proceeding, along with my colleagues, Rachel Soh, Partner, and Ben Friis-O'Toole, Partner.
2. I am authorised to make this affidavit on behalf of the MSO and Mr Ross respectively, and I do so in support of an interlocutory application filed in this Court on 21 November 2024.
3. Except where I state otherwise, I make this affidavit from my own knowledge. Where I depose to matters based on information provided to me, or by inquiries I have made or caused to be made by lawyers at ABL, I believe those matters to be true.
4. In dealing with any of the matters below in my affidavit, I do not intend to waive legal professional privilege and I have no instructions to do so on behalf of the MSO and/or Mr Ross. If any of the matters I refer to in my affidavit are deemed to constitute a waiver of legal professional privilege, those specific matters should be treated as withdrawn and are not relied upon by either the MSO and/or Mr Ross, or by me.

Procedural history of this proceeding

5. This proceeding was commenced by the Applicant (Mr Gillham) by Originating Application and Statement of Claim filed on 3 October 2024. The MSO and Mr Ross filed a notice of address for service on 7 October 2024.
6. On Tuesday, 8 October 2024, the parties appeared and were represented by their respective counsel at a case management hearing before the Hon Chief Justice Mortimer. ABL received notice of the Court's intention to list the proceeding for a case management hearing on Friday, 4 October 2024 from an email

communication it received from Alice Osborne, Lawyer, of Marque Lawyers Pty Ltd (**Marque Lawyers**) (Mr Gillham's Lawyers) at around 1.14pm that day. Ms Osborne's email forwarded an earlier email from the Chambers of the Chief Justice addressed to Marque Lawyers advising of the proposed case management listing on Tuesday, 8 October 2024. Now shown to me at Annexure **LZ-1** is a copy of the email from Alice Osborne of Marque (Lawyers for Mr Gillham) addressed to me that I refer to in this paragraph.

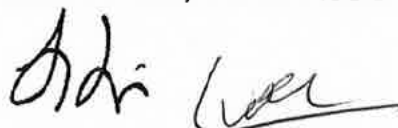
7. On 9 October 2024, the day after the case management hearing I refer to above at [6], the Court made procedural orders requiring:
 - (a) Mr Gillham to file and serve a concise statement by 15 October 2024. This date was subsequently extended to 16 October 2024 by further Orders of this Court dated 24 October 2024 (at [1] of these Orders). Mr Gillham filed a Concise Statement and an Amended Statement of Claim (**ASOC**) on 16 October 2024;
 - (b) the MSO and Mr Ross, and the Third Respondent (**Ms Galaise**, the (former) Managing Director of the MSO) to each file and serve a Defence and a Concise Response by 5 November 2024. This date was subsequently extended to 7 November 2024 by further Orders of this Court dated 24 October 2024 (at [2] of these orders) (noting 5 November 2024 was a public holiday). On 7 November 2024, the MSO and Mr Ross filed and served a **Joint Defence** to the ASOC. Ms Galaise filed and served her own Defence to the ASOC and her Concise Response. On 8 November 2024, the Court made Orders extending the time for the MSO to file and serve its Concise Response from 7 November 2024 to 8 November 2024, which it then did that day;
 - (c) the parties to attend a mediation, which was to be completed no later than 22 November 2024. This date was later extended by further Orders of this Court dated 24 October 2024 (at [3] of these orders).

Now shown to me at Annexure **LZ-2** is a copy of each of the Orders made by the Hon Chief Justice Mortimer dated 9 October 2024, 24 October 2024 and 8 November 2024.

8. The parties are scheduled to appear before a mediation before National Judicial Registrar Edwards on 19 December 2024 at 10am (on an estimate of up to one day).

The MSO

9. The MSO is registered as a large charity with the Australian Charities and Not-for-profits Commission (**ACNC**). On the ACNC website, the MSO's Annual Information Statement 2022 and its Financial Report (for the period up to 31 December 2022) lists the MSO's



total comprehensive net income as approximately \$2,367,279, and its net assets/liabilities as \$11,774,893. Now shown to me at Annexure **LZ-3** is the MSO's Annual Information Statement 2022 and its Financial Report.

10. The MSO is governed by a Constitution, which has been lodged with the ACNC. Clause 5.1 of its Constitution identifies the MSO as a "charitable, cultural organisation for musical purposes, for the promotion, education and encouragement of music and for other charitable purposes" which are then listed in cl 5.1(a)-(k). The MSO and Mr Ross's Joint Defence refers to the Constitution at [2(c)](ii) pp 2-3. Now shown to me at Annexure **LZ-4** is a copy of the MSO's Constitution.

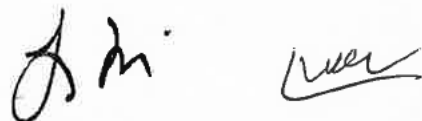
Specific documents referred to in the Joint Defence

11. As part of their Joint Defence to the ASOC, the MSO and Mr Ross have relied upon the following specific documents:
- (a) the MSO's Strategic Plan 2025-2028, p 8 (Joint Defence at [2(c)](iii) pp 3-4). Now shown to me at Annexure **LZ-5** is a copy of the extracts of the MSO's Strategic Plan referred to by me in this paragraph;
 - (b) the MSO Annual Report 2023, pp 10-12, 72-77, 92-115 (Joint Defence at [2(c)](iii) pp 3-4, [2(c)](v) pp 4-5, and [2(f)](iii) p 5). Now shown to me at Annexure **LZ-6** is a copy of the extracts of the MSO's Annual Report referred to by me in this paragraph;
 - (c) the "**SSA / MSO Service Level Agreement**" executed between the MSO and Symphony Services Australia Limited (ABN 69 121 149 755) (**SSA**) on or around 15 July 2010 (Joint Defence at [3(v)] p 6). Mr Gillham filed a Notice of Discontinuance of his claims against the SSA on 16 October 2024. Now shown to me at Annexure **LZ-7** is a copy of the SSA / MSO Service Level Agreement.
 - (d) the "**Amendment to the SSA / MSO Service Level Agreement**" executed between the MSO and SSA on or around 20 June 2013 (Joint Defence at [3(v)] pp 6-7). Now shown to me at Annexure **LZ-8** is a copy of the Amendment to the SSA / MSO Service Level Agreement;
 - (e) the "**Gillham / SSA Agreement**" executed between Mr Gillham and SSA on or around 11 June 2024 (Joint Defence at [6(a)] pp 7-8). Now shown to me at Annexure **LZ-9** is a copy of the Gillham / SSA Agreement.

Reasons for the interlocutory application

12. Based on:

- (a) my understanding of the issues joined between the parties in the ASOC and their defences;



(b) the submissions prepared by experienced counsel which accompany this interlocutory application; and

(c) my own professional experience of many years' standing in commercial and public law litigation matters;

I reasonably believe that the early resolution of the issue of whether Mr Gillham does have a "workplace right" within the meaning of s 341(1)(a) of the *Fair Work Act 2009* (Cth) (**FW Act**) (and the related issue of whether the *Equal Opportunity Act 2010* (Vic) is a "workplace law" for the purposes of the FW Act and Mr Gillham's claims) before the commencement of the trial on 17 March 2025 is likely to be substantially less costly, resource-intensive and time-consuming for each of the MSO and Mr Ross than in their continuing to defend the proceeding, including by way of filing affidavit evidence responsive to all the issues raised in the ASOC, and otherwise in their preparing to defend this matter at trial. The early determination by this Court of the specific issues in raised in the interlocutory application ahead of the mediation scheduled for 19 December 2024 is also more likely to promote the early settlement of the dispute between the parties. On that basis, I reasonably believe that the orders sought in the interlocutory application are consistent with the obligations the MSO and Mr Ross have under s 37N(1) of the *Federal Court of Australia Act 1976* (Cth) (**FCA**) to conduct the proceeding in a way that is consistent with the "overarching purpose" in FCA s 37M, and my own obligation (under FCA s 37N(2)) to conduct a civil proceeding in this Court on the MSO's and Mr Ross's behalf taking into account their respective duties under FCA s 37N(1) and to assist them to comply with their respective duties.


13. Having regard to the allegations made by Mr Gillham against the MSO and Mr Ross (as well as against Ms Galaise) and the need for the MSO (as the alleged contravener) to discharge its reverse onus under ss 360-361 of the FW Act, I reasonably believe that if the issues I refer to above at [12] are not resolved at an early stage of this proceeding, the Court may require additional hearing days to accommodate any cross-examination of the MSO's, Ms Galaise's and/or Mr Ross's witnesses in their respective defences.

Sworn by the deponent
at Canberra
in Australian Capital Territory
on 21 November 2024
Before me:

)
)
)
)
)


Signature of deponent



Signature of witness
Lauren Winn
An Australian Legal Practitioner

Lauren Phyllis Winn
Arnold Bloch Leibler
Level 21, 333 Collins Street, Melbourne 3000
An Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE “LZ-1”

No. VID 1036 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Jayson Lloyd Gillham

Applicant

Melbourne Symphony Orchestra Pty Ltd ABN 47 078 925 658 and others

Respondents

This is the annexure marked “LZ-1” referred to in the affidavit of **LEON ZWIER** sworn on 21 November 2024.

Phoebe Bishop

From: Alice Osborne <aliceo@marquelawyers.com.au>
Sent: Friday, 4 October 2024 1:14 PM
To: Leon Zwier; Nicole Flint
Cc: Michael Bradley; Lauren Gasparini
Subject: FW: Case Management Hearing on Tuesday, 8 October 2024 | VID1036/2024 [SEC=OFFICIAL] [Marque-DOCUMENTS.FID121155]

Dear Mr Zwier

Please see below further correspondence, confirming that the matter will be listed at **9.15am** on 8 October 2024, rather than 10.15am as previously advised.

Kind regards
 Alice

Alice Osborne
 Lawyer
 MARQUE Lawyers Pty Ltd

Confirmed



P: 02 8216 3073

Gadigal Country, Level 4, 343 George Street Sydney 2000

marquelawyers.com.au / [LinkedIn](#) / [X](#) / [Instagram](#)

We do not disclaim anything about this email. We're quite proud of it, really.

From: Associate Mortimer CJ <Associate.MortimerCJ@fedcourt.gov.au>
Sent: Friday, October 4, 2024 12:53 PM
To: Michael Bradley <michaelb@marquelawyers.com.au>; Lauren Gasparini <laureng@marquelawyers.com.au>; Alice Osborne <aliceo@marquelawyers.com.au>
Cc: Associate Mortimer CJ <Associate.MortimerCJ@fedcourt.gov.au>
Subject: RE: Case Management Hearing on Tuesday, 8 October 2024 | VID1036/2024 [SEC=OFFICIAL]

You don't often get email from associate.mortimercj@fedcourt.gov.au. [Learn why this is important](#)

OFFICIAL

Dear Mr Bradley,

I confirm her Honour is content to list the case management hearing at **9.15am**.

As set out below, the applicant should make the respondents aware of the updated time to the case management hearing and request that they let Chambers know if any appearances will be made on behalf of the respondents.

Please also confirm who will appear on behalf of the applicant at the case management hearing on **Tuesday, 8 October 2024 at 9.15am**.

Kind regards,

Gauri Prabhakar (she/her) | **Associate to Chief Justice Mortimer**
 Federal Court of Australia | 305 William Street Melbourne Victoria 3000
 T: (03) 8638 6476 | E: associate.mortimercj@fedcourt.gov.au

From: Michael Bradley <michaelb@marquelawyers.com.au>
Sent: Friday, October 4, 2024 12:39 PM
To: Associate Mortimer CJ <Associate.MortimerCJ@fedcourt.gov.au>; laureng@marguelawyers.com.au; Alice

Subject: RE: Case Management Hearing on Tuesday, 8 October 2024 | VID1036/2024 [SEC=OFFICIAL]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Dear Associate,

Thank you, we can confirm that all respondents have been served and we are now endeavouring to ensure they are aware of the listing before her Honour.

Our senior counsel Ms Omeri KC is presently overseas. Jessie Taylor of counsel is able to attend on Tuesday, but is in a major trial in the Supreme Court that sits from 10.30am. Would it be possible for her Honour to hold the case management hearing at 9.30am? If not, we will find another counsel.

Thank you very much for your assistance.

Regards

Michael Bradley
Managing Partner
MARQUE Lawyers Pty Ltd



P: 02 8216 3006 / M: +61 419 610 016
Gadigal Country, Level 4, 343 George Street Sydney 2000
marquellawyers.com.au / [LinkedIn](#) / [X](#) / [Instagram](#)
We do not disclaim anything about this email. We're quite proud of it, really.

From: Associate Mortimer CJ <Associate.MortimerCJ@fedcourt.gov.au>

Sent: Friday, October 4, 2024 11:35 AM

To: Michael Bradley <michaelb@marquellawyers.com.au>; laureng@marguelawyers.com.au; Alice Osborne <aliceo@marquellawyers.com.au>

Cc: Associate Mortimer CJ <Associate.MortimerCJ@fedcourt.gov.au>

Subject: Case Management Hearing on Tuesday, 8 October 2024 | VID1036/2024 [SEC=OFFICIAL]

Some people who received this message don't often get email from associate.mortimercj@fedcourt.gov.au. [Learn why this is important](#)

OFFICIAL

Dear practitioners,

I refer to the above proceeding, which has been allocated to Chief Justice Mortimer.

The Chief Justice intends to list a case management hearing in this proceeding on **Tuesday, 8 October 2024 at 10.15am (AEST)**. The hearing will proceed in a courtroom to be allocated on the Court's Daily List. Her Honour expects legal representatives to appear in person.

Since this matter may generate community interest, the case management hearing will be livestreamed. Her Honour will seek the parties' views on the establishment of an online file on the Federal Court's website, which will be available to members of the public, subject to any documents that the Court has ordered remain confidential.

We also note that the respondents have yet to file a notice of address for service. Accordingly, the applicant should:

- a. file an affidavit of service as soon as practicable; and
- b. make reasonable efforts to ensure the respondents are notified of the case management hearing next week.

Kind regards,

Gauri Prabhakar (she/her) | **Associate to Chief Justice Mortimer**
Federal Court of Australia | 305 William Street Melbourne Victoria 3000
T: (03) 8638 6476 | E: associate.mortimercj@fedcourt.gov.au

ANNEXURE “LZ-2”

No. VID 1036 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Jayson Lloyd Gillham

Applicant

Melbourne Symphony Orchestra Pty Ltd ABN 47 078 925 658 and others

Respondents

This is the annexure marked “LZ-2” referred to in the affidavit of **LEON ZWIER** sworn on 21 November 2024.



Federal Court of Australia

District Registry: Victoria Registry

Division: Fair Work

No: VID1036/2024

JAYSON LLOYD GILLHAM

Applicant

MELBOURNE SYMPHONY ORCHESTRA PTY LTD ABN 47 078 925 658 and others
named in the schedule

Respondent

ORDER

JUDGE: Chief Justice Mortimer

DATE OF ORDER: 9 October 2024

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. On or before 4.00pm on 15 October 2024, the applicant is to file and serve a concise statement, including any particulars, in accordance with clauses 6.8 – 6.10 of the Central Practice Note (CPN-1).
2. On or before 4.00pm on 5 November 2024, the respondents are to file and serve a defence and also a concise response, in accordance with clauses 6.8 – 6.10 of the Central Practice Note (CPN-1).
3. An online file be established on the Federal Court of Australia's website.
4. The originating application and statement of claim be placed on the online file. Further filed documents will be uploaded after consultation with the parties.
5. The matter be referred to mediation, initially before National Judicial Registrar Edwards, for the purpose of determining whether the mediation should be conducted by National Judicial Registrar Edwards or referred to an external mediator.
6. Subject to further order, the mediation be completed no later than 22 November 2024.
7. Subject to further order, the matter be listed for trial commencing on 17 March 2025 with an estimate of 5 days.
8. The matter be listed for further case management as soon as practicable after the completion of the mediation, if the mediation is unsuccessful.



Date orders authenticated: 9 October 2024

Sia Lagos
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: VID1036/2024

Federal Court of Australia

District Registry: Victoria Registry

Division: Fair Work

Second Respondent	SYMPHONY SERVICES AUSTRALIA LIMITED ABN 69 121 149 755
Third Respondent	SOPHIE GALAISE
Fourth Respondent	GUY ROSS



Federal Court of Australia

District Registry: Victoria Registry

Division: Fair Work

No: VID1036/2024

JAYSON LLOYD GILLHAM

Applicant

MELBOURNE SYMPHONY ORCHESTRA PTY LTD ABN 47 078 925 658 and others
named in the schedule

Respondent

ORDER

JUDGE: Chief Justice Mortimer

DATE OF ORDER: 24 October 2024

WHERE MADE: Melbourne

THE COURT ORDERS BY CONSENT THAT:

1. The time for compliance with Order 1 made on 9 October 2024 (**Orders**), for the applicant to file and serve a concise statement, including any particulars, in accordance with clauses 6.8–6.10 of the Central Practice Note (CPN-1), be extended to 16 October 2024.
2. The time for compliance with Order 2 of the Orders, for the respondents to file and serve a defence and also a concise response in accordance with clauses 6.8–6.10 of the Central Practice Note (CPN-1), be extended to on or before 4.00pm on 7 November 2024.
3. The time for compliance with Order 6 of the Orders, for the mediation to be completed, be extended to no later than 24 December 2024.

Date orders authenticated: 24 October 2024


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: VID1036/2024

Federal Court of Australia

District Registry: Victoria Registry

Division: Fair Work

Third Respondent SOPHIE GALAISE

Fourth Respondent GUY ROSS



Federal Court of Australia

District Registry: Victoria Registry

Division: Fair Work

No: VID1036/2024

JAYSON LLOYD GILLHAM

Applicant

MELBOURNE SYMPHONY ORCHESTRA PTY LTD ABN 47 078 925 658 and others
named in the schedule

Respondent

ORDER

JUDGE: Chief Justice Mortimer

DATE OF ORDER: 8 November 2024

WHERE MADE: Alice Springs

THE COURT ORDERS BY CONSENT THAT:

1. The time for compliance with Order 2 made on 24 October 2024 to file and serve a concise response in accordance with clauses 6.8–6.10 of the Central Practice Note (CPN-1), be extended to on or before 12pm on 8 November 2024.

Date orders authenticated: 8 November 2024


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: VID1036/2024

Federal Court of Australia

District Registry: Victoria Registry

Division: Fair Work

Third Respondent SOPHIE GALAISE

Fourth Respondent GUY ROSS

ANNEXURE “LZ-3”

No. VID 1036 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Jayson Lloyd Gillham

Applicant

Melbourne Symphony Orchestra Pty Ltd ABN 47 078 925 658 and others

Respondents

This is the annexure marked “LZ-3” referred to in the affidavit of **LEON ZWIER** sworn on 21 November 2024.

Annual Information Statement 2022

Legal name:
Melbourne Symphony Orchestra Pty Ltd

ABN:
47078925658

About the charity

Website:
mso.com.au

Charity size:
Large

Is the charity an incorporated association?:
No

Does the Charity intend to fundraise in the next reporting period?:
No

Charity programs

MSO Annual Season

Program classification:
Performance art

Program locations:
Arts Centre Melbourne, Saint Kilda Road, Melbourne VIC, Australia
Melbourne Recital Centre, Sturt Street, Southbank VIC, Australia
Melbourne Town Hall, Melbourne VIC, Australia

Program beneficiaries:
Families
People in rural/regional/remote communities
People from a culturally and linguistically diverse background

Program website:
mso.com.au

First Nation

Program classification:
Performance art

Program locations:
Arts Centre Melbourne, Saint Kilda Road, Melbourne VIC, Australia

Program beneficiaries:
Families
Aboriginal and Torres Strait Islander people
People from a culturally and linguistically diverse background
People in rural/regional/remote communities

Annual Free Concerts at Sidney Myer Music Bowl

Program classification:

Performance art

Program locations:

Sidney Myer Music Bowl Reserve, Melbourne VIC, Australia

Program beneficiaries:

Families

Financially disadvantaged people

Cultural Ambassador including East Meet West and Chinese New Year Concert

Program classification:

Performance art

Program locations:

Arts Centre Melbourne, Saint Kilda Road, Melbourne VIC, Australia

Program beneficiaries:

Families

People from a culturally and linguistically diverse background

Program website:

mso.com.au

MSO.Live

Program classification:

Performance art

Program operated online:

Yes

Program beneficiaries:

Families

Aboriginal and Torres Strait Islander people

People from a culturally and linguistically diverse background

People in rural/regional/remote communities

Program website:

watch.mso.live

Regional Touring

Program classification:

Performance art

Program locations:

Wangaratta VIC, Australia

Shepparton VIC, Australia

Bendigo VIC, Australia

Warrnambool VIC, Australia

Hamilton VIC, Australia

Horsham VIC, Australia

Warragul VIC, Australia

Mallacoota VIC, Australia

Program beneficiaries:

Families

People in rural/regional/remote communities

Program website:

mso.com.au

MSO for Schools

Program classification:

Primary education

Program locations:

Arts Centre Melbourne, Saint Kilda Road, Melbourne VIC, Australia

Program beneficiaries:

Children - aged 6 to under 15

Program website:

mso.com.au

Pizzicato Effect

Program classification:

Education

Program locations:

Melbourne VIC, Australia

Program beneficiaries:

Children - aged 6 to under 15

Jams for Juniors

Program classification:

Education

Program locations:

Iwaki Auditorium, Southbank Boulevard, Southbank VIC, Australia

Program beneficiaries:

Early childhood - aged under 6

Program website:

mso.com.au

Melbourne Music Summit

Program classification:

Education

Program operated online:

Yes

Program beneficiaries:

Children - aged 6 to under 15

Youth - 15 to under 25

Adults - aged 25 to under 65

Program website:

mso.com.au

Description of the charity's activities and outcomes:

Established in 1906 to share the beauty of orchestral music with the people of Victoria, today the MSO is recognised as one of the country's largest employers in the performing arts and an internationally-recognised ambassador for Australian arts. The MSO contributes to the social and intrinsic value of Victoria's cultural economy and takes a whole-of-state position that all Victorians, no matter where they live, have the right to participate in cultural experiences. In 2022, the MSO presented 148 performances to a live audience of more than 217,000 people under the baton of our new Chief Conductor, Jaime Martín. The year was brimming with outstanding Australian composers and musicians, crosscultural collaborations, international engagement that extends our reputation as a leading cultural ambassador, and a vibrant program of classical and contemporary masters. In 2022, the MSO piloted its new MSO Academy. The MSO Academy provides young instrumentalists a vital final bridge to a successful career and we eagerly look forward to watching the careers of some

very talented young musicians take flight. The MSO Academy sits alongside other MSO initiatives for emerging artists including our Cybec Foundation programs, and Snare Drum Award. Putting First Nations First, 2022 saw several wonderful initiatives celebrate First Nations artists and creativity, including the launch of two new programs for emerging artists: The Ensemble Dutala Residency and First Voices. On stage, history was made when Noongar man Aaron Wyatt became the first Indigenous person to conduct an Australian state symphony orchestra, and we were pleased to present the world premiere of Baparrripna, the first collaboration between MSO First Nations Creative Chair, Deborah Cheetham Fraillon AO and Kalkadunga Yidaki master, William Barton. Together with MSO's celebrated NAIDOC Week, featuring Electric Fields and Spinifex Gum, our First Nations program was extremely well received by our community.

Human resources

Human resources:

Full time employees: 158

Part time employees: 9

Casual employees: 371

Full-time equivalent staff (FTE): 158.74

Estimated number of volunteers: 198

Annual report

Note: If you want to see the financial report or annual report that this charity has submitted, go back to [Financials & Documents](#)

Financial Reporting

Charity's 2022 reporting period:

1 January 2022 to 31 December 2022

Type of financial statement:

General purpose financial statements simplified disclosure

Financial report consolidated with more than one entity?:

No

Did your charity have any related party transactions:

Yes

Does your charity have documented policies or processes about related party transactions?:

Yes

More than one remunerated key management personnel member:

Yes

Number of remunerated key management personnel:

7

Total amount paid to key management personnel:

\$1,887,760

Financial report submitted to a state/territory regulator?:

No

Income and Expenses

Comprehensive Income Statement summary

Gross income

Revenue from government including grants	\$19,095,026
Donations and bequests	\$5,309,830
Revenue from providing goods or services	\$13,710,292
Revenue from investments	\$368,910
All other revenue	\$568,432
Total revenue	\$39,052,490
Other income (for example, gains)	\$0
Total gross income	\$39,052,490

Expenses

Employee expenses	\$20,428,546
Interest expenses	\$0
Grants and donations made for use in Australia	\$0
Grants and donations made for use outside Australia	\$0
All other expenses	\$16,256,665
Total expenses	\$36,685,211

Net income

Net surplus/(deficit)	\$2,367,279
Other comprehensive income	\$0
Total comprehensive income	\$2,367,279

Balance Sheet extract

Assets

Total current assets	\$13,168,583
Non-current loans receivable	\$0
Other non-current assets	\$13,935,748
Total non-current assets	\$13,935,748
Total assets	\$27,104,331

Liabilities

Total current liabilities	\$14,217,501
Non-current loans payable	\$0
Other non-current liabilities	\$1,111,937
Total non-current liabilities	\$1,111,937
Total liabilities	\$15,329,438

Net assets/liabilities

Net assets/liabilities	\$11,774,893
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Melbourne Symphony Orchestra

**Melbourne Symphony Orchestra Pty
Limited**

ABN 47 078 925 658

**Annual Financial Report
31 December 2022**

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Melbourne Symphony Orchestra Pty Limited
ABN 47 078 925 658
Directors' Report for the year ended 31 December 2022

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The Directors present their report together with the financial report of Melbourne Symphony Orchestra Pty Limited (the Company) for the year ended 31 December 2022 and the auditor's report thereon.

DIRECTORS

The Directors of the Company during the financial year and until the date of this report are as follows:

Name	Date of Appointment
David Li <small>AM</small> (Chairman)	1 July 2013 (Chairman from 30 April 2021)
Diane Jameson (Co-Deputy Chair)	10 April 2018 (Co-Deputy Chair from 30 April 2021)
Helen Silver <small>AO</small> (Co-Deputy Chair)	14 January 2015 (Co-Deputy Chair from 30 April 2021)
Shane Buggle	18 August 2021
Andrew Dugdeon <small>AM</small>	27 February 2019
Daniel Gorog	19 February 2014
Sophie Galaise (Managing Director)	21 April 2016
Lorraine Hook	27 February 2019
Margaret Jackson <small>AC</small>	8 May 2015
David Krasnostein <small>AM</small>	12 August 2014
Farrel Meltzer	22 November 2022
Gary McPherson	18 August 2021
Hyon-Ju Newman	14 February 2017
Glenn Sedgwick	10 April 2018

COMPANY SECRETARY

Mr Oliver Carton

Appointed 16 February 2004

PRINCIPAL ACTIVITIES

During the financial year, the principal activities of the Melbourne Symphony Orchestra were:

- the performance of symphonic music on stage
- live-streaming music experiences via digital channels
- delivery of learning and community outreach activities on-stage and online

There was no significant change in the nature of the activities of the Company during the year.

REVIEW AND RESULTS OF OPERATIONS

The total comprehensive income for the year ended 31 December 2022 was a surplus of \$2,367,279 (2021: \$2,488,993). The impact of the change in fair value of financial assets was a loss of \$828,093 in 2022, compared to a gain of \$447,842 in 2021. The Company received \$768,483 in donations of endowment nature in 2022 (2021: \$1,178,002), in addition to \$2,350,000 donations of special purposes (2021:nil).

The operating result for the year prior to the fair value adjustment of financial assets and donations of endowment nature and special purposes was \$76,889 (2021: \$863,149).

Through 2022, the Group continued to face operational and financial challenges due to the impact of the Coronavirus variants, Geopolitics, supply chain disruptions, skill shortages and the impact of inflation with Australia's rising cost of living.

Melbourne Symphony Orchestra Pty Limited
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 Directors' Report for the year ended 31 December 2022

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The Melbourne Symphony Orchestra is very grateful that, in 2022, it received a total of \$4,000,000 in Arts Sustainability Grants from the Federal Government to support the Company to stabilise its financial position and preserve its artistic capability. In addition, the Victorian State Government provided a \$500,000 Special Grant to support the Company with the costs to deliver the Artistic Programs and Community Engagement Programs throughout 2022.

In 2022, the Company transformed its artistic programs with its new Chief Conductor, Jaime Martin, and a strong and vibrant artistic family. The integration of business functions and the implementation of business systems have laid a solid foundation for the future of the MSO.

The Company purchased a vacant land site located in the arts precinct in Southbank and plans to begin construction activities on this land.

The table below presents the operating result for the Melbourne Symphony Orchestra for the year ended 31 December 2022.

THE MELBOURNE SYMPHONY ORCHESTRA MANAGEMENT OPERATING STATEMENT		
	2022	2021
	\$	\$
Revenues		
Public Funding ¹	19,095,026	20,483,248
Private Funding ²	5,801,595	4,910,608
Earned Income ³	10,338,882	3,886,599
Other	698,504	382,422
Total Income	35,934,007	29,662,877
Expenses		
Employee Expenses	20,428,546	17,774,843
Artistic Programming and production	8,989,927	5,784,727
Marketing Expenses	2,889,503	1,860,613
Other Expenses	3,549,143	3,379,545
Total Expenses	35,857,118	28,799,728
Operating Surplus prior to fair value adjustment	76,889	863,149
Donations of Endowment Nature	768,483	1,178,002
Special Purposes Donations	2,350,000	-
Realised and Unrealised Gain/(Loss) on Financial Assets	(828,093)	447,842
Surplus	2,367,279	2,488,993

1. Public Funding – Revenue received from Government Sources
2. Private Funding – Revenue received from Sponsorships and Donations
3. Earned Income – Revenue received from Tickets Sales and Hires

SIGNIFICANT CHANGES IN THE STATE OF AFFAIRS

In the opinion of the Directors, there were no significant changes in the state of affairs of the Company that occurred during the year under review.

ENVIRONMENTAL REGULATION

The Company's operations are not subject to any significant environmental regulations under either Commonwealth or State legislation. However, the Board believes that the Company has adequate systems in place for the management of its environmental requirements and is not aware of any breach of those environmental requirements, as they apply to the Company.

DIVIDENDS

No dividends were paid, declared or recommended during or since the end of the financial year.

INDEMNIFICATION AND INSURANCE OF OFFICERS AND AUDITORS

Indemnification

Since the end of the previous financial year, the Company has not indemnified, nor made a relevant agreement for indemnifying against a liability, any person who is or has been an officer or auditor of the Company.

Insurance premiums

During the financial year, the Company has paid premiums in respect of Directors' and Officers' liability, legal expenses, and insurance contracts. Since the end of the financial year, the Company has paid or agreed to pay premiums in respect of such insurance contracts for the year ended 31 December 2023. Such insurance contracts insure persons who are or have been Directors or Officers of the Company against certain liabilities (subject to certain exclusions).

Directors have not included details of the nature of the liabilities covered or the amount of the premium paid as such disclosure is prohibited under the terms of the contract.

MATTERS SUBSEQUENT TO THE END OF THE FINANCIAL YEAR

Unless otherwise stated in this report, no matter or circumstance has arisen since 31 December 2022 that has significantly affected, or may significantly affect:

- (a) the Company's operations in future financial years, or
- (b) the results of those operations in future financial years, or
- (c) the Company's state of affairs in future financial years.

AUDITOR'S INDEPENDENCE DECLARATION

A copy of the auditor's independence declaration as required under s. 60-40 of the Australian Charities and Not for Profits Commission Act 2012 is set out on page 5.

Signed in accordance with a resolution of the Directors:



David Li AM
Chairman

Melbourne
27 April 2023

A handwritten signature in black ink, reading 'Sophie Galaise' in a cursive script.

Sophie Galaise
Managing Director

Melbourne
27 April 2023



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Auditor's independence declaration to the directors of Melbourne Symphony Orchestra Pty Limited

In relation to our audit of the financial report of Melbourne Symphony Orchestra Pty Limited for the financial year ended 31 December 2022, and in accordance with the requirements of Subdivision 60-C of the *Australian Charities and Not-for-profits Commission Act 2012*, to the best of my knowledge and belief, there have been:

- a. No contraventions of the auditor independence requirements of any applicable code of professional conduct; and
- b. No non-audit services provided that contravene any applicable code of professional conduct.

A handwritten signature in black ink that reads 'Ernst & Young'.

Ernst & Young

A handwritten signature in black ink that reads 'Alison Park'.

Alison Park
Partner
27 April 2023

Melbourne Symphony Orchestra Pty Limited

ABN 47 078 925 658

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Statement of Comprehensive Income for the year ended 31 December 2022

	Note	2022 \$	2021 \$
REVENUES			
Government Funding – direct	3a	5,123,416	6,660,742
Government Funding – via parent entity	3b	13,971,610	13,822,506
Ticket sales	4	9,950,023	3,701,861
Sponsorship and donation revenue	5	8,681,240	5,707,805
Other revenue	6	1,087,363	567,160
Other income from financial assets	7	238,838	380,805
Financial Asset Revaluation Revenue		-	447,842
Total Revenues		39,052,490	31,288,721
EXPENSES			
Employee expenses		20,428,546	17,774,843
Artists fees and expenses		2,988,030	2,000,317
Marketing expenses		2,889,503	1,860,613
Production expenses		6,001,897	3,784,410
Selling expenses		337,326	148,264
Depreciation and amortisation	8	214,799	210,544
Orchestra service fee		100,000	88,000
Other expenses		2,897,017	2,932,737
Financial Asset Revaluation Loss		828,093	-
Total Expenses		36,685,211	28,799,728
Surplus		2,367,279	2,488,993
TOTAL COMPREHENSIVE INCOME		2,367,279	2,488,993

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes to the financial statements.

Melbourne Symphony Orchestra Pty Limited
ABN 47 078 925 658
Statement of Financial Position as at 31 December 2022

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	Note	2022 \$	2021 \$
CURRENT ASSETS			
Cash and cash equivalents	16	6,565,322	7,628,739
Other financial assets	11	4,996,104	11,567,022
Receivables	9	458,257	1,556,066
Other	10	1,148,900	969,501
TOTAL CURRENT ASSETS		13,168,583	21,721,328
NON-CURRENT ASSETS			
Property, plant and equipment	12	13,709,783	207,605
Intangible assets	13	135,995	244,258
Capital Work-in-Progress		89,970	17,835
TOTAL NON-CURRENT ASSETS		13,935,748	469,698
TOTAL ASSETS		27,104,331	22,191,026
CURRENT LIABILITIES			
Payables	14	5,019,802	4,885,357
Unearned revenue		5,705,456	3,314,203
Provisions	17	3,492,243	3,593,438
TOTAL CURRENT LIABILITIES		14,217,501	11,792,998
NON-CURRENT LIABILITIES			
Provisions	17	1,111,937	990,414
Interest bearing loan		-	-
TOTAL NON-CURRENT LIABILITIES		1,111,937	990,414
TOTAL LIABILITIES		15,329,438	12,783,412
NET ASSETS		11,774,893	9,407,614
SHAREHOLDERS' EQUITY			
Contributed equity	15	438,002	438,002
MSO Reserves	22	11,336,891	8,969,612
TOTAL SHAREHOLDERS' EQUITY		11,774,893	9,407,614

The Statement of Financial Position should be read in conjunction with the accompanying notes to the financial statements.

Melbourne Symphony Orchestra Pty Limited

ABN 47 078 925 658

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Statement of Changes in Equity for the year ended 31 December 2022

	Contributed Equity (Note 15)	Retained Surplus/ (deficit) (Note 22(a))	MSO Foundation Reserve (Note 22(b))	MSO RIS Reserve (Note 22(c))	Total Equity
SHAREHOLDERS' EQUITY	\$	\$	\$	\$	\$
As at 31 December 2020	438,002	(3,131,682)	5,544,831	4,067,470	6,918,621
Total comprehensive income	-	2,488,993	-	-	2,488,993
Transferred to reserves	-	(1,043,016)	5,110,486	(4,067,470)	-
As at 31 December 2021	438,002	(1,685,705)	10,655,317	-	9,407,614
Total comprehensive income	-	2,367,279	-	-	2,367,279
Transferred to reserves	-	(257,151)	257,151	-	-
As at 31 December 2022	438,002	424,423	10,912,468	-	11,774,893

The Statement of Changes in Equity should be read in conjunction with the accompanying notes to the financial statements.

Melbourne Symphony Orchestra Pty Limited
ABN 47 078 925 658
Statement of Cash Flows for the year ended 31 December 2022

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	Note	2022	2021
		\$	\$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from government funding (incl GST)		21,094,504	22,619,219
Receipts from ticket sales		12,219,445	5,026,881
Receipts from sponsorships (incl GST) and donations		9,579,681	5,022,757
Receipts from other revenue		1,252,436	630,386
Interest received		12,391	-
Dividends received		-	55,019
Payments to suppliers, employees and artists (incl GST)		(37,541,024)	(30,258,791)
NET CASH FLOWS PROVIDED BY OPERATING ACTIVITIES		6,617,433	3,095,471
CASH FLOWS FROM INVESTING ACTIVITIES			
Transfers (to)/from financial assets		-	(800,000)
Proceeds/(Loss) from sale of financial assets		6,000,000	(63,476)
Payment for Capital Work-in-Progress		(72,134)	(143,678)
Payment for property, plant and equipment		(13,608,715)	(90,228)
NET CASH FLOWS USED IN INVESTING ACTIVITIES		(7,680,849)	(1,097,382)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase in interest bearing loan (net of offset)		-	-
NET CASH FLOWS PROVIDED BY FINANCING ACTIVITIES		-	-
NET INCREASE/(DECREASE) IN CASH HELD		(1,063,416)	1,998,089
Cash & Cash equivalents at the beginning of the financial year		7,628,738	5,630,650
CASH & CASH EQUIVALENTS AT THE END OF THE FINANCIAL YEAR	16	6,565,322	7,628,739

The Statement of Cash Flows should be read in conjunction with the accompanying notes to the financial statements.

Notes to the Financial Statements for the year ended 31 December 2022

1. CORPORATE INFORMATION

The financial report of the Company for the year ended 31 December 2022 was authorised for issue in accordance with a resolution of Directors on 27 April 2023.

The Company is a proprietary limited company incorporated in Australia. The ultimate parent of the Company is Melbourne Symphony Orchestra Holdings Limited (MSOHL).

MSOHL is a public company limited by guarantee and was incorporated in Australia on 19 October 2006 and subsequently purchased all shares in the Company from the Australian Broadcasting Corporation (ABC) for \$10.

The nature of the operations and principal activities of the Company are described in the Directors' Report.

2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES**a) Basis of preparation**

The financial report is a general-purpose financial report, which has been prepared in accordance with the requirements of the Australian Charities and Not for Profits Commission Act 2012, Australian Accounting Standards – Simplified Disclosures, and other authoritative pronouncements of the Australian Accounting Standards Board.

These accounting policies have been consistently applied by the Company and, except where there has been a change in accounting policy, are consistent with those of the previous period.

The financial report is presented in Australian dollars.

Going Concern

The financial report has been prepared on a going concern basis which assumes the Company will be able to pay its debts as and when they become payable for a period of at least 12 months from the date of the financial report.

As disclosed in Note 23, The Company is economically dependent on the ongoing annual funding from the Australian and Victorian Governments through a multipartite agreement.

The financial statements have been prepared based upon conditions existing at 31 December 2022. Having carefully assessed the current forecasts, taking into consideration the third year into an existing 4-year funding framework for the Company as an approved Partner organisation, the Directors have determined that the going concern basis remains appropriate for the preparation of these financial statements.

b) Statement of compliance

The Company has adopted AASB 1060 *General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities* for the financial year beginning 1 January 2021.

The Company is a not-for-profit, private sector entity which is not publicly accountable under Australian Accounting Standards. Therefore, the financial statements for the Company are tier 2 general purpose financial statements which have been prepared in accordance with Australian Accounting Standards – Simplified Disclosures (AASB – SD) (Including Australian interpretations) adopted by the Australian Accounting Standards Board (AASB) and the Australian Charities and Not for Profits Commission Act 2012.

Other than the change in disclosure requirements, the adoption of AASB 1060 has had no significant impact on the entity's financial statements because the entity's previous financial statements complied with Australian Accounting Standards – Reduced Disclosure Requirements.

2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)**c) Revenue recognition**

Revenues are recognised when an entity satisfies a performance obligation by transferring a promised good or service to a customer. AASB 1058 establishes principles for not-for-profit entities to recognise income on transactions where the consideration to acquire an asset is significantly less than fair value principally to enable a NFP to further its objectives. The excess of the asset recognised over any “related amounts” is recognised as income immediately. The Company has not entered into any transactions where the consideration to acquire an asset is significantly less than the fair value of the asset principally to enable the Company to further its objectives.

Ticket sales

Ticket sales are recognised at the time of concert performance. The value of tickets sold in advance of each concert is recorded as prepaid ticket sales and recognised as a liability.

Sponsorship revenue

Sponsorship revenue is recognised in the period to which the sponsorships relate. Sponsorships which relate to specific performances are recognised at the time of concert performance. Sponsorship revenue is traditionally paid in advance and the value of unearned sponsorship revenue is recognised as a liability.

Government funding revenue

Funding revenue comprises funding from the Federal Government, the State Government of Victoria and local governments.

The current tripartite funding agreement between MSOHL, the Australia Council for the Arts through the Major Performing Arts Board, and the Victorian Ministry for Creative Industries, through Creative Victoria, is for a period of four years ending 31 December 2024.

Funding revenue is recognised when due under the terms of the funding agreement. Special purpose funding, which requires the Company to fulfil an obligation outside its normal operations, is recognised at the time the obligation is fulfilled.

Government grants

Grants from the government are recognised in the period to which the grants relate. Grants which relate to specific activities/performances are recognised at the time of activities/concert performance.

Interest revenue

Interest revenue is recognised on a time proportionate basis that takes into account the effective yield on the financial assets.

Sale of financial assets

Gain/(loss) on fair value of financial assets is recognised when receivable. Dividends are recognised when the right to payment is established.

Sale of non-current assets

The gross proceeds of non-current asset sales are included as revenue at the date control of the asset passes to the buyer, usually when an unconditional contract of sale is signed.

The surplus or deficit on disposal is calculated as the difference between the carrying amount of the asset at the time of disposal and the net proceeds on disposal.

Donations, bequests and grants

Donations collected, including cash and goods for resale, are recognised as revenue upon attaining control over the donation and any performance obligations relating to the donation are completed.

2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)**d) Income Tax and Goods and Services Tax (GST)**

The Company is exempt from income tax as it is an exempt charitable institution in accordance with Subdivision 50-B of the Income Tax Assessment Act 1997.

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the taxation authority. In these circumstances, the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables are stated with the amount of GST included. The net amount of GST recoverable from, or payable to, the ATO is included as a current asset or liability in the Statement of Financial Position. Cash flows are included in the statement of cash flows on a gross basis. The GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

e) Cash and cash equivalents

Cash and cash equivalents, including short-term deposits with a maturity of three months or less, are carried at face value of the amounts deposited. The carrying amounts of cash and cash equivalents, including short-term deposits, approximate net fair value.

f) Receivables

Trade receivables, which generally have 30-90 day terms, are recognised at fair value and subsequently measured at amortised cost using the effective interest method, less an allowance for any impairment.

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that the Company will not be able to collect the debt. Management consider such objective evidence to include, but not be limited to formal correspondence from a trade receivable indicating its inability to repay the amount outstanding.

g) Other financial assets

Other financial assets are externally managed investment portfolios measured at fair value in the manner described in Note 11.

Financial assets at fair value through profit or loss

Financial assets at fair value through profit or loss include financial assets held for trading, financial assets designated upon initial recognition at fair value through profit or loss, or financial assets mandatorily required to be measured at fair value. Financial assets are classified as held for trading if they are acquired for the purpose of selling or repurchasing in the near term.

Financial assets with cash flows that are not solely payments of principal and interest are classified and measured at fair value through profit and loss, irrespective of the business model. Financial assets at fair value through the profit and loss are carried in the statement of financial position at fair value with net changes in fair value recognised in the statement of profit or loss.

h) Financial liabilities***Initial recognition and measurement***

All financial liabilities are recognised initially at fair value and, in the case of loans and borrowings and payables, net of directly attributable transaction costs.

Subsequent measurement

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest rate (EIR) method. Gains and losses are recognised in profit or loss when the liabilities are derecognised as well as through the EIR amortisation process. Amortised cost

2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)

is calculated by taking into account any discount or premium on initial recognition and fees or costs that are an integral part of the EIR. The EIR amortisation is included as finance costs in the statement of profit or loss.

Derecognition

A financial liability is derecognised when the obligation under the liability is discharged or cancelled or expired. When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as the derecognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised in the statement of profit or loss.

Offsetting of financial instruments

Financial assets and financial liabilities are offset and the net amount is reported in the statement of financial position if there is a currently enforceable legal right to offset the recognised amounts and there is an intention to settle on a net basis, or to realise the assets and settle the liabilities simultaneously.

During the financial year, the Company secured a loan facility of \$7,500,000 with its bankers National Australia Bank. As at the date of this report, this loan facility of \$7,500,000 is undrawn and the Company can access these funds until October 2025, when this facility will expire.

i) Impairment of non-financial assets other than goodwill

Intangible assets that have an indefinite useful life are not subject to amortisation and are tested annually for impairment or more frequently if events or changes in circumstances indicate that they might be impaired. Other assets are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. Recoverable amount is the higher of an asset's fair value less costs to sell and value in use. For the purpose of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units). Non-financial assets other than goodwill that suffered impairment are tested for possible reversal of the impairment whenever events or changes in circumstance indicate that the impairment may have reversed.

j) Property, plant and equipment

All items of plant and equipment are carried at their historical cost of acquisition, being the fair value of the consideration provided plus the incidental costs directly attributable to the acquisition, less any accumulated impairment losses, less accumulated depreciation.

Subsequent additional costs

Costs incurred on assets subsequent to initial acquisition are capitalised when it is probable that future economic benefits, in excess of the originally assessed performance of the asset, will flow to the Company in future years.

Costs that do not meet the criteria for capitalisation are expensed as incurred.

The residual values, useful lives and amortisation methods of all items of plant and equipment are reviewed and adjusted if appropriate, at each financial year-end.

Intangible Assets

Intangible Assets are the accumulation of costs associated with the development the Company's website. IT development costs include only those costs directly attributable to the development phase and are related to external direct costs of materials and service and payroll related costs relating to the time spent by those employees directly engaged on the project.

2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)***Capital Work in Progress***

Capital Work in Progress is measured at cost. Assets will be recognised and depreciated using the straight-line method over their estimated useful lives when assets are ready for use.

k) Leases

The Company recognises assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value. The Company uses the modified retrospective approach and elected to adopt the relief under AASB 2019-8 to utilise the cost option on transition for the Company's peppercorn leases.

The Company has elected not to recognise right-of-use assets and lease liabilities for short-term leases of venues and car parking that have a lease term of 12 months or less and leases of low-value assets, including IT and office equipment. The Company recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

l) Depreciation***Useful lives***

Items of plant and equipment, leasehold improvements, computer equipment, motor vehicle and musical instruments are depreciated using the straight-line method over their estimated useful lives. Assets are depreciated from the date of acquisition. Land that qualifies for recognition as an asset is measured at cost on acquisition. The cost of acquisition includes both the purchase price and other directly attributable costs. Subsequently, land is carried at cost less any accumulated impairment losses.

Depreciation rates and methods are reviewed annually for appropriateness. Depreciation is expensed.

The depreciation rates used for each class of asset are as follows:

<u>Asset class</u>	<u>Depreciation rates</u>
Plant & equipment	10% - 30%
Musical instruments	10% - 20%
Computer equipment	20% - 30%
Leasehold improvement	10% - 33.3%
Motor vehicle	30%
Land held by the Company is not depreciated due to the unlimited useful life	

m) Payables

Trade payables and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the Company prior to the end of the financial year that are unpaid and arise when the Company becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.

n) Employee benefits

Employee benefits comprise wages and salaries, annual and long service leave, and contributions to superannuation plans.

Wages, salaries and annual leave

Liabilities for wages and salaries expected to be settled within 12 months of balance date are recognised in other payables in respect of employees' services up to the reporting date. Liabilities for annual leave in respect of employees' services up to the reporting date which are expected to be settled within 12 months after the end of the period in which the employees render the related services are recognised in the provision for annual leave. Both liabilities are measured at the amounts expected to be paid when the liabilities are settled.

2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)***Long service leave***

The provision for employee benefits to long service leave represents the present value of the estimated future cash outflows to be made by the employer resulting from employees' services provided up to the reporting date.

The provision is calculated using estimated future increases in wage and salary rates, including related on-costs, and expected settlement rates based on turnover history and is discounted using the rates attaching to corporate bonds at balance date which most closely match the terms of maturity of the related liabilities.

o) Critical accounting judgements, estimates and assumptions

The preparation of the financial statements requires management to make judgements, estimates and assumptions that affect the reported amounts in the financial statements. Management continually evaluates its judgements and estimates in relation to assets, liabilities, contingent liabilities, revenue and expenses. The following critical accounting policies have been identified for which significant judgements, estimates and assumptions are made.

Provision for employee benefits

Probabilities regarding staff turnover, when staff take leave and future wage rates are based on historical experience.

p) Comparatives

Where a change in accounting treatment has resulted in significant differences between financial years, prior year data has been reclassified to assist comparison.

3. FUNDING REVENUE

	2022	2021
	\$	\$
a) Government Funding – direct		
<u>Commonwealth Government</u>		
COVID-19 Arts Sustainability Fund – An Australian Government initiative	4,000,000	3,000,000
Federal Government - <i>JobKeeper</i> Subsidies	-	1,012,840
National Foundation for Australia-China Relations	37,520	85,714
Department of Infrastructure, Transport, Regional Development & Communications	-	37,800
Federal Government – Dept of Foreign Affairs and Trade	100,000	-
<u>Victoria State Government</u>		
COVID-19 Relief	500,000	2,000,000
Creative Victoria - Melbourne Symphony Orchestra Chorus Grant	125,590	125,590
Creative Victoria - COVID-19 Strategic Investment Fund	-	62,250
Creative Victoria - Regional Tour	120,000	157,000
Creative Victoria - Strategic Initiative	20,040	-
<u>Department of Education and Training</u>		
Strategic Partnerships Program Funding	25,714	24,750
Victorian Challenge and Enrichment Series	50,000	37,500
<u>Department of Jobs, Precincts & Regions</u>		
Let's Stay Connected Funding	30,752	17,298
<u>Local Governments</u>		
City of Melbourne - Annual Grant	103,800	100,000
Hume City Council - Pizzicato Program	10,000	-
	5,123,416	6,660,742
b) Government Funding – via parent entity		
Australia Council for the Arts - Annual Grant	11,657,403	11,541,984
Arts Victoria - Annual Grant	2,314,207	2,280,522
	13,971,610	13,822,506
Total Funding	19,095,026	20,483,248

Provision of funds by MSOHL to the Company originates from federal and state governments, through the Australia Council for the Arts and Creative Victoria and is paid to MSOHL. A funding agreement between MSOHL and the Company provides the basis for the funds to be passed to the Company.

4. TICKET SALES REVENUE

	2022	2021
	\$	\$
Subscription sales	2,189,596	685,243
Single night ticket sales	7,760,428	3,016,618
	9,950,023	3,701,861

5. SPONSORSHIP AND DONATION REVENUE

Sponsorship	2,295,719	1,219,565
Donations	5,225,907	2,263,726
Bequests	83,923	975,477
Grants and trusts	1,075,691	1,249,037
	8,681,240	5,707,805

6. OTHER REVENUE

Interest	130,072	4,169
Orchestral hire & performance fees	388,859	184,738
Other	568,432	378,253
	1,087,363	567,160

In 2022, the Company received special purposes donations of \$2,350,000 (2021: nil).

7. OTHER INCOME FROM FINANCIAL ASSETS

Interest earned from financial assets	76,627	49,247
Dividends	162,189	331,558
Profit on Sale of Financial Assets	23	-
	238,838	380,805

8. EXPENSES

Net Surplus/(Deficit) for the year has been arrived at after charging the following items:

Depreciation:

Plant, office equipment, furniture and fittings	16,521	23,352
Computers	59,594	56,168
Leasehold Improvements	10,743	20,164
Musical instruments	19,677	28,955
Intangible Assets	108,264	81,904
Total Depreciation (Note 12)	214,799	210,543
Lease payments - car	6,816	7,797
Lease payments - office equipment	14,796	14,796
Office outgoings	143,302	140,400

The Company has applied AASB 16 and elected to adopt the relief under AASB 2019-8 to utilise the cost option on transition for the Company's peppercorn leases. The Company has elected not to recognise right-of-use assets and lease liabilities for short-term leases of venues and car parking that have a lease term of 12 months or less and leases of low-value assets, including IT and office equipment. The Company recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

Notes to the Financial Statements for the year ended 31 December 2022

9. RECEIVABLES

	2022	2021
	\$	\$
a) Trade and other receivables		
<i>Current</i>		
Trade receivables	90,804	1,109,636
Performance Fee	-	29,962
Sponsorship invoiced in advance	110,945	141,836
GST receivable	256,508	274,632
	458,257	1,556,066
<i>Non-current</i>		
Other receivables	-	-

b) Trade and other debtors ageing:

0 to 60 days	116,713	1,109,636
61 to 90 days	947	-
Over 90 days	4,259	-
Total trade and other receivables	121,919	1,109,636

Trade receivables are non-interest bearing and are normally settled in 30 days. Other receivables amounts generally arise from transactions outside the usual operating activities of the Company.

10. OTHER CURRENT ASSETS

Prepayments	577,318	566,421
Accrued revenue	571,582	403,080
Total Other Current Assets	1,148,900	969,501

11. OTHER FINANCIAL ASSETS

MSO Foundation externally managed portfolio	4,996,104	11,558,370
MSO RIS externally managed portfolio	-	8,652
	4,996,104	11,567,022

- a) Investments held in the MSO Foundation reserves of \$4,996,104 (2021: \$11,558,370) comprise funds set aside for the long-term viability of the MSO and are governed by the MSO Foundation Constitution.

In 2021, following the release of funds held in escrow, the Company amalgamated the MSO Reserves Incentive Scheme (RIS) portfolio with the MSO Foundation portfolio. In 2022, \$6m was drawn from the MSO Foundation to fund the purchase of the vacant land site located in the arts precinct in Southbank.

11. OTHER FINANCIAL ASSETS (continued)**b) Financial assets****i) Financial assets include:**

	2022	2021
	\$	\$
Cash	842,287	1,035,969
Credit instruments	1,245,385	5,916,764
Real assets	172,105	-
Australian equities	2,102,428	3,317,398
International equities	633,899	1,296,891
	4,996,104	11,567,022

Investments are designated as fair value through profit and loss financial assets if they do not have fixed maturities and fixed or determinable payments, and management intends to hold them for the medium to long term.

ii) Valuation techniques used to determine fair value:

Specific valuation techniques used to value financial instruments include quoted market prices for similar instruments.

12. PROPERTY, PLANT AND EQUIPMENT

	Property, plant and equipment	Musical instruments	Office equipment	Leasehold Improvements	Computer equipment	Motor Vehicle	Total
	\$	\$	\$	\$	\$	\$	\$
Cost:							
Opening balance	187,901	1,452,672	257,947	146,508	637,693	10,000	2,692,721
Additions	13,569,331	-	-	-	39,382	-	13,608,713
Closing balance	13,757,232	1,452,672	257,947	146,508	677,075	10,000	16,301,434
Accumulated depreciation:							
Opening balance	187,901	1,391,887	222,625	136,220	536,483	10,000	2,485,116
Depreciation expense (Note 8)	-	19,677	16,521	10,743	59,594	-	106,535
Closing balance	187,901	1,411,564	239,146	146,963	596,077	10,000	2,591,651
Net book value, 31 December 2022	13,569,331	41,108	18,801	(455)	80,998	-	13,709,783
Net book value, 31 December 2021	-	60,785	35,322	10,288	101,210	-	207,605

The Company purchased a vacant land located in the arts precinct in Southbank. The Land was priced at \$13.5m and the purchase was settled on 20 October 2022. The Company elected to adopt the cost model as an accounting policy to subsequently measure land as a class of PP&E.

13. INTANGIBLE ASSETS

	Websites	Software	Total
	\$	\$	\$
Cost:			
Opening balance	447,927	329,088	777,015
Additions	-	-	-
Disposals	-	-	-
Closing balance	447,927	329,088	777,015
Accumulated amortisation:			
Opening balance	243,004	289,752	532,756
Amortisation expense (Note 8)	92,532	15,732	108,264
Disposal	-	-	-
Closing balance	335,536	305,484	641,020
Net book value, 31 December 2022	112,391	23,604	135,955
Net book value, 31 December 2021	204,923	39,336	244,259

14. PAYABLES

	2022	2021
	\$	\$
Trade creditors	2,424,138	2,622,450
Other creditors and accruals	1,915,564	1,724,626
Unearned government funding	225,586	140,233
Unearned sponsorship revenue	75,833	27,500
Unearned other revenue	378,681	370,548
Total Payables	5,019,802	4,885,357

Trade payables are non-interest bearing and are normally settled in 30 days.

15. CONTRIBUTED EQUITY

Share capital		
438,002 (2021: 438,002) ordinary shares, fully paid	438,002	438,002

On 31 December 2006 MSOHL purchased all shares of the Company that were previously held by the ABC.

16. CASH AND CASH EQUIVALENTS

For the purposes of the statement of cash flows, cash and cash equivalents includes cash on hand and at bank and short-term deposits at call. Cash assets as at the end of the financial year as shown in the statement of cash flows are as follows:

Cash	6,565,322	7,628,739
	6,565,322	7,628,739

The Company has \$6,565,322 Cash equivalents at 31 December 2022 (31 December 2021: \$7,628,739).

Notes to the Financial Statements for the year ended 31 December 2022

17. PROVISIONS

	2022	2021
Employee Benefits	\$	\$
<i>Current</i>		
Annual Leave	1,354,001	1,336,319
Long Service Leave	2,138,242	2,257,119
	3,492,243	3,593,438
<i>Non-current</i>		
Annual Leave	518,226	423,600
Long Service Leave	593,711	566,814
Total	4,604,180	4,583,852

Assumed rate of increase in wage and salary rates	2.5%	2.5%
Discount rate (weighted average)	2.8%	1.5%
Full-time equivalent employees at year-end	(154)	(144)

18. KEY MANAGEMENT PERSONNEL**a) Details of Key Management Personnel***(i) Directors*

The numbers of meetings of the Company's Board of directors held during the year ended 31 December 2022, and the numbers of meetings attended by each director were:

Name	Position Held	Held	Eligible	Attended
David Li <small>AM</small> (Chairman)	Chairman, Non-Executive Director	6	6	6
Diane Jameson	Co-Deputy Chair, Non-Executive Director	6	6	6
Helen Silver <small>AO</small>	Co-Deputy Chair, Non-Executive Director	6	6	4
Shane Buggle	Non-Executive Director	6	6	5
Andrew Dugdeon <small>AM</small>	Non-Executive Director	6	6	6
Daniel Gorog	Non-Executive Director	6	6	6
Sophie Galaise	Managing Director	6	6	6
Lorraine Hook	Non-Executive Director	6	6	6
Margaret Jackson <small>AC</small>	Non-Executive Director	6	6	5
David Krasnostein <small>AM</small>	Non-Executive Director	6	6	5
Farrel Meltzer	Non-Executive Director	6	1	1
Gary McPherson	Non-Executive Director	6	6	4
Hyon-Ju Newman	Non-Executive Director	6	6	5
Glenn Sedgwick	Non-Executive Director	6	6	4

b) Compensation of Key Management Personnel

	2022	2021
Compensation	1,887,760	1,500,649

Key management personnel comprise board-appointed personnel and other persons having the responsibilities for planning, directing and controlling the major activities of the Company. The Directors positions are on an honorary basis, as such, Non-Executive Directors do not receive remuneration for

Notes to the Financial Statements for the year ended 31 December 2022

their role as a Director of the Company.

c) Transactions with key management personnel

Refer to note 19 for transactions between the Company and key management personnel.

19. RELATED PARTIES

a) Directors

The names of each person holding the position of Director of the Company during the financial year are detailed in the Directors' Report and note 18(a).

b) Parent Entities

The ultimate holding company of the Company is MSOHL which owns 100% of the equity in the Company. The Directors of MSOHL are also Directors of the Company. An agreement between MSOHL and the Company exists whereby MSOHL has agreed to fund the Company via contributions from the Australia Council for the Arts through the Major Performing Arts Board and the Victoria Ministry for Creative Industries through Creative Victoria. A service agreement that is governed by the contents of the Tripartite Agreement exists between the two entities MSOHL and the Company. Corporate costs associated with MSOHL have been met by the Company.

c) Key Management Personnel

Details of compensation for key management personnel are in note 18(b).

d) Transactions with other related parties

The following transactions occurred with related parties:

- i) **Donations**
Donations received from Directors and director-related entities in 2022 were \$1,934,785 (2021: \$541,952).
- ii) **Sponsorship**
Sponsorship from Director-related entities in 2022 was \$50,000 (2021: \$50,000).
- iii) **Complimentary tickets**
From time to time, complimentary tickets are provided to Board members as part of their role in development activities for the Company.

e) Loans to/from related parties

There are no loans to or from the Company with related parties (2021: nil).

f) Symphony Services Australia Limited

Ms Sophie Galaise, a Director of the Company, was a director and appointed the Chair of Symphony Services Australia Limited ('SSA') on 17 November 2021. SSA provides orchestral services to the Company including the provision of artist services, artist liaison support and music library services. In 2022, the Company paid SSA \$100,000 (2021: \$88,000) for SSA's orchestral services.

g) Terms and conditions

All transactions were made on normal commercial terms and conditions and at market rates.

	2022 \$	2021 \$
20. AUDITOR'S REMUNERATION		
Audit of the financial report	70,000	-
Grant Audit	-	5,000
Total auditor's remuneration	70,000	5,000

Notes to the Financial Statements for the year ended 31 December 2022

	2022 \$	2021 \$
21. EXPENDITURE COMMITMENTS		
<i>Artists fees contracted, but not provided for, and payable:</i>		
Within one year	1,107,113	1,557,400
One year or later, but not later than five years	-	-
	1,107,113	1,557,400
<i>Consulting (Professional Services) contracts as per agreements</i>		
Within one year	126,380	102,910
One year or later, but not later than five years	-	-
	126,380	102,910
<i>Office outgoing committed as per agreements ¹</i>		
Within one year	140,400	140,400
One year or later, but not later than five years	-	-
	140,400	140,400
<i>Venue Hire Commitments ²</i>		
Within one year	1,803,600	1,235,182
One year or later, but not later than five years	-	-
	1,803,600	1,235,182
<i>Office Equipment Leases ³</i>		
Within one year	14,796	14,796
One year or later, but not later than five years	-	14,796
	14,796	29,592
TOTAL	3,192,289	3,065,484

Expenditure commitments are contracted up to the following dates:

- Artist fees – December 2023
- Consulting – December 2023
- Rental leases – December 2024
- Office equipment – December 2023
- Venue Hire – December 2023

1. The Company has applied AASB 16 and adopt the relief under AASB 2019-8 to utilise the cost option on transition for the Company's peppercorn leases.
2. The Company has elected not to recognise right-of-use assets and lease liabilities for short-term leases of venues and car parking that have a lease term of 12 months or less. The Company recognises the lease payments associated with these leases as expenses.
3. The Company has elected not to recognise right-of-use assets and lease liabilities for leases of low-value assets, including IT and office equipment. The Company recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

	2022 \$	2021 \$
22. RESERVES		
a) Retained surplus/(accumulated deficit)		
Accumulated deficit at the beginning of the year	(1,685,705)	(3,131,682)
Surplus/(deficit) from ordinary activities for the year	2,367,279	2,488,993
Transfer of income earned on and donations to the MSO Foundation Reserve	(257,151)	(986,964)
Transfer of income earned on MSO RIS Reserve	-	(56,052)
Balance at year end	424,423	(1,685,705)
b) MSO Foundation Reserve		
Opening balance	10,655,317	5,544,831
Transfer from Accumulated deficit	257,151	986,964
Transfer from MSO Reserve Incentives Scheme	-	4,123,522
Balance at year end	10,912,468	10,655,317
c) MSO Reserves Incentives Scheme (
Opening balance	-	4,067,470
Transfer from Retained surplus/(accumulated deficit)	-	56,052
Transfer from MSO Foundation Reserve	-	(4,123,522)
Balance at year end	-	-
TOTAL	11,336,891	8,969,612

In 2021, following the release of funds held in escrow, the Company amalgamated the MSO Reserves Incentive Scheme (RIS) reserve with the MSO Foundation reserves.

23. ECONOMIC DEPENDENCY

Provision of federal and state funding via the parent company, MSOHL, to the Company is in respect of funds payable as a result of the Orchestra Review Implementation Funding Agreement. It originates from Federal and State Governments, through the Australia Council for the Arts and the Victoria Ministry for Creative Industries and is paid to MSOHL. A funding agreement between MSOHL and the Company provides the basis for the funds to be passed to the Company. As a result, the company is economically dependent on MSOHL, and in turn, on the Australia Council for the Arts and the Victoria Ministry for Creative Industries.

A multipartite funding agreement between MSOHL, the Australia Council for the Arts through the Major Performing Arts Board, and the Victoria Ministry for Creative Industries, through Creative Victoria was entered into for a period of four years ending 31 December 2024.

This funding is subject to the Company continuing to comply with the terms of the relevant agreement and providing certain financial reports as required.

24. CONTINGENT LIABILITIES

There were no contingent liabilities as at 31 December 2022 (31 December 2021: Nil).

25. MATTERS SUBSEQUENT TO THE END OF THE FINANCIAL YEAR

Unless otherwise stated in this report, no matter or circumstance has arisen since 31 December 2022 that has significantly affected, or may significantly affect:

- (a) the Company's operations in future financial years, or
- (b) the results of those operations in future financial years, or
- (c) the Company's state of affairs in future financial years.

26. ENTITY INFORMATION

Melbourne Symphony Orchestra Pty Limited is a company limited by shares, incorporated in Australia and having its registered office address and principal place of business at:

ABC Southbank Centre
120 - 130 Southbank Boulevard
Southbank VIC 3006

The postal address of Melbourne Symphony Orchestra Pty Limited is:

GPO Box 9994
Melbourne VIC 3001

Melbourne Symphony Orchestra Pty Limited
ABN 47 078 925 658
Directors' Declaration for the year ended 31 December 2022

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In the opinion of the Directors of Melbourne Symphony Orchestra Pty Limited ("the Company"):

- (a) the financial statements and notes of the Company are in accordance with the Australian Charities and Not for Profits Commission Act 2012, including:
 - (i) giving a true and fair view of the financial position of the Company as at 31 December 2022 and of its performance, as represented by the results of its operations and its cash flows for the period ended on that date; and
 - (ii) complying with Australian Accounting Standards – Simplified Disclosures and the Australian Charities and Not for Profits Commission Regulation 2013; and
- (b) there are reasonable grounds to believe that the Company will be able to pay its debts as and when they become due and payable.

Signed in accordance with a resolution of the Directors:



David Li AM
Chairman

Melbourne
27 April 2023



Sophie Galaise
Managing Director

Melbourne
27 April 2023



Ernst & Young
8 Exhibition Street
Melbourne VIC 3000 Australia
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Independent auditor's report to the members of Melbourne Symphony Orchestra Pty Limited

Opinion

We have audited the financial report of Melbourne Symphony Orchestra Pty Limited (the Company), which comprises the statement of financial position as at 31 December 2022, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes to the financial statements, including a summary of significant accounting policies, and the directors' declaration.

In our opinion, the accompanying financial report of the Company is in accordance with the *Australian Charities and Not-for-profits Commission Act 2012*, including:

- a. Giving a true and fair view of the Company's financial position as at 31 December 2022 and of its financial performance for the year ended on that date; and
- b. Complying with Australian Accounting Standards - Simplified Disclosures and the *Australian Charities and Not-for-profits Commission Regulation 2013*.

Basis for opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial report* section of our report. We are independent of the Company in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Information other than the financial report and auditor's report thereon

The directors are responsible for the other information. The other information is the directors' report accompanying the financial report.

Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the directors for the financial report

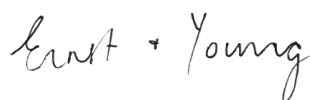
The directors of the Company are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards - Simplified Disclosures and the *Australian Charities and Not-for-profits Commission Act 2012* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the directors are responsible for assessing the Company's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the Company or to cease operations, or have no realistic alternative but to do so.

Auditor's responsibilities for the audit of the financial report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf. This description forms part of our auditor's report.



Ernst & Young



Alison Parker
Partner
Melbourne
27 April 2023

ANNEXURE “LZ-4”

No. VID 1036 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Jayson Lloyd Gillham

Applicant

Melbourne Symphony Orchestra Pty Ltd ABN 47 078 925 658 and others

Respondents

This is the annexure marked “LZ-4” referred to in the affidavit of **LEON ZWIER** sworn on 21 November 2024.

Constitution of
MELBOURNE SYMPHONY ORCHESTRA PTY LIMITED
(ACN 078 925 658)

Adopted by a resolution of the sole Member on 26 May 2019

Corporations Act 2001
A Company limited by shares
Incorporated in Victoria

Carton Solicitors
8 Chapel Street
Cremorne VIC 3121

ref: Oliver Carton

Constitution of Melbourne Symphony Orchestra Pty Ltd

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1. Definitions

The following definitions apply in this constitution unless the context otherwise requires.

Act means the *Corporations Act 2001* and the Corporations Regulations.

ASIC means the Australian Securities and Investments Commission.

Board means the Directors for the time being of the Company.

Business means commercial dealings with other parties.

CEO means Chief Executive Officer.

Chairman means the Director elected under Rule 9.4

Chief Conductor means the person appointed under Rule 11.1 for the time being.

Company means Melbourne Symphony Orchestra Pty Ltd.

Director means a person appointed or elected to the office of director of the Company in accordance with this constitution.

Finance means the managing of money, credit, investments and assets.

Government means the Minister for the time being responsible for the Arts portfolio of the government of the Commonwealth of Australia.

Media means a form of mass communication such as newspapers, magazines, radio and television.

Member means any natural person who is:

- (a) admitted to the general membership of the Company in accordance with this constitution; and
- (b) registered as a member of the Company,

but does not include an organisation or body corporate.

Member Present means, in connection with a meeting, the Member present at the venue or venues for the meeting in person or by proxy or by attorney.

Prescribed Rate means the standard base rate charged by the Company's principal banker to corporate customers from time to time for overdraft loans in excess of \$100,000 calculated on a daily basis and a year of 365 days.

Register of Members means the official record required by the Act to be kept by the Company or that records the names and addresses of its Members.

Seal means any common seal or duplicate common seal of the Company.

Secretary means a person appointed as Secretary of the Company in accordance with Rule 11.3.

2. Interpretation

Headings are for convenience only and do not affect interpretation. The following rules of interpretation apply unless the context requires otherwise.

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- (a) A gender includes all genders.
 - (b) The singular includes the plural and the plural includes the singular.
 - (c) Where a word or phrase is defined, its other grammatical forms have a corresponding meaning.
 - (d) A reference to a Rule, paragraph or sub-paragraph is to a Rule, paragraph or sub-paragraph, as the case may be, of this constitution.
 - (e) A reference to any legislation or to any provision of any legislation includes any modification or re-enactment of it, any legislative provision substituted for it, and all regulations and statutory instruments issued under it.
 - (f) All expressions in this constitution shall have the same meaning as in the Act unless otherwise stated or defined.
 - (g) Except in so far as a contrary intention appears in this constitution, an expression has, in a provision of this constitution which relates to a particular provision of the Act, the same meaning as in that provision of the Act.
 - (h) Except as otherwise stated, a reference to a person or persons includes an organisation as well as to an individual or body corporate.

3. Replaceable Rules

The replaceable rules contained in the Act do not apply to the Company.

4. Actions authorised under the Act and compliance with the Act

Where the Act authorises or permits a Company to do any matter or thing if so authorised by its constitution, the Company is and will be taken by this Rule to be authorised or permitted to do that matter or thing, despite any other provisions of this constitution.

5. Objectives and members

5.1 The Company is incorporated as a charitable, cultural organisation for musical purposes, for the promotion, education and encouragement of music and for other charitable purposes, including without limitation the purposes of:

- (a) managing, maintaining and using the Melbourne Symphony Orchestra;
- (b) encouraging and fostering greater local community involvement in the development and activities of the Melbourne Symphony Orchestra;
- (c) advancing the work and profile of the Melbourne Symphony Orchestra in the Australian and international orchestral music communities as Australia's pre-eminent symphony orchestra, including through concert performances, touring, recording, broadcasting, fundraising and obtaining sponsorship;
- (d) developing and maintaining widely-based audiences for the performance of

orchestral music;

- (e) promoting the public benefit derived from the maintenance of a world class symphony orchestra;
- (f) encouraging the participation of young people in the orchestral music artform, including through music education, young performers and young artist programs;
- (g) providing education programs and other forms of musical appreciation activities;
- (h) supporting Australian musical composition and performance;
- (i) providing rewarding employment and career development opportunities for talented Australian musicians;
- (j) conducting fund raising from the public, sponsors and any other persons to assist in the activities of the Company; and
- (k) other activities incidental to or associated with those purposes.

The Company's activities will not be carried on for the purposes of profit or gain to its individual members.

- 5.2 The number of members of the Company is limited to 50 (counting joint holders of shares as one person and not counting a person who is employed by the Company or any of its subsidiaries or a person who was, while so employed, and afterwards has continued to be, a member of the Company).
- 5.3 Any invitation to the public to subscribe for, and any offer to the public to accept subscriptions for, any shares in, or debentures of, the Company is prohibited.
- 5.4 Any invitation to the public to deposit money with, and any offer to the public to accept deposits of money with, the Company for fixed periods or payable at call, whether bearing or not bearing interest is prohibited.
- 5.5 The right to transfer shares is restricted as provided by this Constitution.

6. Shares

6.1. Power of Board to issue shares and options

Without prejudice to any special rights previously conferred on the holders of any existing

shares or class of shares, but subject to the Act, shares or options over shares in the Company may be issued by the Board and any such share may be issued with such preferred, deferred, or other special rights or such restrictions, whether with regard to voting, or otherwise, as the Board, subject to any resolution of the Company, may decide.

6.2. Preference shares

Subject to sections 192 and 200 of the Act, the Company may issue preference shares that are, or at the option of the Company are to be, liable to be redeemed.

6.3. Power to alter capital

The Company may by resolution passed in general meeting alter the provisions of its Constitution:

- (a) by increasing its share capital by the creation of new shares of such amount as it thinks expedient;
- (b) by consolidating and dividing all or any of its share capital into shares of larger amount than its existing shares;
- (c) by subdividing all or any of its shares into shares of smaller amount than is fixed by the Constitution but so that in the subdivision the proportion between the amount paid and the amount (if any) unpaid on each share of a smaller amount is the same as it was in the case of the share from which the share of a smaller amount is derived; or
- (d) by cancelling shares that, at the date of the passing of the resolution, have not been taken or agreed to be taken by any person or that have been forfeited and reducing its share capital by the amount of the shares so cancelled.

6.4 Power to reduce capital

Subject to the Act, the Company may, by special resolution, reduce its share capital, any capital redemption reserve and any share premium account.

6.5 Brokerage and commission

- (a) The Company may exercise the powers to pay brokerage or commission conferred by the Act in the manner provided by the Act.
- (b) The brokerage or commission may be satisfied by the payment of cash or by the allotment of fully or partly paid shares or partly by the payment of cash and partly by the allotment of fully or partly paid shares.

6.6 Recognition of third party interests

- (a) Except as required by law, the Company will not recognise a person as holding a share upon any trust.
- (b) The Company is not bound by or compelled in any way to recognise (whether or not it has notice of the interest or rights concerned) any equitable, contingent, future or partial interest in any share or unit of a share or (except as otherwise provided by this Constitution or by law) any other right in respect of a share except an absolute right of ownership in the registered holder.

6.7 Share certificates

- (a) A person whose name is entered as a member in the register of members is entitled without payment to receive a certificate in respect of the share under the seal of the Company in accordance with the Act but, in respect of a share or shares held jointly by several persons, the Company is not bound to issue more than one certificate.
- (b) Delivery of a certificate for a share to one of several joint holders is sufficient delivery to all such holders.

6.7 Lien on shares

- (a) The Company has a first and paramount lien on every share (not being a fully paid share) for all money (whether presently payable or not) called or payable at a fixed time in respect of that share.
- (b) The Company also has a first and paramount lien on all shares (other than fully paid shares) registered in the name of a sole holder for all money presently payable by he or she or by his or her estate to the Company.
- (c) The Board may at any time exempt a share wholly or in part from the provisions of this Paragraph.

6.8 Exercise of lien

- (a) Subject to Paragraph 6.8(b), the Company may sell, in such manner as the Board thinks fit, any shares on which the Company has a lien.
- (b) A share on which the Company has a lien may not be sold unless:
 - (i) a sum in respect of which the lien exists is presently payable; and
 - (ii) the Company has, not less than 14 days before the date of the sale, given to the registered holder for the time being of the share or the person entitled to the share by reason of the death or bankruptcy of the registered holder a notice in writing setting out, and demanding payment of, such part of the amount in respect of which the lien exists as is presently payable.

6.9 Completion of sale

- (a) For the purpose of giving effect to a sale pursuant to Paragraph 6.8, the Board may authorise a person to transfer the shares sold to the purchaser of the shares.
- (b) The Company will register the purchaser as the holder of the shares comprised in any such transfer and he or she is not bound to see to the application of the purchase money.
- (c) The title of the purchaser to the shares is not affected by any irregularity or invalidity in connection with the sale.

6.10 Application of proceeds of sale

The proceeds of a sale mentioned in Paragraph 6.9 will be applied by the Company in payment of such part of the amount in respect of which the lien exists as is presently payable and the residue (if any) will (subject to any like lien for sums not presently payable that existed upon the shares before the sale) be paid to the person entitled to the shares at the date of the sale.

6.11 Board's power to make calls

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- (a) The Board may make calls upon the members in respect of any money unpaid on the shares of the members (whether on account of the nominal value of the shares or by way of premium) and not by the terms of issue of those shares made payable at fixed times.
 - (b) Each member will, upon receiving at least 14 days' notice specifying the time or place of payment, pay to the Company at the time or times and place so specified the amount called on his or her shares.
 - (c) The Board may revoke or postpone a call.

6.12 When made and instalments

- (a) A call will be taken to have been made at the time when the resolution of the Board authorising the call was passed.
- (b) A call may be required to be paid by instalments.

6.13 Liability of joint holders for calls

The joint holders of a share are jointly and severally liable to pay all calls in respect of the share.

6.14 Interest on unpaid amounts

If a sum called in respect of a share is not paid before or on the day appointed for payment of the sum, the person from whom the sum is due will pay interest on the sum from the day appointed for payment of the sum to the time of actual payment at such rate not exceeding 12% per annum as the Board determines, but the Board may waive payment of that interest wholly or in part.

6.15 Fixed sums deemed to be called

Any sum that, by the terms of issue of a share, becomes payable on allotment or at a fixed date, whether on account of the nominal amount of the share or by way of premium, will for the purposes of this Constitution be taken to be a call duly made and payable on the date on which by the terms of issue the sum becomes payable, and, in case of non-payment, all the relevant provisions of this Constitution as to payment of interest and expenses, forfeiture or otherwise apply as if the sum had become payable by virtue of a call duly made and notified.

6.16 Differentiation between holders

The Board may, on the issue of shares, differentiate between the holders as to the amount of calls to be paid and the times of payment.

6.17 Prepayments of calls

- (a) The Board may accept from a member the whole or a part of the amount unpaid on a share although no part of that amount has been called up.
- (b) The Board may authorise payment by the Company of interest upon the whole or any part of an amount so accepted, until the amount becomes payable, at such rate, not exceeding the prescribed rate, as is agreed upon between the Board and the member paying the sum.
- (c) For the purposes of Paragraph 6.17(b), the prescribed rate of interest is:
 - (i) if the Company has, by resolution, fixed a rate - the rate so fixed; and

(ii) in any other case - 8% per annum.

6.18 Transferability of shares

- (a) Subject to this Constitution and the Act, a member may transfer all or any of his or her shares by instrument in writing in any usual or common form or in any other form that the Board approves.
- (b) An instrument of transfer of shares must be executed by or on behalf of both the transferor and the transferee and must show the jurisdiction of incorporation of the Company.
- (c) A transferor of shares remains the holder of the shares transferred until the transfer is registered and the name of the transferee is entered in the register of members in respect of the shares.

6.19 Registration of transfers

The instrument of transfer must be left for registration at the registered office of the Company together with the certificate of the shares to which it relates and such other information as the Board properly requires to show the right of the transferor to make the transfer.

6.20 Restriction on transferability

- (a) The Board in its absolute and uncontrolled discretion may refuse to register any transfer of shares and may decline to give its reasons and grounds for doing so.
- (b) If the Board resolves to refuse registration of a transfer, it must notify the transferor not later than one month after its decision is made.

6.21 Suspension of registration

The registration of transfers may be suspended at such times and for such periods as the Board from time to time decides not exceeding in aggregate 30 days in any year.

6.22 Entitlement to shares on death

In the case of the death of a member, the survivor or survivors where the deceased was a joint holder, and the legal personal representatives of the deceased where he or she was a sole holder, will be the only persons recognised by the Company as having any title to his or her interest in the shares, but this Paragraph does not release the estate of a deceased joint holder from any liability in respect of a share that had been jointly held by him or her with other persons.

6.23 Registration of persons entitled

- (a) Subject to the Bankruptcy Act 1966, a person becoming entitled to a share in consequence of the death or bankruptcy of a member may, upon such information being produced as is properly required by the Board, elect either to be registered himself or herself as holder of the share or to have some other person nominated by him or her registered as the transferee of the share.
- (b) If the person becoming entitled elects to be registered himself or herself, he or she will deliver or send to the Company a notice in writing signed by him or her stating that he or she so elects.

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- (c) If he or she elects to have another person registered, he or she will execute a transfer of the share to that other person.
 - (d) All the limitations, restrictions and provisions of this Constitution relating to the right to transfer, and the registration of transfer of, shares are applicable to any such notice or transfer as if the death or bankruptcy of the member had not occurred and the notice or transfer were a transfer signed by that member.

6.24 Other rights

- (a) Where the registered holder of a share dies or becomes bankrupt, his or her personal representative or the trustee of his or her estate, as the case may be, is, upon the production of such information as is properly required by the Board, entitled to the same advantages, and to the same rights (whether in relation to meetings of the Company, or to voting or otherwise), as the registered holder would have been entitled to if he or she had not died or become bankrupt.
- (b) Where two or more persons are jointly entitled to any share in consequence of the death of the registered holder, they will, for the purpose of this Constitution, be taken to be joint holders of the share.

6.25 Liability to forfeiture

- (a) If a member fails to pay a call or instalment of a call on the day appointed for payment of the call or instalment, the Board may, at any time afterwards, during such time as any part of the call or instalment remains unpaid, serve a notice on him or her requiring payment of so much of the call or instalment as is unpaid, together with any interest that has accrued.
- (c) The notice will name a further day (not earlier than the expiration of 14 days from the date of service of the notice) on or before which the payment required by the notice is to be made and will state that, in the event of non-payment at or before the time appointed, the shares in respect of which the call was made will be liable to be forfeited.

6.26 Power to forfeit

If the requirements of a notice served under Paragraph 6.25 are not complied with, any share in respect of which the notice has been given may at any time afterwards, before the payment required by the notice has been made, be forfeited by a resolution of the Board to that effect.

6.27 Powers of Board

A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the Board thinks fit, and, at any time before a sale or disposition, the forfeiture may be cancelled on such terms as the Board thinks fit.

6.28 Consequences of forfeiture

A person whose shares have been forfeited ceases to be a member in respect of the forfeited shares, but remains liable to pay to the Company all money that, at the date of forfeiture, was payable by him or her to the Company in respect of the shares (including interest at the rate of 8% per annum from the date of forfeiture on the money for the time being unpaid if the

Board thinks fit to enforce payment of the interest), but his or her liability ceases if and when the Company receives payment in full of all the money (including interest) so payable in respect of the shares.

6.29 Prima facie evidence of forfeiture

A statement in writing declaring that the person making the statement is a director or a secretary of the Company, and that a share in the Company has been duly forfeited on a date stated in the statement, is prima facie evidence of the facts stated in the statement as against all persons claiming to be entitled to the share.

6.30 Transfers after forfeiture and sale

- (a) The Company may receive the consideration (if any) given for a forfeited share on any sale or disposition of the share and may execute a transfer of the share in favour of the person to whom the share is sold or disposed of.
- (b) Upon the execution of the transfer, the transferee will be registered as the holder of the share and is not bound to see to the application of any money paid as consideration.
- (c) The title of the transferee to the share is not affected by any irregularity or invalidity in connection with the forfeiture, sale or disposal of the share.

6.31 Fixed amounts taken to be calls

The provisions of this Constitution as to forfeiture apply in the case of non-payment of any sum that, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the nominal value of the share or by way of premium, as if that sum had been payable by virtue of a call duly made and notified.

7. General Meetings

7.1 Power of directors to convene

- (a) The Chairman or any 5 Directors may convene a general meeting whenever those Directors think fit.
- (b) The Chairman or any 5 Directors convening a general meeting may cancel by notice to all Members any meeting convened by them, except that a meeting convened on the requisition of a Member or Members must not be cancelled without the consent of the relevant Member or Members.
- (c) The Directors may postpone a general meeting or change the place at which it is to be held by notice not later than 72 hours prior to the time of the meeting to all persons to whom the notice of meeting (the first notice) was given. The postponing notice must specify the place, date and time of the meeting. The meeting is taken to be duly convened under the first notice.

7.2 Annual General Meeting

An annual general meeting must be held by the Company in accordance with the Act.

7.3 Notice of general meetings

- (a) Each notice convening a general meeting must contain the information required by law.
- (b) Notice of a general meeting must be given at least 21 days before the date of the meeting unless the Members consent otherwise in accordance with the Act.
- (c) A notice of general meeting must specify the technology to be utilised in holding the meeting and, if so, specify the form of such technology and the venues at which Members may participate.
- (d) The non-receipt of a notice convening a general meeting by, or the accidental omission to give notice to, any person entitled to receive notice does not invalidate the proceedings at or any resolution passed at the meeting.

7.4 Business of general meetings

Unless all Members are present as Members Present and agree otherwise, the only business to be transacted at a general meeting will be that as set out in the notice of meeting.

7.5 Quorum

- (a) Business must not be transacted at any general meeting unless a quorum of Members is present at the venue or venues of the meeting at the time when the meeting proceeds to business.
- (b) Except as otherwise provided in this constitution, whenever there is only 1 existing member of the Company that member constitutes a quorum and otherwise 2 Members present in person or by proxy constitute a quorum.

7.6 If quorum not present

If a quorum is not present within 20 minutes after the time appointed for the meeting:

- (a) where the meeting is convened on the requisition of Members, the proposed meeting is automatically dissolved (subject to paragraph 7.9(a)); and
- (b) in any other case:
 - (i) the meeting stands adjourned to a day and at a time and place as the Directors decide or, if no such decision is made, to the same day in the next week at the same time and place; and
 - (ii) if, at the adjourned meeting, a quorum is not present within 20 minutes after the time appointed for the meeting, the meeting is dissolved automatically.

7.7 Chairman of meetings

- (a) Subject to paragraph 7.7(b), the Chairman of Directors will preside as chairman at every general meeting.
 - (b) Where a general meeting is held and:
 - (i) there is no chairman; or
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- (ii) the Chairman is not present within 15 minutes after the time appointed for the meeting or does not wish to act as chairman of the meeting,

the Directors present may choose 1 of their number or, in the absence of all Directors or if none of the Directors present wish to act, the Members Present may elect one of their number to chair the meeting.

7.8 Conduct of general meetings

- (a) The conduct of each general meeting of the Company and the procedures to be adopted at the meeting are as determined at, during or prior to the meeting by the chairman of the meeting.
- (b) The chairman of the meeting may make rulings without putting the question (or any question) to the vote if the chair of the meeting considers action is required to ensure the orderly conduct of the meeting.
- (c) At any time the chairman of the meeting considers it necessary or desirable for the proper and orderly conduct of the meeting, the chairman of the meeting may demand the cessation of debate or discussion on any business, question, motion or resolution being considered by the meeting and require the business, question, motion or resolution to be put to a vote of the Members Present.
- (d) Any determination by the chairman of the meeting in relation to matters of procedure (including any procedural motions moved at, or put to, any meeting) or any other matter arising directly or indirectly from the business is final (including any procedural motions moved at, or put to, any meeting). Any challenge to a right to vote (whether on a show of hands or on a poll) or to a determination to allow or disregard to vote may only be made at the meeting and may be determined by the chairman of the meeting whose decision is final.
- (e) If a person purports to cast a vote in contravention of the Act, the chairman of the meeting may determine that the vote be disregarded and treated as not having been cast.
- (f) Nothing contained in this rule limits the powers conferred on a chairman of a meeting by Law.

7.9 Adjournments

- (a) The chairman may with the consent of any meeting at which a quorum is present, and if so directed by the meeting must, adjourn the meeting from time to time and from place to place.
- (b) The only business which may be transacted at any adjourned meeting is the business left unfinished at the meeting from which the adjournment took place.
- (c) When a meeting is adjourned for 30 days or more, notice of the adjourned meeting must be given as in the case of an original meeting.
- (d) Except as provided by paragraph 7.9(c), it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

7.10 Voting at general meetings

- (a) Any resolution to be considered at a meeting must be decided on a show of hands unless a poll is demanded.
- (b) If a meeting is conducted at more than 1 venue then a person at each venue must be appointed by the chairman to act as returning officer and to report the results of the voting conducted at the respective venue.
- (c) A declaration by the chairman that a resolution has, on a show of hands, been carried or lost and an entry to that effect in the minutes of the meeting are conclusive evidence of the fact without the need to show the number or proportion of the votes recorded in favour of or against the resolution.
- (d) Despite the Act, a poll for a resolution may be demanded by at least 1 Member Present and entitled to vote on the resolution or by the chairman.

7.11 Procedure for polls

- (a) A poll, when demanded, must be taken in the manner and at the time the chairman directs.
- (b) The result of the poll is a resolution of the meeting at which the poll was demanded.
- (c) Subject to paragraph 7.11(d), if a poll has been demanded at a meeting, the meeting may continue with the transaction of business other than the resolution on which the poll was demanded.
- (d) A poll demanded on the election of a chairman or on a resolution for adjournment must be taken without delay.

7.12 Chairman's casting vote

- (a) In the case of an equality of votes on a show of hands, the chairman of the meeting has no casting vote.
- (b) In the case of an equality of votes on a show of hands, the chairman of the meeting at which the show of hands takes place must demand a poll.
- (c) In the case of an equality of votes on a poll, the chairman of the meeting at which the poll is demanded has a casting vote in addition to any vote to which the chairman may be entitled as a Member, proxy or attorney.

7.13 Representation and voting of members

Subject to this constitution:

- (a) at meetings of Members each Member entitled to attend and vote may attend and vote in person or by proxy, or attorney;
- (b) a Member is not entitled to vote at a general meeting unless all sums presently payable by the Member in respect of membership in the Company have been paid;
- (c) on a show of hands to decide a resolution, each person attending and entitled to

vote has 1 vote; and

- (d) on a poll, each Member Present has 1 vote.

7.14 Objections to qualification to vote

- (a) An objection to the qualification of a person to vote may be raised only at the meeting or adjourned meeting at which the vote objected to is tendered.
- (b) Any objection must be referred to the chairman of the meeting, whose decision is final.
- (c) A vote allowed after an objection is valid for all purposes.

7.15 Number of proxies

- (a) A Member may appoint 1 proxy.
- (b) A proxy need not be a Member.

7.16 Form of proxy

- (a) An instrument appointing a proxy must be in writing under the hand of the appointor or of the appointor's attorney duly authorised in writing.
- (b) An instrument appointing a proxy may specify the manner in which the proxy is to vote in respect of a particular resolution and, where an instrument of proxy so provides, the proxy is not entitled to vote on the resolution except as specified in the instrument.
- (c) A proxy may vote as the proxy thinks fit on any motion or resolution in respect of which no manner of voting is indicated.
- (d) An instrument appointing a proxy may be in any form that the Directors may accept or stipulate.

7.17 Lodgement of proxies

An instrument appointing a proxy shall not be treated as valid unless the instrument, and the power of attorney or other authority (if any) under which the instrument is signed or a certified copy of that power or authority, is or are deposited at the registered office, not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote, or, in the case of a poll, not less than 48 hours before the time appointed for the taking of the poll, or a shorter period as is specified in the notice convening the meeting or as the Directors permit.

7.18 Validity of proxies

- (a) A vote exercised in accordance with the terms of an instrument of proxy, a power of attorney or other relevant instrument of appointment is valid despite:
 - (i) the previous death or unsoundness of mind of the principal; or
 - (ii) the revocation of the instrument (or of the authority under which the instrument was executed) or the power,
 if no notice in writing of the death, unsoundness of mind or revocation has been

received by the Company at its registered office not less than 24 hours (or any shorter period as the Directors may permit) before the commencement of the meeting, or adjourned meeting at which the instrument is used or the power is exercised.

- (b) A proxy is not revoked by the principal attending and taking part in the meeting, unless the principal actually votes at the meeting on the resolution for which the proxy is proposed to be used.

7.19 Where proxy is incomplete

- (a) No instrument appointing a proxy is treated as invalid merely because it does not contain:
 - (i) the address of the appointor or of a proxy;
 - (ii) the proxy's name or the name of the office held by the proxy; or
 - (iii) in relation to any or all resolutions, an indication of the manner in which the proxy is to vote.
- (b) Where the instrument does not specify the name of a proxy, the instrument is taken to be given in favour of the chairman of the meeting.

7.20 Right of Auditor, Secretary and others to attend general meeting

- (a) The Company's auditor and each Secretary who is not a Member is entitled to be present and, at the request of the chairman, to speak at any general meeting.
- (b) Any other person (whether a Member or not) requested by the Directors to attend any general meeting is entitled to be present and, at the request of the chairman, to speak at that general meeting.

7.21 Circular resolutions

- (a) If a document containing a statement that the signatories to it are in favour of a resolution in the terms set out or otherwise identified in the document has been signed by all the Members, a resolution in those terms shall be taken to have been passed at a meeting of the Members held on the day on which and at the time at which the document was last signed by a Member.
- (b) For the purposes of paragraph 7.21(a):
 - (i) 2 or more separate documents containing statements in identical terms each of which is signed by 1 or more Members shall together be taken to constitute 1 document containing a statement in those terms signed by those Members on the respective days on which they signed the separate documents; and
 - (ii) a fax or electronic mail communication which is received by the Company and is expressed to have been sent by a Member shall be taken to be a document signed by that Member at the time of receipt of the fax or email message by the Company.
- (c) Where the Company has 1 Member only and where the Board's prior written

approval has been given, a document signed by that member recording a decision of the Company is as valid and effective as if it were a decision made at a meeting of the Company and the document then constitutes a minute of that decision.

- (d) This Rule does not apply to the annual general meeting of the Company.
- (e) If business which would otherwise have been transacted at a general meeting of the Company is transacted pursuant to paragraph 7.21(a) or paragraph 7.21(c), for the purposes of this constitution it will be deemed that no general meeting to transact such business has been proposed, called or convened, but business transacted pursuant to paragraph 7.21(a) or paragraph 7.21(c) shall be deemed to be transacted as if it was a resolution passed at a meeting of the members.

8. Board

8.1 Directors

- (a) The Board will comprise not less than 3 and not more than 25 Directors.
- (b) The Board will comprise persons with knowledge, skills or experience in any or all of the following areas:
 - (i) orchestral music;
 - (ii) commerce, public affairs and strategy;
 - (iii) finance;
 - (iv) information technology;
 - (v) law;
 - (vi) marketing;
 - (vii) education; and
 - (viii) fundraising.
- (c) A Director need not be a shareholder.
- (d) A Director will be appointed for a term of 3 years, or such other term as is determined by the Board, at the conclusion of which he or she must retire and can be re-elected under Rule 8.4
- (e) A Director should be deeply connected to the mission of the Company, and as such, apart from a director elected by the Company's employees, it would normally be expected that he or she be a subscriber, make a meaningful annual financial contribution, provide or assist in the provision of goods or services to MSO at no or low cost and participate in the organisation's special events whenever possible.

8.2 Powers

- (a) Subject to the Act and this constitution, the business of the Company is to be managed under the direction of the Board, which may pay all expenses incurred in promoting and forming the Company and may exercise all powers of the Company which are not, by the Act or this constitution, required to be exercised by the

Company at general meeting.

- (b) Without limiting the generality of paragraph 8.2(a), the Directors may exercise all the powers of the Company:
 - (i) to borrow money, to charge any property or business of the Company; or
 - (ii) to issue debentures or give any other security for a debt, liability or obligation of the Company or of any other person.
- (c) In exercising its powers, the Board will have regard to the objectives for which the Company is established, as set out in Rule 5.

8.3 Retirement after 10 years

If a Director has been a Director for 10 consecutive years, the Director must retire at the conclusion of the next Board meeting of the Company and cannot be re-elected under Rule 8.4 unless the Board resolves by a majority of at least 75% of directors present that the Director can be re-elected for further 3 year terms.

This Rule does not apply to the CEO if he or she has been appointed a Director.

8.4 Appointment of Directors

- (a) Subject to Rule 8.3 the Directors may at any time appoint any person as a Director either to fill a casual vacancy, to re-elect a Director under paragraph 8.1(d) or as an addition to the board of Directors; and
- (b) subject to Rule 8.3 and, the Members may in general meeting elect or re-elect any person as a Director,

but so that the number of Directors does not exceed the maximum number determined by paragraph 8.1(a).

8.5 Vacation of office

The office of Director shall become vacant if the Director:

- (a) is removed from office by the Members in accordance with this constitution and the Act;
- (b) is prohibited from being a Director of the Company by reason of any order made under the Act;
- (c) resigns his or her office by notice in writing given to the Company;
- (d) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- (e) becomes bankrupt or makes any arrangement or composition with her or his creditors generally;
- (f) dies;
- (g) fails to attend 3 consecutive Board meetings without reasonable excuse as determined by the Chairman in his or her discretion; or
- (h) fails to meet the annual qualification requirements of directors set out in clause 8.1(e) as determined by a resolution of at least 75% of the other directors following

a referral from the Chairman.

8.6 Appointment of attorneys

- (a) The Board may, by power of attorney, appoint any person to be the attorney of the Company for the purposes, with the powers, authorities and discretions vested in or exercisable by the Board for any period and subject to any conditions as they think fit.
- (b) Any appointment under paragraph 8.9(a) may be made on terms for the protection and convenience of persons dealing with the attorney as the Board thinks fit and may also authorise the attorney to delegate all or any of the powers, authorities and discretions vested in the attorney.

8.7 Negotiable instruments

All negotiable instruments of the Company must be executed by the persons and in the manner the Board decides from time to time and, unless so decided, by any 2 Directors.

9. Proceedings of the Board

9.1 Proceedings

- (a) Subject to paragraph 9.1(b), the Board may meet together for the dispatch of business and adjourn and otherwise regulate its meetings as it thinks fit.
- (b) The Board shall meet as required to discharge its responsibilities.
- (c) A Director may request at any time a Secretary to convene and, if the request is supported by a total of at least 3 Directors, the Secretary must convene a meeting of the Board.
- (d) The Chairman may request at any time a Secretary to convene and, on the request of the Chairman, the Secretary must convene a meeting of the Board.
- (e) Reasonable notice must be given to every Director of the place, date and time of every meeting of the Board. Where any Director is for the time being outside Australia, notice need only be given to that Director if contact details have been given.

9.2 Meetings by technology

- (a) For the purposes of the Act, each Director, on becoming a Director (or on the adoption of this constitution), consents to the use of the following technology for calling or holding of a meeting of the Board:
 - (i) video;
 - (ii) telephone;
 - (iii) electronic mail;
 - (iv) any other technology which permits each Director to communicate with every other Director; or
 - (v) any combination of the technologies described in the above paragraphs.
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A Director may withdraw the consent given under this Rule in accordance with the Act.

- (b) Where the Directors are not all in attendance at one place and are holding a meeting using technology and each Director can communicate with the other Directors:
 - (i) the participating Directors are, for the purpose of every provision of this constitution concerning meetings of the Board, taken to be assembled together at a meeting and to be present at that meeting; and
 - (ii) all proceedings of those Directors conducted in that manner are as valid and effective as if conducted at a meeting at which all of them were present.

9.3 Quorum at meetings

At a meeting of the Board, the number of Directors whose presence is necessary to constitute a quorum is 3 Directors entitled to vote, provided that any two of the Chairman, the Deputy Chairman and the Managing Director must be present at the commencement of all meetings. No business may be conducted unless a quorum is present at the time the business is being considered. The fact that a Director is in any way, directly or indirectly, interested in any matter arising for decision at a meeting of the Board does not prevent that Director from being counted in a quorum.

9.4 Chairman and Deputy Chairman of the Board

- (a) The Directors shall elect 1 of their number as their Chairman for an initial term of 3 years and, following expiration of the initial term may re-elect that person for a second term for a period they decide but not to exceed 3 years. In the absence of a decision to re-elect or not re-elect, the Chairman is deemed to be re-elected for a further term of 3 years. No person may serve more than 6 years as Chairman unless at least a 75% majority of directors resolve to appoint that person for a third and final term not to exceed 3 years.
- (b) Where a meeting of the Board is held and:
 - (i) a Chairman has not been elected as provided by paragraph 9.4(a); or
 - (ii) the Chairman is not present within 10 minutes after the time appointed for the holding of the meeting or does not wish to chair the meeting,
 the Directors present may elect one of their number to chair the meeting.
- (c) The Directors may elect any number of Directors as Deputy Chairmen of the Board and decide the period for which each Deputy Chairman is to hold office.
- (d) The Chairman must retire as a Director either:
 - (i) at the expiration of his or her initial term as Chairman;
 - (ii) if re-elected as Chairman under paragraph 9.4(a) at the expiration of his or her second term as Chairman; or
 - (iii) if resolved by the requisite majority of directors, at the expiration of his or her third term as Chairman.

9.5 Proceedings at meetings

- (a) Subject to this constitution, questions arising at a meeting of the Board are decided by a majority of votes of Directors present and voting and for all purposes any such decision is taken to be a decision of the Board.
- (b) In the case of an equality of votes, the chairman of the meeting has a casting vote in addition to the chairman's vote as Director.

9.6 Conflicts of Interests

- (a) A Director is not disqualified by the Director's office from contracting with the Company in any capacity by reason of holding the office of Director.
- (b) In relation to a contract or arrangement in which a Director is in any way interested:
 - (i) the fact that the Director signed the document on behalf of the Company evidencing the contract or arrangement will not in any way affect its validity; and
 - (ii) the Director will not be liable to account to the Company for any profit derived in respect of the contract or arrangement merely because of the Director's office or the fiduciary relationship it entails.
- (c) A contract or arrangement made by the Company or any related body corporate with a Director may not be avoided merely because the Director is a party to the contract or arrangement or otherwise interested in it.

9.7 Material Personal Interest

- (a) Subject to paragraph 9.7(b), a Director who has a material personal interest in a matter that relates to the affairs of the Company must give the other Directors notice of his or her interest in accordance with the Act.
 - (b) A Director with a material personal interest in a matter that relates to the affairs of the Company is not required to give notice in the following circumstances:
 - (i) if all of the following conditions are met:
 - (A) the Director has already given notice of the nature and extent of the interest and its relation to the affairs of the Company;
 - (B) if a person who was not a Director at the time the notice was given is appointed as a Director, the notice is given to that person; and
 - (C) the nature or extent of the interest has not materially increased above that disclosed in the notice;
 - (ii) if the Director has given a standing notice of the nature and extent of the interest in accordance with the Act and that standing notice is still effective in relation to the interest; or
 - (iii) as otherwise permitted under the Act.
 - (c) A Director who has a material personal interest in a matter that is being considered at a Board meeting must not be present while the matter is being considered at the meeting or vote on the matter, except as permitted in accordance with the Act.
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- (d) Nothing in this Rule affects the duty of a Director:
 - (i) who holds any office or possesses any property whereby, directly or indirectly, duties or interests might be created in conflict with the Directors' duties or interests as a Director, to declare at a meeting of Directors, the fact and the nature, character and extent of the conflict; or
 - (ii) to comply with the Act or any other law.

9.8 Vacancies

In the event of a vacancy or vacancies in the office of a Director or offices of Directors, the remaining Directors may act but, if the number of remaining Directors is less than the minimum number of Directors or is not sufficient to constitute a quorum at a meeting of the Board, they may act only for the purpose of increasing the number of Board members to that minimum number or a number sufficient to constitute such a quorum.

9.9 Delegation

The Directors may delegate any of their powers in accordance with the Act.

9.10 Written Resolutions

- (a) If a document:
 - (i) is sent to all those entitled to receive notice of a meeting at which a resolution could be put;
 - (ii) contains a statement that the signatories to it are in favour of that resolution;
 - (iii) the terms of the resolution are set out or identified in the document; and
 - (iv) has been signed by a majority of the Board entitled to vote on that resolution,

a resolution in those terms is passed on the day on which and at the time at which the document was signed by a majority of the Board and the document has effect as a minute of the resolution.

- (b) For the purposes of paragraph 9.10(a):
 - (i) 2 or more separate documents containing statements in identical terms each of which is signed by one or more Directors shall together be taken to constitute one document containing a statement in those terms signed by those Directors at the time at which the last of those documents to be signed was signed by a Director; and
 - (ii) a fax or electronic mail communication of the document showing the signature of a Director which is received by the Company or an agent of the Company and is sent for or on behalf of a Director shall be taken to be signed by that Director not later than the time of receipt of the fax or electronic mail communication by the Company or its agent in legible form.

9.11 Committees

- (a) The Board may delegate any of its powers to a committee or committees consisting of such of their number as the Board thinks fit and may authorise the delegates to sub-delegate all or any of the powers so delegated. No power delegated under this sub-rule may be sub-delegated unless authorised by the terms of the delegation.
- (b) A committee to which any powers have been so delegated will exercise the powers delegated in accordance with any directions of the Board and a power so exercised will be taken to have been exercised by the Board.
- (c) Rules 9.1, 9.2, 9.4 and 9.5 apply to any committee as if each reference in those Rules to the Board was a reference to the members of the committee and each reference to a meeting of the Board was to a meeting of the committee, except that the chairman of each committee will be appointed by the Board.
- (d) Any committee formed by the Board need not consist of Directors only.
- (e) The number of members whose presence at a meeting of a committee is necessary to constitute a quorum is the number determined by the Board and, if not so determined, is 2. Unless the Board determines otherwise, the quorum need be present only at the time when the meeting proceeds to business.
- (f) The minutes of all the proceedings and decisions of every committee shall be made, entered and signed in the same manner in all respects as minutes of proceedings of the Board are required by the Act to be made, entered and signed.
- (g) Each committee will operate in accordance with a committee charter approved by the Board.
- (h) Unless otherwise specified by the Board, decisions of each committee will be made by a simple majority of those members present and voting, whether in person or by proxy.

9.12 Defects in appointments

- (a) All acts done by any meeting of the Directors or person acting as a Director are as valid as if each person was duly appointed and qualified to be a Director or a member of a committee.
- (b) Paragraph 9.12(a) applies even if it is afterwards discovered that there was some defect in the appointment of a person to be a Director or to act as a Director or that a person so appointed was disqualified.

10. Chief Executive Officer

10.1 Power to appoint CEO

The Board may employ one or more CEO's for the period and on such terms as they think fit. Subject to the terms of any agreement entered into in a particular case, the Board may at any time terminate the employment of a CEO.

10.2 Remuneration of CEO

A CEO may, subject to the Act and the terms of any agreement between the CEO and the Company, receive such remuneration as the Board decides.

10.3 Delegation of powers to CEO

- (a) The Board may, on the terms and conditions and with such restrictions as they think fit, confer on a CEO any of the powers exercisable by them.
- (b) Any powers so conferred may be concurrent with the powers of the Board.
- (c) The Board may at any time withdraw or vary any of the powers conferred on a CEO.

10.4 CEO as a Director

The Board may appoint the CEO a Director and may, or may not, designate him or her as the Managing Director. The CEO shall cease to be a Director at the same time he or she ceases to be employed as CEO. Rule 8.3 and paragraph 8.7(a) do not apply to a CEO who is a Director.

11. Chief Conductor, Secretaries, Officers

11.1 Power to appoint Chief Conductor

The Board may appoint a person to the office of Chief Conductor for the period and on the terms as they think fit. Subject to the terms of any agreement entered into in a particular case, the Board may at any time terminate the employment of the Chief Conductor. Unless otherwise agreed by the Board and the Chief Conductor, the latter shall report and be accountable to the CEO.

11.2 Remuneration of Chief Conductor

The Chief Conductor may, subject to the Act and the terms of any agreement between the Chief Conductor and the Company, receive remuneration as the Board decides.

11.3 Secretaries

- (a) The Board may at any time appoint or terminate the appointment of a Secretary.
- (b) A Secretary of the Company holds office on the terms and conditions, as to remuneration and otherwise, as the Board decides.

11.4 Other officers

- (a) The Board may from time to time:
 - (i) create any other position or positions in the Company with the powers and responsibilities as the Board may from time to time confer; and
 - (ii) appoint any person, whether or not a Director, to any position or positions created under sub-paragraph 11.4(a)(i).
 - (b) The Board at any time may terminate the appointment of a person holding a position created under paragraph 11.4(a) and may abolish the position.
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12. Application of income and property

12.1 Profits

Subject to Rules 12.2 and 12.3, the profits (if any) or other income and property of the Company must be applied solely towards the promotion of the objectives of the Company set out in Rule 5 and no portion of it may be paid or transferred, directly or indirectly, to any Member of the Company whether by way of dividend, bonus or otherwise.

12.2 Payments in good faith

Nothing in Rule 12.1 prevents any payment in good faith by the Company of:

- (a) reasonable and proper remuneration to any Member for any services actually rendered or goods supplied in the ordinary and usual course of business to the Company;
- (b) the payment or reimbursement of out-of-pocket expenses incurred by a Member of the Company on behalf of the Company where the amount payable does not exceed an amount previously approved by the Directors;
- (c) reasonable and proper rent for premises let or demised by any Member to the Company;
- (d) moneys to any Member, being a solicitor, accountant or other person engaged in any profession, for all usual professional or other charges for work done by that person or that person's firm or employer, where the provision of the service has the prior approval of the Directors and where the amount payable is approved by the Directors and is not more than an amount which commercially would be reasonable payment for the service; or
- (e) interest at a rate not exceeding the Prescribed Rate on Money borrowed from any Member.

12.3 Directors' fees and remuneration

The Company must not pay fees to or on behalf of Directors but the Directors may authorise on behalf of the Company payments in good faith for:

- (a) the payment or reimbursement of out-of-pocket expenses reasonably incurred by a Director in the performance of any duty as Director where such payment or reimbursement has been approved by the Directors;
- (b) moneys to any Director, being a solicitor, accountant or other person engaged in any profession, for all usual professional or other charges for work done by that person or that person's firm or employer where the provision of the service has the prior approval of the Directors and where the amount payable is approved by the Directors and is not more than amount which commercially would be reasonable payment for the service;
- (c) an insurance premium in respect of a contract insuring a Director for a liability incurred as an officer of the Company where the Directors have approved the payment of the premium; or

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- (d) any payment to a Director in respect of the indemnity given under Rule 16.

13. Notices generally

- (a) Any Member who has not left at or sent to the registered office, a place of address or an electronic mail address (for registration in the register) at or to which all notices and documents of the Company may be served or sent is not entitled to receive any notice.
- (b) A notice may be given by the Company to any Member by:
- (i) serving it on the Member personally;
 - (ii) sending it by post to the Member or leaving it at the Member's address as shown in the register or the address supplied by the Member to the Company for the giving of notices;
 - (iii) serving it in any manner contemplated in this paragraph 13(b) on a Member's attorney as specified by the Member in a notice given under paragraph 13(c);
 - (iv) fax to the fax number supplied by the Member to the Company for the giving of notices; or
 - (v) transmitting it electronically to the electronic mail address given by the Member to the Company for giving notices.

This paragraph 13(b) applies, *mutatis mutandis*, to any notice given by a Member to the Company or other Members.

- (c) A Member may, by written notice to the Secretary left at or sent to the registered office, require that all notices to be given by the Company or the Directors be served on the Member's attorney at an address specified in the notice.
- (d) Notice to a Member whose address for notices is outside Australia must be sent by airmail, fax or electronic mail.
- (e) Where a notice is served on a Member personally or left at the Member's address, service of the notice is taken to be effected when delivered.
- (f) Where a notice is sent by post, service of the notice is taken to be effected by properly addressing, prepaying and posting a letter containing the notice and to have been effected:
- (i) in the case of a notice of a meeting, on the day after the date of its posting; and
 - (ii) in any other case, at the time at which the letter would be delivered in the ordinary course of post.
- (g) Where a notice is sent by fax or electronic transmission, service of the notice is taken to be effected by properly addressing and sending or transmitting the notice and to have been effected on the day it is sent.

14. Notices of general meeting

Notice of every general meeting must be given:

- (i) in the manner authorised by Rule 16;
- (ii) to every Member and to each Director; and
- (iii) to the auditor of the Company.

No other person is entitled to receive notice of general meetings.

15. Winding Up

Subject to paragraph 18.1(j) if, on the winding up or dissolution of the Company by any means and for any reason, there remains any property (including any property in the fund established under Rule 18.1), after the satisfaction of all the Company's debts and liabilities, the property must not be paid to or distributed among the Members of the Company, but must be given or transferred to:

- (a) one or more institutions (whether a Member or Members) selected by the Members at or before the dissolution of the Company:
 - (i) having objects similar to the objects of the Company; and
 - (ii) whose constitution prohibits the distribution of its or their income and property to an extent at least as great as that imposed on the Company under Rule 15; or
- (b) if there are no institutions meeting the requirements of paragraph (a), to 1 or more other institutions, associations or bodies (whether or not a Member or Members) selected by the Members at or before the dissolution of the Company, the objects of which are the promotion of charity and gifts to which are allowable deductions under the Income Tax Assessment Act 1997; or
- (c) if the Members do not make a selection pursuant to paragraphs 15(a) or (b) for any reason, to one or more institutions, associations or bodies meeting the requirements of either paragraphs 15(a) or (b) selected by the Directors.

16. Indemnity

16.1 Indemnity Coverage

To the extent permitted by law and without limiting the powers of the Company, the Company must indemnify each person who is, or has been, a Director, CEO or Secretary of the Company against any liability which relate to the person serving or having served as a Director, Secretary or employee in relation to the Company:

- (a) other than:
 - (i) a liability owed to the Company or a related body corporate;
 - (ii) a liability for a pecuniary penalty order under section 1317G of the Act or a compensation order under section 1317H of the Act or other liability under statute which is prohibited to be indemnified against; or
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- (iii) a liability that is owed to someone (other than the Company or a related body corporate) and did not arise out of conduct in good faith;
(this paragraph 16.1(a) does not apply to a liability for legal costs).
 - (b) other than for legal costs incurred in defending an action for liability if the costs are incurred:
 - (i) in defending or resisting civil proceedings in which the person is found to have a liability for which they could not be indemnified under paragraph 16.1(a); or
 - (ii) in defending or resisting criminal proceedings in which the person is found guilty; or
 - (iii) in defending or resisting proceedings brought by ASIC or a liquidator for a court order if the grounds for making the order are found by the Court to be established; or
 - (iv) in connection with proceedings for relief to the person under the Act in which the Court denies the relief.

Sub-paragraph 16.1(b)(iii) does not apply to costs incurred in responding to actions brought by ASIC or a liquidator as part of an investigation before commencing proceedings for the court order.

16.2 Authority to enter into indemnity or insurance

To the extent permitted by law and without limiting the powers of the Company, the Directors may authorise the Company to, and the Company may enter into any:

- (a) documentary indemnity in favour of; or
- (b) insurance policy for the benefit of,

a person who is, or has been, a Director, Secretary, auditor, employee or other officer of the Company or of a subsidiary of the Company, which indemnity or insurance policy may be in such terms as the Directors approve and, in particular, may apply to acts or omissions prior to or after the time of entering into the indemnity or the policy and allow for access to the Company's records in prescribed circumstances.

16.3 Continuation of benefit

The benefit of each indemnity given in Rule 16.1 continues, even after its terms or the terms of this Rule are modified or deleted, in respect of a liability arising out of acts or omissions occurring prior to the modifications or deletion.

17. Seals and their use

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- (a) The Company may have a common seal. If the Company has a common seal it may also have a duplicate common seal.
 - (b) A Seal may be used only by the authority of the Directors, or of a committee of the Directors authorised by the Directors to authorise the use of the Seal. Every document to which the Seal is affixed must be signed by:
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- (i) 2 Directors; or
 - (ii) a Director and a Secretary (or another person appointed by the Board to countersign that document or a class of documents in which that document is included).
 - (c) This Rule does not limit the ways in which the Company may execute a document.

18. Gift Deductibility

18.1 Establishment of a fund

Subject to Rule 18.3, a fund established as a public fund and/or a gift fund in connection with an application by the Company to be a deductible gift recipient under the Income Tax Assessment Act 1997 will satisfy the following requirements:

- (a) the fund will be established for the purpose of supporting the objectives of the Company;
- (b) gifts of money or property made for the fund's purpose will be deposited into the fund;
- (c) money received by the Company because of such gifts will be credited to the fund;
- (d) the fund will not receive any other money or property;
- (e) the Company will use gifts made to the fund, and any money received because of such gifts, for the sole purpose of the fund;
- (f) gifts to the fund will be kept separate from any other funds of the Company;
- (g) a separate bank account and clear accounting procedures will be implemented;
- (h) receipts will be issued in the name of the fund;
- (i) the fund will be operated on a non-profit basis and moneys will not be distributed to Members of the Company except as reimbursement for out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services; and
- (j) on the winding up of the fund or on the revocation of the endorsement (if any) of the Company as a deductible gift recipient, any surplus assets of the fund remaining after the payment of liabilities attributable to it will be transferred to a fund, authority or institution to which income tax deductible gifts can be made.

18.2 Public fund requirements

Subject to Rule 18.3, a fund established as a public fund pursuant to Rule 18.1 will satisfy the following additional requirements:

- (a) the public will be invited to contribute to the fund;
 - (b) the fund will be managed by the FSC; and
 - (c) the Australian Taxation Office will be notified of any changes to the rules governing the fund.
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18.3 Change in fund requirements

Notwithstanding the requirements set out in Rules 18.1 and 18.2, a fund established pursuant to Rule 21.1 will be maintained and operated in a manner which complies with the legislative and administrative requirements which apply from time to time for the maintenance and operation of a public fund and/or a gift fund.

19. Inspection of records

- (a) The Directors may authorise a Member to inspect books of the Company to the extent, at the time and places and under the conditions, the Board consider appropriate.
- (b) A Member (other than a Director) does not have the right to inspect any document of the Company except as provided by law or as authorised by the Board.

Executed by the Company Secretary for the purposes of identification under a resolution of the sole member.



.....
OLIVER CARTON

DATED this 26th day of May 2019

ANNEXURE “LZ-5”

No. VID 1036 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Jayson Lloyd Gillham

Applicant

Melbourne Symphony Orchestra Pty Ltd ABN 47 078 925 658 and others

Respondents

This is the annexure marked “LZ-5” referred to in the affidavit of **LEON ZWIER** sworn on 21 November 2024.

Melbourne Symphony Orchestra



Looking Forward

MSO STRATEGIC PLAN
2025 TO 2028

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1. EXECUTIVE SUMMARY



We are proud to present a new vision for the MSO that will define the next four-year funding period 2025 to 2028. This plan was achieved first by drawing at the early stages on a diverse range of voices within the MSO; it has vested the writing of it on a small number of key leaders and has reached out more widely for review.

The collaborative work done to deliver this new strategic plan was guided by two overarching objectives. We wanted to develop a roadmap to guide future decision-making at all levels (setting of high-level artistic goals, programming, resource allocation, messaging, and resource-finding and/or fundraising) and we wanted to deliver a plan that would align our people around a statement of common purpose. These objectives are of equal importance; 'the execution matters as much as the output'.

At the time of writing this plan (2023), we have observed that the arts, like the rest of the world, are in a period of volatility. What appears to be true at one point in time seems to change at the next. The pandemic has accelerated a major transformation of the world we live in. We are observing recurring themes but few certainties. For an Orchestra that employs more than 500 people and has been working for decades in a set way, this is quite a challenge.

However, a challenge is an opportunity. We have learned to be agile and flexible, to adapt and thrive. This important planning exercise has given us the opportunity to speed up the progress. We will keep doing so.

As we experience new ways of working together, we remain committed to providing a safe working environment while having moved to a flexible hybrid work model, increased our e-commerce and use of Artificial Intelligence.

Recurring themes cut through in our milieu. Equity, diversity, inclusion; audience; youth engagement, and an evolving community among others. We see these themes translate in an increased commitment to Australian and First Nations artists, an expanded and diverse audience, with community at the heart of what we do.

In this period, we commence a second term with our Chief Conductor Jaime Martín who will continue to enhance our artistic vibrancy. With nearly 40% of the Orchestra having served over 30 years, together we will rebuild the Orchestra as a generation of musicians retires.

As our international engagement strategy continues to support foreign policy, we plan for small, sustainable and impactful activities abroad each year, with one major touring project in the planning for this funding period. The MSO continues to innovate making the most of its many collaborations with international cultural organisations, developing shared efficiencies such as the borrowing of large instruments to reduce our carbon footprint.

Our planned tour to the UK in 2025 —our first full tour to the region since 2014—comes as part of our multi-year collaboration agreement with the London Symphony Orchestra. As we prepare for this, the establishment of an MSO Foundation (UK based Charitable Incorporated Organisation) will allow us to raise funding abroad. MSO's international engagement will be supported by our International Advisory Board.

Our spirit of collaboration continues with our most important project—the MSO Music Hub, which will see the realisation of a first home for the MSO, shared with many small to medium music organisations also in need of a home. The first project of its kind for the MSO, this Hub will include shared rehearsal, work and recording spaces for collaboration and creativity to unite and serve Melbourne and Australia's creative music arts community for decades.

This Hub will allow the MSO and other music organisations to work with Film

and Digital Gaming partners to create and record new bodies of work.

Connecting with audiences around the world through online channels, the MSO's reach will be further amplified by our international partners in coming years, as we have seen in China with MSO concerts beamed to more than 22 million viewers in 2022. As the MSO celebrates its 120th anniversary in 2026, digital projects will bring to life our rich history of showcasing Australian talents.

Supporting Australian artists and works has been at the core of the Orchestra's mandate for decades. As we look forward, we continue to celebrate our nation's artists and their stories. Putting First Nations First, the MSO will build on its existing program and introduce an integrated First Nations series across MSO's annual season which serves to build cultural understanding and collaboration with First Nations led organisations.

Recognising the power of music, the MSO sees enormous opportunities to increase its impact with meaningful projects that connect music and health. A core focus for the Orchestra going forward, the MSO recognises that at both ends of the lifecycle, music can play a major role in improving brain development and function as we develop from early years to maturity. Working in collaboration with tertiary and corporate partners, we seek to be part of a solution to address Neurocognitive diseases affecting our aging population such as Dementia and Alzheimer's.

MSO's long-term investment in learning programs for children/students of all ages to life-long learners will continue in earnest.

Other MSO and MSO Chorus programs, including MSO relaxed performances, companion card initiatives etc provide opportunities to address issues of social isolation with a focus on improved mental health and connection.

The MSO commits to strengthen its programs that support emerging artists in three ways. First, an expanded MSO Academy will see the introduction of a vocational training module for young conductors, filling a critical need in the arts ecology identified through the pandemic and the lack of full tertiary programs dedicated to conductors across the country. The MSO will drive this in collaboration with Australia's

State Orchestras. Second, the MSO will introduce additional opportunities for our young MSO Academy performers, through collaboration with national and international music institutions. Third, the MSO will continue its commitment to providing pathways for emerging composers to build the Australian canon. Across these channels, we will work with First Nations' artists to build strong training pathways for emerging artists, to provide leadership opportunities and creative roles within MSO's artistic family.

As we celebrate the canons of our art form, we rethink the way we program and remain focussed on five strategic priorities:

- Diversity
- Supporting Australian works
- Building sector capacity through collaboration
- Developing future talent
- First Nations first

Highlights of our major outcomes anticipated over the next five years are provided in Section 5.

Finally, core to our strategy is a refreshed, future-focussed People Strategy; 'the glue' which brings together our Leadership & Culture, Capabilities and Organisational Architecture. Only through our people, our audience and our artists are we able to realise our vision for a sustainable and artistically vibrant future.



Sophie Galaise
Managing Director

/ Significant Milestones 2025–2028

2025

- Maestro Jaime Martin commences his second term as MSO Chief Conductor (2025 to 2027)
- 1st full Orchestra tour since 2019, travelling to the United Kingdom and Continental Europe
- AsiaTOPA: Asia-Pacific Triennial of Performing Arts returns in February/March to celebrate the creative imagination of artists and cultures in the Asia-Pacific region.

2027

- Melbourne Airport's new runway completed, bringing more tourists to our State and opportunities for the MSO to engage with global audiences

2026

- MSO 120th Birthday
- MSO welcomes our next First Nations Creative Chair as successor to Deborah Cheetham Frailon AO who completes her tenure in 2025
- MSO's dynamic and shared Music Hub for specialist music organisations of all sizes gets ready to open adjacent to the Melbourne Arts Precinct
- MSO's expanded MSO Academy introduces vocational training for Australian conductors, extending its program beyond composers and performers
- Commonwealth Games come to Victoria
- Symphony of 1000, MSO completes the Mahler cycle with Mahler 8

2028

- Melbourne Arts Precinct redevelopment completed

2. MESSAGE FROM THE CHIEF CONDUCTOR



It is with great excitement and a renewed sense of purpose that we present the Melbourne Symphony Orchestra's strategic plan for the years 2025 to 2028.

This plan has been crafted through a genuine collaborative effort, drawing on the diverse voices within the MSO and its community to set a clear vision for the future of our great Orchestra.

Central to our vision is the belief in the power of music to enrich lives. We aim to connect our audiences with transformative experiences and build connections that bring joy and validation by showcasing the beauty and wonder of our artform.

The diversity and breadth of our program continues to be one of our great strengths and in this strategy, we reaffirm our commitment to great music in all its forms whether it be celebrating and renewing our orchestral heritage, collaborating with the exciting contemporary artists or being a small part of the continuing story of First Nations arts and artists.

The strategy also sees us renew our commitment to Australian emerging artists as we seek to build pathways for young instrumentalists, composers and conductors and secure a vibrant future for orchestral music in Australia.

Our commitment to international engagement remains as strong as ever, with sustainable and impactful activities abroad designed to build people to people connections and understanding.

Furthermore, we are excited to unveil one of our most transformative projects yet, the MSO Music Hub, a shared home for the MSO and other music organisations. This Hub will foster collaboration and creativity within Melbourne's arts community, serving as a centre for innovation and artistic exploration.

I am thrilled to be embarking on this journey with this inspiring creative community. Together, we will create extraordinary musical experiences, uplift our community, and enrich lives through the power of music.

Yours sincerely,



Jaime Martin
Chief Conductor

The MSO is considered one of Australia's major performing arts companies, one of our nation's largest employers with more than 500 permanent and casual musicians and arts workers and 140 volunteers, including those within the MSO Chorus. We are a world-class organisation deeply anchored in our community while working regularly with a network of international and Australian artists and arts organisations.

We are a cultural flagship for Australia, regularly engaging with governments and cultural institutions in Indonesia, China, Singapore, the United Kingdom and the USA to promote our nation's arts and culture. We do this through formalised agreements to drive meaningful engagement that supports foreign policy.

The Orchestra works to ensure the continued sustainability and financial security of the organisation while remaining focussed on the wellbeing and economic future of the people who are at the heart of the MSO.

Focussed on diversity at the Board level, the MSO is in a period of transition as we farewell long-serving members who have completed their tenure, and welcome new Directors to support the organisation into the future.

The MSO remains committed to achieving balanced financial outcomes. Reflecting on our business model and sources of revenues, the restoration and enhancement of diversified revenues remains central to our financial strategy. With economic and social changes affecting how audiences engage and participate in the arts, expanding our community is a key focus through programming, marketing and sales strategies that articulate a clear brand, engage new and nurture existing audiences.

The impact of COVID and other macroeconomic factors—state of the economy, inflation, rising interest rates, decline in consumer confidence etc.—reinforce the importance of increasing reserves.

Industrial relations reform continues as new enterprise agreements for musicians and staff support renewed goals of flexibility and artistic vibrancy, including addressing vacancies within the Orchestra.

The MSO will continue to extend our reach beyond the live concert experience for audiences in regional, rural and international destinations through the development of our digital content and channels.

Revive, our new Cultural Policy provides a clear blueprint for our creative sector and establishes further opportunities to drive greater advocacy for the arts. Its five pillars—First Nations First, A Place for Every Story, Centrality of the Artist, Strong Cultural Infrastructure and how we are Engaging the Audience—underpin the long-standing priorities of the MSO. Focussed on deep engagement and meaningful outcomes, the MSO will continue to work collaboratively with arts organisations of all sizes towards a better future.

On a State level, the MSO is driven by a desire to build the capacity of the Victorian arts sector through opportunities to collaborate, elevate and amplify the work of Victorian artists and arts workers. This is part of our DNA. Over the coming years, we will increase our collaborative approach to the promotion of one arts ecology. The MSO works with many Australian performing arts companies and presenters, supporting the long-term resilience and sustainability of the sector as a priority.

Looking forward, the MSO is excited about further innovation and transformation for the Orchestra, while continuing to monitor the external factors that will impact the sector.

3B / Mission, Vision, Values

We set our sights on a bright future with a new mission...

Through the shared language of music, we create meaningful cultural experiences for our audiences, delivered to the highest possible standard.

A new vision....

Enriching lives through music.

And values that define who we are....

Respectful Collaborative Innovative Diverse

3C / Strategic Pillars/Guiding Principles



Focussed on the future, this plan resets the organisation post pandemic and captures the Orchestra's overarching strategy led by our three guiding principles:

WE LISTEN to each other, and we listen to our audiences. We continuously tune in to build connections that bring joy and validation.

WE CREATE welcoming experiences that showcase the beauty and wonder of artistic craft. Innovative performances that elevate the moment and endure in the spirit.

WE UNITE our individual strengths and celebrate our unifying love of music, fostering understanding and belonging.



Context

We work with First Nations-led companies and independent artists at all stages of their careers to advance agency, financial and creative autonomy and provide professional opportunities for First Nations Work.

PRESENTATION	Present and promote First Nations peoples, arts and cultures across the MSO season
LEADERSHIP	Increase creative leadership roles for First Nations artists that drive artistic vibrancy, cultural understanding and integrity
NURTURE	Create programs to nurture and mentor First Nations emerging artists
EXPERIENCE	Increase Australians' experience of indigenous cultures through meaningful, authentic, and creative engagement.

Building on our understanding of First Nations culture, we recognise and respect the crucial place of First Nations Stories at the centre of Australia's arts and culture. We will continue to work respectfully in partnership with artists, arts workers and communities to develop First Nations arts, increase Aboriginal and Torres Strait Islander representation within programming, new works, organisational workforce and leadership to build on past success and create a more vibrant and diverse Australian arts sector.

ON STAGE

EMERGING ARTISTS

CULTURAL COLLABORATION

Reconciliation Action Plan

First Nations Creative Chair

Statements of Commitment

Dynamic Cultural Understanding

On stage

Featuring First Nations artists and stories on our stages—in-person and online.

Cultural Collaboration

Maintaining active relationships with language groups across Victoria through ongoing cultural projects. This activity will continue to form a key part of the MSO's regional touring program.

Emerging Artists Development

Contribute to the development of First Nations instrumentalists, composers and conductors by creating opportunities to bridge the gap between training and professional practice. This activity will sit alongside other Emerging Artists initiatives.

Reconciliation Action Plan

This First Nations Engagement Strategy will be supported by the MSO's Reconciliation Action Plan (RAP). Developed with guidance from Reconciliation Australia and First Nations representatives, the RAP will enable the MSO to contribute practically and meaningfully to the national reconciliation movement. The MSO is aspiring to an 'Innovate' RAP within the Reconciliation Australia Workplace Framework.

First Nations Creative Chair

This 5-year advisory appointment reflects the MSO's commitment to First Nations and is an important vehicle for further embedding First Nations engagement across the MSO, building broader cultural understanding among non-Indigenous members of the Orchestra, and providing guidance and advice on the MSO's First Nations programming. In this next funding period, we will appoint our second First Nations Creative Chair.

KEY OUTCOMES

- Embed First Nations cultural protocols, the principle of self-determination and cultural safety training across the organisation.
- Review employment processes to select employees and companies we work with to include First Nations criteria.
- Commence the appointment of the MSO's second First Nations Creative Chair 2026 to 2030.
- Seek to increase professional opportunities for First Nations peoples through career pathways and opportunities for professional skills development for First Nations cultural and curatorial workers.
- The MSO was the first Orchestra in Australia to commission and present a Musical Acknowledgment of Country. Since 2019, Deborah Cheetham Fraillon's *Long time living here* opens every MSO concert. Looking forward, the MSO will collaborate with First Nations language custodians and composers to develop and present a new Musical Acknowledgement of Country every 2 years to coincide with the UNESCO International Decade of Indigenous languages.

Statements of Commitment

The MSO recognises that self-determination is important, and the organisation is therefore guided by two statements of commitment in our work with First Nations People:

Nothing for or about Indigenous Australians without Indigenous Australians

The MSO recognises that in all engagement with Indigenous art, artists and communities, we will be led by those artists and the people of those communities and develop programs and projects based on community aspirations.

Specific, not generic

The MSO is committed to engaging with and championing the specific stories, art and culture of different Indigenous nations, languages and peoples, recognising the uniqueness of individual first nations.

Dynamic Cultural Understanding

Continuing to develop the deepest understanding of our unique cultural heritage, the MSO is an organisation committed to meaningful engagement with First Nations Peoples and Cultures. The Orchestra commits to ensuring all staff are equipped to communicate, respectfully interact, and protect the creative rights of people of different cultures.

4B / The Power of Music

At the Melbourne Symphony Orchestra, we believe in the power of music to unite, inspire, and transform. We believe music can change lives, and we are dedicated to making a positive impact on our community, our city, and the world.

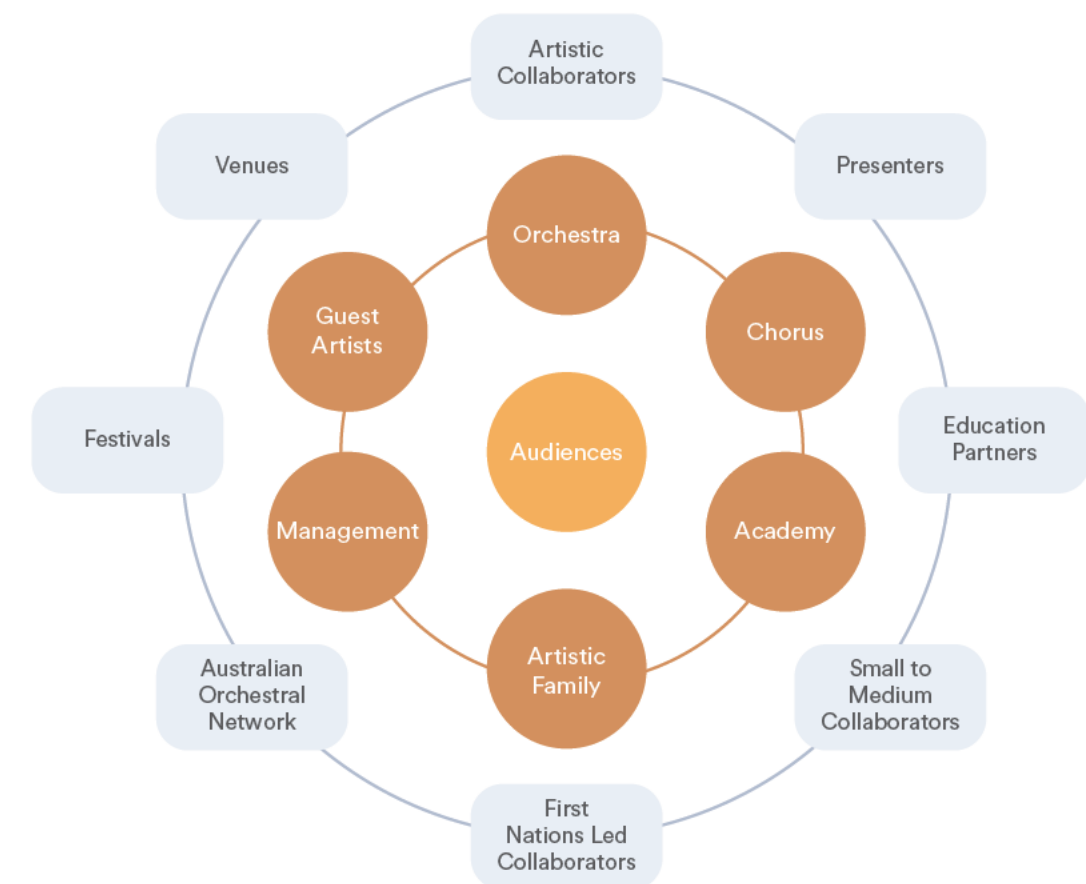
WE LISTEN

We are **Distinctly Victorian**. We believe in the power of music to tell the many local stories of our diverse community across Victoria and in the great city of Melbourne on the land of the Kulin Nations we call home. Through our performances across the state, we aim to invite our audiences on journeys that are powerful, unforgettable and reflect our community and the contributions of all as creators of culture.

WE UNITE

Our people come first. We are a **Creative Community** of instrumentalists, singers, composers, conductors, artists, producers, and arts workers, united in our passion for music and dedicated to delivering world-class musical experiences for our audiences. We believe that to foster vibrant ensembles of excellence we need to support and celebrate our artists as creators and provide our people with the resources, support, and opportunities they need to thrive. We work together, as the MSO and with our creative partners, united through our love of music to foster understanding and belonging.

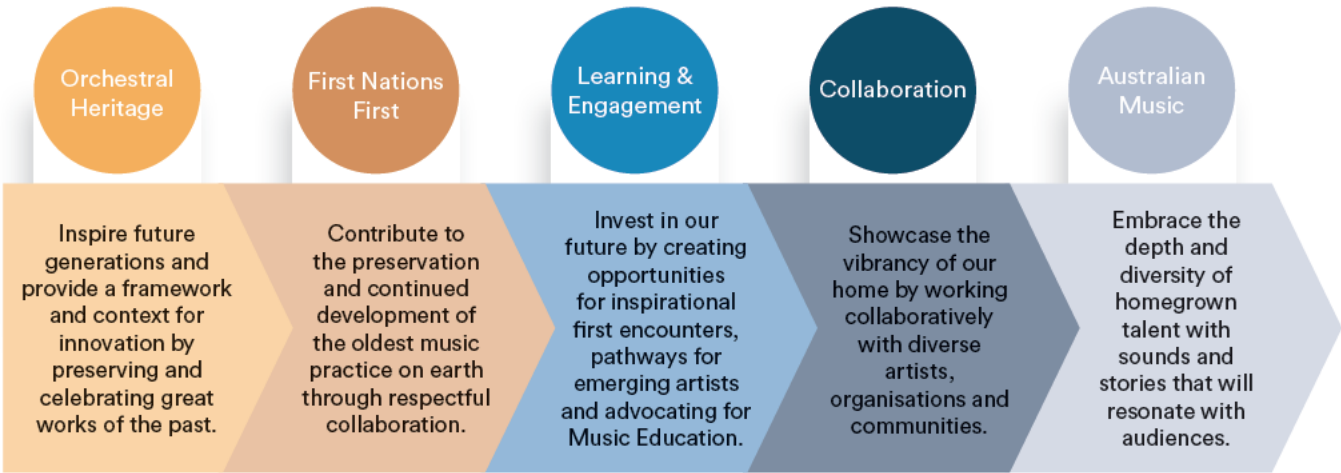
MSO's Creative Community



WE CREATE

We are passionate about **Great Music** in all its forms. Our versatility in bringing great music in all its forms to our communities is one of our great strengths, whether that be the continuation of our great Orchestral Heritage, putting First Nations First, creating opportunities for Learning & Engagement, Collaborations with great artists from diverse artforms and backgrounds or championing and developing Australian Music.

PROGRAMMING STREAMS



Orchestral Heritage

We are privileged to be the custodians of a rich musical tradition that holds significant cultural and historical value. Not only does this tradition pay tribute to the great composers and works of the past, but it also provides a context and framework for contemporary and innovative works and showcases the technical and artistic abilities of our musicians. Our orchestral and choral heritage is beloved by our audiences, making it an essential part of our efforts to engage with our community, connect generations and build audiences for the future.

REPERTOIRE	We will perform great repertoire from the orchestral canon
ARTISTS	We will collaborate with great Australian and international artists
RELEVANCE	We will ensure the continuing relevance of our artform through our presentation models and sensitive programming

KEY OUTCOMES

- Present an annual 19 program subscription series in Melbourne and surrounds (Hamer Hall, Melbourne Recital Centre, Melbourne Town Hall, Geelong).
- Present an annual 2 program series of MSO Chorus concerts in Melbourne.
- Build regional audiences and collaborate 'locally' through an annual program of approximately 20 concerts across regional Victoria.
- Continue our W effect of 'blockbuster' gala events featuring great artists and/or beloved repertoire.
- Continue to work towards equal gender representation on our stages.
- Create new presentation formats to meet customer expectations e.g. festivals, short concerts, unique venues.
- Connect orchestral heritage with today's cultural context to maintain relevance.
- Valuing our cultural and creative practitioners, maintain creative leadership positions for approximately 15 Australian and international artists, recognised as the MSO's Artistic Family.
- Renew our Chief Conductor's contract for a second term commencing in 2025.
- Present a broad range of the world's finest artists both established and emerging.
- Continue collaborating with great conductors and artists to enhance the vibrancy of our Orchestra and Chorus.

First Nations First

In order to expand our understanding of and respect for the unique cultures of the First Nations peoples, we work respectfully in partnership with First Nations-led organisations and individual artists. We do this on our stages, through meaningful cultural collaborations and emerging artists programs.

PRESENTATION	Present and promote First Nations peoples, arts and cultures across the MSO season
LEADERSHIP	Increase creative leadership roles for First Nations artists that drive artistic vibrancy, cultural understanding and integrity
NURTURE	Create programs to nurture and mentor First Nations emerging artists
EXPERIENCE	Increase Australians' experience of indigenous cultures through meaningful, authentic, and creative engagement.

KEY OUTCOMES:

- Commence the appointment of the MSO's second First Nations Creative Chair 2026 to 2030.
- Continue to collaborate with First Nations-led organisations to commission and present a minimum of three major works across each MSO Season.
- Build opportunities for First Nations artists through bespoke emerging artist programs including First Voices and Ensemble Dutala residency.
- Develop/present musical works that connect traditional languages with contemporary audiences, promoting and celebrating First Nations art and cultures.
- Create an integrated First Nations series across MSO's annual season.

Learning & Engagement

The future artistic vibrancy of the MSO depends on a thriving cultural ecosystem of diverse composers, conductors, instrumentalists and audiences. The MSO works to create the full lifecycle of experiences from inspirational first encounters at any age to a lifelong love of music or a professional career.

CONNECT	Connect with new and diverse audience
INSPIRE	Create inspirational learning experiences
NURTURE	Nurture a diverse new generation of Australian musicians
ENHANCE	Enhance the audience experience

KEY OUTCOMES

- Strengthen the pipeline for Emerging Artists in Australia by expanding the MSO Academy into an holistic vocational program for instrumentalists, composers and conductors.
- Develop a new in school offering to connect the MSO with primary school students around Victoria.
- Utilising existing digital infrastructure including the MSO Schools website, develop a range of online resources to support formal learning in the classroom.
- Maintain accessibly priced students tickets to ensure equitable access for all.
- Continue to work in partnership with government and tertiary institutions to advocate for music education in our schools.

Collaboration

Collaboration is at the heart of the MSO, elevating our performances, nurturing talent, and enriching the cultural fabric of Victoria and beyond. Collaboration brings together diverse talents, allowing musicians, composers, conductors, and other artists to share unique perspectives and skills. This fosters innovation, enriches the creative process, and results in captivating performances that resonate with audiences. Collaboration also expands the reach and artistic influence of the MSO.

ENHANCE	Enhance artistic excellence
INCREASE	Increase audience engagement
STRENGTHEN	Strengthen community partnerships
CONNECT	Connect with sector partners

KEY OUTCOMES

- Engage new audiences through an annual series of MSO Presents programs.
- Partner with Melbourne’s major festivals, venues and presenters including RISING, AsiaTOPA, Always Live, Melbourne Fringe, Melbourne International Jazz Festival and Melbourne International Film Festival.
- Seek out diverse collaborators to enhance our connections to Melbourne’s culturally rich community.
- Continue collaborating with a diverse range of small to medium and other organisations (funded and unfunded) including First Nations led arts partners, festivals and venue partners in Melbourne, Regional Victoria and beyond.

Australian Music

The MSO is committed to the development and recognition of Australian music on a global scale. Performing and commissioning Australian music and collaborating with Australian artists showcases our rich and diverse musical heritage, celebrating our cultural identity and fostering national pride. This commitment also strengthens the Orchestra’s connection with audiences, who can see themselves and their distinct cultures on our stages. By promoting and championing contemporary Australia through Australian music and artists, the MSO contributes to a vibrant and thriving music ecosystem.

REPRESENT	Create a platform to represent the narratives and perspectives of contemporary Australia
ENGAGE	Engage audiences by telling stories and featuring artists that are familiar and relatable
BUILD	Build Australia’s arts ecosystem by commissioning and engaging Australian artists

KEY OUTCOMES

- Build the Australian canon through the commissioning of 15–20 works from Australian composers annually.
- Celebrate Australian music by programming 5–10 existing works by Australian composers annually.
- Ensure Australian artists are represented on our stages with 50% of MSO conductors, soloists and presenters from Australia programmed in each season.
- Re-establish the MSO’s Metropolis New Music Festival as a vibrant celebration of new and existing Australian music.
- Seek out diverse collaborators to enhance our connections to Melbourne’s culturally rich community.

/ CASE STUDY

Partnership with AMC and ABC Classic opens vault on 30 years of MSO’s Australian Commissions.

In June 2023, the MSO announced a new partnership with the Australian Music Centre and ABC Classic to develop a new audio library of Australian music. The audio library offers a new level of on-demand access to the AMC’s collection of music recordings and resources. This initiative sees the release of 30 years of archival recordings to be heard through the new audio library.

In an unprecedented partnership with the MSO and ABC, the AMC audio library will be bolstered by access to an archival collection of more than 400 Australian music recordings. The AMC audio library will become a home for never-before-released recordings of Australian works to be made available to AMC members for online streaming. The partnership

aims to increase the accessibility of these Australian music recordings for listeners globally.

The new audio library is an invaluable resource for Australian music educators, students, researchers, and performers, as well as for the preservation of a critical piece of our national cultural heritage. The development of the AMC’s new digital audio library also opens new pathways for the representation of non-notated forms of music, such as media composition, improvised music, electronic and sound art, an important step as the scope of Australian art music continues to expand.

The AMC’s audio library will launch with its new website in late 2023.

“The digital audio library is a crucial tool for Australian music to be heard, enjoyed, studied and understood. This is a significant step in future-proofing our music collection with new digital capabilities, as well as offering new avenues for contemporary Australian creators and their work to be heard.”

– Catherine Haridy, CEO of the AMC.



4C / Engaging the Audience

WE LISTEN

We use audience feedback, research and data insights to inform us on how our audiences want to experience the MSO and how they want to communicate with us.

WE CREATE

We storytell and showcase the MSO brand to our audiences in an authentic, inspiring and exciting way; our brand creative is meaningful, impactful and timely, establishing a deep resonance.

WE UNITE

The MSO brand can help strengthen our internal and external communities through shared values, goals and principles.

Context

The MSO is currently in a process realignment. The impacts of COVID included decreased ticket sales due to staggered return to venues, increased local competition for government and private funding, economic conditions that impact consumers’ disposable income and a slowly diminishing older core audience of loyalists. It also further consolidated last-minute ticket purchases amongst audiences, especially new and younger concertgoers.

In 2022–23, the MSO’s marketing strategy has focused on identifying, segmenting and diversifying its audience to achieve sales objectives for individual concert programs and series, in order to achieve overarching organisational commercial revenue targets. The primary aim has been to increase sales by initiating conversion-focused performance-based campaigns that convert first-time and repeat purchase from a larger, diversified audience pool. This approach has been successful in helping the MSO return ticket revenue to pre-COVID levels.

While this sales-focused approach has been successful in achieving short-term sales targets, there is further opportunity to initiate a consolidated solution to drive long-term brand retention amongst new and existing audiences. Making sure our stories connect with our audiences at home and abroad is key to our ability to differentiate and develop the audiences of our future.

An MSO Brand and Values research project conducted by Envelope Group in 2022 further expanded on the MSO’s brand articulation opportunities. The research project consisted of interviews with 50 stakeholders across the MSO and its community to gain a full understanding of what the MSO ‘means’.

Informed by this research, the MSO seeks to redefine what a contemporary experience of live orchestral music can be through surprising, immersive and unexpected performances.

The way forward

The next five years offer the MSO the opportunity to showcase its unique brand, its Victorian heritage and its cultural leadership on local, national and international levels.

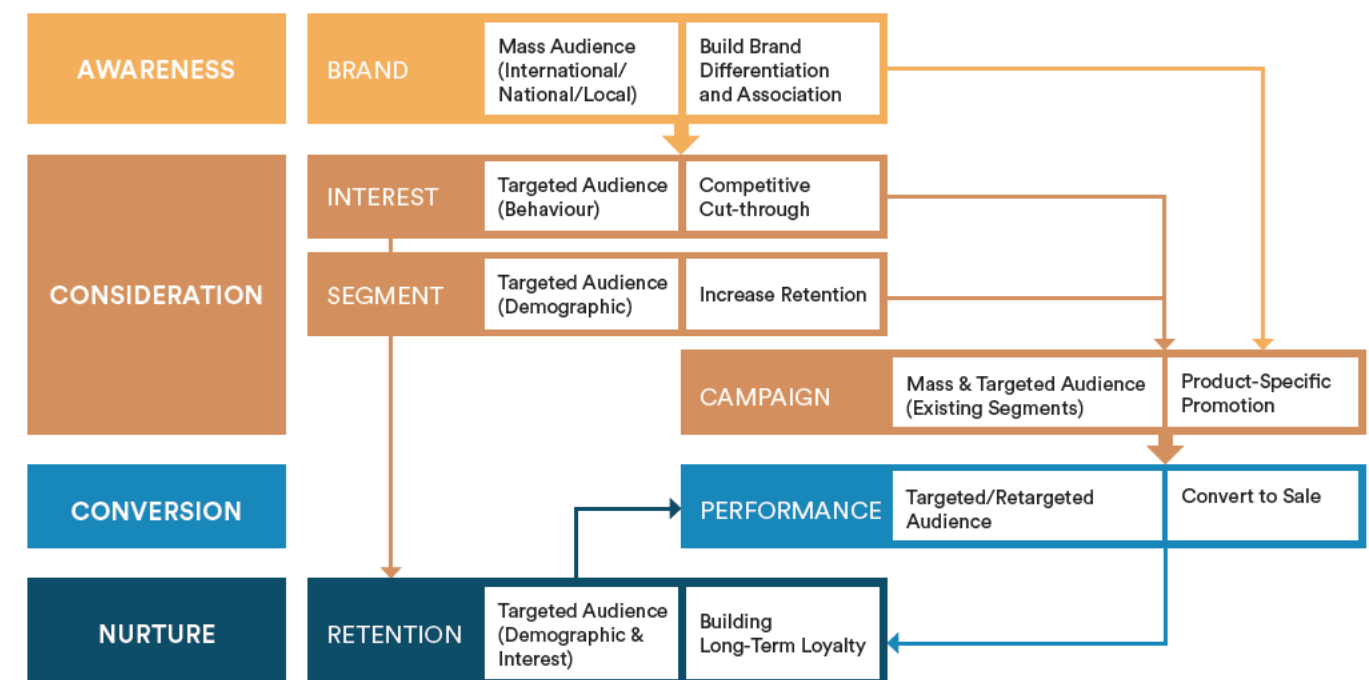
Existing international partnerships with leading cultural institutions and governments in the United Kingdom, China, Indonesia, and Singapore developed over many years, and continuing through COVID have expanded access to international markets and supported international cultural collaboration and exchange.

A clear articulation of the MSO brand, its values and its artistic objectives at these milestones will help differentiate the Orchestra, communicate how it acts as an authentic representative of the state on the global stage, and provide opportunity to capture and nurture new audiences on a global scale.

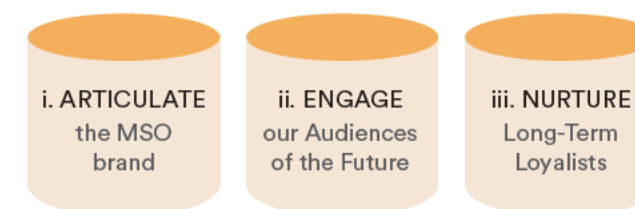
Working in lockstep with the MSO Programming department, identifying repertoire and artists that resonate with our audiences will also form a key pillar of driving audience engagement and attendance levels.

MSO Marketing Strategy 2025–2028

The MSO will look to create two streams of marketing activity—brand-focused and performance-focused—to capture, nurture, convert and retain our existing audiences and audiences of the future. The new brand activity stream will complement and enhance the existing performance-focused strategy.



Together, these streams support three core marketing pillars:



i. Articulate the MSO Brand

Developing a strong brand that celebrates our Victorian heritage and place in Victoria’s rich cultural sector will further help strongly position the MSO on a global scale as a recognised ambassador for the arts.

KEY OUTCOMES

- Develop a cohesive brand model to be implemented for the 2025 season—the first focused brand work since a visual brand identity refresh in 2015. This will provide direction on look, feel and personality to provide a competitive advantage in a time of economic uncertainty and change.
- Utilise a brand model to develop content pillars which influence storytelling, creative and content output; in order to drive awareness with new and existing audiences, locally and abroad, live and online.
- Increase our social media community by 50% to 210,000 across existing channels (Facebook, Instagram, LinkedIn, TikTok, Twitter).
- Utilise brand to drive culture and strengthen internal connections to increase retention and attract new talent— increase in positive culture, measured by employee culture surveys.
- Utilise merchandising, a designer in residence, upgraded website and digital channels to reinforce the MSO’s visual brand identity and grow merchandise revenue to achieve 10% profit margin.
- Initiate brand monitor research to determine baseline metrics for brand growth, to be used to continuously measure brand strength against all future MSO activity.

ii. Engage our Audiences of the Future

Developing a robust brand identity will help shape how we consistently speak to our audiences; however, understanding our key future audiences will further shape the types of messaging and channels we use to drive deeper engagement and consideration of the MSO.

Changes to privacy law and the use of third-party cookies will require the MSO to further leverage its owned database and first-party data to help understand how we can engage with existing and new audiences across our marketing channels.

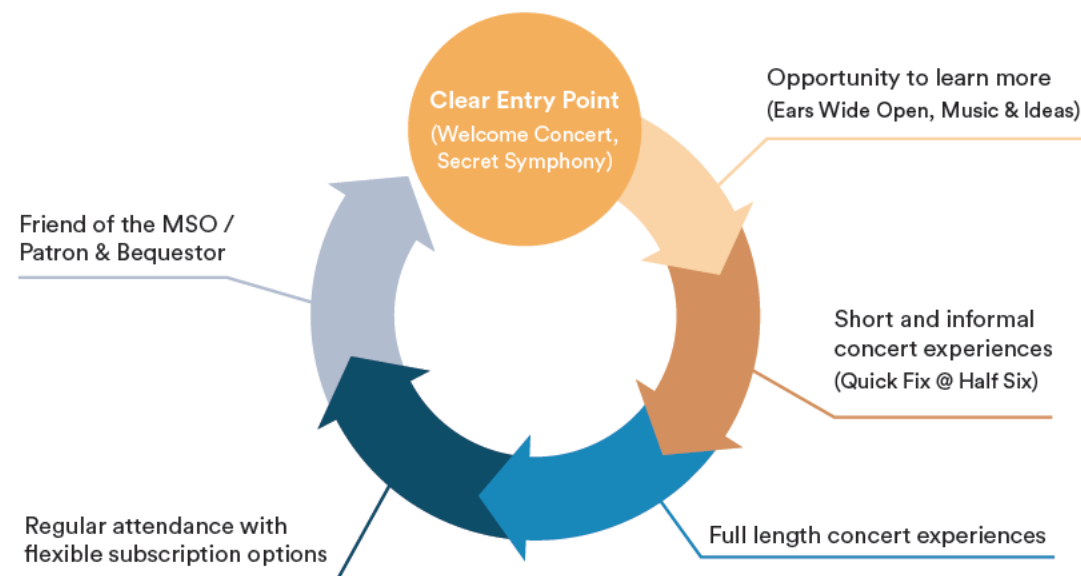
KEY OUTCOMES

- Increased focus on data analytics and data mining of existing MSO databases, in order to understand and maximise customer behaviour—increase the portion of the MSO database assigned a Mosaic profile to 75%; grow ticket sales/ membership revenue to \$20m per year
- Continue to invest in data protection and cybersecurity
- 76% of MSO audiences attend one performance per year—increase the number of 2+ ticket buyers by 20%, from 8,662 p.a. (2017–2023 average, exc. 2020–21) to 10,394 p.a.
- Develop pathways to engage diverse audiences by prioritising audience-focused outcomes that align with community goals. Examples include outer suburban performances and collaborations, targeted marketing, and via digital platforms as a means to remove barriers to participation.

iii. Nurture Long-Term Loyalists

We aim to develop a path of loyalty by nurturing new ticket buyers into repeat purchasers, then converting existing ticket buyers into subscribers and ‘Friends of the MSO’, and by fully integrating loyalists into the MSO community as Patrons.

This requires a combination of brand strategy, audience data, sales insights and content strategy, balancing of sales-led performance marketing with loyalty-focused brand engagement.



KEY OUTCOMES

- Identify 3–4 new and existing audience Mosaic segment personas with long-term nurture potential.
- Create digital cross-channel consumer journeys, email flow optimisations and digital content nurture tracks for select audience segments, in order to increase user experience, engagement and conversion across our assets.
- Increase the number of annual Friends of the MSO members to 1,500.
- Implement mobile subscriber and membership cards to accompany mobile tickets in e-wallet.
- Advocate on behalf of MSO audiences for digital accessibility in all MSO venues.
- Attract diverse audiences through MSO Presents and Special Event programming.

4D / Beyond Our Borders

WE LISTEN

to the priorities of our nation and state and recognise the power of cultural diplomacy in finding common ground.

WE CREATE

meaningful collaborations with our creative partners, developing and presenting works that celebrate the stories of our collective artists, and opportunities for exchange.

WE UNITE

global communities by building cultural understanding and strong people to people links.

“Culture supports our broader foreign policy objectives and provides dividends for Australia’s international outreach activities, particularly to raise our profile and influence as a reliable and trusted global partner and to deepen engagement and exchange with our region.”

– Revive 2023

Engagement Principles

The MSO’s international strategy focusses on long term value in building sustainable links, avoiding short term actions with little legacy benefit. The strategy:

- focusses on our regional neighbours and those with strong economic and cultural ties to Australia.
- is multi-faceted including a flexible approach to touring that sees the delivery of small ensemble as well as full orchestra performances; community and educational workshops; artist, musician and staff exchanges; and the co-commissioning of new works.
- recognises exchange is two-way, allowing the support for culturally diverse international voices and musical activities that align with our values in our home market.

To achieve our goals, the MSO’s framework to drive successful outcomes focuses on:

- Orchestra Collaborations—including musician exchanges, emerging artist support, guest artists, co-commissioning, sharing of operational and business skills.

- International exchange and tours—are essential in benchmarking and striving for constant improvement as an orchestra of excellence and dynamism. Destinations are strategic, in line with broader diplomatic and/or commercial priorities for Victoria and Australia.
- Government and Corporate partners—building partnerships of mutual self-interest for corporate partners and the MSO builds success greater than the sum of the parts.
- International Artists—enrich the MSO’s artistic programs, bringing the best of the world to Victoria, delighting audiences and positioning the MSO as sitting alongside the greatest international orchestras.
- Special events & others—tactical activities both as synergy with strategic goals and in support of other priorities of governments and other stakeholders.

KEY OUTCOMES

- Leverage MSO Foundation (as a Charitable Incorporated Organisation) in the UK in order to raise tax deductible funds for ongoing engagement between MSO and its UK based partners.
- Continue to align with foreign policy objectives at Federal and State Government levels to build relevant cultural and institutional partnerships.
- Drive sustainable touring practices by reducing freight and designing tour itineraries to minimise carbon footprint.
- Promote First Nations arts and culture as part of MSO’s international program, presented in partnership with First Nations artists and creative collaborators.



4E / Empowering People & Culture

WE LISTEN

We draw on the skills, experiences and passions of our people through extensive consultation processes to build an engaged and artistically vibrant workforce. We build on this engagement to fulfil our ambitions to connect meaningfully with audiences and partners.

WE CREATE

We invest in the long-term sustainability of our people as music-makers, innovators and leaders. We ensure that the arc of a musician's career is curated with the development experiences to sustain the Orchestra's artistic vibrancy for generations to come.

WE UNITE

We build capacity in our people to lead others, improve our processes to achieve outcomes efficiently and we invest in our culture to ensure our workplace is safe, productive and inclusive.

Context

This plan outlines the strategies for achieving the overall Mission, Vision and Values of our organisation. We achieve all that we do through our people. Our people—our musicians and our administration—are our greatest assets.

This strategy formulates the key competencies to build upon three distinct pillars that bind us together.

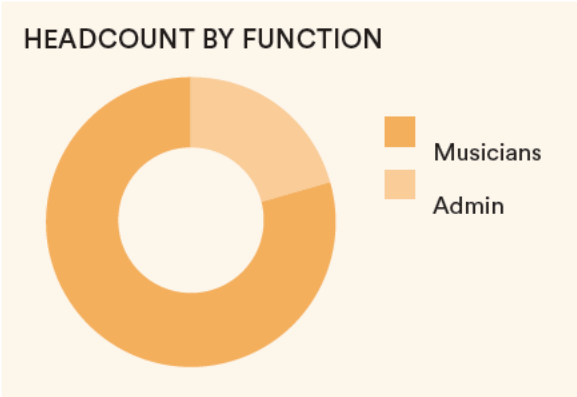
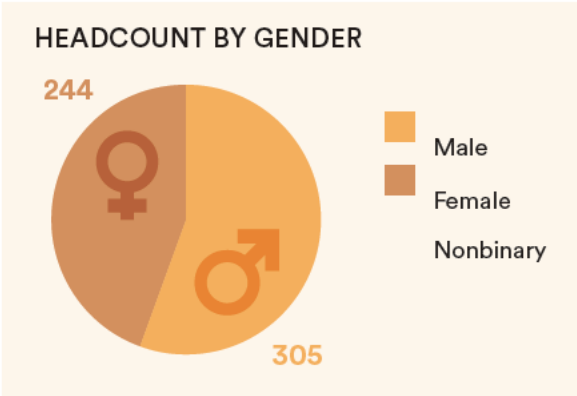
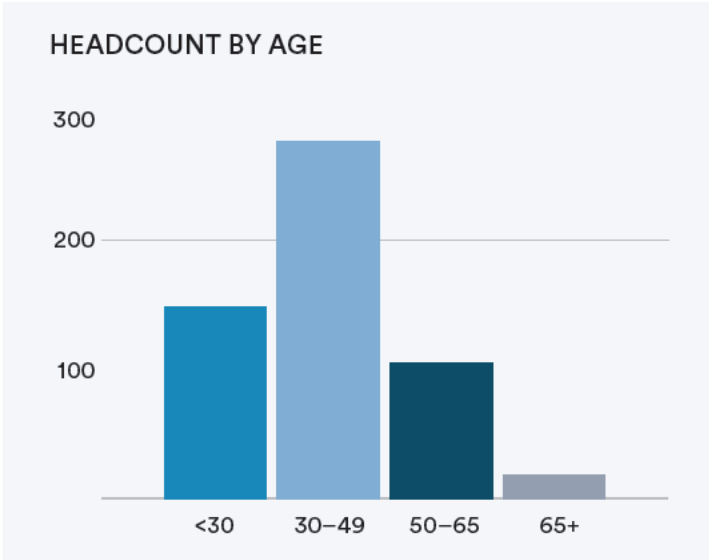
Leadership and Culture, Capabilities in our People and our Organisational Architecture & Processes provide the 'glue' which binds our organisation as a people-first, purpose-driven organisation that thrives when our people thrive. It builds on the foundations of recent work completed across Leadership Development, Industrial Relations Reforms, improvements to Health and Safety and alignment through a refreshed Vision, Mission, and set of Values.

The MSO strives to be an employer of choice in our sector, attracting and retaining the best orchestral musicians and arts workers who are guided by capable artistic and administrative leaders.



Organisational Snapshot

Today, the MSO employs over  **500 PEOPLE**



EMPLOYEE ATTITUDES



94% say they know how their role contributes to the overall success of the MSO



81% say their Section Leader or Manager cares about their wellbeing



63% say working at MSO is a positive step in my longer term career goals

MSO EMPLOYEE VALUE PROPOSITION

I am proud to work at the MSO

I am rewarded for the work I do

I am engaged in the work I do

I belong at the MSO

I am supported at the MSO

I can develop my skills and career

I make incredible music with Jaime Martin

People & Culture Pillars

i. LEADERSHIP & CULTURE

- Leadership development (orchestra and administration)
- Reward and recognition
- Engagement
- Diversity
- Wellbeing program

ii. CAPABILITIES IN OUR PEOPLE

- Learning and development
- Auditions/recruitment
- Emerging Artist Programs (including MSO Academy)
- Resources growth
- Performance management

iii. ORGANISATIONAL ARCHITECTURE AND PROCESSES

- Industrial relations reforms
- Onboarding and offboarding process
- Succession planning
- Compliance

i. Leadership & Culture

The MSO recognises that our culture of Leadership must be one which serves our Mission, Vision and Values. Across the organisation, it is the capabilities of our leaders which will enrich our culture and align our people with our shared purpose, affect the mindsets of others and ultimately shape how our organisation operates.

As the MSO looks to the future, we will continue to invest in the leaders of our Orchestra and Administrative teams and further develop our culture by ensuring reward and recognition remains in line with market expectations. We will continue to increase our competencies to advance diversity and inclusion across our workforce, our audiences and our artistic outputs, and further develop the well-being of our people in providing a physically and psychologically safe environment at work.

We will measure our Leadership and Culture through frequent surveys run through our Engagement Survey provider Voice Project. This tool will monitor progress and provide real-time feedback on the Initiatives which underpin our Focus Areas.

LEADERSHIP	<ul style="list-style-type: none">• Bespoke orchestral leadership program developed in partnership with the Victorian Institute of Sport to promote High Performance• Culture for our orchestral musicians• Continue Circle of Leadership Program across our Administrative Leaders• Empower emerging leaders to drive the culture of the MSO• Annual Engagement Survey results inform action-planning
REWARD AND RECOGNITION	<ul style="list-style-type: none">• Multi-year remuneration increases through Enterprise Bargaining processes• Musician and Staff form a single Melbourne Symphony Orchestra Enterprise Agreement
DIVERSITY AND INCLUSION	<ul style="list-style-type: none">• Cultural Safety Training• Reconciliation Action Plan
PHYSICAL AND PSYCHOLOGICAL WELLBEING	<ul style="list-style-type: none">• Evolution of work undertaken through Sound Practice to improve the physical and emotional safety and wellbeing of our people• Policy review and training on key priorities to maintain a safe workplace• Investment in OHS improvements including OHS Plan

KEY OUTCOMES

- Assess and action results of Engagement Surveys (Voice Project).
- Review and communicate feedback gained in MSO Entry and Exit Surveys.
- Monitor Absenteeism rates.

We will know that we have improved when we hear:

‘Leaders walk the talk.’

‘Leaders at the MSO act with integrity.’

‘My Section Leader or Manager challenges, empowers and supports me.’

‘The MSO is a safe environment.’

‘I feel safe to bring my whole self to work.’

ii. Capabilities in our People

Attracting, developing and retaining our people are critical to delivering the MSO’s Mission—*Through the shared language of music, we create meaningful cultural experiences for our audiences, delivered to the highest possible standard.*

This component of the strategy is informed by the variety of challenges the MSO is expected to face over the coming years, and seeks to present a holistic approach which reflects the integrated nature of our people imperatives and sets an ambitious agenda to achieve the MSO’s vision to be an Employer of Choice.

Building on the improvements to the audition process, the MSO will leverage our brand and reputation as one of the world’s leading orchestras, with our Chief Conductor Jaime Martín as a major drawcard for musicians. We will leverage these key assets in our brand to define our employee value proposition and communicate this clearly with potential candidates seeking to join the MSO.

The MSO’s ongoing investment in Artist Development Programs will continue to provide a pipeline of future musicians, composers and conductors. From this pipeline, the MSO will benefit enormously from having established a formative connection with these future music-makers as they forge a long and successful career in music.

The MSO is committed to achieving the highest levels of employee safety and to supporting the physical, emotional and psychological wellbeing of everyone at work. Recognising that health, safety and wellbeing is a shared responsibility, we will support our employees to continue to take control of their health and wellbeing. We will also support leaders to create safe work environments, especially in high-pressure performance settings.

RECRUIT THE BEST ORCHESTRAL MUSICIANS AND ARTS WORKERS	<ul style="list-style-type: none">• Further implementation of improved recruitment processes to deliver outstanding customer experiences consistent with our desire to attract the best people.
LEARNING AND DEVELOPMENT	<ul style="list-style-type: none">• Align capabilities framework with the achievements necessary to deliver on the MSO’s Vision, Mission and Values.
EMERGING ARTIST PROGRAMS (including MSO Academy)	<ul style="list-style-type: none">• Develop the capabilities of the next generation of musicians, conductors and composers to fulfil the MSO’s ability to deliver on our Vision, Mission and Values.
PERFORMANCE IMPROVEMENT	<ul style="list-style-type: none">• Embed performance management into our culture through annual, recurring processes.• Develop a Rewards and Recognition Framework.

KEY OUTCOMES	We will know that we have improved when we hear:
<ul style="list-style-type: none">• Results from Exit and Entry Survey• Results from Regular Engagement Surveys• Completion rates of Performance Appraisal and Probationary Plans• Completion of compliance-based learning	<ul style="list-style-type: none">‘I would recommend the MSO as a great place to work’‘I feel valued’‘I had a great recruitment/ auditioning process’‘I can see how I can achieve my career goals at the MSO’

iii. Organisational Architecture and Processes

To align with the MSO’s strategic needs and artistic output, our workforce will evolve its structures, processes, and technological enablement. Underpinning this work will be the undertaking of a workforce plan alongside the needs outlined in this Strategic Plan. This will not only assist the MSO deliver on its strategic objectives over the next 3–5 years but will also support the development of improved audition/recruitment processes, enhance our capability development and performance improvement frameworks, and ensure strategic and operational continuity across our people through improved succession planning processes.

The MSO also requires effective technology and well-developed processes to support these goals and so that outcomes can be measured and reported on. Part of this plan will include the implementation of a Human Resources Management System (deferred from 2023) and continued review of legislatively compliant processes, policies, employment contracts and employee files.

WORKFORCE PLANNING	<ul style="list-style-type: none">• Grow the MSO orchestral establishment strength to support artistic output and growth• Develop a workforce plan to convert high utilisation of casual musicians to permanent or contract musicians• Develop 2-year transition and recruitment plans for musicians nearing retirement• Adapt the MSO’s Administrative Team structure to best support strategic objectives
SUCCESSION AND SEPARATION PLANNING	<ul style="list-style-type: none">• Artistic continuity planning within the Orchestra as musicians transition to retirement or another career• Develop top talent from within the organisation to maintain strategic and operational continuity in key leadership roles
ORGANISATIONAL ENABLEMENT AND COMPLIANCE	<ul style="list-style-type: none">• Upgrade of IT resources incorporating best practice cybersecurity• Implementation of an HRMS• Continued review of all policies to ensure legislative compliance and best practice

KEY OUTCOMES	We will know that we have improved when we hear:
<ul style="list-style-type: none">• Results from Exit and Entry Survey• Results from Engagement Survey• Completion of compliance-based learning	<ul style="list-style-type: none">‘I would recommend the MSO as a great place to work’‘I feel valued’‘I had a great auditioning/recruitment process’‘I can see how I can achieve my career goals at the MSO’



A dynamic space for collaboration and creativity to unite and serve Melbourne and Australia's creative music arts community for decades.

As the largest employer in the performing arts in Victoria, the MSO recognises the critical need across the sector for secure and affordable creative spaces. With the closure of the State Theatre in 2023 and increasing pressure from other performing arts companies to share Hamer Hall with the MSO, the new Music Hub is an essential component of a thriving music ecology. Unlocking accessible spaces and fostering vibrant creative hubs are key priorities for the Government (Creative State 2025), and the MSO is now in a position for the very first time in its 117-year history, to develop this modest capital project at 63–69 City Rd Melbourne, just 250 metres from the Melbourne Arts Precinct.

The MSO currently incurs more than \$1M/year to rent offices, storage, rehearsal and practice spaces at the ABC Southbank building. In addition, the MSO hires the concert hall to rehearse because of a lack of available space to accommodate our full Orchestra.

The first two years of the pandemic (2020, 2021) clearly highlighted shortfalls in the MSO's "administrative home". During repeated lockdowns, the MSO was unable to access any of its spaces at the ABC while having to pay rent. The MSO recognised that a longer-term, more sustainable plan for the future was required.

Focussed on strong cultural infrastructure, the MSO is working across the music sector to develop a state-of-the-art, world class purpose-built Music Hub to connect Melbourne's creative music industry to the world. The MSO Hub will provide a shared space for music organisations and our people, bringing together small, medium and large music institutions under one roof, within walking distance to Melbourne's arts precinct.

With the flexibility of nine unique Rehearsal/Studio spaces including a larger 9000m³ Auditorium designed with the capacity to accommodate rehearsals for up to 120 musicians

(full orchestra) with or without Chorus, and a 5,000m³ Auditorium to meet the needs of other music organisations, the MSO Music Hub also includes an integrated recording and broadcast studio, public café, specialist Wellness Centre, Music Library, instrument storage spaces, and option of additional floors for partner organisations, shared work-spaces, and visiting artists.

With the addition of a sound enhancement system, two Auditoriums will be able to replicate the same acoustic environments of the Hamer Hall Stage and State Theatre Pit. The Hub is an administrative centre for over 600 musicians, artists and creative workers. It is not a concert hall and does not compete with existing performances venues.

Creative Solutions that de-risk the project

The MSO has used a creative approach to its financing using the proven private public partnership (PPP) funding model that is more often seen in the health and education sectors. Intergovernmental cooperation and philanthropic support will ensure guaranteed benefits on a local, national and international scale can be achieved. This will be through the benefits to the creative economy; jobs, vocational training and tourism, by attracting international entities who would utilise the MSO Hub like a dynamic start-up hub, providing a core and temporary home.

Growing the economy

- Eco-system accelerator: this is a plan to create a top-quality jobs and dynamic start up and vocational training hub at the MSO Music Hub
- We will provide Australia's leading vocational training program for composers, conductors and performers in collaboration with Australia music organisations through an enhanced MSO Academy
- Bringing global solutions to attract international investment in the Australian creative economy
- The Hub will provide a permanent home for key Victorian cultural and music organisations and a temporary home for performers, commercial entrepreneurs and global creative music leaders
- We will align with industry bodies to attract international filmmakers to Victoria
- We will work with training institutions and peak bodies to back Victoria's Digital Games Industry

A steering committee was appointed by the MSO Board on 25 August 2022 to oversee this capital project and a comprehensive philanthropic strategy is already delivering positive results.

5. OUTCOMES AGAINST MSO FUNDING PRIORITIES

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Priority
1

5a / Diversity

PRIORITY 1

Address diversity areas outlined in the Partnership Framework (33.iv) with particular reference to performers, composers and audiences.

- Continue collaborating with a diverse range of small to medium and other organisations (funded and unfunded) including First Nations led arts partners, festivals and venue partners in Melbourne, Regional Victoria and beyond.
- Seek out diverse collaborators, artists and organisations to enhance our connections to Victoria's culturally rich communities.
- Continue to prioritise equal gender representation on our stages, on our Board, and within our organisation.
- Develop pathways to engage diverse audiences by prioritising audience-focused outcomes that align with community goals. Examples include outer suburban performances and collaborations, targeted marketing, and via digital platforms as a means to remove barriers to participation.
- Attract diverse audiences through MSO's programming strategy, with programs for CALD communities, people with disability, young adults, and children, and through culturally significant initiatives.

Priority
2

5b / Supporting Australian Works

PRIORITY 2

Commission, develop and present new Australian work that reflects contemporary Australia.

- Build the Australian canon through the commissioning of 15–20 works from Australian composers annually, including through programs such as the Cybec Young Composers Program and the position of Cybec Young Composer in Residence.
- Celebrate Australian music by programming 5–10 existing works by Australian composers annually.
- Ensure Australian artists are represented on our stages with 50% of MSO conductors, soloists and presenters from Australia programmed in each season.
- Re-establish the MSO's Metropolis New Music Festival as a vibrant celebration of new and existing Australian music.
- Seek out diverse collaborators to enhance our connections to Victoria's culturally rich communities.
- Continue MSO's partnerships with ABC Classic and Australian Music Centre to release additional Australian works.

Priority
3

5c / Building Sector Capacity through Collaboration

PRIORITY 3

Build capacity in the Victorian sector. Collaborate with Partnership organisations and those outside the Framework. Demonstrate leadership on sector specific concerns.

- Attract diverse audiences through MSO Presents and Special Event programming.
- Partner with Melbourne's major festivals, venues and presenters including RISING, AsiaTOPA, Always Live, Melbourne Fringe, Melbourne International Jazz Festival and Melbourne International Film Festival.
- Recognising the connection between music and health, work in collaboration with tertiary institutions and corporate partners as part of a solution to address Neurocognitive diseases and mental health issues facing Australians.
- Continue collaborating with a diverse range of small to medium and other organisations (funded and unfunded) including First Nations led arts partners, festivals and venue partners in Melbourne, Regional Victoria and beyond.
- Address sector needs and drive strong organisational infrastructure through the development of the MSO Music Hub, a shared space for Victoria's music organisations. Expand wider creative sector capacity, providing support across artforms including international film production and digital gaming industries.
- Continue to align with foreign policy objectives at Federal and State Government levels to build relevant cultural and institutional partnerships.

Priority
4

5d / Developing Future Talent

PRIORITY 4

Deliver programs, pathways for and training of emerging talent (conductors, musicians, composers).

- Strengthen the pipeline for emerging artists in Australia by expanding the MSO Academy into a holistic vocational program for instrumentalists, composers and conductors.
- Expand opportunities for First Nations artists through bespoke emerging artist programs including First Voices and Ensemble Dutala residency.
- Continue to support Australia's orchestral talent through programs such as Cybec 21st Century Australian Composers' Program, Cybec Young Composer in Residence position, Cybec Assistant Conductor position, and through partnerships and collaborations with organisations such as Melbourne Youth Orchestras, Australian National Academy of Music, University of Melbourne, Australian Youth Orchestra, and the Australian Conducting Academy.
- Provide national and international opportunities for MSO Academy fellows through partnerships and collaboration with festivals, cultural and tertiary institutions.

Priority
5

5e / First Nations First

PRIORITY 5

Build on existing practices to develop First Nations arts in reference to the Partnership Framework.

- Embed First Nations cultural protocols, the principle of self-determination and cultural safety training across the organisation.
- Review employment processes to select employees and companies we work with to include First Nations criteria.
- Commence the appointment of the MSO's second First Nations Creative Chair 2026–2030.
- Seek to increase professional opportunities for First Nations peoples through career pathways and opportunities for professional skills development for First Nations cultural and curatorial workers.
- Collaborate with First Nations language custodians and composers to develop and present a new Musical Acknowledgement of Country every 2 years to coincide with the UNESCO International Decade of Indigenous languages.
- Continue to collaborate with First Nations-led organisations to commission and present a minimum of three major works across each MSO Season.
- Build opportunities for First Nations artists through bespoke emerging artist programs including First Voices and Ensemble Dutala residency.
- Develop/present musical works that connect traditional languages with contemporary audiences, promoting and celebrating First Nations art and cultures.
- Create an integrated First Nations series across MSO's annual season.
- Promote First Nations art and cultures as part of MSO's international program, presented in partnership with First Nations artists and creative collaborators.

Melbourne Symphony Orchestra

ABC Southbank Centre
120–130 Southbank Boulevard, Southbank VIC 3006, Australia
GPO Box 9994, Melbourne VIC 3001 Australia

Tel: 03 8646 1551 | philanthropy@mso.com.au | mso.com.au
ABN 47 078 925 658

ANNEXURE “LZ-6”

No. VID 1036 of 2024

Federal Court of Australia

District Registry: Victoria

Division: Fair Work

Jayson Lloyd Gillham

Applicant

Melbourne Symphony Orchestra Pty Ltd ABN 47 078 925 658 and others

Respondents

This is the annexure marked “LZ-6” referred to in the affidavit of **LEON ZWIER** sworn on 21 November 2024.

SEASON 2023

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MSO

ANNUAL REPORT



Melbourne Symphony Orchestra

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Acknowledgement of Country

The MSO respectfully acknowledges the Traditional Owners and Custodians of all the lands upon on which the Orchestra works and creates music. We pay our respects to Elders past and present, and honour the continuation of the oldest music practice in the world.



Her Excellency Professor the Honourable Margaret Gardner AC, Governor of Victoria and MSO Patron



OFFICE OF THE GOVERNOR
VICTORIA

MESSAGE FOR THE MELBOURNE SYMPHONY ORCHESTRA 2023 ANNUAL REPORT

As Patron of the Melbourne Symphony Orchestra, I congratulate the MSO on another successful year of sharing the joy of orchestral music with our community.

Led by Chief Conductor Jaime Martín, the Orchestra's artistic program showcased the extraordinary talents of MSO musicians and connected with many communities in Victoria. In particular, I congratulate them on their commitment to fostering the next generation of musical talent, through their partnership with the Cybec Foundation, their children's programs and their regional tours.

On the international stage, MSO continued its global engagement through new partnerships with the Sichuan Symphony Orchestra and the Royal Academy of Music (UK), while also continuing its relationship with the London Symphony Orchestra.

The MSO has deepened its relationship with Australia's First Peoples through the First Voices Showcase, the First Voices Composer program and Ensemble Dutala Residency. Audiences were also treated to the premieres of three new works by First Nations composers, and a performance of First Nations Creative Chair Deborah Cheetham Fraillon AO's *Eumeralla, a war requiem for peace*.

I congratulate the musicians of the MSO, the Board, and staff for their wonderful work in contributing to the vibrancy of Victoria's musical culture. I also sincerely thank all the audience members, subscribers, donors, and partners who are dedicated in their support of the MSO.

Professor the Honourable Margaret Gardner AC
Governor of Victoria

Chairman's Report



Welcome to the Melbourne Symphony Orchestra's 2023 Annual Report—a testament to a year filled with incredible music and noteworthy achievements. As we reflect on the past 12 months, I am delighted to share some key highlights and express my gratitude to all who have contributed to the success of our great Orchestra.

As the MSO continues to face challenging macroeconomic conditions, including rising inflation and cost of living pressures, I report that the total comprehensive income for the year ending 31 December 2023 was a surplus of \$213,019 (2022: \$2,367,279). This outcome speaks to the hard work and dedication of our team where each person has played a role in navigating the complexities of the 2023 environment.

The beginning of 2023 saw the Federal Government release its new National Cultural Policy, 'Revive'. This was a momentous occasion for our sector, and I am delighted to see how closely the strategic goals of the MSO align with this policy. We remain committed to fostering cultural enrichment and are honoured to contribute to the realisation of these shared goals.

Jaime's second season as Chief Conductor has been extraordinary, marked by more than 175 performances (including approximately 130 mainstage performances) which showcased the depth and diversity of the MSO's repertoire and artistry, and stellar performances from Australian and international artists. Pleasingly, our live audience attendance continues to increase, with the MSO sharing its work with more than 300,000 people in concert halls across Victoria.

Our commitment to serving our community is evident in the diverse range of activities delivered throughout the year—from championing the breadth of our nation's stories and the people who tell them, and our continued dedication to learning and engagement, to nurturing the next generation of orchestral musicians: these priorities are the foundation of our cultural impact, ensuring that the MSO remains accessible and relevant to all.

These achievements would not be possible without the contribution of our community, and I extend my heartfelt thanks to our corporate partners and donors for their unwavering support. Your commitment enables us to bring the beauty of music to an ever-expanding audience.

A special appreciation goes to my fellow Board members, both incoming and outgoing. In 2023 we welcomed Martin Foley, Mary Waldron, and Edgar Myer to the MSO Board, and bid farewell to Hyon-Ju Newman, David Krasnostein AM, and our company secretary Oliver Carton, who served

the MSO for the last 20 years. We thank them for their wonderful service. I would also like to express gratitude to the Board and sub-committee members for their personal contributions in building the MSO into the thriving cultural institution it is today.

A sincere thank you for the tireless efforts of Managing Director, Sophie Galaise, her leadership team, and staff who work diligently behind the scenes to make each MSO performance a memorable experience.

In 2023, we sadly said farewell to MSO Life Member Marc Besen AC. We also farewelled former-Governor Linda Dessau AC CVO, and warmly welcomed new Governor of Victoria as MSO Patron, Her Excellency Professor, the Honourable Margaret Gardner AC.

Last but certainly not least, my heartfelt appreciation goes to the talented MSO musicians who bring our performances to life, and to our devoted audience, without whom our journey would not be possible. Your dedication and passion have been invaluable to the growth and success of the MSO.

Thank you all for sharing your love of beautiful music with us.

David Li AM
Chairman



Violinist Ray Chen with Chief Conductor Jaime Martin at the Ryman Healthcare Winter Gala: Ray Chen performs Tchaikovsky (photo Laura Manariti)

Managing Director's Report



In a year marked by artistic brilliance, innovation, and renewed commitment to our purpose, it is with great pleasure that I share the highlights that defined another vibrant year for the MSO in 2023.

The 2023 year marks a historic milestone for the MSO, as we proudly announce it as our highest-grossing box office year to date, with a remarkable \$17.6 million in gross ticket sales, 43% of our total revenues. This significant achievement speaks to the unwavering support of our audience and the enduring power of music to connect and inspire.

Across the year we showcased remarkable Australian composers and musicians, dynamic cross-cultural collaborations, and global participation that heightened our standing as a prominent cultural ambassador.

With our Chief Conductor, Jaime Martín in his second year at the helm, our performances delighted audiences across the State and overseas, in a season featuring wonderful orchestral classics and contemporary masterpieces. From captivating renditions of renowned works such as Britten's *War Requiem*, and collaborations with the London Symphony Orchestra and Jazz at Lincoln Center Orchestra, to the world premiere of the MSO commission, Mary Finsterer's exquisite *Stabat Mater*.

This year, we proudly shared the talents of Australian artists and through these, uniquely Australian stories. We unveiled a series of MSO commissions from composers such as our 2023 Composer in Residence Mary Finsterer, our 2023 Cybec Young Composer in Residence Melissa Douglas, as well as Elena Kats-Chernin AO, Paul Grabowsky AO, and Katy Abbott, among others. In total, we presented the world premiere of 17 MSO commissions, and I was incredibly proud that women represented 69% of this cohort of exceptional composers.

Alongside our wonderful musicians, we were honoured to perform with an array of Australian artists including Ray Chen, Andrea Lam, Eliza Shephard, Emily Sun, and our Young Artist in Association violinist, Christian Li, among others. The MSO Chorus delivered 14 stellar performances throughout the year including Orff's *Carmina Burana*, Deborah Cheetham Frailon AO's *Eumeralla, a war requiem for peace*, and Rachmaninov Vespers.

Supporting the pipeline of Australian musicians, the MSO Academy once again played a pivotal role in nurturing the next generation of musicians, demonstrating our dedication to fostering musical talent from around Australia. Similarly, the incredibly important Cybec Foundation programs continued to support our emerging composers

and conductors, and we were delighted to celebrate 20 wonderful years of this partnership.

2023 was a year of collaboration with terrific outcomes on and off stage through projects with the London Symphony Orchestra, Australian Music Centre, ABC Classic (Classic 100 in Concert), and the European Union (Maria Callas: A Concert in Hologram).

We continued our global engagement with new partnerships formed, including the Sichuan Symphony Orchestra, the Royal Academy of Music (UK), and with LSO Live, extending our relationship with the LSO. Once again we travelled to Indonesia to work closely with our friends at the Government of the Yogyakarta Special Region and Royal Family, and for the first time, travelled to Bandung in West Java to deliver arts management workshops and string tuition as part of the Implementation Program of the cooperation between West Java and the Victorian Government. Noteworthy is our commitment to new ways of reducing our carbon footprint by sharing our instruments with the LSO when they performed across Australia, a standard which will mark our international touring model into the future.

Back home, we strengthened our commitment to First Nations artists and stories through the First Voices composers' program and showcase, and during NAIDOC Week we presented One Song: The Music of Archie Roach, in celebration of his life and work and featuring an incredible cast of established and emerging First Nations artists. A highlight of the year was our repeat performance of MSO First Nations Creative Chair, Deborah Cheetham Frailon AO's *Eumeralla*, a war requiem for peace, which while programmed a year in advance, coincided with the Voice Referendum and was a poignant moment for all of us in the concert hall, and our wider community.

The 2023 season was a celebration of music's power to unite and inspire with the Orchestra spreading the joy of music through various engagement activities. From our sold-out Jam for Junior series, regional touring and schools programs, to our wonderful Ears Wide Open and Music & Ideas programs, the MSO brought music to diverse audiences and often the very first experience of live orchestral music.

After 14 years, *The Pizzicato Effect* program came to an end, and we extend our sincerest gratitude to all involved. The MSO remains a passionate advocate for music education, embarking on a new State-wide in school program in 2024.

I extend my heartfelt thanks to our Artistic Family, led by Jaime Martín, for their unwavering dedication and immense artistry. In 2023, we bid farewell with gratitude to Concertmaster Dale Bartrop, Trevor Jones (Assistant Principal Viola), and Miranda Brockman (cello), while warmly welcoming Shaun Trubiano (Principal Percussion), Karla Hanna (first violin), William Clark (viola), Jenny Khafagi (viola), Rebecca Proietto (cello), Caleb Wong (cello), and Josiah Kop (horn)—a remarkable intake of talented musicians.

I also acknowledge some truly wonderful MSO milestones in 2023—the 35-year anniversaries of Mary Allison (second violin), William Evans (trumpet), and Deborah Goodall (first violin), and the 30-year anniversaries of Isin Cakmakcioglu (second violin), and Kirstin Kenny (first violin).

Special thanks go to our Chairman David Li AM, Board, and sub-committee members for their unwavering support. I extend much gratitude to our wonderful leadership team, musicians, and staff, who displayed exceptional resilience, passion, and commitment to the MSO.

Finally, my sincerest appreciation goes to our audiences, donors, partners, and government supporters for their invaluable commitment and ongoing support. Together, we continue to create a harmonious symphony that unites our community of music lovers, thank you.

As we reflect on 2023, let us celebrate the power of music to connect and inspire us all.



Sophie Galaise
Managing Director



Chief Conductor's Report

I am thrilled to extend a warm welcome to the 2023 Annual Report of the Melbourne Symphony Orchestra, marking my second year as Chief Conductor.

It has been an incredible journey working alongside the MSO's outstanding musicians and collaborating with artists from Australia and across the globe. In 2023, I had the pleasure of crafting music with talented individuals such as MSO's 2023 Soloist in Residence Siobhan Stagg, Ray Chen, and Haocheng Zhang. Our Orchestra also performed alongside the talents of Chloé van Soeterstede, Umberto Clerici, Clara-Jumi Kang, Paul Grabowsky AO, Andrea Lam, Wynton Marsalis, and Joyce Yang, among many other fine musicians.

Our season program was one of great joy. We performed works which had their premiere hundreds of years ago, as well as those having their world premiere with the MSO, including 2023 MSO Composer in Residence, Mary Finsterer's *Mysterium I* and *Stabat Mater*, Elena Kats-Chernin AO's *Sarenka* Concerto, and the MSO's Cybec Young Composer in Residence, Melissa Douglas' *Theatre of the Everyday*.

It was once again a pleasure to perform alongside the wonderful musicians of the MSO, bearing close witness to their artistry and commitment to such high levels of performance. This was particularly evident in our Season Opening, Winter, and Spring Galas. It was also an honour to work alongside First Nations artists in the incredibly moving *One Song: The Music of Archie Roach*.

In 2023, I was particularly delighted about our work with the next generation of orchestral musicians and one of my highlights was engaging with the talented musicians of the MSO Academy and our collaboration with the Australian National Academy of Music. Witnessing the blossoming talent of the next generation has been immensely rewarding, and these experiences have reinforced our collective dedication to shaping the future of orchestral music.

The MSO's commitment to extending the reach of our music is a driving force of the Orchestra and initiatives such as our annual regional touring, *Symphony in a Day*, *Music & Ideas* series, and all our schools' and children's programming, to name just a few. It is heartening to see the impact of such programs in making orchestral music more accessible to diverse audiences.

To our patrons, sponsors, and audiences, I extend my deepest gratitude. Your unwavering support has been the cornerstone of our success, and it is your enthusiasm that fuels our artistic endeavours. Together, we are creating a lasting impact on the world of symphonic music. Thank you for being an integral part of this extraordinary journey with the Melbourne Symphony Orchestra.



A handwritten signature in black ink that reads "Jaime Martín".

Jaime Martín
Chief Conductor

2023 Highlights



304,623

LIVE AUDIENCE



4.03M

DIGITAL AUDIENCE
(PLUS 20M VIEWS IN CHINA)



177

PERFORMANCES



MSO CONCERTS
VIEWED IN

88

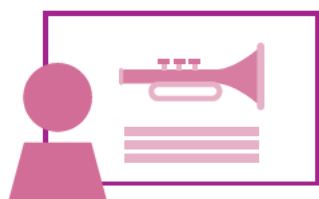
COUNTRIES



SURVEY RESPONDENTS
BELIEVE THE MSO
IS AN ESSENTIAL
PART OF THE CITY'S
CULTURAL LIFE



SURVEY RESPONDENTS
BELIEVE THAT THE
MSO IS A TRULY
GREAT ORCHESTRA



194

EDUCATION WORKSHOPS
ATTRACTING

10,502

students and
teachers/views



18

SCHOOLS
PERFORMANCES
ATTRACTING

12,073

school-aged students
and teachers/views



56

AUDIENCE ENGAGEMENT
TALKS, CONVERSATIONS
& LEARNING EVENTS
ATTRACTING

13,624

people/views

\$17.6M

HIGHEST GROSSING BOX OFFICE
YEAR IN MSO HISTORY



THE MAN FROM SNOWY RIVER

Fastest selling in 2023

WINNER

APRA AMCOS Award for Best Soundtrack Album

Blueback, original motion picture score by
Nigel Westlake, featuring Melbourne Symphony
Orchestra and Benjamin Northey



58

WORLD PREMIERES*



168

AUSTRALIAN WORKS
PERFORMED*



101

MSO COMMISSIONS
PERFORMED*



85,859

FACEBOOK followers



41,690

INSTAGRAM followers
(19% increase)



20,290

YOUTUBE subscribers



12,870

X (TWITTER) followers



1,485

TIKTOK followers
241% increase on 2022



7,171

LINKEDIN followers



4,792

NEWS MENTIONS
with audience reach of

117,111,400

Vision, Mission and Values

Vision

Enriching lives through music.

Mission

Through the shared language of music, we create meaningful cultural experiences for our audiences, delivered to the highest possible standard.

Values

RESPECTFUL COLLABORATIVE INNOVATIVE DIVERSE

Guiding Principles



We listen

to each other, and we listen to our audiences. We continuously tune in to build connections that bring joy and validation.



We create

welcoming experiences that showcase the beauty and wonder of artistic craft. Innovative performances that elevate the moment and endure in the spirit.



We unite

our individual strengths and celebrate our unifying love of music, fostering understanding and belonging.



JAIME MARTÍN
Chief Conductor

“A visionary conductor, discerning and meticulous” (*Platea*), with an “infectious enjoyment of music” (*The Telegraph*), Jaime Martín is Chief Conductor of the MSO, Chief Conductor of the National Symphony Orchestra of Ireland and Music Director of the Los Angeles Chamber Orchestra, and was Artistic Director and Principal Conductor of Sweden’s Gävle Symphony Orchestra from 2013 to 2022. In his native Spain he also currently holds the post of Principal Guest Conductor of the Spanish National Orchestra, served as Artistic Director of the Santander International Festival, and was a founding member of the Orquesta de Cadaqués, with whom he was associated for thirty years, and where he was Chief Conductor from 2012 to 2019.



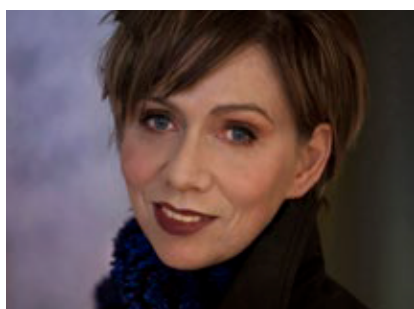
XIAN ZHANG
Principal Guest Conductor

Following her successful MSO debut in 2018 conducting Dvořák’s Symphony No.9, GRAMMY® Award winner Xian Zhang was appointed as the MSO’s Principal Guest Conductor in 2020. Sought after across the globe, Zhang has been Music Director of New Jersey Symphony since 2016. Previous positions include Music Director of Orchestra Sinfonica di Milano (2009 to 2016, and she continues as Conductor Emeritus) and Principal Guest Conductor of BBC National Orchestra of Wales, the first female conductor to hold a titled role with a BBC orchestra.



BENJAMIN NORTHEY
Principal Conductor in Residence

In addition to his role at the MSO, Benjamin is also the Chief Conductor of the Christchurch Symphony Orchestra. His international appearances include concerts with London Philharmonic Orchestra, Tokyo Philharmonic Orchestra, Mozarteum Orchestra Salzburg, Hong Kong Philharmonic, National Symphony Orchestra of Colombia, and New Zealand Symphony Orchestra. Benjamin celebrated his 20th anniversary with the MSO in 2023.



MARY FINSTERER
Composer in Residence
Supported by Kim Williams AM

The music of the innovative Australian composer Mary Finsterer is performed throughout the world. Finsterer’s award-winning work can be heard not only on concert stages, she has also composed for the screen, including music for the Hollywood blockbuster *Die Hard 4*. Her style takes its musical cues from contemporary practice and the Renaissance with equal ease. In 2023 she premiered her new work and MSO commission, *Stabat Mater*, to acclaim.



CARLO ANTONIOLI
Cybec Assistant Conductor
Supported by Cybec Foundation

One of Australia’s most dynamic young conductors, Carlo Antonioli is rapidly establishing himself with Australia’s major symphony orchestras, as well as with vibrant, cutting-edge ensembles, including the Australian Contemporary Opera Company, Ensemble Apex, the Australian, Sydney and Melbourne Youth Orchestras, the Australian National Academy of Music and Sydney-based Dreambox Collective.



WARREN TREVELYAN-JONES
Chorus Director

Regarded as one of the leading choral conductors and choir trainers in Australia, Warren was appointed Chorus Director of the MSO in 2017. He has an extensive singing career as a soloist and ensemble singer in Europe, and has appeared on more than 60 CD recordings, numerous television, and radio broadcasts, and in many of the world’s leading music festivals and concert halls.

2023 Artistic Family

121



GONDWANA VOICES

Ensemble in Residence

Founded by Lyn Williams AM in 1997, Gondwana Voices is Australia's national children's choir for treble singers aged 10–17. With a reputation for performances of outstanding musicianship, the choir tours nationally and internationally and has taken part in international choral festivals including the World Symposium on Choral Music, Rotterdam; America Cantat, Mexico City; and Polyfolia, Normandy. Gondwana Voices was the first Australian children's choir to perform at the BBC Proms and has recorded three albums for ABC Classic.



SIOBHAN STAGG

Soloist in Residence

Soprano Siobhan Stagg is one of the most outstanding young artists to emerge from Australia in recent years. After graduating from the University of Melbourne, Siobhan began her career in the Salzburger Festspiele's Young Singers Project and as a soloist at the Deutsche Oper Berlin. She has sung major roles for the Lyric Opera of Chicago, Royal Opera House Covent Garden, Dutch National Opera, and Victorian Opera (for which she received the Green Room Award for Best Female Lead in an Opera), and in concert with the London Symphony Orchestra and Berliner Philharmoniker, among many others.



SIR ANDREW DAVIS CBE†

Conductor Laureate

In memoriam: 2013–2024

Sir Andrew was one of the world's most recognised and acclaimed conductors. Having conducted virtually all the world's major orchestras and opera companies, he was Chief Conductor of the MSO from 2013 to 2019 and was appointed to the role of Conductor Laureate in 2019.

The MSO acknowledges and is deeply saddened by the passing of Sir Andrew Davis CBE at the time of publishing. Sir Andrew had an incredible impact on the MSO and orchestral music globally, and his loss will be felt by the millions around the world who experienced his artistry.



CHRISTIAN LI

Young Artist in Association

Christian has captivated audiences around the world since he became the youngest-ever Junior 1st Prize-winner of the 2018 Yehudi Menuhin International Violin Competition aged 10. In 2020 he became the youngest artist ever to sign with Decca Classics, and the youngest violinist to professionally record Vivaldi's *The Four Seasons* (with the MSO). July 2023 saw the release of Christian's second album *Discovering Mendelssohn*, also with the MSO. Christian's most recent international debuts include the Royal Liverpool Philharmonic, the Aalborg Symphony, the Oslo Philharmonic and the RTV Slovenian Radio Symphony.

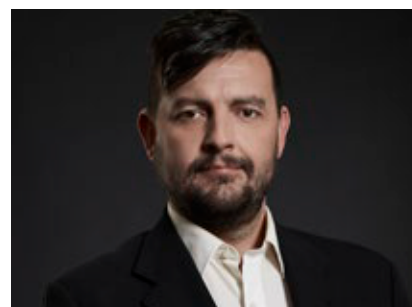


MELISSA DOUGLAS

Cybec Young Composer in Residence

Supported by Cybec Foundation

Melissa has written for a range of musicians and ensembles, including the BBC Singers, pianists Clare Hammond and Grace Francis, PLEXUS, the Magnard Ensemble, and the Polaris Duo. She studied Piano and Composition at the Melbourne Conservatorium of Music and studied in the UK at the Royal Northern College of Music (2014–16) graduating with an MMus in Composition with Distinction in 2016.



CHRISTOPHER MOORE

Creative Producer, MSO Chamber Series

Christopher Moore's position as Principal Viola is supported by Di Jameson OAM and Frank Mercurio

Christopher spent nine years as Principal Viola with the Australian Chamber Orchestra, returning to Melbourne to be appointed as the MSO's Principal Viola. Christopher produces the MSO's Chamber Series, featuring MSO musicians (and friends) in intimate performances throughout the year.



DR ANITA COLLINS

Creative Chair for Learning and Engagement

Anita is an award-winning educator, researcher, and writer in the field of brain development and music learning. She is the author of *The Music Advantage*, a book for parents and teachers about the extraordinary and often surprising benefits of learning music for children from newborns to teenagers. In 2021 Anita was appointed as the MSO's Creative Chair for Learning and Engagement.



DEBORAH CHEETHAM FRAILLON AO

First Nations Creative Chair

Deborah Cheetham Fraillon AO is a Yorta Yorta/Yuin soprano and composer specialising in chamber, orchestral, choral, and operatic settings of First Nations traditional languages and narratives across Australia. Deborah has been widely written about and is a thought leader regarding the importance of cultural authority in the Art Music space. Deborah has championed the voice and visibility of classically trained Aboriginal and Torres Strait Island musicians through her achievements as a composer, performer and artistic director of the Short Black Opera and Ensemble Dutala. Deborah's career and achievements have been celebrated with many significant awards and in 2020 was appointed as the MSO's First Nations Creative Chair.



TAN DUN

Artistic Ambassador

The world-renowned artist and UNESCO Global Goodwill Ambassador, Tan Dun has made an indelible mark on the world's music scene with a creative repertoire that spans the boundaries of classical music, multimedia performance, and Eastern and Western traditions.



LU SIQING

Artistic Ambassador

Born in Qingdao, China, Lu Siqing is one of China's superstars of the violin. Invited by Yehudi Menuhin to study at his school in London aged 11. In 1984 he returned to China and five years later went to Juilliard to study with Dorothy DeLay. In 1987 he was the first Asian violinist to win First Prize at Italy's Paganini International Violin Competition.



HIROYUKI IWAKI AO†

Conductor Laureate

In memoriam: 1974–2006

The MSO's longest serving conductor, Hiroyuki Iwaki commenced as Chief Conductor in 1974, and in 1990 was appointed as the MSO's first Conductor Laureate, honouring his contribution to the Orchestra's development. His dedication earned him many accolades including the renaming of the ABC Southbank studio to the Iwaki Auditorium in 1995.

Meet the Orchestra

First Violins



Dale Barltrop
Concertmaster
*David Li AM and Angela Li**



Tair Khisambeev
Acting Associate
Concertmaster
*Di Jameson OAM and Frank Mercurio**



Peter Edwards
Assistant Principal
*Margaret Billson and the late Ted Billson**



Kirsty Bremner



Sarah Curro
*Dr Harry Imber**



Peter Fellin



Deborah Goodall



Karla Hanna



Lorraine Hook



Anne-Marie Johnson
*David Horowicz**



Kirstin Kenny



Eleanor Mancini
*Anne Neil**



Mark Mogilevski



Michelle Ruffolo



Kathryn Taylor

Second Violins



Matthew Tomkins
Principal
*The Gross Foundation**



Robert Macindoe
Associate Principal



Monica Curro
Assistant Principal
*Dr Mary-Jane Gething AO**



Mary Allison



Isin Cakmakcioglu



Tiffany Cheng
*Glenn Sedgwick**



Freya Franzen



Cong Gu
*The Newton Family in memory of Rae Rothfield**



Andrew Hall



Isy Wasserman



Philippa West
*Andrew Dudgeon AM**



Patrick Wong



Roger Young
*Shane Buggle and Rosie Callanan**

Violas



Christopher Moore
Principal
*Di Jameson OAM and Frank Mercurio**



Lauren Brigden



Katharine Brockman



Anthony Chataway
*The late Dr Elizabeth Lewis AM**



William Clark



Gabrielle Halloran



Jenny Khafagi



Fiona Sargeant

Cellos



David Berlin
Principal



Rachael Tobin
Associate Principal
*Anonymous**



Elina Faskhi
Assistant Principal
*Di Jameson OAM and Frank Mercurio**



Rohan de Korte
*Andrew Dudgeon AM**



Sarah Morse



Rebecca Proietto



Angela Sargeant



Caleb Wong



Michelle Wood
*Andrew and Judy Rogers**

Double Basses



Rohan Dasika



Benjamin Hanlon
*Di Jameson OAM and Frank Mercurio**



Suzanne Lee



Stephen Newton
*Sophie Galaise and Clarence Fraser**

Flutes & Piccolo



Prudence Davis
*Principal Anonymus**



Wendy Clarke
Associate Principal



Sarah Beggs



Andrew Macleod
Principal Piccolo

Oboes & Cor Anglais



Ann Blackburn
*The Rosemary Norman Foundation**



Michael Pisani
Principal Cor Anglais

Clarinets & Bass Clarinet



David Thomas
Principal



Philip Arkinstall
Associate Principal



Craig Hill
*Rosemary and the late Douglas Meagher**



Jon Craven
Principal Bass Clarinet

Bassoons & Contra-bassoon



Jack Schiller
*Principal Dr Harry Imber**



Elise Millman
Associate Principal



Natasha Thomas
*Dr Martin Tymms and Patricia Nilsson**



Brock Imison
Principal Contrabassoon

Horns



Nicolas Fleury
*Principal Margaret Jackson AC**



Saul Lewis
*Principal Third Cecilie Hall and the late Hon Michael Watt KC**



Abbey Edlin
*Nereda Hanlon and Michael Hanlon AM**



Josiah Kop



Rachel Shaw
*Gary McPherson**

Trumpets



Owen Morris
Principal



Shane Hooton
*Associate Principal Glenn Sedgwick**



William Evans



Rosie Turner
*Dr John and Diana Frew**

Trombones & Bass Trombone



Richard Shirley



Mike Szabo
Principal Bass Trombone

Tuba



Timothy Buzbee
Principal

Percussion & Timpani



Shaun Trubiano
Principal



John Arcaro
*Tim and Lyn Edward**



Robert Cossom
*Drs Rhyll Wade and Clem Gruen**

Harp



Yinuo Mu
Principal

Meet the Chorus

Warren Trevelyan-Jones
MSO Chorus Director

SOPRANO

Shirin Albert
Philippa Allen
Emma Anvari
Julie Arblaster
Carolyn Archibald
Sheila Baker
Helena Balazs
Aviva Barazani
Tina Battaglia
Giselle Baulch
Anne-Marie Brownhill
Eva Butcher
Ariel Chou
Aliz Cole
Jillian Colrain
Kylie Constantine
Veryan Croggon
Ella Dann-Limon
Samantha Davies
Michele de Courcy
Isabelle Dennis
Clarissa Dodawec
Keren Evans
Dionysia Evitaputri
Laura Fahey
Rita Fitzgerald
Catherine Folley
Susan Fone
Carolyn Francis
Nicole Free
Josephine Giles
Camilla Gorman
Karina Gough
Emma Hamley
Aurora Harmathy
Juliana Hassett
Penny Huggett
Gina Humphries
Leanne Hyndman
Tania Jacobs
Gwen Kennelly
Ingrid Kirchner
Theresa Lam
Natasha Lambie
Katie Lewis
Charlene Li
Judy Longbottom
Tian Nie

Caitlin Noble
Susie Novella
Karin Otto
Tiffany Pang
Jodie Pilkington
Amanda Powell
Tanja Redl
Natalie Reid
Beth Richardson
Jo Robin
Danielle Rosenfeld-Lovell
Jodi Samartgis
Jillian Samuels
Julienne Seal
Lydia Sherren
Jemima Sim
Eleanor Smith
Chiara Stebbing
Fiona Steffensen
Rachel Sztanski
Elizabeth Tindall
Christa Tom
Katy Turbitt
Fabienne Vandenburie
Julia Wang
Asami Weaver
Emma Wise
Jillian Wood
Janelle Wytkamp
Charlotte Yates
Tara Zamin
Channery Zhang
Jasmine Zuyderwyk

ALTO

Satu Aho
Judy Anderson
Ruth Anderson
Margaret Arnold
Tes Benton
Catherine Bickell
Cecilia Björkgren
Kirsten Boerema
Kate Bramley
Jane Brodie
Jacqueline Cheng
Alexandra Chubaty
Juliarna Clark
Marie Connett
Mari Eleanor-Rapp
Nicola Eveleigh

Lisa Faulks
Claudia Funder
Jill Giese
Natasha Godfrey
Jillian Graham
Debbie Griffiths
Sophia Gyger
Ros Harbison
Jennifer Henry
Kristine Hensel
Helen Hill
Yvonne Ho
Julie Lotherington
Helen MacLean
Christina McCowan
Rosemary McKelvie
Charlotte Midson
Stephanie Mitchell
Penelope Monger
Sandy Nagy
Catriona Nguyen-Robertson
Nicole Paterson
Natasha Pracejus
Alison Ralph
Kate Rice
Helen Rommelaar
Kerry Roulston
Annie Runnalls
Lisa Savige
Victoria Sdralis
Helen Staindl
Melvin Tan
Libby Timcke
Jenny Vallins

TENOR

James Allen
Adam Birch
Kent Borchard
Steve Burnett
Peter Campbell
Allan Chiang
Peter Clay
Keaton Cloherty
James Dal-Ben
Carlos Del Cueto
James Dipnall
Simon Gaites
Simon Goldman
Daniel Griffiths

Lyndon Horsburgh
Fergus Inder
Nader Masrour
Michael Mobach
Matthew O'Leary
Jean-Francois Ravat
Linton Roe
Colin Schultz
Robert Simpson
Torsten Strokirch
Cameron Tait
Brad Warburton
Elliott Westbury
Stephen Wood

BASS

Maurice Amor
José Miguel Armijo Fidalgo
Kevin Barrell
Alexandras Bartaska
David Bennett
Richard Bolitho
Stephen Bordignon
David Brown
Roger Dargaville
Ted Davies
Peter Deane
Simon Evans
Michael Gough
Elliott Gyger
Andrew Ham
Andrew Hibbard
John Howard
John Hunt
Jordan Hyndman
Jordan Janssen
Gary Levy
Tim March
Douglas McQueen-Thomson
Steven Murie
Vern O'Hara
Douglas Proctor
Stephen Pyk
Nick Sharman
Liam Straughan
Matthew Toulmin
Caleb Triscari
Maciek Zielinski



Performance Highlights

RYMAN HEALTHCARE SEASON OPENING GALA: ZENITH OF LIFE

The MSO's Chief Conductor Jaime Martín and Soloist in Residence Siobhan Stagg opened Season 2023 with music that has been described as some of the most achingly beautiful ever written.

Inspired by the renaissance motet and written to evoke a sense of occasion, the world premiere of MSO Composer in Residence Mary Finsterer's *MYSTERIUM I*, commissioned by the MSO, began the concert, and explored an interweaving of polyphonic musical structures within a serene and majestic setting. This was followed by Strauss's posthumously titled *Four Last Songs*, featuring Mildura-born Siobhan Stagg, and the night concluded with Mahler's mammoth Symphony No.5—a journey from tragedy to triumph—written at the turn of the last century.

Pre-concert talks were presented by Nicholas Bochner, the MSO's Head of Learning and Engagement, Mary Finsterer, and Dr John Gabriel, Lecturer in Musicology. The MSO's Ryman Healthcare Gala Series was presented by MSO Premier Partner, Ryman Healthcare.

“Assisted by some outstanding solo horn playing from principal Nicolas Fleury in the Third movement, the performance nevertheless culminated in one of the finest readings of the intricate final movement I have heard in many a year and was appropriately met with a standing ovation.”

– *Limelight*, 26 February 2023

BRITTEN'S WAR REQUIEM

Composed to create a moving tribute to the victims of war, the MSO's performance of Benjamin Britten's *War Requiem* featured soloists Samantha Clarke (soprano), Toby Spence (tenor), and David Greco (baritone). Performing alongside was the MSO's 2023 Ensemble in Residence and children's choir, Gondwana Voices, directed by Lyn Williams AM, and the MSO Chorus directed by Warren Trevelyan-Jones; all under the baton of MSO Chief Conductor, Jaime Martín.

With his unique harmonic voice, Britten combined the traditional Latin Requiem Mass with the poetry of Wilfred Owen, a World War I soldier who died on the fields of France in 1918. The result was an awe-inspiring and dramatic piece which evokes the pain and suffering of the victims of war, but ends with a moving dream of a peaceful world as all voices and instruments come together at last.

Concluding with a sustained ovation, the MSO's performance of *War Requiem* was one of the biggest of the year with more than 200 artists on stage.

“I am sure [Britten] would have been thrilled with this monumental performance by the MSO and soloists and the vision of conductor Jaime Martín. The music filled every space in Hamer Hall.”

– *ClassikON*, 15 April 2023

TORRIO! JAZZ IN CONTRAST

Paul Grabowsky AO brought his exciting trio Torrio! to perform with the MSO, exploring the intersection of jazz and classical, and just how far those genres can overlap.

Directed by MSO's Principal Violist, Christopher Moore, and co-curated by Grabowsky, the program jumped between the Classical and modern, serious and comical, and the ridiculous and sublime, featuring works by Charles Ives, John Adams, and concluded with Haydn's Symphony No.83 *La Poule*. Prior to the concert a pre-concert talk was delivered by the MSO's Library Manager, Luke Speedy-Hutton.

Jazz trio Torrio! (Grabowsky, along with Mirko Guerrini on saxophones/flutes and Niko Schauble on drums) joined the MSO onstage for the world premiere of MSO commission, Paul Grabowsky AO's *Fascinatin' Algorhythm*, which created unique and expressive sounds using techniques from across popular styles. Paul describes his work as one that is “true both to the world of fully notated music and the technical and expressive virtuosity required to render it brilliantly, and to the world of improvised music, where things always happen in the moment, never to be the same again.”

RYMAN HEALTHCARE WINTER GALA: RAY CHEN PERFORMS TCHAIKOVSKY

Adored the world over for his prodigious musical ability and charisma, celebrated violinist Ray Chen performed one of the most beautiful, expressive, and virtuosic pieces in the violin repertoire—Tchaikovsky's Violin Concerto—for the MSO's Winter Gala conducted by Jaime Martín and presented by Ryman Healthcare.

Performing at both Hamer Hall, and Costa Hall, Geelong, the Ryman Healthcare Winter Gala also included Ligeti's 1951 *Concert Românesc*, a manifestation of his deep love of Romanian culture and music, with a distinctly modern edginess for which his music is known. The performances were rounded out with Rachmaninov's Symphony No.2, described as a masterclass in unbridled melodic passion.

Audiences learnt more about the performance at pre-concert presentations with MSO Cybec Assistant Conductor Carlo Antonioli, Head of Learning and Engagement, Nicholas Bochner, and MSO Principal Third Horn player Saul Lewis.

“The MSO delivered a performance of great energy, refinement and commitment. There were memorable moments from a number of players, and a relatively long program passed quickly with a transfixed and near capacity Hamer Hall audience.”

– *Classic Melbourne*, 30 June 2023

“Under the baton of chief conductor Jaime Martín, the orchestra gloried in the work's broad rivers of melody; the lush coherence of the string sound particularly beguiling.”

– *The Age*, 30 June 2023





L to R: Radical Son, Jess Hitchcock and William Barton in *One Song: The Music of Archie Roach* (photo Laura Manariti)

ONE SONG: THE MUSIC OF ARCHIE ROACH

Under the guidance of Chief Conductor Jaime Martín, the MSO had the privilege of co-presenting *One Song: The Music of Archie Roach*, showcasing a remarkable lineup of artists who, through their deep connections to the Australian legend, brought their own interpretation to his iconic compositions.

In an evening dedicated to storytelling, *One Song* paid tribute to the profound legacy of Archie Roach AC, a Gunditjmara (Kirrae Whurrong/Djab Wurrung) and Bundjalung Senior Elder, renowned song man, and storyteller. The event featured renditions of Roach's timeless works, including *Took the Children Away*, *Jamu Dreaming*, and *Weeping in the Forest*, and was skillfully directed by Rachael Maza AM, Artistic Director of ILBIJERRI Theatre Company.

The diverse lineup of established and emerging First Nations artists included William Barton, Emma Donovan, Jess Hitchcock, Sally Dastey, Dan Sultan, Radical Son, Kee'ahn, and actress Tamala Shelton serving as the narrator. Adding their voices, the Dhungala Children's Choir, conducted by MSO First Nations Creative Chair and Short Black Opera founder Deborah Cheetham Fraillon AO, contributed to the powerful homage. The evening also featured the participation of long-time Roach collaborator and Music Director, Paul Grabowsky AO, accompanying on the piano, and the MSO's Chief Conductor, Jaime Martín on flute.

One Song was proudly supported by MSO Major NAIDOC Week Partner Equity Trustees, with production support provided by MSO Major Partner Norwest.

“‘One Song—The Music of Archie Roach’ was possibly one of the most reverent events ever showcased by the Melbourne Symphony Orchestra. It was indeed a spiritual evening.”

— *Noiset1*, 7 July 2023

ALL RISE: JAZZ AT LINCOLN CENTER ORCHESTRA WITH WYNTON MARSALIS AND THE MSO

For the first time since their sold-out 2019 shows with the MSO, the one and only Nine-time GRAMMY® Award-winning trumpeter Wynton Marsalis and his legendary Jazz at Lincoln Center Orchestra (JLCO) returned to Melbourne in August to reunite with the full symphonic sound of the MSO.

Having its Australian debut, *All Rise*, first performed with the New York Philharmonic in 1999, is a jazz symphony of a scale not seen before in this country. Over 110 minutes, the work crosses musical terrain from African chant and New Orleans parade music, to symphonic modernism.

Conducted by MSO Principal Conductor in Residence, Benjamin Northey, JLCO teamed up with the full Orchestra, alongside the MSO Chorus and Melbourne's premier vocal ensemble, the Consort of Melbourne for two sold-out performances in Hamer Hall.

This performance coincided with the earlier worldwide release of the album *Symphony No.4 (The Jungle)* by Wynton Marsalis and Jazz at Lincoln Center Orchestra, featuring the MSO.

“Even before a note is played, it's impossible not to be dazzled by the scale of Wynton Marsalis' *Symphony No.1, All Rise*. The mere sight of 180 performers occupying every inch of the stage at Hamer Hall on Friday night was enough to inspire awe.”

— *The Age*, 25 August 2023

STABAT MATER BY MARY FINSTERER

In a program of sacred works spanning more than eight hundred years, this performance featured the world premiere of 2023 Composer in Residence, Mary Finsterer's *Stabat Mater*, conducted by Benjamin Northey at St Patrick's Cathedral, Melbourne.

The *Stabat Mater* has its foundation in a prophecy of Simeon, who foretold that a sword was to pierce the heart of Jesus' mother, Mary (Luke 2:35). This hymn then depicts the true outcome of that foretelling in Mary's presence at the foot of the cross during the crucifixion of her Son.

The program was curated by Mary Finsterer, who notes that she brought together "a selection of works steeped in historical and stylistic significance, spanning contrasting epochs to highlight the evolving development of sacred music".

Mary Finsterer's position as MSO's 2023 Composer in Residence was generously supported by Kim Williams AM.

SCHUMANN AND MENDELSSOHN: ABUNDANT SPRING

The MSO celebrated the arrival of Spring with American superstar violinist Esther Yoo and Principal Guest Conductor, Xian Zhang.

Evoking the abundance of springtime, the concert featured *Awaken*—a new work by 2023 Cybec Young Composer in Residence, Melissa Douglas. Known for her expressive, atmospheric ability to transport the listener to other worlds, young Australian composer Melissa Douglas' music has been performed across the world by the BBC Singers, PLEXUS, and Polaris Duo, to name a few.

A feature of the MSO's 2023 East meets West program, Abundant Spring also included Schumann's Symphony No.1 *Spring*, written during the depths of a dark German winter as a pastoral homage to different aspects of the season, and Esther Yoo made her mark on Mendelssohn's Violin Concerto, considered an innovative reinvention of the genre in the way it foregrounded the solo violin.

"The audience was mesmerised."

— *Melbourne Observer*, 13 September 2023

SIBELIUS AND PROKOFIEV: LOVE AND RESISTANCE

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The MSO welcomed illustrious French conductor Chloé van Soeterstède for a stellar program exploring music's role in love and resistance.

Known for her melodious, evocative, and playful music, the MSO presented the world premiere of beloved Australian composer Elena Kats-Chernin AO's *Sarenka* Concerto: for Solo Violin and Solo Violoncello. Commissioned by the Weis Family and featuring MSO Concertmaster Dale Barltrop and the MSO's Associate Principal Cello, Rachael Tobin, this work was inspired by the story of Sara Weis (also known as Sarenka), a young girl who escaped the Nazis to make a safer life in Australia. Of this work, Elena shared, "To be bestowed that kind of honour—to write a big piece like this—I'm humbled. Really humbled by this honour; and by the fact that Melbourne Symphony Orchestra came on board."

The concert also featured Prokofiev's playful and charming 1917 *Classical* Symphony, and Finnish composer Jean Sibelius' Symphony No.1, a symbol of peaceful resistance.

★★★★

"Under van Soeterstede's galvanising personality, the Sibelius received a mercurial performance, enhanced by the luxury of Barltrop joining guest concertmaster Sophie Rowell at the head of the violins."

— *The Age*, 23 October 2023



The MSO and MSO Chorus under Benjamin Northey perform 2023 Composer in Residence, Mary Finsterer's *Stabat Mater*, at St Patrick's Cathedral (photo Laura Wilson)

RYMAN HEALTHCARE SPRING GALA: SYMPHONIC TALES

With MSO Chief Conductor Jaime Martín at the helm, the MSO performed a program of orchestral masterworks.

Opening with Dukas' energetic and humorous *The Sorcerer's Apprentice*, the evening made way for Haocheng Zhang's electrifying performance of Tchaikovsky's Piano Concerto No.1. Since his gold medal win at the Thirteenth Van Cliburn International Piano Competition in 2009, Haochen Zhang has captivated audiences in the United States, Europe, and Asia with a unique combination of deep musical sensitivity, fearless imagination, and spectacular virtuosity.

After interval, Jaime Martín, alongside guest Concertmaster Rebecca Chan, led the Orchestra through Rimsky-Korsakov's *Scheherazade*. Composed in the Winter of 1887–88, the work is based on some of the stories in the classic Arabian literature, *One Thousand and One Nights*.

The concerts also featured 19 members of the Australian National Academy of Music performing alongside the MSO as part of an Orchestral Training Partnership designed to support the careers of the next generation of Australia's orchestral musicians. The concert was proudly presented by MSO Premier Partner Ryman Healthcare.

"The MSO performance of this work was magnificent and left the audience wanting more, however, the orchestra and Chief Conductor had truly given their all and gracefully accepted copious applause."

– *Weekend Notes*, 11 November 2023

ABC CLASSIC 100 IN CONCERT 131

Every year for over two decades, ABC Classic has asked music lovers to nominate their favourite pieces in a particular category, counting down the results in a must-listen weekend. For the first time, in 2023 audiences were invited to celebrate their favourite instruments live with the MSO, and presenters Jeremy Fernandez, Zan Rowe, and ABC Classic's Genevieve Lang.


The theme of 2023 was 'Your Favourite Instrument' and conductor and creative director, Benjamin Northey led audiences through a program including Rachmaninov, John Williams, Tchaikovsky, Ravel, and Nigel Westlake. Soloists included Andrea Lam (piano), Michael Pisani (oboe), Slava Grigoryan (guitar), Mindy Meng Wang (guzheng), Eliza Shephard (flute), Emily Sun (violin), Richard Narroway (cello), Jess Hitchcock (soprano), and Chris Williams (yidaki). The cello was voted Australia's favourite instrument.

The concert was broadcast live on ABC Classic Radio, and made available on ABC iView where it generated more than 2.88 million views.

"What a treat it was, a real celebration of the power and beauty of music, these amazing instruments and artists who play them."

– *Weekend Notes*, 25 June 2023





"Martin, with energetic yet supple hands, beseeches [the orchestra] to join him on this wondrous musical journey, and the musical results speak for themselves. Perhaps the orchestra was additionally energised by the presence of nineteen young wide-eyed musicians from the Australian National Academy of Music, who gave their all as they embark upon their professional careers under the guidance of one of the world's leading conductors."

– *Classic Melbourne*, 10 November 2023

Championing Contemporary Australia



The MSO is committed to the development and recognition of Australian music on a global scale. Performing and commissioning Australian music and collaborating with Australian artists showcases our rich and diverse musical heritage, celebrates cultural identity, and fosters national pride. ¹³⁴

In 2023, the MSO championed contemporary Australia, performing alongside three major Australian acts—Ali McGregor, Birds of Tokyo, and Kate Ceberano—continuing its contribution to a vibrant and thriving music ecosystem, and often reaching audiences not yet familiar with the MSO.

Commissioning new orchestral works continued to be a priority in 2023, with composers including Mary Finsterer, Katy Abbott, Paul Grabowsky AO, and the MSO's Cybec Young Composer in Residence, Melissa Douglas, having world premieres of their MSO commissions in 2023.

The Man from Snowy River: Bringing an Australian Classic to Life in the Concert Hall

In celebration of its 40th anniversary, the MSO performed the world premiere of *The Man from Snowy River* in concert, under the baton of Vanessa Scammell, and featuring special guest appearances by the movie's lead actors, Sigrid Thornton and Tom Burlinson.

Bringing this Australian classic to the concert hall stage was a major undertaking, transforming Bruce Rowland's award-winning score into the digital form for a full orchestra. Led by the MSO's co-producers, Spiritworks and CVP, the original handwritten composition was found and updated to reflect the film's final score. The composition was then arranged for a full orchestra, with new parts written for instruments that did not feature in the original.

At the same time, the music was removed from the digitally remastered film, leaving only the spoken parts and sound effects. The new score (now in digital format) was then brought together with the film to create a 'click track', a metronomic tick played through earpieces that the musicians wear during the performance. Also created was a version of the film with 'punches' and 'streamers', a series of visual cues that appear on screen which only the conductor can see during the performance.

In addition to the presentation of four incredible sold-out performances, the final outcome was the creation of assets in the new score, click-track, and conductor's film, which will be used in performances around Australia in 2024.

The MSO congratulates Spiritworks, CVP, Theatre Tours International, Vanessa Scammell, and the MSO's Library and Special Projects teams on their wonderful collaboration on this project, marking an important milestone in Australian storytelling.

"A great Australian film has been celebrated in style by the Melbourne Symphony Orchestra, which received a standing ovation from an audience flooded with tears of emotion."

— *Sunday Herald Sun*, 20 August 2023



Birds of Tokyo with the MSO (photo Mark Gambino)

"There is something about the pairing of a rock band with a symphony orchestra that just works... couple the five members of Birds of Tokyo with the 50+ members of the Melbourne Symphony Orchestra and it works exceptionally well."

— *Noise11*, 22 September 2023

Australian Music Centre Partnership

In 2023, the MSO was delighted to announce a new partnership with the Australian Music Centre and ABC Classic which will see the creation of a new audio library of Australian music.

Together, more than 400 MSO commissioned or co-commissioned musical works have been released over the past 30 years. Aiming to increase the accessibility of these works and the profile of Australian composers, this initiative represents a visionary step forward for Australian orchestral music and preserving our cultural heritage.

The MSO is proud of its continued commitment to developing new Australian works and as the first performing arts organisation in the country to collaborate on this project, anticipate it will provide a transformative framework for others to contribute to this important archive.



168 AUSTRALIAN WORKS PERFORMED*

Australian Works Performed

NAME OF COMPOSER	PREMIERE	NAME OF PIECE	MSO EVENT / CONCERT	MSO COMMISSION
Connor D'Netto / Kate Miller-Heidke / Keir Nuttall (arr. D'Netto)		<i>The Call: 'Beautiful for a while'</i>	Ali McGregor with the Melbourne Symphony Orchestra	
Andrew Farriss (arr. Turley)		<i>Never Tear Us Apart</i>	Ali McGregor with the Melbourne Symphony Orchestra	✓
Julian Langdon (arr. Turley)		<i>Lorelei Overture</i>	Ali McGregor with the Melbourne Symphony Orchestra	✓
Deborah Cheetham Fraillon AO		<i>Long Time Living Here</i>	All major concerts and performances	✓ (commissioned in 2020)
Matthew Dewey		<i>Little Suite for Strings</i>	Bandung Concert, West Java	
Peter Sculthorpe AO OBE		<i>Kakadu</i>	Bartók and Beethoven	
Michael Atherton		<i>Shall we Dream?</i>	Berlioz's Symphonie Fantastique	
Birds of Tokyo (arr. Buc)		<i>Anchor</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Brace</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Broken Bones (with Uno intro)</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Circles</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Good Lord</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Greatest Mistakes</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>I'd Go with You Anywhere</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Lanterns (with Motionless Intro)</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Mercy Arms</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>My Darling Son</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Never Going Back</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Plans</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Silhouettic</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>This Fire</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Train Wrecks</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Two of Us</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Unbreakable</i>	Birds of Tokyo and the MSO present Birdsongs	
Birds of Tokyo (arr. Buc)		<i>Wild at Heart</i>	Birds of Tokyo and the MSO present Birdsongs	
Gurumul Yunupingu		<i>Bara (Saltwater Crocodile)</i>	Bungul	
Gurumul Yunupingu		<i>Djapana (Sunset)</i>	Bungul	
Gurumul Yunupingu		<i>Djarimirri (Child of the Rainbow Serpent)</i>	Bungul	
Gurumul Yunupingu		<i>Djilawurr (Scrubfowl)</i>	Bungul	

* Includes arrangements

Australian Works Performed

NAME OF COMPOSER	PREMIERE	NAME OF PIECE	MSO EVENT / CONCERT	MSO COMMISSION
Gurrumul Yunupingu		<i>Djoli (Musical Instrument)</i>	Bungul	
Gurrumul Yunupingu		<i>Gäliku (Flag)</i>	Bungul	
Gurrumul Yunupingu		<i>Gapu (Freshwater)</i>	Bungul	
Gurrumul Yunupingu		<i>Gopuru (Tuna Swimming)</i>	Bungul	
Gurrumul Yunupingu		<i>Marrayarr (Flag)</i>	Bungul	
Gurrumul Yunupingu		<i>Ngarrpiya (Octopus)</i>	Bungul	
Gurrumul Yunupingu		<i>Wak (Crow)</i>	Bungul	
Gurrumul Yunupingu		<i>Wulminda (Dark Clouds)</i>	Bungul	
Peter Sculthorpe AO OBE		String Quartet No.12 <i>From Ubirr</i>	Chamber: Clarinet Quintets	
Lachlan Skipworth		Clarinet Quintet <i>The Eternal</i>	Chamber: Clarinet Quintets	
Graeme Koehne		<i>Elevator Music</i>	Chinese New Year	
Julian Yu		<i>Evolution</i>	Chinese New Year	
Matthew Hindson		<i>House Music, III. Lounge</i> (revised version)	Classic 100 in Concert	
Nigel Westlake		<i>Antarctica Suite: II. Wooden ships</i>	Classic 100 in Concert	
Maria Grenfell		<i>Rock Hopping</i>	Classic Kids: Forces of Nature	
George Palmer AM KC		<i>Ithaca: Quartet for clarinet, violin, viola, cello</i>	Opening of Ryman Healthcare's Deborah Cheetham Retirement Village	
Naomi Dodd	World	<i>Dawn 'til Dusk in Kosciuszko</i>	Cybec 20th Anniversary Concert	✓
Melody Eötvös		<i>How to Grow your Own Glacier</i>	Cybec 20th Anniversary Concert	✓ (commissioned in 2019)
Joseph Franklin	World	<i>you are meadow</i>	Cybec 20th Anniversary Concert	✓
Christopher Healy	World	<i>Vita Nostra: Our life (is brief)</i>	Cybec 20th Anniversary Concert	✓
Julia Potter	World	<i>Stay Close</i>	Cybec 20th Anniversary Concert	✓
Lachlan Skipworth		<i>Afterglow</i>	Cybec 20th Anniversary Concert	✓ (commissioned in 2012)
Electric Fields (arr. Turley)		<i>Catastrophe</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>2000 and Whatever</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>Antara</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>Dali</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>Don't Worry</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>Glorious</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>Lore Woman</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>Prologue Anpuru</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>Pukulpa</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>Shade Away</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>Tjitji Lullaby</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Electric Fields (arr. Turley)		<i>We the People</i>	Electric Fields + MSO	✓ (commissioned in 2022)

Australian Works Performed				
NAME OF COMPOSER	PREMIERE	NAME OF PIECE	MSO EVENT / CONCERT	MSO COMMISSION
Paul Kelly (arr. Turley)		<i>From Little Things Big Things Grow</i>	Electric Fields + MSO	✓ (commissioned in 2022)
Deborah Cheetham Fraillon AO		<i>Eumeralla, a war requiem for peace</i>	Eumeralla, a war requiem for peace	✓ (commissioned in 2019)
Paul Grabowsky AO	World	<i>Four Elements</i>	Jaime Martín conducts Bruch and Dvořák	✓
Kate Ceberano AM		<i>Brave</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Champion</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Cherry Blossom Lipstick</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Courage</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Earth and Sky</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Louis' Song</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Mirror Ball</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Pash</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Sunburn</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Sweet Inspiration</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Sympathy</i>	Kate Ceberano: My Life is a Symphony	
Kate Ceberano AM		<i>Time To Think</i>	Kate Ceberano: My Life is a Symphony	
Scott Copeman		<i>Desire Paths</i>	MCM Composers Workshop	
Monica Lim		<i>Muluk</i>	MCM Composers Workshop	
Sam Williams		<i>Once in a Blue Room</i>	MCM Composers Workshop	
Paul Dean		<i>Suite for Clarinet and Cello</i>	Melbourne Ensemble	
Mo'Ju		<i>Ain't Gonna Wait</i>	Mo'Ju x MSO	
Mo'Ju		<i>Bound To</i>	Mo'Ju x MSO	
Mo'Ju		<i>Bran Nue Wurld</i>	Mo'Ju x MSO	
Mo'Ju		<i>Change Has to Come</i>	Mo'Ju x MSO	
Mo'Ju		<i>Far Too Late</i>	Mo'Ju x MSO	
Mo'Ju		<i>Full Moon Over Budapest</i>	Mo'Ju x MSO	
Mo'Ju		<i>Future</i>	Mo'Ju x MSO	
Mo'Ju		<i>Get Fooled</i>	Mo'Ju x MSO	
Mo'Ju		<i>History</i>	Mo'Ju x MSO	
Mo'Ju		<i>Leave it All Behind</i>	Mo'Ju x MSO	
Mo'Ju		<i>Mata</i>	Mo'Ju x MSO	
Mo'Ju		<i>Money</i>	Mo'Ju x MSO	
Mo'Ju		<i>Native Tongue</i>	Mo'Ju x MSO	
Mo'Ju		<i>Okay</i>	Mo'Ju x MSO	
Mo'Ju		<i>Oro/Gold</i>	Mo'Ju x MSO	
Mo'Ju		<i>Plata</i>	Mo'Ju x MSO	
Mo'Ju		<i>Rain it Down</i>	Mo'Ju x MSO	

Australian Works Performed

NAME OF COMPOSER	PREMIERE	NAME OF PIECE	MSO EVENT / CONCERT	MSO COMMISSION
Mo'Ju		<i>Saint Valentine</i>	Mo'Ju x MSO	
Mo'Ju		<i>Something to Believe It</i>	Mo'Ju x MSO	
Mo'Ju		<i>Swan Song</i>	Mo'Ju x MSO	
Mo'Ju		<i>World Would End</i>	Mo'Ju x MSO	
Tim Hansen		<i>Good times! a celebration of the life of Blair Milan</i>	MSO Academy: End of Year Showcase	
Holly Harrison		<i>Bend/Boogie/Break</i>	MSO Academy: End of Year Showcase	
Dani Howard		<i>Parallel Lines</i>	MSO Academy: End of Year Showcase	
Joseph Franklin	World	<i>Water. Ruins. Everything. (or, the quaking zone)</i>	MSO Academy: TarraWarra Estate Performance	
Peter Dodds McCormick		<i>Advance Australia Fair</i> National Anthem of Australia	MSO Chorus: ANZAC Day Performance at the Shrine of Remembrance	
Bruce Rowland	World	<i>The Man from Snowy River (Live to Screen)</i>	MSO Presents The Man from Snowy River	
Brenda Gifford	World	<i>Miringama</i>	Music and Ideas: First Voices Showcase	✓
James Henry	World	<i>Wiidhaa</i>	Music and Ideas: First Voices Showcase	✓
Vonda Last	World	<i>Awakening</i>	Music and Ideas: First Voices Showcase	✓
Ngaiire/Choulai		<i>Ordinary</i>	Ngaiire x MSO	
Ngaiire/Grace		<i>Fuchisia</i>	Ngaiire x MSO	
Ngaiire/Grace		<i>Glitter</i>	Ngaiire x MSO	
Ngaiire/Grace		<i>Moonshine</i>	Ngaiire x MSO	
Ngaiire/Grace		<i>Shiver</i>	Ngaiire x MSO	
Ngaiire/Grace		<i>Shoestring</i>	Ngaiire x MSO	
Ngaiire/Grace		<i>Three</i>	Ngaiire x MSO	
Ngaiire/Mac/Grace		<i>Cruel</i>	Ngaiire x MSO	
Ngaiire/Mac/Grace		<i>Diggin</i>	Ngaiire x MSO	
Ngaiire/Mac/Grace		<i>Fall Into My Arms</i>	Ngaiire x MSO	
Ngaiire/Mac/Grace		<i>House on a Rock</i>	Ngaiire x MSO	
Ngaiire/Mac/Grace		<i>Once</i>	Ngaiire x MSO	
Ngaiire/Maio/Southgate		<i>Dirty Hercules</i>	Ngaiire x MSO	
Kevin Parker		<i>The Less I Know The Better</i>	Ngaiire x MSO	
Alex Turley		<i>Interlude 1</i>	Ngaiire x MSO	✓
Alex Turley		<i>Interlude II</i>	Ngaiire x MSO	✓
Alex Turley		<i>Prelude</i>	Ngaiire x MSO	✓
Mia Salsjö		<i>A Score for Fed Square</i>	NGV Melbourne Now	
Melissa Douglas	World	<i>Theatre of the Everyday</i>	NGV x MSO Academy: Bonnard	✓
Archie Roach AC (arr. Grabowsky)		<i>A Child Was Born Here</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>Cradle of Life</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>Dancing with my Spirit</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>Jamu Dreaming</i>	One Song	✓

Australian Works Performed

NAME OF COMPOSER	PREMIERE	NAME OF PIECE	MSO EVENT / CONCERT	MSO COMMISSION
Archie Roach AC (arr. Turley)		<i>Let Love Rule</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>Morning Star</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>Mulyawongk</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>Nopun Kurongk</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>One Song</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>Small Child</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>There is a Garden</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>Took the Children Away</i>	One Song	✓
Archie Roach AC (arr. Grabowsky)		<i>Weeping in the Forest</i>	One Song	✓
Graeme Koehne		<i>Gothic Toccata</i>	Pre-Concert Organ Recital: Bartok and Beethoven	
Graeme Koehne		<i>To His Servant Bach, God Grants a Final Glimpse: The Morning Star</i>	Pre-Concert Organ Recital: Bartok and Beethoven	
Ross Edwards		<i>Dawn Canticle</i>	Pre-Concert Organ Recital: Bartok and Beethoven	
Ross Edwards		<i>Organmaninya</i>	Pre-Concert Organ Recital: Bartok and Beethoven	
Mary Finsterer	World	<i>Lumen Symphony: Concertante for viola and orchestra</i>	Reflected Light	✓
Mary Finsterer	World	<i>Mysterium I</i>	Ryman Healthcare Season Opening Gala: Zenith of Life	✓
Melissa Douglas	World	<i>Awaken</i>	Schumann & Mendelssohn: Abundant Spring	✓
Elena Kats-Chernin AO	World	<i>Sarenka Concerto</i>	Sibelius and Prokofiev: Love and Resistance	✓
Christina Macpherson		<i>Walzing Matilda</i>	Sidney Myer Free Concert 'A Tchaikovsky Spectacular'	
Melissa Douglas	World	<i>Ascension</i>	Sidney Myer Free Concert 'MOSAICS'	✓
ELAURA (arr. Turley)	World	<i>Alzar</i>	Sidney Myer Free Concert 'MOSAICS'	✓
Stuart Greenbaum		<i>90 Minutes Circling the Earth: Hymn to Freedom</i>	Sidney Myer Free Concert 'MOSAICS'	
HVSH (arr. Turley)	World	<i>About You</i>	Sidney Myer Free Concert 'MOSAICS'	✓
Ag Johnson (arr. Turley)	World	<i>Beauty Within</i>	Sidney Myer Free Concert 'MOSAICS'	✓
NOMAD (arr. Turley)	World	<i>Destined</i>	Sidney Myer Free Concert 'MOSAICS'	✓
Hari Sivanesan / Benjamin Northey / Alex Turley / Priya Srinivasan / Uthra Vijay / Sridhar Chari / Sri Andal / Goswami Tulsidas (arr. Turley)	World	<i>Agam (The Interior Landscape) suite for orchestra and Carnatic ensemble</i>	Sidney Myer Free Concert 'MOSAICS'	✓
Katy Abbott	World	<i>Whirl</i>	Snare Drum Award	✓
Robert Oetomo		<i>Snares on Snares Off</i>	Snare Drum Award	✓ (commissioned in 2022)
Barry Quinn		<i>Episodes</i>	Snare Drum Award	
Mary Finsterer	World	<i>Stabat Mater</i>	Stabat Mater	✓
Margaret Sutherland		<i>Haunted Hills</i>	Strauss' Alpine Symphony, Debussy and Sutherland	
Elena Kats-Chernin AO		<i>Momentum</i>	Symphony in a Day	
Paul Grabowsky AO	World	<i>Fascinati'n' Algorithym</i>	Torrio! Jazz in Contrast	✓
Anton Koch		<i>The Court of Bereview</i>	Yogyakarta Collaboration Concert	





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GUEST AUSTRALIAN ARTISTS, SOLOISTS AND ENSEMBLES

Guest Australian Artists, Soloists and Ensembles

Courtney Act vocalist
 Alison Ainsworth vocalist
 Taj Aldeeb presenter
 Yara Alkurd vocalist
 Sam Allchurch presenter
 Sam Anning bass
 Carlo Antonioli conductor
 Australia Dunhuang Arts Academy
 Simon Bailey vocalist
 Belle Bangard vocalist
 Linda Barcan mezzo-soprano
 Dale Bartrop director / violin
 Nadia Barrow cello
 Katharine Bartholomeuz-Plows presenter
 William Barton yidaki
 Natalie Bassingthwaighe vocalist
 Birds of Tokyo
 Jerome Blaze keyboard
 Nicholas Bochner presenter
 Calvin Bowman organ
 Amberley Bremner presenter
 Allara Briggs-Pattison host & double bass
 Berta Brozgul piano
 Andrew Bruce keyboard
 Nathan Bryon tenor
 Nicholas Buc conductor
 Nebbie Burarrwanga dancer
 Robert Burarrwanga dancer
 Tom Burlinson presenter
 Camilla Burrows vocalist
 Fiona Campbell contralto
 David Campbell vocalist
 Stefan Cassomenos piano
 Kate Ceberano AM vocalist
 Yi Chae violin
 Deborah Cheetham Fraillon AO soprano
 Ray Chen violin
 Joe Chindamo OAM presenter
 Tenzin Choegyal vocalist
 Choir of Trinity College Melbourne
 Samantha Clarke soprano
 Umberto Clerici conductor

Laura Cliff presenter
 Lewis Coleman keyboard
 Jessica Cottis conductor
 Vicki Couzens presenter
 Nicholas Cowell cantor
 Monica Curro presenter
 Sam Dale Johnson bass
 Sally Dastey vocalist
 Isaac Davis cello
 Alwyn De Los Santos vocalist
 Irving Dekterev tenor
 Dhungala Children's Choir
 Stephanie Dillon mezzo-soprano
 Kym Dillon presenter
 Emma Donovan vocalist
 Melissa Douglas presenter
 Emily Edmonds soprano
 Harry Egerton violin
 Elaura vocalist
 Edward Fairlie vocalist
 Jessica Fairlie vocalist
 Zaachariaha Fielding vocalist
 Zaavan Fielding vocalist
 Mary Finsterer curator
 Daniel Furrugia drumkit
 Warwick Fyfe baritone
 Dr John Gabriel presenter
 Jessica Gethin conductor
 Daniel Golding presenter
 Gondwana Voices
 Andrew Goodwin tenor
 Paul Grabowsky AO director & piano
 Jillian Graham presenter
 David Greco baritone
 Slava Grigoryan guitar
 Mirko Guerrini saxophone & flute
 Mark Guruwiwi dancer
 Terence Guruwiwi dancer
 Kathleen Halloran guitar
 Hugh Harvey drumkit
 Tessa Hayward soprano
 James Henry presenter
 Helen Hill mezzo-soprano
 Adam Hills presenter

Jess Hitchcock soprano
 HVSH vocalist
 Roscoe Irwin piano
 Henry Jenkins guitar
 Zoë Jenner vocalist
 Ag Johnson vocalist
 Joshua Jones cello
 Alyson Joyce vocalist
 Stéphanie Kabanyana Kanyandekwe presenter
 Elena Kats-Chernin AO presenter
 Alice Keath presenter
 Kee'ahn vocalist
 Sam Keevers piano
 Sascha Kelly presenter
 Meklit Kibret vocalist
 Sharolyn Kimmorley AM piano
 Karen Kyriakou presenter
 Andrea Lam piano
 Vonda Last presenter
 Lionel Launch yidaki
 James Le Fevre presenter
 Saul Lewis presenter
 Angela Li piano
 Christian Li violin
 Brendan Maclean vocalist
 Sara MacIver soprano
 Jade MacRae vocalist
 Stephen Magnusson guitar
 Ingrid Martin conductor
 Natalie Mavridis violin
 Billie McCarthy vocalist
 Ali McGregor vocalist
 Blakely McLean Davies eBass guitar
 Paul McMahon tenor
 Melbourne Ensemble
 Mindy Meng Wang guzheng
 Jasmine Milton violin
 Cameron Mitchell choreographer
 Mo'Ju vocalist
 Christopher Moore director
 Emma Muir-Smith presenter
 Richard Narroway cello
 Ngaiire vocalist

Michelle Nicole vocalist
 Mairi Nicolson presenter
 John Nolan presenter
 Joseph Nolan organ
 NOMAD vocalist
 Benjamin Northey conductor
 Alexandra Oomens soprano
 Emma Pearson soprano
 Amanda Pelman director
 Gary Pinto vocalist
 Michael Pisani cor anglais
 Andrew Pogson presenter
 Sandra Pumani vocalist
 Kathryn Radcliffe soprano
 Matthew Reardon tenor
 Paul Rettke guitar
 Milan Ring guitar
 Amos Roach yidaki
 Ben Robertson eBass guitar
 Mia Robinson soprano
 Gypsy Rogers vocalist
 Michael Ross keyboard
 Thea Rossen presenter
 Tully Ryan drumkit
 Marcus Ryan drumkit
 Leigh Sales presenter
 Sangam
 Vanessa Scammell conductor
 Niko Schauble drums
 Veronique Serret violin
 Tamala Shelton vocalist
 Eliza Shephard flute
 Shauntai Sherree soprano
 Hannah Shin piano
 Carmen Smith vocalist

Robert Smith violin
 Radical Son vocalist
 Luke Speedy-Hutton presenter
 Dr Priya Srinivasan presenter
 Siobhan Stagg soprano
 Priscilla Stanley vocalist
 Dan Sultan vocalist
 Emily Sun violin
 The Consort of Melbourne
 David Thomas basset clarinet
 Adam Thompson vocalist
 Sigrid Thornton presenter
 Rachael Tobin cello
 Warren Trevelyan-Jones conductor
 Louise Turnbull violin
 Audrey Umala vocalist
 Richard Vaudrey presenter
 Erkki Veltheim conductor & violin
 Myka Wallace drumkit
 Bob Weis presenter
 Jessica Wells presenter
 Dorian West director
 Chelsea Wheatley vocalist
 Chris Williams yidaki
 Natalie Williams presenter
 Lyn Williams AM conductor
 Grant Windsor keyboard
 Aaron Wyatt conductor
 Marcel Yammouni guitar
 Jaime Yunupingu dancer
 Teo Yunupingu dancer
 David Yunupingu dancer
 Kyle Yunupingu dancer
 Nelson Yunupingu dancer
 Jonathan Zion bass

Celebrating First Nations



Through our shared language of music, the MSO honours the continuation of the oldest music practice in the world, and celebrates the people of the Eastern Kulin Nations, on whose unceded lands the Orchestra works and performs.

Throughout 2023, the MSO's Musical Acknowledgement of Country *Long Time Living Here* continued to open concerts across the State. The Orchestra remains grateful to MSO First Nations Creative Chair, Deborah Cheetham Fraillon AO and the language custodians throughout Victoria who guided and contributed to this important, and beautiful acknowledgement of First Nations peoples and culture.

The Orchestra also thanks Equity Trustees for their support as the MSO's Major NAIDOC Week partner, and the Ullmer Family Foundation: First Nations Emerging Artist Program and Members of the MSO First Nations Giving Circle for their support.

Mo'Ju x MSO

Award-winning Naarm-based musician, songwriter, storyteller, and advocate, Mo'Ju, joined with the MSO in a special one night only event at Hamer Hall on Friday 17 March 2023. Mo'Ju's rich, distinctive vocals and Soul-RnB-Funk sound shone, alongside the full power of the Orchestra, under the baton of Nicholas Buc.

A third-culture kid of Wiradjuri and Filipino blood, Mo'Ju's music is raw and deeply personal; their lyrics speak to the highs and lows of the soul in a way that has cemented their place as one of Australia's most exciting contemporary artists. First performing with the MSO in 2021's post-COVID Performance of a Lifetime concert, this year's performance started with several well-known songs, before launching into new tracks from Mo'Ju's new album *Oro, Plata, Mata*.



"Collaborations like these break down the barriers between musical genres, revealing a shared humanity that feels truly special."

– *The Age*, 20 March 2023

"It is such a rare opportunity to hear your own music accompanied by a Symphony Orchestra. I would have never imagined this for myself. Let alone to be standing on the stage at Hamer Hall. It is an honour and such a privilege to experience this."

– Mo'Ju

First Voices Showcase

On the 25th anniversary of National Sorry Day, the MSO presented its inaugural First Voices Showcase, celebrating one of the MSO's most exciting artist development programs: the First Voices composers' program.

Featuring Noongar man and conductor, Aaron Wyatt, the event saw the world premiere of two works by First Nations composers, Ngaanyatjarra Pitjantjatjara singer/songwriter, Vonda Last (*Awakening*), and Yuwaalaraay, Gamilaraay, Yorta Yorta and Yuin artist, composer and sound designer, James Henry (*Wiidhaa*), performed by members of the MSO.

Hosted by Allara Briggs-Pattison—Yorta Yorta woman, double bassist, and member of First Nations group, Ensemble Dutala—the evening also featured a discussion with Yorta Yorta and Yuin woman and the MSO's First Nations Creative Chair, Deborah Cheetham Fraillon AO, and a performance of Yuin woman Brenda Gifford's, *Miringama*.

"Special and precious gifts shared on a cold and rainy night."

– *ClassikON*, 27 May 2023

"The crucial work of reconciliation cannot be advanced without voices such as this."

– *The Age*, 1 June 2023

The Inspiration behind Dr Gurrumul Yunupingu's seminal album *Djarimirri (Child of the Rainbow)*, was brought to the stage by Yolngu dancers and songmen with the MSO. Conducted by Gurrumul collaborator, Erkki Veltheim, Bungul is a celebration of the album's legacy created on Country in North East Arnhem Land, with the Yunupingu family.

The concert featured live performances and vision from Arnhem Land, with close ups of Indigenous artworks and the performers on stage in action, across 12 manikay (songs) which have been passed down through generations.

Originally commissioned as part of the Major Festivals Initiative, this performance was presented by RISING, Arts Centre Melbourne and the MSO.

"Bungul is spectacular—a century-defining Australian album by one of Australia's greatest ever musicians, brought to life by the musicians of the Melbourne Symphony Orchestra and made flesh by the art, dance and song of Gurrumul's Yolngu countrymen."

— Arts Hub, 15 June 2023

NAIDOC WEEK

ONE SONG: THE MUSIC OF ARCHIE ROACH

The MSO, under the baton of Chief Conductor Jaime Martín, was honoured to co-present One Song: The Music of Archie Roach, featuring a stellar line-up of artists who drew on their connections to the Australian legend to bring new life to his iconic songs.

In an evening storytelling, One Song celebrated the enormous legacy of Gunditjmara (Kirrae Whurrong/Djab Wurrung), Bundjalung Senior Elder, song man and storyteller, the late Archie Roach AC, featuring works such as *Took the Children Away*, *Jamu Dreaming* and *Weeping in the Forest*.

Directed by Rachael Maza AM, Artistic Director of ILBIJERRI Theatre Company, the evening featured established and emerging First Nations artists, including William Barton, Emma Donovan, Jess Hitchcock, Sally Dastey, Dan Sultan, Radical Son, Kee'ahn, and actress Tamala Shelton as narrator. The Dhungala Children's Choir, conducted by MSO First Nations Chair and Short Black Opera founder Deborah Cheetham Fraillon AO added their voices to the tribute, as did long-time Roach collaborator and Music Director, Paul Grabowsky AO on piano.



"With care and technical skill, One Song: The Music of Archie Roach offers a joyous celebration of an incredible life supported by enough talent to tear the roof off."

— Limelight, 6 July 2023

ELECTRIC FIELDS X MSO

Representing the future of First Nation's voices, award-winning electronic duo Electric Fields—Zaachariaha Fielding (lead vocals) and Michael Ross (producer)—returned to the MSO stage in a special encore performance.

Under the baton of conductor Vanessa Scammell, Electric Fields and the MSO performed song cycles of the duo's work, arranged for orchestra by the MSO's 2022 Cybec Young Composer in Residence, Alex Turley, which often included the traditional languages of the Anangu Pitjantjatjara Yankunytjatjara people. Works performed included *Anpuru*, *Shade Away*, and *Catastrophe*, among others.



"Melbourne Symphony Orchestra and Electric Fields are a match made in heaven... With a full orchestra behind them, the pair's already epic sound reaches even greater heights."

— Limelight, 10 July 2023

Eumeralla, a war requiem for peace

First performed by the MSO in 2019, Deborah Cheetham Fraillon AO's *Eumeralla, a war requiem for peace* was performed on Saturday 14 October—coinciding with the historic occasion of Australia's Indigenous Voice Referendum—featuring the voices of Deborah Cheetham Fraillon AO (soprano), Linda Barcan (mezzo-soprano), Jud Arthur (baritone), the Dhungala Children's Choir, and the MSO Chorus, and was conducted by Benjamin Northey.

Eumeralla brings into focus a period of Australia's history that is yet to be fully understood; the Eumeralla Resistance Wars (1840–1863) that took place in southwest Victoria, harking back to a battleground that remains haunted with the memory of war and loss from one of the most brutal resistance wars fought on this continent. Sung entirely in the dialects of the Gunditjmara people, it is written in the form of a traditional Latin requiem.

“When the final hushed notes of the concluding Requiem had subsided, the audience rose almost as one to applaud both the performance and the creativity that has produced one of Australia's most significant compositions.”

– *Classic Melbourne*, 16 October 2023

Ensemble Dutala Residency

Launched in 2022 in collaboration with Short Black Opera, the Ensemble Dutala Residency provides emerging First Nations orchestral instrumentalists with professional development opportunities, workshops, and performances with the MSO, along with mentorship from established MSO players.

In 2023, participants in the Ensemble Dutala Residency included the Ensemble's Artistic Director, Noongar violist and conductor Aaron Wyatt, Yorta Yorta bassist Allara Briggs-Pattison, and Kamilaroi cellist Jackson Worley. Across the year, the musicians engaged in a range of opportunities, activities, and performances with the MSO including *One Song: The Music of Archie Roach*, *Eumeralla: a war requiem for peace*, and the Sidney Myer Music Bowl Free Concert—A Tchaikovsky Spectacular.

Additionally, members of the ensemble participated in a masterclass with visiting musicians from the London Symphony Orchestra, and Aaron Wyatt was engaged as a guest conductor for regional touring in Wyndham, Whitfield and Shepparton, and at the Melbourne Conservatorium of Music Composers workshop.



Above: Aaron Wyatt conducts the First Voices Showcase (photo Laura Wilson)





Nurturing the Next Generation

