

LIBRETTO

December 2016

Hamilton Musicians' Guild

Local **293** AFM

Serving musicians since 1903

"We Can Help"

Hamilton



AFM HAMILTON MUSICIANS' GUILD **CFM**
Local 293, AFM/CFM
Executive Board 2016/2017

		
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Libretto

Official Newsletter of the Hamilton Musicians' Guild
Publisher, Editor & Graphic Designer:
Brent Malseed (Secretary-Treasurer)
Editor: **Larry Feudo** (President)

GENERAL MEMBERSHIP MEETING

Monday, December 05, 2016
7:00 pm
The Admiral Inn
(York & Dundurn Streets, Hamilton)

Guest Speaker:

Kimberley McGuire
(American Income Life (AIL))

Presentation of Life Membership Awards:

Stephen Fuller
Ginger A. Graham

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The American Federation of Musicians is your best source for a wide variety of benefits and services including:

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- » Assistance in recording and electronic media services
- » Legislative representation
- » The *International Musician* magazine
- » Special discounts via AFL-CIO's Union Privilege Program

It's a great time to be a member!
Join today!

WHY JOIN THE AFM?



Good question.
Great reasons.

It's a Great Time to Join

The American Federation of Musicians of the United States and Canada is the world's largest entertainment union of professional musicians.

Over 80,000 strong, we perform all styles of music—rock, Latin, classical, gospel, jazz, blues, country, folk, big band, reggae - avant-garde or traditional, sacred or secular. We perform and record the music the world wants to hear.

AFM is the union of Bruce Springsteen, Dave Grohl, Diana Krall, Willie Nelson, Melissa Etheridge, Bruno Mars, Yo-Yo Ma, Justin Bieber, Wynton Marsalis, Lyle Lovett, Buddy Guy, Carlos Santana, Shawn Mendes, and thousands more.

In Canada, we operate as the Canadian Federation of Musicians, offering services focused on Canadian members.

AFM has served musicians for over 120 years in every musical workplace—on the concert stage, in the theater pit, in the recording studio, from national or international tours to neighborhood bars, throughout the US and Canada.

We lobby the US Congress and Canadian Parliament for musicians' interests. We negotiate excellent industry-wide contracts covering sound recordings, television, motion pictures, jingles, touring musical productions, and more.

We collect and distribute intellectual property rights money from the use of sound recordings and audiovisual products at home and abroad.

We represent the finest musicians in the world. We've got you covered. For more information, go to www.afm.org or www.cfmusicians.org. It's a great time to be an AFM member.



Bruce Springsteen



Yo-Yo Ma

We Know Your Workplace

CANADIAN OFFICE

AFM in Canada is known as CFM—Canadian Federation of Musicians (www.cfmusicians.org). Located in Toronto, CFM is the leading organization for professional musicians in Canada, providing specialized services and help with: immigration, media, symphonic and theatrical matters, touring, freelance and membership, contract negotiations and administration, royalty streams, and more.

SYMPHONIC SERVICES DIVISION

We provide advice, assistance, and support for AFM local officers, orchestra committees, symphony musicians, and symphonic music students.

ELECTRONIC MEDIA SERVICES DIVISION

We administer AFM-negotiated recording agreements with global and local companies covering the entire media spectrum.

TRAVEL, TOURING, BOOKING AND IMMIGRATION DIVISION

We negotiate, administer, and enforce agreements covering musicians touring with theatrical musical productions.

FREELANCE MUSICIANS SERVICES

Whether you're a young rock band from Seattle playing a one-nighter in Boston or a seasoned string quartet performing a local wedding service in Canada, the AFM is your best business partner.

ORGANIZING AND EDUCATION

We work with musicians on all levels to organize contract campaigns and to advocate musicians' rights in our communities.



Diana Krall

American Federation of Musicians of the United States & Canada
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Special Payments

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We distribute US and foreign copyright royalties to sound recording session musicians and vocalists, and to instrumentalists involved in scoring television and motion pictures exhibited in some foreign countries. Visit www.afmsagaftrafund.org to see whether we have money for you.



Taylor Swift

MUSICIANS RIGHTS ORGANIZATION CANADA (MROC)

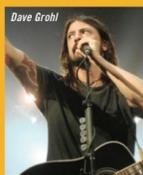
Founded by AFM in 1998, MROC distributes neighboring rights royalties to musicians under tariffs approved by the Copyright Board of Canada. For more information, visit www.musiciansrights.ca.

SOUNDEXCHANGE

AFM participates in the governance of SoundExchange, the world's largest collective rights management organization for featured recording artists and copyright holders. Visit www.soundexchange.com to find out whether undistributed royalties await you.

FILM MUSICIANS SECONDARY MARKETS FUND (FMSMF)

Created by AFM in 1972, FMSMF tracks, collects and distributes millions of dollars in residuals each year to musicians who perform work under the AFM's Motion Picture and TV Film Agreements. Go to www.fmsmf.org for more info, or to check whether an unclaimed payment awaits you.



Dave Grohl

SOUND RECORDING SPECIAL PAYMENTS FUND (SPF)

Since 1964, SPF collects from US record companies a percentage of sales from CDs, downloads, concert DVDs, and samples for distribution to musicians working under the AFM's Sound Recording Labor Agreement. Find out whether an unclaimed payment is waiting for you at www.sound-recording.org.

EMERGENCY TRAVEL ASSISTANCE PROGRAM (ROAD GIG)

Road Gig offers emergency assistance to get to the next gig or back home if a contracted engagement is cancelled or if the purchaser/employer defaults on the contract.

RECORDING INDUSTRIES MUSIC PERFORMANCE TRUST FUNDS (MPTF)

Since 1944, MPTF has provided funding for admission-free live music performances that are open to the public. See www.musicipf.org.

LESTER PETRILLO MEMORIAL FUND FOR DISABLED MUSICIANS

The Lester Petrillo Fund provides financial aid to disabled AFM members on an emergency basis.

AMERICAN FEDERATION OF MUSICIANS' AND EMPLOYERS' PENSION FUND (AFM-EPF)

One of the largest pension funds in the entertainment industry with more than \$1.8 billion in assets, millions of dollars in pension benefits are paid to participating musicians by AFM-EPF each year. Visit www.afm-epf.org for more info.

LEGISLATIVE REPRESENTATION

We sponsor and lobby initiatives that address cross-border visa issues, public funding for the arts, labor law, copyright and intellectual property laws, flying with musical instruments, and more.

FREE SUBSCRIPTION TO INTERNATIONAL MUSICIAN

The *International Musician* is the official AFM journal, published monthly and available online at www.afm.org.

ADDITION NOTICES AND FORUMS

Monthly audition and employment ads are posted in the *International Musician*, available the first day of each month in the private members-only area at www.afm.org.

ONLINE RESOURCES AND FORUMS

You'll find plenty of new and exciting information online at www.afm.org—forums where you can talk shop; AFM media contracts, member search feature connects you to other AFM members.

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Willie Nelson



Justin Bieber



Diana Krall



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Larry Feudo

President's Report

As we head into year end, activity at the Local office has picked up considerably. Members are taking advantage of the early bird offer in unprecedented numbers saving themselves \$10 off annual dues and not having to worry about paying dues in the New Year when all the bills come due.

The other focus of our attention is preparation for the annual Canadian Conference to be held for the first time in Hamilton in thirty years on Aug 11, 12 & 13th 2017. This coincides with the 150th anniversary of Ontario and Canada so there's an added extra significance to this years' conference.

There will be close to 100 delegates and guests from all the Canadian Locals and representatives from the AFM executive board attending as well and it's an opportunity to put our best foot forward to show how we've progressed in the last four years. Held at the Sheraton Hotel this will be a convenient way for our members to see firsthand the process of how the CFM is governed. We urge our members to take some time to observe the proceedings.

Another piece of good news is that Local 293 will be featured in the December issue of The International Musician in an article entitled "Hamilton Local Doubles its Membership". The article talks about the turnaround in membership and some of the achievements your board has accomplished in the past four years. We have posted the highest gains throughout the U.S. and Canada and we discuss some of the projects we've undertaken to restore the Local's reputation and viability as the professional organization for musicians. Some key concepts we emphasised in the article were that collectivism was essential for the growth of a local and community activism was a vital component of any strategy aimed at advancing the interests of musicians. It goes without saying that without a committed board that actively pursues this agenda little would be accomplished. I'd like to take a moment to acknowledge the fine work and dedication of this board.

As 2016 draws to a close, and some might say thankfully, we look forward to making greater strides in the New Year. This issue of the Libretto is one of our best so take the time to read the many fine articles.

Of particular interest is the Streetbeat article on the fine guitarist David Van Duzen. David unfortunately lost an arm in a tragic automobile accident this past summer. When Secretary-Treasurer Brent Malseed heard of his misfortune he started the wheels in motion with Local 149 (Toronto Musicians' Association) to get him some help. As a result David received some financial assistance from the benevolent fund of Local 149 and will receive some funds from AIL insurance and the Lester Petrillo Fund. Kudos to Brent for going the extra mile in helping a former member get the help he needed. David wrote to thank us "I am overwhelmed by the compassion I am receiving from my fellow players and I'm so glad I stayed in the union as it feels so good being part of such a worthwhile organization." To me, this the essence of what it means to be a member of this union.

Merry Christmas and Happy New Year.....



Yours in solidarity

Larry Feudo

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Do you have products or services targeted for musicians, artists, singer-songwriters and producers?

The Libretto is published a minimum of three times a year and is sent to over 700 regional, national and international recipients, including Local 293 members and AFM Locals in all major cities throughout Canada and the United States.

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Business Card Ad	- \$100 per year
	or \$50 per issue
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For additional information or to place an advertisement contact the office at
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Ask about the members discount for advertising

**Brent Malseed**

Secretary-Treasurer's Report

On April 11, 1903 the American Federation of Musicians of the United States and Canada granted a Certificate of Affiliation to the Musicians Protective Union, Local No. 293, AFM of Hamilton, Ontario. Members of the Royal Hamilton Light Infantry Band were instrumental in the formation of Local 293. The first President of the Hamilton Musicians' Protective Association was Lt. George R Robinson (photo below) from the 13th Regimental Band. Our name was official changed in 1960 to the Hamilton Musicians' Guild.

A short history of the Royal Hamilton Light Infantry Band

The Regimental Band was first formed in 1866 by Peter Grossman as the 13th Battalion Band at the request of the Commanding Officer of the 13th Battalion Voluntary Militia. It traces its roots to the Hamilton Artillery Band formed in Hamilton in 1855. It is the oldest enlisted band in Canada. Peter Grossman led the 13th Band until 1869. He was succeeded for one year by George R. Robinson who in turn was succeeded for one year by Mr. W. Blanchard. Robinson returned in 1871 and remained Bandmaster until 1916, conducting the Band for 45 years. George R. Robinson (1840-1917) took over as bandmaster of the lacklustre 13th Battalion (RHLI) military band at a difficult time. Its finances were short, instruments worn and performances forgettable. But through his musical skill, disciplined practice and promotional prowess, Robinson built up a military band that was toasted across Canada and the U.S. Robinson was one of Hamilton's most famous musicians of his day. He is credited with taking a group of misdirected horn blowers and turning them into a tightly disciplined, 40 person unit that became a source of pride in Hamilton and renowned in military band circles across the continent. His band today is a frequent sight at parades and regularly travels around the continent and to Europe. The band shell at Gage Park was named in Robinson's honour. Robinson's son William served as bandmaster from 1916 to 1924 and again from 1936 to 1939.



(L to R) William F. Robinson, 13th Regimental Band,
Mr. J. Creatore, Creatore's Concert Band,
George R. Robinson, first President of Local 293.

After a hiatus of several years without a military band (when the RHLI got by with a bugle corps rather than a full band) the regiment ensemble reformed in 1992 under the direction of Maj. Michael Rehill. The RHLI Band continues today under the direction of Lt. Ryan Baker. For more information you can visit their website at <http://www.rhliband.ca/>

A short history of the Hamilton Philharmonic Orchestra

The Hamilton Philharmonic Orchestra was founded in 1884 as The Hamilton Orchestral Society and grew to become one of Canada's major professional orchestras. Today, the HPO is a leader in Hamilton's robust arts community where it provides professional orchestral services and music education programs to address the needs of the community. The HPO continues to commission and premiere works and is one of the artistic jewels of the Hamilton area. The combined musical talents of its artists continue to enrich the community and enhance the quality of life for its residents. More information at <http://hpo.org/>



The RHLI Band performing with the HPO at Hamilton Place for "A Night of Swing" on November 12, 2016.

Janna and I attended an HPO Concert at Hamilton Place on November 12, 2016. The concert featured the following guests - Lucas Waldin, Conductor, Michael Vanhevel, Vocalist, The Regimental Band of the Royal Hamilton Light Infantry with vocalist Corporal Erin Wideman from the RHLI Band. It was a thrill to see our son, Master Corporal Adam Malseed, who has been with the RHLI

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..... Band for many years, perform with the Hamilton Philharmonic Orchestra. We thoroughly enjoyed watching the response of the orchestra with conductor Lucas Waldin. He is a dynamic and versatile conductor with a blooming international career who is currently Artist-In-Residence and Community Ambassador with the Edmonton Symphony Orchestra. The arrangements of the standard swing music was fabulous and all the musicians with the HPO and RHLI Band seemed to be thoroughly enjoying themselves on stage. Steve McDade, Acting Principal Trumpet for the evening wowed the audience with his amazing solos. Ernie Porthouse was absolutely solid on set drums and drove the band to perfection. On the Louis Prima song "Sing, Sing, Sing" Ernie had a drum off with RHLI set drummer Corporal Jayden Beaudoin and brought the audience to a standing ovation just before intermission. Local 293 member Bil Holinaty was sitting in with the RHLI Band/HPO and performed some great saxophone solos during the evening. Tom Altobelli, the newest member of the Hamilton Musicians' Guild was also sitting in on bass with the HPO. "A Night of Swing" left the audience a with wonderful musical memory performed by seasoned professionals.



Percussionists of the HPO and RHLI Band

Marsha Moffitt stepping down as Chair of the HPO's Players' Committee



Marsha Moffitt

On behalf of all the members of the Hamilton Musicians' Guild, I would like to take this opportunity to thank Marsha Moffitt for all her years of dedication as Chair of the HPO's Players' Committee. In my role as Secretary-Treasurer, I have appreciated Marsha's very honest and understanding approach to problem solving and it has been a pleasure working with her. After 16 years of service that began in 2000, Marsha Moffitt, a Hamilton Philharmonic cellist, is stepping down from her position of Chair of the HPO's Players' Committee. The five-member committee serves as the musicians' representative to both the HPO management and Local 293. Marsha is being succeeded by Laura Jones.

In 2011 Marsha was awarded the Betty Webster Award, a national award presented annually by Orchestras Canada to recognize an outstanding contribution to the Canadian orchestral community. In selecting Marsha, the award committee cited her "critical role as a leader in the Philharmonic's successful turnaround over the past decade." As well, the committee noted Marsha's "rare ability to advocate passionately for her professional colleagues while understanding the imperatives of organizational governance and management."

Marsha has expressed her pride in being a member of the HPO and her appreciation of having had the opportunity to work with her colleagues. "It is an ensemble of first-rate musicians and an organization committed to the highest artistic quality and conscientious, responsible management." She would also like to give a special thank you to Local 293 for their continued support of the HPO.

2016-2017 HPO Indie Series

Larry Feudo and I attended the kick off of the 2016-2017 HPO Indie Series on Thursday, November 24th with local Hamilton band "Black Collar Union" at the Bay City Music Hall in Hamilton. The 3 piece rock band performed alongside of the unique instrumentation of Elspeth Thomson on viola, Laura Jones on cello, Rob Wolanski on bass, Neil Spaulding on horn and David Pell on trombone. Rob Wolanski, Principal Bass with the HPO, has been instrumental in setting up the HPO Indie Series. Please check out Rob's article on page 13 about the Indie Concert Series.

Music is our Business

Music is our Business, and, as a member, you can benefit by gathering knowledge and understanding of how your AFM/CFM membership can benefit you. You are only a click away from gaining knowledge and support in your musical career. Set up your **Username** and **Password** at the AFM.org to access the members only sections of the AFM/CFM and Hamilton Musicians' Guild websites. Play it right & get in touch with MyAFM. It's yours to discover. Time to get involved. If you have any questions, do not hesitate to contact the Local 293 office.

In closing, I would like to wish everyone a very safe and wonderful holiday season. Whether you celebrate Christmas, Hanukkah, Ramadan, Kwanzaa, or any other religious holiday, be kind to one another and let us have peace on earth. As Frank Costanza said on "Seinfeld" in 1997, Happy Festivus to all.



Yours in solidarity

Brent Malseed



Manage Your Member Profile

The Federation is proud to announce the latest enhancements to the AFM.org website.

AFM members can update their addresses, phone numbers, privacy settings, e-mail addresses, and website addresses all in one place.

There are additional tools for local officers, such as access to the control panel to handle members, groups, registration, content, update dues structure, and more.

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For more information, please contact AFM Information Systems at support@afm.org.



Ron Palangio
Marshall HMG293

Be an Advocate for Music in the Schools



I started taking guitar lessons at the beginning of grade eight, I had been listening to my older brother's Beatle records for some time and all I wanted to do was learn some of their songs. My first guitar teacher was great, he gave me a solid foundation in the basics that allowed me to tackle some Lennon and McCartney. However he left the studio I attended and the new teacher I had didn't impress me so I quit. That would have been the end of my music career had it not been for me checking "Instrumental Music" on the high school application form that came out later that year. Music was the coolest of all the course options even though I knew we wouldn't be playing a lot of Beatle music. When it came to selecting an instrument I skipped over the brass and woodwinds and picked the closest thing to a guitar, the Double Bass. I loved the class and eventually joined the Concert Band, Jazz Band and even Choir. It was the music program at high school where my music education really began. I learned an instrument, theory, music history, rehearsal skills and those other benefits that music brings like discipline, focus, social skills and team work. For me the music program at my high school expanded my awareness and appreciation of music beyond Rock and Roll. It inspired me to be a musician and I went on to study music at College and University and into a career as a high school music teacher.

I recently retired and looking back over the course of my career I can proudly say that several of my students have pursued careers in music. It is rewarding to see former students perform professionally and succeed in music. Some are members of our Guild and I've even had the opportunity to play gigs with a few. However those students are a tiny fraction of the thousands of students I have taught over my 29 year career. Some have become music hobbyists but the vast majority will probably never pick up an instrument again. Given that low percentage and the challenges succeeding in the music industry many school board administrators, critics and politicians are convinced music programs are inefficient and a waste of public money. I have had superintendents comment that if a parent wants their kid to learn music they should pay for private lessons, why do it in school? Because career prospects are few guidance counsellors often discourage students from pursuing post-secondary music or taking music courses. They will persuade the student to take more "practical" courses. At the board level Music and Arts in general are often the first to go on the chopping block. Most high schools have one or two music teachers, working alone, trying to make their classes exciting and relevant for their students. Meanwhile they are often having to fight off forces that are out to challenge their existence. This was the situation throughout my career, I had to constantly fight for funds and justify my music program. Behind every successful music program there is a committed and energetic music teacher however all their efforts can be for naught from a single administrator's decision.

Every music teacher's hope and a primary goal of public school music education is to develop a lifelong interest in and love of music. It is not to produce professional musicians, although that is a very positive by-product. Music in the schools creates a bigger and more appreciative audience, something all of us as musicians want and need to have. Every student I have ever taught has had the experience of music making. If your audience has actively participated in music making they will have a deeper appreciation and respect for what you do. One sad fact is that this generation is not as exposed to live music as in the past, the school band might be their first exposure to live music. The digital age has made music so easy to produce and obtain that young people take music and musicianship for granted. Music has in many ways been devalued producing a smaller and less appreciative audience. When a music program dies the school continues, kids still get an education, many people may not even notice. But the loss will be felt beyond the school, eventually it will affect society and our culture. We will begin to lose our audience. There will still be musicians, those naturally talented and motivated people who have the financial means and opportunity to study privately. But who will they play for? It behooves all professional musicians to advocate and support music in the schools. When you hear about programs being cut, find out who your school board trustee is and let them know where you stand. That lonely music teacher needs your support. Volunteer in the local music class or do a workshop, I know any music teacher would welcome you. Attend the annual spring or winter concert at your local high school, these concerts help fund the program.

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Paul Spurgeon

PROTECTING MUSIC COPYRIGHTS FROM INFRINGEMENT

by Paul Spurgeon*

This is part two of an article on copyright infringement. This article is for general information only and should not be considered legal advice. Due to space limitations, the information provided is a limited overview of the topic. It does not contain a full discussion of this very complex and technical area of the law. Readers are cautioned to seek competent legal counsel to ensure that you are properly represented if or when legal advice is required.

Part Two



The first part of this article discussed infringement of musical copyrights from the perspective of plagiarism. As previously explained in *The Libretto* October 2016 issue, infringement by plagiarism arises when the author or owner of an original musical work claims that another work was copied – either entirely or a “substantial” part – from his or her or their original work. As noted in Part one, this kind of infringement rarely occurs.

Part two deals with the kind of copyright infringement that occurs daily. Namely when a person or an enterprise exercises (i.e. exploits) one or more of the exclusive rights in a copyright protected original musical work, a recording of a musical work, or a performer’s performance, that only the copyright owner (or their authorized representative) can exercise. The Canadian *Copyright Act* provides rights to every author or owner of an original musical work, “makers” of a recording and performers (among others). If another person or business exercises any of the rights in the work, recording or performance, an infringement may occur in Canada, unless the *Copyright Act* states that the particular act is not an infringement because the law provides an exception (see part on exceptions below).

Some of the rights controlled by authors, makers of sound recordings, and performers, or their representatives that can be infringed

It is important to remember that there are separate copyright rights, in songs/compositions (musical works), in the recordings of musical works, and in performers’ performances of musical works. Each one of them can have a separate copyright, and a separate owner of that copyright. And each one has a number of different rights attached to them. There are also moral rights provided for in the Canadian *Copyright Act* for authors and for performers.

For example, the *Copyright Act* provides that the owner of the copyright in a musical work (e.g. a song or musical composition with or without words) has the sole (meaning exclusive) right to produce, reproduce, perform (in public), publish, or translate their work or any substantial part of it, in any material form. The owner of that musical work also has the right to make a sound recording or “other contrivance” by means of which the work may be “mechanically” reproduced or performed of that song; to reproduce adapt and publicly present the work as a cinematographic work; to communicate the work to the public by telecommunication, “make available”, and to rent out a sound recording in which the work is embodied etc. The author or owner of the copyright in the musical work additionally has the right to authorize any of the above acts.

Performers have specified exclusive copyright rights in their performances including the right to fix their performances in any material form, and to perform or communicate their performances. The rights of performers in their performances are different depending upon whether their performances are fixed or not fixed.

Exclusive rights also exist in recordings (separate from the copyright in the song that is recorded) and are owned by the “maker” of the sound recording including the right to reproduce, rent, distribute copies and “make available” (e.g. on the Internet) the recording, and both performers and sound recording makers have a “right to remuneration”, when a sound recording is performed in public or is communicated to the public.

To put some of these statutory terms in plain English, real life examples of infringement of these rights might include someone who, without your permission, or the permission of your representative either: reproduces your recordings and sells them at flea markets; plays your recordings or sings your songs on the radio, television, in a night club or restaurant; sells sheet music of your songs, uploads or downloads or “makes available” your songs or recordings or performances on the internet, synchronizes your songs or recordings with a visual production such as a film, television or internet program; or records/reproduces your performances etc.

If you believe that one of your copyrights is being infringed, and have taken some of the steps to help establish your authorship or ownership, (as outlined in Part one) you will have to decide whether – and how – you may wish to proceed as you may be entitled to damages. . . But legal actions for copyright infringement undertaken can be costly, time consuming, frustrating and may not achieve the results you want. Thankfully, if your works are enjoying commercial success from public exposure, you will often have the assistance of others in this regard, if acts of infringement occur, and if a legal remedy makes sense.

Your rights representative - that is, your music publisher or administrator/agent, collective rights management organization, or record company - typically will try to ensure that your works are paid for, properly licensed and are not pirated or reproduced, performed or communicated without permission and compensation. For example, if you (in your capacity as a composer) are a member of SOCAN, or if you (in your capacity as a performer or producer) are a member of one of the associations that makes up ReSound, those organizations can license the public performances and communications of your songs and/or recordings of your songs. Their job is to ensure that the rights they administer on behalf of others are properly licensed and, if necessary, to sue for infringement if an infringement occurs in accordance with the terms of your agreement with them. There are other collectives in Canada, including CMRRA, SODRAC and Connect Music Licensing.

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.....Continued from page 8.

Recently, a group of Canadian and international record companies settled a copyright lawsuit against a Canadian website that facilitated users ability to search for music, movies and other files shared using BitTorrent. That site agreed to pay the record company plaintiffs \$66 million in damages, aggravated damages and legal costs.

Moral Rights

As noted above, the *Copyright Act* also provides authors and performers with “moral rights”. Moral rights can also be infringed. These rights include the right to the integrity of the work and the right to be associated with the work as its author and/or performer, to be associated under a pseudonym or to be anonymous. Moral rights cannot be assigned but may be waived in whole or in part by the author. This means that the author may not have any moral rights to enforce, if he or she has waived them to another party.

Performers and authors both have a right to the integrity of their performance, but in order for an infringement of moral rights to occur, the infringement of the work or performance must be:

- a. distorted, mutilated or otherwise modified or
- b. used in association with a product, service, cause or institution

and, (a) and (b) above, must be done to the prejudice of the honour or reputation of the author or performer of the work for there to be an infringement of the moral right of integrity.

There have been a few examples of these kinds of infringements in Canada, including a case where a publicly exhibited work of art was adorned with ribbons at Christmas and where a well known popular song with an important meaning to the author was used in connection with a television commercial for pizza.

Exceptions to copyright infringement

It is important to appreciate that an act that might otherwise be considered an infringement of one or more of a copyright owner's exclusive rights, may not be considered an infringement, because the *Copyright Act* states it is not an infringement. There are a number of general and specific exceptions to copyright infringement or – as Canadian courts now call them – “user rights”, including, but not limited to “fair dealing”. Similar kinds of exceptions in U.S. copyright law are known as “fair use”.

These exceptions, “exemptions” or “user rights” may – in some circumstances - exempt a particular user or class of users from being held liable for copyright infringement in certain specified circumstances. But these exceptions will apply only if the user has dealt with the work in a way that the *Copyright Act* clearly states, and the courts agree is not an infringement. Many of these exceptions – not just fair dealing - are very technical and are subject to court interpretation and some of those circumstances take place on the Internet. For example, the Canadian *Copyright Act* recently was amended to create a specific exemption for “non-commercial user-generated content” on the Internet. This legislated exception and many others regarding the use of copyrights on the Internet, have yet to be considered by the Courts.

Care must also be taken to appreciate that “exceptions to copyright infringement” or “user rights” in Canada may be similar in principle, but are not the same as they are in the United States or in other countries. For example, with respect to exceptions applicable to education, or research; the courts of each country may have interpreted their own copyright laws differently than Canadian courts.

Due to the limited scope of this article, it is not possible to consider the topic of exceptions or exemptions to copyright infringement (including fair dealing or fair use). Furthermore, this area of the law is changing, due to the use (and abuse) of copyright rights on the Internet and by many other new communication platforms.

And, to make it even more complicated, in light of the “borderless” Internet Canadian copyrights also can now be infringed more easily in other countries by foreign infringers and in Canada by foreign actors from other countries. Not only has the Internet made this more common, it has made it more difficult – but not impossible - for rights owners and their representatives to effectively police and enforce their rights. This is why it is important to have representatives who have international connections.

In Canada, a new principle called “notice and notice” (“notice and takedown” is a U.S term) can be used when a copyright owner believes that an Internet user might be infringing their copyright. In this case, the copyright owner can send a notice of alleged infringement to the user's internet service provider (ISP). The provision then requires that the ISP forward the notice via email to the alleged infringer, and then advise the copyright owner that the notice was sent. There are specified rules that must be followed by both the copyright owner and the ISP for the notice to be effective. It does not guarantee that the infringing activity will stop. As some observers note, this process can be akin to playing “whack a mole” at the fair.

To summarize, for an author or performer or maker to try to enforce their rights by themselves can be a daunting, costly and time consuming task that, in most cases, is best left to surrogates to do on their behalf - for example, their publisher, administrator, record company or rights collective.

I hope that this brief article will provide some useful information for further consideration and a better understanding of this part of the music business.

**Paul Spurgeon is and a member and director of Local 149 (Toronto), a lawyer and former general counsel of SOCAN (Society of Composers, Authors and Music Publishers of Canada)*

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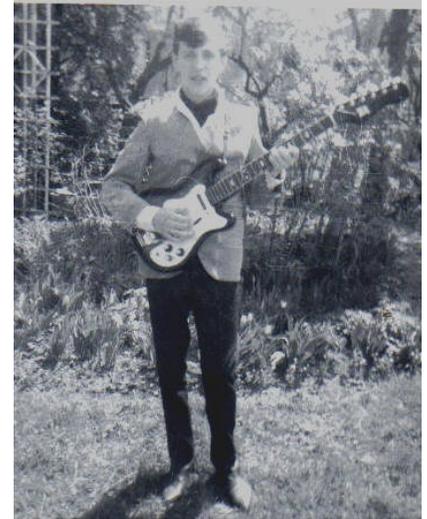


Paul Panchezak

Local 293 StreetBeat

Recently we here at Local 293 were shocked to learn that one of our former members David VanDuzen had been involved in a serious auto roll over with the devastating news that David had lost his left arm. Although of late he worked out of Toronto Local 149 he first joined the Hamilton Local when he turned professional in the early days of his career. To date it has been a long and illustrious career spanning decades and covering the globe from recording studios in Toronto, New York and Montreal to performances and concerts in Canada, the United States, Europe, Cuba, Australia, Africa, the Caribbean and Korea. In this neck of the woods he is recognized by his fans and peers as a talented and influential guitarist. **Local 293 member Russ McAllister, himself a guitarist of the highest order and reputation, had this to say, “David VanDuzen is a legend in this area. He is so well rounded in his approach to music and his guitar stylings are always slick and polished. He plays with authority.”**

David has said that his love of music began when, at the age of five, he became aware of the guitar work of legendary session player James Burton. Burton, well known for his work with Elvis Presley, Ricky Nelson and the Everly Brothers, got his start in the record business when he played the signature guitar lick on Dale Hawkins’ “Suzie Q”. Ironically it was another Hawkins, Dale’s cousin Ronnie, who would make a lasting impact on David VanDuzen’s musical career. A career that began in his home town of Grimsby when his mother saved money from her tips working as a waitress to buy her son a \$95 Kent electric guitar. He immediately took to the instrument under the tutelage of early teachers and mentors Ernie Geroux and David Battler. In the mid 60’s he began performing and playing professionally with childhood chums in the Venturians, a Ventures tribute band, and The Scarlett Wizard. It was around this time that David joined the AFM through the Hamilton Local. He also recalls getting his feet wet in regards to the recording process. “Whenever the opportunity arose we would record”, he says. “If not with our personal semi-professional gear, we would book night sessions in Toronto’s better studios. It felt as if we spent half our lives in the studio; the other half doing the Northern Ontario circuit if not touring out west or down east.” As for touring, it began in earnest for David when his band Looking Glass was signed by Polydor Records and brought down to New York City to record their first album. After his stint with Looking Glass, David also recorded and toured with a number of popular Canadian bands including Truck and Seadog. Perhaps his biggest break came in 1973 when the house band he was part of at the famed Nickleodeon in Toronto became the Ronnie Hawkins Elephant Band. “I have to admit,” confesses David, “Ronnie Hawkins has been the biggest influence in my musical career. Through him I had the opportunity to perform with the likes of Frank Zappa, Gordon Lightfoot, Rita Coolidge and David Clayton Thomas to name a few.” Aside from his 70’s stint with Hawkins, David reunited with the Hawk in 1992, in time to be part of a legendary New Years’ Eve concert at Nathan Phillips Square in Toronto.



In the interim between Ronnie Hawkins bands David also set off on a new career path when he returned to college and landed a job with the IMAX company – a job that took him around the world, this time with a different branch of the entertainment industry – film.



He kept his guitar chops active during this period by performing and playing private parties while tending to his IMAX duties. One day it might be an impromptu concert in Rwanda, the next jamming with J.J. Abrams on the set of Star Trek. The world over it seems music fans recognize David’s extraordinary guitar talent. In the Hamilton – Toronto – Niagara area his unique approach has influenced many up and coming players. When asked to elaborate on the secret of his success David says a guitar part should “enhance the message and emotion that the song is based on. In other words, if you are telling a story, the guitar should be another mode of transportation to take you to a pre-determined destination. I suppose I sing the notes in my head before transposing them to my fingertips. Perhaps that’s why I’m so in tune with my guitar. Actually that’s how I figured the ‘big boys’ did it.”, he modestly adds. It all seems so simple and yet it represents a lifetime of study and practice. We shouldn’t forget to mention that, aside from singing guitar lines in his head, David is also an accomplished singer who at times in his career has been recognized as a vocalist as much as a guitarist.

However, at this stage in his career David VanDuzen is facing one of his biggest challenges and he seems entirely up to the task. He has always brought a positive energy to his musical endeavours and now he plans to apply that kind of feeling to his healing. “I am already taking the steps to re-invent myself on the lap steel and pedal steel but I am told that my arm will not

be ready for a device for at least a year and then it will take some time to hone my skills again. The thought of performing again gives me great hope and pleasure.” We might add that through Local 149 (Toronto) and Local 293 (Hamilton) David has received some much appreciated assistance in his healing process. **“By the way”, he says “I am overwhelmed by the compassion I am receiving from my fellow players**

..... so glad I stayed in the union as it feels so good being part of such a worthwhile organization.” Finally, just as I was putting the finishing touches on this article I received this encouraging news in an email from David, “By the way, if the insurance company OK’s it we’ll be starting on my new arm as soon as next month. Hopefully I’ll be back on the lap steel sooner than I expected. I’m so excited ... starting to feel like Luke Skywalker.” Also just as we approached our deadline for going to press, I received an email from one of David friends who is another illustrious guitarist to come out of Grimsby and make an indelible mark on the world of music. Bill Dillon is without a doubt one of the most recorded and imitated guitarists in the world today and he was kind enough to pass along this tribute and reminiscence of David VanDuzen. I feel it is so beautiful, heartfelt and touching that I should include it in its entirety.



“In 1967 we moved from Toronto to Grimsby. I was 15 years old, having received my first “guitar” at 13. All I’d brought with me was a \$20 little Japanese token of an instrument, long hair, Beatle boots and bell bottoms and an unbridled passion to learn “Ticket To Ride”. That’s how slowly I’d progressed since seeing the Beatles on Ed Sullivan. While the rest of the world embraced a musical and artistic explosion at a rate beyond comprehension, I found myself displaced in a little farm town seemingly in the middle of nowhere. Much to my surprise that first summer, I’d discovered a few local musicians who were on the vanguard of that wave of creativity and ability, delving deeply into Hendrix, Cream and Clapton and the rest while I was still learning how to tune a guitar. The undisputed epitome of cool and an amazing guitarist in Grimsby at the time was Dave VanDuzen, whom I’d been fortunate enough to meet early on, mesmerized by his ability, sound, taste and creativity on guitar, sense of humour and popularity. David was my first, in person, actual guitar hero and having the opportunity to spend a little time with him, sporadic as it was, inspired me in more ways than I can express. Musicians are a finicky and complicated breed. One little accolade can send an ego spiralling into spheres of self importance beyond redemption, yet Dave Vanduzen, with his love of life and sense of humour and spirit of giving never ignored what you had to say, always listened and was never condescending and was always more than happy to show me how he played something despite my inabilities to comprehend. That kind of depth of character is rare. That kind of person in this world is a gift. Had it not been for David in my life, I’m certain I’d have lived it as aimlessly as it began, thank you my friend for shining your light in a mysterious future.”

– Bill Dillon (Member of Local 293)



Thanks to Bill for those marvellous words and we all join together in wishing David VanDuzen all the best on his road to recovery.



Regards, Paul Panchezak, Sergeant-at-Arms

Presentations - October 17, 2016 - General Membership Meeting



Lynda Eady
Life Membership



James Heaslip
Life Membership



Rita Chiarelli
Life Membership



Hamilton Musicians' Guild

" We Can Help "





Rob Wolanski
HPO Principal Bass

HPO INDIE SERIES

The Hamilton Philharmonic Orchestra's Indie Series brings our region's local emerging Rock/Pop artists and professional orchestra together for a collaborative, cross-genre approach to music-making, relevant and unique to Hamilton. The Indie Series was officially launched in June of 2015 with a collaboration between the HPO and local electronic band, Illitry, but the orchestra had previously collaborated with beatboxer, Hachey The Mouthpiece and Thought Beneath Film at Supercrawl in the years 2013 and 2014 respectively. Since the official launch of the series we have collaborated with Illitry, The Redhill Valleys, The Medicine Hat and most recently, Black Collar Union.

In the past, collaborations between orchestras and pop artists typically involved orchestral players simply augmenting the pre-existing songs of the pop artist. What is unique about our Indie Series is that we work with the artists to reimagine their own music, often completely reorchestrating their own material in new ways. On the flip side, the pop artists join the orchestral musicians (usually an ensemble of around 5 players from the orchestra) in reworking pieces from the Classical repertoire. Usually the evening's program is an even mix of the band's material and reworked Classical repertoire. In collaboration with these artists we've reworked material by Holst, Chopin, Tchaikovsky and Bruckner, to name a few.

In the two pilot projects before the official launch of the Indie Series, musical arrangements were done entirely within the group of musicians of the collaboration. For example, with Thought Beneath Film (now known as Liteyears), the band's leader, Brent Wirth and I shared the arranging duties. Since the Illitry collaboration in June of 2015, local composer, Christian Ledroit has been the arranger on all subsequent projects.

As the Artistic Lead of this project, along with arranger Chris Ledroit, we scout and interview potential band/artists that we believe might be a good fit for the project. Once a group is selected, early meetings include selecting which band songs might be good for the project as well as brainstorming ideas for Classical repertoire that would work well to match the personality of the band's material. Since we only use 5 players from the orchestra on each of these shows, we also need to decide which orchestral instruments will be used. We typically wind up with interesting combinations - for example, The Medicine Hat concert involved flute, bassoon, cello, double bass and harp in addition to a fairly typical Rock band instrumentation.



One of the main aims of the series is to bring the HPO into venues around the city where one would not expect to hear our players. So far we have performed at The Baltimore House, Park Street Gasworks, Mill's Hardware, The Spice Factory and The Bay City Music Hall. Audience response has been outstanding, with almost every Indie Series show being sold out. Patrons are a good mix between regular HPO audience members and fans of the featured band. The performances have proven to be so popular that we have been asked to reprise some of these shows at the annual Supercrawl festival bringing these collaborations to a much wider audience. The HPO/Illitry show was reprised at Supercrawl 2015 and the HPO/Medicine Hat show was reprised at Supercrawl 2016.

Through support from TD, we are excited to continue this unique program in the coming season.



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DAVID BATTRICK
TYLER BERSCHE
PHILIP MICHAEL A BOYD
SEAN J BOYER
GREGORY BRISCO
VITA S CHAMBERS
ANDREW CHARRON
JUSTIN M DEGRAAF
TROY W DOWDING
MICHAEL GRELECKI

ELLIOTT GWYNNE
SPENCER TODD LANE HALLEY
RUTH HOFFMAN
EARL JOHNSON
MERINA R PAGE
CHRIS PRUDEN
ALICIA SANTOS
LUKE STACKHOUSE
DANIEL STAJOV
KYLE JAMES WILSON

MEMBERS REINSTATED

JOSEPH GREULICH
STEVE STRONGMAN

EXPELLED (as of March 31, 2016)

NICHOLAS ARBOUR
JASON BHATTACHARYA
JONATHAN CABATAN
CAROLYN CARDONA
DAMIR DEMIROVIC
LOGAN FITZPATRICK
ZACHARY J GERBER
ROYAL HUTCHINGS
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AMELIA LIMA
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ANDREW JESSE CALDER RACKNOR
SAM RASHID
RAFAEL RODRIGUEZ
GARY RUGALA
CURTIS TONE
STEPHANE TREMBLAY
TIM WAYLAND

How To Resign in Good Standing

Moving out of the region? Got a great job somewhere else? Taking a break from the music scene? We are sorry to lose you, but before you leave, please send us a letter or an email to let us know when you'll be ending your membership in Local 293. This will prevent any additional fees for both you and the Local. We can also help you transition into another Local if you are moving.

To alleviate any confusion regarding Resigning in Good Standing, please note:

You can only resign in good standing if you are indeed in Good Standing. Good Standing means that you have paid any back dues and/or penalties before resigning. To resign you simply write the Local (post or email) to inform the office of your intention to resign. To rejoin the Local there is a \$15.00 fee. If you have any questions, please call contact the Secretary-Treasurer.

NOTE: If you have any questions about your membership status, please contact the office.

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 Rita Chiarelli
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 Robert Devey
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 Roger Flock

Stephen C. Fuller
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 (aka Sonny Del Rio)
 Brian Graville
 James Heaslip
 Al Hirsch
 Jean-Norman Iadeluca
 Al Ippolito
 Matt Kennedy
 Daniel Lanois
 Ralph Lefevre
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Elspeth Thomson

2016 OCSM Conference Report

Report by Elspeth Thomson

Delegate, Hamilton Philharmonic Orchestra

Here are some of the highlights from the 2016 OCSM Conference in Calgary, Alberta. Jazz pianist and retired Senator Tommy Banks gave a keynote address on lobbying of provincial and federal governments, and within the AFM. He argued the arts sector needs a unified presence before legislators, which was lost when the Canadian Conference for the Arts dissolved; and that AFM media policies could better reflect the interests of its broader membership.

Airline policy: The CFM is working to harmonize Canadian regulations with those of the US FAA. Int. Rep. Allistair Elliott updated OCSM on this effort, providing a sample letter for orchestras, player associations, and other organizations to endorse and support reasonable measures

for consistent, safe regulations for carry-on and checked musical instruments.

Canada Council: Previously Dir. of the Music Section, Aimé Dontigny discussed how Canada Council is abolishing such fiefdoms, creating a more diverse and fluid vision for federal arts funding, while aiming to show that significantly increased arts funding can bring significant, tangible benefits nationwide, and elevate Canada's place on the world stage.

Orchestras Matter: Orchestras Canada Exec. Director, Katherine Carleton reported on her wide-ranging activities, including a public awareness campaign through the websites orchestrasmatter.ca and lesorchestrescomptent.ca.

"Musicians of" websites: The Advocacy Committee challenged all OCSM orchestras to develop website and social media presences, offering guidelines and recommendations for how to manage, maintain, produce relevant content, and cooperate with our organizations.

OCSM President Robert Fraser addressed Delegates on how orchestras can and do make our cities and communities better, safer, and more attractive.

French services: AFM President Ray Hair and VPC Alan Willaert discussed how the AFM and CFM are working with Local 406 (Quebec) to translate key documents and support the added costs of serving a bilingual membership.

Social media: Legal counsel Michael Wright spoke on the risks inherent in electronic communications, including email and social media. While certain labour actions may be protected, privacy is rarely certain, consequences can be profound, and free speech is not a defence for negative and inappropriate comments relating to employers.

Wage charts: Communications Coordinator Laurence Hoffman demonstrated new tools for collecting and presenting key data, now available in a password-protected section of the AFM website: wagechart.afm.org.

The media committee reported that preparatory work continues on a comprehensive symphonic media agreement, which the CFM plans to negotiate with a multi-employer group.

There was a talk about negotiating given by legal counsel Michael Wright, who addressed the basis for including extras in preparing for, negotiating, and ratifying symphonic agreements, as well as how this may play out in practice.

AFM President Ray Hair spoke on the strengths of pattern bargaining, which pressures multiple employers to match and exceed fair standards for quality wages and benefits; and the perils of being "pattern bargained in reverse", when managers are able to isolate employee groups and undercut standards achieved elsewhere.

ICSOM Chair Bruce Ridge and ROPA President Carla Lehmeier--Tatum were warmly thanked for their stellar contributions and friendship to Canadian musicians. Their terms of office ended this summer.

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You and Your Money

What they don't teach you in music school!

The HST sales tax can be a bit troubling for those who are dealing with HST for the first time when preparing their personal tax returns. This article is provided to help fellow musicians to understand the basic principles. If you already have these concepts well in hand then don't waste your time reading further.

HST is short for *Harmonized Sales Tax*. You see it listed on most of your purchase receipts in Ontario. Not all provinces have an HST agreement with the Federal government and I will keep this article limited to Ontario transactions where HST rules apply.



Kevin Mann

So how does this work for you?

[1] You qualify for HST tax filings if you formally set up a sole proprietor type of business or if you generate revenues from self-employment and the total sales revenues reached or exceeded \$30,000 in any one tax year. Once you hit the \$30,000 you must apply for HST filing. Once you are in the HST system you stay in it until you are in a position to leave the system.

Illustrations:

- Year one: somewhere in the year you reached \$30,000 in sales revenues generated from self-employment: You have to register for HST tax filing.
- In year two: say you generated less than \$30,000 in earnings from self-employment: You are still in the system and you have to pay HST on those earnings anyway.
- Say in a particular year you did not generate any earnings from self-employment: You can stay in the system and simply supply your annual filing filled out with zeros. It costs nothing to do this and then if you resume your self-employment activities in a subsequent year you are still set up and ready to go.
- If some years later, you do not see your sales from self-employment ever getting back to as high as the \$30,000 annual level: You can apply to stop filing for HST.

Your HST filing year and your tax filing year are not necessarily the same. A 12-month HST year often is set to start the month following the month in which you first reached \$30,000 in sales. You can file to have your first HST tax year be a short year and end on December 31. For the next calendar year then your HST year and your personal tax year will be the same – the calendar year.

[2] In your first full 12-month year you will most likely be required to file and make payments on a quarterly basis. After that, if your earnings are not too high, you can probably get the filing frequency changes to annual filing.

What is included in filing for HST:

Income subject to the HST rules pertains only to income that you generate through personal self-employment activity
(including professional income).

Example: You have a regular day job and also have earnings from self-employment of (1) \$15,000 as a musician, (2) \$5,000 as a music teacher, and (3) \$10,000 from some other activity. In this case only the \$30,000 [\$15,000 + \$5,000 + \$10,000] is subject to HST.

In general, any money paid to you as an employee (for which you are issued a T4 at year end) or any payments from the government like CPP or OAS are not subject to HST rules as they are not considered to be earnings from self-employment.

Basic Calculations:

HST payable = (HST on Sales) minus (HST paid out for legitimate business purchases).

The HST paid on a purchase is called an ITC or Input Tax Credit on forms.

HST charged in Ontario = 13% of the sales price.

Determining HST in your Sales revenues:

1. *If you bill someone for \$100 for a gig plus HST* : then the total billing is \$113.00
2. *If have a gig and you get paid \$100 all in* – meaning the \$100 includes your fee and the HST:

Your fee price before HST = \$100 / 1.13 = \$88.50.

The embedded HST is therefore the difference: \$100 less \$88.50 = \$12.50.

The same two points apply to expenses. If a parking lot fee in downtown Hamilton is \$12.00 then the basic expense is \$12/1.13 = \$10.62. If you frequently use commercial parking, as I do, then the embedded HST can add up over the year to a substantial ITC.

Again I reiterate that you should record and report all earnings from self-employment - to do otherwise is tax evasion which is a criminal offense. You can be sure that when you are paid by a cheque for your services that there is a paper trail somewhere and the CRA can find it. While the use of a home-office accounting package makes it much easier to keep your records in proper order and complete your HST calculations, it is actually faster and cheaper to get an accountant (a CPA) to help you with this initially.

Any comments or viewpoints expressed in this article are those of Kevin Mann Accounting. Copyright Kevin Mann Accounting. 2016.

Kevin Mann, MBA is a Chartered Professional Accountant, a member of the Hamilton Musicians' Guild, a performing bassist and the President of Kevin Mann Accounting. He has provided extensive financial and managerial expertise to a wide range of not-for-profit and for-profit businesses including being a board director and member of local symphonies.



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Loretta Hale

the stories of the road are not what touring is all about, there is a purpose. It's to gain more music lovers in your community and to bring your music to those who have supported you nationally/internationally via social networking sites and those that heard you on the radio and purchased your music.

Touring is also a very large investment when you are getting started. I heard a very talented world renowned violinist perform in concert this past fall, while thanking the audience; he talked briefly about how this tour was a birthday present to himself. Even with a grant he might have received to pursue this tour, he was likely investing still along the way, either for promotion, travel, accommodations, or time off of a regular job. Luckily, they just have a two piece ensemble. With a group of 5-6 musicians to take care of and no grant, this can be a much larger stress on building a tour. Where does the funding come from? Saving pay from gigs/work and living as humbly as possible. We have always been up for the challenge, because we really enjoy the process. On a daily basis, it's a joy to look forward to our next touring season and performing for as many people as we can. In February 2017, we head to Memphis to compete at the International Blues Competition for the Grand River Blues Society alongside of many great performers from all over the world.

On the Road with the Andre Bisson Band

This year we traveled across Canada and our 6th tour in the UK. Touring can be a great experience and it can also be very difficult for many reasons. While on the road you will be likely on your phone sending emails back and forth for future engagements or working on the next tour. Between our group and countless others we've encountered, we've heard a lot of interesting stories about what it was like on the road. However,



© Ken Wallis

(L-R) Mike Albert (Tenor Sax), Simon Wheeldon (Bari Sax), Sean Bruce Parker (Drums), Andre Bisson (Vocals/Guitar), Loretta Hale (Trumpet), Olivia Brown (Bass)

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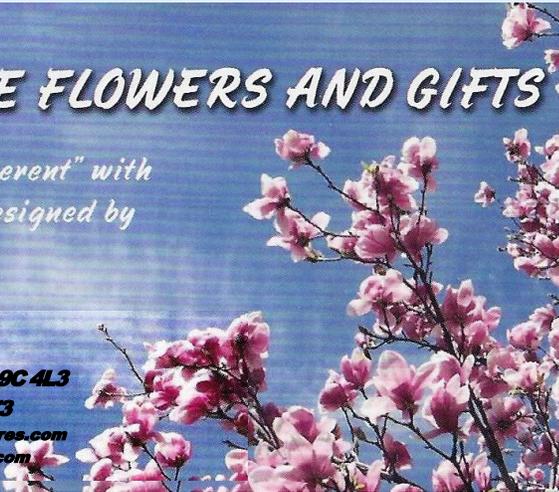
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Purchases from Chedoke Flowers & Gifts will help provide financial aid to disabled members of Local 293.

When making a purchase at Chedoke Flowers & Gifts, let them know that you are a member of the Hamilton Musicians' Guild and 10% of your purchase will be donated to the Local 293 Bob Pedler Memorial Fund.

This fund is a charitable trust fund that augments financial aid to disabled members of Local 293 who have been approved for assistance through the Lester Petrillo Trust Fund of the AFM.

AFM UPDATES "ROAD GIG" ASSISTANCE POLICY

When musicians travel to perform they face a host of challenges—from transporting and setting up gear in a new space, to finding a great late-night eating spot, to getting their instruments across a border or in the cabin of an airplane. The last thing any traveling group wants to worry about is getting “stiffed” on a gig. If that ever does happen, though, the AFM offers help through “Road Gig,” an AFM policy to assist traveling musicians in the event of contract defaults. But what exactly is Road Gig?

First, let's talk about what it isn't. Road Gig isn't roadside assistance, help at the border with a missing visa or passport, nor help in the event of stolen instruments or equipment (instrument insurance is offered through Mercer in the US and HUB/Intact in Canada). It is assistance with contract enforcement, in cases where a venue or purchaser defaults on payment.

Qualifications

The AFM will assist with collecting on defaulted contracts, when the following criteria are in place:

- The claim is for a traveling engagement.
- The engagement is covered by a written AFM contract (for US engagements only, other written contracts may also be accepted).
- The contract must have been filed with the appropriate union local, and must meet minimum scale.
- Each instrumentalist and member vocalist who performed/would have performed, must be a member in good standing at the time the engagement was scheduled/performed.

The policy does not apply in cases where the venue/establishment is covered by an existing AFM Collective Bargaining Agreement, or in cases where musicians are acting as a backup unit for a traveling “name” artist/act.

Making a Claim

Claims can be made by calling 1-800-ROADGIG (762-3444) in the US, or 1-800-INFOFED (463-6333) in Canada. Claims can also be made via e-mail, to roadgig@afm.org. Any calls or e-mails received after normal business hours will be responded to on the next business day. Claimants should include a copy of the defaulted engagement contract, and all other pertinent information, such as venue and purchaser details, in their claims. Upon reviewing all this, the AFM will determine the appropriate course of action, and do everything it can to effect an equitable resolution to the claim.

Enforcement and Collections

When claims are made, the AFM's Touring, Theatre, Booking and Immigration Division will determine how best to pursue the claim. This usually begins with an official letter to the purchaser/venue to demand payment. If there is no immediate resolution, the AFM will seek authorization from claimants to pursue a legal collection process. At a minimum, the AFM may elect to pay musicians the Traveling Scale, at \$150 for leader and \$100 for sideman, for the defaulted gig.

When it comes to road gigs, the AFM isn't going to rush in and change a flat tire or keep a restaurant open past midnight. But we can help our AFM traveling members from being left out in the cold, when it comes to their gig contracts.





Current Benefits:

- The member chooses the value of each item to be insured. Only items above \$10,000 require an appraisal. The policy pays the limit shown on the policy.
- The members are only required to insure the items they wish to insure.
- If an item that was stolen is ever recovered the member has the right to purchase that item back
- You can schedule any item you use in your performance. It does not necessarily have to be a musical instrument.
- Claims under \$5,000 are settled in our office allowing for quicker claims payments
- Equipment Rental reimbursement should you need to rent equipment because your scheduled equipment was damaged or stolen.
- Promotional Items (CD's ; T-shirts, Posters) for a limit of \$2,500 is included free with the policy
- Low Deductible Most commercial policies have a \$500 or \$1000 minimum deductible
- Multiple Liability limits available 1, 2 and 5 Million limits. This allows the member to meet most if not all venue requirements for liability certificates
- Great Customer Service - Email accepted 24/7 for adding or deleting equipment
- 800 number access all of North America
- Visa and Mastercard Accepted for payment
- Bilingual staff
- Instant Binding of Coverage on new applications
- Post mark date; phone call or email
- Enhanced CFM Insurance Product

All of these features remain the same, except as outlined below:

- **New Rate:** The equipment rate has been reduced from \$2.75/\$100 to \$2.00/\$100. *The \$2.00 rate is 37% lower then the old rate.*
- **New Deductible:** The deductible has been increased to \$100.00 from \$50.00. *You should still insure items under a \$100 in value because if a case of gear goes missing it could have a number of items worth under a \$100 but together total \$500 - \$1000;*
- **New Liability Rate:** The liability premiums have been increased to \$50.00 for 1 million and \$100 for 2million
- **Added coverage** for Advertising & Personal Injury *Note - **Personal Injury is liable slander not bodily injury which the policy has always covered***
- **Increased Equipment Rental Limit**
The rental reimbursement limit has been increased from \$1,000 to \$10,000 for no additional charge, should you need to rent an instrument, when yours has been lost, stolen or damaged.
- **New Coverage at No CHARGE : Lost Income**
Should you be unable to play as scheduled due to an insured loss to your equipment or if the venue experiences an insured loss and is closed, your policy will pay your lost income less expenses to a maximum of \$5,000 for contracts signed prior to the loss for up to 21 days. Your signed AFM-CFM contract form is your best tool for proving loss of anticipated revenues.

Note: Application Forms are available on our website at:
<http://www.hamiltonmusicians.org/membership-benefits/>

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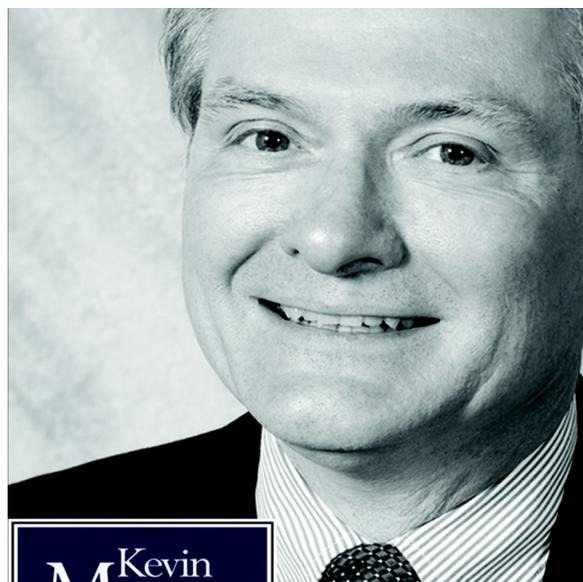
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GoPro Hosting is a service provided by the American Federation of Musicians of the United States and Canada. As a part of the largest organization in North America representing professional musicians, **we know what musicians need**. AFM GoPro Hosting is uniquely suited to serve AFM members' web hosting needs.

AFM members and locals frequently save **substantial money** by switching to GoPro Hosting—as much as hundreds of dollars a year.

We put a **friendly face** on an often impersonal business. Remember, the AFM is here to *serve* our members. In addition to online technical support, we also offer phone support with living,

breathing staff.

We offer **feature-packed web hosting**, starting at \$19.00 a year, and **bandwidth is always unlimited**. You can simplify your life and register your domain name with us as well; everything is billed and managed from the same company. Don't have a website yet? Try AFM Adlib!

Most importantly, as you're dealing with the AFM, you can be sure that **we're looking out for you**, unlike many fly-by-night web hosting companies out to make a quick buck.

Have you submitted your profile on the Hamilton Musicians' Guild Webpage?

"Hamilton's Bucket List" has submitted their band profile

To register your profile, login to the Private Members Area at

<http://www.hamiltonmusicians.org/>



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Finding a good music teacher can be hard. We've made it easy to find a great teacher through our new Find a Music Teacher directory.

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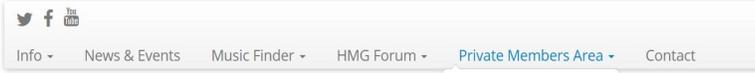


Find a Band/Musician
Looking for a band or musician to play your event or fill in for a gig? Our new Find a Band/Musician directory will make the search much easier.

[Check It Out >](#)



HAMILTON'S BUCKET LIST
Bustin' Rhythm & Blues
Contact: John Staley



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Please login with the same username and password you use for the AFM.org members area. If you don't already have an AFM.org username, you'll need to [register on the AFM website first](#).

AFM Entertainment

Register today for AFM Entertainment, the new booking and referral service of the AFM

<https://www.afmentertainment.org/login>



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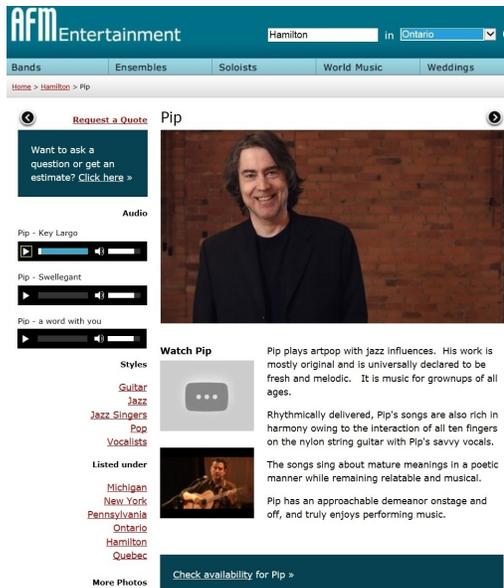
Brought to you by: The American Federation of Musicians of the US and Canada

The AFM-operated booking agency allows AFL-CIO/CLC brothers and sisters throughout the US and Canada to be certain that genuine professional union musicians are hired when booking musical acts.



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Hamilton Musicians Guild member Pip has registered with AFM Entertainment



AFM Entertainment

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Audio

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Pip - a word with you

Watch Pip

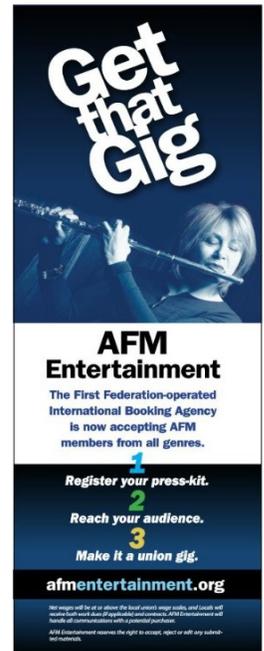
Pip plays artpop with jazz influences. His work is mostly original and is universally declared to be fresh and melodic. It is music for grownups of all ages.

Rhythmically delivered, Pip's songs are also rich in harmony owing to the interaction of all ten fingers on the nylon string guitar with Pip's savvy vocals.

The songs sing about mature meanings in a poetic manner while remaining relatable and musical.

Pip has an approachable demeanor onstage and off, and truly enjoys performing music.

Check availability for Pip >



Get that Gig

AFM Entertainment

The First Federation-operated International Booking Agency is now accepting AFM members from all genres.

- 1 Register your press-kit.
- 2 Reach your audience.
- 3 Make it a union gig.

afmentertainment.org



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