



Adjudication Branch
Australian Competition and Consumer Commission
GPO BOX 3131 CANBERRA ACT 2601
adjudication@accc.gov.au

RE: Australasian Performing Right Association Ltd application for revocation of authorisations A91367-A91375 and substitution of new authorisation A1000433

Dear Sir/Madam,

Thank you for this opportunity to comment on the Australasian Performing Right Association Ltd (APRA) application for re-authorisation.

Ascendance Academy is a small dance studio located in Cronulla, New South Wales. We currently have approximately 60 students enrolled and work extremely hard to make any profit. We have two streams of dance that we teach within the studio. Firstly there is our recreational stream, this is where we teach hip hop, contemporary etc for fun. Then we have our exam stream which has approximately 25 students who are taught ballet, tap, and jazz following the Australasian Dance Association Syllabus (ADA). As we teach this syllabus we are required to purchase the associations complete package which includes music, syllabi and dvd.

When we first purchased the studio we paid a fee of approx \$4 per student which cost us approximately \$220.00 per year (approx 55 students). Since I purchased the studio back in 2014 I have always paid my Amcos fees. I received a letter last year 2018, informing me the costs and fees had changed and I would now require to purchase 4 licences at extremely high prices.

████████████████████ I have had many telephone conversations with staff at Apra explaining we are trying to work out what licences we need to purchase. I explained we follow the ADA Syllabus and I already pay them for the music we use, so I feel if I pay Apra I am actually paying twice for the use of the same music. I have spoken to the ██████████ ADA ██████████ about what was happening and ██████████ explained she had sent all the ADA information & paperwork to Apra and nothing had be done by them. I have also asked Apra many times to sort this out but to no avail.

I then received a phone call from Apra regarding my licences one day asking for payment. I explained that I need this situation with me paying twice to be sorted out before I pay as I was told that they do not give refunds so I had to just pay. I was then told I had to pay no matter what and they became extremely rude and began to pressure me and I felt very intimidated by them. This situation has still not been resolved. We are at a stalemate.

██████████ has also rang Apra and complained about the way I was spoken to and ask if she could speak to someone about this bullying but was not informed of anywhere I could put in a complaint. I now have been advised there is a complaints process via resolution pathways but to resolve a dispute there is a fee you need to pay. These costs are unreasonable and I can't afford them as a sole trader of a small struggling business.

Being a small studio (two teachers one student teacher) we do not understand why we are being charged the same fees as the large studio's with hundreds of students. Firstly Apra want to charge us a fee for "Public Performance" of music in dance classes of \$215.25 to allow us to hold classes five days a week. On one of those days we only run two classes, which runs for 2 hours! We run 26 classes per week with an average time of 45 minute per class which is approximately 2 and a half hours of teaching per day , and in some of these classes there may only be three students. In comparison to a large studio with hundreds of students holding 50+ classes per week and the maximum they pay is \$287.01, this is totally unreasonable for a small business.

In addition to this we are made to pay Apra a Reproduction of Music Licence music on devices, this is a fee I believe to place music on our iPads to play in class. Didn't I just buy a licence to be able to play music in my dance classes, so now I'm charged to put it onto an iPad to use it. This costs us \$162.06 as we use two Ipads unlike large studio's that will have many and pay the same as my small studio.

More charges, there is also a copying music charge of \$4 per student and until this was explained to us properly we were paying for all our students (approx \$220) but now other teachers and studio's have explained that this is only when you copy music for students to take home. We don't copy the music for all our students but we have three students that do eisteddfods and one troupe so we are charged \$83.71 for maybe using 5 pieces of music. Two of these students only do one dance. Until now I was paying for every student in my studio as this was never explained to me by Apra. How is this fair.

Our students are covered by our licence but are charged again a music fee as part of the entry fees to Eisteddfods to be allowed to play the same music, so we have now been charged twice for the same music.

I have discussed all the above charges and fees with teachers of other small studios and many have said they no longer teach solo's or troupes for eisteddfods as the costs for music are just unrealistic.

Now finally our End of Year Concert, Apra require 2.2% of the box office takings, for what!! Isn't Apra about music licences not door takings, this is not right they have no right to ask for this. These venues are already paying additional fees to cover copyright allowing businesses to hire them.

So far I have to pay \$461.02 in music fees and that does not include the 2.2% of end of year concert takings. Financially this is unreasonable and unaffordable for me, a sole trader running a small dance studio.

There are many other industries for example physical culture, ballroom dancing, ice skating, gymnastics I can probably name 10 more industries that are not made to pay fees, why is the dance industry being targeted? Like these industries we teach young students like them too.

As a small dance studio trying hard to educate our students , I feel we are being charged excessive fees. We educate students in dance the same way they do in schools. So why are all dance schools not included under the Education banner and therefore exempt? I currently teach dance at multiple Primary schools under a Private Company Groove Nation and what I teach the students at Primary schools is exactly what I teach to my recreational stream at my dance studio! Private schools are exempt from fees but they are not part of the government so why are they

exempt from paying these fees and my small dance school is not? I also currently teach dance at a Private College and again teach the students at the Private College exactly what I teach to my recreational stream at my dance studio!

Further issues that I wish to raise - Do AESA and One Music actually have the authority to collect copyright licence fees? I have been advised they do not so why are they doing this. Why are they allowed to advertise charges and fees implying they have the authority when they do not?

There seem to be so many authorities controlling licences APRA, AMCOS, PPCA and ARIA. Who legally has the authority and who are actually is authorised to collect these fees?

All this overcharging needs to be sorted out for our industry, we need a fair system to be implemented and reasonable fees charged. Please help keep small businesses viable and help me to keep doing what I love and that is teaching children. The only difference is we teach in a dance studio and not a classroom.

All these statements are without prejudice.

Regards

Natasha Brown
Principal
Ascendance Academy