



Australian Government



Australian  
**Small Business and  
Family Enterprise**  
Ombudsman

15 February 2019

Ms Tessa Cramond  
Australian Competition & Consumer Commission  
Adjudication Branch  
GPO Box 3131  
CANBERRA ACT 2601

**By email: [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au)**

Dear Ms Cramond

**Australasian Performing Right Association Ltd application for revocation of authorisations A91367 – A91375 and substitution of new authorisation A1000433 – interested party consultation**

Thank you for the opportunity to comment on the re-authorisation of Australasian Performing Right Association Ltd (APRA) for 5 years. We have some serious concerns about granting authorisation which would help bolster the existing monopoly that APRA enjoys in the music industry, hinder new musicians trying to break into the industry and put further financial stresses on small businesses.

APRA has partially addressed the 2014 authorisation conditions, with an alternative dispute resolution (ADR) scheme in place and appear to be working towards a plain English guide to licencing through the OneMusic platform. However, we have serious concerns with the operations of APRA that include the calculation, level, setting and overall transparency of fees. Also the opt-out for APRA members is not straightforward and acts against businesses taking advantage of the option. For example a business needs to opt out for at least twelve months, providing at least three months written notice, providing consent and indemnity forms from all interested parties.

There is a clear lack of transparency and apparent complexity in administering the distribution of fees, with 67 pages of distribution rules and practices, whilst the value or percentage of fees distributed to artists and the popularity of those artists is still unclear. Small business owners need to have visibility over how their payments are distributed.

We would like to see a review of the collecting society process that focusses on the efficiencies, costs and anticompetitive practices with a view to simplify it, enable competition, provide far greater transparency, and to facilitate the future of new musicians.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Jill Lawrence on [REDACTED] or at [REDACTED].

Yours sincerely

**Kate Carnell AO**  
Australian Small Business and Family Enterprise Ombudsman

T 1300 650 460 E [info@asbfeo.gov.au](mailto:info@asbfeo.gov.au)  
[www.asbfeo.gov.au](http://www.asbfeo.gov.au)

Office of the Australian Small Business and Family Enterprise Ombudsman  
GPO Box 1791, Canberra City ACT 2601