
From: Cramond, Tessa
Sent: Friday, 12 July 2019 8:38 AM
To: MARD Admin
Subject: APRA sub for PR [SEC=UNCLASSIFIED]

Categories:
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From: Jamison Young
Sent: Friday, 12 July 2019 6:20 AM
To: Cramond, Tessa
Subject: Notes on Draft Determination

The ACCC wrote in their document

"Like other businesses, creators of music are entitled to set fees for use of the music they create."

With APRA. Prices for well published content are the same as newly created content. A recording industry created out of a necessity for physical product, a publishing industry created to provide content to printed media. An artist/creator/person connected via a computer now to the internet, has access to the most of the worlds population. APRA propose to put these redundant industries together. Does this make it any easier for the "self publishing APRA member" or public to publish or broadcast what she/he creates?

If newly created content was provided to the market at a lower cost, would curators of content use less or more new content?

The ACCC does not mention the words "self publishing", in its document for reauthorisation. APRA does not provide data to its members or public, about the percentage of "self published" content used by its commercial and non-commercial customers. Providing such data to artists and public annually would give self publishing artists & public a better picture of how things are structured.

"self publishing" artists that generate a substantial income, are not automatically made publishing members?

Who represents "self publishing" artist members on the board of APRA?

What percentage of APRA artist members are self publishing?

How does the "self publishing" artist connect to the market?

A self publishers most useful tool, against a one price system, is the option to license works back.

APRA website states. "Regardless of whether you choose to Licence Back or Opt Out, if you choose to deal directly with users of your music, remember that APRA will no longer be able to enforce your rights or collect licence fees for those uses. You may want to get your own legal advice about this."

The ACCC points out in the Draft Determination.

"The ACCC also notes that there is currently a notification in place for conduct whereby APRA acquires rights in its members' existing and future musical works subject to a condition that the member does not opt out of the APRA system or license back any of their works unless they comply with certain conditions"

So the APRA self publishing member(s) decided to license works to the local bar for free on a Tuesday night, when live music was not normally being performed, so as to compete with the recorded background music. A year latter the artist is performing the same content at a major venue that pays a blanket license to APRA. The artist is not able to collect a share for the performance of that work and the venue gets no reduction for the use of this content. Because the artist licensed her/his work for free once. This is fair play?

Basic human rights of the public to be able to perform what they create uninhibited in public, and the rights of APRA self publishing artists "please" be respected and taken into consideration when granting APRA the right to continue doing business as they do.