



15 February 2019

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

Background:

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for re-authorisation (application for revocation and substitution) received from the Australasian Performing Right Association Ltd (APRA) on 24 December 2018.

The Australian Music Industry Network (AMIN) thanks the ACCC for the opportunity to make a submission on the likely public benefits and effect on competition, or any other public detriment, from arrangements over the last four years, and likely to emerge from the proposed arrangements for the next four years.

AMIN connects and represents the state and territory music industry associations of Australia, namely Music Victoria, Music NSW, WAM, Q Music, Music NT, Music Tasmania, Music SA and Music ACT.

This network creates a national platform for the representation and delivery of projects for the benefit of the Australian contemporary music industry. AMIN advocates, educates and promotes the importance of contemporary original musicians and their work nationally and internationally.

1. Public benefits and detriments we consider have actually resulted from the arrangements during the previous authorisation period:

Benefits:

AMIN has worked closely with APRA AMCOS to support the music industry in the last four years since the previous authorisation. They have been outward looking and engaged at a grass roots level, and shown leadership on important copyright legislation amendments. Each of the state and territory music bodies has partnered with APRA AMCOS on a number of projects including:

- Development and reform of live music regulation through the Live Music Office
- Offering pathways to export ready musicians and businesses through the work of Sounds Australia
- Providing songwriting skills and opportunities for emerging musicians through Song Hubs, Song Makers and Song Sessions programs
- Staging of public workshops and master classes on music business that are free for musicians and industry practitioners to attend

Other points:

- In general APRA AMCOS provide strong support to the grassroots industry and advocate on important issues for songwriters and composers.
- APRA AMCOS are good at promoting valuable information to the industry and provide useful tools, resources, checklists and articles.
- There has been a good consultation process between APRA AMCOS and AMIN on music industry issues and projects.
- APRA AMCOS has provided operational funding for AMIN to undertake projects that benefit original contemporary Australian musicians.
- There are challenges with other jurisdictions that have multiple collection societies (e.g. US) both as a copyright holder and the additional administration for venues.
- There is benefit in having one copyright collection agency as it is less confusing to musicians and venues and reduces any administrative burden.

Detriments:

- During the consultation for the new “One Music” project, AMIN were advised that APRA/AMCOS had not adequately consulted with small to medium sized Victorian venues on the proposal. Music Victoria stepped in as a conduit for these venues to enable them to present the potential impact on their businesses from the new scheme and APRA AMCOS were responsive.
- The whole financial model of venues has changed so dramatically in last decade, and venues and festivals are feeling the pinch. Venue businesses don’t have any equivalent of copyright ownership – but they have to exist on day-to-day income, which has been in decline for years. Increased

costs for venues as a result of an increase in “One Music” fees may kill off opportunities for the next generation of musicians to play live and so the APRA AMCOS model needs to incentivise venues to run more nights of live music and host more DJs.

- The industry would like to see continued transparency from APRA AMCOS as regards distribution of monies.

2. Public benefits and detriments we consider likely to emerge from the proposed arrangements for the next four years.

Benefits:

- There are challenges with other jurisdictions that have multiple collection societies (e.g. US) both as a copyright holder and the additional administration for venues.
- There is benefit in having one copyright collection agency as it is less confusing to musicians and venues and it easier to have one point of contact.

Detriments:

- If the “One Music” charges for venues are based on capacity, not actual attendance, then venues that host music mid-week or in smaller rooms may not be able to justify live music and so musicians – APRA AMCOS members – may lose work opportunities.