

**Phil Bromley**

**9/2/2019**

**Submission to:**

**Adjudication Branch  
Australian Competition and Consumer Commission  
GPO Box 3131 Canberra ACT 2601  
[adjudication@accc.gov.au](mailto: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 the opportunity to comment on the Australasian Performing Right Association Ltd (APRA) application for re-authorisation.

I am a composer, musician and radio presenter. I have registered my works with APRA/AMCOS and report yearly.

I've been a working musician for 40-odd years, and five years ago I submitted my first performance royalty claim and received a sum close to \$800. Having only performed for 8 months and having only registered limited songs with APRA/AMCOS, I was somewhat inspired.

The following two years I submitted my claim, and having registered and performed more songs and venues, received a sum around \$1400. Last year, with even more songs registered and even more venues performed at, I received \$400.

When I called to ask APRA/AMCOS Member Services staff why my royalties had decreased so much, they told me that I would need to speak to another staff member with greater knowledge of how it all works. They took my name and number but never responded.

I called back after a few days and another staff member said they'd pass on my complaints again. I asked for the direct staff member who could answer me, but they wouldn't give me contact details. I said "I'm an APRA member and you should be accountable to members". Eventually I got the contact details and called.

The next staff member explained my claim had been "adjusted", then said things that made no sense. He didn't answer my questions, then said he had to go and would have to call me back. I'm not sure he'd actually listened to what I said. I told him I was most unsatisfied and would appreciate him calling me back as I had a number of other issues to discuss. He assured me he would get back to me, but never did.

I have come to believe that APRA/AMCOS provides poor service to independent writer members, it's difficult to get through if you're not signed with a major publisher.

I perform regularly at a local market, which is listed as a venue in my performance royalty claims. I was approached by the market coordinator and asked if I had "reported" them to APRA/AMCOS. I explained I had listed them

on my annual submission and she told me that they were now “threatening” her and demanded money as she had never heard of such an organisation and was unfamiliar with it.

I asked how much they were charging and she said a small amount. I offered to pay it (I think it was \$39 from memory) but she refused. Then APRA asked her for more money. She runs a small, local, weekly market that’s happy to pay an annual fee for live music only (they’re not playing the radio or CDs), it’s 2.5 hours a week, 50 times a year. Anything more than \$39 would be unfair considering what other businesses pay for playing music on the radio in their premises.

I run local Open Mic nights and am aware our local community club also pays considerable fees to APRA.

I also work as a trainer and broadcaster in the community radio sector and I am at a loss to explain to anyone else how the APRA/AMCOS royalty system works.

I presented an all-Australian music radio show, Home Brew Radio, for 15 years for the Community Radio Network, broadcast across Australia to over 300+ stations. I interviewed over 800 Australian acts including mainstream and independent artists.

Many musicians have a low regard for APRA/AMCOS, few think it’s worth claiming royalties because they find the system difficult and inequitable, rigged for the major labels who control the majority of the board. APRA administration is unprofessional and mostly unresponsive to independent musicians.

Many musicians believe that the voting system of APRA/AMCOS is rigged. Why do people with more money get more votes? It’s a disincentive for aspiring artists and unfair to established members who might not earn much some years.

APRA plays a role regarding the Australian content quota, and it is well known that it has decreased below the minimum 25% local content quota since self regulation was introduced. Australia has so much talent that the mainstream won’t play, it’s unfair for Australian musicians and all Australians.

I interviewed Billy Thorpe when he returned to Australia after 20 successful years working in the US. He said he was shocked that Australian content on commercial radio had reduced so much, he was very upset about it, which I remember upset me, especially because Billy was integral in getting the initial minimum 25% local-content regulation passed.

APRA/AMCOS is biased as to how they distribute radio airplay royalties.

I asked APRA/AMCOS how royalties from the radio station I presented were dispersed. The staff member talked about a royalty “pool”, which he failed to explain as equitable. I asked if submitting my run sheets for each show, which are available online publicly, would be considered in that pool, so that artists I reported would receive royalties. I was told they would not.

I recently produced a grant-funded documentary series for the Community Radio Network. I called APRA and asked what licenses I’d need. The information they sent conflicted with information on their website.

I asked if the writers of the tracks used would receive the funds when reported to APRA. It takes a great deal of effort for thousands of artists and broadcasters to register works and report playlists, but again I was informed it would go into a “pool” and they couldn’t guarantee the artist would receive any benefit. APRA staff were again unable to explain royalty “pools”, and why royalties earned by independent artists are generally paid to major publishers.

APRA/AMCOS doesn’t represent Australian musicians, Australian music, or Australian culture.

I would like to see APRA/AMCOS re-invented to represent its members and I support the members proposal of one member one vote. I think it is ACCC’s responsibility to reform APRA’s voting rules so they are fairer for members.

My submission covers some of my personal experiences with APRA and I appreciate your consideration.

Yours sincerely,

Phil Bromley