
From: Tara Benney
Sent: Friday, 23 August 2019 5:36 PM
To: Jones, Gavin <gavin.jones@accc.gov.au>
Cc: Cramond, Tessa <Tessa.Cramond@accc.gov.au>
Subject: RE: Response to Pre Decision Conference [SEC=UNCLASSIFIED] - Tara Benney (Strawberry Music Group)

Hi Gavin,

Please see below my response to APRA's submission dated 9 August 2019.

In response to paragraphs numbered 50, 51 and 52 of the APRA submission I wish to make the following reply on the public record in respect of comments made about my statements at the pre-decision conference.

Firstly, it is completely incorrect that my position was that "*performers at the Strawberry Fields Music Festival either do not receive APRA distributions or receive distributions far lower than the amount of APRA license feed paid for the performance*". I never made this statement, this statement was not reported in the minutes of the pre-decision conference, and I fundamentally do not believe this. The point which I did make was that (i) performers who are not APRA members and who have not formalised publishing for their original work are unlikely to receive distributions, and (ii) due to the lack of transparency in the way APRA reports distributions, there is no way of performers understand the contribution of Strawberry Fields to their APRA income (or lack thereof).

Secondly, it is completely incorrect that I alleged that Tash Sultana did not receive license fees for her performance at Strawberry Fields. I never made such a statement or such allegations, this statement / allegation was not included in the minutes of the pre-decision conference, and I fundamentally do not believe this. APRA has also incorrectly specified that her first performance was in 2016. In fact, it was a busking performance in 2014. The statement that I did make was simply that there was a time in a now very established and successful artists career where she was already a live performer, but not an APRA member and had not yet formalised the rights to her original compositions. The point was to highlight the existence of such cases, and why it is important to recognise the diversity of situations present in the music landscape.

Thirdly with respect to paragraph 52. It is a perfect example of the lack of transparency of APRA that such a response has been given. At no time has it been made clear to us as an organisation that we can request a reduction in the license fee where we "*have a reasonable belief that certain performed works are not represented by APRA*". I am glad to finally learn of this as an option, and will happily take it up in future and hope that such opportunities can be made clearer to licensees in future.

The nature, tone, and incorrect fact reporting of the APRA response for reasons detailed above is both disappointing and concerning to read. I broadly support the motives and mission statement of the organisation, and have simply sought as a licensee and a member of the public to see such an organisation held accountable and given standards of transparency worthy of the re-authorisation proposed to ACCC.

Many thanks,
Tara

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