

# BANKI HADDOCK FIORA

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28 June 2013

Dr Richard Chadwick  
General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
23 Marcus Clarke Street  
CANBERRA ACT 2601

## BY EMAIL

Dear Dr Chadwick

### **Authorisation A91367 – A91375 SUBMITTED BY AUSTRALASIAN PERFORMING RIGHT ASSOCIATION LIMITED – REQUEST FOR FURTHER INFORMATION**

Thank you for your letter of 7 June 2013.

APRA will respond to the interested party submissions in a separate document.

In relation to the specific issues raised in your letter, we are instructed to respond as follows.

#### *Complaints received by APRA*

1. APRA considers a complaint to be a matter raised in writing in which APRA's conduct or actions are criticised (such as APRA's failure to consult with a particular industry body in connection with the introduction of a new licence scheme). This can be contrasted with a 'dispute' which is a matter raised in writing in which a decision made by APRA (such as a decision to apply a particular licence scheme) is criticised. A single matter might have elements of a complaint and a dispute. In total, APRA has received 90 complaints from its licensees and members since 2006. As at 30 June 2012, APRA had 60,268 licensees and 70,988 members.

Complaints are dealt with internally, in accordance with APRA's complaints procedure (see **Attachment 1**), and are reported to the Code Reviewer. Disputes are either resolved by commercial negotiation or referred to expert determination or mediation with the agreement of the disputant.

APRA refers matters to its external lawyers where a music user refuses to take out a licence, or where a licensee fails to comply with the terms of a licence, and APRA cannot resolve the matter internally. Where a licensee refuses to pay

an invoice issued by APRA, the matter is pursued by the Finance department and then referred to APRA's external mercantile agent to manage and, if necessary, pursue through debt recovery proceedings. These matters are not characterised as complaints unless a complaint has been made regarding the conduct of APRA's external lawyers, Finance department or external debt collectors.

**Attachment 2** is a summary of complaints received by APRA since 2006, broken down as requested.

APRA has already reported its external costs associated with ADR to the ACCC. APRA's share of the costs of the Code Reviewer for the 12 months ending 31 March 2013 was [REDACTED] EXCLUDED FROM PUBLIC REGISTER [REDACTED]. The value of legal services provided to APRA in respect of enforcement matters in the 12 months ended 31 March 2013 was approximately 0.35% of the revenue from general licensing.

2. APRA offers ADR to any licensee or potential licensee whose dispute escalates out of the licensing department. APRA regards with some scepticism the claims made by interested parties that the ADR facility is too expensive. APRA pays the costs of the expert, and the costs of the venue, for expert determination of a dispute with any licensee whose annual licence fees are less than \$100,000. APRA notes that none of the interested parties that have made submissions to the ACCC pay APRA licence fees in excess of that amount. APRA has not used external lawyers to appear at any expert determination and in each instance has attempted to ensure the process is as informal and unintimidating as possible.

Several of the interested parties have been involved in ADR with APRA. Mr Albon represented one of the ALLM members in an expert determination with APRA, the outcome of which has been previously notified to the ACCC. Dr Sainken has been involved in an expert determination with APRA, the outcome of which has been previously notified to the ACCC. Mr Hardie was involved in a mediation with APRA, the outcome of which has been previously notified to the ACCC.

APRA's experience is that major licensees (such as large digital service providers, or broadcasters) are accustomed to settling disputes by negotiation. Most such licensees do not favour expert determination as a method of ADR. Most disputes with such licensees relate to reporting, and the licensees are well aware of their licensing obligations and do not dispute the applicability of the APRA tariffs. APRA has been able to negotiate settlements of such disputes without recourse to ADR.

Since 2008, the majority of disputes (as distinct from complaints) with licensees relate to the classification of premises as "nightclubs". In each instance where APRA and a licensee have engaged in expert determination regarding the classification of premises as nightclubs, APRA's classification has been upheld.

APRA will make a separate proposal to the ACCC regarding its ADR processes.

*Licence fees*

3. In APRA's opinion, in most cases the determination of which licence scheme applies to a business is quite straightforward. In considering which licence scheme is applicable, APRA staff refer to the licence applications themselves, and to the information sheets relevant to the various tariffs (see Attachment 11 to APRA's primary submissions). Application forms for all of APRA's annual licence schemes are available on the APRA website, and the information sheets are provided to licensees with the licence applications. In the process of reassessing licence fees payable, APRA staff refer to reassessment forms provided by the licensee, and may also (in relevant cases) refer to publicly available material such as published gig guides and material posted on Facebook by the licensee.
4. Attachment 11 to APRA's primary submissions also contains copies of the letters sent to new businesses where APRA believes music may be being performed in public. Once a licensing representative has made contact with a prospective licensee, relevant licence applications are provided to the potential licensee. For example, a small retail store would be sent a retail background music licence application, whereas a large hotel would be sent licence applications for a variety of music uses. Any information that the licensee has provided to APRA (for example, the name of the trading entity, and the date of commencement of music usage) is included in the application.

APRA believes that its general performance licence applications are relatively self-explanatory. Complexities arise where a single premises requires a number of different licences because music use changes during the course of any given period. For example, a bar might have background music during the day, a DJ playing featured recorded music from 7pm to 10pm, and recorded music for dancing after 10pm on several nights each week.

Licensing representatives at each State office are available by telephone to discuss licensees' queries, and direct telephone numbers are provided in all correspondence to licensees.

APRA also maintains a 1300 number for licensee queries. **Attachment 3** sets out the details of calls to that number received in the year ending 30 June 2012.

5. **Attachment 4** is a document setting out all increases to APRA's general performance tariffs since 2006.

The development of new tariffs at APRA may be the result of a new use of music that is not able to be covered under an existing licence, a change in legislation, a negotiated industry scheme, an improved valuation of music, or a need to revalue an existing scheme.

When developing a new licence scheme, APRA management would generally first look to the existing tariff or the closest tariff that APRA already has for that particular use of music. However, the value of music in a particular context is not necessarily static. Music's value can change over time to reflect different circumstances and perceptions or any number of external factors. When assessing the value of music in different contexts, an exercise which of course

involves some degree of subjectivity, APRA management will consider the value of the music to the user, the value of the music to the audience, any relevant benchmarks (including overseas rates), parameters associated with licensing, and any benefits that can be gained from administrative simplicity. APRA considers that there are three main categories of music exploitation - essential or indispensable music: where the performance of music is closely linked to the generation of revenue. The licence fee is typically calculated as either a percentage of the admission receipts or is based on the number of admissions; ambience music: where music is necessary and plays an important role in the generation of revenue or sales for the licensee - the licence fee is typically calculated as either a percentage of the admission receipts or is based on the number of admissions; background music: where music plays a secondary role, and is desirable but not necessary and where there is no direct link between playing music and the earning of revenue. In this case, licence fees are typically expressed as a lump-sum payment, such that, for example, the tariff is linked to the floor size of the premises or to the number and type of playback devices.

In the period since 2006, APRA has only increased licence fees in its general public performance licensing area by more than CPI on four occasions, as follows:

- (a) Background music – in 2006, after extensive series of initial consultations and negotiations failed to result in agreement, APRA referred licence schemes to the Copyright Tribunal for the public performance of background music in hospitality venues, restaurants, and retail premises. A number of interested parties joined the proceedings, including the AHA, Clubs NSW, Clubs Australia and New Zealand, Fitness Australia Incorporated, Arq Sydney Hotel, DMX Music Australia Pty Limited, Restaurant & Catering Australia, the National Retailers Association and the Hotel Motel & Accommodation Association of Australia. The licence schemes for hospitality venues and restaurants were subsequently negotiated with the relevant respondents, and the Tribunal applications were withdrawn. The Tribunal held a short hearing regarding the scheme for retail premises and the licence scheme was confirmed.
- (b) Cinemas - in 2006, after extensive initial negotiations failed to result in agreement, APRA referred a licence scheme to the Copyright Tribunal for the public performance of music by means of films in cinemas. APRA subsequently negotiated the terms of a new licence scheme with representatives of the cinema industry, and at their request the licence scheme contains a provision that APRA will not seek to vary any material term of the scheme until after 30 June 2016. The licence scheme also provides in clause 9 that *“(a) APRA must notify the Applicant if it becomes aware that copyright musical works contained in a Cinematograph Film being or to be performed in public by the Applicant are not within APRA’s repertoire by reason of a relevant source licence. (b) If at any time during the Term of this agreement there is a material reduction in APRA’s repertoire with respect to the performance in public of musical works by the Applicant, APRA must notify the Applicant and must negotiate with the Applicant as to reasonable alternative licensing terms.”*

- (c) Fitness classes – in 2011 APRA negotiated the terms of a new licence scheme for the performance of music in fitness classes, with Fitness Australia.
- (d) Recorded music for dance use - the implementation of this licence scheme is discussed in detail in APRA's submissions in response to the interested party submissions.

APRA consults widely with licensee representative bodies and large licensees prior to formulating new tariffs. APRA informs such bodies that it is in the process of formulating the tariff, and conducts meetings of interested parties to discuss all aspects of the proposed licence scheme. APRA's strong preference is always to introduce new licence schemes by agreement with licensee representative bodies. APRA is currently in negotiations with the AHA and Fitness Australia regarding a simplified background music scheme, and with LPA regarding a new scheme for promoted concerts which is the first stage of a review of APRA's events tariffs. If APRA cannot reach agreement with the industry, it refers the licence scheme to the Copyright Tribunal.

6. **Confidential Attachment 5** sets out the information requested.

*Licence back, opt out*

7. APRA acknowledges that the take-up of its licence back and opt out facilities by members remains relatively low although it does note that the number of licences back and opt outs has increased by around 500% since 2009.

The availability of licence back and opt out forms part of the materials provided to members on joining APRA. APRA also publicises the availability of licence back and opt out on its website. APRA has also published information regarding the facilities in its member publication APRAP (see **Attachment 6**).

APRA's member services and legal staff are familiar with the procedures for opt out and licence back and are available to assist members if required. APRA has encouraged its members to use its licence back facility on a number of occasions where a member has approached APRA and advised that a music user wishes to enter into a direct licence with it.

It is APRA's experience that industry associations representing licensees, including the AHA and LPA, are well aware of APRA members' ability to license back and opt out. It is possible that such industry associations may not always communicate this information to their members effectively. Individual licensees are informed about the facilities in appropriate circumstances, such as if they suggest that they have a licence, or if they ask whether they can obtain a licence from another source.

APRA will continue to make information about the facilities publicly available. However, direct dealing with APRA members is only likely to be attractive to licensees who use the works of a small number of APRA members – otherwise, the negotiation of licences is likely to be burdensome. The most common categories of licence back are in respect of music on hold and live tours.

*Conduct of APRA and its staff*

8. APRA notes that a number of the interested party submissions are properly characterised as complaints, as APRA has defined that term in response to point 1 above. Indeed, some of the matters referred to in the interested party submissions have already been logged as complaints and been dealt with in accordance with APRA's complaint handling process, including referral to the Code Reviewer to determine whether APRA had breached its obligations under the Code of Conduct. In each instance, the Code Reviewer found that APRA had not.

Other interested party submissions constitute complaints regarding matters which have not been previously raised with APRA. APRA has spoken with each of the staff members concerned regarding the circumstances of the relevant complaint, and will respond to the specific complaints regarding the conduct of its staff, in its response to the interested party submissions. APRA will also refer those complaints to the Code Reviewer for independent review, even if the conduct complained of falls outside of the current annual review period.

APRA allocates considerable resources to the training of its staff members. This includes specific training regarding dealing with members of the public, and compliance with the Code of Conduct. APRA takes its obligations under the Code extremely seriously. The report to the Code Reviewer, including full details of all complaints, is provided to the Board. In accordance with its own policies and procedures, APRA has imposed its own sanctions against employees whose conduct has been found to be in breach of the Code, including terminating the relevant staff member's employment by APRA on at least one occasion. APRA has also introduced a number of significant changes to its systems and operations where complaints have demonstrated improvement is required. Further detailed information regarding operational changes made by APRA as a result of complaints received can be provided on request.

It is APRA's observation that since the implementation of the Code, the number of complaints received by APRA has decreased. APRA believes that this is a direct result of the implementation of the Code.

9. APRA conducts 'spot checks' for a variety of purposes. First, APRA regularly pays for tickets for representatives to attend live concerts to verify the works performed for distribution purposes. This occurs where an event is licensed, and the quantum of licence fees paid suggests APRA should prudently check the works that have been performed. APRA conducts hundreds of such checks each year.

Secondly, APRA attends premises to collect evidence of performances of music where a licence is required but has not been entered into. This might be done casually (to confirm that 'music' is being played), or formally (to identify specific APRA works performed, for the purposes of notifying the music user of its infringement prior to commencing proceedings). APRA has conducted approximately 50 such checks in the last 12 months.

Thirdly, APRA's Compliance Officers attend premises to verify information that has been provided by licensees regarding music use and attendance numbers. If APRA does this where it has reason to believe that a licensee has provided inaccurate information, it does so only after requesting the licensee to verify the information provided. APRA also verifies attendance figures at licensed venues from time to time for the purposes of cross checking reassessment figures. APRA has conducted approximately 1,600 such checks (including repeat visits to premises in order to get an accurate picture of activity over a period of time) in the last 12 months.

*Royalties paid*

10. APRA's expenses to revenue ratio is one of the lowest in the world – see **Attachment 7**. The expenses to revenue ratio is the key criteria by which the Board judges the performance of management. Historical data regarding APRA's expenses to revenue ratio is **Attachment 8**.

After expenses and a 1.75% allocation to music grants as permitted by its constitution (see further APRA's submissions in response to the interested parties submissions), APRA allocates all revenue received for distribution to members and affiliated societies. **Attachment 8** also contains historical data regarding amounts allocated by APRA for distribution.

APRA now distributes quarterly to members, more frequently in the case of some overseas income.

APRA distributes money in accordance with records of performance. In the most recent distribution, approximately 40% of distributable revenue was paid to overseas collecting societies on behalf of foreign writers for local performances of foreign works.

11. Distribution is APRA's core service for members. Attachment 12 to APRA's primary submissions contains APRA's Distribution Rules and Practices which govern APRA's distribution procedures. APRA employs 48 staff in its distribution department, including a number of expert music researchers whose role is to identify musical works reported by licensees as having been performed. Increasing the accuracy and frequency of distribution is a key performance indicator for the department.

As far as possible, APRA distributes amounts received directly corresponding to the musical works performed. This is a function largely of the level of reporting reasonably able to be provided by the licensee.

For example, each commercial radio station in Australia reports 100% of featured music used throughout the year. Licence fees from each station are distributed in accordance with that data. Distributions are made in the same manner in respect of television broadcasts by commercial and government broadcasters. Community radio stations, for which it would generally be too burdensome to report all music use, report on a sample basis, and the information is extrapolated to form the basis of the distribution to specific sub-pools, for example Christian community radio stations and indigenous community radio stations. APRA has several pools for licensees that perform niche music, such as Christian radio stations, churches, and users of ambient music.

With regard to the distribution of licence fees arising from the public performance of recorded music for dancing, APRA has historically relied on ARIA's club charts and broadcast data in the absence of music use reporting from nightclubs. However, APRA has recently introduced the use of DJ Monitor music recognition technology as a means of increasing the accuracy of the nightclub distribution pool.

Background music revenue is allocated for distribution in accordance with the method of performance. APRA receives detailed information from some background music suppliers, which is used for distribution (for example, licence fees paid by Woolworths are allocated directly in accordance with music use), and where a background music licensee uses radio, licence fees are distributed as part of the radio pools.

Members are also able to notify APRA of particular performances that may not have been reported, and APRA allocates money to an unlogged performances pool for that purpose. Members who perform their own works live are also able to notify APRA through the Live Performance Return system.

Anomalous distribution allocations (for example, where a member is allocated an amount of money that falls outside that member's usual distribution pattern) are scrutinised manually.

Four members of the Board sit on the Membership and Distribution Committee, which meets at least every six weeks and considers all changes to the Distribution Rules and Practices, all unlogged performance claims, and distribution policy generally.

If there is any further information that we can provide, please do not hesitate to let me know.

Yours sincerely

A handwritten signature in black ink, appearing to read 'KHaddock', written in a cursive style.

Kate Haddock  
Partner  
Direct line: 9266 3412  
email: haddock@bhf.com.au



# APRA|AMCOS Complaints Procedure

Australasian Performing Right Association (APRA) is an association administering the rights of the world's composers, songwriters and publishers in Australia and New Zealand.

Established in 1926, APRA represents more than 50,000 Australasian writers and publishers through direct membership, and nearly 1.66 million writers and publishers throughout the world under reciprocal, bilateral contracts.

Australasian Mechanical Copyright Owners Society (AMCOS) represents virtually all music publishers in Australia and New Zealand and, by way of reciprocal arrangements, the majority of the world's music publishers, as well as a large number of composers and writers.

While APRA and AMCOS remain independent companies (each with their own Board of Directors), since July 1997, APRA has managed the operations of AMCOS and the organisations' staff and offices have been amalgamated.

APRA|AMCOS is committed to improving business awareness of music copyright.

APRA|AMCOS is also committed to providing excellent service to all members and licensees.

With approximately 70,000 licensees and 50,000 individual and publisher members throughout Australia and New Zealand, it is crucial that APRA|AMCOS have systems in place to ensure that it provides the best service possible at all times.

There will however be times when people that we deal with may have cause or wish to make some comment on some aspect of the conduct or operation of APRA|AMCOS.

APRA|AMCOS has developed a Complaints Handling Policy and Procedure that will ensure that any complaints received by APRA|AMCOS are handled in an efficient, transparent and fair manner.

## How to make a complaint

If you have a complaint about any aspect of the APRA|AMCOS business or operations, you should make your complaint **in writing**. Because each area of our business and the interests of our clients are specialized, you should address the complaint as follows:

### APRA|AMCOS Members

Director of Member Services

### APRA Licensees

Director of Licensing Services

### AMCOS Licensees

Director of Recordings & Online Services

at 16 Mountain St, Ultimo NSW 2007

Or via email to the address below -

**Complaints Officer at APRA|AMCOS**  
complaints@apra.com.au

If you do not know who to address the complaint to, or if the complaint is of a general nature, address it to the Complaints Officer, at the above address.

Your name and relevant contact details must be provided.

APRA|AMCOS will not investigate anonymous complaints.

## Branch Offices

[www.apra-amcos.com.au](http://www.apra-amcos.com.au)

NSW/ACT	VIC/TAS	QLD	SA	NT	WA	NZ
16 Mountain Street Ultimo NSW 2007 Ph: 61 2 9935 7900 Fax: 61 2 9935 7999 writer@apra.com.au	3 & 5 Sanders Place Richmond VIC 3121 Ph: 61 3 9426 5200 Fax: 61 3 9426 5211 victas@apra.com.au	PO Box 1230 Fortitude Valley QLD 4006 Ph: 61 7 3257 1007 Fax: 61 7 3257 1113 qld@apra.com.au	Suite 29 8-20 O'Connell Street Nth Adelaide SA 5006 Ph: 61 8 8239 2222 Fax: 61 8 8239 0744 sa@apra.com.au	GPO Box 4519 Darwin NT 0801 Ph: 61 8 8941 0988 nt@apra.com.au	Suite 1 12-20 Railway Road Subiaco WA 6008 Ph: 61 8 9382 8299 Fax: 61 8 9382 8224 wa@apra.com.au	Unit 113, 21-23 Edwin St Mt Eden, Auckland Ph: 09 623 2173 Fax: 09 623 2174 nz@apra.com.au

# APRA|AMCOS Complaints Procedure

## Who Can Make A Complaint?

Any person or organization that has dealings with APRA|AMCOS can make a complaint, including members, licensees, and people wishing or eligible to be members or licensees.

## Assistance in Formulating a Complaint

If you require some assistance in either formulating your complaint or identifying who the complaint should be addressed to, please email or write to the Complaints Officer at APRA|AMCOS.

Your complaint must include:

- your name and contact details, and/or the name and contact details of your organisation
- the nature of the practice complained of. Areas of possible complaint may include, for example: eligibility for membership to APRA|AMCOS, our distribution policies, the terms of our licences, the amount of the fees payable under any of our licences, the standard of services we provide, the conduct of any of our employees, or the transparency of our operations
- the reason for your complaint
- the outcome you hope to achieve
- any material that supports your complaint

## Dealing with Complaints

- We will acknowledge receiving the complaint within 7 days of receiving it
- If the complaint involves another person, we will forward the complaint and any supporting material to that person for comment
- We will respond to the complaint in writing within 14 days of acknowledging receipt. However, if the complaint involves another person, we will respond as soon as practicable after receiving that person's comments on the complaint.
- We will maintain a register of all complaints received and the response we have made, and the Complaints Officer will have a copy of that register
- All responses will provide you with the opportunity to take the matter further
- You will have a further 21 days to make any comments on or respond to our response
- If you are not satisfied with the explanation that has been provided, you will have a further 14 days to request that the matter be referred to alternative dispute resolution. The dispute resolution procedure will be Expert Determination.

## Branch Offices

[www.apra-amcos.com.au](http://www.apra-amcos.com.au)

NSW/ACT	VIC/TAS	QLD	SA	NT	WA	NZ
16 Mountain Street Ultimo NSW 2007 Ph: 61 2 9935 7900 Fax: 61 2 9935 7999 writer@apra.com.au	3 & 5 Sanders Place Richmond VIC 3121 Ph: 61 3 9426 5200 Fax: 61 3 9426 5211 victas@apra.com.au	PO Box 1230 Fortitude Valley QLD 4006 Ph: 61 7 3257 1007 Fax: 61 7 3257 1113 qld@apra.com.au	Suite 29 8-20 O'Connell Street Nth Adelaide SA 5006 Ph: 61 8 8239 2222 Fax: 61 8 8239 0744 sa@apra.com.au	GPO Box 4519 Darwin NT 0801 Ph: 61 8 8941 0988 nt@apra.com.au	Suite 1 12-20 Railway Road Subiaco WA 6008 Ph: 61 8 9382 8299 Fax: 61 8 9382 8224 wa@apra.com.au	Unit 113, 21-23 Edwin St Mt Eden, Auckland Ph: 09 623 2173 Fax: 09 623 2174 nz@apra.com.au

## ATTACHMENT 2

### 1. Total Number of Complaints Received since 2006

Year	No. of complaints
2006	21
2007	23
2008	15
2009	12
2010	8
2011	5
2012	6
Total	90

### 2a. Summary of Complaints Received by APRA since 2006

Type of Complaint	No. of complaints
Anonymous	1
Art Gallery	1
Bowling Club	1
Cafe	3
Church	1
Cinema	2
Coach tour operator	1
Community broadcaster	2
Community Hall	3
Concert Promoter	2
Dance school	2
Dentist	1
Golf Club	1
Gym/Fitness Centre	3
Hair Salon	1
Hotel/Club	10
Individual	1
Member	29
Nightclub	6*
Recruitment agency	1
Restaurant	2
Retail Store	13
School	1
Senior Citizen's club	1
Total	90

\* In 2009 APRA received 23 identical pro forma letters of complaint from ALLM members which it decided to treat as one complaint from the ALLM for the purposes of the Code of Conduct.

**2b.**

Topic of complaint	No. of complaints
APRA corporate structure	1
APRA's input arrangements	1
Compliance visits / spot checks	2
Licence category	5
Licence fee payable	21
Licensing processes	39
Market penetration and compliance	6
Membership service levels	17
Opt out	4
Royalty distributions	10
<b>Total</b>	<b>107</b>

**2c.**

Resolved	Number of complaints
Yes – internally by clarification, apology or agreement	89
Yes - by mediation	1
<b>Total</b>	<b>90</b>

**3. Breakdown of Complaints by Year**

Type of complainant	Tariff	Topic of complaint	Resolved
<b>2006</b>			
Nightclub	Live Performance	Licence fee	Yes
Retail Store	Background music – retail	Market penetration and compliance	Yes
Dentist	Background music – retail	Licensing processes	Yes
Nightclub	Recorded Music for Dancing - GFD	Licence fee	Yes
Coach tour operator	Background music – retail	Market penetration and compliance	Yes

Cinema	Cinema	Licensing processes	Yes
Retail store	Background music – Retail	Licensing processes	Yes
Fitness Centre	Background Music - Fitness Centre (BF)	Licence fee	Yes
Fitness Centre	Background Music - Fitness Centre (BF)	Licence fee	Yes
Community Hall	Background Music - hospitality	Licence fee	Yes
Retail store	Background Music - retail	Licensing processes	Yes
Community Hall	Hall and Function Centre	Licensing processes	Yes
Dance school	Dance classes	Licence fee	Yes
Bowling Club	Background music – hospitality	Licensing processes	Yes
Cinema	Cinema	Licence fee  Licensing processes	Yes
Hotel	Background music - hospitality	Licensing processes / service levels	Yes
Hotel	Background music - hospitality	Market penetration and compliance	Yes
Member	N/A	Royalty distributions	Yes
Community broadcaster	Community broadcast licence	Licence fee	Yes
Anonymous	Karaoke	Market penetration and compliance	Yes
Member	N/A	Membership service levels	Yes

**2007**

Member	N/A	Opt out	Yes
Member	N/A	Royalty distributions	Yes
Member	N/A	Licensing processes  APRA corporate structure	Yes
Member	N/A	APRA's input arrangements	Yes
Member	N/A	Membership service levels	Yes
Golf Club	Background Music - Hospitality	Licence fee	Yes
Church	Church	Licensing processes	Yes
School Concert	Schools performance licence	Licensing processes	Yes
Concert Promoter	Promoted Concert Licence	Licensing processes	Yes
Restaurant	Background music - hospitality	Market penetration and compliance	Yes
Nightclub	Recorded Music for dance use and live performance licences	Licensing processes	Yes
Concert Promoter	Dramatic context	Licensing processes	Yes
Retail store	Background music – Retail	Licensing processes	Yes
Guesthouse	Background Music – Hospitality	Licence category	Yes

Hotel	Background Music – Hospitality	Licence fee	Yes
Hotel – background music	Background music - hospitality	Licensing processes	Yes
Senior Citizen's club	Background music - hospitality	Licence fee  Market penetration and compliance	Yes
Retail store	Background music – Retail	Licensing processes	Yes
Hotel	Live Performance	Licensing processes	Yes
Retail store	Background music – Retail	Licensing processes	Yes
Individual	Casual licence	Licensing processes	Yes
Hotel	Background music - hospitality	Licensing processes	Yes
Retail store	Background music – Retail	Licensing processes	Yes
<b>2008</b>			
Member	N/A	Membership service levels	Yes
Member	N/A	Membership service levels	Yes
Member	N/A	Opt out and Royalty distributions	Yes
Member	N/A	Membership service levels	Yes
Cafe	Background music – hospitality	Licensing processes	Yes

Nightclub	Recorded Music for Dancing	Licensing processes	Yes
Dance school	Dance classes	Licensing processes	Yes
Hair Salon	Background music – retail	Licence fee	Yes
Cafe	Background music – hospitality	Licensing processes  Compliance visits	Yes
Community Hall	Halls and Function Centres	Licensing processes	Yes
Cafe	Live Performance	Licence category; Licence fee;  Royalty distributions	Yes
Video store	Background music – retail	Licence fee	Yes
Restaurant	Background music – hospitality	Licence fee	Yes
Retail store	Background music – retail	Licensing processes	Yes
Retail store	Background music – retail	Licensing processes	Yes
<b>2009</b>			
Retail store	Background music – retail	Licensing processes	Yes
Gym	Background music – Fitness	Licensing processes	Yes



Gym	Background music – Fitness	Licensing processes	Yes
Retail store	Background music – retail	Licensing processes	Yes
Nightclubs (23 pro forma letters from nightclubs under ALLM direction)	Recorded Music for dance use - nightclubs	Licence fee Licence category	Yes
Member	N/A	Membership service levels	Yes
Member	N/A	Membership service levels	Yes
Member	N/A	Royalty distributions	Yes
Member	N/A	Membership service levels	Yes
Member	N/A	Opt out and Membership service levels	Yes
Member	N/A	Membership service levels	Yes
Member	N/A	Membership service levels	Yes
<b>2010</b>			
Member	N/A	Membership service levels	Yes
Member	N/A	Royalty distributions	Yes
Member	N/A	Royalty distributions	Yes
Member	N/A	Membership service levels	Yes
Hotel	Background Music - hospitality	Licensing processes	Yes

Art Gallery	Background Music - Retail	Licensing processes	Yes
		Compliance visits	
Nightclubs (Multiple venues – WANA, ALLM)	Recorded Music for dance use	Licence fee	Yes
		Licence Category	
Retail store	Background Music - Retail	Licensing processes	Yes
<b>2011</b>			
Member	N/A	Royalty distributions	Yes
Member	N/A	Royalty distributions	Yes
Member	Background music - hospitality	Licence fees	Yes
Member	N/A	Membership service levels	Yes
Community Radio	Community Radio	Licence Fee	Yes
<b>2012</b>			
Hotel	Background music – hospitality	Licence fee	Yes
		Licensing Process	
		Royalty distributions	
Hotel/Club	Live Performance	Licence fee	Yes - By mediation
	Recorded Music for dance use	Licence category	
	Background music - hospitality	Licensing processes	

Recruitment agency	Music on Hold	Licensing processes	Yes
Member	N/A	Membership service levels	Yes
Writer Member	N/A	Membership service levels	Yes
Writer Member	N/A	Opt out	Yes

## ATTACHMENT 3

INCOMING CALL LOG TO 1300 NUMBER

PERIOD: 01 JULY 2011 - 30 JUNE 2012

CALLS SUMMARY												
	Cancellations (including cancellations due to COO, closure and/or insolvency)	Change/Amendment of contact details	Change of Ownerships	Current Acct Query (incl. amendments, tariff fee queries)	Concert & Event Licensing	General Enquiry	Financial - Invoice/Tax Adj/Statement	New Licence enquiry/info request	PPCA query/info	Reassessment of licence query	Other Dept Queries, AMCOS, Broadcast & Online, Writer Services, International	TOTAL CALLS
Jul-11												918
Aug-11												908
Sep-11												936
Oct-11	48	28	35	277	66	55	40	79	13	13	137	792
Nov-11	74	38	46	340	89	86	46	91	14	24	152	1,000
Dec-11	40	30	26	236	38	55	45	59	11	11	74	625
Jan-12	60	61	46	294	45	63	61	83	6	43	69	831
Feb-12	51	64	40	463	58	83	73	69	12	45	194	1,152
Mar-12	81	37	45	416	57	90	44	94	8	27	80	979
Apr-12	78	35	41	358	66	117	53	119	9	26	31	933
May-12	79	43	43	356	54	83	53	105	11	18	42	887
Jun-12	91	67	50	410	56	68	52	68	7	22	32	923
TOTALS	602	403	372	3,150	529	700	467	767	91	229	811	10,884

# ATTACHMENT 4 - APRA General Licensing Tariff Rates since 2006

BACKGROUND MUSIC HOSPITALITY - RESTAURANTS/CAFES								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
BDB1	B'ground Music/Dining: System<300m2	88.18	100	104.93	106.34	109.12	113.08	115.68
BDB2	B'ground Music/Dining: System>300m2	154.55	200	209.87	212.68	218.25	226.19	231.4
BDB3	B'ground Music/Dining: system<300m2-10%	-	90	94.44	95.71	98.22	101.78	104.12
BDG	B'ground Music/Dining: Group of 4 TVs	245.45	281.82	318.18	322.45	330.89	342.92	350.82
BDJ	B'ground Music/Dining: Audio Juke Box	172.73	200	227.27	230.32	236.35	244.94	250.58
BDR1	B'ground Music/Dining: Radio<300m2	68.18	80	83.95	85.08	87.31	90.48	92.56
BDR2	B'ground Music/Dining: Radios>300m2	80.91	100	104.93	106.34	109.12	113.08	115.68
BDS	B'ground Music/Dining: Large Screen	245.45	281.82	318.18	322.45	330.89	342.92	350.82
BDT1	B'ground Music/Dining: Television<300m2	68.18	80	83.95	85.08	87.31	90.48	92.56
BDT2	B'ground Music/Dining: Television>300m2	80.91	100	104.93	106.34	109.12	113.08	115.68
BDV	B'ground Music/Dining: Video Juke Box	245.45	281.82	318.18	322.45	330.89	342.92	350.82
RBD1	Background music: dining reproduction up to 500 tracks - annual rate	-	-	120	121.59	124.77	129.33	132.31
RBD2	Background music: dining reproduction 501 to 1000 tracks - annual rate	-	-	200	202.65	207.95	215.54	220.5
RBDA	Background music: dining reproduction additional tracks - annual rate	-	-	80	81.06	83.18	86.22	88.21

BACKGROUND MUSIC - FITNESS CENTRES								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
BFB	B'ground Music/Fitness: System	154.55	156.53	164.25	166.45	170.81	177.03	181.11
BFB1	B'ground Music/Fitness: System - 10%	139.09	140.88	147.83	149.81	153.73	159.32	162.99
BFB2	B'ground Music/Fitness: System - 15%	131.36	133.04	139.6	141.47	145.17	150.45	153.91
BFG	B'ground Music/Fitness: Group of 4 TV's	318.18	322.26	338.16	342.69	351.66	364.45	372.84
BFJ	B'ground Music/Fitness: Audio Juke Box	227.27	230.18	241.54	244.78	251.19	260.32	266.31
BFR	B'ground Music/Fitness: Radio	100	101.28	106.28	107.7	110.52	114.55	117.19
BFS	B'ground Music/Fitness: Large Screen	318.18	322.26	338.16	342.69	351.66	364.45	372.84
BFT	B'ground Music/Fitness: Television	100	101.28	106.28	107.7	110.52	114.55	117.19
BFT1	B'ground Music/Fitness: Television-10%	90	91.15	95.65	96.93	99.47	103.09	105.46
BFT2	B'ground Music/Fitness: Television-15%	85	86.09	90.34	91.55	93.95	97.37	99.61
BFV	B'ground Music/Fitness: Video Juke Box	318.18	322.26	338.16	342.69	351.66	364.45	372.84
BFV1	B'ground Music/Fitness:Video Jukebox-10%	286.36	290.03	304.34	308.42	316.49	328.01	335.56
RBF1	Background music: fitness centres reproduction up to 500 tracks - annual rate	-	-	120	121.59	124.77	129.33	132.31
RBF2	Background music: fitness centres reproduction 501 - 1000 tracks - annual rate	-	-	200	202.65	207.95	215.54	220.5
RBFA	Background music: fitness centres reproduction additional tracks - annual rate	-	-	80	81.06	83.18	86.22	88.21

BACKGROUND MUSIC - RETAIL & GENERAL									
Tariff Code	Description	2006	2007	2008	2009	2010	2011	2012	2013
BG1A	B'ground Music: Retail tier 1 up to 150	-	49.2	54.6	60	60.8	62.39	64.67	66.16
BG1B	B'ground Music: Retail tier 1 up to 499	-	52.53	61.26	70	70.94	72.8	75.45	77.19
BG1C	B'ground Music: Retail tier 1 up to 999	-	62.53	81.26	100	101.34	103.99	107.78	110.26
BG1D	B'ground Music: Retail tier 1 up to 1999	-	79.2	114.6	150	152.01	155.99	161.67	165.39
BG1E	B'ground Music: Retail tier 1 up to 4999	-	122.54	201.26	280	283.75	291.18	301.77	308.72
BG1F	B'ground Music: Retail tier 1 +1000	-	62.53	81.26	100	101.34	103.99	107.78	110.26
BG2A	B'ground Music: Retail tier 2 up to 150	-	77.09	88.55	100	101.34	103.99	107.78	110.26
BG2B	B'ground Music: Retail tier 2 up to 499	-	83.76	101.88	120	121.61	124.79	129.33	132.31
BG2C	B'ground Music: Retail tier 2 up to 999	-	103.76	141.88	180	182.41	187.18	194	198.47
BG2D	B'ground Music: Retail tier 2 up to 1999	-	143.76	221.88	300	304.02	311.98	323.33	330.77
BG2E	B'ground Music: Retail tier 2 up to 4999	-	210.42	355.21	500	506.7	519.96	538.88	551.29
BG2F	B'ground Music: Retail tier 2 +1000m2	-	83.76	101.88	120	121.61	124.79	129.33	132.31
BG3A	B'ground Music: Retail tier 3 up to 150	-	97.09	128.55	160	162.14	166.38	172.44	176.41
BG3B	B'ground Music: Retail tier 3 up to 499	-	120.42	175.21	230	233.08	239.18	247.88	253.59
BG3C	B'ground Music: Retail tier 3 up to 999	-	157.09	248.55	340	344.56	353.58	366.44	374.88
BG3D	B'ground Music: Retail tier 3 up to 1999	-	217.09	368.55	520	526.97	540.76	560.44	573.34
BG3E	B'ground Music: Retail tier 3 up to 4999	-	327.09	588.55	850	861.4	883.95	916.09	937.18
BG3F	B'ground Music: Retail tier 3 +1000	-	97.09	128.55	160	162.14	166.38	172.44	176.41
BG4A	B'ground Music: Retail tier 4 up to 150	-	143.76	221.88	300	304.02	311.98	323.33	330.77
BG4B	B'ground Music: Retail tier 4 up to 499	-	193.76	321.88	450	456.03	467.97	485	496.17
BG4C	B'ground Music: Retail tier 4 up to 999	-	263.76	461.88	660	668.85	686.36	711.31	727.69
BG4D	B'ground Music: Retail tier 4 up to 1999	-	377.09	688.55	1000	1013.41	1039.94	1077.75	1102.56
BG4E	B'ground Music: Retail tier 4 up to 4999	-	577.09	1088.55	1600	1621.45	1663.89	1724.42	1764.12
BG4F	B'ground Music: Retail tier 4 +1000	-	143.76	221.88	300	304.02	311.98	323.33	330.77
RBG1	Background music: retail reproduction up to 500 tracks - annual rate	-	-	-	120	121.59	124.77	129.33	132.31
RBG2	Background music: retail reproduction 500-1000 tracks - annual rate	-	-	-	200	202.65	207.95	215.54	220.5
RBGA	Background music: retail reproduction additional tracks - annual rate	-	-	-	80	81.06	83.18	86.22	88.21

BACKGROUND MUSIC HOSPITALITY - HOTEL, MOTEL, CLUB, TAVERN, BAR								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
BHB	B'ground Music/Hotels: B'ground System	109.09	131.82	154.54	156.59	160.69	166.56	170.39
BHB1	B'ground Music/Hotels: System<300m2	88.18	100	104.93	106.32	109.1	113.08	115.68
BHB2	B'ground Music/Hotels: System>300m2	154.55	200	209.87	212.68	218.25	226.19	231.4
BHG	B'ground Music/Hotels: Group of 4 TV's	245.45	281.82	318.18	322.45	330.89	342.92	350.82
BHJ	B'ground Music/Hotels: Audio Juke Box	172.73	200	227.27	230.32	236.35	244.94	250.58
BHJ1	B'ground Music/Hotels: Audio j/box-10%	155.46	180	204.54	207.28	212.71	220.44	225.52
BHR	B'ground Music/Hotels: Radio	70.91	85.45	100	101.34	103.99	107.78	110.26
BHR1	B'ground Music/Hotels: Radio<300m2	68.18	80	83.95	85.08	87.31	90.48	92.56
BHR2	B'ground Music/Hotels: Radio>300m2	80.91	100	104.93	106.34	109.12	113.08	115.68

BHS	B'ground Music/Hotels: Large Screen	245.45	281.82	318.18	322.45	330.89	342.92	350.82
BHT	B'ground Music/Hotels: Television	70.91	85.45	100	101.33	103.98	107.78	110.26
BHT1	B'ground Music/Hotels: Television<300m2	68.18	80	83.95	85.08	87.31	90.48	92.56
BHT2	B'ground Music/Hotels: Television>300m2	80.91	100	104.93	106.34	109.12	113.08	115.68
BHV	B'ground Music/Hotels: Television>300m2	245.45	281.82	318.18	322.45	330.89	342.92	350.82
BHV1	B'ground Music/Hotels: V/Juke Box-10%	220.91	253.64	286.36	290.2	297.8	308.62	315.73
RBH1	Background music: hospitality reproduction up to 500 tracks - annual rate	-	-	120	121.59	124.77	129.33	132.31
RBH2	Background music: Hospitality reproduction 501-1000 tracks	-	-	200	202.65	207.95	215.54	220.5
RBHA	Background music: Hospitality reproduction additional tracks	-	-	80	81.06	83.18	86.22	88.21

CINEMA								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
C1	Cinema - Minimum Fee	50	50	50	52.47	53.17	54.56	56.55
C1	Cinema - Receipts	0.36	0.39	0.42	0.42	0.42	0.42	0.42

FITNESS CLASSES - NEW								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GFC1	Fitness Classes - Tariff A	-	-	-	-	-	0.136	1.8182
GFC2	Fitness Classes - 10 or less - Tariff B	-	-	-	-	-	0.82	1.0909
GFC2	Fitness Classes - 10 or more - Tariff B	-	-	-	-	-	1.91	2.5455
FITNESS CLASSES - OLD								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GFAC	Fitness and Aerobic Classes - No of aerobic classes	0.84	0.87	0.88	0.92	0.93	-	-
GFAC	Fitness and Aerobic Classes - No of circuit classes	0.42	0.44	0.45	0.47	0.48	-	-

KARAOKE								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GFK	Karaoke - No of Days per year	13.88	14.06	14.75	14.95	15.34	15.9	16.27

RECORDED MUSIC FOR DANCE USE								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GFN	Recorded Music For Dance Use	-	-	0.46	0.58	0.58	0.71	0.71
RECORDED MUSIC TO ACCOMPANY DANCING								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GFD	Receipts	1.69%	1.69%	-	-	-	-	-
GFD	Persons Admitted	0.1121	0.1163	-	-	-	-	-

FEATURED RECORDED MUSIC								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GFR	Featured Recorded Music - Receipts	1.69%	1.69%	1.69%	1.69%	1.69%	1.69%	1.69%
GFR	Featured Recorded Music - Persons Admitted	0.1121	0.1163	0.1178	0.1236	0.1253	0.1286	0.1333

LIVE ARTIST PERFORMANCES								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GLA	Live-Artist Performances - Minimum Fee	\$25	\$25	\$25	\$25	\$25	\$25	\$25
GLA	Live-Artist Performances - Gross Expenditure	2%	2%	2%	2%	2%	2%	2%
GLA	Live-Artist Performances - Receipts	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%

MUSIC ON HOLD								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GMH1	Music on Hold: 1 to 5 lines	112.67	114.11	119.74	121.35	124.53	129.06	132.03
GMH2	Music on Hold: 6 to 10 lines	177.92	180.2	189.09	191.62	196.64	203.8	208.49
GMH3	Music on Hold: 11 to 25 lines	308.41	312.36	327.77	332.16	340.85	353.26	361.39
GMH4	Music on Hold: 26 to 50 lines	622.74	630.72	661.84	670.71	688.27	713.3	729.72
GMH5	Music on Hold: 51 to 100 lines	1067.56	1081.24	1134.58	1149.79	1179.89	1222.81	1250.96
GMH6	Music on Hold: 101 to 200 lines	1897.86	1922.18	2017.01	2044.05	2097.55	2173.86	2223.91
GMH7	Music on Hold: 201 to 300 lines	3321.27	3363.82	3529.78	3577.1	3670.73	3804.25	3891.84
GMH8	Music on Hold: 301 to 400 lines	4388.83	4445.06	4664.36	4726.89	4850.62	5027.05	5142.79
GMH9	Music on Hold: Additional lines above 400 (per line)	11.87	12.02	12.61	12.78	13.11	13.59	13.9
RMH1	Music on hold reproduction: 1-5 lines	-	-	29.94	30.34	31.13	32.27	33.01
RMH2	Music on hold reproduction: 6-10 lines	-	-	47.27	47.9	49.15	50.95	52.12
RMH3	Music on hold reproduction: 11-25 lines	-	-	81.95	83.04	85.21	88.32	90.35
RMH4	Music on hold reproduction: 26-50 lines	-	-	81.95	83.04	85.21	88.32	90.35
RMH5	Music on hold reproduction: 51-100 lines	-	-	81.95	83.04	85.21	88.32	90.35
RMH6	Music on hold reproduction: 101-200 lines	-	-	81.95	83.04	85.21	88.32	90.35
RMH7	Music on hold reproduction: 201-300 lines	-	-	81.95	83.04	85.21	88.32	90.35
RMH8	Music on hold reproduction: 301-400 lines	-	-	81.95	83.04	85.21	88.32	90.35
RMHA	Music on hold reproduction: Additional lines	-	-	3.15	3.19	3.27	3.39	3.47

MUSIC USED IN THE WORKPLACE								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GNB	Music used in the Workplace - Minimum Fee	45.43	46.01	48.28	48.93	50.21	52.03	53.23
GNB	Music used in the Workplace - No. of fulltime employees	0.68	0.69	0.72	0.73	0.75	0.78	0.8
GNBS	Music used in the Workplace - State Government	0.44	0.45	0.47	0.48	0.49	0.51	0.52



RNB	Music used in the Workplace Reproduction - Minimum Fee	-	-	46.01	46.62	50.21	52.03	53.23
RNB	Music used in the Workplace Reproduction - No. of fulltime employees	-	-	0.07	0.07	0.75	0.78	0.8

INTERNATIONAL CRUISE SHIPS & MARINE VESSELS								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GNCS	Cruise Ships and Marine Vessels - No of Locations	-	-	100	100	100	107.78	110.26

DANCE CLASSES								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GND	Dancing Schools - Base Fee	50.98	51.63	54.18	54.91	56.35	58.4	59.74
GND	Dancing Schools - No. of days	25.5	25.83	27.1	27.46	28.18	29.21	29.88
GND1	Dancing Schools - No. of locations	50.98	51.63	54.18	54.91	56.35	58.4	59.74
GND2	Dancing Schools - Multiple Locations (2 days) - base fee	76.49	77.47	81.29	82.38	84.54	87.62	89.64
GND2	Dancing Schools - Multiple Locations (2 days) - no. of locations	76.49	77.47	81.29	82.38	84.54	87.62	89.64
GND3	Dancing Schools - non-classical dance classes - base fee	45.91	46.5	48.79	49.44	50.73	52.58	53.79
GND3	Dancing Schools - non-classical dance classes - no. of days	22.95	23.24	24.39	24.72	25.37	26.29	26.9

SPORTING CODE								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GNE1	Sports Meetings - no. of persons	0.01	0.01	0.01	0.01	0.01	0.01	0.01
GNE2	Sports Meetings - minimum fee	50	50.64	53.14	53.85	55.26	57.27	58.59
GNE2	Sports Meetings - no. of persons	0.02	0.02	0.02	0.02	0.02	0.02	0.02
GNEC	Sports Meetings - country areas	127.27	128.9	135.26	137.07	140.66	145.78	149.14
GNEM	Sports Meetings - metropolitan areas	254.63	257.89	270.61	274.24	281.42	291.66	298.37

COMMUNITY BANDS, GROUPS, CHOIRS								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GNG	Community Bands and Groups - no. of band(s)/group(s)	62.5	63.3	66.42	67.31	69.07	71.58	73.23
GNG1	Blanket Community Groups - \$50 + CPI (no. of affiliates)	68.87	69.75	73.19	74.17	76.11	78.88	80.7
GNG2	Blanket Community Groups - \$150 + CPI (no. of affiliates)	206.58	209.23	219.55	222.49	228.31	236.62	242.07
GNG3	Blanket Community Groups - \$200 + CPI (no. of affiliates)	277.74	281.3	295.18	299.14	306.97	318.13	325.45
GNGF	Gymnastics Federation (no. of members)	68.84	69.72	73.16	74.14	76.08	78.85	80.67

HALLS AND FUNCTION CENTRES								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GNH	Halls and Function Centres - minimum fee	50.98	51.63	54.18	54.91	56.35	58.4	59.74

GNH	Halls and Function Centres -seating capacity (per 100)	2.56	2.59	2.72	2.76	2.83	2.93	3
GNH	Halls and Function Centres - no. of functions per year	1	1	1	1	1	1	1

EISTEDDFOD								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GNQ	Eisteddfods - Annual Rate	62.5	63.3	66.42	67.31	69.07	71.58	73.23

SKATING RINK								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GNR	Skating Rinks - Ice and Roller (minimum fee)	50.98	51.63	54.18	54.91	56.35	58.4	59.74
GNR	Skating Rinks - Ice and Roller (no. of days per year)	1.31	1.33	1.4	1.42	1.46	1.51	1.54

CHURCH								
Tariff Code	Description	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
GNW	Churches & other parish related functions (no of locations)	62.5	63.3	66.42	67.31	69.07	71.58	73.23

## ATTACHMENT 6

### APRAP – Issue 2: November/December 2000

#### **LICENCE BACK – What it means and how it works**

*Marie-Louise Symons, Assistant General-Counsel, APRA*

At APRA's Annual General Meeting on November 24, members were asked to vote on changes to the Constitution which allow APRA to introduce a "licence back" scheme. The scheme had already been approved by the Australian Competition Tribunal.

The scheme allows APRA members to request a "licence back" of particular works which they have assigned to APRA, so that they can enter into a written sub-licence arrangement with a third party. A member who wants to obtain a licence back of a work must complete a form requesting the licence back. They must also get written consent from all

other interested parties including, for example, co-writers and publishers, and must provide details of the proposed sub-licence, including the location and dates of proposed performances, or in the case of broadcast, the period of the licence. The member must pay the costs associated with the licence back.

Members who want a licence back must give APRA two months notice before the first intended performance under the sub-licence to broadcast a work.

The forms and a schedule of costs are now available from APRA.

## MUSIC ON HOLD – WHO NEEDS WHAT RIGHTS?

*Kate Haddock, General Counsel, APRA*

Over the past few months, APRA members have brought to us a number of Music on Hold (MoH) Issues. This article answers some of the questions that members have about the ways MoH can be licensed and how the Income is distributed. If you have other questions, or need more information, you should contact Member Services.

There are a number of options for MoH. A business might use the radio or commercially available CDs. They can purchase packaged MoH from MoH suppliers. Some businesses see MoH as a branding opportunity and use purpose written music, perhaps the same music they use in their advertising.

### Radio/CDs

If a business uses commercially available music (radio or CDs), they will need to take out an APRA licence. Most businesses use the radio for their music on hold, and APRA distributes general MoH Income in accordance with radio distribution information.

### Packaged music

A number of companies sell MoH CDs. Some of this is library music, some is commissioned by the MoH supplier. If you are commissioned to write MoH for a supplier, read the contract carefully to see what rights the supplier is paying you for.

The supplier needs the right to reproduce the music, so they can make and sell CDs. The supplier will not be communicating the music – their customers will.

Some MoH suppliers sell music "royalty free". This means that the supplier intends that its customers will not have to pay APRA royalties. If a contract requires you to assign or license any of the broadcast, communication, or transmission rights, or says that you grant a licence or assignment of all rights, the supplier intends that its customers will not need an APRA licence. If you want to sign such a contract, first you will have to remove all of your works (opt out) from APRA for communication (excluding tv broadcast). When you do this, you will not receive any APRA distributions for MoH, pay tv or Internet.

Alternatively, you can negotiate with the supplier so that your rights stay in APRA and you earn the income that APRA collects from licensing the supplier's customers. Remember it is not the MoH supplier who pays the APRA fees – it is the customers who use the music.

### Music commissioned for a particular company

If you are commissioned to write music that will be used as MoH by a company (often this is music that is also used in an advertising campaign) and the company does not want to take out a MoH licence from APRA, you can get a "licence back" from APRA in relation to that particular work.

You must get the licence back before you sign the agreement with the company in which you grant the licence to them. You cannot assign the whole of the work to them, or give them an exclusive licence for MoH, while you are an APRA member.

If the company will be using music written by other composers as well, it will need to get an APRA licence anyway. If your work is still in APRA, you will participate in the distribution of that licence fee.

If you take a licence back, you will not be able to participate in any APRA income for that use of the work or works.

If you have not opted out or taken a licence back and a company is using your library or commissioned MoH, you should notify APRA so that the distribution can be adjusted accordingly. If a company is using only your music, let APRA know. You will be entitled to that company's APRA licence fee, less administration costs.

If a company wants you to licence back or opt out, you must make a commercial decision about your likely share of the APRA licence fees if the music stays with APRA, compared with what you are being offered in the contract.

It is not possible to get a retrospective opt out or licence back, so the company using your music is liable to pay APRA licence fees until your opt out or licence back becomes effective.

Being a member of APRA has considerable advantages. APRA works to ensure that all users of your works pay a commercial fee for the use of your music. APRA has licensed a large number of businesses using MoH, including licence agreements with several very large users of music. If you wish to negotiate with users of your works alone, we suggest you obtain legal advice in relation to any contracts that you sign. In particular, we suggest that you do not sign contracts that deal with rights that you have already given to APRA, without first seeking legal advice.

## APRAP – Issue 2: July/August 2006

### EGM approves changes to **APRA Constitution**

APRA members voted to approve three changes to the APRA Constitution at a recent Extraordinary General Meeting held at APRA's premises in St Leonards, NSW on Wednesday, 7 May 2006.

The first of the changes related to APRA's undertaking to the Australian Competition and Consumer Commission (ACCC) during its recent re-authorisation review. In general the amendments are designed to make it easier for members to exercise their licence-back option under their APRA membership.

The second change addressed an inconsistency in the Constitution, and now allows, upon request, for members moving from Australia to New Zealand (or vice versa) to be classified as members of their new resident country, after a period of two years.

A new Article was added to the Constitution enabling APRA to investigate electronic voting and the electronic dissemination of accompanying information including, proxy and ballot forms. Members with the means to vote electronically will be contacted and asked to confirm their preference.

## APRAP – Issue 1: 2009

### Constitutional Amendments

Both the APRA and AMCOS Boards proposed and carried a number of constitutional amendments at the November 2008 AGMs. The amendments dealt largely with providing procedural efficiencies, including a streamlined process for voting for directors at the AGMs.

Voting will now take place before the APRA and AMCOS AGMs, with voting conducted electronically except where expressly requested by a member. There will be no voting at the actual AGMs. The results of the election for directors will be verified by APRA and AMCOS' auditors prior to the meetings, and will be announced at the meeting. The new process will provide increased transparency in relation to the results of elections. These changes will also continue our efforts to reduce costs and environmental impact by minimising paper use and postage.

In addition to procedural improvements, the APRA Board proposed and passed amendments relating to members' rights to opt out and license back their rights otherwise assigned to APRA. The changes simplify the opt out categories and enable members to license their own works for online distribution for non-commercial purposes. Further information is available from our Writer Services department.

## APRAP – Issue 2: 2009



### Licence Back and Opt-Out

APRA has introduced a new Licence Back provision for online non commercial use(s) of your music. This follows constitutional amendments carried at the APRA AGM in November, 2008. The changes effectively enable members to license their own works for online distribution for non-commercial purposes. Members wishing to choose to manage their rights in this way simply need to complete the requisite forms which are available in the Online Membership Facility, accessible through the APRA|AMCOS website: [www.apra-amcos.com.au](http://www.apra-amcos.com.au) then go to **Login → Writer**.

## APRAP – Issue 2: 2010

### Managing Your Rights

APRA has made further changes to the Licence Back scheme to improve issues around access and efficacy for both members and music users.

A summary of the various schemes is given below. For more information go to Music Creators/Managing Your rights: [www.apra-amcos.com.au](http://www.apra-amcos.com.au)

	Opt out	Licence back	Online non-commercial licence back
<b>Applies to how many of your works?</b>	All works	My nominated work or a number of works	Any nominated work or a number of works
<b>Non-exclusive licence</b>	No	Yes	Yes
<b>Is there a re-assignment of your performing right?</b>	Yes	No	No
<b>Uses covered</b>	Your choice of as many performing rights categories as applicable, worldwide	Your choice of as many performing right categories as applicable in australia and/or new zealand only	Online non-commercial uses only
<b>Period covered</b>	Can be a set period or in perpetuity	Can be a set period or in perpetuity	Can be a set period or in perpetuity
<b>Notice required</b>	3 Months	1 – 2 Weeks, subject to category	1 Week
<b>Costs</b>	Apra's reasonable costs associated with the opt out, capped at \$200.00	Apra's reasonable costs associated with the licence back, capped at \$200.00	At APRA's discretion, but in any event, not to exceed apra's reasonable costs associated with the online non-commercial licence back



## ATTACHMENT 7

### 2011 AFFILIATE SOCIETY EXPENSE RATIOS - SORTED LOWEST TO HIGHEST BY TOTAL EXPENSE RATIO

<b>Society</b>	<b>Country</b>	<b>musical works: domestic public performing rights income</b>	<b>musical works: domestic public performing rights expenses</b>	<b>EXPENSE RATIO</b>
<b>BUMA</b>	NETHERLANDS	€ 131,056,281	€ 10,576,499	<b>8.07%</b>
<b>MACP</b>	MALAYSIA	€ 8,176,592	€ 661,805	<b>8.09%</b>
<b>KODA</b>	DENMARK	€ 82,530,824	€ 9,123,464	<b>11.05%</b>
<b>AKM</b>	AUSTRIA	€ 74,486,699	€ 8,284,036	<b>11.12%</b>
<b>COMPASS</b>	SINGAPORE	€ 10,212,488	€ 1,361,325	<b>13.33%</b>
<b>APRA</b>	AUSTRALIA	€ 118,343,755	€ 15,906,200	<b>13.44%</b>
<b>UCMR-ADA</b>	ROMANIA	€ 16,526,447	€ 2,286,261	<b>13.83%</b>
<b>SUISA</b>	SWITZERLAND	€ 85,507,223	€ 12,672,871	<b>14.82%</b>
<b>MÜST</b>	TAIWAN	€ 5,241,044	€ 786,157	<b>15.00%</b>
<b>TEOSTO</b>	FINLAND	€ 46,489,957	€ 7,423,504	<b>15.97%</b>
<b>TONO</b>	NORWAY	€ 48,115,474	€ 7,707,628	<b>16.02%</b>
<b>KOMCA</b>	SOUTH KOREA	€ 53,597,284	€ 8,594,950	<b>16.04%</b>
<b>JASRAC</b>	JAPAN	€ 439,348,149	€ 71,397,282	<b>16.25%</b>
<b>PRS</b>	UNITED KINGDOM	€ 320,628,650	€ 52,343,327	<b>16.33%</b>
<b>SOCAN</b>	CANADA	€ 158,606,742	€ 27,538,379	<b>17.36%</b>
<b>ASCAP</b>	UNITED STATES	€ 455,195,141	€ 79,630,097	<b>17.49%</b>
<b>ZAIS</b>	POLAND	€ 64,621,832	€ 11,370,124	<b>17.59%</b>
<b>STIM</b>	SWEDEN	€ 81,029,657	€ 14,919,972	<b>18.41%</b>
<b>GEMA</b>	GERMANY	€ 494,989,287	€ 91,380,612	<b>18.46%</b>
<b>BMI</b>	UNITED STATES	€ 465,960,914	€ 86,276,241	<b>18.52%</b>
<b>SACEM</b>	FRANCE	€ 530,285,408	€ 98,596,257	<b>18.59%</b>
<b>ACUM</b>	ISRAEL	€ 24,067,369	€ 4,621,007	<b>19.20%</b>
<b>SIAE</b>	ITALY	€ 384,122,639	€ 74,802,871	<b>19.47%</b>
<b>MCSC</b>	CHINA	€ 7,471,136	€ 1,457,394	<b>19.51%</b>
<b>ACDAM</b>	CUBA	€ 1,529,720	€ 305,944	<b>20.00%</b>
<b>CASH</b>	HONG KONG	€ 13,420,985	€ 2,690,171	<b>20.04%</b>
<b>LATGA</b>	LITHUANIA	€ 3,307,888	€ 672,627	<b>20.33%</b>
<b>EAU</b>	ESTONIA	€ 3,020,860	€ 615,207	<b>20.37%</b>
<b>MUSICAUTOR</b>	BULGARIA	€ 2,283,075	€ 467,652	<b>20.48%</b>
<b>SPA</b>	PORTUGAL	€ 23,950,857	€ 5,031,248	<b>21.01%</b>
<b>RAO</b>	RUSSIAN FEDERATION	€ 48,621,448	€ 10,239,452	<b>21.06%</b>
<b>SADAIC</b>	ARGENTINA	€ 66,755,204	€ 14,119,968	<b>21.15%</b>
<b>ARTISJUS</b>	HUNGARY	€ 37,379,012	€ 7,928,594	<b>21.21%</b>
<b>OSA</b>	CZECH REPUBLIC	€ 20,944,342	€ 4,458,869	<b>21.29%</b>
<b>SOZA</b>	SLOVAKIA	€ 5,838,350	€ 1,269,522	<b>21.74%</b>
<b>SABAM</b>	BELGIUM	€ 94,499,828	€ 20,663,994	<b>21.87%</b>
<b>IMRO</b>	IRELAND	€ 22,978,411	€ 5,072,584	<b>22.08%</b>
<b>SACM</b>	MEXICO	€ 37,415,267	€ 8,392,702	<b>22.43%</b>
<b>VCPMC</b>	VIETNAM	€ 1,198,355	€ 271,885	<b>22.69%</b>
<b>AKKA-LAA</b>	LATVIA	€ 2,717,447	€ 622,036	<b>22.89%</b>
<b>SCD</b>	CHILE	€ 16,958,780	€ 3,947,676	<b>23.28%</b>
<b>SAYCO</b>	COLOMBIA	€ 13,867,385	€ 3,300,493	<b>23.80%</b>
<b>HDS-ZAMP</b>	CROATIA	€ 12,377,801	€ 3,204,832	<b>25.89%</b>
<b>FILSCAP</b>	PHILIPPINES	€ 1,064,648	€ 289,797	<b>27.22%</b>
<b>SAMRO</b>	SOUTH AFRICA	€ 30,166,804	€ 8,213,959	<b>27.23%</b>
<b>SACVEN</b>	VENEZUELA	€ 9,555,096	€ 2,818,770	<b>29.50%</b>

<b>SOKOJ</b>	SERBIA	€ 5,714,394	€ 1,711,929	<b>29.96%</b>
<b>ACAM</b>	COSTA RICA	€ 931,190	€ 279,357	<b>30.00%</b>
<b>SAYCE</b>	ECUADOR	€ 913,848	€ 274,155	<b>30.00%</b>
<b>AGADU</b>	URUGUAY	€ 6,052,589	€ 2,032,331	<b>33.58%</b>
<b>AEPI</b>	GREECE	€ 29,562,771	€ 10,076,915	<b>34.09%</b>
<b>BUBEDRA</b>	BENIN	€ 171,477	€ 60,017	<b>35.00%</b>
<b>SAZAS</b>	SLOVENIA	€ 7,258,273	€ 2,549,387	<b>35.12%</b>
<b>STEF</b>	ICELAND	€ 2,292,476	€ 840,325	<b>36.66%</b>
<b>MCT</b>	THAILAND	€ 728,669	€ 290,953	<b>39.93%</b>
<b>SOBODAYCOM</b>	BOLIVIA	€ 234,517	€ 96,621	<b>41.20%</b>
<b>COTT</b>	TRINIDAD AND TOBAGO	€ 1,443,406	€ 606,423	<b>42.01%</b>
<b>ECCO</b>	SAINT LUCIA	€ 259,158	€ 147,718	<b>57.00%</b>

**Note** – for the purposes of international benchmarking, performing rights organisations compare ratios of expenses over domestic revenue, excluding overseas revenue. APRA's expense to revenue ratio calculated on this basis is 13.44%, however APRA's true expense to revenue ratio for this period (including overseas revenue generated by APRA works) was 12.82%, as has been previously reported to the ACCC.



## ATTACHMENT 8

### APRA Historical Financial data

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Revenue	\$127.2m	\$141m	\$151.1m	\$159.6m	\$172.4m	\$183m	\$185.7m
Net Distributable Income	\$110.9	\$123.2m	\$132.1m	\$139.1m	\$151.5m	\$160.6m	\$161.9m
Expense to revenue ratio	12.8%	12.62%	12.57%	12.84%	12.12%	12.24%	12.82%