



OneMusic Australia

**Dance and Performance Instructors and
Dance Schools Music Licence**

Consultation Paper

Published: 20 November 2023

1. Introduction

OneMusic currently offers a **Dance and Performance Instructors and Dance Schools** music licence that provides operators of dance schools and dance instructors with the ability to publicly perform and copy musical works and music sound recordings that are protected by Australian copyright law for the purpose of dance instruction.

In response to concerns raised by some industry participants and licensees regarding some unintentional inequities in the operation of the **Dance and Performance Instructors and Dance Schools** music licence, OneMusic proposes to amend a number of aspects of that licence and is **seeking feedback** from the dance school sector regarding those amendments. OneMusic believes these proposed changes will ensure that music licensing for the sector remains fit-for-purpose and strike an appropriate balance between the needs of the sector and the right of the creators of music to receive fair and reasonable compensation for the use of their copyright material by dance schools and dance instructors.

This consultation will run for a period of 3 weeks from 27 November 2023 to 18 December 2023. Details on how to respond to the consultation can be found in **Section 4 below**, and information about the process for industry consultation is available [HERE](#). This consultation is being undertaken with reference to the *Code of Conduct for Copyright Collecting Societies*, to which APRA, AMCOS and PPCA are foundation members.

At the conclusion of this consultation, OneMusic will publish the final form of the revised **Dance and Performance Instructors and Dance Schools** music licence, which will apply to all new dance school and dance and performance instructors' music licences issued after 1 May 2024. Dance school operators and dance instructors that currently hold a Dance and Performance Instructors and Dance Schools music licence will have the option to transfer to the revised licence at any time after 1 May 2024, but, in any case, will be automatically transferred on their renewal date over the course of 2024.

We strongly encourage all licence holders and other industry participants to review this Consultation Paper and provide any feedback on the proposal prior to 5pm AEDST 18 December 2023.

We set out in the sections below OneMusic's proposed amendments to the current **Dance and Performance Instructors and Dance Schools** music licence – amendments we consider are responsive to the concerns already raised by a number of industry participants – and our rationale for those amendments.

2. OneMusic

OneMusic is a joint licensing initiative of APRA, AMCOS and PPCA. OneMusic also acts as agent for the licensing of music rights held by of ARIA.

APRA is the Australasian Performing Right Association Limited and **AMCOS** is the Australasian Mechanical Copyright Owners Society Limited. APRA and AMCOS together grant licences for the live performance, broadcast, communication, public playing and reproduction of its members' and affiliates' musical works. APRA and AMCOS then distributes the licence fees collected to its more than 120,000 songwriter, composer and music publisher members, and to members of affiliated societies worldwide.

PPCA is the Phonographic Performance Company of Australia Limited and **ARIA** is the Australian Recording Industry Association Limited. PPCA and ARIA together grant licences for the broadcast, communication and public playing of recorded music (such as CDs, records and digital downloads or streams) and music videos. PPCA and ARIA then distribute the licence fees collected to its licensors (generally record labels) and to registered Australian recording artists.

A OneMusic music licence gives holders the right to publicly perform and reproduce the vast majority of the world's repertoire of music.

3. Proposal

a. Changes to the Licence Scope

Other than as specified below, OneMusic does not propose to vary any other term or condition of the current **Dance and Performance Instructors and Dance Schools** music licence, including the maintenance of key limitations and restrictions as set out in the current licence ([available HERE](#)).

b. Proposed Amendments

Music in Dance Classes

Under the current **Dance and Performance Instructors and Dance Schools** music licence, the **Music in Dance Classes** category is priced on a per location basis, with four tiers of varied rates depending upon the number of weekly classes conducted at the, or each, location (with tiered rates for 1 - 5, 6 - 20, 21 - 40 or 41+ classes per week).

In recognition that, under the current arrangements, a small Dance and Performance School that operates a large number of separate locations may be at a financial disadvantage as compared with a large, single location Dance and Performance School, OneMusic proposes to now:

- calculate Licence Fees by reference to the **average weekly number of classes across all locations** of a Dance and Performance School (or Dance Instructor) business; and
- introduce additional tiers of class numbers (from **4 tiers to 13 tiers**) in order to scale the rates to reflect usage (when applied to a business rather than each location).

With more calibrated and precise tiers, along with the removal of the per location application of fees, we believe that the ultimate Licence Fee calculations will be more closely aligned with the total volume of music performed in dance classes, whether those classes are in a single location or across multiple locations.

OneMusic proposes to introduce the following tiers and annual rates for **Music in Dance Classes**:

	Number of Dance Classes (on average per week across all locations at the Dance School and Instructor business)	Annual Rates (per Dance School and Instructor business)
Unchanged Tiers	1 - 5	\$193.48 (\$16.13 per month)
	6 - 20	\$386.97 (\$32.25 per month)
	21 - 40	\$580.45 (\$48.38 per month)
	41 – 80	\$773.94 (\$64.50 per month)
New Tiers	81 – 120	\$1,285.38 (\$107.12 per month)
	121 – 160	\$1,797.00 (\$149.75 per month)
	161 – 200	\$2,308.58 (\$192.39 per month)
	201 – 240	\$2,820.18 (\$235.02 per month)
	241 – 280	\$3,331.78 (\$277.65 per month)
	281 – 320	\$3,843.36 (\$320.28 per month)
	321 – 360	\$4,354.97 (\$362.92 per month)
	361 – 400	\$4,866.57 (\$405.55 per month)
401+	\$5,128.76 (\$437.40 per month)	

OneMusic also propose to include at **no extra charge** the rights to use music on Dance and Performance Schools or Instructors websites under the **Music in Dance Classes** category (see section 3(e) below).

As the overwhelming number of dance schools operate at a single location and with fewer than 80 classes per week, the vast majority of dance schools will not experience any change in their licence fee.

However, OneMusic acknowledges that for some Dance and Performance Schools (around 1.8% of current Licensees), the additional tiers and revised rates **involve an increase in the fees payable under the previous tiers and rates**.

Nonetheless, OneMusic is confident that these changes to **Music in Dance Classes**:

- strike a fairer balance between the fees applicable to large music users with high class numbers at a single location and smaller music users across multiple locations;
- involve a reduction in fees for those Dance and Performance Schools with low class numbers but multiple locations (which account for around 5% of all Licensees); and
- involve no change in fees for 93% of current Licensees, who typically offer less than 41 classes each week in total across their locations.

Music Used in Dance School Events

Under the current **Dance and Performance Instructors and Dance Schools** music licence, the **Dance School Events** licensing category is priced as an annual fee, with two alternative fixed-fee tiers, being one for a single dance school event and one for unlimited events over the year.

It follows from the proposal to move **Music in Dance Classes** from a 'per location' to 'per business' assessment that **Dance School Events** should be similarly assessed. In recognition that at a 'per business' level a two-tier structure may not include enough of a range of options, OneMusic proposes to change from two tiers to a **total of four tiers**, with adjustments to the applicable rates as follows:

	Number of Dance Events (per year)	Annual Rates (per Location)
Unchanged Tier	1	\$221.12 (\$18.43 per month)
New Tiers	2 - 4	\$442.25 (\$36.86 per month)
	5 - 8	\$663.36 (\$55.28 per month)
	9+	\$882.28 (\$73.53 per month)

OneMusic acknowledges that for those Dance and Performance Schools that present five (5) or more **Dance School Events** each year, the revised rates **involve an increase in the fees payable under the previous rates** and rate structure. However, OneMusic is confident that these changes to **Dance School Events**:

- strike a fairer balance between the fees applicable to large music users with a high number of events and those with more limited music needs; and
- involve no change in Licence Fees for all but a few current Licensees with high music use.

In response to feedback in regards to ticket prices due to the increased cost of events, OneMusic proposes to adjust the entry fee threshold for **Dance School Events** from \$40.00 to \$60.00.

c. Rate and Rate Structure rationale

OneMusic has determined the above rates and rate structures for this proposal in accordance with OneMusic's published [Fee Methodology Guides](#), with the **General Background** for the approach OneMusic takes to the fixing of rates and rate structures available [HERE](#).

How OneMusic determined any new or altered rates and rate structure proposed in this Consultation Paper are set out in more detail in **Annex A** to this Consultation Paper.

d. Clarifications

Currently, the **Video Recording Package** permits Dance and Performance Schools to make certain copies of **Dance School Events** and to digitally deliver those recordings over a password-protected intranet to students and families for private or domestic viewing.

OneMusic **does not propose to amend the rates or the rate structure** for this music use category, nor increase or change the number of recordings that are permitted under this licensing category.

However, OneMusic does intend to **amend the existing definitions and information material** for the **Video Recording Package**, to clarify the following:

- A Dance and Performance School will only require this cover when a video recording of a **Dance School Event** is:
 - to be made by the operator of that Dance and Performance School themselves; or
 - when the operator engages a third-party videographer to make the video recording, but fails to provide OneMusic with the videographer's contact information.
- If this licensing category is taken out by a Dance and Performance School, then it will cover circumstances where a video recording of a **Dance School Event** is made by:
 - parents, friends and/or other attendees;
 - a third-party videographer.
- If an operator of a Dance and Performance School engages a third-party videographer to make a master video recording of a Dance School Event, and then the school makes copies of that master recording, OneMusic would expect that the operator would select this licensing category for that Dance School Event, even if the videographer holds its own separate licence to create that master video.

e. Music Use Category Removal

Under the current **Dance and Performance Instructors and Dance Schools** music licence, the **Website Use** category is priced at a flat fee for 12 months' coverage.

OneMusic propose to remove **Website Use** as a separate licensing category and instead include permission to use OneMusic's music in the coverage under the **Music in Dance Classes** category at **no extra charge**.

4. How to respond to the consultation

Online:

<https://form.jotform.com/233129068757060>

In writing:

Consultation Responses
OneMusic Australia
Dance School Consultation
Locked Bag 5000,
Strawberry Hills NSW 2012

By email:

dance@onemusic.com.au

Please use 'Dance School Consultation' in the subject line.

The closing date for the consultation is 5pm AEDST 18 December 2023.

Following the closing date of the consultation, we will review all of the responses and publish a summary on our website. We will consider all comments received by the closing date and seek to hold discussions with customers and any representative bodies, as required, during the consultation period.

If you would like us to keep your response confidential or if you wish to provide confidential data in support of your response, please let us know by stating this in the response form or in writing.

This consultation does not obligate us to implement any of the changes proposed, and we may propose an alternative scheme in the light of responses to this consultation or otherwise.

Having regard to the outcome of this consultation, OneMusic intends to make available a revised **Dance and Performance Instructors and Dance Schools music licence on 1 May 2024.**

Annex A

Rate and Rate Structure Methodology

Music in Dance Classes

As noted in the body of the Consultation Paper, this consultation proposes to move the assessment of average dance classes per week from a 'per location' to an aggregate 'per business' basis and, accordingly, increase the number of class number tiers for **Music in Dance Classes**.

In OneMusic's view, this proposed amendment more fairly accommodates businesses that have small class numbers across several separate locations and more closely aligns fees with the size of the audience. It is also consistent with OneMusic's stated aim of reducing the risk of any unintended inequities in any of its music licences.

The rate structure and the revised rates that are attached to each new tier under this Consultation Paper have been fixed by OneMusic using the following rationale:

- **Rate Structure:** The proposed rate structure was selected for the following reasons:
 - OneMusic wanted to move to a 'per business' from a 'per location' rate **to remove any disadvantage** that may have arisen for dance school operators with very low class numbers across a high number of separate Locations.
 - Given that the vast majority of dance school operators are within a single Location, the change to a 'per business' calculation would have **no impact** on the overwhelming majority of current Licensees.
 - In moving to a 'per business' calculation, OneMusic felt it necessary to increase the number of tiers to ensure that the total fees for **Music in Dance Classes better reflected the volume of music** used by each Licensee across their business, providing an appropriate scaling of licence fees according to volume of music use.
- **Rates:** The proposed rates for each new tier of **Music in Dance Classes** were developed and fixed by OneMusic using the following rationale:
 - The rates for each new tier for **Music in Dance Classes** were developed on the principle that the **volume of music use should be reflected in the overall licence fee**, and the most appropriate metric to achieve that was by reference to the average number of dance classes per week, per business.
 - OneMusic sought to determine rates that would **facilitate and support the change to a 'per business' tier structure**, while minimising the number of Licensees who would experience an increase in licence fees and, for any that do, the amount of that increase.
 - To **minimise the number of Licensees that would experience an increase** in their **Music in Dance Classes** Licence Fees, OneMusic have fixed the new tiers at a 33% discount on a per-class basis under the 21 – 40 class tier.
 - Using data from our records of current Licensees holding **Music in Dance Classes** coverage, OneMusic found that the proposed rates will **not involve an increase in Licence Fees for around 93% of Licensees and a decrease for around 5%**, with aggregate Licence Fee payments from this licensing category to OneMusic contracting by 6%.

Music for Dance Events

As noted in the body of the Consultation Paper, this consultation proposes to increase the number of tiers for **Music for Dance Events** to reflect the shift from 'per location' to 'per business' charging.

The rate structure and the revised rates that are attached to each new tier under this Consultation Paper have been fixed by OneMusic using the following rationale:

- **Rate Structure:** The proposed rate structure was selected for the following reasons:
 - To remain consistent with the proposed change from a 'per location' to 'per business' rate in the **Music in Dance Classes** category.
 - To recognise that, at a 'per business' level, a two-tier structure may not include enough of a range of options that would ensure the value of the rights exercised in the **Music in Dance Classes** category was broadly consistent with the level of music usage.
 - To avoid the potential for disadvantage for Dance Schools with very low events across a high number of separate Locations.
- **Rate:** The proposed rates for each tier of the **Music for Dance Events** category were developed by OneMusic using the following rationale:
 - To ensure that the current annual rate for a **single dance school** event under the current **Dance and Performance Instructors and Dance Schools** music licence (\$221.12) remains unchanged (\$221.12) and, therefore, consistent with the rate that arose from the *Dance and Performance Instructors and Dance Schools* consultation with industry that OneMusic undertook in 2019 (that is, \$200 plus annual CPI).
 - To provide that each **additional new tier** (tiers 2-4, 5-8 and 9+) is fixed at a rate calculated by:
 - + applying the rate applicable to the tier immediately under that tier; plus
 - + the rate for a single event.
 - To maintain a simple 'one stop shop' for **Music for Dance Events** that would:
 - + avoid the need for Dance School to acquire two separate APRA (musical works) and PPCA (sound recordings) licences (as was the case prior to OneMusic); and
 - + be fixed at a rate that was generally lower than the combined APRA and PPCA fees under the pre-OneMusic separate licences.



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