

DATE: 17 November 2022

TICKETED SPECIAL PURPOSE PERFORMANCES ONEMUSIC AUSTRALIA FINAL POSITION PAPER

Commencing in 2019, OneMusic Australia published a number of consultation papers covering the tariffs for the use of its music under the category of “Events”. On 15 December 2021, OneMusic Australia published a single consultation paper in respect of several classes of event, including *Ticketed Promoted Events and Eligible Outdoor Events, Dance Parties and Ticketed Special Purpose Events (Events Consultation Paper)*. After receiving substantial feedback from Event industry stakeholders, on 31 August 2022 OneMusic released a consultation paper outlining a revised proposal for the licensing of Ticketed Special Purpose Events (now called *Ticketed Special Purpose Performances*), which can be found [HERE](#)

Since the release of the *Ticketed Special Purpose Performances* Consultation Paper, minimal feedback has been received beyond requests for clarity around specific elements of the proposed licence. The purpose of this paper is to provide that clarity, and to publish the outcome of OneMusic Australia’s consultation with industry regarding the rates and rate structures for the licensing of *Ticketed Special Purpose Performances*.

OneMusic Australia intends to implement the following rates, rate structures, and Muse Use Categories for all Ticketed Special Purpose Performances that occur on or after **1 January 2023**.

EVENT CLASSIFICATION

The type of events that are licensable under the *Ticketed Special Purpose Performances* licence scheme are as defined below::

Ticketed Special Purpose Performances are ticketed performances where recorded and/or live music is used during the performance but is not the primary attraction or dominant feature of that performance. A *Ticketed Special Purpose Performance* includes performances where the primary attraction or dominant feature may be magic, spoken word, cabaret, circus, dance, variety, fashion or comedy.

RATES AND RATE STRUCTURES

The rates are as follows (inclusive of GST):

Ticket Price					
<\$50	>\$50-<\$70	>\$70-<\$100	>\$100-<\$130	>\$130-<\$177	\$178+
APRA Works - Per Attendee Prorated* (inclusive of GST)					
\$0.25	\$0.45	\$0.65	\$0.90	\$1.20	\$1.35
*Prorated means Total Music Use divided by the Total Event Duration					
PPCA Sound Recordings and Music Videos - Per Attendee Prorated^ (inclusive of GST)					
\$0.25	\$0.45	\$0.65	\$0.90	\$1.20	\$1.35
^Prorated means Duration of Sound Recording Use divided by the Total Event Duration					

APRA Works	PPCA Sound Recordings and Music Videos
Subject to a minimum fee of the greater of: a) \$82.50; and b) the aggregate of \$0.0351 per Attendee	Subject to a minimum fee of the greater of: a) \$82.50; and b) the aggregate of \$0.0351 per Attendee

Relevant Definitions	
Ticket Price	means the retail price (excluding GST) of the standard ticket for that event, being the ticket obtained by the majority of Attendees.
Attendees	the number of people (including complimentary ticket holders) attending an event or relevant area of the event.
Duration of Music Use	means the total time in minutes that music is performed during the event, not including during interval or intermission.
Duration of Sound Recording Use	means the total time in minutes that music sound recordings and/or music videos are performed during the event, not including during interval or intermission.
Total Event Duration	means the duration in minutes of the Ticketed Special Purpose Performance, excluding any intervals or intermissions.

EXPLANATORY NOTES

Dance Performances

Clarity has been sought regarding dance performances that would fall under the *Ticketed Special Purpose Performances* licence scheme and those that may require a licence as “Dramatic Context”.

To that end, OneMusic can confirm that there are no changes proposed to the current definitions of “Dramatic Context” or “Ballet”, nor to the application of “Dramatic Context” licences. The *Ticketed Special Purpose Performances* licensing scheme will apply to any relevant event, and in cases where a work is used in a “Dramatic Context” (under the current definitions) a separate licence will be required. The assignment that APRA AMCOS receives from its members does not include the performance of music in a “Dramatic Context” and therefore must be excluded from our general event licences.

To be clear, any musical work that was written for the purpose of portraying a story, plot, or abstract idea through dance is excluded from the *Ticketed Special Purpose Performance* licence in circumstances where the performance of that work is accompanied by a choreographic representation of that work. Where an event is held in which an APRA Work is used in a “Dramatic Context”, that use would be unlicensed under *Ticketed Special Purpose Performances* licence and would require separate “Dramatic Context” licensing. In some cases, for instance if multiple works are used in an event and presented as a ‘Ballet’ (as defined in APRA AMCOS’ “Dramatic Context” licence scheme), an entire event could be classified and licensed as “Dramatic Context”.

When reviewing the licensing requirements for an event, APRA AMCOS and OneMusic consider the nature of the event and, where relevant, how each musical work is being performed to assess how that particular use should be licensed. Due to the vast and varied nature of dance performances (and the exclusion of “Dramatic Context” usage from our mandate), each event of that type must be reviewed on a case-by-case basis. If event licensees are in any doubt regarding the categorisation of any particular show, or an upcoming season, OneMusic representatives and the APRA AMCOS’ Theatrical Licensing Team are available to answer any queries.

Walk On/Off Music

Clarity has also been sought as to the line between general background music at a venue and music that forms part of the performance and, as a result, requires a separate licence.

To assist in that regard, OneMusic can confirm that where music is selected and/or used specifically to draw an audience's attention to the stage at an event, such as when the music forms part of the initial or final element of a show, that use should be considered as part of the performance and is not covered by any general background music venue licence that may be in place. This is the case, even if that 'walk on / walk off' music is the only music used on stage in a performance (albeit that the fee would be only the relevant Minimum Fees).

Alternatively, if the music is truly random and not selected or curated by the promoter for a particular purpose, then such use falls under an appropriate venue licence and will not require a separate event licence.

Direct Licence Arrangements and Licence Backs

OneMusic was asked to clarify its position in circumstances where direct licences are obtained for the use of sound recordings and/or alternative arrangements are made for the use of musical works at an event.

OneMusic can confirm that where a direct licence is obtained for the use of all sound recordings during an event, a OneMusic licence will only be needed to cover the use of APRA Works at that event. If a direct licence for all sound recordings is obtained *as well as* a licence back arrangement entered into with APRA for the use of any and all specific APRA Works played at that event, then no OneMusic licence would be required. Information about APRA's licence back arrangements can be found [HERE](#).

Prorating licence fees for sound recordings

The pro-rating of licence fees in respect of APRA Works and PCCA Sound Recordings will follow the pro rata methodology in the current APRA *Ticketed Special Purpose Featured Music Licence*.

This means that:

- for APRA Works, the licence fee will be calculated based on the relevant Per Attendee rate, prorated by the Duration of Music Use divided by the Total Event Duration; and
- for PCCA Sound Recordings, the licence fee will be calculated based on the relevant Per Attendee rate prorated by the Duration of Sound Recording Use divided by the Total Event Duration. The definitions of 'Duration of Music Use', 'Duration of Sound Recording Use' and 'Total Event Duration' are listed in the table on page 2 of this paper.

Rate Consistency

OneMusic was asked to clarify why the rates in the *Ticketed Special Purpose Performance* scheme seemed to mirror those in the *Bronze Music Use Category* of the *Ticketed Music Event* scheme (details of this scheme available [HERE](#)).

To assist in that regard, OneMusic can confirm that, where appropriate and suitable, OneMusic seeks to align rates for similar music uses across its event licensing schemes.

In this example, while the licence schemes themselves are very different, the rates applicable to the *Ticketed Special Purpose Performance* scheme and the *Bronze Music Use Category* of the *Ticketed Music Event* scheme are similarly valued. The reason for this is because both rates cover the use of PCCA Sound Recordings in a manner that is somewhat limited or restricted.

NEXT STEPS

As noted above, it is OneMusic Australia's intention to license under the above rates and rate structures for all *Ticketed Special Purpose Performances* occurring on or after **1 January 2023**.

If you have any questions or would like to discuss this further, please email events@onemusic.com.au and we will be in touch as soon as possible.