



OneMusic Australia

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

Consultation Outcome

Published: 1 May 2024

1. Summary

On 27 November 2023 OneMusic published a **Consultation Paper** that set out proposed amendments OneMusic was seeking to make to the **Dance and Performance Instructors and Dance Schools** music licence (the **Consultation Paper** is [available HERE](#)).

Feedback on the changes were initially sought from Dance Schools and other interested parties over a three-week consultation period, ending on 18 December 2023. However, in response to several requests from industry participants, OneMusic acknowledged seasonal difficulties and agreed to extend the closing date to 29 February 2024. In total, the consultation was ultimately open for **feedback from 8 December 2023 until 29 February 2024 – a period of more than fourteen (14) weeks**.

Having regard to feedback and submissions provided in response to the **Consultation Paper**, OneMusic has decided to **adopt, unchanged, the proposed amendments** as set out in that paper, with an implementation of a revised **Dance and Performance Instructors and Dance Schools** music licence on those terms commencing on 1 October 2024.

2. Consultation Process

In accordance with OneMusic’s published consultation procedures ([available HERE](#)), OneMusic undertook the following process:

- OneMusic published a **Consultation Paper** that set out:
 - + the proposed amendments to the published **Dance and Performance Instructors and Dance Schools** music licence; and
 - + OneMusic’s rationale and methodology for determining the content of those amendments.
- OneMusic sought responses to the Consultation Paper and feedback on the proposed amendments from current Licensees and other impacted industry participants.
- OneMusic collated and reviewed those responses.

This **Consultation Evaluation and Decision** document provides a summary of the feedback and submissions OneMusic received to the **Consultation Paper**, OneMusic’s response to those submissions and its decision with respect to the adoption of the amendments proposed in the **Consultation Paper**.

3. Feedback

a. Responses

OneMusic received a total of forty-three (43) written responses from a variety of individual Dance Schools across Australia.

Early written submissions to the **Consultation Paper** (nine (9) in total) were directed towards the short period of time OneMusic had allocated to the Consultation, particularly over the end of year Christmas period. As noted above, OneMusic agreed to extend the consultation period by an additional eight (8) weeks.

Of the forty-three (43) responses received by OneMusic, thirty-four (34) were provided via OneMusic’s online questionnaire.

b. Questionnaire

The OneMusic Dance Consultation questionnaire asked respondents whether they agreed or disagreed with three (3) statements regarding OneMusic’s proposed changes to the **Dance and Performance Instructors and Dance Schools** music licence.

The 34 responses to the statements in the questionnaire were answered by respondents in the following way:

Statement	Agreed	Disagreed
1. Music In Dance Classes: <i>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.</i>	30 (88%)	4 (12%)
2. Music In Dance Classes: <i>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).</i>	30 (88%)	4 (12%)
3. Music Used in Dance School Events: <i>Change from two tiers to a total of four tiers, with adjustments to applicable rates.</i>	33 (97%)	1 (3%)

The Dance Consultation questionnaire also asked for any comments with respect to the proposed changes. A summary of those concerns and objections and OneMusic’s response is set out below at **Annex A**.

While OneMusic acknowledges the concerns and objections raised by industry participants in the questionnaire (as summarised in **Annex A**), and has taken them into consideration, OneMusic does not consider that our response requires any adjustments to be made to the changes previously proposed in the **Consultation Paper**. There were several responses to the questionnaire that considered the proposed changes to be fair.

In summary, OneMusic considers that the overall response to the statements in the questionnaire and to the changes proposed in the **Consultation Paper** were, on balance, very positive.

c. Other submissions

As noted above, in addition to the questionnaire responses, OneMusic received ten (10) email communications directly from industry participants.

The overwhelming majority of these responses (eight(8) in total) were simply asking for additional time to be granted to enable feedback to be provided, which, as noted above, OneMusic agreed to.

One submission from a large dance school operator made a number of concerns and objections, which are also summarised and directly responded to in **Annex A**.

4. Response

OneMusic is keen to stress that industry participants' concerns have been heard and examined, with a detailed response to individual concerns and objections set out in **Annex A**.

Having due regard to all feedback, OneMusic is confident that the proposed changes to the **Dance and Performance Instructors and Dance Schools** music licence as contained in the **Consultation Paper** are reasonable and appropriate, and continue to 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.

5. Decision

Music in Dance Classes

As a result of above, as of 1 October 2024, OneMusic will 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)
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)
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.

Music Used in Dance School Events

As of 1 October 2024, OneMusic will adopt **four tiers** for **Music Used in Dance School Events**, with adjustments to the applicable rates as follows:

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

Video Recording Package

OneMusic will **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 Dance School 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.

Website Use

OneMusic will 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**.

6. Next Steps

Having regard to the outcome of this consultation, OneMusic will publish a revised **Dance and Performance Instructors and Dance Schools music licence to be available to all eligible licensees for licensing periods commencing on or after 1 October 2024.**

Annex A

Rate and Rate Structure Methodology

Category	Respondents' Concerns and Objections*	OneMusic's Response
1. Music In Dance Classes – Fees based on average number of classes across all locations	1. Class numbers does not take into consideration number of students in each class. Schools with smaller classes are disadvantaged as compared to schools with large class numbers. It also discourages having more creative, but less popular, classes.	There are, of course, a number of different rate metrics that could be used by OneMusic, including, for example, the number of pupils, attendance or revenue. However, OneMusic is of the view that the use of classes offers the best balance between fairness/scaling on the one hand, and ease of reporting/compliance on the other.
	2. Can't see if funds paid go to support artists directly. Should be a way to identify Australian artists' music so we can use them in our school.	<p>- OneMusic's licence fees from dance schools have been distributed to a number of different analogous sources, including music reported from Royal Academy of Dance, radio and streaming services.</p> <p>- OneMusic introduced in 2022 music recognition technology (MRT) and, at present, we have 23 MRT devices in dance schools, and are using this data to help drive more accurate royalty distributions from the sector.</p>
	3. Many ballet schools use "syllabus" music for their classes, which has already been purchased and not covered under the OneMusic licence. It is unfair when those using "syllabus music" are paying the same as schools that don't use it, such as a jazz music school.	OneMusic notes that there is some misinformation regarding "syllabus music", including that "syllabus music" is not ever within OneMusic's repertoire, when that is not necessarily the case – e.g. <i>Ready Set Dance</i> and <i>Royal Academy of Dance</i> . Where a dance school operator has satisfied themselves that none of the music they use is part of OneMusic's repertoire (including, for example, by clarifying with the provider (e.g. Cecchetti) or with OneMusic), then that class should not be declared .
	4. Good if there was an option for just one (1) class.	OneMusic fundamentally disagrees that the rates are too high or unfair. They have been developed in accordance with the OneMusic Rate Setting guidance. Further, as noted, there was an overwhelmingly positive response to the proposed changes from the majority of dance schools that completed the online survey.
	5. Prices are too high and unfair.	OneMusic fundamentally disagrees that the rates are too high or unfair. They have been developed in accordance with the OneMusic Rate Setting guidance. Further, as noted, there was an overwhelmingly positive response to the proposed changes from the majority of dance schools that completed the online survey.

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2. Music In Dance Classes – Increased number of tiers	1. There's a big jump between tiers, so would be better if we could smooth the jump for each tier.	We acknowledge that tiers can sometimes create difficulties when a business moves from a lower tier to a higher one. However, these concerns have been significantly alleviated in this proposal by increasing the number of tiers from 4 to 13 - striking an appropriate balance between ease of use and fairness.
	2. Need to cater for very small dance schools. The per class structure is not distinguishing enough to be fair to small operators	OneMusic considers that the revised licensing proposal does cater for small dance schools, with a reasonable annual fee applicable to dance schools with 1 to 5 classes per week.
	3. Changes will not result in a reduction in fees	<p>- While fees for Music in Dance Classes may not reduce for every licensee, they do for some (including for some larger businesses by up to \$10,000 per year) and, for the vast majority of licensees, the proposed amendments will have no impact on fees at all.</p> <p>- Our calculations suggest that, in aggregate across all dance schools holding our licence, total fees will decrease by 6% as a result of these changes.</p>
3. Music Used in Dance School Events – Change from 2 to 4 tiers	1. Fees are too high for small operators	As noted above for Music in Dance Classes, OneMusic disagrees that the fees are too high. For small Dance Schools there is an option to license a single event per year at a reasonably modest annual fee.
4. Other Concerns and Objections	1. Proposal does not address the "syllabus music" issue	As noted in paragraph 1(3) above, not all "syllabus music" is outside OneMusic's repertoire.
	2. The Audio Recording/Digital Package is double dipping as we use the same songs every week. Can we get clarity on this? As some music is not available to purchase in a 'non-digital' format, the Music in Dance Classes licence should include music use in a digital format without having it charged separately.	<p>- The Audio Recording/Digital Package allows for up to 2,000 musical works to be copied and/or digitally streamed. This aspect of the music licence permits dance school operators to use those copies across the course of the year. Even in circumstances where a dance school uses the same copies in subsequent years, there is no "double dipping", as the licence fee for that use is based on the number of students for the particular year. If the music licence allowed the use of the copied music in perpetuity, then the rates would necessarily be higher to adequately compensate the copyright owners for that use.</p> <p>- It is also often the case that dance school operators require the annual licence coverage as they are using digital streaming services to deliver the music for each cohort of students on a class-by-class basis.</p>
	3. How can the fees be justified, monitored and calculated when music can be played via subscriptions in households.	<p>- The payment of public performance licence fees does not apply when playing music in a domestic environment.</p> <p>- For businesses that use music in a public setting, then the owners of that music are entitled to seek compensation from those businesses.</p> <p>- OneMusic provides the necessary legal solution for dance schools using our music, which is protected by copyright.</p>

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	<p>4. The consultation process does not follow a methodology that allows a considered analysis to be made</p>	<ul style="list-style-type: none"> - OneMusic rejects the suggestion that considered analysis of our proposed changes is impeded by an absence of methodology, or otherwise. - OneMusic has clearly set out its rationale for these changes in the Consultation Paper and publishes a dedicated Dance Schools Fee Methodology Guide on the OneMusic website.
	<p>5. How can APRA accurately allocate at least 50% of royalties to the composer/ author of the musical work when actual works used are not reported to OneMusic</p>	<p>APRA's Information Guide as to its Distribution Practices are available on its website HERE. OneMusic is confident that APRA is able to satisfactorily abide by its royalty distribution obligations, without the need to overly burden Dance School operators with detailed reporting obligations.</p>
	<p>6. The consultation fails to consider discount for dance schools who use syllabus music (for instance, 40% discount for 40% syllabus use).</p>	<ul style="list-style-type: none"> - As discussed in paragraph 1(3) above, there has been some misunderstanding regarding ownership rights in "syllabus music". - As noted in the Information Guide for Dance Schools, the current OneMusic rates are based on previous APRA AMCOS and PPCA rates. These historic rates already factor in a certain percentage of music used in dance schools may not be in APRA AMCOS' and/or PPCA's repertoire. - In any case, OneMusic does not consider it efficient to impose an administrative burden on dance school operators to track and report to OneMusic the type of music used.
	<p>7. OneMusic's licensing arrangements use market manipulation and monopoly power to pick winning and losing business structures in the dance industry sector. It rewards some and penalises others - stifling innovation, creativity and forces the industry to adopt OneMusic's preferred music usage structure.</p>	<ul style="list-style-type: none"> - OneMusic categorically rejects any suggestion that it conducts itself in a manner that manipulates markets or is otherwise monopolistic, whether in respect of dance school business structures or otherwise. - OneMusic develops and publishes its music licensing solutions for businesses in a manner that we are confident is reasonable and appropriate, balancing the interest of music users with those of our members and licensing partners, who are entitled to be recompensed for the use of their copyright material.



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