

COUNCILS

Licensing Enquiries 1300 162 162 getallicence@onemusic.com.au onemusic.com.au June 2023

**SIGN UP
NOW**

• BACKGROUND MUSIC • SELECTED FITNESS CLASS MUSIC • MUSIC IN CHILD CARE CENTRES • SELECTED EVENTS (NOT EISTEDDFODAU) • TELEPHONE ON HOLD • MUSIC VIDEOS • WORKPLACE MUSIC • FILM EVENTS • WEBSITE MUSIC • BUSKERS

Why do I need a **OneMusic** licence?

1 Shows your organisation respects and supports songwriters and recording artists creators of Australian culture.

2 Permission. If you use music that is protected by copyright within your business, Commonwealth legislation requires permission (a licence) from the creators of that music. You can read independent legal information at copyright.org.au.

3 The big one. You benefit by using music: keeping rate payers and Council employees entertained, engaged and creating a better atmosphere.

Music creators generally authorise two organisations to administer their rights and collect their royalties in Australia. A OneMusic licence bundles all those rights into one licence and simplifies the process of gaining the required permission to use our music. If you wanted to use our music, and you did not have this licence, you would, for example, need to deal directly with the composers, songwriters, music publishers, recording artists and record labels who own the rights in the music you wish to use.

Supporting Music Creators

Last year the bodies behind OneMusic paid a royalty to more than 1.4 million songs, and more than 50,000 local songwriters and recording artists.

Let's be honest: music creators have earned this money. They've earned it through the hard work it took to reach the stage of being a professional songwriter or recording artist and they've also earned it by putting thousands of hours into creating a product businesses want to use.

Making your town a **music mecca**

Music festivals are a mainstay of many Councils' annual entertainment calendars. They “catalyse meaningful monetary benefits for their surrounding communities as a flow-on effect – through tourism visitation expenditure, through the hiring of local expertise, and sourcing local services and materials.”⁽¹⁾

Where does the money go?

OneMusic distributes the fees it collects to APRA AMCOS and PPCA, the bodies behind the licensing initiative. After the deduction of administration and operational costs, all fees collected are distributed to members or licensors (according to a range of direct data, sample data and other data sources which are representative of real-time music use).

Where we need to apply it to your fees, 10% is, of course, paid to the Australian Taxation Office as GST.

What **music** can I use?

We've done the hard work for you so our licence covers you to use any of our music, which includes the vast majority of all commercially released music from around the world.



Photo: Coffs Coast Marketing

This Council licence covers our music when it is used by Councils and at Council Facilities by means of background music, music videos at Council Facilities and events, music for employees in Council workplaces, telephone on hold at Council offices, music on Council websites, music in classes held in community-based Council fitness centres, music used at Council child care centres, free film screenings hosted by Councils and certain musical events held within the Local Government Area (except for Eisteddfodau which are covered under a separate licence scheme).

How much does it cost per year?

	Minimum annual fee	Rural LGA per-person rate		Urban LGA per-person rate	
FY 2023/24	\$364	First 80% of population	\$0.15609	First 80% of population	\$0.18711
		Last 20% of population	\$0.12485	Last 20% of population	\$0.14971

What do the terms in the table above mean?

Type of Use

Background Music/Exhibition of Music Videos covers our music from radios, CD players, and music and music videos from smartphones, tablets, TV screens and other devices that are not used as a *prominent feature* of the entertainment of the Council Facility or event.

Workplace Music is our music when it is played by (or for) your Council staff including music on employees' headphones or radios while working, in staff recreation areas, warehouses, depots, workshops and lunchrooms and the like as well as in Council presentations and training sessions. It also covers the use of our music during staff only video conferences when held via a secure network.

Telephone on Hold is our music when it is used on your on-hold system regardless of the caller capacity of your phone system.

There are a number of music uses that require a licence that includes **Digital Copy/Delivery**.

Digital Copy/Delivery is required if you download or access our music for your business from a non commercial digital music service. You should be aware that a OneMusic Australia licence, even when it includes Digital Copy/Delivery only gives you permission to use our music in your business (or event); it does not override the Terms of Use for the personal digital music service you are using, nor does it give you permission to use that particular digital music service for a commercial purpose – that permission can only come from the owners of that digital music service.

Even with our licence, the use of digital music streaming services by you in your business may be in breach of the terms and conditions of your end user agreement with that service. You should check with your service provider.

You will also need a licence from us that includes Digital Copy/Delivery if you make any physical or digital copies of our music (such as copying one CD to another, or copying a digital download file). By choosing Digital Copy/Delivery, you are entitled to copy up to 2,000 music tracks. You do not need to include Digital Copy/Delivery in your licence if you are only playing our music from original CDs that you have bought (and not subsequently copied) or you're playing our music from a commercial background music service (see a list of background music services is available here backgroundmusicguide.com.au). Depending on your use of our music and the arrangements the background music service has with OneMusic Australia, you may not need to get a licence directly from OneMusic Australia. Your background music service provider may already include a OneMusic Australia licence as part of its service package. Check either with us or your commercial music supplier to confirm.

Music in Classes means our music when it is used in association with an exercise class (including music supplied by companies that offer pre-choreographed group fitness services).

The **Website Use** cover provides your Council with the necessary permission for our music to be used on your Council information website. The music you use can only be played in the background of your website and is subject to a number of other limitations, which can be found in clause 2.2 of the Licence Agreement Terms and Conditions available at onemusic.com.au. These limitations mean that the music cannot itself generate any revenue, you must use between 10 and 15 different music tracks, you can't use more than one track of a particular artist or group (so the music doesn't give the appearance that the artist or group are endorsing your Council), you can only use legal copies when putting the music on your website and, finally, the music itself can't be interactive (where the user can choose and change the music they listen to).

Our music used at events is covered under the licence unless:

- Free event with expenditure on performers over \$50,000
- Ticketed event with a ticket price **greater** than \$40
- Ticketed event with a ticket price **less** than \$40 but expenditure on performers **over** \$6,000
- Part of an Eisteddfod or Competition

Plus note that background music used at events is covered.

If the Event falls outside these limitations, we may license you separately under an Events licence or an Eisteddfodau & Competitions licence.

It is important to note that where a live band performs at your venue under a [National Event Promoter](#) blanket licence, you do not need to report or pay licence fees to us for that performance as they are licensed separately and directly by the [National Event Promoter](#).

To summarise the inclusions and exclusions the table below may be helpful.

	Free Event (not ticketed)	Free Event (ticketed)	Ticketed Event (up to \$40 entry free)	Ticketed Event (\$40+ entry fee)
Event, up to \$6,000 Gross Expenditure on Live Artist Performers	Covered by Council Licence Scheme	Covered by Council Licence Scheme	Covered by Council Licence Scheme	Not Covered by Council Licence Scheme
Event, \$6,001 to \$50,000 Gross Expenditure on Live Artist Performers	Covered by Council Licence Scheme	Covered by Council Licence Scheme	Not Covered by Council Licence Scheme	Not Covered by Council Licence Scheme
Event, \$50,001+ Gross Expenditure on Live Artist Performers	Not Covered by Council Licence Scheme	Not Covered by Council Licence Scheme	Not Covered by Council Licence Scheme	Not Covered by Council Licence Scheme
Dance Classes, Fitness Classes outside the definition and Recorded Music for Dance Use	Not Covered by Council Licence Scheme	Not Covered by Council Licence Scheme	Not Covered by Council Licence Scheme	Not Covered by Council Licence Scheme

A **Live Artist Performer** is any performer participating in the performance of our music including featured and back up singers, musicians, DJs, electronic music artists, dancers etc.

An **Authorised Third Party Event** is any event held by a third party such as a marketing and promotions company that hires (or otherwise uses) a Council Facility for activities and/or events that have been pre-authorised by the Council, such as a Buskers Festival, WinterSun event or Spring Harvest Festival.

By **Gross Expenditure** we mean the total of all salaries, wages, profit shares, allowances and accommodation, travel and other expenses (but excluding GST), of the Live Artist Performer or their agent, manager, assistant or associate.

Featured Music is any of our music, whether live or recorded, that has prominence (that is, it is not *background* music) and/or otherwise advertised to the general public as forming part of the entertainment or facility.

Film screenings covered by this licence are only film screenings put on by, or on behalf of the Council where no compulsory Entry Fee is charged.

By **Entry Fee** we mean a compulsory fee charged for admission such as a ticket price, membership or cover charge.

Place of Use

A **Council Facility** is defined as any premises owned and operated by a Council, such as Council chambers, libraries, community halls and function centres, warehouses, Council Child Care Facilities, Local Sports Grounds and Council Fitness Centres.

A **Council Child Care Facility** is a Council operated not-for-profit child care facility (which may or may not be located inside a Council Facility).

Local Sports Grounds are sporting grounds that either have a seating capacity of less than 1,000 seats; or are otherwise being used at the relevant time for a local community-based sporting event.

Council Events are events produced, controlled and operated by your Council within Council's boundaries.

Public performances of music by Council-permit-holding **street performers or buskers** in your Local Government Area are covered under the Council licence scheme.

In layman's terms, by a **Council Fitness Centre** we mean a community-focused fitness centre operated by your Council where disadvantaged residents of your community access a low-fee or substantially discounted membership fee for full access or use of that fitness facility.

Most services and businesses offer concessions to seniors and students who carry concession cards due to their age or their enrolment in education - but who may not be specifically disadvantaged.

To qualify as a Council fitness centre under this licence your facility needs to offer a concession to disadvantaged groups. These concessional prices would be offered in addition to concessions for the above seniors and students - such as aged care residents, the unemployed, refugees, health care card holders, those residents living with disability, those holding a Veteran Gold Card or those who are homeless.

In order for your Council-run Fitness Centre to fall into this definition and therefore be included in the blanket Council licence scheme:

1. Discounts for disadvantaged residents of the community must be at a MEMBERSHIP LEVEL and those members must have access to ALL facilities in the centre. That is, not just access to PARTS of a facility (such as casual entry to a pool);
2. Discounts for these disadvantaged residents of the community must be clearly advertised on your Council Fitness Centre's website.

Other Terms

FY means Financial Year 1 July - 30 June.

How do we measure your **resident population**? OneMusic will consult Australian Bureau of Statistics data - see ABS (www.abs.gov.au) Catalogue Number 3218.0 - to obtain official population figures. Your sector has advised that Council amenities generally *follow* population growth, so the resident population figure we will use will be based on the lowest population figure over the preceding (previous) three years. The annual licence fee is then the greater of either the minimum fee OR the calculation of this per-resident rate multiplied by your resident population.

A **Rural LGA** is any Council located within rural areas of Australia as defined by the Schedule to the Australian Classification of Local Governments report - Councils with the following classifications: RSG, RAS, RAM, RAL, RAV, RTX, RTS, RTM and RTL.

An **Urban LGA** is any Council that is not a Rural LGA (above).

Exclusions

If your Event is a **dance class**, a **concert** or a **recital** run by a Dance and Performance School (or Instructor) you would not be licensed under the Council licence scheme but may need to be licensed separately as a dance school.

If your Event is a **dance party** you would not be licensed under the Council licence scheme but may need to be licensed separately licensed under an Event licence.

If your Event is an **Eisteddfod or Competition** you would not be licensed under the Council licence scheme, but may need to be licensed separately under an Eisteddfod/Competition Licence

If your Event is actually a **nightclub** you would not be licensed under the Council licence scheme but may need to be licensed under the Recorded Music for Dance Use licence scheme. Recorded Music for Dance Use means the use of our recorded music when it is used for the purpose of dancing, whether that is in a standalone dance venue such as nightclub or a specific area within a multi-function venue with a dance floor or other specific area for dancing.

If you are running **Fitness Classes** using our music and are outside the definition of a Council Fitness Class, you would not be licensed under the Council licence scheme but may need to be licensed under the Fitness, Exercise and Wellbeing Providers and Instructors licence scheme.

The use of music in a **Dramatic Context** would not be licensed under the Council licence scheme but may need to be licensed under the Dramatic Context scheme. Dramatic Context means the musical piece is in conjunction with a presentation on the live stage that has a storyline and one or more narrators or characters or as a ballet.

If you wish to **synchronise** music with visual imagery for the purpose of making audio-visual content for your Council you would not be licensed under the Council licence scheme but would likely need permission direct with the copyright owners (music publisher or record label).



Photo: Coffs Coast Marketing

LIVE AND LOCAL



Live and Local is an initiative from an organisation associated with OneMusic which helps local Councils, their businesses and communities to organise and deliver live music micro-festivals, professional development events and a local industry forum. These events are delivered at no cost to the participating businesses and low cost to Councils. The program focusses on acoustic performances with small PA requirements to suit smaller businesses who may never have hosted live music before. OneMusic provides guidance to businesses on their licensing requirements and the Live and Local team guide Councils on how to deliver the initiative and engage with their local live music. [Express your interest in hosting a Live and Local in your Council area.](#)

What **cover** do I need and how do I report?

Councils will be required only to report their list of facilities and details of planned events (including information such as expenditure on performers, location) and activities which fall outside the definitions above.

The most popular uses of our music by Councils are covered in the blanket per-person rate.

Firstly, review your expenditure on Live Artist Performers at each event you (or third parties you plan to engage) plan to host this year. Is it *over* or *under* \$50,000? If your spend is more than \$50,000 on any single event, we will licence you separately under an Events licence (for these events only) and add this to your licence cover.

Are any ticketed events *over* the \$4,001 Live Artist Performers Gross Expenditure threshold? Are these Entry Fees \$41 or more? Again, talk to us about an Events licence.

Are any of these planned events dance events/parties, concerts or recitals? Again, we will license you separately under an Events licence and add this to your licence cover.

Are you planning a film screening? Will you charge an Entry Fee? Again, we will license you separately under a Cinema and Film Festival licence and add this to your licence cover if you plan to have an Entry Fee.

Do you run a Fitness Centre? Does it strictly fit the criteria to be part of the blanket licence? If not, you'll need to add a Fitness, Exercise and Wellbeing Providers and Instructors licence to your cover.

Do **APRA AMCOS** and **PPCA (the bodies behind OneMusic Australia)** represent **Aboriginal and Torres Strait Islander artists**?

Use of songs and recordings by Aboriginal and Torres Strait Islander artists in your council spaces are covered when the songwriter and/or artist is represented by APRA AMCOS and PPCA. Aboriginal and Torres Strait Islander artists are eligible for membership on the basis of their song and/or recording being publicly performed, and are encouraged to join. APRA AMCOS and PPCA represent around 1,500 Aboriginal and Torres Strait Islander artists.

How were the **rates set** and will they **change**?

If you are interested in how the rates for this sector were set, please visit onemusic.com.au/consultation

There is a four-year phase-in period to 2023. After this apart from yearly CPI reviews OneMusic will not increase or change licence fees without first consulting the industry.

Rates include 10% GST. The GST-exclusive component of the rates set out in the tables above will all be increased by CPI on 1 July of each Licence Year in accordance with clause 4.3 of the Terms and Conditions unless there are phase-in rates.

My Council area is facing **hardship**, is there **fee relief** available?

If your Council area has been affected by a disaster such as fire, flood, storm or drought, please contact our Customer Support team on 1300 162 162 or email hello@onemusic.com.au to discuss options to put your account on hold, pending an update of the situation.

Deductions & Payments

If your OneMusic annual licence fee is more than \$500 we will invoice you quarterly, or you can opt to pay annually no matter what your Licence Fee amount is. (Just a note that we calculate your quarterly licence fee according to the relative number of days in each quarter, not by dividing your annual fee by four).

Do I have to go through **OneMusic** to **play music** in my Council?

If you want to use our music you must have permission and generally pay a licence fee. A small percentage of organisations do not wish to have music playing and of course, no licence is required. If you want access to the largest possible music collection, then the OneMusic licence provides the easiest and most cost effective way to access the vast majority of the world's repertoire of music. If you are happier with less choice there are other options, which may include direct licensing arrangements with copyright owners or solely using music outside OneMusic's vast repertoire.

If you make a direct arrangement for your sound recording use or your musical work use, contact OneMusic so we can adjust your licence fee.

Case Study: Ballarat Council Brings its Community to Life

The inaugural 2016 SongWays Music Festival in Ballarat, Victoria was the brainchild of an American Deborah Klein who so loved her adopted city she harnessed the community's passion for music to make it 'sing'. In its first year, SongWays engaged over 100 artists over three days and brought over 1,000 attendees into the streets in celebration of the region's unique music heritage. Deborah Klein said, "SongWays had ticketed venues and free performances in between, including paid (yes, paid) busking, acoustic sets and mentoring sessions. The festival celebrated and demonstrated the depth of the area's talent – both those who live here now or who have roots in the area. Regional centres have the capacity to do the same thing as metro areas. You just have to have the will and the courage".



APRA AMCOS is the trading name of APRA (Australasian Performing Right Association) and AMCOS (Australasian Mechanical Copyright Owners Society). APRA AMCOS grants licences for the live performance, broadcast, communication, public playing and reproduction of its members' musical works. APRA AMCOS then distributes the net licence fees collected to its 115,000+ songwriter, composer and music publisher members and affiliated societies worldwide.

PPCA (Phonographic Performance Company of Australia Ltd) grants licences for the broadcast, communication or public playing of recorded music (such as CDs, records and digital downloads or streams) and music videos. PPCA then distributes the net licence fees collected to its licensors (generally record labels) and registered recording artists.

This information sheet is a guide only. Refer to the licence for full terms and conditions.

Example:

The licence fees in this example apply to licences taken out between 1 July 2023 and 30 June 2024.

Mount Clarence Council's relevant lowest number of residents is 51,820. They are classified as a Rural LGA.

This licence fee under the combined scheme FY 23/24 would be $(51,820 \times 80\% \times \$0.15609 + 51,820 \times 20\% \times \$0.12485) \$7,764.82$

Feedback

Comments and feedback on your licence agreement or the information guides can be sent to us at

hello@onemusic.com.au

Complaints

If you are not satisfied or have an issue with the manner or standard of your interactions with OneMusic Australia you can review our [complaints procedure here](#) and if you wish to proceed with a complaint you can send it to this address complaints@onemusic.com.au

Disputes

If you do not agree with how we apply a licence to your business - you disagree about the licence agreement OneMusic has asked you to enter into, our rates or how your licence fees have been calculated - you can:

- send details directly to us at disputes@onemusic.com.au or 16 Mountain Street, Ultimo, NSW 2007; or
- lodge it directly with our independent third party Alternative Dispute Resolution facilitator, [Resolution Pathways](#).

More information this process and how to lodge a dispute is available at [complaints and dispute resolution](#) on our website.

If you were licensed with PPCA and APRA AMCOS before OneMusic and you consider your annual fee has seen an unexpected increase under the OneMusic scheme, please contact us on 1300 162 162 or hello@onemusic.com.au

If you want to know more about the differences between a "Complaint" and a "Dispute", please see [complaints and dispute resolution](#) on our website.

⁽¹⁾ Anna Stewart and Christopher R. Gibson. Reinventing rural places: The extent and impact of festivals in rural and regional Australia. University of Wollongong 2009.