

**DATE:** 31 August 2022

# GENERAL ENTERTAINMENT EVENTS AND FREE MUSIC EVENTS ONEMUSIC AUSTRALIA FINAL POSITION PAPER

OneMusic Australia is an initiative of APRA AMCOS and PCCA. 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 standalone consultation paper in respect of “General Entertainment Events and Free Music Events” (**GE Consultation Paper**). See GE Consultation Paper [HERE](#).

OneMusic Australia circulated the GE Consultation Paper to relevant industry groups and all businesses that had obtained an agreement under the relevant licensing categories in the two years prior to publication of the GE Consultation Paper. In that paper, OneMusic Australia advised that it intended to amend its methods and rates for licensing the use of our music use at *General Entertainment Events* and *Free Music Events*, and that the proposed amendments resulted from:

- a) information and perspectives we gathered over the course of the consultation process we commenced in 2019; and
- b) feedback and comments received from licensees since the launch of OneMusic Australia.

The only correspondence OneMusic Australia has received from licensees and industry bodies since the release of the GE Consultation Paper has been to request clarification on parts of the paper. With those individual questions being answered directly and, on the basis that no objections have been received, no substantive changes have been made to the previous proposal for *General Entertainment Events* and *Free Music Events*.

As a result, OneMusic Australia intends to implement the following rates, rate structures and Music Use Categories for all *General Entertainment Events* and *Free Music Events* that occur on or after **1 November 2022**.

## EVENT CLASSIFICATION

The type of events that are licensable under the *General Entertainment Events* and *Free Music Events* licence scheme are unchanged from what was proposed in the GE Consultation Paper. In that regard, events covered are defined as follows:

**General Entertainment Events** are free or ticketed general events where music is not the primary focus, and the music use is not integral to the event, for example ticketed beer festivals, food and wine events, expos etc).

**Free Music Events** where the primary focus of the event is the performance of music, but for which there is no entry free or charge to attend.

The rates, rate structures and Music Use Categories can be applied to individual areas or stages at *General Entertainment Events* and *Free Music Events*.

## RATES AND RATE STRUCTURES

Subject to a small change noted below, the rates and rate structures applicable to *General Entertainment Events* and *Free Music Events* are otherwise unchanged (apart from CPI adjustment to the Changeover rate to maintain consistency with other OneMusic schemes) from the GE Consultation Paper.

Background Music	APRA Works	PLUS	PPCA Sound Recordings and Music Videos
Play OneMusic Australia's music and music videos as <b>Background Music</b>	<b>\$0.0351</b> per day, per Attendee		<b>\$0.0351</b> per day, per Attendee

Subject to a minimum fee of \$82.50 for PPCA Sound Recordings and Music Videos, and \$82.50 for APRA Works

Featured Music	Expenditure on Live Artist Performers	APRA Works	PLUS	PPCA Sound Recordings and Music Videos
Play OneMusic Australia's music and music videos as <b>Featured Music</b>	\$50,000 or less	<b>\$0.1366</b> per day, per Attendee		<b>\$0.1366</b> per day, per Attendee
	More than \$50,000	The greater of: a) <b>\$0.1366</b> per day, per Attendee; or b) <b>2.2%</b> of Expenditure on Live Artist Performers		<b>\$0.1366</b> per day, per Attendee

Subject to a minimum fee of \$82.50 for PPCA Sound Recordings and Music Videos, and \$82.50 for APRA Works

As noted above, OneMusic Australia has made a minor change in respect of the use of APRA Works as Featured Music for *General Entertainment Events* and *Free Music Events* where Expenditure on Live Performance Artists is greater than \$50,000. OneMusic Australia believes that this change will ensure there are no anomalies for licensees when the rate calculation shifts from less than \$50,000 spend on performers to over \$50,000 spend.

## MUSIC USE CATEGORIES

The Music Use Categories are unchanged from the GE Consultation Paper.

### Featured Music

Featured music applies where APRA Works, PPCA Sound Recordings and/or Music Videos are given prominence or used as a feature of the event (or any part of the event) or as otherwise advertised to the general public as forming part of the entertainment for that event. **Music is 'featured' when it is the focal point or is integral to the event (such as a fashion show).**

### Background Music

Background Music means APRA Works, PPCA Sound Recordings and/or Music Videos are not used as a prominent feature and/or characteristic part of the entertainment of the event or otherwise advertised to the general public as forming part of the entertainment of the event. **This is incidental music where the music is not intended to be a focal point and is not performed by a Live Artist Performer.**

## DEFINITIONS

The following terms are unchanged from the GE Consultation Paper:

**APRA Work** A musical work is the underlying words and music of a song that have been written by a songwriter and/or composer. APRA has been given the right to license the APRA Works by the songwriters, composers and music publishers – so that those words and music can be played to the public by licence holders in their businesses.

**Expenditure on Live Artist Performers** means all monies (excluding GST) and the monetary value of all benefits paid directly by the Licensee to the Live Artist Performer (or any agent, manager, assistant or associate of the Live Artist Performer), including all salaries, wages, profit shares, allowances & accommodation, travel & other expenses and any amounts paid to the Live Artist Performer.

**Live Artist Performer** means any performer participating in the performance of music including featured or associated singers, DJs, dancers, models, producers and conductors.

**Music Video** is a film that embodies a sound recording in which the copyright is owned or controlled by a PPCA licensor.

**PPCA Sound Recording** A sound recording is simply a recording of a piece of music or song (such as what's on a CD or a digital file like an MP3) and a PPCA Sound Recording is a sound recording that PPCA is authorised by the copyright owners to license for performing in public. OneMusic Australia has been authorised by PPCA to license the PPCA Sound Recordings on its behalf.

To assist licensees, OneMusic Australia has now added a definition of 'Attendee' for the purposes of calculating the Licence Fees under the *General Entertainment Events* and *Free Music Events*:

**Attendee** means each individual person attending the event or entering a relevant area of the event (including complimentary ticket holders).

## REPORTING

The reporting required for *General Entertainment Events* and *Free Music Events* is unchanged for the GE Consultation Paper. As a result, OneMusic Australia will require the following information:

- number of Attendees for each area where OneMusic Australia's music is used; and
- where applicable;
  - the total Expenditure on Live Artist Performers; and
  - setlists for all Live Artist Performers.

Where total licence fees for an event fall under \$300 and/or depending on the particulars of your event, OneMusic Australia may waive the requirement to provide setlists for the Live Artist Performers.

## NEXT STEPS

As noted above, it is OneMusic Australia's intention to license under the above rates and rate structures for all *General Entertainment Events* and *Free Music Events* occurring on or after **1 November 2022**.

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