



**APRA
AMCOS**

8 September 2022

Media Reform—Online Safety, Media and Platforms Division
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
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CANBERRA ACT 2601

By Email media.reform@communications.gov.au.

**SUBMISSION IN RESPONSE TO THE PROPOSAL TO REMAKE THE *BROADCASTING SERVICES*
(“*BROADCASTING SERVICE*” DEFINITION – EXCLUSION) DETERMINATION 2019**

APRA AMCOS welcomes the opportunity to respond to the proposal to remake the *Broadcasting Services* (“*Broadcasting Service*” Definition – Exclusion) Determination 2019 (the **Determination**).

APRA AMCOS

APRA is the collecting society in Australia and New Zealand in respect of the performing rights of Australian, New Zealand, and overseas composers, authors and publishers of musical and literary works (lyrics). By virtue of assignments from its local members, and reciprocal arrangements with international collecting societies, APRA owns the exclusive performing rights in a large majority of all musical works broadcast and communicated to the public in Australia and New Zealand. Currently, APRA has more than 111,000 Australian and New Zealand members, comprising composers, authors and publishers, and reciprocal agreements with over 120 overseas collecting societies.

AMCOS is the collecting society, and exclusive licensee in respect of certain reproduction and communication rights of Australian, New Zealand and international music publishers and songwriters in Australia and New Zealand. By virtue of reciprocal agreements with international collecting societies, and membership agreements with publishers both in Australia and New Zealand, and internationally, AMCOS controls the right to reproduce a vast number of musical and literary works (lyrics) in certain circumstances in Australia and New Zealand.

The Determination should be remade

APRA AMCOS fully supports the Government’s proposal to remake the Determination in identical terms as the current *Broadcasting Services* (“*Broadcasting Service*” Definition—Exclusion) Determination 2019 in order to provide industry with stability while broader reforms to modernise Australia’s media regulatory landscape are underway.

The Determination should be remade for 5 years at a minimum

If the Determination was remade as proposed above, there would be no regulatory or financial impact on APRA AMCOS during the period that remade Determination remained in place.

Given the impact on our business with any substantive changes to the effect of the Determination (both known and unknown), APRA AMCOS favours that the Determination be remade unchanged for a minimum period of 5 years. APRA AMCOS would need significant time to absorb and analyse the impacts of removal of and/or any change to the Determination.

Impact on APRA AMCOS if the Determination is not remade

If the Determination were allowed to expire, without an interim solution, it would have considerable adverse impact upon APRA AMCOS' business and the livelihood of our members.

We license, receive and distribute royalties for broadcast and 'live streaming' on internet-based platforms, on the basis that they are separate and distinct delivery platforms under the *Broadcasting Services Act* and the *Copyright Act* (noting that the definition of "Broadcasting Service" under the *Copyright Act* is drawn from the *Broadcasting Services Act*). As a result, we anticipate that any change to the Determination will have wide reaching negative impacts on our business and the music creators we represent.

The financial impacts of such an expiry are difficult to quantify. However, depending upon what alternative arrangements are put in place, we would expect them to be substantial.

Alternatives to the Determination not being remade

APRA AMCOS does not believe there is a ready alternative to the Determination being remade that would adequately protect APRA AMCOS and its members from the negative financial impacts contemplated above. As noted above, APRA AMCOS would need significant time to absorb and analyse the impacts of removal of the Determination and/or any change to its affect.

APRA AMCOS looks forward to consulting with the Government and the Department on the broader reforms to Australia's media regulatory landscape.

Please do not hesitate to contact me if you have any further questions, or we can provide any additional information.



Chris Johnson
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APRA AMCOS