

DATE: 14 September 2018

DANCE AND PERFORMANCE INSTRUCTORS AND SCHOOLS FINAL POSITION PAPER

OneMusic Australia is an initiative of APRA AMCOS and PPCA. On 3 November 2017 OneMusic Australia released a consultation paper seeking feedback on a proposed music licensing scheme for dance and performance instructors and schools. Feedback from industry associations and stakeholders was received, leading to a second consultation paper being released on 20 June 2018. Those papers can be found [here](#).

Feedback received by OneMusic Australia has been helpful in determining if the proposed scheme is practical and accepted by the sector. This document serves as further notification that OneMusic Australia has reviewed the way in which dance and performance instructors and schools will be licensed to use music in order to implement a new, wide-ranging and simplified music licensing scheme. This paper is not for the purpose of consultation on the individual distribution processes undertaken by APRA AMCOS and PPCA.

The proposed scheme set out below is expected to commence from mid-2019 and OneMusic Australia will provide due notice to dance and performance instructors and schools to migrate their existing licences where relevant.

FEEDBACK RECEIVED

OneMusic Australia received a significant amount of feedback to the first consultation paper for Dance and Performance Instructors and Schools, and very little feedback to the second paper.

For this reason, while amendments were made to the proposed licence scheme based on feedback to the first paper, no further amendments have been made since the release of the second paper. Accordingly, the final licence scheme for Dance and Performance Instructors and Schools is expected to include the structure and rates set out below.

YOUR NEW ONEMUSIC LICENCE FEES

The proposed fee structure for the use music by dance and performance instructors and schools (inclusive of GST) is illustrated in the table below.

Based on historical experience, it is very likely that most schools will need two or more packages, depending on their music use.

	CLASSES PACKAGE	EVENTS PACKAGE*	COPYING PACKAGE	WEBSITE PACKAGE
Average Classes Per Week**	Annual Fee Per Location***	Annual Fee	Annual Fee Per Student	Annual Fee Per Website
1 – 5	\$175.00	One event per year: \$200	\$6.05 ¹ (Annual Minimum Fee = \$90.75)	\$550.00
6 – 20	\$350.00	Unlimited events per year: \$400.00		
21 – 40	\$525.00			
41+	\$700.00			

* where ticket price is \$40 or less

**'Average Classes Per Week' will be calculated using the number of classes from the first full week of February and the first full week of August in each year to account for fluctuation across different terms.

***'Per Location' only applies to permanent locations owned or leased by dance schools, where classes are offered concurrently across locations. Dance and performance instructors that conduct classes at different locations at different times or days (i.e. classes are not held concurrently in different locations) will not be required to pay the annual fee for more than one location.

CLASSES PACKAGE

Covering the use of music in classes, lessons and rehearsals – the Classes Package - is a tiered rate structure with the licence fee payable dependent on the number of classes timetabled per week. OneMusic Australia is aware that different terms may have a different number of classes timetabled throughout the week and proposes to use an average figure of the number of classes from the first full week of February and the first full week of August in each year.

EVENTS PACKAGE

The Events Package covers the use of music at events, recitals and performances – it is a flat fee per year for any events, recitals and performances where the ticket price charged is not greater than \$40 (including GST and any booking or handling fees). Dance schools that only have one event per year to pay a fee of \$200, with those holding two or more events per year paying a flat annual fee of \$400. Events and concerts held at venues that already hold an appropriate OneMusic licence for the public performance of musical works and sound recordings will not need to be licensed by dance schools, however it is the responsibility of the dance school to establish whether or not the venue already has a licence.

COPYING PACKAGE

The Copying Package covers copying and making of recordings, and is the same as the current AMCOS & ARIA Dance Schools Licence, with the rate increased only to take into account likely CPI increases between now and the anticipated OneMusic Australia launch date. It now also includes digital copying rights for businesses that use streaming services to create playlists for their students to access. Similar to the Classes Package, the relevant number of students will be the average number of those enrolled at the end of the first full week of February and the first full week of August in each year. This package does not cover copying for use in eisteddfodau. Obtaining a licence for the copying of musical works and sound recordings for use in eisteddfodau is the responsibility of eisteddfod organisers, and this use is covered under the combined APRA AMCOS, PPCA and ARIA Eisteddfod Licence.

¹ The current AMCOS ARIA per student rate subject to estimated increase by CPI.

WEBSITE PACKAGE

The rights that OneMusic Australia is able to provide under its licence for online uses are limited, partly due to restrictions on the use of music in advertisements. Due to the limited rights OneMusic Australia is able to provide under this part of the scheme, dance schools must:

- limit music use to audio-only content;
- only use music where it is incidental and where the primary purpose of the website is not the streaming or sharing of musical content;
- use no fewer than 5 and no more than 15 tracks playing in a random linear, non-interactive loop;
- not derive any revenue from the playing of music; and
- only stream music from their website (e.g. does not include use on a dance school's social media).

Subject to the limitations set out above, the Website Package is a flat fee per year.

OneMusic Australia notes that those relevant dance schools in the first year of the new scheme will need to provide a forward estimate of class and student numbers in the immediately following February and August, or August and February as the case may be, in order to calculate the relevant provisional licence fee.

IMPLEMENTATION

Implementation of the new Dance and Performance Instructors and Schools Licence is scheduled to begin in mid-2019. Schools may currently have three different annual anniversary/renewal dates between the APRA Dance Classes Licence, the PPCA Dance Studios, Dance and Line Dance Instructors Licence and the AMCOS/ARIA Dance Schools Licence. The anniversary for the APRA and PPCA schemes is linked to the date those licences were established, and the anniversary date for the AMCOS & ARIA scheme is fixed as at 31 December. OneMusic Australia proposes to generally align all three licences to the APRA Dance Classes Licence anniversary date and schools will receive correspondence in due course enabling this to occur.

TRANSITIONAL ARRANGEMENTS

Our analysis shows that there are a number of dance schools that are currently licensed only by APRA AMCOS, ARIA or PPCA but actually require licences for the rights offered by all four organisations. APRA AMCOS, ARIA and PPCA strongly recommend that dance schools revisit their licensing status now, rather than wait for OneMusic Australia to commence, in order to ensure they are fully covered and not unwittingly infringing.

FURTHER QUESTIONS

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