



Wednesday, 9 August 2023

## Recording artists and industry welcome Senator Pocock's Bill to ensure fair pay for radio play

A group of recording artists, managers and peak industry bodies today welcomed Senator David Pocock's Fair Pay for Radio Play Bill, announced in Canberra.

The Bill seeks to rectify an anomaly, legislated 55 years ago, which prevents the recording industry from negotiating a fair rate for sound recording royalties paid by radio. Currently, recording royalties are capped at 1% of commercial radio revenue and 0.005c per head of population for ABC Radio: Australia is the only country in the world with this sort of copyright law.

PPCA CEO, Annabelle Herd, said: "Political will is all that stands in the way of change that will see real results for our recording artists. We thank the Senator for his ongoing support of Australian music, and for his acknowledgement that legislation should not restrict the value of a sound recording, particularly when it puts our local recording artists at a disadvantage in their home market. The time for change is now.

"This issue does not need to be kicked down the road and lost in yet another review or enquiry. Numerous reviews have recommended the existing restrictions are unjustified and unfairly disadvantage Australian recording artists."

AIR CEO, Maria Amato, said: "We support commercial radio and it is great to see strong revenues of over \$685m in FY23 outlined in last week's report from Commercial Radio Australia and Deloitte, as well as 14% audience growth over the past five years. But with that in mind, we must be given the opportunity to negotiate a fair rate for radio's core product – recorded music – that is in line with the rest of the world."

AAM Executive Director, Maggie Collins, said: "This change is also in line with the Revive policy, which states the Government is 'committed to maintaining a strong copyright framework that works in concert with other legal and policy mechanisms...to support the success and vibrancy of Australia's cultural and creative sector'.

"We urge the Government to seriously consider its position on supporting our local talent, and take action to remove an antiquated law that the music industry has spent decades trying to repeal."

Twenty of Australia's leading recording artist managers representing many of Australia's top artists have joined artists and industry organisations to support Senator Pocock's Bill, including artist manager to Missy Higgins, Jimmy Barnes and Gotye, John Watson; alongside Jaddan Comerford, Cath Haridy, Greg Carey, Maggie Collins, Adrian McGruthor, Jodie Regan, Katie Besgrove and Nick O'Byrne, Simone Ubaldi, Claire Collins, Charlotte Ried, Jane Slingo, Jess Beston, Ricky Simandjuntak, Andrew Stone, Paul Piticco, Danny Rogers, Bill Cullen, Tim Levinson and Leigh Treweek.

A number of recording artists have also provided vocal support for the Bill.

Briggs said: “This outdated legislation doesn’t reflect the amount of work that goes into creating a song. Remove the cap and pay artists fairly.”

Adam Hyde from Peking Duk said: “Radio is not the real issue here. The issue is an out-dated limit set by Government over 50 years ago. Times have changed a lot and it is so important to get this right for all recording artists to be fairly paid for their music. In a world where it seems creativity is constantly being overlooked financially, it is time we take a step towards making things right, or at the very least a tiny bit better than they are at the moment.”

And Josh Pyke said: “As an artist, I fully support the campaign to remove the radio caps from the Copyright Act. These regulations are very out-dated and limit the royalties that broadcasters pay to rights holders and artists for the use of sound recordings. Put simply, radio is not paying a fair market rate to use the music that they’ve built their product around. This seems entirely unfair and it’s certainly not the case in other countries. Removing these caps will ensure that we are fairly compensated for our work, and that the Australian music industry can continue to thrive and grow.”

In 1968 transitional provisions were included in first Copyright Act to cap what commercial and ABC radio must pay recording artists and rights holders to play sound recordings. Fifty-five years later these damaging provisions remain in the Act, protecting radio from having to pay a fair market rate for recorded music.

There have been a number of independent reviews, enquiries and reports that have identified the caps as unnecessarily interfering with the market and recommending their removal. They found:

- “That the 1% limit (imposed in Section 152(8)) on fees payable by a broadcaster for the broadcasting of published sound recordings be repealed forthwith.” – Simpson 1995
- “To achieve competitive neutrality and remove unnecessary impediments to the functioning of markets on a commercial basis, the Committee recommends that s. 152(8) of the Copyright Act be amended to remove the broadcast fee price cap.” – Ergas 2001
- “As stated above, it is apparently the government’s preference to do one major copyright reform Bill. In such a circumstance, it is reasonable to also include an amendment to Section 152(8) of the Copyright Act to remove the statutory one per cent cap which currently exists on licence fees paid by radio broadcasters for using sound recordings.” – Standing Committee on Legal and Constitutional Affairs 2005
- “The remuneration caps are an important element of the statutory licensing scheme provided by s. 109 and clearly fall within the Terms of Reference of this Inquiry. There appears to be a strong case for repeal of the one per cent cap. Further, the ABC cap may not be the most appropriate way to support the funding of the national broadcaster.” – Australian Law Reform Commission - 2013
- Under John Howard in 2006, the Attorney-General Phillip Ruddock announced the caps would be removed, but this never came to fruition.

**For more information, please contact:**

Andrew Knowles

**M:** 0449 510 357

**E:** [andrew@skmediagroup.com.au](mailto:andrew@skmediagroup.com.au)

[Instagram](#)

[Twitter](#)

[Facebook](#)

[www.pcca.com.au](http://www.pcca.com.au)

## **ABOUT PCCA**

Phonographic Performance Company of Australia (PPCA) is a non-profit copyright collecting society that provides blanket licences for the use of recorded music in Australia. Revenue generated from licensing is distributed to registered record labels and artists so they can continue to make music for all of us to enjoy.

## **ABOUT AAM**

The Association of Artist Managers (AAM) unites the Australian music industry's managers providing a peak body that develops, protects and promotes the reputation and interests of music managers, and their artists. With over 300 Australian manager members, many working around the globe, the AAM's community represents over 1000 Australian artists and songwriters, including the biggest names in Australian music - Paul Kelly, Courtney Barnett, Lime Cordiale, Tame Impala, Thelma Plum, Midnight Oil and many more. Founded and led by artist managers, for artist managers, the AAM is Australia's only peak body for managers of contemporary music.

## **ABOUT AIR**

The Australian Independent Record Labels Association (AIR), is a non-profit, non-government trade association dedicated to supporting the growth and development of Australia's independent recording sector. Established in 1996, AIR represents Australian Independent Artists and Record labels.

*We acknowledge First Nations people as the Traditional Owners and sovereign custodians of the lands on which we work and live. We recognise their continuing connection to Country and their respective nations across this continent and pay our respects to their Elders past and present. We also celebrate the unique and inspiring creativity and songlines of the world's oldest living culture and give thanks for the immeasurable influence First Nations people continue to have over the music and art we all enjoy.*