SURF LIFE SAVING
NEW SOUTH WALES

Memorandum

To: Club Presidents and Directors of Administration
CC: Branch Presidents, Branch Directors of Administration and Branch CEOs
From: Phil Ayers SLSNSW COO
Date: Friday 7 June 2019
Pages: 2
Subject: Licensing for music at Surf Clubs

As many clubs are aware, the issue of licences required to play music at surf clubs has been a discussion point over the past 12 months or so. Indeed, many clubs already have licences in place with the two music rights management organisations (APRA AMCOS and PPCA) for the playing of music, and others have been approached to do so.

SLSNSW has been liaising with APRA AMCOS in recent months to clarify the situation and to understand exactly what the requirement of surf clubs is with respect to holding licences to play music.

The following points are some key facts to assist in the explanation of the landscape around licensing for the public playing (also called public performance) of music:

1. If you use copyright music within your club, Commonwealth legislation (under the *Copyright Act (1968)*) you require permission (a licence) from the creators of that music. Without this licence you would, for example, need to deal directly with all the composers, songwriters, music publishers, recording artists and record labels who own the rights in the music you wish to use.

2. There are two bodies responsible for the protection of that copyright on behalf of the owners. **APRA AMCOS** represents the *songwriters, composers* and *music publishers* (the lyrics, the melody, the chords; essentially the 'frame' of the song) and **PPCA** represents the *recording artists* (the singer, the drummer, the guitarist, the producer as well as the *record label* such as Sony) of the song. The songwriter is not always the recording artist. These are separate independent bodies, and each has a legal right on behalf of the music creators they represent to collect licence fees on their behalf.

3. The licence requirement covers all public performances which includes - live music where the artist plays their originals or covers, recorded music (such as from a CD or vinyl record), and public playing of music from the radio, TV, smartphone, streaming services, videos and the like.

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4. Our research indicates a large number of clubs have a licence agreement with **one organisation** in place, but very few have one with **both bodies**. Notwithstanding, there is actually a requirement that any public performance requires a licence with both bodies to be compliant.

During the time of our discussions with APRA AMCOS, we have been made aware of a joint initiative between both bodies. They are now looking to create a single licensing model through the entity OneMusic Australia. This means clubs will now only deal with one set of requirements and one fee structure.

SLSNSW has been able to negotiate that Surf Clubs are categorised as a Community Hall. For 2019/20, this means a fee of $7 per day per 100 person capacity where music is played. For example, if music is played each Sunday at Sippers all year round, the fee would be $7 x 52 weeks = $364 per annum. The process is a self-reporting model where there is flexibility around the exact number of days you have had music played at your club.

Not knowing the exact details of what individual club's arrangements with either or both bodies are, it could be the case that a club's licensing fees actually increase from your current levels, and this is most likely due to the club currently only complying with one of either of the bodies.

We would encourage clubs to view the attached documentation from OneMusic, and liaise directly with that body to clarify any questions you have, including transition arrangements if your current licences fall due prior to the commencement of the new arrangements. I would also encourage clubs with a more commercial operation to confirm with OneMusic the applicability of the Community Halls classification to your circumstances.

You can read independent legal information at www.copyright.org.au

Please feel free to contact me directly should you have any questions.

Phil Ayres
Chief Operating Officer
SLSNSW