

Submitted, August 2022



# ausDANCE QLD

COPYRIGHT COLLECTORS  
ANNUAL REVIEW SUBMISSION

**Submission to Code Reviewer  
Copyright Collecting Societies Code of Conduct  
Annual Review for period 1 July 2021 to 30 June 2022**

**28<sup>th</sup> July 2022**

## **Introduction and Executive Summary**

Dance is inextricably linked to music. All dance is performed, practiced, or taught to either live, recorded or streamed music. In Queensland, a conservative estimate based on Ausdance QLD membership numbers alone puts the number of pieces of music played to accompany dance at 160,000 per week (1600 members x average 5 hours per week x 20 pieces of music per hour).

The dance sector believes strongly in fair compensation for artistic and cultural work. In the Queensland context, Ausdance QLD is well-positioned (not resourced) to advise copyright collecting bodies on improvements required to ensure this occurs. Following consultation, we believe if the system of collecting fees to pay copyright is improved, the copyright holders will be far better and more accurately compensated than they have been, *and* more members of the dance sector are likely to hold valid licenses.

When copyright is understood and transparently administered, Australians will better understand the commercial value of artworks (music) created, recorded, and produced. This will have a flow-on effect to the perceived value of arts and culture.

## **Who does Ausdance QLD represent?**

The Australian Dance Council, Ausdance (QLD) Inc. is the industry association (peak body) for dance in the state. Is a registered non-profit membership organisation serving all dance in the State; members are individuals, companies, organisations and community groups across all styles and cultures from First Nations' Cultures to ballet, contemporary dance and multicultural dance. Ausdance QLD is a member of the federated Ausdance network.

Ausdance QLD has 1612 members: individuals, groups and organisations representing a dance community of approximately 25,000 dance practitioners.

## **We estimate our membership represents less than half of the eligible dance sector in the state.**

The dance sector includes all cultures, traditions, styles, genres and social groups of dance. It is both professional and amateur and includes dance practitioners across multiple industries outside arts including health, tourism, wellbeing, sport, education, and small business.

Information relating to this submission was gathered in the following ways during July 2022;

- Seven live online consultation sessions; general, First Nations, regional/rural, community & partner, professional and dance studios published to all members and attended by 133 members
- In-person consultations in Brisbane, Toowoomba, Townsville, Cairns attended by 101 members
- Respondents to a survey distributed to all members and completed by 113 members

Ausdance QLD has advised over 100 individual members about music licensing since August 2021.

Ausdance QLD members and major stakeholders include leadership of the following organisations;

- Nunukul Yuggera Cultural Dance Group (Traditional Owners, Turrbal/ Yuggera Countries)
- Minjil Dance Group (Traditional Owners, Gimuy/Barra Countries)
- Queensland Ballet
- Royal Academy of Dancing
- Comdance
- Australian Teachers of Dancing
- DanceSport
- The Pryce Centre for Culture and Arts
- Miriki Performing Arts
- Australasian Dance Collective,
- DanceNorth
- Arts Queensland
- Australia Council for the Arts

These organisations alone represent audiences/participants of over 100,000 Queenslanders annually.

## Considerations

### 1. Code of Conduct for Copyright Collecting Societies

In considering whether the code of conduct covers all principles required for the Australian dance context, it was agreed the code of conduct has not been adequately referred to in dealings between collecting societies and license-holders or potential license-holders.

It was agreed there is a lot of work required to properly articulate, resource and guide safeguarding First Nations intellectual property by all collecting societies.

### 2. Organisations that should hold licences or pay copyright fees

All dance organisations, groups, individuals, or businesses using music in the practice and performance of dance should hold a music copyright license.

It is important to ensure there are no First Nations Cultural, cultural (non-Indigenous) social, geographic, communication or economic barriers to holding and maintaining a license.

The vast majority of dance organisations should hold OneMusic licenses.

### 3. Consultation response summary

The unanimous opinion of participants in consultations is that the current music licensing system is inadequate.

The current system relies on assumed general knowledge, goodwill, and commitment by organisations to comply, as well as capability in a diverse range of business administration and dance group situations.

A lack of consistent messaging, clear processes, ongoing training, transparent and effective royalty payment systems and leadership in this area means members often elect to avoid acquiring a license altogether rather than navigating the complex administration of OneMusic.

Broader community awareness is required alongside improved and consistent collaboration with OneMusic.

#### 4. Breaches of Code of Conduct for Copyright Collecting Societies (May 2022)

Through consultation, Ausdance QLD has identified instances of apparent breaches of the Code of Conduct by the primary collecting group, OneMusic. These breaches have been reported by multiple members, and do not include breaches reported by single members.

##### a. 2.3(a)

- i. OneMusic's customer service and advice has lacked consistency
- ii. OneMusic staff are regularly discourteous to license holders
- iii. OneMusic staff investigate license holders without their knowledge

##### b. 2.3(b)

- i. All respondents believe dealings with OneMusic are not transparent, including but not limited to
  1. **2.3 (c) i** Lack of transparency about the manner in which the Collecting Society collects license fees for the use of copyright material
  2. **2.3 (c) ii** license fees, terms and conditions are not plainly understandable to licensees
  3. **2.3 (f)** OneMusic has not consulted in good faith with relevant industry associations. Ausdance QLD is the largest peak industry association of the dance sector. There are other state Ausdance organisations and a national Ausdance (part of a federated network), however Ausdance QLD is the most appropriate key organisation. Ausdance QLD does not believe we have been properly consulted (issues of members heard, reflected and resolved satisfactorily)
  4. **2.4** Ausdance QLD members do not believe payments are distributed equitably to rights holders of music used in dance activities. Members have requested detailed information and have not been satisfied with OneMusic's response. Whilst OneMusic's website explains it isn't practical to pay rights holders for every piece of music, a copy of OneMusic's distribution policy does not appear to be published on its website.

#### 5. Sectors and states/territories with insufficient peak body representation

Ausdance national, SA, ACT, VIC, NSW and WA do not have financial or personnel resources to address, oversee or manage improvements in music licensing/copyright collection. There are no representative Ausdance organisations in NT or TAS.

The national Ausdance network has agreed that Ausdance QLD lead improvements in this area on behalf of the broader dance sector.

#### 6. Staged approach

Ausdance QLD recommends a staged approach to improve accuracy, transparency, and value of music licensing/payments to rights holders over the next five (5) years.

#### 7. Preparedness

Larger organisations, in particular successful dance companies and schools are better prepared than smaller businesses to administer music licenses. Commercially focussed organisations are also prepared pay license fees. Community organisations, small businesses, regional, rural, and remote dance groups/activities are not adequately prepared to administer music licences.

All members consulted indicated an absolute willingness to ensure creators are adequately and transparently compensated for their work.

### 8. Actions required to improve transparency and effectiveness of music licensing

#### a. General Actions

- i. Develop and launch a major national public advertising and promotion campaign (similar to anti-piracy campaigns of the 1990s/2000s)
- ii. Develop and launch a major national dance community awareness campaign about various license requirements to be developed in consultation with the dance sector
- iii. Develop and launch a national licensing scheme for the dance industry in partnership with Ausdance QLD (similar to the [National Licensing Scheme for Gymnastics Australia](#))
- iv. Ausdance QLD to find funding to recruit two full time staff (2 x FTE) for a period of two years to implement the project including supporting community awareness campaigns and to administer the national licensing scheme on an ongoing basis.

#### b. First Nations actions

- i. Ausdance QLD's philosophy is to develop operational systems with and for First Nations Communities first.
- ii. Music licensing must be understandable, manageable, and delivered Culturally appropriately. This must be guided by First Nations leaders and processes must be either led by First Nations organisations or developed in collaboration with First Nations organisations.
- iii. Ausdance QLD is exploring how best to engage First Nations communities to support First Nations leadership of accountability, checks and balances for First Nations dance organisations and performers.

### Summary and Recommendations

1. The dance sector should be better informed about music licensing through public awareness campaigns and education
2. Music licensing systems should be more transparent, understandable, and accountable to license-holders
3. OneMusic should partner with Ausdance QLD to administer a licensing scheme for the dance sector
4. Implementation of strategies for the whole sector can be achieved within five years, providing First Nations' Peoples are prioritised and there is ongoing comprehensive training, capability building and public awareness campaigns.
5. A music licensing system must be flexible enough to be used by small and large organisations and there should be no Cultural (First Nations), social, geographic or economic barriers to access.
6. Communication, community awareness campaigns and music licensing administration must be Culturally (First Nations) appropriate, flexible, adaptable and available in multiple formats to ensure universal accessibility