



9 November 2023

Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Dear Committee,

RE: SUPPORT FOR THE COPYRIGHT LEGISLATION AMENDMENT (FAIR PAY FOR RADIO PLAY) BILL

I am the Executive Producer for Sounds Australia. I am writing in regard to the Fair Pay for Radio Play Bill introduced into Parliament by Independent Senator for the ACT David Pocock.

Sounds Australia is Australia's national music export initiative, established to deliver a cohesive and uniformed platform at international showcase market events, supported through a financial partnership between both Federal and State governments, along with peak music industry bodies and commercial sponsors.

Sounds Australia is committed to providing the best possible environments for showcase artists, to expose their own unique selling points to their chosen exports markets and for their representatives to be offered value add networking opportunities to stimulate negotiations and real business outcomes, allowing them to meet their international objectives and not only advance but sustain careers.

Radio is a vital driver of revenue for Australian music and Sounds Australia supports the intent of the Bill to provide a mechanism for market determination of royalties for sound recordings played on radio, or in the absence of agreement in the market, by the determination of the Copyright Tribunal.

Radio has long been and remains a critical and important part of the Australian music industry ecosystem. The contribution that radio plays to developing and supporting audiences for Australian music is vital for the continuing health of the sector, with radio still in many ways key to discoverability, surfacing, and market reach for Australian music.

For an Australian music artist to be picked up and profiled on radio – especially on commercial radio – is hugely important to their profile whether they are at an emerging or established phase of their career. This is also the case for the Australian songwriters whose works are broadcast to radio audiences which in many cases are very large and span a variety of demographics and consumer profiles.



Familiarity and frequency create music hits and the more Australian radio features Australian music, the larger that music's audience grows, leading to a likelihood of more extensive and financially successful touring, which is often a central plank in the revenue platform for Australian artists.

Larger tours build bigger audiences who want to tune in to radio to hear Australian music featured. However, the potential royalty revenue of this positive feedback loop is currently hampered by a statutory cap which reflects the business conditions of radio many decades ago (1968).

With the 55-year-old statutory caps removed, a commercially negotiated royalty for radio play of Australian music would provide a crucial boost in income for creatives. With our industry still recovering from the pandemic, teamed with the current cost-of-working crisis, it has never been more critical to help mitigate the serious risks and unprecedented financial pressure associated with international touring for emerging, elevating and established acts.

Removing the radio caps in the Copyright Act would allow PPCA to negotiate a fair market rate for the use of sound recordings, just as they do with commercial TV and other music users, balancing the earning settings and ensuring more compensation is injected into the pockets of Australian artists and record labels for their work and subsequent investment into their export growth.

The music industry plays a vital role in Australia's cultural and economic landscape as demonstrated by the considerable focus on contemporary music in the Albanese Government's recent National Cultural Policy Revive.

Equitable remuneration for the broadcasting of musical works and sound recordings is at the core of Australian copyright law and there is no policy reason to have a cap on the remuneration that financially successful radio broadcasting networks pay for the use of music.

Thank you for the opportunity to submit to this important Inquiry.

Yours sincerely,

Esti Zilber

Executive Producer

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