



10 November 2023

Committee Secretary  
Senate legal and Constitutional Affairs Committee  
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Parliament House  
Canberra ACT 2600  
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[Legcon.sen@aph.gov.au](mailto:Legcon.sen@aph.gov.au)

Dear Committee,

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

I am writing to you as the President of Warner Music Australasia on behalf of Warner Music Australia Pty Limited (“Warner Music”), a record label in the Australian music industry, to seek support for the Copyright Legislation Amendment (Fair Pay for Radio Play) Bill 2023.

Warner Music is a long-established major record label that invests heavily in our home-grown recorded music artists by way of personal advances, recording, marketing, promoting and distributing our artists’ recordings and audio-visual content, as well as investing in our artists personal brands. It also locally invests large sums in the marketing and promotion of Warner Music’s international artists. In investing in our artists, Warner Music further pays fair market rates to Australian recorded music producers and mixers, studios, visual artists, video makers, influencers, agencies, merchandise companies and content creators. Like other Australian businesses, we also pay fair market rates for all our other business inputs, such as premises, power and staff.

Warner Music supports the Bill which removes the cap that limits the amount that commercial radio pays for the use of sound recordings to 0.4% of their gross revenue. It also removes the cap of half a cent per head of population paid by ABC Radio, which has been in place since 1968. The effect of the caps is that the Australian recording industry and Australian recording artists are subsidising the highly profitable commercial radio sector and the ABC. The Copyright Act does not impose such constraints on holders of other copyright-protected material, and we see no justification for sound recordings to be singled out in this way.

The unfair and anticompetitive caps in the Copyright Act have resulted in lost income for many artists over five decades. It is important that artists and record labels receive fair remuneration for their work. Removing these caps would allow Warner Music and our artists to obtain fair market rates for the use of our sound recordings, just as we do with commercial TV and other music users. Warner Music and our artists should not be prevented from being fairly compensated for their intellectual property and creative contributions to the music industry and Australian culture. We simply ask that recording artists, and those who invest in them, be permitted to obtain fair market rates – like every other copyright owner in Australia.

We believe that such a change is consistent with the Government's Revive policy and stated aim of supporting the success and vibrance of Australia's cultural and creative sector.

Finally, Warner supports Phonographic Performance Company of Australia's submission to this Inquiry.

Thank you for your attention to this important issue.

Yours sincerely

**Dan Rosen**  
President  
Warner Music Australasia