



**APRA
AMCOS**

Code of Conduct for Collecting Societies

**Public Compliance Report
1 July 2022 – 30 June 2023**

AUSTRALASIAN PERFORMING RIGHT ASSOCIATION LIMITED

AUSTRALASIAN MECHANICAL COPYRIGHT OWNERS SOCIETY LIMITED

CODE OF CONDUCT FOR COPYRIGHT COLLECTING SOCIETIES

COMPLIANCE REPORT TO CODE REVIEWER 1 JULY 2022 – 30 JUNE 2023

This report is made on behalf of Australasian Performing Right Association Limited (**APRA**) and Australasian Mechanical Copyright Owners Society Limited (**AMCOS**). APRA administers AMCOS under an arrangement between the two societies dated 1 July 1997.

APRA AMCOS has previously reported comprehensively in respect of earlier years and has also previously provided details of the history and constitution of each society, as well as a history and copy of each licence scheme offered by the companies. This Report relates to the period from 1 July 2022 to 30 June 2023 (**Review Period**).

If further information is required, we are of course happy to provide it. As before, we also would welcome and are happy to arrange a visit to the APRA AMCOS premises where relevant directors and managers will be able to answer questions and demonstrate the facilities.

This Report follows the structure of the Code itself, also taking into account the changes to the Code of Conduct which came into effect on 20 May 2022 and indicates where there have been no developments since the previous Code Review.

1. Legal framework (Code of Conduct 2.1)

- 1.1 A history of both societies has been provided previously.
- 1.2 APRA has not changed any of the principal characteristics of its membership structure in the Review Period.
- 1.3 The APRA Board has six writer directors, elected by the writer membership, and six publisher directors, elected by the publisher membership. The AMCOS Board is elected by the AMCOS membership. Being directly elected by the membership, both Boards are representative and accountable. A list of the current Directors on the APRA and AMCOS Boards can be read at <https://www.apraamcos.com.au/about/what-we-do/who-we-are/our-boards>

- 1.4 A copy of the APRA AMCOS Year in Review (an easy to read annual summary of both organisations' performance, achievements and initiatives) for the 2021/22 financial year can be read at <https://www.apraamcos.com.au/about/governance-policy/annual-reports/year-in-review>.
- 1.5 A copy of the APRA Statutory Accounts for the 2021/22 financial year can be read at https://assets.apraamcos.com.au/images/PDFs/About/2022-Statutory-Accounts-APRA-AU-Limited_signed.pdf.
- 1.6 A copy of the AMCOS Statutory Accounts for the 2021/22 financial year can be read at https://assets.apraamcos.com.au/images/PDFs/About/2022-Statutory-Accounts-AMCOS-AU-Limited_Signed.pdf.
- 1.7 As at 30 June 2023, APRA AMCOS had 381 employees (including casual compliance staff) in Australia and an additional 33 employees in the APRA AMCOS New Zealand office.
- 1.8 APRA AMCOS' senior leadership team can be viewed at <https://www.apraamcos.com.au/about/what-we-do/who-we-are/our-leadership>.
- 1.9 The Constitutions of both APRA and AMCOS are available on the APRA AMCOS website at all times and can be read at <https://www.apraamcos.com.au/about/governance-policy/corporate-governance>
- 1.10 Neither APRA nor AMCOS are declared societies under the *Copyright Act* 1968, and accordingly are not required to comply with the Attorney-General's Guidelines for Collecting Societies. However, in practice, APRA AMCOS satisfies many of the requirements.
- 1.11 APRA AMCOS has a Privacy Policy which complies with the Australian Privacy Principles. A copy of the APRA AMCOS Privacy Policy can be read at <https://www.apraamcos.com.au/about/governance-policy/policies-procedures/privacy-policy>.

2. Members (Code of Conduct 2.2)

- 2.1 As at 30 June 2023, APRA had 119,771 members, comprising composers, authors and publishers. Of these, 116,094 were local writer members and 593 were local publisher members. In addition, APRA had 3,074 overseas resident writer members and 9 overseas

resident publisher members. Most Australian and New Zealand composers and publishers are members.

- 2.2 As at 30 June 2023, AMCOS had 29,604 members, of whom 28,362 were local writers and 534 were local publishers. In addition, AMCOS had 701 overseas resident writer members and 7 overseas resident publisher members.
- 2.3 As at 30 June 2023, APRA AMCOS had 1,961 Aboriginal and Torres Strait Islander (**ATSI**) members which represented an increase of 8.46% during the Review Period. Although Indigenous membership is low, APRA AMCOS remains committed to increasing awareness through the National Indigenous membership strategy, overseen by the Director, National Aboriginal and Torres Strait Islander Music Office (**NATSIMO**).
- 2.4 APRA and AMCOS' relationships with their members are at the core of the APRA AMCOS operations. Communications with members are frequent, and member services staff are expert in advising members on their relationship with APRA AMCOS and on the music business generally. Members interact freely with APRA AMCOS and have direct access to all levels of management.
- 2.5 Members, overseas affiliates, Board Directors and media can login to a secure section of the APRA AMCOS website at <https://www.apraamcos.com.au/> which provides a number of online services.
- 2.6 APRA AMCOS produces a large amount of written material for members, which have been provided previously.
- 2.7 Royalty queries to the Membership department are logged in the department's query tracking system that uses the company's internal email to forward messages to all relevant staff. This system ensures that complaints made by members are also logged and forwarded to the Head of Membership. Member complaints are discussed in more detail at paragraph 9.4 below.
- 2.8 During the Review Period, the Writer Services and Publisher Relations departments engaged in email correspondence with writer and publisher members on some 55,044 separate occasions. In addition, 2,914,118 emails were sent to members as part of email broadcasts to the membership, which contained information including event notices, payment advice and APRA AMCOS publications.

- 2.9 During the Review Period, 6,690 phone queries were logged.
- 2.10 During the Review Period, a number of emails of appreciation were received in relation to the service provided by the Membership department. Examples of this feedback have been provided to the Code Reviewer.

International relations

- 2.11 The APRA AMCOS International department is responsible for reciprocal representation agreements with other societies administering performing and mechanical rights around the world. The International department also administers the non-exclusive mandates granted to APRA AMCOS in respect of certain publishers' repertoires for multi-territory digital services on a Pan Asian basis, as described in more detail in the Multi-Territory Licensing Project section below.
- 2.12 The International department monitors the use of APRA repertoire overseas. It also makes claims for missing payments and researches members' notifications and enquiries relating to overseas use and payments. The department acts as the conduit for communications between APRA AMCOS and their respective affiliated societies, the umbrella representative bodies CISAC and BIEM, as well as our dealings with WIPO. The International department undertakes overseas royalty distributions for performing rights to members.
- 2.13 In the most recently audited financial statements for the 2021/22 Financial Year, APRA collected approximately AUD\$56.4M for the use of Australian and New Zealand repertoire overseas, while AMCOS collected approximately AUD\$3.3M. These amounts do not include revenues collected from APRA AMCOS' licensing of certain publishers' repertoires to multi-territory digital services, as that revenue is included in APRA AMCOS' digital revenue results.
- 2.14 APRA distributed approximately AUD\$57.5M worth of performing right distributions from affiliate societies to APRA members across 12 monthly distributions. This amount was comprised of 315 individual distribution records from 41 different societies. AMCOS distributed AUD\$1.8M worth of mechanical right distributions from affiliate societies to AMCOS members across 4 quarterly distributions. This amount was comprised of 23 individual distribution records from 10 different societies.
- 2.15 During the Review Period, the International department was involved in a number of regional and international activities.

Opt Out and Licence Back

- 2.16 APRA provides members with the opportunity to 'opt out' and request that their entire repertoire be assigned to them for all territories in respect of all or particular usages or 'licence back' specific works for specific usages in Australia and/or New Zealand. During the Review Period, APRA received 7 licence back applications. No opt out applications were received. A copy of all information and forms relating to opt out and licence back are available on the website at <https://www.apraamcos.com.au/music-creators/membership-explained/managing-your-rights>.
- 2.17 In 2016, the AMCOS Board approved a variation to the opt out provisions in the AMCOS input Agreement, to offer increased flexibility to all its members, in the way they are able to withdraw rights from AMCOS for digital music services. For digital music services that operate internationally, AMCOS members are now permitted to withdraw their digital reproduction rights specifically in relation to nominated services, rather than for all services within particular categories of usage as was previously the case. That is, members can now notify AMCOS that they wish to negotiate directly with particular international digital music services, provided the member gives AMCOS adequate prior notice.

Member Benefits Program

- 2.18 APRA AMCOS has developed an extensive resources and benefits program for its members. The program provides full Australian APRA AMCOS members with exclusive information, advice, services and benefits. Members can take advantage of great deals that can assist with their careers as songwriters/composers. Member resources information can be read on our website at <https://www.apraamcos.com.au/music-creators/member-resources>.

3. Licensees (Code of Conduct 2.3)

- 3.1 APRA AMCOS has a large Music Licensing department dedicated to liaising with licensees and potential licensees. The two main areas of licensing operations are OneMusic and Media Licensing. OneMusic Australia, a joint licensing project between APRA, AMCOS and the Phonographic Performance Company of Australia Limited (**PPCA**), aims to provide a single licensing solution for music and recordings in Australia.
- 3.2 Collectively, OneMusic and Media Licensing administered licences for more than 120,000 businesses and events across Australia and New Zealand during the Review Period.

3.3 The fees paid to APRA AMCOS by licensees vary according to the licence scheme applicable to the particular circumstances for use.

OneMusic Australia

3.4 OneMusic Australia primarily licenses the rights of APRA, AMCOS and PPCA under single licence structures to general businesses that use music including for example, nightclubs, hotels, fitness centres and retail stores.

3.5 Licensees have access to 'plain English' Licence Information Guides tailored to their industry type (with the information guides also forming part of the ACCC's conditions of authorisation), are able to obtain a quote and obtain a licence online via the OneMusic Australia website. Licensees can also complete licences by submitting information for processing by the OneMusic Australia licensing department. Links to each Licence Information Guide and Fee Methodology Guide can be found on the OneMusic Australia website at <https://onemusic.com.au/licences/>. Information on licences still administered by APRA AMCOS can be read at <https://apraamcos.com.au/music-customers/licence-types/>.

3.6 During the Review Period 4,812 clients obtained new licences with 2,292 via paper application and 2,520 businesses obtaining new licences via the portal.

3.7 OneMusic Australia has been active in two separate consultation processes during the Review Period. One with live music industry over the applicable rate and structure for the use of sound recordings at concerts and festivals. The other with major sporting codes over their use of music. In both cases the relevant peak body, being Live Performance Australia and the Coalition of Major Professional and Participation Sports respectively, have sought and obtained authorisations from the ACCC to enter into a consultative process on behalf of their members. OneMusic Australia has supported both applications as it sees the benefit of conducting consultations through industry associations. As at the end of the Review Period, both those consultations remained ongoing.

3.8 During the Review Period, OneMusic Australia engaged in approximately 353,139 contacts with licensees, including; letters, emails and telephone calls.

3.9 During the Review Period, a number of emails of appreciation were received in relation to the service provided by the Licensing departments. Examples of this feedback have been provided to the Code Reviewer.

Media Licensing

- 3.10 The Media Licensing department covers four key areas of licensing: Broadcast Licensing; Digital Licensing; Recorded Music Licensing; and Key Industries.
- 3.11 Broadcast Licensing includes commercial and community radio, the ABC and SBS and subscription and commercial television. In total, approximately 709 licensees were administered by the department during the Review Period. The department also administers production music (AMCOS controlled Production Music is music specifically written and recorded for inclusion in all forms of audio and audio-visual productions). There were 615 Australian and New Zealand production music clients licensed during the Review Period.
- 3.12 Digital Licensing includes video on demand services, digital subscription music services, UGC (social media) services, music downloads, online fitness, ringtones and general websites. In total, approximately 519 licensees were administered during the Review Period.
- 3.13 Recorded Music Licensing includes CD and vinyl record sales, and videographers. In total, approximately 194 licensees were administered during the Review Period.
- 3.14 Key Industries include schools, universities, TAFEs and colleges, state and federal government, airlines, luxury cruiselines and dramatic context. Approximately 1,262 accounts covering approximately 10,876 licensees were administered during the Review Period.
- 3.15 Media Licensing clients are, for the most part, aware of their copyright and licensing obligations.

Information provided to Licensees

- 3.16 The information made available to licensees and potential licensees differs according to the nature of the relevant licence. For example, sophisticated national broadcasters and telecommunications companies generally require less information than small business operators with less exposure to copyright law and with limited access to specialist legal advice. The information provided by APRA AMCOS takes these factors into account.
- 3.17 APRA AMCOS' website contains a music licences section with information in relation to our various licences and with contact details for the relevant Licensing departments. Standard information and materials given to licensees can be viewed on our website, including links to

public performance licence information now being administered through OneMusic Australia at <https://www.apraamcos.com.au/music-licences>.

APRA AMCOS relationships with relevant trade associations

- 3.18 APRA AMCOS works hard at maintaining its relationships with various bodies representing major licensee groups, including television and radio broadcasters, record companies, online service providers, small businesses, hotels, restaurants, fitness centres and educational institutions.
- 3.19 APRA AMCOS regularly consults with and supports relevant trade associations in relation to the introduction of new licence schemes or material variations to existing licence schemes. APRA AMCOS' approach in this regard is demonstrated by the successful negotiation of new licence schemes with relevant industry bodies.

Tariff Reviews

- 3.20 We have previously provided detailed information in relation to the history and development of all significant existing APRA AMCOS licence scheme tariffs. We have detailed below tariffs that were introduced, re-negotiated or phased in during the Review Period.
- 3.21 During the Review Period APRA AMCOS renewed licences with several major licensees. As at the end of the Review Period, APRA AMCOS was in the process of consulting with OneMusic Australia licensees and renewing or establishing licence arrangements with a number of major media licensing services.
- 3.22 AMCOS renewed its licences with Australian Commercial Television Networks (Seven, Nine and Ten) with effect from 1 July 2022. At the same time AMCOS introduced a new Approved Program Licence process to license synchronisation rights for certain types of television programs that are not covered by the licences with Commercial Television Networks.

Multi-Territory Licensing

- 3.23 The aim of APRA AMCOS' multi territory licensing, which commenced across the Asia Pacific Region in July 2013, is to co-operate with music publishing rightsholders in order to establish a simple one-stop shop for multi-territory licensing schemes for digital, online and mobile usage, covering the largest number of territories for the largest possible repertoire of musical works. Rightsholders give APRA AMCOS non-exclusive rights in certain repertoire of

its musical works. APRA AMCOS then licenses that repertoire to digital service providers in its mandated territories and undertakes the ongoing invoicing, processing, claiming and distribution for online service types.

Disaster Relief

- 3.24 During the Review Period APRA AMCOS continued its policy regarding Disaster affected licensees. APRA AMCOS' actions are intended to alleviate financial pressure on affected businesses and include deferring licence fees renewals, providing extended payment periods and making corporate donations to relief appeals.
- 3.25 APRA AMCOS staff use online, print and broadcast media sources to remain actively aware of possible areas that may be affected by disaster and monitor events closely to establish the appropriate course of action.

New South Wales Floods

- 3.26 In response to the major rainfall and flooding that hit the Forbes and Lismore areas Northern NSW in November 2022, OneMusic Australia held invoicing for all affected businesses within the natural disaster declared areas. The held accounts have been released over the past 8 months as businesses recover.

4. Distribution (Code of Conduct 2.4)

- 4.1 The most recently audited financial statements for the year ended 30 June 2022 show that APRA AMCOS' total combined net distributable revenue for the year was \$534.2M.
- 4.2 APRA and AMCOS distribute royalties quarterly.

Distribution Rules and Practices

- 4.3 APRA and AMCOS maintain, and make available on the website, comprehensive Distribution Rules and Practices. The APRA and AMCOS Distribution Rules and Practices can be read at <https://www.apraamcos.com.au/about/governance-policy/distribution-rules-practices>
- 4.4 APRA AMCOS has published detailed 'plain English' information guides summarising its distribution policies, including how undistributed funds are dealt with. The information guides can be read at <https://www.apraamcos.com.au/about/governance-policy/distribution-rules-practices/distribution-information-guides>

- 4.5 APRA and AMCOS make updates to their Distribution Rules and Practices from time to time, in accordance with their Constitutions. APRA AMCOS regularly consults with its Boards and other key industry groups in relation to changes to Distribution Rules and Practices, considering the views of each membership, objective data regarding performances, the approaches of affiliated societies to the process and methods of distribution.
- 4.6 The APRA Distribution Rules were updated in the year ending June 2023 to:
- a) Improve clarity regarding self-reporting claims.
 - b) Update information about Article 95 deductions and deductions generally.
 - c) Remove the reference to exact durations for Promoted Concerts.
- 4.7 The APRA Distribution Practices were updated in the year ending June 2023 to:
- a) Remove the reference to exact durations for Promoted Concerts.
 - b) Update the reference to Cinema data supplier.
- 4.8 The AMCOS Distribution Rules were updated in the year ending June 2023 to:
- a) Update information regarding Network TV commission rates.
 - b) Add details regarding use-type weighting for AMCOS TV distributions.
- 4.9 The AMCOS Distribution Practices were not updated in the year ending June 2023.
- 4.10 APRA AMCOS has a large Membership department whose staff are trained to deal with members' (and others') enquiries, including in relation to distribution. The Boards of APRA and AMCOS both have a Membership and Distribution Committee that deals with, among other things, requests by members for distributions in relation to "unlogged performances". This committee also deals with complaints from and disputes between members. Members are strongly encouraged to resolve disputes between them using Resolution Pathways, APRA AMCOS' external independent Alternative Dispute Resolution facility.

Investment in Systems Development

- 4.11 APRA AMCOS' systems development strategy is to continuously innovate and deliver new services at speed, in response to what writers, publishers and industry stakeholders are asking for. Major strategic business initiatives continue to be delivered across business as

usual, automation, business processes, business critical and digital services areas, representing a significant long-term value proposition.

Automation

- 4.12 Extensive work has been undertaken to automate mundane, resource-intensive tasks, identify inefficiencies in business processes and develop policy and automation strategies to combat these inefficiencies. At the end of the Review Period, 61 Robotic Process Automations (**RPA**) were in production, with 1,970 days of 'Human Time' saved.

Large strategic projects

- 4.13 APRA AMCOS' Executive Leadership Team continue to work on and monitor a range of Strategic Projects. All member facing projects have received positive customer feedback and provide valuable, feature-rich services to our members.

Cyber Security

- 4.14 The pace of digital business and an ongoing transition to cloud are challenging traditional security approaches. APRA AMCOS continuously monitors and improves its resilience to cyber threats and have implemented the following:
- Continued cyber security resiliency program to ensure it remains front of mind with staff.
 - Continued organisation Cyber awareness training
 - Completed tech debt remediation (Legacy system upgrades, patching, decommissioning)
 - Completed cyber security review of Cloud systems in AWS & Azure and security policies.
 - Completed future Cyber Security action plan
 - Working with multiple third-party vendors to ensure best fit solutions.
- 4.15 A cyber security plan and assurance framework has been developed for implementation to strengthen APRA AMCOS' cyber security posture.

5. Expenses (Code of Conduct 2.5)

- 5.1 APRA's accounts show that its operating expenses are deducted from total gross revenue.

- 5.2 Commission on revenue pays AMCOS' expenses, with the commission rate depending on the source of the revenue.
- 5.3 APRA AMCOS achieved a group expense to revenue ratio of 13.34% for the year ended 30 June 2022. Further information is contained in the 2021/22 APRA AMCOS Year in Review, which can be read at <https://www.apraamcos.com.au/about/governance-policy/annual-reports/year-in-review>.

6. Governance and accountability (Code of Conduct 2.6)

- 6.1 The relationship between APRA and AMCOS and their respective Boards of Directors is in each case governed by the company's Constitution and Charter of Corporate Governance. The Boards have both established Audit, Risk & Culture Committees which meet at least 6 times a year and focus exclusively on issues related to the corporate governance of the companies.
- 6.2 APRA AMCOS' Chief Executive and Executive Leadership Team meet regularly to discuss matters pertaining to corporate governance and the day-to-day operation and management of the organisations. The Executive Leadership Team also deals with policy setting and other matters relating to Human Resources and Industrial Relations matters, risk management, infrastructure, general administration and regulatory compliance.
- 6.3 APRA AMCOS has a Staff Code of Conduct and a Service Provider Code of Conduct, both of which complement the Code of Conduct for Copyright Collecting Societies.
- 6.4 The Staff Code of Conduct sets out the standards by which APRA staff are expected to treat one another.
- 6.5 The Service Provider Code of Conduct sets out our commitment to shared professional standards, available at <https://www.apraamcos.com.au/about/governance-policy/policies-procedures/service-provider-code-of-conduct>.
- 6.6 APRA and AMCOS maintain complete financial records, audited each year. A statement by each Company's Auditor is included in the Annual Reports, which can be read at <https://www.apraamcos.com.au/about/governance-policy/annual-reports>.
- 6.7 During the Review Period APRA AMCOS prepared additional detailed information at an anonymised or aggregate level about the accounting and distribution of licence revenue and

reporting of expired undistributed funds. The APRA and AMCOS 'Transparency Reports' for the financial year ended 30 June 2022 can be read at

https://assets.apraamcos.com.au/images/PDFs/About/Transparency-Report_FY2022.pdf.

ACCC Authorisation

- 6.8 APRA's membership, licensing, distribution and international arrangements are all the subject of an authorisation by the Australian Competition and Consumer Commission (ACCC).
- 6.9 APRA's current conditional authorisation was granted on 13 July 2020 for a period of four years, expiring 13 July 2024.. In granting this and past authorisations, the ACCC confirmed that the conduct and arrangements for which APRA sought re-authorisation are likely to result in a public benefit and that the public benefit will outweigh the likely public detriment.
- 6.10 The conditions of authorisation primarily focus on improving the transparency of APRA's licencing and distribution arrangements. The ACCC's final determination can be read at <https://www.accc.gov.au/public-registers/authorisations-and-notifications-registers/authorisations-register/australasian-performing-right-association-limited-0>.
- 6.11 APRA continues to comply with the ACCC's conditions of authorisation.

7. Staff Training & Development (Code of Conduct 2.7)

- 7.1 APRA AMCOS staff at management level have all been comprehensively trained regarding the Code of Conduct.
- 7.2 The Executive Leadership Team meets several times per week to discuss matters relating to policy and strategy development and assessment. Issues relating to service and staff performance and training are regularly tabled. In addition, the wider senior management team meets monthly. These meetings provide a cross-departmental opportunity to discuss APRA AMCOS' interaction with stakeholders and wider communities and the opportunity to review and discuss company policies. The Code of Conduct (including the complaints procedures and the Review process) is discussed regularly at these meetings.
- 7.3 Senior Manager, Manager and Team Leader Forums are also held at regular intervals throughout the year. The Chief Executive and Executive Leadership Team directly address the middle and frontline management teams in these forums. They are an opportunity for

the frontline to escalate any concerns or initiatives directly to the senior leadership and for the Chief Executive to share information about business and membership trends and concerns and to set performance expectations. In addition, other members of the senior management team are invited to address these groups directly.

- 7.4 The Music Licensing and Membership divisions hold staff training conferences at least once per year. All departments in APRA AMCOS also conduct regular departmental staff meetings which provide important opportunities to discuss Code of Conduct relevant topics, including client service, conflict management and time management and the procedures for identifying and dealing with complaints.
- 7.5 APRA AMCOS also holds monthly companywide staff briefings. The briefings focus on the respective needs and expectations of general staff, middle and senior management and the expectations of the organisation. The focus of the training sessions has in the past covered the Code of Conduct and ACCC authorisation, as well as performance within and between departments and with our external stakeholders.
- 7.6 Details relating to induction and training sessions organised by the People and Culture division have been provided to the Code Reviewer . The Code of Conduct and Staff Code of Conduct are central components of the induction program that all new staff attend when they join the company. In addition to the induction sessions conducted by People and Culture, roles with a high level of client and/or member contact also receive additional training from within the relevant departments in relation to handling complaints and the complaints procedure.
- 7.7 APRA AMCOS continues to maintain a brand blueprint, which further outlines our purpose, values and personality.
- 7.8 The APRA AMCOS and OneMusic Australia websites include a “live chat” facility so urgent enquiries can be responded to in real time. The staff who respond to live chat enquiries are required to attend two 2-hour training sessions to understand the live chat service guidelines and ensure that the highest level of customer service is offered via this channel. A copy of the guidelines has been provided to the Code Reviewer previously. Digital chat assistance technology ‘bots’ implemented within these live chat facilities has resulted in 70% of APRA AMCOS and 50% of OneMusic Australia simple queries being handled in real time by this technology in the Review Period.

7.9 APRA AMCOS is committed to taking a proactive approach to staff training, development and wellbeing. Internal programs offered include:

- Higher Education Assistance Program
- Leadership Development Programme
- Mentoring & High Potentials Programme
- Buddy Program
- In-house Training Programs
- BeSpoke Coaching (leadership presence and presentation skills)
- Employee Assistance Programme
- Purchased Leave Scheme
- Career Development Support

7.10 During the previous Review Period, APRA AMCOS engaged in training run by peak NSW arts and disability organisation, Accessible Arts. The 6 sessions run for 4 teams, covered accessible marketing and communication, disability confidence & being accessible online. The business also partnered with disability advocate and access consultant Eliza Hull, who ran 3 targeted workshops with the Membership, Events and Communications & Marketing teams on how business processes can be more accessible and inclusive, that saw teams start to implement learnings. The Equity Action Plan introduced in June 2021 and can be read at <https://www.apraamcos.com.au/about/governance-policy/policies-procedures/equity-action-plan-summary>.

7.11 APRA AMCOS continues to run an Employee Wellbeing Program that includes education seminars on resilience, stress management, work-life balance and dealing with change.

7.12 Pursuant to the *Workplace Gender Equality Act 2012 (WGEA Act)*, APRA AMCOS submits an annual report to the Workplace Gender Equality Agency (**WGEA**) outlining its performance against a set of standardised gender equality indicators. A copy of the most recently filed report can be read at <https://www.apraamcos.com.au/about/governance-policy/annual-reports>. As required by the WGEA Act, APRA AMCOS notifies staff and members of this report each year.

7.13 APRA AMCOS operates a 'Wiki' facility. This resource forms the basis of staff training and is a key information source for all APRA AMCOS staff. All new APRA AMCOS staff are trained in

accessing and using the Wiki, which houses policies relating to Client Service, Human Resources and Work, Health and Safety.

8. Education and Awareness (Code of Conduct 2.8)

8.1 APRA AMCOS devotes considerable resources to the education of members, licensees, industry associations and members of the public, regarding the matters set out at clause 2.8(a) of the Code of Conduct.

8.2 As Australia's oldest and largest collecting society (incorporated 1926), APRA in particular is in a position to have developed extensive materials and expertise in such matters. APRA AMCOS participates and contributes to various education and awareness initiatives including:

- Various Grant Programs, Sponsorships, Competitions and Promotions
- National Aboriginal and Torres Strait Islander Music Office (**NATSIMO**)
- Ambassador Program
- Member Events
- Member Advisory Group Development
- SongHubs and SongMakers programs
- Sounds Australia
- Live Music Office; and
- Various industry related organisations and programs.

8.3 In July 2020 the Collecting Societies who adhere to the Code of Conduct established a consolidated online portal for the public dissemination of governance, financial and data information, including all documents relating to the Collecting Societies' compliance with the Code. The website continues to be maintained and can be viewed at <https://www.copyrightcodeofconduct.org.au/>.

Member Education

8.4 Representatives of APRA AMCOS regularly participate in seminars and public forums with a view to increasing members' knowledge and skills. APRA AMCOS conducts regular members' forums, at which APRA AMCOS staff and others speak to the membership about industry issues such as contract negotiation. APRA AMCOS staff also regularly speak at seminars, giving specialised advice to members of the music industry and to users of music. The

Member Services staff attended over 280 events during the Review Period, attended by members online and at APRA AMCOS' head office, state based offices and in the US, UK and Europe. The events included information sessions, workshops, and subject specific presentations.

- 8.5 During the Review Period, Member Services hosted two Publisher Pulse seminars and conducted one on one publisher sessions. The purpose of these sessions is to discuss various domestic and international issues which affect Australian publishers, provide publishers with information on new systems, provide education on general topics that are relevant to their business, and seek publisher feedback to improve internal reporting processes. APRA AMCOS continues its commitment to providing the best customer service to publisher members and the Publisher Pulse seminars and one on one publisher sessions continue proving to be an effective way of achieving this goal.

Licensee Education

- 8.6 Music Licensing staff attended a number of client meetings and industry association functions and events nationally. Music Licensing staff attended over 180 client meetings, functions, events and award ceremonies during the Review Period.
- 8.7 APRA AMCOS produces a large amount of written material for licensees, which is available on the APRA AMCOS and OneMusic websites.

International Relations

- 8.8 During the Review Period, the International department was involved in a number of regional and international activities.

Government Relations

- 8.9 APRA AMCOS continues to further develop its profile with State and Federal governments, oppositions and departmental staff. The objective is to both increase the general awareness of APRA AMCOS' breadth of operation and lobby on specific relevant issues.

APRA AMCOS Website & Social Media

- 8.10 As previously reported, the APRA AMCOS website (<http://apraamcos.com.au/>) provides a broad information repository for the organisation's diverse member and licensee services. The website is at the heart of the organisation's digital communications strategy and also provides information of interest to the wider public. The site contains a vast amount of information about copyright in general, and the activities of the two societies in particular. Among other things, members of the public can search the website to check composer details of particular works within the APRA repertoire.
- 8.11 Traffic to the APRA AMCOS website decreased during the Review Period, from 386,619 users to 332,320 sessions also decreased from 642,499 to 584,474 and page views decreased to 1,029,921 from 1,174,822 the previous year.
- 8.12 Users spent an average 2:25 mins on the APRA AMCOS site, compared to last year's average of 2:26 mins.
- 8.13 The OneMusic Australia website (<https://www.onemusic.com.au/>) contains general information about OneMusic Australia, an FAQ section, plain English guides to each of the licence schemes, downloadable PDFs of OneMusic Australia licence agreements and the opportunity for licensees to get a quote for many of the licence schemes online. The website also links to the OneMusic Australia eCommerce portal, which enables all licensees to pay their licence fees online and some licensees (according to their industry) to obtain their licence through the portal at a time of their convenience. Site traffic increased to 417,794 users compared to last year's 147,752 users and 561,679 sessions compared to last year's 198,724 sessions. During the Review Period 718,869 pages were viewed. Users spent an average of 32 seconds on the site.
- 8.14 The Communications department is responsible for the maintenance and ongoing development of the APRA AMCOS and OneMusic websites.
- 8.15 As an effective means of communication, and enabler of connection within communities, social media is a key component of APRA AMCOS' communications strategy. Social media platforms utilised included Facebook, Twitter, Instagram, YouTube and LinkedIn. APRA AMCOS' social media presence facilitates greater and more time sensitive means of communications, especially with members. In the Review Period, APRA AMCOS has seen overall growth in acquiring followers on social media; and increased engagement.

- 8.16 During the Review Period, APRA AMCOS Facebook followers increased to 42,834 and Facebook likes increased from 33,961 to 35,950. Twitter followers slightly decreased from 21,706 to 21,416. Instagram saw a 12.9% increase in followers to 22,840. APRA AMCOS saw an increase in YouTube subscribers with 411 new subscribers in the Review Period (13.86% increase), taking the total to 3,490 subscribers and 221,984 views.
- 8.17 OneMusic Australia's Facebook now has 937 likes. OneMusic Australia's Instagram account has more than tripled its followers to a total of 443 followers. OneMusic Australia's YouTube channel has 3,490 views, a 13.86% increase on the previous review period.
- 8.18 The National Aboriginal and Torres Strait Islander Music Office (**NATSIMO**) social media presences saw increases in the Review Period from to 775 Facebook followers, up from 654 followers and 701 Instagram followers, up from 388 followers.

9. Complaints and Disputes (Code of Conduct 3)

- 9.1 For the purposes of this review, APRA AMCOS has applied the distinction between Complaints and Disputes consistently with the definitions of those terms at clause 6.1 of the Code of Conduct.
- 9.2 The APRA AMCOS Complaints Policy and Procedure can be read at <https://www.apraamcos.com.au/about/governance-policy/policies-procedures/complaints-procedure>.
- 9.3 APRA AMCOS has included all documents and correspondence that have been dealt with as complaints during the Review Period to the Code Reviewer on a confidential basis.
- 9.4 There were three (3) new member code complaints during the Review Period. There were no complaints carried over from the previous Review Period.
- 9.5 There were eight (8) new licensee code complaints received during the Review Period. There were no complaints carried over from the previous Review Period.
- 9.6 A high-level summary of complaints has been provided as an annexure to this report (**Annexure A**).
- 9.7 For the purpose of the review, and internally, APRA AMCOS has adopted a broad approach to the definition of complaint. That said, where APRA AMCOS is unsuccessful in its attempts

to license a user of music and the matter is referred to APRA AMCOS' external solicitors, these matters are not characterised as complaints unless a complaint regarding the actual conduct of an APRA AMCOS employee, representative or APRA AMCOS' external solicitors is received.

- 9.8 As at 30 June 2023, there were 92 ongoing general compliance matters under the management of APRA AMCOS' Legal Department, with 45 of these matters under the management of APRA AMCOS' external solicitors.
- 9.9 Where a licensee refuses to pay invoices issued by APRA AMCOS, the matter is pursued by its Credit Team and then referred to APRA AMCOS' external mercantile agent to manage and, if necessary, pursue through debt recovery proceedings. As at 30 June 2023, 352 clients were under the management of APRA AMCOS' Australian external mercantile agent and 207 were under the management of APRA AMCOS' New Zealand external mercantile agent. These matters are not characterised as complaints unless a complaint regarding the conduct of the Credit Team or the debt collectors has been made. Any such complaints during the Review Period are included in the confidential complaint summaries provided to the Code Reviewer.

Alternative Dispute Resolution (ADR)

- 9.10 As reported previously, APRA AMCOS funds an independent ADR facility called "Resolution Pathways". Details regarding APRA AMCOS' independent ADR facility for licensees and members can be found at <http://www.resolutionpathways.com.au/>
- 9.11 APRA AMCOS' independent ADR facility assists with the resolution of disputes between APRA AMCOS and its licensees (or potential licensees), between APRA AMCOS and its members and also disputes between APRA AMCOS members.
- 9.12 APRA appoints Shirli Kirschner of Resolve Advisors as the Independent Dispute Facilitator to administer its ADR scheme. Ms Kirschner worked with APRA's management and the ACCC to establish a prescribed governance framework for the independent ADR facility, with the fundamental feature of this framework being the appointment of a Consultative Committee, made up of an equal number of Member and Licensee representatives, with whom the Independent Dispute Facilitator must consult on matters such as monitoring the operation of the Scheme, including the costs of the Scheme; receiving feedback on the Scheme; and in consultation with the Facilitator, making a recommendation about budget for operation of the Scheme.

- 9.13 The ADR facility is publicised on the APRA AMCOS and OneMusic Australia websites, in materials released to the public and in legal correspondence. APRA AMCOS' external solicitors also have a standing instruction to make the existence of the facility known to parties prior to commencing legal proceedings and negotiations.
- 9.14 APRA AMCOS strongly encourages its members to resolve disputes among themselves by way of ADR. Where APRA AMCOS is notified of a dispute among members, or involving members of an affiliated society, as to the allocation of shares in a work administered by it, APRA AMCOS may, at its discretion, if it is satisfied that it is appropriate to do so in all the circumstances, place all or any of the performance credits relating to the work in suspense until the dispute is settled by agreement between the parties or resolved by a Court or alternative dispute resolution. APRA AMCOS' policy in this regard is set out at Rule 13 and Rule 8 of APRA and AMCOS' respective Distribution Rules.
- 9.15 Under the terms of its authorisation from the ACCC, the ADR facility's independent Resolution Facilitator is obliged to submit an annual report to the ACCC detailing those disputes notified to her under the ADR facility. The ADR facility's independent Resolution Facilitator also submits quarterly or periodic reports.

Other matters

Ongoing Copyright Tribunal Proceeding

- 9.16 APRA AMCOS has previously reported to the Code Reviewer regarding the reference filed by APRA AMCOS in March 2021 for an SVOD licence scheme with the Copyright Tribunal. The proceeding remains ongoing.
- 9.17 During the Review Period APRA AMCOS has filed various documents including its initial lay evidence and other agreed documents for the proceeding.

10. Publicity and Reporting of Code (Code of Conduct 4)

- 10.1 APRA AMCOS has kept its members and licensees updated with information regarding the Code of Conduct, in particular by maintaining relevant information including a copy of the Code on the website, available at <https://www.apraamcos.com.au/about/governance-policy/code-of-conduct>.

- 10.2 Australian collecting societies APRA AMCOS, ASDACS, AWGACS, The Copyright Agency, PPCA and Screenrights maintain a standalone website for the Code of Conduct for Copyright Collecting Societies at <https://www.copyrightcodeofconduct.org.au>.
- 10.3 The website and amendments to the Code are both initiatives undertaken in response to a review of the Code undertaken by the Department of Communications and the Arts which recommended:
- increased clarity around the role of the Code;
 - improved transparency around collecting societies' operations; and
 - strengthened governance arrangements for collecting societies and the Code.
- 10.4 Societies now publish their compliance reports, with any confidential material (such as correspondence between a society and a complainant) redacted. Compliance reports are available at <https://www.copyrightcodeofconduct.org.au/annual-compliance>.
- 10.5 APRA AMCOS publishes the invitation for any interested party to make submissions to the Code Reviewer on its website each year. A copy of that notice can be read at <https://www.apraamcos.com.au/about-us/news-and-events/code-of-conduct-call-for-submissions-2023>.

11. Monitoring, Review and Amendments (Code of Conduct 5)

- 11.1 APRA AMCOS constantly explores opportunities for obtaining more accurate information of music usage in an attempt to improve the accuracy of distributions made to writers, publishers and affiliates.
- 11.2 The Data Operations Department receives music performance reports from radio and television stations, streaming and download services, concert promoters, members and many other types of users of copyright music.
- 11.3 APRA AMCOS continues to invest significantly in music recognition technology, with the cooperation of licensees, to ensure accurate distribution of royalties for the performance of music in retail and hospitality settings. Music recognition technology has now been rolled out in select areas across the fitness, retail, hospitality and dance industries, and continued efforts have been made to expand its use in nightclubs.

11.4 APRA AMCOS also utilises this technology at licensed venues and music festivals where recorded music is featured, to facilitate the reporting of the music played at those venues or events.

11.5 APRA AMCOS also uses music recognition technology for identifying music used in advertisements, providing an audio upload function of the writer and publisher portals to upload audio files directly to APRA AMCOS' database and technology providers' databases so that the audio can be recognised and matched with music used in advertisements, providing accurate and efficient tracking of jingle play on television and radio.

APPENDIX A

Complaints Summary 1 July 2022 – 30 June 2023

Reference	Date	Issue	Status
CM01	17/11/2022	Stalled query regarding a missing royalty payment.	<i>Resolved 30/11/2022 by APRA AMCOS</i> Apology issued and records amended. Royalty paid in next royalty distribution cycle.
CM02	30/5/2023	Stalled membership application and licensing query.	<i>Resolved 6/6/2023 by APRA AMCOS</i> Apology issued, delay explained and membership application finalised. No record of licensing query.
CM03	6/2/2023	Querying discrepancy between APRA and PPCA royalties in similar music use circumstances.	<i>Ongoing (unresolved)</i>
CL01	4/7/2022	Licensee erroneously received correspondence intended for unlicensed businesses.	<i>Resolved 5/7/2022 by OneMusic Australia</i> Apology issued and error explained.
CL02	27/7/2022	Licensee reluctant to license after feeling harassed and misinformed after dealings with OneMusic Australia.	<i>Resolved 16/8/2022 by OneMusic Australia</i> Licence options explained, legal position clarified and apology issued. Licence now on foot.
CL03	14/11/2022	Licensee considered licensing process unclear and separately, received an erroneous invoice.	<i>Resolved 21/11/2022 by APRA AMCOS</i> Apology issued, error explained, and licence terminated.
CL04	22/12/2022	Licensee sought a fee review and separately, was concerned about an unauthorised photograph taken by audio meter installer.	<i>Resolved 24/2/2023 by OneMusic Australia</i> Fee waiver granted, apology issued, installers counselled and photograph deleted.
CL05	5/2/2023	Licensee was erroneously issued an invoice and payment reminders after terminating licence.	<i>Resolved 28/2/2023 by OneMusic Australia</i> Apology issued, error explained and debt withdrawn.
CL06	3/3/2023	Licensee was issued an erroneous pro-rated invoice after closing their account.	<i>Resolved 30/3/2023 by OneMusic Australia</i> Apology issued, error explained and debt withdrawn in good faith.
CL07	9/6/2023	Licensee queried their referral to external mercantile agents in circumstances where they thought their licence was terminated.	<i>Resolved 7/7/2023 by OneMusic Australia</i> Clarified that licence and debt were valid as no record existed of the licensee requesting a licence termination. Licence terminated and debt waived in good faith.
CL08	28/3/2023	Licensee was erroneously issued an invoice and payment reminders after terminating licence.	<i>Resolved 30/3/2023 by OneMusic Australia</i> Apology issued, error explained and debt withdrawn.