

# screenrights

**Report on compliance with the  
Code of Conduct for Collecting Societies  
for the year 2022-2023**

ABN: 76 003 912 310  
Level 1, 140 Myrtle St  
Chippendale, NSW 2008  
T: 02 8038 1300 | [screenrights.org](https://screenrights.org)  
[info@screenrights.org](mailto:info@screenrights.org)

## INTRODUCTION

This report covers Screenrights' compliance with obligations under the Code of Conduct for Copyright Collecting Societies in 2022-2023. It will be published on Screenrights' website ([www.screenrights.org](http://www.screenrights.org)) and the Code of Conduct website ([www.copyrightcodeofconduct.org.au](http://www.copyrightcodeofconduct.org.au)).

Detailed information regarding Screenrights operations will be provided in Screenrights' Annual Report which is published on the website and is tabled in Parliament.

### 1. OVERVIEW OF SCREENRIGHTS

- 1.1 The Audio-Visual Copyright Society Limited, trading as Screenrights, was established in 1990 to be the declared collecting society for purposes of the statutory licence for the copying and communication of broadcasts by educational and other institutions under the then Part VA (now Part IVA Division 4) of the Copyright Act 1968 (Act). Under this Part, Screenrights also represents the owners of the copyright in sound recordings and cinematograph films (and works included in sound recordings and cinematograph films) for the purposes of the statutory licence in favour of educational institutions.
- 1.2 In addition, Screenrights is the sole collecting society for the collection of equitable remuneration for the retransmission of free-to-air broadcasts under Part VC of the Act.
- 1.3 Finally, Screenrights has also been declared to be the collecting society in respect of television, radio and internet broadcasts under the government copying scheme s183 of the Act (Copyright Agency is also declared for that purpose).
- 1.4 As at 30 June 2023, Screenrights had 5,159 members. Screenrights members are rightsholders in film and television programs, including producers, directors, scriptwriters, artists, production companies, distributors, sales agents, commercial collection agents, broadcasters and other collecting societies.
- 1.5 As at 30 June 2023, Screenrights had 1,571 licensees. Screenrights collects royalty payments from schools, universities, vocational training bodies, government agencies, TAFEs, resource centres, retransmitters and New Zealand schools and tertiary institutions, as shown in the following table:

Type of Entity	Number
Screenrights Members	5159
Licensees	1,631
<i>Schools -- Government, Catholic Systemic, Independent -- Peak Bodies</i>	31
<i>Higher education including universities</i>	62
<i>Private Vocational Education/Training Organisation (inc ELICOS, U3A)</i>	22
<i>Government Agency</i>	469
<i>TAFE (including individual institutions and Departments representing multiple institutions)</i>	12
<i>Resource Centre</i>	5
<i>Retransmitter</i>	4
<i>NZ -- Tertiary</i>	27
<i>NZ – Schools</i>	997
<i>NZ – Resource Centre</i>	2

## CODE COMPLIANCE

### 2 LEGAL FRAMEWORK

#### Code, Clause 2.1:

- (a) *This Code is one element of a broader legal and regulatory framework within which Collecting Societies operate. This Code sets minimum standards for the conduct of Collecting Societies and complements the following regulatory instruments, which each Collecting Society will comply with:*
- (i) *the Corporations Act 2001 and the Corporations Regulations;*
  - (ii) *the Copyright Act 1968 and the Copyright Regulations;*
  - (iii) *its Constitution;*
  - (iv) *the Attorney-General's Guidelines for Declared Collecting Societies (where applicable);*
  - (v) *its obligations under the Privacy Act 1988, including the Australian Privacy Principles, or any Privacy Code that applies to the Collecting Society;*
  - (vi) *in the case of the declared Collecting Society under that Act, the Resale Royalty Right for Visual Artists Act 2009; and*
  - (vii) *any other applicable legislation, relevant decisions of courts or tribunals (including the Copyright Tribunal), and other binding legal requirements, conditions or guidelines that apply to the Collecting Society.*

- 2.1 In 2022-2023, Screenrights has complied with its obligations under the legislative and regulatory framework governing its operations as set out in Clause 2.1 of the Code.
- 2.2 Screenrights' key governance documents published on the Screenrights' website include: Constitution<sup>1</sup> Corporate Governance Statement<sup>2</sup>, Privacy Policy which is in compliance with Australian Privacy Principles<sup>3</sup>, Distribution Policy<sup>4</sup> and competing claims resolution procedures<sup>5</sup>.
- 2.3 In accordance with the Constitution, the Screenrights' Board is elected by members and the Board includes on an ongoing basis up to 8 General Directors, three Authorial Directors (Screenwriter, Screen Director and Screen Composer) and at least one New Zealand Director. A list of current directors and the Screenrights executive team is available on the website.<sup>6</sup>
- 2.4 Screenrights' Legal team oversees compliance, including monitoring legal and regulatory developments, overseeing any changes to policies and practices and training of staff in relevant laws including privacy and workplace behaviour laws.
- 2.5 In 2022-2023, a minor amendment was made to the Distribution Policy<sup>7</sup>. This is discussed at paragraph 5.3 below. On 1 July 2023, a new procedure was introduced to assist members to resolve competing claims to the same royalties. This is discussed at paragraph

---

<sup>1</sup> <https://www.screenrights.org/wp-content/uploads/2019/08/2019-08-05-Constitution-of-Screenrights.pdf>

<sup>2</sup> <https://www.screenrights.org/about-us/corporate-governance/>

<sup>3</sup> <https://www.screenrights.org/privacy-policy/>

<sup>4</sup> [https://www.screenrights.org/wp-content/uploads/2018/12/Dist\\_Policy\\_27092022.pdf](https://www.screenrights.org/wp-content/uploads/2018/12/Dist_Policy_27092022.pdf)

<sup>5</sup> <https://www.screenrights.org/screen-industry/competing-claims-resolution/>

<sup>6</sup> <https://www.screenrights.org/about-us/our-people/>

<sup>7</sup> [https://www.screenrights.org/wp-content/uploads/2018/12/Dist\\_Policy\\_27092022.pdf](https://www.screenrights.org/wp-content/uploads/2018/12/Dist_Policy_27092022.pdf)

3.5 below and a copy of the policy is available on the website.<sup>8</sup> Otherwise Screenrights made no material changes to any documents relevant to the legal framework in 2022-2023.

### 3 MEMBERS

#### Code, Clause 2.2:

- (a) *The membership of a Collecting Society will be open to all eligible creators of copyright material, and to anyone who owns or controls copyright material or the resale royalty right or both, in accordance with the Constitution of the Collecting Society.*
- (b) *Each Collecting Society will treat its Members fairly, honestly, impartially, courteously, and in accordance with its Constitution and any Membership Agreement.*
- (c) *Each Collecting Society will ensure that its dealings with Members are transparent.*
- (d) *Each Collecting Society will provide a copy of its Constitution to a Member at the time that the Member first joins the Collecting Society, or at any time on request. A Collecting Society will also provide a copy of its Constitution to a potential Member on request.*

- 3.1 Membership of Screenrights remains free and open to all eligible rightsholders. Membership of Screenrights increased in the 2022 – 2023 year from 5,005 to 5,159 members.
- 3.2 Screenrights adopts policies, processes and practices to ensure that Members are treated fairly, honestly, impartially and courteously in accordance with the Screenrights Constitution and the Membership Agreement. This includes staff training such as a comprehensive induction process and Code of Conduct training.
- 3.3 Screenrights' Member Services team engages in frequent communication with members via phone, email and a Live Chat feature on the online membership portal and MyScreenrights.
- 3.4 Screenrights adopts a continuous improvement approach to information management and information systems. We undertake ongoing initiatives each year to improve the quality and handling of information, and simplify member engagement with Screenrights. We also undertake initiatives to streamline information processing within in-house systems to deliver efficiencies to royalty distribution.
- 3.5 Some of the key initiatives in 2022-2023 include:
  - (a) Implemented improvements to service delivery and engagement with Screenrights via all channels, including the MyScreenrights member platform;
  - (b) Simplifying and streamlining the resolution of competing claims to royalties, the outcome of which was the introduction of new Competing Claim Resolution Procedures, effective 1 July 2023, after consultation with members which was overwhelmingly supportive; and
  - (c) Improvements to distribution process automation and accuracy, enabling the release of royalties to members sooner.

---

<sup>8</sup> <https://www.screenrights.org/wp-content/uploads/2019/09/20230701-Competing-Claim-Resolution-Procedures-Final.pdf>

## 4 LICENSEES

### Code, Clause 2.3:

- (a) *Each Collecting Society will treat Licensees fairly, honestly, impartially, courteously, and in accordance with its Constitution and any licence agreement.*
- (b) *Each Collecting Society will ensure that its dealings with Licensees are transparent.*
- (c) *Each Collecting Society will:*
  - (i) *make available to Licensees and potential Licensees information about the licences or licence schemes offered by the Collecting Society, including the terms and conditions applying to them, and about the manner in which the Collecting Society collects remuneration and/or licence fees for the use of copyright material; and*
  - (ii) *to the extent it reasonably can, having regard to the complexity of the questions of fact and law necessarily involved, take steps to ensure that all licences offered by the Collecting Society are drafted so as to be plainly understandable to Licensees, and are accompanied by practical and suitable explanatory material.*
- (d) *Each Collecting Society's policies, procedures and conduct in connection with the setting of licence fees for the use of copyright material will be fair and reasonable. In setting or negotiating such licence fees, a Collecting Society may have regard to the following matters:*
  - (i) *the value of the copyright material;*
  - (ii) *the purpose for which, and the context in which, the copyright material is used;*
  - (iii) *the manner or kind of use of the Copyright Material;*
  - (iv) *any relevant decisions of the Copyright Tribunal; and*
  - (v) *any other relevant matters.*
- (e) *The Collecting Societies acknowledge the important role played by relevant industry associations in relation to the formulation of terms and conditions applying to licences or licence schemes offered by some Collecting Societies.*
- (f) *Each Collecting Society will where appropriate consult in good faith with relevant industry associations in relation to the terms and conditions applying to licences or licence schemes offered by the Collecting Society.*
- (g) *Each Collecting Society will, in response to a reasonable request, make available to a Licensee or potential Licensee:*
  - (i) *the methodology for calculating the licence fees applicable to that Licensee or potential Licensee; and*
  - (ii) *matters taken into consideration in determining the licence fee to the extent that such information is not commercial-in-confidence and does not otherwise directly affect a commercial negotiation between the Collecting Society and the Licensee or potential Licensee.*

*The Code Compliance Reviewer is able to consider whether a request or a Collecting Society's response to it has been reasonable.*
- (h) *A Collecting Society may not unreasonably refuse a request from a Licensee to engage in an alternative dispute resolution (ADR) process in respect of a licensing dispute. Whether a Collecting Society has acted reasonably in response to a request made pursuant to this clause is a matter for consideration by the Code Compliance Reviewer in their annual report on the Collecting Societies' compliance with the Code.*

- 4.1 Screenrights adopts policies, processes and practices to ensure that licensees are treated fairly, honestly, impartially and courteously in accordance with the Screenrights Constitution and the Membership Agreement.

- 4.2 Screenrights' approach to licensees is built on respect for their needs with the goal of ensuring that they receive fair value while maintaining equitable remuneration for members. Most negotiations of licence agreements are conducted with peak bodies, except in the case of retransmission where the licensees are substantial commercial organisations.
- 4.3 Screenrights' website contains a Screenrights Licences section where we provide information about the licences available, and what uses are covered by the licences.<sup>9</sup> Further, in relation to the Australian educational statutory licence, information is provided for educators on accessing educational content.
- 4.4 For the educational statutory licence, Screenrights generally negotiates with bodies that represent a group of licensees such as Universities Australia and the Copyright Advisory Group to the COAG Education Council for schools and TAFES.
- 4.5 The educational scheme agreement covering 98% of Australian schools which was renewed in 2021, remained in force in 2022-2023 and will expire on 31 December 2024.
- 4.6 For the government statutory licence, Screenrights deals with the Attorney General's Department for the Commonwealth and with a collective representative group for the States and Territories. New Government Copying agreements to include internet copying have been executed by the State of Victoria, the Australian Capital Territory and Tasmania. The remaining States and Territories are in the process of being finalised as at the end of this reporting period.
- 4.7 In relation to retransmission statutory licences, the agreement between Foxtel and Screenrights entered into in 2021 will expire on 31 December 2024. In 2022, Screenrights and Stellar Vision entered into a 5 year retransmission agreement for patient entertainment services.
- 4.8 A primary transparency factor in dealings with licensees is the availability of usage data, which forms a key part of licence negotiations. Screenrights provides all relevant usage data to the licensees on request. This is the same data that Screenrights uses for its distribution purposes.
- 4.9 Detailed usage data for each University is provided to Universities Australia (**UA**) annually as required under the Universities Agreement established in 2018-2019, which was extended by variation in 2022 to December 2023. A new Remuneration Agreement for the period January 2024 to December 2027 has been negotiated and will be executed by December 2023. The usage data determines the amount of equitable remuneration payable and is provided by UA to all Universities for transparency.
- 4.10 A Remuneration Notice is required to be completed by any new licensee under the statutory educational licence. The methodology for calculating the amount of equitable remuneration payable by an educational institution is included in the Remuneration Notice.

---

<sup>9</sup> <https://www.screenrights.org/screen-audiences/screenrights-licences/>

## 5 DISTRIBUTION OF REMUNERATION AND LICENCE FEES

### Code, Clause 2.4:

- (a) *Each Collecting Society will maintain, and make available to Members on request, a Distribution Policy that sets out from time to time:*
- (i) *the basis for calculating entitlements to receive payments from remuneration and/or licence fees collected by the Collecting Society (Revenue);*
  - (ii) *the manner and frequency of payments to Members; and*
  - (iii) *the general nature of amounts that will be deducted from Revenue before distribution.*
- (b) *Each Collecting Society will distribute payments to its Members in accordance with its Constitution and Distribution Policy.*
- (c) *Each Collecting Society will, in response to a reasonable request by a Licensee or their representative, provide more detailed information about particular rights payments made pursuant to a licence. Such information should only be provided to the extent that it is not commercial-in-confidence and does not otherwise directly affect a commercial negotiation between the Collecting Society and the Licensee or potential Licensee. Such information is to be provided:*
- (i) *on an anonymised basis; and*
  - (ii) *where the Collecting Society can do so at a reasonable cost.*
- The Code Compliance Reviewer is able to consider whether a request or a Collecting Society's response to it has been reasonable.*
- (d) *Each Collecting Society will:*
- (i) *consult with Members prior to making any substantive changes to their distribution policy; and*
  - (ii) *publish 'plain English' guidelines on their distribution policy and make them available to Members and Licensees.*

5.1 In 2022-2023, Screenrights distributed payments in accordance with its Distribution Policy and Constitution.

5.2 A copy of the Distribution Policy can be accessed from Screenrights' website.<sup>10</sup> 'Plain English' guidelines on the Distribution Policy are also available on the website.

5.3 In 2022-2023, a minor amendment was made to the Screenrights' Distribution Policy.<sup>11</sup> The purpose of the amendment was to clarify that while expenses are generally allocated equally across all licences, in extraordinary circumstances, a specific expense may be charged to a particular scheme. The amendment was approved by the Screenrights Board and members were notified of the amendment. Screenrights will continue to notify members of minor amendments and consult with Members regarding any substantive changes to the Distribution Policy.

5.4 With the exception of royalties in dispute, all undistributed royalties from the 2019 distribution year have been rolled over to the 2023 distribution year. Any royalties still in dispute from the 2019 year have moved into the Competing Claims Fund (CCF), which allows members an additional 12 months to resolve their competing claims to these royalties.

---

<sup>10</sup> [https://www.screenrights.org/wp-content/uploads/2018/12/Dist\\_Policy\\_27092022.pdf](https://www.screenrights.org/wp-content/uploads/2018/12/Dist_Policy_27092022.pdf)

<sup>11</sup> See Deducting Expenses at 3.4(d) on Page 6 of the [Distribution Policy](#)



## **6 COLLECTING SOCIETY EXPENSES**

### **Code, Clause 2.5:**

*Each collecting society will deduct from its total revenue:*

- (a) *the expenses of managing and operating the collecting society; and*
- (b) *any other amounts authorised by its Constitution. These may include, for example, the costs of promotional activities, educational programs, cultural funds, donations in support of creators and owners of copyright material, membership of industry associations, or other charitable purposes.*

- 6.1 Screenrights' Board approves the annual operating Budget, and an updated financial report which compares actuals to Budget is reviewed at each Board meeting.
- 6.2 Expenses for the year ended 30 June 2023 were approximately 14.91% of gross revenue, subject to audit review. The audited figure will be published in Screenrights' Annual Report.
- 6.3 Screenrights' operating costs associated with its licensing schemes are met from revenue. In some cases a fixed percentage is deducted, but otherwise the deductions are generally based on actual costs. Members receive itemised reports about deductions along with payments.
- 6.4 Detailed information on Screenrights' expenses including the expenditure to collections ratio for the year ended 30 June 2023 will be found in Screenrights' Annual Report, where a comparison with the year ended 30 June 2022 will be depicted. This report will be available by the end of October 2023.

## **7 GOVERNANCE AND ACCOUNTABILITY**

### **Code, Clause 2.6:**

- (a) *The Board of Directors of a Collecting Society will be accountable to its Members.*
- (b) *Each Collecting Society will at all times maintain proper and complete financial records, including in relation to:*
  - (i) *the collection and distribution of Revenue; and*
  - (ii) *the payment by the Collecting Society of expenses and other amounts described in clause 2.5.*
- (c) *Each Collecting Society will ensure that its financial records are audited at least annually.*
- (d) *Consistent with its obligations under the Privacy Act 1988 and any applicable duty of confidentiality, a Collecting Society will provide a Member, on request, with reasonable information about that Member's entitlement to receive a payment from Revenue.*
- (e) *Each Collecting Society will include in its Annual Report information about:*
  - (i) *total Revenue during the reporting period;*
  - (ii) *the total sum and general nature of expenses and other amounts described in clause 2.5; and*
  - (iii) *the allocation and distribution of payments to Members in accordance with the Distribution Policy.*
- (f) *Each Collecting Society will provide detailed information in its annual publications, at an anonymised or aggregate level where appropriate, about the accounting and distribution of*



*licence revenue. This information is to be reported in a consistent format year on year. Categories for reporting should include, but are not limited to:*

- (i) *classes of Licensees from whom licence revenue is received;*
  - (ii) *classes of Members to whom licence revenue is paid;*
  - (iii) *categories of copyright material copied/licensed in respect of which licence revenue is received; and*
  - (iv) *domestic vs international payments of licence revenue.*
- (g) *Each Collecting Society will provide detailed annual reporting of expired undistributed funds, including:*
- (i) *the reason/s why funds remain undistributed to rightsholders;*
  - (ii) *the steps taken to locate rightsholders and distribute funds to; and*
  - (iii) *detailed information on the allocation and use or proposed use of the funds by the Collecting Society for which funds are to be applied.*

- 7.1 In 2022-2023, Screenrights has complied with the requirements of Clause 2.6. Screenrights' Board acted in accordance with the Constitution and Corporate Governance Statement in being accountable to members. The current directors on the Board are listed on Screenrights' website.<sup>12</sup>
- 7.2 The Audit and Risk Committee of the Board met 6 times in 2022-23. Its principal functions are to ensure that accounting records are maintained in accordance with statutory requirements, to ensure that financial controls are sufficient, to review the operational and strategic risk assessments, and to review the financial statements and consult with the external auditors.
- 7.3 Screenrights maintains complete financial records every year. Where requested by a member, Screenrights provides information about their entitlements to receive payment from Screenrights consistent with obligations under privacy law and any applicable duties of confidentiality.
- 7.4 Screenrights' Annual Report for the year ended 30 June 2023 will be available in October 2023, including the audited accounts as at 30 June 2023. The Annual Report of Screenrights contains the matters set out in clause 2.6(e) – (g) of the Code including revenue, expenses and distribution of payments to Members.
- 7.5 Each year, the Annual Report is published on the website,<sup>13</sup> provided to the relevant Minister and tabled in Parliament.

## **8 STAFF TRAINING**

### **Code, Clause 2.7:**

*Each Collecting Society will take reasonable steps to ensure that its employees and agents are aware of, and at all times comply with, this Code. In particular, a Collecting Society will take reasonable steps to ensure that its employees and agents are aware of the procedures for handling*

---

<sup>12</sup> <https://www.screenrights.org/about-us/our-people/>

*complaints and resolving disputes set out in clause 3, and are able to explain those procedures to Members, Licensees and the general public.*

- 8.1 Screenrights has taken reasonable steps to ensure that employees and agents are aware of and comply with the Code of Conduct.
- 8.2 Staff training on the Code is conducted annually. Amongst other things, Screenrights' Code of Conduct training session familiarises staff with complaints handling procedures, Screenrights' alternative dispute resolution procedures for disputes between Screenrights and licensees, between Screenrights and members and between members and members. The importance of compliance with the Code is also emphasised to staff in induction training.

Further, updates on Code requirements are communicated to staff on an ongoing basis and as required.

## **9 EDUCATION AND AWARENESS**

### **Code, Clause 2.8:**

- (a) *Each Collecting Society will engage in appropriate activities to promote awareness among Members, Licensees and the general public about the following matters:*
- (i) *the importance of copyright;*
  - (ii) *the role and functions of collecting societies in administering copyright generally; and*
  - (iii) *the role and functions of that collecting society in particular;*
- and will make information about these matters available, on reasonable request, to Members, Licensees and the general public.*
- (b) *In deciding what activities are appropriate for the purposes of paragraph (a), a Collecting Society will take into account the following factors:*
- (i) *its size;*
  - (ii) *the number of Members it has;*
  - (iii) *the number of Licensees it has;*
  - (iv) *the amount of revenue it collects annually; and*
  - (v) *the possibility of undertaking activities jointly with another Collecting Society.*
- (c) *Without limiting paragraph (a) or any other obligation in this Code, each Collecting Society will produce and make available appropriate information about the following:*
- (i) *the eligibility criteria for membership of the Collecting Society;*
  - (ii) *the benefits of membership of the Collecting Society;*
  - (iii) *the responsibilities of Members under the Constitution of the Collecting Society and any Membership Agreement;*
  - (iv) *any policies and procedures of the Collecting Society that affect Members;*
  - (v) *the benefits to Licensees of obtaining a licence from the Collecting Society;*
  - (vi) *the responsibilities of Licensees under a licence granted by the Collecting Society, and under the Copyright Act 1968 and other applicable laws; and*
  - (vii) *any policies and procedures of the Collecting Society that affect Licensees.*

- (d) *Each Collecting Society will make available plain English guidelines stating how expired undistributed funds will be allocated and spent by the Collecting Society, and how such expenditure will serve the interests of Members.*
- (e) *The Collecting Societies will establish and maintain 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.*

- 9.1 In 2022-2023, Screenrights continued to provide information about its services and royalty distribution schemes, policies and procedures via Screenrights' website. Animated explainer videos support the communication of this information. Screenrights' governance, financial and data information is also available on the website.<sup>14</sup>
- 9.2 Screenrights made an 8-part webinar series available on-demand online, and this included information about Screenrights' services. The online series is offered at subsidised pricing in order to make it as accessible as possible.
- 9.3 Screenrights also continued to promote its role and functions as a Copyright Collecting Society by sponsoring and participating either through a speaking engagement, digital/online representation, or providing attendees with communications material about Screenrights at the following events:
- (a) Australian Directors' Guild (ADG) Awards, December 2022;
  - (b) Australian Writers Guild "AWGIES" Awards, November 2022
  - (c) Screen Production and Development Association (SPADA) Summit, November 2022;
  - (d) Screen Forever (run by Screen Producers Australia), May 2023;
  - (e) Australian International Documentary Conference, March 2023;
  - (f) Doc Edge Forum, June 2023;
  - (g) Asia Pacific Screen Forum, November 2022;
  - (h) The Regional to Global Screen Forum (run by Northern Rivers Screenworks), March/April 2023;
  - (i) Big Screen Symposium, July 2022; and
  - (j) Melbourne International Film Festival (MIFF) 37<sup>o</sup> South Market, August 2022.
- 9.4 Screenrights has also continued its Cultural Fund competitive grant program in 2022 and 2023. The Cultural Fund was established in 2018 to support innovative projects that foster the creation and appreciation of screen content in Australia and New Zealand and awards up to \$50,000 per initiative. Screenrights promotes the Cultural Fund on the website<sup>15</sup> and through a dedicated marketing and communications campaign.
- 9.5 Screenrights has published Plain English guidelines on how its undistributed funds are allocated in compliance with Clause 2.8(d) of the Code on the Screenrights website.<sup>16</sup>

## **10 REPORTING BY DECLARED COLLECTING SOCIETIES**

### **Code, Clause 2.9:**

<sup>14</sup> <https://www.screenrights.org/about-us/corporate-governance/>

<sup>15</sup> <https://www.screenrights.org/cultural-fund/>

<sup>16</sup> <https://www.screenrights.org/help-centre/how-royalties-are-calculated/>

- (a) *The Annual Report of a Declared Collecting Society shall include the following information in relation to each statutory licence for which the society is declared, for the financial year to which the Annual Report pertains:*
  - (i) *For each Statutory Licensee Class:*
    - A. *total licence fees received;*
    - B. *income on investments of licence fees;*
    - C. *total amount allocated and paid to members;*
    - D. *the total amount of licence fees held in trust; and*
    - E. *total licence fees for which the trust period expired.*
  - (ii) *the total expenses of the Declared Collecting Society.*
- (b) *A Declared Collecting Society will, upon request from a representative of a Statutory Licensee Class, provide the following information to the extent that it can do so at a reasonable cost:*
  - (i) *proportions to classes of recipients from the distribution of licence fees from the Statutory Licensee Class;*
  - (ii) *for each of the total amounts referred to in clause 2.9(a)(i)(E), the proportion not paid to rights holders due to:*
    - A. *the entitled member not being located;*
    - B. *the relevant rights holder not being a member;*
    - C. *entitlement disputes;*
    - D. *the amounts being below the distributable threshold; and*
    - E. *other reasons (which reasons the Declared Collecting Society may elect to specify).*

10.1 Screenrights' Annual Reports provide the information set out in clause 2.9 including in an Annexure to the report.

## **11 COMPLAINTS AND DISPUTES**

### **Code, Clause 3**

- (a) *Each Collecting Society will develop and publicise procedures for:*
  - (i) *dealing with complaints from Members and Licensees; and*
  - (ii) *resolving disputes between the Collecting Society and:*
    - A. *its Members; and/or*
    - B. *its Licensees.*
- (b) *The procedures developed under paragraph (a) will apply to any complaint about a matter covered by the Code which adequately identifies the nature of the complaint and the identity of the person complaining.*
- (c) *The procedures developed under paragraph (a) will comply with the requirements of Australian Standard ISO 10002 - 2006 – Customer Satisfaction. In developing its procedures, a Collecting Society will have particular regard to the following principles:*
  - (i) *The procedures should define the categories of complaints and disputes they cover and explain the way in which each will be dealt with.*

- (ii) *Information on how to make complaints should be readily accessible to Members and Licensees.*
  - (iii) *Each Collecting Society should provide reasonable assistance to a Member or Licensee in the formulation and lodgement of a complaint.*
  - (iv) *The procedures should recognise the need to be fair to both the person complaining and the Collecting Society to which the complaint relates.*
  - (v) *The procedures should specify by position who in the first instance will handle complaints on behalf of the Collecting Society.*
  - (vi) *The procedures should indicate time frames for the handling of complaints and disputes.*
  - (vii) *Each Collecting Society should provide a written response to a complaint that is made in writing.*
  - (viii) *Each Collecting Society should establish appropriate alternative dispute resolution procedures.*
  - (ix) *Each Collecting Society will ensure that adequate resources are made available for the purpose of responding to complaints and resolving disputes.*
- (d) *Each Collecting Society will regularly review its complaint handling and dispute resolution procedures to ensure that they continue to comply with the requirements of this Code.*

- 11.1 Screenrights' procedures with respect to Clause 3 of the Code are available in the Corporate Governance section of the website, including information on complaints handling procedures, procedures for disputes between Screenrights and licensees and disputes between Screenrights and members.<sup>17</sup> Through the yearly Code of Conduct training and in staff inductions, Screenrights ensures that staff are trained to understand that responding to complaints and resolving disputes in a timely manner is a key priority for Screenrights.
- 11.2 Screenrights received no complaints in the 2022-2023 period.
- 11.3 In 2022-2023, Screenrights made no substantive changes to its Competing Claims Resolution Procedures (CCRP) but did consult with members about proposed changes, the outcome of which was the introduction of a new CCRP effective 1 July 2023. The CCRP is available on the Screenrights' website.<sup>18</sup>
- 11.4 In the year ended 30 June 2023, Screenrights received over 98,000 claims to royalties, bringing total member claims to almost 1.8 million. Over the same period, Screenrights opened competing claims involving 372 series and 1046 one-off programs, and notified members of these competing claims via direct communications and the MyScreenrights portal.
- 11.5 Over the review period competing claims have been closed for 1,320 series and 3,559 one-off programs. No requests were received from members for Expert Determination.

## **12 PUBLICITY AND REPORTING**

### **Code, Clause 4:**

- (a) *The Collecting Society will:*

<sup>17</sup> <https://www.screenrights.org/about-us/corporate-governance/>

<sup>18</sup> <https://www.screenrights.org/wp-content/uploads/2019/10/Screenrights-CCRP.pdf>

- (i) *take appropriate steps to publicise this Code and the fact that it has agreed to be bound by it; and*
  - (ii) *make copies of the Code available to Members, Licensees and the general public on request.*
- (b) *Each Collecting Society will include in its Annual Report a statement on its compliance with this Code.*
- (c) *If the Code Compliance Reviewer reports a finding, in a report prepared under clause 5.1(d), that a Collecting Society has contravened the Code, that Collecting Society will notify its Members and Licensees of the contravention by means such as:*
- (i) *Notification of the contravention published on the Collecting Society's website;*
  - (ii) *Report of the contravention itemised in the Collecting Society's annual report; and*
  - (iii) *Report on the online portal referred to in Clause 2.8(e).*
- 12.1 Screenrights publicises the Code and an undertaking that it has agreed to be bound by it on Screenrights' website.
- 12.2 In the reporting period, Screenrights published its 2021-2022 Annual Compliance Report to the Code Reviewer on its website. Past Code of Conduct Compliance Reports and Triennial Reviews of the Code of Conduct are also published on the website for members and licensees and other interested stakeholders.<sup>19</sup>
- 12.3 Screenrights' website links to the Code of Conduct website, where a copy of the Code can be accessed,<sup>20</sup> and also contains the notice for any interested party to make a submission to the Code Reviewer with respect to the Collecting Societies' compliance with the Code of Conduct.<sup>21</sup>
- 12.4 Screenrights includes a statement in its Annual Report (under "Governance") that it complies with the Code.
- 12.5 Screenrights communicates to members about the Code via e-newsletters and news items that are linked from the homepage of the website.

## **13 ANNUAL COMPLIANCE MONITORING AND REPORTING**

### **Code, Clause 5.2(c)**

*Each Collecting Society will provide, in its annual report to the Code Compliance Reviewer, information on steps taken to improve the capture and exploitation of data to achieve better business practices.*

- 13.1 In 2021-22 Screenrights initiated a multi-year digital transformation project to transition its proprietary systems for managing royalty claims to the cloud. This project continued in 2022-23, and an early iteration of the new platform was released in April 2023. The new systems will be released in stages and are expected to deliver a modern user experience, significantly increased performance capability and improved security.

<sup>19</sup> <https://www.screenrights.org/about-us/corporate-governance/>

<sup>20</sup> <https://www.copyrightcodeofconduct.org.au/>

<sup>21</sup> <https://www.screenrights.org/wp-content/uploads/2021/06/Notice-of-Code-Review-2021.pdf>

- 13.2 Screenrights continues to utilise a third-party machine learning platform to leverage AI to improve data management practices. The use of AI in data processing pipelines means members will be notified sooner about their competing claims, payments will be made more frequently and with a reduced error rate.