

10 November 2023

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Email: legcon.sen@aph.gov.au

Dear Committee Chair

[Submission to the Copyright Legislation Amendment \(Fair Pay for Radio Play\) Bill 2023](#)

The CBAA appreciates the opportunity to comment on the proposal to repeal sections 152(8) to 152(11) of the *Copyright Act 1968* which cap broadcasters' fees for sound recordings to one per cent of the broadcaster's gross earnings. Community broadcasters are included in the current cap under section (b) of the definition of "broadcaster" in section 152: "the holder of a licence allocated by the Australian Communications and Media Authority under the *Broadcasting Services Act 1992*."

The Community Broadcasting Association of Australia (the CBAA) is the peak body and national representative for community radio and TV broadcasters delivering 500+ radio services across Australia on AM, FM and DAB+ and online.

Community broadcasters actively promote new Australian music and support fair remuneration for recording artists. Community radio services reach over 4.7 million people across Australia each week and 31% of listeners say the main reason they listen to community radio is to hear Australian music.¹

Our submission argues that sustainable community broadcasters are a unique asset supporting recording artists' careers and incomes. Any reforms designed to give Australian music more prominence and better pay for recording artists must prioritise the improved financial sustainability of community broadcasters.

Community broadcasting's role and objectives

The important role of community broadcasting in Australian arts and culture is recognised in the National Cultural Policy *Revive: a place for every story, a story for every place*, which commits to action to 'Increase support for community broadcasting to deliver local news, tell local stories and provide a platform for diverse voices and Australian music'.²

Community broadcasting's aspirations for Australian music are reflected the sector's ten-year plan [Roadmap 2033](#), which articulates our sector's aims to give Australian music more prominence in Australian media. Our plan includes a strategic objective to "Amplify Australian music, arts and creative industries with content that celebrates diverse tastes, perspectives and interests including young people, First Nations, multicultural, disability, LGBTQIA+, faith-based and regional and remote communities".³

¹ CBAA, Community Radio Listener Survey Wave 1 2023, Mcnair Yellow Squares

² Australian Government (2023) [Revive: A place for every story, a story for every place](#) p 89

³ CBAA and CBF (2023), [Roadmap 2033: Community broadcasting's plan for greater impact in every Australian community](#)

The CBAA is currently contributing to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts' (DITRDCA) [Sustainability Review of the Community Broadcasting Sector](#), which is considering all aspects of the sector's sustainability including financial capacity. This process aims to secure sustainable community broadcasters with a positive impact in communities – including supporting Australian music, arts and culture.

We support the prominence of Australian music

On average, community radio stations broadcast 37% Australian music each week, exceeding the 25% quota mandated under Code 5 of the Community Radio Broadcasting Codes of Practice.⁴ Many stations set higher targets: for example, 4ZZZ in Brisbane averages 60% Australian music and FBI in Sydney often exceeds its goal of 50% Australian music. In addition, 19 community broadcasters operate as specialist music stations in genres such as progressive, fine music and country.

The CBAA's Australian Music Radio Airplay Project (AMRAP) distributes and promotes a diverse array of contemporary Australian music to community radio stations nationwide through amrap.org.au. This website supports signed and unsigned Australian musicians, major and independent record labels to upload new music which is shared with Australian community radio stations and program makers for play on air. In 2022/23, there were 5,317 unique artist uploads, 264,860 aggregate track downloads and 4,153 broadcasters downloading Australian music content from amrap.org.au. We also work with First Nations Media Australia's IndigiTUBE to promote and distribute tracks from First Nations artists to over 250 community radio stations and broadcasters. AMRAP also produces 2 weekly programs showcasing the best new Australian music *Australian Music is Bloody Great* and *The AMRAP Radio Program* which are distributed to community stations across Australia for broadcast through the Community Radio Network (CRN).

We support the careers of Australian recording Artists

Community broadcasters are recognised for launching and supporting the careers of artists, playing a significant role in the discovery and distribution of Australian music. For example, the careers of Goyte, Baker Boy, Courtney Barnett, Sarah Blasko, Wolfmother, Hermitude, Flume, Babaganouj, Cool Sounds, VOIID, Body Type, Cable Ties, Fred Leone, These New South Whales, Rainbow Chan and Camp Cope were first launched with the support of community radio and have benefitted from its ongoing support. The community sector is especially important for new, emerging and established Australian artists who may not yet have a style or profile suitable for commercial or public broadcast. Playing diverse, new, local Australian music is a valuable point of difference for community radio with 31% of listeners say the main reason they listen to community radio is to hear Australian music.⁵ Apart from broadcasting, community radio stations also curate and host music festivals and events that expose local Australian artists to new audiences and potentially broader airplay beyond the sector.

We support pay for recording artists with limited funding

Community radio offers a key pathway for artists to monetise their music, enabling them to work towards sustainable careers.

In financial year 2022/23, CBAA members paid over \$420,000 to Phonographic Performance Company of Australia Ltd (PPCA) in licence fees for sound recordings, of which over \$360,000 was for broadcast and \$60,000 was for simulcast.

In addition, community broadcasters paid over over \$1,700,000 to APRA AMCOS for music composition to cover broadcast, streaming and podcasting for community radio.

⁴ Community Broadcasting Association of Australia, Community Broadcasting Sector Programming & Technology Survey (2018)

⁵ CBAA, Community Radio Listener Survey Wave 1 2023, Mcnair Yellow Squares

Community broadcasters are non-profit, community-controlled organisations who raise income to support their operations through fundraising activities (listener memberships, fundraising events and restricted commercial sponsorships) and small grants from Government and non-government sources.

Community broadcasting is run by community for community. The sector is powered by 900 paid staff and 18,000 volunteers across Australia. Community broadcasting volunteers are passionate about music with 78% of sector volunteers participating to share their love of music, culture and the arts.

Any increase in the cost of license fees is likely to have a significant financial consequences for individual community stations that could threaten their ability to operate and have a positive impact on their communities. Ensuring financially sustainable community broadcasters is vital to support new artists that reach their audience through community radio, and to support artist income. It is important any policy changes intended to promote Australian music prominence and support artist income also supports financially sustainable community broadcasters as a priority outcome.

Recommendation

Community broadcasters are committed to actively supporting Australian music and recording artists. To do this, community broadcasting operations must be financially sustainable. The CBAA asks that the Committee consider the unique role of community broadcasting in supporting the growth of new and diverse Australian music and to ensure that the sustainability of the community sector is enhanced as a result of any reform.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jon Bisset', with a stylized flourish underneath.

Jon Bisset
Chief Executive Officer