



AUSTRALIAN HOTELS ASSOCIATION

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The Code Reviewer
Suite 704
4 Young Street
NEUTRAL BAY NSW 2089
Via Email: codereviewer@gmail.com

To whom it may concern

Review of the Code of Conduct for Copyright Collecting Societies

Thank you for your invitation of 1 June 2010 to comment on the review of the *Code of Conduct for Copyright Collecting Societies*.

The Australian Hotels Association is an organisation of employers in the liquor and hospitality industry registered under the *Fair Work (Registered Organisations) Act 2009*. The AHA comprises more than 5,000 members across Australia serviced by branches in every state and territory plus a Canberra-based national office.

AHA members are major users of copyright material. The AHA has made submissions to the ACCC on the APRA and PPCA authorisation applications. In recent years the AHA was also involved in a Copyright Tribunal hearing at the instigation of PPCA.

Generally AHA members feel that they are at the mercy of copyright owners. The cost to hoteliers from playing music in their venues has increased in recent years at a rate far greater than other revenue or expenditure items within hotels. This feeling of helplessness is made all the more so by the power and actions of the collecting societies.

The AHA is unclear as to the purpose of the Code and is somewhat surprised that it was not a part of both APRA and PPCA ACCC authorisations. The Code appears to be quite non-specific and vague. It is not clear whether the Code takes into account the conditions imposed by the ACCC in the APRA and PPCA authorisation applications. If this is not the case then the AHA has further concerns about the efficacy of the Code.

The AHA makes the following comments and observations on the current Code.

- The Code Reviewer is one person. We would suggest that this task might be performed by a larger panel comprised of representatives from the commercial sector in addition to a QC.
- The Code does not set out a template for complaint processes for its member societies, instead leaving this subject up to each society. Our experience is that the PPCA processes can be improved. The Code would be improved if vital issues such

as dispute resolution regimes be substantially common throughout societies. Furthermore, we submit that any adjudication on disputes be handled by an external body with some safeguards built into the regime to ensure a proper attempt at dispute resolution before a matter is taken to the Copyright Tribunal.

- We note that education is part of the Code. This surprises the AHA as we are not aware of any education activities by the societies.
- We note in the 2008 Review that the Reviewer actually met with the societies in relation to the review. We suggest that the reviewer also meet with major licensee groups or that a meeting be arranged of major licensee groups and the Reviewer. This would help to ensure equal consideration of various perspectives.

We would be happy to elaborate on this letter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Des Crowe', with a stylized, cursive script.

Des Crowe
National Chief Executive Officer