



**Association of Australian Musicians (AM)**  
**Australian Independent Musicians Association (AIMA)**

April 3 2024

Attn: Standing Committee on Communications and the Arts  
Parliament of Australia

Re: Inquiry into the challenges and opportunities within the Australian live music industry

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## **1. About AM**

The Association of Australian Musicians (AM) is a non-profit organisation focused on protecting and promoting the interests of Australian musicians and Australian music culture.

We are committed to striking the right balance between the needs of musicians, the public, government, and businesses that drive our digital, education, tourism and entertainment economies.

We wholeheartedly welcome the Australian Government's Inquiry into the challenges and opportunities within the Australian live music industry, as the current musical landscape only allows a very small proportion of local musicians to maintain a sustainable career and make a reasonable living from their work, and live performance is an important part of artists' income.

## **2. Centrality of the artist**

Our local music community faces significant barriers to participating in the music industry at the commercial level. Currently, artists have few pathways to grow sufficiently to become the kind of household name required to sell tickets for live events. Unlike many other countries, we lack a strong, national, mainstream platform for mid-career and established Australian artists' music. It is extremely difficult for Australian artists to compete with imported artists. There are few pathways for Australian artists' music to be broadcast on mainstream radio, TV and digital channels to the ticket-buying public.

Much more needs to be done to support Australian artists – as a group, at the grassroots level –

- for Australian music to be heard and discovered,
- to elevate Australian music in the ears and minds of the Australian public, and
- increase the number of artists coming through the pipeline who live event bookers and promoters can put on their bills to deliver successful events.

We believe the Government's "Centrality of the Artist" policy is a crucial pillar in leading our industry to fully appreciate the wealth of amazing benefits that supporting local Australian music can bring to our music scene.

We believe that musicians need to play a greater role in leading music industry reforms and music organisations.

### 3. Decreasing income = unstable careers

The Australian music industry has declined consistently over the past few decades. Current industry structures are not fit for purpose. We are seeing:

- Less local content in the media,
- Fewer recorded music sales,
- Fewer performance opportunities, and
- Less access to quality classroom music education.

Local content in the mainstream media drives recorded music sales, live performance attendances and music education.

The declining Australian music industry has caused a “talent drain”, or “brain drain”, as many of our most gifted musicians leave Australia to further music careers overseas, or quit music to work in other industries.

### 4. The Australian Music Plan

The Australian live music industry is a part of a complex and diverse global musical ecosystem where all parts interconnect and influence each other.

There are many challenges facing the industry that are not just confined to the live music sector. To address challenges facing the live sector, we must address all related issues together.

Over the past 12 years, our association, The Association of Australian Musicians (AM)'s 13,000 members have debated these issues and developed **The Australian Music Plan** (please see Appendix A attached).

Our plan is designed to benefit all musicians and related industries, from music students and teachers, to developing, emerging and established performers, as well as venues, festivals, audiences and every other part of our diverse musical ecosystem.

As with great musical arrangements, every element of our plan interacts with every other to create a more sustainable Australian music industry from the grassroots up, enabling ongoing growth domestically and internationally.

Please read the Plan (Appendix A) – the rest of this submission covers reasons for the Plan with regard to the live music sector.

## 5. **There are two music industries:**

**1. The commercial mainstream music industry** – dominated in Australia by a cartel of foreign major labels and publishers representing corporate marketing ideals. A small minority of local artists are able to participate in this part of the industry, who are largely signed to these foreign entities.

**2. The Australian independent music industry** – encompasses more than 250,000 Australian musicians and related small businesses representing the diversity of Australian culture. There are thousands of accomplished musicians in our country actively working, but 95% are under the radar and out of sight.

These two industries should be able to coexist, however, our key industry organisations and resources are controlled by the foreign major labels and publishers.

This has become a major barrier to the ongoing development of Australian music culture over the past two decades, as the majors' import activities have far exceeded local artist development.

The Australian Music Plan addresses this imbalance.

## 6. **Cartels & monopolies in our local music industry**

Recording, publishing and distribution divisions of Sony, Universal and Warner (“the majors”, “the cartel”) work together as a cartel to control monopoly royalty organisations APRA AMCOS, PPCA and OneMusic, which collect and distribute more than \$700m music royalties each year.

To refer to this group of foreign corporate entertainment giants as a cartel and to our peak royalty organisations as a monopoly is not exaggeration or sensationalism, The Australian Competition and Consumer Commission (ACCC), Australian Hotels Association (AHA) and Live Performance Australia (LPA) have variously described the majors working together as a “cartel”, or “cartel-like”, and APRA as a “monopoly” or “near monopoly”.

This cartel also dominates ARIA, AMPAL, AIR, Support Act, Copyright Council and many other music organisations – look at their boards and policies and follow the money.

Music charts and market reports show consistently high market shares between the majors, about 35% Universal, 30% Sony, 20% Warner, and the rest through their affiliates.

In colluding to control royalty organisations and set the price of music in the media, the cartel holds the ultimate bargaining power to dominate playlists, touring, streaming, charts and awards, while Australian independent musicians are increasingly side-lined.

## **7. APRA AMCOS, PPCA and OneMusic**

The overwhelming majority of APRA's 119,000 writer members are "independent" of the cartel.

Cartel control of royalty collection and distribution creates a distinct disadvantage for Australian independent musicians.

Since APRA was formed in 1926 by a cartel of foreign major label/publishers as the monopoly music publishing royalty organisation, successive Australian governments and ACCC have authorised the monopoly, with conditions, and allowed the cartel to control it to the detriment of Australian musicians and music culture.

Successive Australian governments and ACMA have enabled the cartel to systematically reduce Australian content in the media to the detriment of Australian musicians and music culture.

<https://assets.apraamcos.com.au/images/PDFs/About/ACCCfinal-determination-130720-pr-aa1000433-apra112442561.pdf>

Australian musicians propose to merge all four royalty organisations to create a one-stop royalty shop with measures to ensure a more representative board of directors to better serve the interests of Australia's music creators and licensees.

If the existing powers wanted more Australian artists to succeed with hit songs and national tours, it would be happening already.

## **8. About the live music industry - artist development & career pathways**

Australia's live music industry ranges from children's school concerts, open mic nights, band competitions, emerging original artists, covers and tribute bands, to major label artists with hit songs on the radio selling out pubs, clubs, festivals and stadiums, with very few opportunities for people whose careers sit between being a beginner and a superstar.

Many small to medium sized music venues promote open mic nights, band competitions and emerging original artists for low or no cost entertainment. These present many opportunities for developing and emerging artists to develop performance skills, but such cost-cutting measures have become widespread, which has greatly reduced paid work for popular and experienced musicians.

Venues are aware that patrons want to hear songs they know from mainstream radio and streaming playlists, but there are hardly any Australian artists on radio or streaming playlists, so venues that pay fees for live music tend to hire covers and tribute bands that play mostly foreign major label mainstream hits that people know in preference to hiring Australian original artists.

Festivals offer many performance opportunities that aren't always viable for emerging artists, although many are willing to pay to perform in the hope of progressing their careers. Many larger festivals headline foreign major label artists.

Considering existing opportunities, very few Australian musicians can sustain careers performing live music.

The Australian Music Plan addresses each of these issues by proposing an Australian Musicians Office and Australian Music Website to reconnect the industry and provide valuable resources, a nationally coordinated network of education, mentoring and community-based performance opportunities, and funding for musicians to collectively contribute to venues and festivals.

**The live music industry starts and ends with music and musicians. The music industry needs more leadership from respected, experienced and qualified musicians.**

## 9. About the live music industry - venues & festivals

### a) Pokies

In the 1990s, a wave of gambling liberalism at state government level resulted in poker machines replacing live music as the chief form of entertainment in clubs and pubs across Australia. The effects on live music and the wider community have been well documented in the media in the years since.

In his opinion piece in Independent Australia dated 26 March 2023, *Pokies have destroyed Australia's live music scene*, John Longhurst describes the devastating impact of the roll-out of gambling in once family-friendly pubs and clubs, on the live music scene, and on families:

*“Poker machines have destroyed livelihoods and they also deprived up-and-coming bands of a start in pubs and other venues”*

<https://independentaustralia.net/life/life-display/pokies-have-destroyed-australias-live-music-scene,17363>

In an article in The Stringer in 2019, suicide prevention and poverty researcher Gerry Georgatos wrote:

“How is it Australia, with 0.3 percent of the global population, has 18 percent of the world’s poker machines?”

With more than 200,000 poker machines there is one for every 110 Australians.

It is a failure of national leadership.”

<https://thestringer.com.au/18-percent-of-worlds-pokies-in-australia-12975>

Last year, The Australia Institute reported that:

“NSW alone has more than a third of the world's non-gaming venue poker machines. The intrusion of poker machines into hotels and clubs is something other countries do not experience, and yet in NSW and other states in Australia, it has become endemic. The situation in NSW is not

normal and the fight to remove pokies from community life needs to continue.”

<https://australiainstitute.org.au/post/news-south-wales-needs-to-end-its-addiction-to-the-pokies/>

This month, the Institute for Company Directors wrote that faced with inaction from government, some pokies venues are taking matters into their own hands with success:

“More than 15 years ago, Sydney’s Petersham Bowling Club ditched its poker machines in favour of community events such as country music hoedowns, spring fairs and craft beer festivals, leading to a 900 per cent increase in revenue.

“In the Illawarra region south of Sydney, the Coledale RSL club had shut its doors forever – then a group of locals stepped in and sold off the pokies. The club has now become a thriving community hub.”

Though for some publicans, such as those in Victoria, removing pokies has come at the cost of having to liquidate to free themselves of their state tax obligations:

“The members of the club on Victoria’s Mornington Peninsula took the extreme measure of putting their club into voluntary liquidation – all in an effort to rid themselves of their 50 poker machines and the accompanying state government taxes.

“It now plans to reopen as a new community-owned entity – free of the poker machines and the entitlements chained to them.”

“Of course, the Hastings Club should have been able to divest from its pokies licences without penalty.”

[https://www.communitydirectors.com.au/articles/pokies-venues-bet-on-community-goodwill-over-gambling-revenue?fbclid=IwZXh0bgNhZW0CMTAAR1HUIJwjmUjrqENa7s\\_ztTNZRtzgTqWWKRch4jKv5PAqTumgvukdS5fVIE\\_aem\\_AbRUKQb4riDfXkbrP3XY\\_4cKa8-hUA4fRUbnSY8FmCrKyq7W4Tg\\_tR4yTShSeSZgGzrnwxEDrEuUvxAjQbsnNdx7](https://www.communitydirectors.com.au/articles/pokies-venues-bet-on-community-goodwill-over-gambling-revenue?fbclid=IwZXh0bgNhZW0CMTAAR1HUIJwjmUjrqENa7s_ztTNZRtzgTqWWKRch4jKv5PAqTumgvukdS5fVIE_aem_AbRUKQb4riDfXkbrP3XY_4cKa8-hUA4fRUbnSY8FmCrKyq7W4Tg_tR4yTShSeSZgGzrnwxEDrEuUvxAjQbsnNdx7)

MusicNSW managing director Emily Collins has urged the government to harness the live music and performance industries to help pub and club operators decrease their reliance on pokies revenue.



In the Sydney Morning Herald on 9 February 2023, Ms Collins welcomed any funding initiative that helped venue operators take up live music, but pointed out that many pub and club operators, particularly those staging live music for the first time, would need practical help to learn how to program and schedule live music, pay performers, build and maintain relationships with artists, market and promote events, and with technology, such as sound engineering and lighting.

“It’s not just about money, it’s about jobs and skills. There are a lot of people who this will impact, not just musicians and venues, and we’re really keen to work with the government to get it right.”

[https://www.smh.com.au/national/nsw/pubs-and-clubs-will-need-help-to-swap-pokies-for-live-music-20230207-p5cill.html?fbclid=IwZXh0bgNhZW0CMTAAAR3NzBS8vLSwmKCyBMVR\\_9Lsq1U2eZMr6idygeihTEHalKpRaWAHpcSPDa8\\_aem\\_AbQQHdCQ3AgHTg3bJAulhpO\\_uth8gQ92nQ1ALbVJrYQJ1uTQ9hAsuv0uh8uimkJPB68wumq50F0rLbEucN89muk](https://www.smh.com.au/national/nsw/pubs-and-clubs-will-need-help-to-swap-pokies-for-live-music-20230207-p5cill.html?fbclid=IwZXh0bgNhZW0CMTAAAR3NzBS8vLSwmKCyBMVR_9Lsq1U2eZMr6idygeihTEHalKpRaWAHpcSPDa8_aem_AbQQHdCQ3AgHTg3bJAulhpO_uth8gQ92nQ1ALbVJrYQJ1uTQ9hAsuv0uh8uimkJPB68wumq50F0rLbEucN89muk)

The live music industry has suffered a series of serious adverse blows. National action to remove/reduce pokies will benefit not only the music industry, but the wider community, by reducing problem gambling and associated social and family violence issues, while boosting local culture and community connectedness through live entertainment.

The Australian Music Plan (Attachment A) addresses support for venue operators, to help them learn best-practice in running a live entertainment venue and to help them promote events.

## **b) Lock out laws**

On 27 May 2018, The Sydney Morning Herald reported:

“Sydney has lost around 150 venues” due to lockout laws and illegal strip searches at music venues across the city.

NSW Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism, John Graham MLC said “there had been a net loss of 176 venues since the introduction of lockout laws.”

<https://www.smh.com.au/national/nsw/what-the-hell-is-going-on-in-sydney-176-venues-disappear-20180527-p4zhst.html#>

## **c) Covid-19 pandemic restrictions**

On 20 October 2023, The Guardian newspaper wrote:

“1,300 venues lost since pandemic”, “small to medium gigs shrank by a third over three years”, “festivals appear to have recovered fully from lockdowns, but possibly to the detriment of nightclubs, where crowds have almost halved since pre-pandemic trading.”

<https://www.theguardian.com/culture/2023/oct/20/australias-live-music-scene-decimated-with-1300-venues-lost-since-pandemic#:~:text=More%20than%201%2C300%20live%20music,to%20Apra%20Amcos's%20annual%20report.>

#### d) **Collapse of the festival sector**

Government grants helped many festivals survive between 2021 and 2023, but now in 2024, for a number of reasons, many festivals have cancelled or postponed, including Splendour In The Grass, Caloundra, Groovin' The Moo, Falls Festival, ValleyWays, Coastal Jam, Vintage Vibes, and Dark Mofo.

Many festivals are experiencing low ticket sales due to the rising cost of living, while others suffer from mismanagement.

Splendour is 51% majority owned by US company Live Nation, which is currently facing an anti-trust action by the US Justice Department.

In addition to Splendour in the Grass, Live Nation also controls Falls Festival, Harvest Festival, Spilt Milk Festivals, Voodoo Music & Arts Experience, Bonnaroo Music and Arts Festival, plus a number of large venues and other music businesses.

Live Nation's third-biggest shareholder is Saudi Arabia's Public Investment Fund. Another large investor is BlackRock with \$10 trillion in assets globally, including companies that are involved in fossil fuels and the arms industry.

Large foreign corporations currently have decision-making power over whether our local festival events go ahead. The influence of these foreign organisations in our local music industry challenges the character of the Australian music industry and the nature of our national culture.

From the same article in The Guardian:

"Since Covid crippled the live music sector in 2020-21, Secret Sounds and its parent company, Live Nation Australia Festivals, the owners of some of Australia's largest music festivals including Splendour, Spilt Milk, the Falls festival and Harvest Rock, have received **more than \$16m in government**

**grants**, including \$1.09m for a 2021 festival that was subsequently cancelled and \$2.6m for a partially washed out 2022 festival."

<https://www.theguardian.com/culture/2024/apr/14/the-australian-company-behind-splendour-has-a-rich-parent-so-why-does-it-need-millions-in-public-money#:~:text=Since%20Covid%20crippled%20the%20live,m%20in%20government%20grants%2C%20including>

Musicians and the general public question the value of granting Australian taxpayers' money to foreign cartel monopolies owned by foreign entities such as Live Nation and Black Rock.

## 10. Music education

Increased music education is an investment in our nation's future. The more people know about music, the stronger our national culture will become.

Acclaimed Australian conductor Richard Gill wrote "Australia suffers from an ad hoc approach to music education in spite of a constant barrage of findings nationally and internationally about the efficacy of music education in the life of a child."

<https://www.education.gov.au/system/files/documents/document-file/2020-12/gill-richard.pdf>

Australian Music Association wrote: "Music education has a low status with the curriculum, despite its proven links to intellectual development in the area of literacy and numeracy and its role in personal and social development."

[https://www.aph.gov.au/~media/wopapub/senate/committee/eet\\_ctte/completed\\_inquiries/2004\\_07/academic\\_standards/submissions/sub69\\_pdf.ashx](https://www.aph.gov.au/~media/wopapub/senate/committee/eet_ctte/completed_inquiries/2004_07/academic_standards/submissions/sub69_pdf.ashx)

Music came before communities and language, enabling them to develop. Learning, creating and appreciating creative, well-constructed music expands the mind. Research shows that learning to play a musical instrument raised general I.Q. by an average of 7 points, and children learning music performed better in every other subject.

Currently, few Australian primary schools provide music education with qualified musicians. The few schools that do provide music education mostly employ teachers who are not musicians to teach children about music.

As a result of successful advocacy from organisations such as Bigger Better Brains, parents see the benefit of music education and want it for their children, paying for private tuition where

school programs are lacking. However, this results in an equity issue as low socio-economic areas generally have the least access to music education and the poorest parents cannot afford private tuition. A lack of music education is holding back Australia.

We would like to see at least one qualified music teacher in every school and for schools to be adequately resourced with at least a piano, and percussion instruments. Additionally, teaching degrees should have options for specialisation in primary music in addition to existing secondary music education degrees. This will ensure that appropriately qualified teachers will be trained and placed where they are most needed.

As outlined in The Australian Music Plan, a national network of community music projects coordinated by experienced and qualified music teachers and mentors in association with schools, community media, community clubs, councils and other community organisations provides the next steps for students, developing and emerging artists.

## **11. Local content regulations**

More Australian music in the Australian media is vital to "developing and reflecting a sense of Australian identity, character and cultural diversity", as outlined in the Federal Broadcasting Act 1992.

Artists aren't in the commercial media because they're popular, they're popular because they're in the commercial media.

Canada sets a minimum of 35% local content, and there were 20 Canadian songs in their end-of-year chart for 2023.

<https://www.billboard.com/charts/year-end/2023/canadian-hot-100/>

France sets a quota of 40% French-language songs, at least half of which must come from new talent or new productions, broadcast during significant listening hours for programmes composed of variety music. The #1 song in France's 2023 end-of-year chart was a French song by a French artist. Around half the songs in the chart were French:

[https://acharts.co/france\\_singles\\_top\\_100/year/2023](https://acharts.co/france_singles_top_100/year/2023)

In Australia, the Federal Broadcasting Act sets a minimum of 25% local content in all media. The [Australia-United States Free Trade Agreement 2004](#) prevents raising the minimum above 25%.

[https://www.dfat.gov.au/sites/default/files/ausfta\\_guide.pdf](https://www.dfat.gov.au/sites/default/files/ausfta_guide.pdf)

However, over the years, the majors, CRA (Commercial Radio Australia) and APRA worked together as the Australian Music Performance Committee (AMPCOM) to convince the Australian Communications and Media Authority (ACMA) to reduce local content requirements. They claimed there was insufficient Australian music good enough to fulfil local content requirements, which is unconscionable cartel monopoly behaviour.

CRA now only counts local content on radio between 6 am and midnight, when most people are asleep, so 25% local content is actually only 18.75%. However, they have also reduced local content on stations that play certain genres, so while pop is supposed to be 25% (actually 18.75%), other genres are set at 20% (actually 15%) down to 5% (actually 3.75%).

AMPCOM also successfully lobbied for local content requirements to be scrapped from digital radio, while local content has never been regulated on the internet. Television has strict quotas for local content, but no regard for Australian music content levels.

The dire effect of this on Australian musicians was glaringly apparent in last year's end-of-year ARIA Top 100 Singles Chart and ARIA Top 100 Albums Chart, reported on by The Music as "Australian Music's Annus Horribilis" – **Not one Australian song released in 2023 made the ARIA End of Year Top 100 Singles and only one Australian album released in 2023 made the ARIA End of Year Top 100 Albums.** Noise11 justifiably called ARIA a disgrace for its complete lack of attention to Australian artists:

<https://www.aria.com.au/charts/2023/singles-chart>

<https://www.aria.com.au/charts/2023/albums-chart>

<https://themusic.com.au/industry/australian-music-s-annus-horribilis-no-2023-local-releases-make-end-of-year-aria-charts/hF06lpmYm5o/12-01-24>

<https://www.noise11.com/news/not-one-australian-song-of-2023-made-the-aria-end-of-year-top-100-20240112>

As a result of reducing Australian content, Australian musicians have collectively lost hundreds of millions of dollars of music royalties every year, and the Australian music industry, including the live music industry, has been in decline ever since. Subsequently, fewer Australian artists can tour successfully or sell products.

Increased Australian music content in the media will revive Australian recording, publishing and live music industries, create more stable employment for thousands of Australian musicians, retain music copyright and royalties in Australia, and boost music exports and inbound music tourism.

The declining live music sector is a symptom of reduced local content.

Australian music in the media inspires people to attend live performances by Australian artists, so local content regulation is the #1 live music industry reform supported by Australian musicians.

A minimum 25% Australian music in all media will increase musicians' combined royalty income by more than \$100m annually, and more in performance and sales income. More local content will also greatly increase live music returns for venues, festivals and associated industries.

AM proposes federal incentives for media to provide a minimum 25% Australian music content, calculated hourly, considering "Australian content" in 8 categories including composers, singers, performers, producers, studios, labels, publishers and distributors, in all genres, in all media, including but not limited to radio, television, movies, theatre, orchestras, internet and live performances.

To date, more than 15,000 people have signed AM's petition to uphold the 25% minimum for more Aussie music throughout the broadcasting day.

<https://www.change.org/p/more-aussie-music-petition>

More Australian music in the media that is 100% made and owned by Australians in Australia will better ensure Australian music represents Australian culture internationally.

Increased local content will stimulate a healthier, more creative and competitive environment for real home-grown talent to shine and our local live music industry to grow.

## **12. Double J and Triple J**

Triple J is our sole national platform for contemporary music that embraces independent artists, yet it does not generally support mid-career or established artists due to its "youth mandate". There is a gap in our free-to-air government radio broadcasting.

Few Australia artists can achieve commercial radio play and the vast majority have no national outlet for their music to support their gigging and touring activities once they have moved beyond Triple J's remit, if they were lucky to be unearthed by Triple J at all.

Double J is a heritage station for past Triple J acts that does not support unknown mature acts. The station has low listenership due to its status as a digital station and limited reach in regional areas. Airplay on Double J also carries little clout in the overseas market. It is not acting as a

springboard to commercial airplay or export. For it to be effectively used for mid-career and established artists it would need to move to free-to-air, such as with BBC1 and BBC2 in the UK, and move further away from celebrating music of the past to embrace more new releases by current artists.

We need a national platform for mid-career and established artists' music to be heard, to support national touring and festival performances by artists at this level.

### **13. Australia-United States Free Trade Agreement (FTA)**

The FTA agreement with the United States to impose a 25% local content minimum on Australia is an anomaly that goes against the Australian Government's long-held policy to make no commitments in respect of the cultural sector in trade agreements, and to secure a comprehensive cultural exception in negative list agreements as in the case with the Singapore Australia Free Trade Agreement – SAFTA.

That exception is stated as a Reservation in ANNEX 4-II(A), AUSTRALIA'S RESERVATIONS TO CHAPTERS 8 & 9 (CROSS-BORDER TRADE IN SERVICES AND INVESTMENT) of the SAFTA agreement:

***Chapter 8 – Sector: Recreational, Cultural and Sporting Services (other than audio-visual services):***

*Australia reserves the right to adopt or maintain any measure with respect to the creative arts, Indigenous traditional cultural expressions and other cultural heritage.”*

*For the purposes of this entry, “creative arts” means: the performing arts (including live theatre, dance and music); visual arts and craft; literature (other than literary works transmitted electronically); and hybrid art works, including those which use new technologies to transcend discrete art form divisions. For live performances of the “creative arts”, as defined, this entry does not extend beyond subsidies and grants for investment in Australian cultural activity.*

*Notwithstanding this, such measures shall be implemented in a manner that is consistent with Australia's commitments under Article XVI and Article XVII of GATS, as applicable.*

*For the purposes of this entry, “cultural heritage” means: ethnological, archaeological, historical, literary, artistic, scientific or technological moveable or built heritage, including*

*the collections which are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions.*

**Chapter 9 – Sector: Broadcasting and Audio-visual Services, Advertising Services, Live Performance:**

*Australia reserves the right to adopt or maintain any measure with respect to:*

*(a) Transmission quotas for local content on free-to-air commercial television broadcasting services.*

*(b) Non-discriminatory expenditure requirements for Australian production on subscription television broadcasting services.*

*(c) Transmission quotas for local content on free-to-air radio broadcasting services.*

*(d) Other audio-visual services transmitted electronically, in order to make Australian audio-visual content reasonably available to Australian consumers.*

*For greater certainty, this includes... the services supplied by the Australian Broadcasting Corporation and the Special Broadcasting Service Corporation.*

<https://www.dfat.gov.au/sites/default/files/safta-4II-a-171201.pdf>

In their Submission to the Commonwealth on the Korea - Australia Free Trade Agreement in 2015, The Music Trust advised that this policy had been “seriously breached only in the FTA with the USA”. They explained that:

“When included in trade agreements, culture can find itself traded off as a concession to achieve benefits in other areas of business. There is reason to believe that in the US Free Trade Agreement, cultural prerogatives were ceded by Australia in return for advantage to our agricultural sector. We should not be limiting the scope of our cultural expression for quite unrelated benefits nor indeed, at all.”

<https://musictrust.com.au/list-of-projects/culture-and-international-trade-agreements/>

The lack of a cultural exception in our trade agreement with the United States – the largest music market on the planet – has had devastating effects on our local arts and culture and musicians have unquestionably been pushed into hardship by it.

To maximise revival of local Australian music culture, AM strongly recommends reviewing the lack of a cultural exception in the Australia-United States Free Trade Agreement and adding a



reservation such as the one in the SAFTA agreement so that minimum local content requirements may be raised in the future, for example, as with Canada and France.

#### **14. Australian Music Website**

The Association of Australian Musicians is currently seeking funding to create a comprehensive Australian music website run by Australian musicians.

An Australian Music Website will connect and promote the wonderful diversity of Australian music culture. It will play a vital role in music discovery and in increasing musical awareness and literacy in Australia, enabling more people to participate in music creation and appreciation, and more artists to succeed nationally and globally.

The website will include popular features for the general public to discover Australian music, plus a music industry directory to connect every element of our industry, with pages for artists, venues and festivals, gig guides, crew listings, interactive charts, music education resources, and more.

#### **15. Discoverability**

Federal Arts Minister Tony Burke identified discoverability of new artists as a current concern.

The Australian Music Website and Australian Musicians Office we are proposing will contribute to enabling discoverability with interactive charts, reviews, gig guides, a nationally coordinated network of community music projects, and a budget for musicians to contribute to growing the live music sector.

Clubs Australia wrote in submissions to the current inquiry, "Clubs, particularly those in regional or remote locations, experience difficulties accessing and connecting with musicians and performers due to challenges in identifying artists."

"Clubs Australia considers the Australian Government can play a more significant role in developing and strengthening relationships between artists and venues, including clubs."

The Australian Music Website and Australian Musicians Office proposed by AM will enable venue operators to overcome challenges in identifying artists that are appropriate for each venue, and developing and strengthening relationships between artists and venues, including clubs.

## 16. Barriers to growing the Australian music industry

As we have discussed above, cartels and monopolies present considerable barriers to developing the Australian live music industry.

As corporations strive for greater market shares and profits, Australian musicians and Australian culture have become increasingly marginalised.

Our industry can flourish when we overcome this entrenched exploitative corporate culture that is limiting growth and restricting the greater purpose of music in society.

Local content is decreasing. Aircheck weekly airplay charts show the majors consistently dominate music on commercial media and streaming playlists and therefore earn most of the royalties.

According to Aircheck's yearly report, one US major label pop artist had 70,000 spins on commercial radio last year, considerably more than any Australian artist.

<https://www.aircheck.net.au/dyk/2023-year-end-top-100-airplay-chart/>

They also use their cartel monopoly powers to dominate touring, live venues, festivals, tv appearances, music in film and advertising and more.

This imbalance contradicts the intent of the Federal Broadcasting Act, misrepresenting the value of Australian artists with the false impression that local artists aren't as good as foreign major label artists. This can only happen with continued cartel monopoly control of our industry.

Aircheck Charts also demonstrate that Australian artists need to sign or on-sign their rights to US major labels and publishers to gain mainstream radio airplay in Australia, and that local artists are more likely to be signed if they follow US trends rather than representing Australian interests.

This has a negative impact on Australian culture and our national identity, undermining a sense of belonging, especially for young Australians.

Subsequently, most key decisions in the music industry are made by business people who generally don't know much about music or musicians, or understand and appreciate the true purpose of music in society.

While business interests generally reduce the value of music to entertainment and marketing, musicians also see music relating to mental, physical and spiritual health, emotion, creativity, intellect, communication, social cohesion, science, maths, history, and everything else it is to be human.

The wonderful human benefits of music are often lost when music is taught and our music industry is controlled by people who don't understand music.

## **17. Government funding**

Current ALP governments have done much to help our industry compared to previous governments that have acted to undermine it, wittingly or unwittingly. However, funding the wrong parties can be counter-productive.

Every dollar of government funding to foreign-controlled organisations including APRA, AMCOS, PPCA, OneMusic, ARIA, AMPAL, Live Nation and their affiliates disadvantages the Australian music industry because these organisations have consistently acted to reduce local content and subsequent market share for Australian musicians and music related businesses.

Most government funding for music in Australia to date has been directed to small numbers of individual artists and managers and to peak organisations to distribute through programs that benefit a selection of artists.

Little government funding to date has been directed to projects that benefit all musicians, all music workers and Australian music culture as a whole.

The Association of Australian Musicians recommends reforms that will benefit all musicians before individual artist, venue and festival grants can be productive.

AM currently seeks federal funding to enact The Australian Music Plan.

AM welcomes "A federal pledge to spend more money on local industry". (SMH 28 April 2024)

## **18. Conclusion - recommendations**

The music industry faces many challenges that can be overcome with musicians, governments, community organisations and businesses working together.

In summary, the actions we ask the Government to consider to revive the live music industry are to:

- Strengthen 25% local content requirements immediately.
- Review the Australia-United States Free Trade Agreement and work to add a comprehensive cultural exception to this agreement, such as with the Singapore Australia Free Trade Agreement (SAFTA).
- Support and fund an Australian Music Website.
- Support and fund the establishment of an Australian Musicians Office.
- Review royalty collection and distribution practices in Australia.
- Support greater representation of experienced, accomplished musicians on boards, committees, working groups and leadership teams in government and peak body organisations.
- Legislate for royalty organisations to report the split of royalties going to overseas artists and the amount going to local artists, to ensure a fairer split of royalty income flows to Australian composers and artists and stays in our country, in our music community and our economy.
- Extend life of copyright in perpetuity to increase stability and long-term investment in our industry.
- Employ at least one full time specialist music teacher in all primary and secondary schools.
- Regulate minimum streaming rates paid directly to artists.
- Review Fair Work Australia minimum rates.
- Provide incentives for venues hiring Australian musicians at or above the minimum award rate.
- Legislate or provide incentives for international artists to use local artists as supports on Australian tours.
- Equal royalties for local artists appearing with international artists.
- Tax incentives for clubs and music venues to invest in live music and AM community music programs; with additional incentives to match sport and arts ClubGrants funding.
- Introduce poker machine reforms at the national level and act to enable pubs and clubs to divest from pokies licences without penalties.
- Review insurance practices in the live music sector.
- Review agent licensing arrangements.
- Review Triple J & Double J considering the changing interests of the Australian music industry.
- Utilise ABC Local Radio and Radio National to support local and live music.
- Fund more live and recorded music shows in a diversity of genres on ABC TV.

The existing industry management structure of government and business must be balanced with respected, accomplished and qualified musicians making key music-related decisions in leadership roles.

We believe the Australian Music Plan the community of Australian independent musicians has devised together is the key to growing a more sustainable Australian live music industry, with an Australian Musicians Office and Australian Music Website enabling 'centrality of the artist' through increased constructive input from musicians at a higher level.

Please see the attached proposed draft Plan, Appendix A - The Australian Music Plan for more information and please consider the contents of the Plan as part of this submission.

Members of AM are available to speak with Members of Parliament to discuss further how our industry works, and how we can make it work better for everyone.

Thank you for considering our submission.

**Association of Australian Musicians (AM)**

**Australian Independent Musicians Association (AIMA)**

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## **APPENDIX A: The Australian Music Plan**



### **Association of Australian Musicians (AM) Australian Independent Musicians Association (AIMA)**

#### **ABOUT AM and AIMA / Revised April 2024**

The Association of Australian Musicians (AM) is a non-profit organisation focused on protecting and promoting the interests of Australian musicians and Australian music culture.

AM's committee has some of Australia's most accomplished and respected musicians including musicians who are also specialists in law, accounting, marketing, music education, composition, production, touring, festivals, management, dispute resolution, publishing and more.

For the past 12 years, more than 13,000 members of AM's online musicians' forum Australian Independent Musicians Association (AIMA) have debated how to reform the music industry and we've developed a comprehensive plan called The Australian Music Plan.

We believe AM and AIMA are the most representative musicians' organisations in Australia with the most comprehensive and inclusive plan to revive our industry; and we have the most capable and experienced team of musicians to manage it.

#### **ABOUT THE AUSTRALIAN MUSIC PLAN**

The Australian Music Plan aims to coordinate a comprehensive range of interconnected initiatives nationally, covering music education, community music programs, venues, festivals, an industry-wide database connecting all elements of the music industry with extensive online resources, national and international promotions, and a range of industry reforms including local content regulations and royalty management, benefiting the entire Australian music industry past, present and future.

The plan will increase music literacy, appreciation and participation nationally, and enable a more connected, creative and diverse Australian music culture to develop naturally alongside the existing commercial mainstream.

The plan will generate more stable career paths for Australian musicians, with increased employment from music education, community music programs and a greater network of venues and festivals, encouraging greater performance and production values and increased engagement with the media and general public.

The plan will generate billions of dollars each year for the Australian economy, create tens of thousands of Australian jobs, and benefit tens of thousands of Australian businesses, especially in the education, health, entertainment, hospitality and tourism industries.

## **THE AUSTRALIAN MUSIC PLAN**

### **• Australian Musicians Office**

AM proposes to establish the Australian Musicians Office in association with Musicians Australia, managed democratically by Australian musicians to protect and promote the interests of Australian musicians and enable the natural development of Australian music culture, with the stability of ongoing federal, state and local government support.

Musicians are increasingly marginalised as high-level decisions regarding music and musicians' livelihoods are generally made by people who aren't musicians, who have never worked as musicians or walked a mile in our shoes.

Political, business and media interests tend to view music as entertainment and marketing, personality competitions to attract consumers, and consequently the general public has developed a narrow view of music and musicians.

Subsequently, music education is in decline, local music content in the media is decreasing, and emerging and established musicians struggle to survive, mostly without paid holidays or superannuation, and generally die younger than the rest of the population.

Musicians have a unique perspective to offer our industry and the wider community, with a focus on inclusiveness, diversity, understanding, creativity, intellect, memory, self-expression, empathy, design, mathematics, physics, health, education, language... music involves everything it is to be human.

And yet musicians are under-represented in the music industry.

An Australian Musicians Office will provide a voice for Australian musicians.

### **• Australian Music Website**

Australian musicians and music promoters have relied on many music websites – including Guvera, Limewire, Napster, MySpace, Bandcamp and Twitter – that have collapsed, converged, changed ownership, or changed format and demographics. This has been highly disruptive for Australian fans, musicians and music businesses investing in commercial overseas platforms and streaming services to promote, stream and sell Australian made products online.

At the same time, local newspapers and street-press, which used to publicise local live music events, have closed down, all around the country. The website will fill this gap in connectivity created by the loss of local newspapers and declining newspaper readership.

We believe that a non-profit, government-funded, one-stop-shop for Australian music run democratically by musicians will increase stability and security for Australian artists long-term in our rapidly changing industry. AM has put together a proposal for an Australian Music Website.

The Australian Music Website will feature all past, present and future elements of the Australian music industry with comprehensive online facilities to connect all Australian musicians and music related businesses.

The website will include:

- **Australian Music Database** of all Australian music and related media currently and historically. AM proposes leading a joint project with the National Film and Sound Archive, ABC, SBS, libraries, labels and other sources to document all Australian music to include with the website, subject to copyright permissions.
- **Web pages for all Australian musicians, venues and music related businesses**, with info, photos, streaming, videos, independent sales links, gig guides and more.
- **Interactive Charts** listing all Australian music; searchable by genre, date, location, composer, artist, producer, instrument, studio, label, publisher, distributor...
- **National Music Playlists** derived from interactive charts for media and audiences to easily identify popular and active artists.
- **National Touring Circuits** connecting music venues, community clubs, festivals, promoters and artists, with online booking facilities and experienced in-house staff.
- **National Gig Guide** listing all music events.
- **Musicians Placement Services** - creating and sourcing employment opportunities for Australian musicians, including AM Community Music Projects and AM Festivals.
- **Music news, reviews, editorials, promotions, blogs, polls, chat...**
- **Community Music Programs** – engaging experienced multi-skilled musicians, including First Nations musicians, singer/songwriters, composers, arrangers, producers, DJs, orchestral leaders and choirmasters to teach, mentor, record and organise performances for music students and emerging artists at participating local schools, council facilities, clubs and music venues.



- **Australian Music Festivals** - contributing to large and small outdoor, indoor, televised and online events promoting emerging and established artists, choirs and orchestras, in partnership with established festivals, event promoters, sponsors and media, to create a major international tourist attraction.
- **National and international promotions** for the Australian Music Plan to attract local and international audiences to a thriving Australian music culture featuring the Australian Music Website, Community Music Programs and Australian Music Festivals.
- **Legal Services** – policy development, copyright, contracts, advice and dispute resolution services for musicians.

## LEGISLATIVE AND INDUSTRY REFORMS

- Strengthen 25% local content requirements immediately.
- Review the Australia-United States Free Trade Agreement and work to add a comprehensive cultural exception to this agreement, as is the case with the Singapore Australia Free Trade Agreement (SAFTA).
- Review royalty collection and distribution practices in Australia considering the interests of Australian composers and musicians, including media playlist reporting, international reciprocal agreements, administration expenditure and voting procedures. Ensure royalty collections and distributions reflect local content requirements.
- Legislate that royalty organisations must transparently report the split of royalties going to overseas artists and the amount going to local artists, to ensure that a fairer split of royalty income flows to Australian composers and artists and stays in our country, in our music community and our economy.
- Extend life of copyright in perpetuity to increase stability and long-term investment in our industry.
- Employ at least one full time specialist music teacher in all primary and secondary schools.
- Regulate minimum streaming rates paid directly to artists.
- Review Fair Work Australia minimum rates.
- Incentives for venues hiring Australian musicians at or above the minimum award rate.
- Legislation or incentives for international artists to use local artists as supports on Australian tours.
- Equal royalties for local artists appearing with international artists.
- Tax incentives for clubs and music venues to invest in live music and AM community music programs; with additional incentives to match sport and arts ClubGrants funding.

- Introduce poker machine reforms at the national level and act to enable pubs and clubs to divest from pokies licences without penalties.
- Review insurance practices in the live music sector.
- Review agent licensing arrangements
- Review Triple J & Double J considering the changing interests of the Australian music industry.
- ABC Local Radio and Radio National could also be harnessed more to support local and live music.
- ABC TV – more live and recorded music shows in a diversity of genres.

## **SUMMARY**

The Australian Music Plan is a comprehensive plan to reform the music industry that was developed by the Association of Australian Musicians with thousands of Australian musicians in our online forum over the past 12 years.

All elements of the plan are important and most effective if implemented together.

Australian musicians are mostly independent of the major multinational labels and publishers that dominate music content in the media, the price of music licensing, royalty collection and distribution, copyright organisations, music charts, awards, grants and more, while existing musicians' organisations have limited resources to protect and promote the interests of musicians.

Our plan will benefit Australian musicians, venues, schools, music related businesses, media and local and international audiences, and it aligns with the Broadcasting Services Act and the Australian Government arts policies focused on developing Australian identity, culture and diversity.

We expect the plan will be largely self-sufficient within a few years considering potential income from website advertising, corporate sponsorship and events.

The plan involves local, state and federal governments and we would greatly appreciate your support.

Thank you for considering our submission.

**Association of Australian Musicians (AM)**  
**Australian Independent Musicians Association (AIMA)**

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