



## **Australian Government**

Australian Government response to the  
Senate Legal and Constitutional Affairs  
Legislation Committee report:  
Copyright Legislation Amendment (Fair  
Pay for Radio Play) Bill 2023

DECEMBER 2025

## Introduction

The Copyright Legislation Amendment (Fair Pay for Radio Play) Bill 2023 (the Bill) was introduced by Senator David Pocock and referred by the Senate to the Legal and Constitutional Affairs Legislation Committee (the Committee) for inquiry and report.

The Bill seeks to repeal subsection 152(8) of the *Copyright Act 1968*, which caps the amount of royalties that the Copyright Tribunal of Australia (Copyright Tribunal) can determine is payable by commercial radio stations for the use of sound recordings to one per cent of gross earnings of the broadcaster (the 1% cap) and subsection 152(11), which caps the amount of royalties that the Copyright Tribunal can determine is payable by the Australian Broadcasting Corporation (ABC) for the use of sound recordings, to an amount not exceeding 0.5 cents per head of the Australian population (the ABC cap).

The caps only affect rights in sound recordings of music (as administered by the Phonographic Performance Company of Australia (PPCA)) and not the underlying rights in the musical works themselves (as administered by the Australasian Performing Right Association and Australasian Mechanical Copyright Owners Society (APRA AMCOS)). The caps also do not apply to the use of sound recordings on online streaming services, as such services are not considered ‘broadcasting services’ under the *Broadcasting Services Act 1992*.

The Committee released its report on 20 June 2024. The Government welcomes the Committee’s report.

The Government strongly supports Australian artists and creators, as demonstrated through *Revive*, the Government’s National Cultural Policy. Music Australia was established under Creative Australia with dedicated funding of \$69.4m over four years from 2023-24 through *Revive*.

Music Australia is undertaking targeted research in consultation with key music industry stakeholders to inform their strategic investments and address the contemporary needs of the music industry, including artists incomes and career development and pathways.

However, in addition to impacts on the recording artists and recording industry, the removal of the radio broadcast licence fee caps would impact a range of other stakeholders, including regional and remote radio broadcasters and the ABC. These implications also require careful consideration.

The Government recognises the importance of a strong, fair and balanced copyright system, and will continue to work with all stakeholders to better understand the potential impacts of changes to the radio broadcast royalty caps. This should be done in a holistic way in the context of broader reforms in the copyright, communications and arts portfolios and Government’s broader media reform agenda.

## Recommendations

**Recommendation 1:** The committee recommends that the federal government conducts a cost-benefit analysis examining the impacts of removing the current caps on licence fees for the broadcast of sound recordings on radio.

**Response:** Agreed in principle.

The Government strongly supports Australian artists and creators. This is demonstrated through *Revive*, the Government's National Cultural Policy.

The Government agrees that a cost-benefit analysis, as recommended by the Committee, would assist with understanding the potential impacts on stakeholders of retaining, amending or removing the current caps in today's media environment, including impacts on the recorded music industry and remote/regional radio stations.

The Government notes that there may be several ways to obtain this information, including reviewing the outcome of recent Copyright Tribunal proceedings on this issue and/or conducting its own independent economic analysis. The Government will give this further consideration.

**Recommendation 2:** The committee recommends that the Senate does not pass the Bill.

**Response:** Noted.

The Government notes the dissenting reports made by Senator David Pocock, and by Senator Sarah Hanson-Young on behalf of the Australian Greens recommending that the Senate pass the Bill.