

Report of Review of Copyright Collecting Societies' Compliance with their Code of Conduct for the Year 1 July 2003 to 30 June 2004

This report is made by J. C. S. Burchett, QC as Code Reviewer carrying out an independent review pursuant to clause 5.1 and 5.2 of the Code of Conduct adopted by the Societies in 2002. The societies are Australasian Performing Right Association Limited ("**APRA**"), Australasian Mechanical Copyright Owners Society Limited ("**AMCOS**"), Phonographic Performance Company of Australia Limited ("**PPCA**"), Copyright Agency Limited ("**CAL**"), Audio-Visual Copyright Society Limited ("**Screenrights**"), Viscopy Limited ("**Viscopy**"), Australian Writers' Guild Authorship Collecting Society Limited ("**AWGACS**") and Australian Screen Directors Authorship Collecting Society Limited ("**ASDACS**").

The present is the second such annual report made by the Code Reviewer, upon the question whether, and to what extent, the Collecting Societies named have complied with the requirements of their Code of Conduct. It is, of course, unnecessary, and would be wearisome, to repeat all the detail of institutional arrangements which were set in place last year, as outlined in the first report, and which remain operative. However, this report is intended to reveal the situation during the year under review, so some reference to matters earlier established remains appropriate.

Each of the Societies adopted the Code of Conduct, but it does not apply to all in exactly the same way. Smaller societies (Viscopy, AWGACS and ASDACS are the obvious examples) do not have the resources to undertake the educational and promotional role fulfilled by larger societies, nor do they maintain the same sophisticated systems and records. As they grow, they will be expected to do so, but, until they do, the review of their conduct must look less for the trappings inseparable from major organisations than for the substance of compliance that is to be expected of all.

As was pointed out in the first report, it is considered that an examination of complaints received by a society, and the way they were handled, is a revealing indication of the state of its compliance with the Code. Not only is

such an examination directed to core requirements of the Code; the nature of the complaints received is also likely to show any significant failure to fulfil the other requirements because, if there was such a failure, it is likely to have been the subject of a complaint. Additionally, the content of complaints may reveal the issues that are actually (and not just theoretically) important to the members and licensees of collecting societies, a point made in the Australian Standard for Complaints Handling (AS 4269-1995).

Accordingly, it is appropriate to turn to the record of each society in respect of complaints during the year now under review.

1. Copyright Agency Limited (“CAL”)

CAL has publicised its formal complaints procedure through its website (as have other societies). If use of that procedure should fail to resolve a matter, CAL has similarly publicised dispute resolution procedures available to both members and licensees. A Complaints Officer, who is a senior lawyer, has been appointed, and other employees have also been designated and trained as departmental Complaints Officers. Appropriate procedures have been adopted, and are regularly reviewed. They include the logging of all complaints.

CAL has logged four complaints for the period under report, to which brief reference should be made:

- (a) A complaint from an author member that he had received nothing from CAL was answered by an explanation of the survey procedure and full details of CAL’s Distribution Rules. In fact, the complaint was not accurate as a payment had been made. No breach of the Code appears to have occurred.
- (b) and (c) Each of these was a complaint about the treatment for distribution purposes of the copying of “blackline masters”, an issue that was strongly debated with CAL by certain individuals. At issue is the calculation and distribution of remuneration for the copying of publications conventionally referred to as “blackline masters” (see *Copyright Agency Limited v Queensland Department of Education* [2002] A Copy T 1, a decision of

Finkelstein, DP, at para.80). The problem is a complex one, but it is unnecessary to discuss it here, for the Review is concerned, not with the problem itself, but with CAL's manner of dealing with it, having regard to the Code. There is no doubt that CAL has behaved fairly and has given interested parties a full opportunity to put their case which, having been put, has been considered carefully. Arguments that were not accepted were nevertheless heard patiently and courteously, and over a protracted period. What is involved, of course, is a decision which must affect other members as well as those objecting. For if the objectors are successful in obtaining more from the pool of money collected by CAL, there will be less to divide among the members who are not concerned with "blackline masters". CAL's duty in this situation is to accord substantial fairness to all members, including both the objectors and the others, as well as a full measure of *procedural* fairness to the objectors. Nothing in the correspondence or records suggests it has failed in either respect.

- (d) In the guise of a complaint, this was really a request for legal advice as to the effect of the *Copyright Act 1968*. Detailed advice was furnished explaining CAL's view of the legislation, and no breach of the Code appears. To the extent there was a complaint, it was against a University which was a licensee of CAL.

An additional complaint was made against CAL to the Code Reviewer by way of submission (but not formally to CAL) by a Director of a TAFE Institute, alleging CAL was claiming to charge the TAFE Institute a licence fee that was not "fair and reasonable". The complaint did not acknowledge that the fee in question was a negotiated national fee agreed generally in respect of TAFEs throughout Australia. In those negotiations, there was an acceptance of the fact that the fee was to be based on statistical results obtained from surveys not reflective of the figures relating to any one particular institution. For the purposes of this complaint, detailed correspondence between the TAFE's accounting advisers and CAL was considered. This revealed a wide gulf between CAL's approach (which appears to be shared with almost all TAFEs

in Australia) and that of the TAFE in question (actively supported by one other TAFE); but it does not suggest the gulf is due to any unfair or unreasonable stance taken by CAL.

Difference of opinion does not demonstrate unreason, still less unfairness. When a complaint is simply based on the assumption that the complainant's view on an arguable question is the only correct view, it is necessary to respond, as Oliver Cromwell did on a famous occasion, by an entreaty to "think it *possible* you may be wrong!" This complaint, which assumes the approach of the TAFE must be right, cannot establish a breach of the Code. If not otherwise settled by agreement, the dispute must go to some form of litigation, but that will not mean the Code has been disregarded. I should add that in noting the preponderant support among TAFEs generally for the approach taken by CAL, I am not indicating any view about the ultimate solution that may be appropriate, but that preponderant support for CAL's approach does tend to refute the complaint of unreasonableness made against this very approach.

However, this last complaint does well illustrate the nature and limitations of the Code of Conduct and its review. The Code necessarily focuses, not upon particular issues and disputes, but upon the relevant society's conduct in relation to them. In reviewing the Society's conduct, the Code Reviewer is not setting himself up as a judge over a particular dispute that may have arisen; his concern is and remains to examine the Society's conduct.

2. Australasian Performing Right Association Limited ("APRA") and Australasian Mechanical Copyright Owners Society Limited ("AMCOS")

Continuing the practice adopted in last year's report, the present Report will generally refer to these jointly administered societies as "APRA".

As was pointed out then, APRA is in a special position among the societies because of the very large number of individual transactions into which it must enter, often with reluctant small business licensees. With over 60,000 licensees and 37,000 members, it lies under an obvious risk of incurring complaints from a certain number of dissatisfied individuals. It endeavours to

deal with the problem by a policy of explaining its role and actions very fully (many of its letters attest to this) and by the application of detailed complaints procedures where individual problems do arise. Its staff are trained to apply these procedures, and Complaints Registers are maintained. On the principle that the proof of any pudding is in the eating, rather than in the training of the cooks, the present review has examined the correspondence, emails and notes of the recorded complaints to ascertain whether they appear to have been handled in accordance with the requirements of the Code and whether any breaches of the Code are revealed by them.

In the period under review, APRA's Complaints Register records 36 complaints from licensees or prospective licensees of APRA and four complaints relating to licensing by AMCOS. There were two complaints relating to problems of members. That is a total of 42 complaints, 19.23% less than the 52 complaints referred to in the report on the previous review period.

Of the two complaints relating to members, one was concerned with the collection of royalties on behalf of a member from the German society, GEMA. The plain fact appears to be that GEMA has been less than successful (for whatever reason) in recovering and remitting within a reasonable time all the royalties claimed by the member, and the outstanding claim goes back a number of years, certainly well before the adoption by APRA/AMCOS of the Code. Little was done over a substantial period to pursue GEMA. In the period under report, considerable efforts have clearly been made by APRA/AMCOS to stir GEMA into further action, but the matter has not yet been resolved, although APRA has received from GEMA an assurance that a further payment will be made. As that payment has yet to be received, the complaint should not be regarded as closed, but should be further reviewed in the next annual report on the Code of Conduct.

The other matter relates to an argument over the authorship rights appertaining to a piece of music. The complaint is really that issues of some complexity were initially misunderstood by employees of APRA; but the true nature of the problem as a dispute, not with APRA, but between members, was appreciated as soon as the matter was referred to a higher level. No

breach of the Code was involved. Entirely appropriate explanations were proffered to the members in writing by the Chief Executive and by the Chairman of APRA.

The four AMCOS licensing complaints may be summarised as follows:

- (a) A complaint about the effect of an increase in licence fees was responded to in reasonable terms, and the hardship imposed on a business which had entered into contracts assuming costs at the old rates was acknowledged. Allowance for the hardship was made by a special phasing-in arrangement.
- (b) A complaint about a delay in answering an inquiry was replied to appropriately, but a system failure had occurred to cause the delay.
- (c) A complaint that information about licence requirements had not included adequate reference to an additional licence, which was actually required, was acknowledged by the allowance of a year's refund of fees. Apparently, documents supplied upon the original enquiry being made did, in fact, indicate there could be a need for a further licence, but were neither completely clear nor understood. It may be that this particular complaint suggests forms should be clarified or procedures amended to ensure a similar enquiry in the future receives a full and clear answer. Multiple licences are a well-recognised problem, but they should not cause difficulty when they emanate from the one society.
- (d) This was a complaint of unequal treatment made by a manufacturer whose discussions with APRA were initiated by its concern about his copyright breaches! The complaint was rejected on appropriate grounds.

The remaining 36 complaints recorded in APRA's Complaints Register have been analysed after examination of the records and correspondence relating to them. One was found, when properly understood, not truly to be a complaint, and another was probably due to an event outside APRA's control (the non-delivery of a letter). Five were unreasonable complaints, on the face

of them. Eight were abusively, and in some cases very crudely, expressed complaints about the obligations imposed by the *Copyright Act, 1968*, and a further five were less immoderately expressed complaints against the necessity to pay royalties. Seven arose out of the resort by APRA to normal debt collection measures or measures in respect of copyright infringements. Two involved objections to email communications from APRA which were asserted to amount to SPAM, although APRA's advice is they did not. APRA has, notwithstanding its own view and advice, discontinued the emails to recipients who do not consent to receive them. Two resulted from misunderstandings which APRA cleared up. Six, however, could not be classified in one of these ways. Two of those resulted from the failure of an APRA office system, and two from an alleged failure by APRA employees to respond to messages left. Of the latter two, one occurred at the time of an office re-organisation which may well have accounted for it. There was also one complaint about a serious delay, which should not have occurred, in the making of a refund, and one of alleged rudeness on the part of an APRA employee, for which his manager later made an apology that was accepted.

The only reasonable conclusion, having regard to the number of transactions APRA was involved in during the year, is that lapses on its part leading to justified or possibly justified complaints have been extraordinarily rare. The analysis suggests it has improved on the generally high standard achieved in the previous year. Information also emerged during the Review that, apart from its general endeavours to enhance performance, APRA has responded to the revelation, by two of the complaints, of defects in its operations by appropriate remedial action in specific respects for the future. This, as I have had occasion to remark previously, is one of the objects of the adoption of a Code of Conduct covering (inter alia) complaints handling.

As would be inferred from the good operation of the complaints handling system and the maintenance of the Register of Complaints at APRA, and was confirmed by the progress made which is noted above, APRA has continued to maintain training in complaints handling on a systematic basis. And at biannual staff conferences, a special segment of the programme is dedicated to complaints handling.

3. Audio-Visual Copyright Society Limited (“Screenrights”)

Screenrights has publicised on its website its adherence to the Code and it has laid down complaints handling procedures in which staff are trained. Information sheets have been circulated to inform members concerning the society’s distribution policies in relation to the species of copyright for which it collects royalties, and concerning various topics relevant to copyright, their rights and the functions of Screenrights. During the year, a dispute arose between persons claiming entitlement to a not insignificant sum of royalties, but no complaint against Screenrights was involved. Screenrights offered its Alternative Dispute Resolution procedures; however, they were not required, as the matter was resolved after some correspondence.

4. Phonographic Performance Company of Australia Limited (“PPCA”)

PPCA has appointed a Complaints Officer, trained staff in complaints handling and resolving, and made its policy in that regard available on its website. The policy is also provided in hard copy to employees. It sets out a timeframe for response to complaints and prescribes how they should be dealt with. If a complaint is not otherwise resolved, there is provision for mediation (for copyright owners) or a Board of Review hearing (for licensees). No mediation or review has been requested or held in the year under report. However, five matters have been recorded in the Complaints Register.

Of the five matters, two related simply to notices sent out by PPCA the recipients of which replied, in one case, that music on hold was not used, and in the other, that the business had no employees or retail customers and no liability in respect of recordings played. In each case, PPCA accepted that the position was as stated. The third matter involved a complaint that a demand for payment under a licence had been made with undue speed and couched in unduly severe terms; it was accepted that payment had to be made. The fourth was a response to a letter explaining the circumstances in which a licence might be required; it did not dispute the need for a licence, or indeed deal with the question, but asserted PPCA’s letter was “somewhat presumptuous” and, perhaps pursuant to the maxim that attack is the best means of defence, demanded ‘under the Privacy Act’ disclosure of details by

PPCA. The final matter involved representations by a member of parliament suggesting a licence fee had been wrongly demanded; however, in the upshot, the tavern concerned decided it did want the licence and paid the fee!

A consideration of these matters does not suggest PPCA has failed to honour its obligations under its Code of Conduct.

5. Viscopy Limited (“Viscopy”)

Viscopy has placed the Code of Conduct on its website, where it is available to members and licensees, and has emailed or written to members about it. There are only 4,500 members, who are generally creators of artistic works, and the small size of the organization, as well as significant changes in personnel during the year under report, has inhibited the development of systems to deal with complaints of the kind fully established in the larger societies. Nevertheless, members and staff have been made aware, through the website and training, of the acceptance by Viscopy of the obligations imposed on it by the Code. As the very new Chief Executive settles in and the organisation grows, more is to be expected, and the Review was assured that a formal system for the recording of complaints and of action taken upon them is being set in place. Training in complaint resolution for staff, involving an initial six training sessions, was commenced while this Review was in progress, after which internal processes were to be revised regularly.

Viscopy has reported receiving two complaints in the period under review. One relates to a service offered to members for the display of images on their behalf on a newly created Viscopy Image Gallery Website. Certain qualifying requirements were imposed. The member complaining was concerned about delays in having her images put online, and she alleged she was treated unfavourably compared with other members. Viscopy’s consultant, on the other hand, blamed the quality of the digital images submitted, although ultimately the problems were overcome. It does not appear that the member was treated adversely, but rather preferentially (insofar as special efforts were made) compared with other members, and *some* delay appears to have been unavoidable.

The other complaint related to the position of a licensee under a licence, the terms of which were negotiated with a peak body (Auctioneers and Valuers Association) representing (inter alios) the complainant. It may be that the particular case had features of special hardship, which might have justified a special approach, but in fact the complaint does not appear to have been pursued, and a licence was entered into in the negotiated form. At the same time, it should be borne in mind that such material as there is in the file suggests the fee may have involved a hardship of the kind a mature complaints system (which, of course, was not in place at Viscopy at the time) might well have relieved in some way. It is considered that the circumstances relating to this licence should be reviewed.

Although it was not the subject of a complaint to Viscopy, a submission was made to the Review on behalf of a number of museums, which suggested various changes should be made in Viscopy's dealings with the museums. The nature of the matters put forward was such that they are to be regarded, not as allegations of breaches of the Code, certainly not in specific terms, and not as allegations that the Code Reviewer could take up with Viscopy, but rather negotiating points which particular museums, or museums generally, might well wish to raise with Viscopy for discussion. After inviting the submitting party to pursue the matter through this Review if it wished, and failing a positive response, the Code Reviewer considers it more appropriate to leave the issues to be taken further (if at all) by the ordinary processes of negotiation.

6. Australian Writers' Guild Authorship Collecting Society Limited ("AWGACS")

AWGACS is a small society, having only 493 members, which issues no licences. It was set up in 1996 as an appropriate vehicle to receive from European (including United Kingdom) collecting societies the monies collected by them on behalf of Australian and New Zealand screenwriters whose works were shown in Europe on screen or television. During the year under report, it received payments from societies in the United Kingdom, France, Switzerland and Germany, and made distributions totalling \$174,267.89 to the authors of scripts. It is in the process of arranging to

receive similar payments from societies in many other countries. Such payments are the only monies it receives for distribution to its members.

During the year, AWGACS provided information to its members through its web page about copyright, and about the need to reflect the rights copyright law confers in the contracts members enter into. By the same means, it made available its Constitution and its distribution policy, as well as information about its procedures for complaints and disputes. AWGACS has also established a relationship with CAL, an object of which is to promote an understanding and appreciation of copyright and the role of collecting societies. Further promotional activities are currently planned.

Only one complaint is recorded for the year under report – a complaint from a member about a failure to identify correctly the authorship of a number of episodes in a television series. The mistake occurred at a time of staff change-over, and the system is now being tightened up with a view to preventing any repetition. Procedures are also being made more transparent. Information is to be supplied to members generally, and to the complainant in particular, about measures taken to improve the identification of the authors to whom payments should be made.

7. Australian Screen Directors Authorship Collecting Society Limited (“ASDACS”)

ASDACS is another small society, having 283 members, all of whom are directors of films or television programs. It does not have full-time employees, nor does it issue licences. The monies it distributes consist entirely of payments received from European societies in respect of statutory rights of directors relating to films and television programs.

In the year under report, these payments were so received from societies in France, Switzerland and Holland, and they enabled a sum of approximately \$130,000 to be distributed. During the year, an agreement was also reached with a German society, but receipts under that agreement did not flow until after the year had ended.

The Code of Conduct has been placed on a website shared by ASDACS and the Australian Screen Directors Association. Included among the activities of the society has been to lobby, and to procure the writing of articles, in order to promote the insertion into the Copyright Act of a provision conferring on directors a copyright in respect of films and television programs they direct.

There was no complaint made during the period under report.

As was pointed out in the previous Report reviewing the performance of the societies, their Code of Conduct requires them (by clause 5.2(b)) to furnish reports for the purposes of the Review, including information concerning:

1. the Society's staff training in the Code, including in complaint handling procedures;
2. the Society's promotion of the importance of copyright and of the role and functions of collecting societies, including its own, and including the dissemination of information on these matters; and
3. the number of complaints received by the Society and how those complaints have been resolved.

In addition to these reports, which, in the cases particularly of APRA and CAL, have been very voluminous, the Review has had the benefit of a small number of submissions made in response to widely disseminated notices. The submissions have been referred to, as appropriate, in the foregoing portion of this Report. Details of the dissemination of the notices will be found in the Appendix. The fact that a large number of bodies having real interests in the activities of the societies were so notified, but saw no reason to make submissions, may well indicate general satisfaction that the societies do operate in accordance with their Code of Conduct. There was, as has already been indicated in the course of the analysis of complaints received in respect of particular societies, some criticism; but the Review also received submissions expressly asserting satisfaction.

It was not, on the present occasion, necessary to interview any person who made a submission, although some correspondence was entered into; but each of the societies was visited, and various officers, including Chief

Executives, were interviewed and documents relating to training and complaints, in particular, were called for and inspected.

The documents examined included Constitutions and other documents revealing how representative of the members the Boards of the societies are. Constitutions, of course, establish the letter of such representation, while the material discussed earlier demonstrates the spirit which has animated the dealings of the societies. For the way their complaints have been received is the clearest indication of how the members' representation in the society has actually worked for them.

As the individual societies occupy different niches in the whole structure of the collection of copyright royalties, their representativeness in respect of their members is differently secured. APRA has a board of twelve, of whom six represent writers and six publishers. One writer member of the board must be elected by New Zealand members. There is no rule allocating a director's position to another category such as classical, film or popular music, but there is a rule under which votes at the election of directors may be weighted to reflect the amount of royalties received by the member voting during the preceding year and, in order to be entitled to vote, a member must have received some royalty during the preceding five years.

In the case of AMCOS, the members elect their Board. Until last year, the members were music publishers, but now writers may join, although it is expected the writers who do so will be relevantly unpublished writers. There is a trend in accordance with which a number of music writers exercise mechanical rights while their works are unpublished.

The Board of CAL is structured on another plan. It is made up as follows:

- (i) One author director, a member of CAL, elected by the author members;
- (ii) One publisher director, a publisher member of CAL, elected by the publisher members;
- (iii) Two directors appointed by the Australian Society of Authors;
- (iv) Two directors appointed by the Australian Publishers Association;

- (v) One director appointed by the other directors; and
- (vi) Up to two further directors, not being members of either the Australian Society of Authors or the Australian Publishers Association, appointed by the other directors.

Policies have been developed to limit any period of continuous service of a director, and to seek to preserve the independence of the Board from inappropriate links with the management of CAL itself or with either the Society or Association mentioned and from conflicts of interest.

The Board of Screenrights is limited by the Articles of Association to not more than twelve. At each annual meeting of members, one third of the directors must retire. The members vote by postal ballot in electing directors, who have the power to fill a casual vacancy occurring in their number. A member's vote may be augmented by each \$500 distributed to the member in the preceding accounting period, but not so as to confer on any member more than 15% of the total votes available to members entitled to attend and vote at a members meeting.

PPCA, as is well known, is quite differently constituted from the other collecting societies. In its case, each shareholder is entitled to appoint, remove and replace one director, subject to a restriction to one between them in the case of members being related bodies corporate. There is also provision for the appointment by these directors of further directors who "must represent or be sufficiently connected with the interests of recording artists". It is to be remembered that PPCA was set up by Australian record companies to issue licences and collect royalties for the broadcasting and public performance of sound recordings subject to copyright. It also issues licences for the public exhibition of music videos. Although this is a copyright owners' scheme, the relevant owners being record companies, there is also provision for direct distribution to registered Australian artists.

Viscopy's Articles provide for a Board composed as follows:

- (i) at least two directors who are members elected by the members;

- (ii) three directors who are members of the National Association of the Visual Arts ("NAVA") appointed by NAVA; and
- (iii) at least two independent directors appointed by the other directors.

There is also provision that at least one director (other than the two elected by members) shall be an Aboriginal or Torres Strait Islander, and at least one of those elected by members shall be an artist or the legal representative, or beneficiary entitled to an artistic copyright, of a deceased artist. A director is not required to be a member, but may not stand for re-election for two years after completing a fifth consecutive year as a director.

Under its Articles of Association, AWGACS has a Board of five directors, of whom two are elected by the members annually, two are appointed by Australian Writers' Guild Limited ("AWG") and one is the Executive Director of AWG. Except for the last mentioned, no director may hold office continuously for more than three consecutive terms.

The members of ASDACS elect a Board of at least five directors annually at the Annual General Meeting; and, in addition, the Executive Director of the Australian Screen Directors Association ("ASDA") is an ex officio member of the Board.

It should be borne in mind that the Review has received no submission challenging the representativeness of the Board of any Society. This was also the case on the occasion of the previous annual review of the Code of Conduct.

It should be pointed out, too, that those collecting societies which are "declared" societies under Part VA, Part VB or Part VC of the *Copyright Act 1968* have necessarily had the provisions dealing with the election or appointment of their directors, as part of their Articles, officially approved, and are required to notify the Attorney-General of alterations to them. As is stated in the Attorney-General's Guidelines in respect of the declaration of collecting societies, these societies are made subject to requirements "necessary to ensure that the interests of the collecting society's members who are relevant copyright owners or their agents are protected adequately".

The Attorney-General's Guidelines and the Code of Conduct each require a collecting society, to which either applies, to establish a distribution scheme or scheme of allocation for the distribution of the distributable amount arising from the society's operations. In so doing, the society must treat its members fairly and impartially. This report and the report of the previous annual review of the Code show that questions have arisen as to the allocation of sums between members, or classes of members, on some occasions, but each of the societies has maintained a distribution policy the fairness and impartiality of the application of which have not been found wanting. In the few instances that were the subject of complaint, the society concerned, in each case, has minutely examined the question whether its distribution policy has led to a particular unfairness. As was pointed out earlier in connection with such a case, what is required is an impartial weighing of conflicting interests, since an additional allocation to one member necessarily reduces the amount available to others. The conclusion seems warranted that scrutiny of the operation of each society's complaints system, including its flexibility in facilitating the review of an initial decision, is the clearest indication of whether its distribution policy is working fairly, and that the scrutiny made in the present review shows the respective policies are working fairly.

In the previous report reviewing the societies' compliance with the Code, reference was made to the broad obligations of fairness, honesty, impartiality, courtesy and transparency to be observed by them in their dealings with members and licensees, and to their obligations in respect of copyright education and awareness among members, licensees and the general public. It was found that these aspects of the Code were being taken very seriously, although the smaller societies (as the Code contemplated) were, in considerable measure, relying on the larger societies as their proxies in the matter of the education and awareness of the general public. Nothing in the ensuing year has changed this picture.

Looking more broadly at the Code, and at all the matters discussed in this report, the conclusion is, as it was last year, that, in terms of Clause 5.2(c) of the Code, there has been a high level of "compliance generally by Collecting Societies with [the] Code."

This Report is now submitted to the collecting societies and to the Attorney-General's Department of the Commonwealth of Australia. The delay in its submission has been due to the late receipt of the reports of ASDACS and AWGACS, each of which encountered this year a problem that was recognised to be unavoidable.

Dated this _____ day of October 2004.

The Hon J C S BURCHETT, QC
Code Reviewer