

# LIVE PERFORMANCE RETURNS - FAQ SHEET

## WHAT IS AN ELPR?

An ELPR is an Electronic Live Performance Return. An ELPR will need to be submitted by a performer in order to receive royalties for the live performance of your original music in Australia and New Zealand

## WHERE DOES THE MONEY APRA PAYS ME COME FROM?

APRA collects licensing fees from venues which have live performances on their premises. This money is then allocated into what we call a "distribution pool". APRA will then use the information from the ELPR's submitted by our members and allocate royalties from the distribution pool to the songs performed.

## HOW DOES THIS ALL WORK?

For performances in the previous financial year (1 July - 30 June) each band or performer will need to complete an ELPR by the cut off date of August 31st to be paid royalties for those performances. You will be asked to enter your band/performer name, enter in where and when you performed and then enter in the songs you performed.

## WHEN WILL I GET PAID?

ELPRs are paid annually - usually in November in APRA's 'B' distribution.

ELPRs must be eligible and be submitted prior to the cut off date of August 31st each year.

## HOW MUCH WILL I GET PAID?

Live performance royalties are adjusted to how much money APRA has in the Live Performance Pool (the "distribution pool"); the actual amount will fluctuate from year to year. The average payment has been around 80 cents per song per standard performance.

## I KEEP GETTING THIS MESSAGE 'VIEWING IN READ ONLY MODE, NO UPDATE SUPPORTED' WHEN I TRY TO UPDATE MY ELPR, WHAT DO I DO NOW?

It sounds like you're trying to access the ELPR that you submitted last year.

To enter this year's ELPR,

1. Go to the LPR menu and click on 'Specify or select the LPR performer'.
2. Type your performer name into the box in the section: 'New performer for current distribution'.
3. Click on the submit button and the performer name should then appear in the 'current distribution 44B' section.
4. Then, select that performer and proceed to enter the works and venues as per usual.

## WHAT CAN I CLAIM ON MY ELPR?

You can claim live performances in public venues except for performances at a promoted concert or festival or those considered to be "private events" (See below). You are not able to claim musicals, ballets or what is termed "grand rights".

## WHAT CAN'T I CLAIM ON MY ELPR?

Apart from promoted concerts and festivals, you are not able to claim performances which are classified as private such as weddings or birthday parties – or within a number of exceptions such as performances

- as part of religious worship;



- in a nursing home, aged care home or hospital;
- in pre-schools or child care centres;
- broadcast or performed on the radio, internet or television;
- that are considered busking or on the street

### **WHAT IS A PROMOTED CONCERT?**

Concerts, festivals, dance parties and other events with a box office (ie ticket sales) are usually licensed on an event by event basis. License fees are calculated as a percentage of the gross box office receipts and the royalties allocated based on the set lists submitted. Many of the larger overseas and local acts may be classified as “promoted concerts” if they are in venues that do not usually have a live license in place. Common examples would be sporting stadiums, theatres, unusual outside venues. Check with your local office if you have not been asked by the organiser to supply a set list.

### **WHY CAN'T I CLAIM PRIVATE FUNCTIONS?**

Our policy regarding paying royalties for these performances is in accordance with the Copyright Act and as such private functions such as weddings, parties etc (even if held in public venues) are considered to be private performances. APRA is not able to issue a license and are therefore not able to distribute royalties.

### **WHAT IF I PLAY MY SONG LIVE ON RADIO OR TELEVISION, ISN'T THAT A LIVE PERFORMANCE?**

Live performances on radio and television are not public performances, but rather broadcasts – and would be paid under APRA's normal distribution for TV and Radio.

### **IF YOU DON'T PAY FOR RADIO/TV PERFORMANCES ON ELPRS, HOW DO YOU PAY THEM?**

TV and radio performances are paid by APRA according to the information that we receive from these stations which can vary from census to a representative sample. The amount of information received from each radio / TV station that is paid will depend on the license in place with those stations.

### **I MISSED OUT ON SUBMITTING MY LPR FOR A PREVIOUS YEAR, IS THERE ANY WAY I CAN STILL GET PAID FOR THESE PERFORMANCES?**

Retrospective performances from previous financial years can be submitted online after receiving authority from a Writer Services Representative.

Please note, retrospective claims can only be backdated three financial years. For the previous financial year, you may submit an ELPR as usual however for financial years two and three years previous, you will need to support your claim with third-party evidence such as posters, online advertisements, letters from venues/ booking agents, ticket stubs etc.

### **DO WE NEED TO SUBMIT ONE ELPR FOR EACH MEMBER OF OUR BAND?**

APRA's only requires one ELPR per band.

### **DO I NEED TO INCLUDE COVERS?**

It is appreciated if you include all covers you perform as part of your performances as these royalties go out to their original composers.

### **I'M SUBMITTING THE ELPR FOR MY BAND, BUT SOME OF THE SONGS AREN'T WRITTEN BY ME, HOW DO I SUBMIT THESE SONGS?**

You submit these songs just as you would your own, by ticking the 'Cover?' box to confirm that this work is not your own then filling in the song title and writer details.

### **WHAT IF I DO AN ARRANGEMENT OF A POPULAR WORK THAT IS STILL IN COPYRIGHT AT MY GIG?**

Unless you have permission from the copyright owners of the work, you cannot claim and be paid for an arrangement of another persons work. However, you will need to enter this work on your ELPR as being written by the original writers so they will be able to be allocated their live royalties too.

## WHAT IF I IMPROVISE AT GIGS? HOW DO I LOG THESE?

You will need to register your copyright improvisations on the APRA database in order to have APRA allocate royalties.

## WHAT IF I BUSK? I HAVE A BUSKING LICENSE FROM THE COUNCIL TO DO THIS...

APRA does not pay royalties for busking performances.

## WHAT DOES IT MEAN BY "RESIDENCY"?

If you are performing in one venue more than others on a regular basis, i.e. once a week at your local pub, please note it down in the Residency Comments section.

## WHAT SHOULD I PUT IN THE "RESIDENCY COMMENTS" SECTION?

Anything you think would help APRA process your LPR. Such as information on long sets you have performed how many times you performed at the listed venue, if you played certain songs more than once, date ranges for particular venues etc. Please contact your local office if you have any questions

## WHAT IF I PERFORM AT A CORPORATE GIG OR PRODUCT LAUNCH?

You will need to contact your local APRA office as this may be considered a performance outside of our Live Performance Return parameters.

## WHAT IF I PERFORM ON A CRUISE SHIP?

If the cruise line is operated and owned by an Australian company, these performances can go on your regular Live Performance Return. If the cruise line is operated and owned by an overseas company, these performances will need to be submitted on an Overseas Live Performance Return.

## I'VE DONE PERFORMANCES OVERSEAS. HOW DO I CLAIM ROYALTIES FOR THESE GIGS?

To claim royalties for live performances outside of Australia/New Zealand, you'll need to complete and submit an **Overseas Live Performance Return**. Once received, the Overseas LPR, we will contact the relevant foreign society on your behalf to claim any relevant royalties.

*Please note that payment for overseas performances is not guaranteed, since it will depend on the distribution rules of the foreign society.*

## WHAT IF I PLAY CLASSICAL MUSIC?

You can complete an online LPR just as you would a regular ELPR, or you can simply submit one LPR using your name as the Performer.

Then when putting in the date of the performance, you can include the individual performer in the "Comments" section.

For example:

Date: 01/01/07 Residency? N Venue: EXAMPLE HALL Street: 1 EXAMPLE LANE Suburb: SYDNEY  
State: NSW

Comment: Performed by the Example Youth Orchestra twice

This way, you are still notifying us of who is performing your works and the fact that your works are being performed, but you don't have to keep making new LPRs for each individual performer.

If in doubt, call your local APRA offices. We are here to help you!

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