



Public Performance Tariff E1: Nightclubs	
Effective Date	This Tariff applies from 1 December 2011
What is licensed under this Tariff?	Protected sound recordings
What uses are covered by this Tariff?	<p>This Tariff covers the playing of protected sound recordings in Nightclubs for the purpose of dancing.</p> <p>In this Tariff, “Nightclub” means a licensed venue that:</p> <ul style="list-style-type: none"> (a) is used for providing music for dancing; (b) uses sound recordings as the primary form of music for dancing; (c) has a dance floor or other area for dancing or charges an entry fee (even if the fee is not charged to all patrons); and (d) is not being used for: <ul style="list-style-type: none"> (i) a private function; (ii) a Dance or Dance Party (covered by Tariff E2); (iii) an event that features ballroom or similar traditional dancing; or (iv) an event for under age persons (such as a “blue light” disco) (covered by Tariff B). <p>The above definition includes a nightclub operating within a multi-purpose venue in a physically separate area of that venue, where that separate area satisfies the above criteria.</p> <p>This Tariff <u>does not</u> cover:</p> <ul style="list-style-type: none"> ▪ the playing of protected sound recordings as background music in bar areas (covered by Tariff M) or restaurants (covered by Tariff R1); ▪ the playing of protected sound recordings through jukeboxes (covered by Tariff J); or ▪ the public exhibition of the visual component of music videos in a Nightclub (covered by Tariff WE). Note, however, that if you use music video soundtracks to provide music for dancing in a venue that otherwise meets the definition of a Nightclub, you will require a licence under this Tariff.
What are the Licence Fees?	<p>\$1.19 per person, per night of operation, for each person of the Nightclub’s Capacity.</p> <p>In this Tariff, the “Capacity” of a Nightclub is the number of patrons licensed by the Local Government, Liquor Licensing Body or Fire Department (as applicable to that venue).</p> <p>Note that a separate Licence Fee is payable for each room, level or other area where protected sound recordings are played. If a Nightclub has more than one room, level or other area, then each of those areas incurs a separate Licence Fee calculated at the rate specified above.</p>
Licence Period	Annual (but Licence Fees may be payable monthly, as noted in the Special Conditions below)

Special conditions applicable to this Tariff	<p>The Licence Fees determined under this Tariff are payable in full, annually in advance. However, to assist licence holders, PPCA will generally issue monthly invoices and accept monthly payments. You should contact the PPCA Licensing Department to request an annual invoice if you would prefer to pay the full amount in a single instalment.</p> <p>You must notify PPCA promptly if there are any changes to your Nightclub's nights of operation, or to its Capacity (e.g. because you have opened a new area), so that PPCA can adjust the Licence Fees on your next invoice.</p>
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ALL AMOUNTS ARE INCLUSIVE OF GST

This Tariff was the subject of a review and determination by the Copyright Tribunal (File No. CT 2 of 2004). The Tribunal's full determination, handed down on 10 July 2007, can be viewed at <http://www.austlii.edu.au/au/cases/cth/ACopyT/2007/1.html> or by following the links at www.pcca.com.au.

The Tribunal's determination authorised PPCA to increase Licence Fees with effect from 1 December of each year, in line with the Tribunal's determination and the movement in the Consumer Price Index (CPI) since the date of the last increase or review. CPI increases will not be notified to Licensees separately, but will be applied to all invoices issued on or after 1 December in each year.