

FITNESS AUSTRALIA TO APPEAL COPYRIGHT TRIBUNAL DECISION

APPEAL FAQ'S

1. Why is an Appeal necessary?

- The fitness industry cannot afford to pay the PCCA \$15 per class for a licence to play protected sound recordings and most businesses do not want to pass these costs onto their customers.
- The fitness industry can switch to PCCA copyright-free music for fitness classes, but most business operators strongly believe that the increase to the cost of this licence is unreasonable. A more commercially viable rate should have been determined by the Tribunal so that all future copyright fees for the use of music remain affordable for everyone in the industry.
- An appeal to the Federal Court is the only available mechanism to have this decision overturned.

2. What grounds does the fitness industry have for an Appeal?

Fitness Australia has received advice from administrative law experts that several grounds exist for an appeal of the decision by the Copyright Tribunal under the *Administrative Decisions (Judicial Review) Act 1977*. More information will become available once the Appeal has been lodged.

3. When will the Appeal be heard?

This information will be made available after the appeal has been lodged.

4. Who will represent Fitness Australia in the Appeal?

Fitness Australia will continue to be represented by Minter Ellison lawyers who have retained Mr Alan Robertson SC as senior counsel in the proceedings.

5. When will a decision be made on the Appeal?

A decision by the Federal Court may take several weeks or months after the Appeal proceedings have been heard.

6. How much will an Appeal cost?

We believe that the costs of an appeal will be in the vicinity of \$250,000. A further \$100,000 would also have to be raised to pay for costs in the event that the appeal failed.