

bonuses, and their shares have appreciated five, six, and seven fold. While this has been going on, the payments to composers have been ridiculously small. Moreover, while the composer has received little for his work, the executants of the composer's music, if skilful and popular, receive great sums, running into thousands of pounds in some cases. The foregoing is the statement of the composer's case as brought under your delegate's notice. On the other hand, complaints are rife of the exactions of the Performing Rights Association wherever they have unlimited property rights; and in British countries, outside of mechanical music, they have such rights at present. The complaints arise mainly in connection with broadcasting.

Your delegate has heard *ex parte* statements from representatives of both sides, but it has not been part of his duty to hold an inquiry, nor has he done so. What he has done is to concentrate his energies upon reserving for the New Zealand Legislature power to deal with this matter, and Article 11 *bis* secures that power.

SUGGESTIONS.

NOTE.—Such of the following suggestions as deal with broadcasting and public performance rights proceed upon the assumption that the New Zealand Legislature adopts the view that they should be subject to control.

- (a) That the existing copyright law, conferring upon copyright-holders public-performance rights, needs alteration to meet present-day conditions.
- (b) Some system of compulsory license be established, thus affording protection against overcharge and other abuses.
- (c) That a "competent authority" to deal with compensation in default of agreement, in terms of Article 11 *bis*, be appointed.
- (d) To avoid delay it may be desirable to allow performance before assessment of compensation in certain events and subject to proper safeguard.
- (e) Whether compensation shall be on a royalty basis, a percentage-on-door-receipts basis, or other method, is a question needing investigation. Probably the method must vary with conditions. Public performance may occur in many ways—*e.g.*, in a restaurant, in a crowded city theatre, or in a remote country hall—and may be of items varying from a great musical work to a temporarily popular jazz.
- (f) Concentration in one representative body of performing rights seems necessary. At present the Australasian Performing Rights Association appears to fill this position.
- (g) Broadcasting may play a very important part in educational work, and some of the Continental delegates attached much importance to that aspect of it, particularly when coupled with television, an invention rapidly developing. It is already used in the teaching of languages. This use possibly needs legislative protection.
- (h) Broadcasting is in the nature of a public utility. The modern tendency is towards State ownership or control. Britain has adopted it, and a recent cablegram in the *Times* indicates Canada is contemplating the same thing.
- (i) Apart from broadcasting and public performances, New Zealand may consider it desirable to await the British legislative proposals. There is apparently little divergence between British and New Zealand views in the other alterations effected by the Rome Convention.
- (j) As the needs of the various Dominions are much the same, conference with them, and particularly with Australia, where the Australasian Performing Rights Association also operates, seems desirable.

VI. CONCLUSION.

To the Italian Government, the Parliament of Italy, and the Mayor and civic authorities of Rome, all the delegations are indebted for extending to them great privileges and hospitality; whilst to the leader and members of the very able Italian delegation who undertook the initiative and leadership of the Conference we were also greatly indebted for not only hospitality, but also courtesy and helpfulness in our task. For it is only by the exercise of much tact, such as the Italians displayed, that an agreement is possible where so many conflicting interests and ideals are involved, and where unanimity is necessary.

The British Ambassador and Lady Grahame entertained and interested themselves in the Empire delegates, and the staff of the Embassy rendered assistance wherever needed. Consultation with the British and other Dominion delegations was close and most helpful, and the New Zealand delegate was especially fortunate in having as a colleague Sir Harrison Moore, of Australia, representing interests much resembling ours, and especially qualified to deal with constitutional questions as they arose.

Your delegate also desires to record his recognition of the valuable secretarial services rendered by Mr. V. G. Housden, of the High Commissioner's Office.

24th July. 1928.

S. G. RAYMOND.

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